

Agenda
City of Dunnellon
Planning Commission
Tuesday, August 16, 2022 5:30 p.m.
Join Zoom

[https://dunnellon.zoom.us/j/88403541861?
pwd=QkduWENFRk5hWVZLZTAvb0lPVnRZQT09](https://dunnellon.zoom.us/j/88403541861?pwd=QkduWENFRk5hWVZLZTAvb0lPVnRZQT09)

Webinar ID: 884 0354 1861

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, August 16, 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, August 9, 2022.

Public Comment:

1. Approval Of Minutes
Regular Meeting July 19, 2022

Documents:

2. Discussion - Review Of Comprehensive Plan Amendment Ordinance #ORD2022-10 Non-Conforming Signs

Documents:

[STAFF REPORT FOR ORDINANCE 2022-10 Comp Plan Amendment For Non Conforming Signs.pdf](#)

3. Discussion - Review Of Proposed Ordinance #ORD2022-07 Non-Conforming Signs

Documents:

[STAFF REPORT FOR ORDINANCE 2022-07 Non Conforming Signs.pdf](#)

4. Discussion Of Proposed New Business: Follow That Dream RV Resort

Documents:

[Follow That Dream RV Resort Preliminary Site Plan.pdf](#)

5. Reports & Updates:

- o Chairwoman D'Arville
- o Commissioners
- o Staff

6. Public Comment

7. Adjournment

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 Meeting
July 19, 2022, 5:30 p.m.**

Zoom

<https://dunnellon.zoom.us/j/82221938730?pwd=QXIBRG5MYVJ3czU2RFpXR09WSGcrZz09>
Webinar ID: 822 2193 8730

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

Roll Call

Members:

Brenda D'Arville, Chairwoman
John Pierpont, Commissioner – Absent
Dusty Walters, Commissioner
Kathy Dunn, Commissioner
Mary Ann Hilton, Commissioner – Absent
Lisa Sheffield, 1st Alternate

Staff:

Georgina Cid, Community Development Manager
Kelly Wyen, Planning Assistant
Patrick Brackins, Assistant City Attorney

Proof of Publication

The agenda was posted on the City of Dunnellon's website and City Hall bulletin board on Tuesday, July 12, 2022.

1. Approval of Minutes

June 21, 2022 – Regular Meeting

Commissioner Dunn requested several minor word changes in the minutes prior to approval.

Commissioner Walters motioned to approve the June 21, 2022 minutes as amended. Commissioner Dunn seconded the motion. A vote was taken and the motion passed 4-0.

2. Discussion - Review of Proposed Ordinance #ORD2022-05 Vacation Rentals

Ms. Cid read a summary of the proposed Ordinance. Attorney Brackins clarified that the proposed Ordinance contains policy items for the City to manage registration and contact information for the short-term rentals.

Attorney Brackins also provided a brief background on this Ordinance. He stated some of the Ordinance is policy, which is up to the Planning Commission and City Council.

Public Comment

Ms. Cid read the following emailed public comments into the record:

*“Carol Yarnell,
11681 Camp Drive*

Dunnellon, Florida 34432

Dear Planning Commissioners D’Arville, Walters, Dunn, Hilton, Pierpont, and Sheffield,

I support the proposed ordinance 2022-05 to better manage short term rentals and protect our neighborhoods in Dunnellon. I am in Blue Cove, an older, quiet, respectful neighborhood that has neighbors that connect and support each other. We have a nightly rental across the canal from us that has gotten better, but at times the short term renters have fed the alligators, and when we have explained the dangers of that, including the danger to small children of future renters and young neighbors who would be swimming and playing in the water, the renter proceeded to throw the whole bag of bread into the water for the alligator to eat. We had to call the local owner who came right away to talk to the renter, but the damage was done. Seems like a majority of the houses that were sold near us have set up as short term rentals, with one new neighbor in particular buying several houses for this purpose, and noted a plan to build another in the double lot at one of the houses purchased. The house next to us is large, 4200 sq. ft. and I did see a person who has short term rentals come with a realtor, so the fear of a huge house becoming a short term rental right next door scares me because of the number of cars and people that could be packed into the large property. Part of the paved drive is actually our property used as an easement for the drainage and I fear these renters will not care if they park on this easement that your town person (who came to our homeowners picnic last spring) said is to not have any cars parked on it. I am offering my personal experiences, not to protect us alone, but offer the examples as proof that regulations need to help limit this take-over of neighborhoods where neighbors have connections to and respect for each other.

Molly Lucas and Stephen Phelps

11753 Egret Court and 10615 N.Big Bass Trail

Dear Planning Commissioners D’Arville, Walters, Dunn, Hilton, Pierpont, and Sheffield,

We are drafting this memo, along with other short term rental owners in Dunnellon, to voice our concerns about the proposed ordinance on short term rental obligations. We bought our home on Egret Court for ourselves and our family to enjoy. Much like other STR (short term rental) owners in town, we chose to rent the house when we aren’t using it to offset our expenses. We fell so in love with Dunnellon that we purchased a lot on the Withlacoochee River on Big Bass Trail and intend to build our forever home. I won’t repeat all of the points expressed by fellow STR owner Katie and Brock Guice on Palmetto Way. They beautifully summed up the sentiments of many of us. We feel that regulations on short term rentals are a necessary and very appropriate way to protect the community and hold STR owners to a high level of professionalism and standards. We welcome this, particularly since Dunnellon will be our full-time residence one day! However, the ordinance as proposed seems to be an extreme set of unnecessary regulations designed to drive away STR’s rather than improve them. We fear the STR community as a whole will be paying the price for a few poorly managed properties. We (and most STR owners) take a significant amount of pride in our properties. Our properties are well groomed and well

maintained, often surpassing the condition of those around us. Most of us already have stringent screening processes in place to ensure that we only book guests who intend to be respectful to our homes and our neighbors. We don't "cram" people in or allow folks who intend to hold parties or events to book with us. Most of us have house rules that guests must abide by and we utilize technology such as security cameras or noise detection devices to make sure our guests are following these guidelines. In regards to safety, many of us already hold homeowner's insurance policies that require us to meet reasonable standards of safety for both ourselves, our neighbors and our tenants. These policies require clean 4 Point Inspections and often require annual inspections upon renewal. In many cases, these rental policies can be far more stringent than a regular homeowner's policy! Please consider working together with us to revise your ordinance to create reasonable policy which protects the rights of all homeowner's in Dunnellon. We provide a wonderful housing experience not just to tourists, but also to friends and family of Dunnellon residents. We educate these guests on both the laws and etiquette associated with our rivers and parks. We steer these guests toward local restaurants, parks and retail and also pay occupancy taxes which boost our local economy. Let's find a way to allow the peaceful, law abiding short term rentals to continue operating successfully and only crack down on the few that have proven to be a nuisance. Thank you so much for listening!

To whom it may concern,

This is being written anonymously as it seems that there is some targeting going on with the situation. There are times that we need to rent our home short term in order to pay a mortgage. That being said we cannot run to locals as they destroy and half the time do not pay their rent in a timely fashion. This would put us in financial jeopardy and potentially creating a foreclosure. Thus we do rent short term however are never informed as to sexual predator status or anything of that nature. However I believe hotels which you have many in the city also do not ask for a sexual predator status. As to the financial status of the situation. As for the overall security in the area, I would like to attest to that situation. The only time we have had issues with anyone trying to break in or cause any property destruction it has been local residents. As a responsible homeowner I have cameras and local friends and family to check on my home on a regular basis. Therefore we cannot control that situation that is a law-enforcement matter and has nothing to do with who owns the home and where they are. You can leave your home for an afternoon and get broken into. Also is there a plan to stop people from using the river? Many who come to enjoy the river are not staying in Dunnellon. They just come for the day or the afternoon and leave. How are you controlling those peoples criminal background or criminal activity. Really does seem that you were targeting a small group in this venture to stop short term rentals that you have started. Many of us do not have our properties homesteaded. Therefore the county is getting over 50% higher taxes paid for by those who do not live in the home year-round. Some of us to enjoy our homes as a secondary home. Thus monetarily the county and the city are benefiting with our ownership as well. Press the subject and you will have another economic battle in your hands with people trying to sell their homes. When doing if selling to those who are Homestead you will lose much revenue. As for overall revenue you are also benefiting from those who are vacationing in the area buying at your local stores and your local restaurants. Florida overall is a travel state. We all benefit much from tourism. Trying to hamper our ability to continue this revenue will only create an economic crisis in your area as it benefits greatly from people who visit the area. Overall

*again I say, it seems you are targeting a specific group of homeowners. I'm not opposed to ensuring the people are maintaining their properties and being responsible homeowners. However some of these regulations that you were trying to put in place seem to be excessive. No hotel knows every single person that stays backgrounds. You also cannot control the people that are using the river and just visiting. How about the people that stay in the campgrounds? How are you controlling that? Again place your efforts on improving the area and not hampering economic growth and the enjoyment of the great nature that surrounds us.
Anonymous STR owner in Dunnellon*

Robert Studnicka

12193 Palmetto Way, Dunnellon, FL 34432

My name is Robert Studnicka, I have owned the property at 12193 Palmetto Way, since 2019. I have been paying Sales & Use tax to the State of Florida and to Marion County, upon opening my home as a STR since July of 2019. The City of Dunnellon should not create positions to enable additional inspections of STRs, this is not a prudent or responsible use of tax payor dollars, I want to let you know how I already address many of the issues brought up in this proposal. While there might be complaints from local residents about parking, garbage, noise, etc. there have been no complaints filed on my property and that can be verified by computer aided dispatch, instead of punishing every property owner, it would be more efficient to address those one or two problem properties. Every bar in town isn't closed down when one or two get many radio runs for bar fights or liquor law violations.

As a law enforcement officer in my home state, with plans to retire here to make this my full time home, I am also very concerned with safety and security, believe me, it is in my best interest not to allow my property to be rented to guests that will destroy it or otherwise create mayhem for the neighborhood. My listing clearly outlines the rules related to:

The existence of Video/Audio Security cameras at outside entrances and exits.

Number of guests maximums. No Pets, no Special Events/Parties

I insist on a 3 night minimum which results in more families staying here, and no wild party/one-nighters.

Bookings made the day before the check-in date are not allowed.

Two day cleaning time between renters to enable our cleaning service has adequate time to do a thorough cleaning and disinfecting.

Number of vehicles parked at the property

Dates/Times of Garbage Pickup prominently displayed.

Smoke/Fire Detectors

Electronic Door Locks

Full House Generac Generator

24 hour property management (local)

Prominently display the location of fire extinguisher

first aid kit, rules of use of The Rainbow River.

Have outfitted all kayaks available for use with life jackets and whistles as required.

Quiet hours are not specifically listed but I do indicate to renters that I appreciate our full time neighbors and ask that they do the same. Will list specific quiet hours per ordinance.

I also provide a CD about the ecology and proper treatment of our rivers aquatic life and encourage renters to view it. I don't believe that hotels, banks, stores have to check a Sex Offender Registry for any of their customers and feel this is an unreasonable request. I love this area and appreciate the quiet nature. I myself shop at locally owned businesses and try to add to the small town feel and ambiance of Dunnellon. I spend a lot of money for supplies and improvements to the property. I have been coming to The Rainbow River as a guest since 1996, snorkeling, and diving in it's beautiful waters.

I am in favor of responsible standards that provide a great vacation for our guests while respecting the neighbors and community.

Owner: Sajocartam, Inc. Salomon J Cardenas, President

Short Term Rental Address: 12150 Maple St, Dunnellon FL 34432

Dear Planning Commissioners D'Arville, Walters, Dunn, Hilton, Pierpont, and Sheffield,

*I'm writing to you to request consideration and changes to the proposed ordinance regulating short term rentals (STR) in Dunnellon. We Have owned the property since 2005 **While we understand and agree with the need to balance the impact of vacation rentals on local residents and neighbors, the proposed ordinance is overly burdensome, restrictive, and unreasonable. It would effectively preclude our ability to provide short term rentals.** Some of the provisions are far beyond what the other providers of short term rentals, like hotels, are required to do and/or what is a reasonable expectation for homeowners of single-family homes, therefore appear to be intended to shut down short term rentals in Dunnellon. Specifically:*

- Requirements to perform criminal background checks on each person in the group that would be occupying our short term rentals*
- Obtaining names, licenses and vehicle tags for each person in the group in advance of their stay*
- Certain home improvements such as emergency lighting and a landline telephone*
- Required to understand and maintain compliance with the City of Dunnellon Code of Ordinances and Property Maintenance Codes, Florida Building Code, Florida Fire Prevention Code.*

*We have a vested long term interest in Dunnellon, especially the health and safety of the Rainbow River. We want to do the right thing by all stakeholders – STR owners, permanent residents, guests, local businesses and the city. **While we are opposed to the ordinance language as drafted, we are open and will agree and comply with reasonable standards** to address the negative impacts that some full-time residents are experiencing while keeping short term rentals viable in Dunnellon.*

There are many negative consequences of the proposed ordinance as drafted:

- By effectively shutting down short term rentals, tourism would be significantly reduced which would reduce the revenues of local restaurants, grocery and leisure businesses directly.*
- Local economy would be impacted further by jobs being reduced (housekeeping services, pest control, lawn services, home repair, etc.)*
- Sales and County tax revenues would be reduced – both from STR owners' payments and tourism sales taxes.*
- There would be a significant cost to the city to develop new processes and procedures to administer the registration and inspection of rentals.*

- *Property values (and thus property tax revenues) would decline significantly without the potential for rental income.*
- *Finally, there may be cost of legal action as the nature of the regulations are so restrictive, it is not within the spirit of the state law which pre-empts cities from banning short term rentals.*

I believe we can find a good place to meet in the middle. A compromised position would be able to put reasonable standards in place and means to address non-compliance without introducing heavy process and administrative red tape. *Let's work together to address the extreme cases without punishing all STR owners and local businesses and avoid a costly new process for the city to manage. I AGREE WITH THE Proposed modifications in the red-lined version of the file "Guice Redline Edits ORD2022_05". and I am attaching it here as a way to make known our proposed modifications.*

Thank you for your consideration of the proposed modifications. I look forward to hearing back from you on next steps.

Respectfully,

Salomon J. Cardenas, President 239-503-5280

Sajocartam, Inc.

*Owner/Landlord of Short term Rental at
12150 Maple St, Dunnellon, FL 34432*

Owner: Katie and Brock Guice

Owner Address: 12205 Palmetto Way, Dunnellon FL

Dear Planning Commissioners D'Arville, Walters, Dunn, Hilton, Pierpont, and Sheffield,

*I'm writing to you to request a collaboration to negotiate the proposed ordinance regulating short term rentals (STR) in Dunnellon. After visiting Dunnellon for over 20 years, my husband and I bought our dream retirement home on 12205 Palmetto Way in 2017. We live and work full time in Tampa, with two teenagers, and come to Dunnellon every 3-4 weeks. We eagerly await for the day we can retire and be a full-time resident. Until then, we have opened our home as a short term rental. As you all know, the Rainbow River is a special place that is hard to describe but our guests express their admiration over and over. It brings so much joy, relaxation, a connection with nature, and family bonding time to our guests who come back again and again. **While we understand and agree with the need to balance the impact of vacation rentals on neighbors, the proposed ordinance is overly burdensome, restrictive, and unreasonable. It would effectively preclude our ability to provide short term rentals.** Some of the provisions are far beyond what the hotels are required to do and/or what is a reasonable expectation for homeowners of single-family homes, therefore appear to be intended to shut down short term rentals in Dunnellon. Specifically:*

- *Requirements to perform criminal background checks on each person in the group*
- *Obtaining names, licenses and vehicle tags for each person in the group in advance of the stay*
- *Certain home improvements such as emergency lighting and a landline telephone*
- *Required to understand and maintain compliance with the City of Dunnellon Code of Ordinances and Property Maintenance Codes, Florida Building Code, Florida Fire Prevention Code.*

We have a vested long term interest in Dunnellon, especially the health and safety of the Rainbow River. We want to do the right thing by all stakeholders – STR owners, permanent residents,

guests, local businesses and the city. **While we are opposed to the ordinance language as drafted, we are open to reasonable standards** to address the negative impacts that some full-time residents are experiencing while keeping short term rentals viable in Dunnellon.

There are many negative consequences of the proposed ordinance as drafted:

- By effectively shutting down short term rentals, tourism would be significantly reduced which would reduce the revenues of local restaurants, grocery and leisure businesses directly.
- Local economy would be impacted further by jobs being reduced (housekeeping services, pest control, lawn services, home repair, etc.)
- Sales and County tax revenues would be reduced – both from STR owners’ payments and tourism sales taxes.
- There would be a significant cost to the city to develop new processes and procedures to administer the registration and inspection of rentals.
- Property values (and thus property tax revenues) would decline significantly without the potential for rental income.
- Finally, there may be cost of legal action as the nature of the regulations are so restrictive, it is not within the spirit of the state law which pre-empts cities from banning short term rentals.

I believe we can find a good place to meet in the middle. A compromised position would be able to put reasonable standards in place and means to address non-compliance without introducing heavy process and administrative red tape. Let’s work together to address the extreme cases without punishing all STR owners and local businesses and avoid a costly new process for the city to manage.

Please see my proposed modifications in the red-lined version of the file “Guice Redline Edits ORD2022_05”. I would be happy to work with the Planning Commission or fellow Dunnellon residents, to achieve an outcome that is workable for all.

Thank you for your consideration of the proposed modifications. I look forward to hearing back from you on next steps.

Respectfully,

Katie (and Brock) Guice
813-784-4897

Matt Wendler

20030 E. Pennsylvania Ave.

I met you all last October when I interviewed for the CDM position with the city. I have been going through a lot of life transition at the moment and have been unable to dedicate the time needed to properly respond to these proposed regulations for short term rentals in Dunnellon. I intended on attending council tonight but became very ill so please accept this email as my comments. In the future I plan to be more involved. I own 20030 E Pennsylvania Ave and another property outside city limits both operate as full time vacation rentals. Both are registered with the county and state and operate legally. Because of STR I am able to keep this Penn Ave home residential and not tear it down for another strip mall like Lab Corp next door. Do you want all of Penn Ave to be strip malls or maintain it’s quaint residential charm? My impression is this effort to regulate STR’s was started by David Porter, a resident in Blue Cove, and he hired an attorney to make operating vacation rentals virtually impossible. I would suggest to council that not all residents of

Dunnellon live in Blue Cove and they should consider the voices and interests of the entire community. The city should not be manipulated into acting as the HOA for Blue Cove since they did not regulate when they could have. Some of the points I have heard mentioned in the ordinances are disrupting peace, parties, parking, noise, etc. Since 2020 we have yet to have a single police call at 20030 E Pennsylvania Ave. Our guests have been great. The neighbors love us because we fixed up a distressed long term rental that had been neglected for years. The comment that STR properties lower property values is ridiculous. I have multiple zombie house flips I have done personally and was able to make the investment because of the cash flow the STR provides. I have sold some for hundreds of thousands above comp value due to this cash flow. If anything STR properties clearly raise property values as they are highly maintained beautiful homes that improve neighborhoods. STR is a form of housing. I have housed multiple people moving to the area and helped them find a home. Also people need a place to live if they are remodeling a property or building a home. STR is a form of housing and should be respected as such. I just purchased a zombie house at 12094 Palmetto Way in the Grenada neighborhood. It has for years been an eye sore and notorious drug pad. Should I just leave it in it's dilapidated state? What incentive do I have to invest my energy and resources into something with no return on the backside? Requiring STR property owners to ask every guest if they are a sexual predator, register their license plates, and get a background check. These are not the responsibility of STR owners. Sexual predators are required to self report. People will not want to come to a town for vacation where their privacy is being violated especially regarding background report. These kind of regulations are overly burdensome to STR owners with the intent of stopping us from operating in town completely. We have a right by the state of Florida to operate STR and we will defend those rights. These regulations are virtually impossible for us to implement most guests will not want to provide this information even license plates. It is overly burdensome and not realistic. Occupancy per bedroom is too strict. Having an air mattress or two or couch available for some extra guests is not unreasonable. We have had no issues with guests or neighbor complaints. Plus kids can share beds and should not be counted in the occupancy. I think it is inappropriate for the city to be regulating how many people sleep at a property. It is none of your business. An alternative would be to regulate how many cars per house since that seems to be the main complaint is too many cars. Like one car per bedroom as an example. We provide adequate fire extinguishers, wired smoke and CO alarms. To ask us to mark a lit path to exit for a 2 bedroom home is ridiculous. We are not a large commercial hotel building. If Dunnellon wants to continue to be a tourist destination for our beautiful twin rivers attraction the city needs to embrace STR properties. They provide an economic benefit also for local businesses. The one nice hotel we have in town alone cannot accommodate all the tourists that flock here. I have heard the council talk about distressed properties in town and wanting them cleaned up. Regulating STR in Dunnellon would be taking a step to keep these properties distressed. This is such a serious subject that I can guarantee if the city passes regulations that are overly burdensome to STR property owners that make our lawful right to operate virtually impossible this will not end here. You can expect litigation if needed from the STR owners in town. Sincerely, Matt Wendler

My name is R. Paula DiPaula.

I have lived within the city limits of Dunnellon since 2016 on Wekiwa Circle and was raised in Inverness since the 70s. I wish I was able to attend the July 19th meeting but I am out of state on vacation. Regarding the new ordinance recently drawn up for Short Term Rentals:

I feel this was rushed without much input from Short Term Rental Owners and more from homesteaded owners. As safe as it may seem to add background checks on our guests, are you asking that of the hotels/motels that border on residential areas off of Pennsylvania Avenue, too? This will be a tedious and costly procedure. I have done Short Term Rentals myself and include a booklet explaining quiet time, town rules and to be cognizant of neighbors. Since 2020, I have never had a problem as I screen my guests pretty good before they arrive. The software used to find Short Term Rentals usually shows past ratings of guests, as well. Guests want good referrals which usually results in good behavior. I have temporarily stopped Short Term Rental of my property but I speak for those that still do. There are approximately four of these properties within one or two houses of my house. I may hear the occasional laughter and splashing in the river but I have never had to call any of the owners to ask them to remove their guests or to settle down. Every time a short term rental is rented for a weekend, you can be sure money is to be spent three times the amount than if someone lived there because these vacationers are here to explore, purchase and rent. Keeping the homes occupied also cuts down on vacant home burglaries. I ask the council NOT TO VOTE on any of these regulations until we can form a special meeting with owners of short term rentals. I repeat, I feel this was put together without enough input from them. This topic seems to have been rushed, pieced together with other ordinances and truly is not cognizant to this area as it should be. Thank you for your time and please give short term rental owners more time to meet with each other and/or with the council to discuss these proposed ordinances before they are voted on.

Thank you,

R. Paula DiPaula

Attending via Zoom:

Roy Biederman

20730 Powell Road

The Old Mining House

As an owner of a house in Dunnellon, I have worked hard to create an amazing property in character with the mining history of Dunnellon. Working with the historical board, I believe the house bring charm and style to Powell Road. I use this house as my personal vacation spot and to visit family and friends in the area. And although the house is zoned RBO some of the proposed amendments create a severe burden on vacation rental owners that hotels do not have. Background checks require time and money to complete and permission from the guest. Hotels only require these checks on employees in Florida, not on guests. And in the age of modern technology requiring a landline phone creates an extra monthly expense. We live in the age of cell phones. The lengthy code would be some of the strictest in the county. I do agree with smoke detectors, fire extinguishers, and informing guests of local ruled and regulations. These rentals should be grandfathered in and new rentals kept to RBO and commercial areas. Guest of vacation rentals spend money on food at local restaurant, contribute to the overall tax base of Florida, buy and shop at local antique and garden stores creating a steady stream of cashflow into Dunnellon,

*and money collected by the State and Local rivers parks is spent on conversation. Let's keep guests coming to Dunnellon for vacation and create a modern Boom for the people who live here.
Sincerely
Roy Biederman"*

Juliane Mendonca, 11894 E. Blue Cove Dr., said she resides in a single-family home as her sole investment for her family. Mrs. Mendonca stated she supports the Ordinance as written and went into detail about her experiences with short-term rentals in her neighborhood.

Meghan Phillips, 12055 Palmetto Way, stated she has a short-term rental that has been in her family for generations. After investing a substantial amount into the property, the property became a short-term rental in February 2022. She stated that burdensome restrictions would be prohibitive in terms of logistics and finances for the owners of short-term rentals. From personal experience, responsible short-term rental owners are the majority and we should address those acting irresponsibly.

Amber Serena, 12446 Hendrix Drive, stated she has not had police called to her vacation rental once in 9 years. She said she is disturbed about a letter read at a workshop with misinformation about her rental.

Paula Koger, 11983 Palmetto Way, stated one thing that stands out to her is a neighbor is selling two homes to a person that specializes in renting homes. She wants to limit the number of investment properties allowable in the community.

David Koger, 11983 Palmetto Way, said more meetings and discussion are needed. He commented background checks should not be required. Mr. Koger stated if a person buys a home in a single family residential community, they don't want it to have a commercial feeling. He commented we are destroying the river. In 2010, he could name five families of otters and now he barely sees one a week. He wants a limitation on the number of rentals allowed in residential neighborhoods.

Walter Johnson, 12521 Palmetto Way, has been a resident of 30 years. He said the river is getting deluged with the motorized watercraft. His main concern is 30 years ago, his neighborhood was single family dwellings and now it is getting a commercial feel. He stated there has to be a number to call in the middle of the night to report issues.

Nancy Myers, 10925 SW 186th Cir., said she has been a Dunnellon resident for 59 years. Her concern for the river she believes comes from agricultural runoff. She hopes to have a lot more discussion about this. She stated it isn't just business; it is business allowing people to hold on to their family home.

David Porter, 11385 E Blue Cove Dr., said he is very familiar with the Ordinance the staff put together. He stated it's an emotional issue and Dunnellon is a bit behind the curve of other cities. He clarified the city cannot regulate the number of short term rentals in a neighborhood. He stated the Ordinance currently requires a sexual offender verification and hotels don't require

that because they are commercial. He said the Ordinance is meant to set guidelines between the neighborhood and the businesses.

Megan Phillips, 12055 Palmetto Way, spoke in rebuttal to those who previously said a background check is not required. Mrs. Phillips read the Ordinance section verbatim, clarifying the Ordinance as it's written requires a background check.

Chairwoman D'Arville stated she wants the commission to take time to review the Ordinance and set a future date to discuss proposed edits.

Commissioner Sheffield stated the short-term rentals in her neighborhood are nice and it's nice to see families walking to the beach or park. She said we need to work together to find a way that everybody can benefit from this.

Commissioner Dunn moved to continue this discussion at a later date, but before the next regularly scheduled Planning meeting to discuss the commission's edits to this Ordinance. Commissioner Walters seconded the motion. A vote was taken and the motion passed 4-0.

3. Discussion - Review of Proposed Ordinance #ORD2022-07 Non-Conforming Signs

Attorney Brackins suggested discussing agenda item 4 before discussion takes place on agenda item 3, which is the exact same ordinance the commission previously reviewed. He said reviewing and approving the Comprehensive Plan Amendment to go to City Council first is more appropriate to ensure that ordinances are consistent with the Comprehensive Plan. All parties agreed and discussion of agenda item 4 began.

After agenda item 4 was approved for Council review, the commission re-visited agenda item 3. Commissioner Dunn motioned to approve the proposed Ordinance as written and submit to Council for approval. Commissioner Walters seconded the motion. A vote was taken and the motion passed 4-0.

4. Discussion - Review of Comprehensive Plan Amendment Ordinance #ORD2022-10 Non-Conforming Signs

Chairwoman D'Arville asked about the public hearings required to approve the Ordinance. Attorney Brackins stated that once the Planning Commission moves to approve the Comprehensive Plan Amendment to go before Council for review, a public hearing will be held before the City Council.

Commissioner Dunn motioned to approve the proposed Ordinance as written and submit to the City Council for approval. Commissioner Walters seconded the motion. A vote was taken and the motion passed 4-0.

With agenda item 4 approved for Council review, the discussion was re-directed back to agenda item 3.

5. Reports & Updates

There were none.

6. Public Comment

Mayor White, 12115 Palmetto Way, stated there is a budget workshop on July 20th to discuss the proposed upcoming fiscal year budget. He said the city closed on the Powell Road location for the proposed new police department. He commented there is just under \$600,000 earmarked for the build and additional funds will need to come from grants or outside sources.

He commented an ordinance being considered by Council will define what the nature trails can be used for and will prohibit the trails from being used to transport equipment throughout Blue Run Park. He went on to say the City will also require shuttle service vehicles coming in to Blue Run Park to be clearly identified with letters of at least five inches tall that can be seen from a 50-foot distance. He stated there is a long-term Agreement with the County that a shuttle can come into the park and pick up tubers and kayakers that entered at KP Hole and are exiting the river at Blue Run Park. The KP Hole shuttle is the only shuttle allowed commercial use within the park.

Mayor White talked about two major road projects ready to begin, but said there is now a shortage of asphalt. He commented Ohio and Cedar Streets will be completely repaved and some of the major intersections in Blue Cove will also be redone. The City received notification the Multi-Modal project, which will include a pedestrian walkway on the bridge over the Rainbow River, is supposed to start in 2023.

He reported there is a new State Representative for the Dunnellon area, Ralph Massullo. He said there are also three City Council seats up for election and nobody has yet announced their intentions to run. He stated Council is still working on coming up with an idea for boat ramp usage fess with the goal to begin charging the fees in Fall 2022.

Commissioner Dunn said she is happy to see citizens getting more involved in topics of late and appreciates the Council and Planning Commission for their efforts.

Juliane Mendonca, 11894 E. Blue Cove Dr., commented on the Police station, stating Ms. Cid had a thorough report on the pros and cons of various locations at a prior meeting which led to the decision to select Powell Road as the future location for the police department. She said at a prior commission meeting, she heard each member weigh in with opinions on the location but when it came to the consensus, it was decided they would not be reporting to the Council with any recommendations as a group. Mrs. Mendonca went on to state her confusion about why the commission did not offer a specific recommendation to Council on the future police department location.

7. Adjournment

A motion to adjourn was made by Commissioner Dunn and seconded by Commissioner Walters. There being no further comments, Chairwoman D’Arville gavelled down and adjourned the meeting at 7:49 p.m.

Penned Signature of
Brenda D’Arville
Chairwoman

Penned Signature of
Georgina Cid
Community Development Manager



CITY OF DUNNELLO STAFF REPORT

Date: July 6, 2022

To: Dunnellon Planning Commission

Request: Finding of consistency with the City's Comprehensive Plan and recommendation of approval to City Council of proposed Ordinance #ORD2022-10 which, if adopted, will add new policies to the Comprehensive Plan specific to non-conforming signage.

Ordinance No. ORD2022-10

Applicable to: Non-Conforming Structure Regulations, Comprehensive Plan Amendment to Objective 4, Policy 4.1(C) and creating 4.1(E) and (F).

BACKGROUND

The City of Dunnellon's Comprehensive Plan was adopted on October 14, 1991, and meets the requirement of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, with authority to amend its Comprehensive Plan pursuant to Chapter 163 of the Florida Statutes. The City currently prohibits billboards and certain other classes of signage within its boundaries via the City's land development regulations.

STAFF EVALUATION AND FINDINGS

Due to the City of Dunnellon's land development regulations that prohibit billboards as well as a number of other classes of signage, prohibited signs that existed prior to the City's prohibition of same are classified as nonconforming structures. Nonconforming signs, including billboards, detract from the natural and manmade beauty of the City of Dunnellon and can impact the safety of the public. This proposed amendment is intended to lessen hazardous situations that may arise due to nonconforming signs, as well as reduce confusion and visual clutter otherwise caused by nonconforming signs which compete for the attention of pedestrian and vehicular traffic due to improper placement, excessive height, excessive size, and other distracting characteristics that may exist due to nonconformities with up-to-date City regulations and requirements.

The proposed amendments to the City's Comprehensive Plan by ORD2022-10 establish policies specific to nonconforming signage, including thresholds for repair based on damage to signage in relation to value pertaining to nonconforming status as well as authorization to enter into amortization to expedite removal of nonconforming signage.

Staff Recommendation:

Staff has reviewed the proposed amendment to the Comprehensive Plan (see Ordinance and Exhibit "A") and finds it to be consistent with Florida Law and the City's Comprehensive Plan. Staff requests that the Planning Commission, acting as the local planning agency, make a determination that this Ordinance is consistent with the City's Comprehensive Plan and recommend to City Council that it adopt the proposed

amendment to Objective 4, Policy 4.1 of the Future Land Use Element of the Comprehensive Plan of the City of Dunnellon.

ORDINANCE #ORD2022-10

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, AMENDING THE TEXT OF POLICY 4.1 OF THE FUTURE LAND USE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN REGARDING RECONSTRUCTION AND REPAIR OF NONCONFORMING SIGNAGE; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Dunnellon adopted a Comprehensive Plan on October 14, 1991, which meets the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

WHEREAS, the City of Dunnellon is committed to planning and managing the future growth and development of the City; and

WHEREAS, the City Council of the City of Dunnellon has the authority to amend its Comprehensive Plan pursuant to Chapter 163, Florida Statutes; and

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

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

WHEREAS, the City Council finds and determines that this Comprehensive Plan amendment will lessen hazardous situations, as well as confusion and visual clutter otherwise caused by nonconforming signs which compete for the attention of pedestrian and vehicular traffic due to improper placement, excessive height, excessive size, and other distracting characteristics that may exist due to nonconformities with up-to-date City regulations and requirements; and

WHEREAS, the City Council finds and determines that nonconforming signs detract from the natural and manmade beauty of the City and can impact the safety of the public; and

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

WHEREAS, the Local Planning Agency held a public hearing on _____, 2022, has reviewed and recommended by resolution the adoption of the proposed Comprehensive Plan amendment; and

WHEREAS, the City Council of the City of Dunnellon held public hearings to consider this amendment, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

WHEREAS, the City of Dunnellon has complied with all other requirements and procedures of Florida law in processing this amendment to the City's Comprehensive Plan; and

WHEREAS, the City Council of the City of Dunnellon hereby finds and determines that this amendment is internally consistent with the City's Comprehensive Plan and is consistent with other controlling law to include, but not limited to Chapter 163, Florida Statutes; and

WHEREAS, the City Council of the City of Dunnellon hereby finds that this Ordinance serves a legitimate governmental purpose and is in the best interests of the public health, safety, and welfare of the citizens of Dunnellon, Florida.

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

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

Section 2. COMPREHENSIVE PLAN AMENDMENT. The proposed amendments to Policy 4.1 of the Future Land Use Element of the City's Comprehensive Plan are attached to this Ordinance as Exhibit "A," and are hereby adopted and incorporated into the text of this Ordinance as if fully set forth herein.

Section 3. TRANSMISSION TO AGENCIES; DIRECTIONS TO THE CLERK. Within ten (10) days after the first public hearing of this Ordinance and passage of same by the City Council of the City of Dunnellon, the City Clerk is hereby directed to transmit a copy of the adopted plan amendments, with any supporting data and analysis, to the Florida Department of Economic Opportunity (DEO), the East Central Florida Regional Planning Council, Florida Department of State (DOS), Florida Department of Environmental Protection (DEP), Florida Department of Transportation – District Office 5, Southwest Florida Water Management District, the Ocala/Marion Transportation Planning Organization (TPO), Marion County, and any other unit of local government or governmental agency in the State of Florida that has filed a written request with the Clerk of the City of Dunnellon.

Section 5. CONFLICTS. After the effective date of this Ordinance and Exhibit "A", in any case where all or any part of this Ordinance or Exhibit "A" is found to be in conflict with any provision of any other ordinance of the City of Dunnellon, to the extent of such conflict, all such ordinances are hereby repealed.

Section 6. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance or Exhibit "A" is determined to be invalid, unenforceable, unlawful or unconstitutional by a court of competent jurisdiction, said determination shall not be held to invalidate or impair

the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance or Exhibit "A".

Section 7. EFFECTIVE DATE. This Ordinance shall become effective thirty-one (31) days after the Department of Economic Opportunity notifies the City that the plan amendment package is complete. However, if timely challenged, this Ordinance shall not become effective until the Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance. *See Fla. Stat. 163.3184(3)(c)4.*

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the first reading on the ____ day of _____, 2022.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second reading on the ____ day of _____, 2022.

Ordinance Posted on the City's website on _____, 2022. Public hearing advertised on the City's website on _____ and advertised in the Riverland News on _____.

Attest:

CITY OF DUNNELLON

Amanda L. Odom, CMC
City Clerk

William P. White, Mayor

Approved as to Form:

Andrew J. Hand, City Attorney

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this ____ day of _____ 2022.

Amanda L. Odom, CMC
City Clerk

Exhibit “A”

The City of Dunnellon Comprehensive Plan is hereby amended as set forth below with underlined type indicating additions and strikethroughs indicating deletions, while **** indicates movement between sections of the text which shall remain unchanged.

CITY OF DUNNELTON COMPREHENSIVE PLAN

FUTURE LAND USE ELEMENT – GOALS, OBJECTIVES, AND POLICIES

Objective 4:

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

Policy 4.1:

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

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

- E. A lawfully existing nonconforming sign that is damaged by any means shall lose its legal status and not be reconstructed or repaired if the estimated cost to reconstruct or repair the sign exceeds 50 percent of its replacement value immediately prior to the date of damage; replacement value shall mean the assessed value as determined by the property appraiser prior to the date of damage, or if the property appraiser has not assessed the value of the sign structure, the valuation prior to the date of damage as determined by a professionally recognized appraiser.
- F. Notwithstanding 4.1(E) above, the City may enter into an amortization agreement with the owner of a lawfully existing nonconforming sign guaranteeing that such sign will be treated as an authorized structure and thereby allowing temporary repair or reconstruction of the sign in the event of future damage beyond the 50 percent threshold if such agreement sets forth a specific deadline for the sign's demolition, removal, or requirement to come into conformity with the City's rules and regulations.



CITY OF DUNNELLO STAFF REPORT

Date: July 6, 2022

To: Dunnellon Planning Commission

Request: Approval of Proposed Ordinance #ORD2022-07 providing for an amendment to the City Code of Ordinances, by adding Non-Conforming Signs Regulations.

Ordinance No. ORD2022-07

Applicable Statute: Non-Conforming Regulation Requirements, Section 2: Appendix A – Zoning, Article XI – Signs of the City’s Code of Ordinance

BACKGROUND

The City of Dunnellon Code of Ordinances constitutes a recodification of the general and permanent ordinances of the City of Dunnellon, Florida. Source materials used in the preparation of the Code were the 1985 Code, as supplemented through to present Code, and ordinances subsequently adopted by the City Council thereafter. Section 2: Appendix A – Zoning, Article XI – Signs of the City’s Code of Ordinance is proposed to be revised to update non-conforming sign regulations, including regulations pertaining to existing billboards within City limits.

STAFF EVALUATION AND FINDINGS

At City Council’s direction, Staff has proposed an update to the City’s Comprehensive Plan pertaining to non-conforming signage via Ordinance 2022-10, which is proposed to be adopted prior to this proposed ordinance (ORD2022-07). This proposed ordinance updates the City’s land development regulations to adopt regulations consistent with proposed Ordinance 2022-10. The proposed revisions to the City’s land development regulations include updates to definitions, revised regulations pertaining to existing non-conforming billboards including an amortization procedure, regulations specific to non-conforming signage, sign maintenance provisions, general violations, regulations regarding removal of unsafe signs and removal of abandoned signs, removal of signs erected without a permit, and severability provisions. Any violations of the new provisions within this ordinance may be prosecuted and shall be punishable as provided for in the Code of Ordinances.

Staff Recommendation:

Staff has reviewed the proposed amendment to the City’s Code of Ordinances and finds that it will be consistent with the City’s Comprehensive Plan once Ordinance 2022-10 is adopted as well as Florida Law. Accordingly, Staff requests that the Planning Commission find that the proposed ordinance is consistent with the Comprehensive Plan as it is proposed to be amended by accompanying Ordinance 2022-10 and recommend approval as presented to the City Council.

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
155

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.

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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 a lawful
404 structure when it was erected but does not meet the requirements of this article at the time of its
405 effective date.

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

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

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

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

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

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

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

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

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

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

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

433 *Sign:* Any letters, numbers, symbols, graphics, pictures or figures, or combination thereof,
434 which are erected, constructed, placed, attached or painted on a structure or the ground, which
435 identify, advertise or direct attention to a product, business, institution, place, person or event,
436 which can be seen from the public right-of-way. When not modified by the term "structure" or

437 "face," the term "sign" shall include all parts of the sign and its supporting structure. Unless context
438 requires a different interpretation, sign refers to a digital, static or tri-vision sign.

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

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

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

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

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

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

464 ***

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

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

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

473 Section 11.8 - Signs in B-3 districts.

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

- 475 (1) Signs as permitted in section 11.5.
476 (2) Wall, ground, and pylon signs.
477 (3) Marquee signs.
478 (4) Advertising signs as provided in section 11.14.
479 (5) Projecting signs
480 (6) Roof signs.
- 481 (b) Advertising signs in B-3 shall be regulated exclusively by section 11.14. All other signs shall
482 meet the following requirements:
- 483 (1) The aggregate area of all signs on any building premises shall not exceed three square feet
484 in area for each foot of frontage of the building displaying such signs, or one square foot
485 for each foot of frontage of the property occupied by such building or devoted to such
486 use, whichever may be greater.
- 487 (2) Hotel and motel signs shall not exceed those sizes specified in section 11.5.
- 488 (3) No signs shall be placed within 25 feet of any residentially zoned property. No ground
489 signs shall extend 12 feet in overall height above the ground.

490 ***

491 Section 11.10 - Signs in the historical district.

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

505 (2) *Definitions.*

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

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

511 *Area of sign:* The area of the largest single face of the sign within a perimeter which forms
512 the outside shape including any frame, or forms an integral part of the display, but excluding the

513 necessary supports or uprights on which the sign may be placed. If the sign consists of more than
514 one section or module, all areas will be totaled.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

550 ~~*Nonconforming sign (legal): Any structure or sign which was lawfully erected and maintained*~~
551 ~~prior to such time as it came within the preview of this code and any amendments thereto, and~~
552 ~~which fails to conform to all applicable regulations and restrictions of this code, or a~~

553 ~~nonconforming sign for which a special permit has been issued~~ Any sign that was a lawful
554 structure when it was erected but does not meet the requirements of this article at the time of its
555 effective date.

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

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

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

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

568 (3) *General sign criteria.*

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

581 (4) *Freestanding signs.*

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

588 Example:

- 589 50-foot lot:
- 590 One 12 square foot (SF) freestanding sign.
- 591 100-foot lot:
- 592 (One business): One 12 SF freestanding sign.
- 593 (Two businesses): Either one 18 SF freestanding sign or two 12 SF freestanding
- 594 signs.
- 595 (Three businesses): Either one 24 SF freestanding sign or two 12 SF freestanding
- 596 signs.
- 597 150-foot lot:
- 598 (One business): One 12 SF freestanding sign.
- 599 (Two businesses): Either one 24 SF freestanding sign or three 12 SF freestanding
- 600 signs.
- 601 d. Height restrictions: seven feet maximum height from the ground.
- 602 e. Located a minimum of three feet from the right-of-way line.
- 603 f. Freestanding signs cannot be internally illuminated, unless approved by the history
- 604 preservation board. Freestanding signs may, however, be indirectly illuminated.
- 605 g. One freestanding sign will be allowed for each building having frontage on a public
- 606 right-of-way (example: corner lots will be allowed one sign fronting each roadway).
- 607 (5) *Hanging signs.*
- 608 a. Maximum size: Four square feet.
- 609 b. Height restrictions: Seven feet minimum height above grade.
- 610 (6) *Window signs.*
- 611 a. Maximum size: 25 percent of window area or by approval of the historic preservation
- 612 board.
- 613 b. If tenant occupies a building that depends solely on its window space for
- 614 advertisement, the window sign will be limited to one per space, shall not exceed 25
- 615 percent of the window area.
- 616 c. Multiple tenant occupancy. Window signs will be limited to one per space and 25
- 617 percent of the primary frontage of the tenant space.
- 618 d. Window signs shall be maintained to original condition.
- 619 (7) *Wall signs.*
- 620 a. Maximum size: 12 square feet.
- 621 b. One wall sign allowed or one freestanding sign per building frontage.

- 622 c. Multiple tenant occupancy: Wall signs will be limited to one per space.
623 (8) *Canopy/marquee and awning and awning valence.*
624 a. Shall not exceed 25 percent of the face vertically or horizontally.
625 b. Similar color and style on different signs on same building.
626 (9) *Temporary signs.*
627 a. Promotional posters for civic events shall be permitted on private property seven
628 days prior to event and must be removed within 24 hours after event.
629 b. Yard sale signs: 72 hours.
630 c. Business openings: 30 days per year.
631 d. Banners: 30 days per year (excluded from size requirements).
632 e. Holiday signs are allowed 30 days prior to the holiday and must be removed within
633 14 days after the holiday.
634 (10) *Murals and flag banners.*
635 a. These are considered alternative signage and must be approved by the historic
636 preservation board.
637 b. The historic preservation board shall have the authority to review and approve
638 proposed signage that does not comply with these regulations.

639 ***

640 Section 11.12 - Billboards.

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

652 ***

653 Section 11.14 - Advertising signs.

- 654 (a) Advertising signs shall be permitted for a business located within Dunnellon where such
655 business has less than 20 feet of street frontage, subject to the following standards:
656 (1) Advertising signs shall be permitted in B-3, B-4 and B-5 zones as regulated by the
657 following:

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

697 state highways, but in no case less than 15 feet setback from the right-of-way. These
698 temporary permits will become void and the sign shall be moved 30 days after
699 notification, if any of the following shall occur:

- 700 1. If the property on which the sign is located or any property within 300 feet of
701 said sign along a common right-of-way is changed in zoning classification from
702 agricultural A-1 to any other zoning classification.
- 703 2. If in the opinion of the community development manager subject to review by
704 the planning commission said sign blocks the view or in any way impedes or
705 injures the value of any business or residence adjacent to said sign.

706 b. Construction and maintenance standards as set forth in this section shall be followed.

707 ***

708 Section 11.17 – Nonconforming Signs.

709 (a) No additions or enlargements shall be made to a nonconforming sign except those additions
710 or enlargements that are required by law.

711 (b) A nonconforming sign that is modified by being moved, replaced or structurally altered shall
712 be brought into conformance with this Article.

713 (c) A nonconforming sign that is damaged by any means shall lose its legal status and not be
714 reconstructed or repaired if the estimated cost to reconstruct or repair the sign exceeds fifty
715 (50) percent of its replacement value immediately prior to the date of damage; replacement
716 value shall mean the assessed value as determined by the property appraiser prior to the date
717 of damage, or if the property appraiser has not assessed the value of the sign structure, the
718 valuation prior to the date of damage or destruction as determined by a professionally
719 recognized appraiser. A damaged nonconforming sign that cannot be reconstructed or
720 repaired per this provision shall be removed within 30 days of the date the sign was damaged.

721 (d) Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is fifty
722 (50) percent or less of its replacement value immediately prior to the date of destruction of
723 the damaged sign, before the sign was damaged, it may be repaired and restored to the
724 condition it was in before it was damaged and may continue to be used as a nonconforming
725 sign, provided that such repairs and restoration are started within ninety (90) days of the date
726 the sign was damaged and are diligently pursued thereafter.

727 (e) Whenever repairs and restoration of a damaged nonconforming sign are not started within
728 ninety (90) days of the date the sign was damaged or are diligently pursued once started, the
729 sign shall be deemed abandoned. An abandoned sign shall be removed as provided by this
730 article.

731 (f) All nonconforming signs shall be properly maintained. Any nonconforming sign that is
732 determined by the city to be an unsafe sign shall be removed as provided for by this article.

733 (g) Nothing in this section shall be deemed to prevent the maintenance of any sign or manual
734 changes of sign copy on a nonconforming sign.

735 The casual, illegal, or temporary use of any sign shall not be sufficient to establish the
736 existence of a non-conforming use or to create any rights in the continuance of such use.

737

738 Section 11.18 – Maintenance.

739 (a) All visible portions of a sign and its supporting structure shall be maintained in safe condition
740 and neat appearance. If the sign is a lighted sign, all lights shall be maintained in working
741 order and functioning in a safe manner. All elements of the sign structure and face should be
742 in good repair and not discolored, peeling, cracked, bent, crumbling or broken. All signs shall
743 be kept in such manner as to constitute a complete sign at all times. The area immediately
744 surrounding ground signs shall be kept clear of all vegetation or debris.

745 (b) All signs for which a permit is required, together with all supports, braces, guys, anchors, sign
746 faces, and other structural and nonstructural members, shall be maintained in good condition
747 and appearance and in compliance with applicable codes. Examples of unacceptable
748 maintenance and repair include, but are not limited to, the following:

749 (1) Cracked, ripped, or peeling materials present on the surface area of a sign;

750 (2) Bent, broken, loose, or otherwise insufficiently attached supports, struts, or other
751 appendages;

752 (3) Partial illumination for more than fourteen (14) days; and

753 (4) Obstruction of sign face by weeds, vines, tree branches, or other vegetative matter.

754

755 Section 11.19 – General Violations.

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

761

762 Section 11.20 – Immediate Removal of Unsafe Signs.

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

771

772 Section 11.21 – Removal of Abandoned Signs.

773 The owner of an abandoned sign shall remove the abandoned sign within thirty (30) days of the
774 date of the city's order to remove the sign. A sign need not be removed when a successor tenant,

775 or business or property owner, agrees to maintain the sign as provided in this article, by filing a
776 letter of intent with the city no later than thirty (30) days after receiving notice to do so from the
777 city.

778

779 Section 11.22 – Removal of Signs Erected Without a Permit.

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

782

783 Sec. 11.23 - Severability.

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

789

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

798

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

804

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

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

812 word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or
813 unconstitutional.

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

819 **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective on _____,
820 2022.

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

824
825 **Upon motion duly made and carried,** the foregoing ordinance was adopted on the second and
826 final reading on the ____ day of _____ 2022.

827
828 Ordinance Posted on the City’s website on _____, 2022. Public hearing advertised on the
829 City’s website on _____ and advertised in the Riverland News on _____.

830
831
832

833 _____
834 William P. White, Mayor

835 Attest:
836 _____
837 Amanda L. Odom, CMC
838 City Clerk

839

840 CERTIFICATE OF POSTING

841 I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the
842 Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida this ____ day
843 of _____ 2022 and on the City’s Official Website the ____ day of _____ 2022.

844

845 _____
846 Amanda L. Odom, City Clerk
847

