

Agenda
City of Dunnellon
City Council Workshop
20750 River Drive, Dunnellon, FL 34431
October 5, 2022
5:30 p.m.
Join Zoom

<https://dunnellon.zoom.us/j/83658543521?pwd=TFBsWnh0YlITUjlrdkJjVldyZWd6QT09>

Webinar ID: 836 5854 3521

Dunnellon City Council Workshop will be held on October 5, 2022, at 5:30 p.m. at Dunnellon City Hall

Public Comment- Anyone who wishes to provide public comment will be able to do so by participating in the City Council 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 City Clerk modom@dunnellon.org

For the convenience of our citizens and the public, we livestream City Council 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 Wednesday, October 5, 2022. Please see instructions below on how to register.

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

Attachment: [Meeting Instructions \(PDF\)](#)

Call to Order

Pledge of Allegiance

Opening Prayer/Moment of Silence (suggested time limit: 1 minute. Mayor to request if any invitee is present to open with prayer; if no invitee is present, Mayor will ask if a Dunnellon citizen will volunteer. If no volunteers, a moment of silence will be offered. If a citizen outside of Dunnellon requests to open with prayer, (s)he may do so if no invitees/citizens volunteer.)

Roll Call

Proof of Publication - The agenda was posted on Tuesday, September 27, 2022 to the City's website and City Hall bulletin board.

1. **Public Comments**
2. **Board Reports**
3. **Florida Municipal Pension Trust Fund (FMPTF), Proposed Amendment to Special Risk Pension Plan - Jay Easom, Chairman
Police Pension Board of Trustees**
4. **Department Head Reports**
5. **Community Development Updates, Georgina Cid - Community
Development Manager**

- West Pennsylvania Solar Lighting Fixtures
- Historic District Wayfinding Signage

Documents:

[Agenda Summary for West Pennsylvania Lighting Fixtures.pdf](#)

6. **Ordinance #ORD2022-07, Non-Conforming signs**

Documents:

[Ordinance ORD2022-07 Non-Conforming Signs.pdf](#)

7. **Ordinance #ORD2022-10, Comp Plan Amendment - Non-Conforming
Signs**

Documents:

[Ordinance ORD2022-10 Comp Plan Amendment, Non-Conforming Signs.pdf](#)

8. **Ordinance #ORD2022-11, Litter Control**

Documents:

[Ordinance ORD2022-11 Litter Control.pdf](#)

9. **Resolution #RES2022-09, Amended Permit Fees**

Documents:

[Resolution RES2022-09 Amended Permit Fees.pdf](#)

10. **Granicus Website Hosting and Agenda/Meeting Management - Mandy
Odom, City Clerk**

11. **Discussion - Written Public Comments - Mandy Odom, City Clerk**

12. Council Comments

13. City Attorney Comments

14. Public Comments

Tentative Agenda for Council Meeting Monday, October 10, 2022 at 5:30 p.m.

Consent Agenda

- Approval of Minutes
- Approve Agreement #AGR2020-07 and Terminate Agreement #AGR2019-15

Regular Agenda

- First Reading Ordinance #ORD2022-07, Non Conforming Signs
- Public Hearing - Ordinance #ORD2022-10, Comp Plan Amendment Non-Conforming Signs
- First Reading Ordinance #ORD2022-10, Comp Plan Amendment Non-Conforming Signs
- First Reading Ordinance #ORD2022-11, Litter Control
- Resolution #RES2022-09, Amended Permit Fees

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.

Future Meetings:

- 10/10/2022 City Council Meeting 5:30 p.m..

City of Dunnellon
Agenda Summary Form

Meeting Date: October 5, 2022

1. Responsible Department: Community Development
2. Presenter: Georgina Cid
3. Recommended Action: West Pennsylvania Street Lighting.

Subject: West Pennsylvania Street Lighting within the Historic District.

Request for Approval Summary Explanation & Background:

As part of our economic development strategy to promote community engagement, attract and retain businesses, as well as beautify our street scape, we are putting together a project for the replacement of the existing non-operational street lighting on West Pennsylvania Ave.

Our focus is safer streets, business development and a more attractive Historic District. The primary purpose is to provide safe passage for pedestrians and vehicles and this way make us more accessible. It is imperative that we deliver a better experience to our residents, businesses and visitors creating well-structured paths with a unique outdoor streetscape for fond memories that will keep everyone wanting to come back.

Staff will make a brief presentation showing the following as per Council's request:

1. List of detailed expenses associated with this project including cost of removing, reconnecting, installing and maintaining fixtures.
2. Possible surplus opportunity of existing lamps.
3. Exact layout of the location where the new lamps will installed.
4. List of all residents who have relinquished their right to the existing fixtures.

Staff respectfully requests Council's approval of the following:

1. Approve the previously recommended quote from Gama Sonic for street lighting fixtures to be ordered for staff's installation and maintenance.

Procurement Method: FY2022-2023 CRA Budget

Fiscal Information: Funds Budgeted in FY2022-2023 CRA Budget.

Attorney Review: N/A

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2
3 **ORDINANCE NO. 2022-07**

4 **AN ORDINANCE OF THE CITY OF DUNNELLO, FLORIDA,**
5 **RELATING TO SIGNS; AMENDING AND CLARIFYING DEFINITIONS**
6 **AS SPECIFIED HEREIN, PROVIDING FOR AMORTIZATION OF**
7 **EXISTING BILLBOARDS; PROVIDING REGULATIONS SPECIFIC TO**
8 **THIS ARTICLE FOR NONCONFORMING SIGNS; PROVIDING**
9 **MAINTENANCE REQUIREMENTS FOR SIGNAGE; PROVIDING**
10 **REMEDIES FOR GENERAL VIOLATIONS OF SIGNAGE**
11 **REGULATIONS; PROVIDING FOR REMOVAL OF UNSAFE SIGNS;**
12 **PROVIDING FOR REMOVAL OF ABANDONED SIGNS; PROVIDING**
13 **FOR REMOVAL OF SIGNS ERECTED WITHOUT A PERMIT;**
14 **PROVIDING FOR SEVERABILITY IN GENERAL; PROVIDING FOR**
15 **SEVERABILITY WHERE LESS SPEECH RESULTS; PROVIDING FOR**
16 **SEVERABILITY OF PROVISIONS PERTAINING TO PROHIBITED**
17 **SIGNS; PROVIDING FOR SEVERABILITY OF PROHIBITION ON**
18 **BILLBOARDS; PROVIDING FOR CONFLICTS, CODIFICATION,**
SEVERABILITY, AND EFFECTIVE DATE.

19 **WHEREAS**, the City Council of the City of Dunnellon has determined the need to update
20 and revise its Code of Ordinances relative to signs, particularly billboards and nonconforming
21 signs; and

22
23 **WHEREAS**, the City Council wishes to ensure that amendments to the City’s Code of
24 Ordinances as it relates to signs comply with constitutional and other legal requirements; and

25
26 **WHEREAS**, the City Council wishes to continue to prohibit certain sign types, including
27 billboards; and

28
29 **WHEREAS**, the City Council wishes to protect the safety of motorists, pedestrians, and
30 others from distraction caused by signs, in particular unsafe and improperly maintained signs; and

31
32 **WHEREAS**, the City Council finds that some signs, particularly large signs, detract from
33 the aesthetic beauty of the landscape; and

34
35 **WHEREAS**, the City Council wishes to preserve the aesthetic beauty of the City of
36 Dunnellon; and

37
38 **WHEREAS**, the regulation of signage for purposes of aesthetics has long been recognized
39 as advancing the public welfare; and

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
136

137 **WHEREAS**, the City Council finds and determines that billboards are a traffic hazard and
138 impair the beauty of the surrounding area, and the prohibition of the construction of billboards will
139 reduce these harms [see Outdoor Systems, Inc. v. Cite of Lenexa, 67 F.Supp.2d 1231, 1239 (D.
140 Kan. 1999)]; and
141

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

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

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

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

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

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

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

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

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

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

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

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

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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

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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:

282

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

William P. White, Mayor

833
834 Attest:
835 _____
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

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 DUNNELLON 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.

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ORDINANCE #ORD2022-11

AN ORDINANCE OF THE CITY OF DUNNELTON, AMENDING CHAPTER 50, ARTICLE IV, LITTERING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is intent of the City Council and this Ordinance to promote a clean, healthy, safe, and attractive community and environment in which to live; and

WHEREAS, the Florida Litter Law, Sections 403.413--4135, *Florida Statutes*, contains a legislative finding that a comprehensive illegal dumping, litter, and marine debris control program and prevention program is necessary to protect the beauty and the environment of Florida; and

WHEREAS, the Legislature further found that such program must be coordinated and capable of having statewide identity and grassroots community support. Sec. 403.4135(1), *Florida Statutes*; and

WHEREAS, Sec. 403.4135(8), *Florida Statutes*, provides that this section does not limit the authority of any state or local agency to enforce other laws, rules, or ordinances relating to litter or solid waste management; and

WHEREAS, Marion County recently adopted Marion County Ordinance 22-30 which addressed enforcement of littering violations within unincorporated Marion County; and

WHEREAS, representatives of Marion County requested that municipalities within Marion County adopt regulations pertaining to litter that are substantially similar to Marion County litter regulations in order to ensure a reasonable level of uniformity within the County regarding litter regulation and enforcement regarding litter violations; and

WHEREAS, City Council’s intent is that Chapter 50, Art. IV, Littering, of the City of Dunnellon Code of Ordinances, be part of the statewide comprehensive illegal dumping, litter and marine debris control program, be consistent with the Florida Litter Law and Marion County regulations regarding littering, while at the same time providing for additional regulations deemed beneficial for the City of Dunnellon; and

WHEREAS, the City Council finds that illegal dumping of litter on public and private property in the City of Dunnellon is a serious problem in the City resulting in unnecessary cost to taxpayers, and adversely affecting the natural beauty and attractiveness of our community as a whole, the effective solution of which requires a broad-based buy-in from the entire community; and

35 **WHEREAS**, although violations of municipal ordinances are typically neither
36 misdemeanors nor felonies under Florida general law, Florida courts have determined that
37 municipal ordinances are *criminal in nature* if they authorize criminal penalties such as
38 incarceration, and such ordinances therefore authorize a full custodial arrest and incidental search.
39 *See, Hull v. State*, 315 So.3d 144, 145-46 (Fla. 5th DCA 2021) and *State v. Coleman*, 320 So.3d
40 890, 894-895 (Fla. 2d DCA 2021); and

41 **WHEREAS**, Sec. 403.4132, Florida Statutes provides that local governments are
42 encouraged to initiate programs to supplement the existing litter-removal program for public
43 places and highway systems operated by the Department of Transportation. That section further
44 provides that to the extent that funds are available from the department for litter pickup and
45 removal programs beyond those annually available to the Department of Corrections, priority shall
46 be given to contracting with nonprofit organizations for supplemental litter-removal programs that
47 use youth employment programs; and

48 **WHEREAS**, the City Council of the City of Dunnellon determines that adoption of this
49 Ordinance benefits the public health, safety and welfare of the residents and citizens of the City as
50 well as visitors to the City of Dunnellon.

51
52 **LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of
53 Dunnellon Code of Ordinances, ~~strike through~~ constitutes deletions from the original, and asterisks
54 (***) indicate an omission from the existing text which is intended to remain unchanged.

55
56 **NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
57 **OF DUNNELLON, FLORIDA AS FOLLOWS:**

58
59 **SECTION 1:** The “whereas” clauses cited herein are the legislative findings of the City
60 Council.

61
62 **SECTION 2:** ‘Chapter 50, Article IV – Littering’ of the City’s Code of Ordinances is hereby
63 amended as follows:

64
65 **CHAPTER 50 – SOLID WASTE**

66 ***

67 **ARTICLE IV. - LITTERING**

68 Sec. 50-91. - Definitions.

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

71 ~~The following words, terms and phrases, when used in this article, shall have the meaning~~
72 ~~described to them in this section, except where the context clearly indicates a different meaning:~~

73 Junk means any litter, debris, waste materials of any kind, dead or decaying vegetation or
74 vegetative refuse, dead animals, used or unserviceable automobile and machinery parts, used and
75 nonfunctional furniture and appliances, and used and nonfunctional tools, equipment, and
76 implements, but shall not include compost piles for personal, noncommercial use.

77 Law enforcement officer means any officer of the Florida Highway Patrol, county sheriff's
78 department, municipal law enforcement department, law enforcement departments of any other
79 political subdivision, state department of environmental protection, and state fish and wildlife
80 conservation commission. In addition, and solely for the purpose of this article, the term "law
81 enforcement officer" means any employee of a municipal department of the city designated by the
82 department head as a litter enforcement officer. The city council shall determine the training and
83 qualifications of any employee of the city designated to enforce the provision of this article, if the
84 designated employee is not a regular law enforcement officer.

85 Litter means includes, but is not limited to, any garbage; garden trash; rubbish; solid waste;
86 trash refuse; can; glass or plastic bottle; box; container; paper; lighted or unlighted cigarette
87 or cigar or flaming or glowing material tobacco product; cigarette butts; disposable medical or
88 other filtration masks of any kind; syringes or drug paraphernalia; tire; appliance; mechanical
89 equipment or part; building or construction material; tool; machinery; wood; motor vehicle or
90 motor vehicle part; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment
91 facility, water supply treatment plant, or air pollution control facility; illegal signs; temporary
92 political signs still in place sixty days after the last applicable election; or waste substance in any
93 form resulting from domestic, industrial, commercial, mining, agricultural or government
94 operations. Any property or other object left unattended in or on any public highway, road, street,
95 alley, or thoroughfare, on any other public lands, in or on any freshwater lake, river, canal, or
96 stream within the City, or in or on any private property, without the express or implied permission
97 of the property owner or official or governing body maintaining control of the place upon which
98 the property or other object is left unattended, shall be presumed to be "litter" for purposes of this
99 Chapter. This presumption may be rebutted by competent substantial evidence.

100

101 Person means any individual, firm corporation, or unincorporated association.

102

103 ~~Sec. 50-92. Penalties; enforcement.~~

104 ~~(a) Any person violating the provisions of this article is guilty of a misdemeanor of the second~~
105 ~~degree punishable as provided in F.S. § 775.082, or by imposition of a fine not to exceed~~
106 ~~\$50.00. The court may impose the additional penalty of pickup of litter or performing other~~
107 ~~labor commensurate with the offense committed.~~

108 ~~(b) It shall be the duty of all law enforcement officers to enforce the provisions of this article.~~

109

110 ~~Sec. 50-93.— Prohibited acts.~~

111 It is unlawful for any person to throw, discard, place, or deposit litter in any manner:

112 (1) ~~In or on any public highway, road, street, alley or thoroughfare, including any portion~~
113 ~~of the right-of-way thereof or any other public lands, except in containers or areas~~
114 ~~lawfully provided therefor. When any litter is thrown or discarded from a motor vehicle,~~
115 ~~the owner or operator of the motor vehicle, or both, shall be deemed in violation of this~~
116 ~~section.~~

117 (2) ~~In or on any freshwater lake, river, or stream or tidal or coastal water of the city. When~~
118 ~~any litter is thrown or discarded from a boat, the operator or owner of the boat, or both,~~
119 ~~shall be deemed in violation of this section.~~

120 (3) ~~In or on any private property, unless prior consent of the owner has been given and~~
121 ~~unless such litter will not cause a public nuisance or be in violation of any other state or~~
122 ~~local law, rule, or regulation.~~

123

124 Sec. 50-92. - Litter.

125 (a) No person shall dump litter or junk in any manner or amount:

126 1. In or on any public highway, road, street, alley, or thoroughfare, including any portion
127 of the right-of-way thereof, or any other public lands, except in containers lawfully
128 provided therefor. When any litter or junk is thrown, blown, bounced or discarded from
129 a motor vehicle, the operator or owner of the motor vehicle, or both, shall be deemed in
130 violation of this section; or

131 2. In or on any freshwater lake, river, canal, or stream of the City, including canals. When
132 any litter or junk is thrown, blown or discarded from any boat or vessel, the operator or
133 owner of the boat or vessel, or both, shall be deemed in violation of this section; or

134 3. In or on any private property, unless prior consent of the owner has been given and
135 unless the dumping of such litter or junk by such person will not cause a public nuisance
136 or otherwise be in violation of any other state or local law, rule, or regulation.

137 (b) No person shall operate any motor vehicle on any street or highway unless such motor
138 vehicle is constructed, and loaded to prevent any of its load from dropping, sifting,
139 leaking, spilling, or otherwise escaping; provided, however, that sand or any substance
140 used to increase traction, or water or other substance used to control dust, may be applied
141 on a roadway in the cleaning or maintaining of such roadway by a state or local
142 government agency having such responsibilities.

143 (c) Any motor vehicle transporting litter or other items likely to fall or be blown from such
144 motor vehicle shall be enclosed, covered, or secured with a close-fitting tarpaulin or other
145 appropriate cover or load securing device to prevent its contents from blowing, dropping,
146 or falling from such vehicle.

147 (d) Any person generating, transporting, or receiving litter shall be responsible for ensuring
148 that such litter is managed, stored, handled, transported, and disposed of in accordance
149 with the provisions of this chapter.

- 150 (e) When a violation of any provision of this section has been observed by any person, and
151 the litter dumped on a highway, right-of-way, property adjacent to a highway or right-of-
152 way, private property, or body of water has been ejected from a motor vehicle or vessel,
153 the owner, operator, or both, of such motor vehicle or vessel, that fact shall constitute
154 prima facie evidence that the owner, operator, or both, of such motor vehicle or vessel
155 shall be deemed to be in violation of this section.
- 156 (f) Any article of litter or junk bearing a person's name and postal street address or email
157 address, phone number, or any other information sufficient to enable the verification of
158 the identity of such individual, found on the private property of another or on public
159 property, shall constitute prima facie evidence that the litter or junk is the property of such
160 person whose name and other identifying information appears thereon, and it shall
161 constitute prima facie evidence that such person dumped or disposed of such article of
162 litter or junk. The named individual may be an owner-occupant, or a tenant, of the
163 designated property, as long as he or she is a current resident of such property. This
164 presumption shall be rebuttable by competent substantial evidence.
- 165 (g) All law enforcement officers and city code enforcement officers shall enforce the
166 provisions of this section. Nothing in this section shall provide city code enforcement
167 officers with the authority to bear arms or to make arrests.
- 168 (h) PENALTIES: Any person who violates the provisions of this section shall be cited as
169 follows:
- 170 (1) A person who dumps litter in violation of this section shall be guilty of a
171 noncriminal infraction for a first offense, and subject to a civil penalty of one
172 hundred fifth dollars (\$150).
- 173 (2) A person who dumps litter in violation of this section, and who has one prior
174 conviction for dumping litter in violation of this section or in violation of s.
175 403.413, Florida Statutes, commits a criminal infraction and shall be punished as
176 follows:
- 177 a. Incarceration in the county jail up to 10 days; and/or
- 178 b. Community service as prescribed by the Florida Litter Law, section
179 403.413, Florida Statutes, when authorized therein; and
- 180 c. A fine of three hundred dollars (\$300).
- 181 (3) A person who dumps litter in violation of this section, and who has two prior
182 convictions for dumping litter in violation of this section or in violation of s.
183 403.413, Florida Statutes, commits a criminal infraction and shall be punished as
184 follows:
- 185 a. Incarceration in the county jail of not less than 10 days, and up to 30 days;
186 and/or
- 187 b. Community service as prescribed by the Florida Litter Law, section
188 403.413, Florida Statutes, when authorized therein; and
- 189 c. A fine of five hundred dollars (\$500).

- 190 (4) A person who dumps litter in violation of this section, and who has three or more
191 prior convictions for dumping litter in violation of this section or in violation of s.
192 403.413, Florida Statutes, shall be punished as follows:
- 193 a. Incarceration in the county jail of not less than 10 days, and up to 60 days;
194 and/or
- 195 b. Community service as prescribed by the Florida Litter Law, section
196 403.413, Florida Statutes, when authorized therein; and
- 197 c. A fine of five hundred dollars (\$500).
- 198 (5) For purposes of this article, “conviction” means a determination of guilty of a
199 violation of this article as the result of a plea, a trial, or the imposition of a civil fine
200 under section (1), (2), (3), or (4), regardless of whether adjudication is withheld or
201 a plea of nolo contendere is entered.
- 202 (6) The moneys collected from the assessed fine shall go into the general revenue fund
203 of the City to be used for litter control.
- 204 (7) Litter cleanup restitution payment. Separate from, and in addition to, any penalties
205 provided for violation of the provisions of this Ordinance, the City Council may
206 mail, serve, or deliver to the violator, an invoice supported by a list of certified
207 expenses incurred by the City or a City contractor for the cleanup of any litter
208 dumped by the violator. The violator shall remit payment for such invoice to the
209 City within 30 days of the date of such invoice. If the invoice is not timely paid,
210 the City may record a lien on the property of the violator, if the violation and
211 cleanup related to such property. If the violator dumped the litter on property he or
212 she did not own, the City shall have a cause of action for recovery of such certified
213 expenses in the County Court of Marion County, and the violator shall be liable for
214 all court costs and expenses incurred by the City in obtaining payment of such
215 invoice.
- 216 (8) Special Litter Enforcement Corridors. The City Council, by Resolution, may
217 designate certain segments of City roads as Litter Enforcement Corridors as a way
218 to increase focus on litter and illegal dumping. These road segments are ones that
219 have a high aesthetic or historic value worth preserving and will be marked with
220 signs to notify motorists.
- 221 (i) Subject to the limitations contained herein, the City collects litter from the public right-
222 of-way of collector and arterial roads maintained by the City. The City also collects solid
223 waste from illegal dumping on such roads. The City is not responsible for collecting litter
224 or solid waste on other roads or private property. The City Clerk may authorize the City
225 to collect litter on public roads and public property when required for the public health,
226 safety and welfare. The extent and frequency of such activities are subject to the City's
227 budgetary constraints and weather conditions.
- 228 (j) Subject to the limitations contained herein, the City may remove and dispose of litter,
229 junk, and solid waste that was illegally dumped on a public right-of-way or other public
230 property and then collected by a civic or community organization during a community
231 clean-up project. The extent and frequency of the City's activities in support of a
232 community clean-up project are subject to the City's budgetary constraints and other

233 factors. Although the City supports community clean-up projects, the City does not
234 remove or dispose of materials collected during a clean-up on private property.

235 (k) In any proceeding brought under this article, including civil and criminal proceedings, a
236 photograph of the litter or junk that is the subject of the proceeding, may be deemed
237 competent substantial evidence of the litter or junk and may be admissible in the
238 prosecution to the same extent as if the litter or junk were introduced into evidence. Such
239 photograph shall be taken by, or at the direction of, a law enforcement officer or other
240 person responsible for enforcement of this Article. After litter or junk is photographed, it
241 may be destroyed or otherwise disposed of by the person who took or directed the taking
242 of the photograph.

243 (l) Litter Presumption. Any property or other object left unattended in or on any public
244 highway, road, street, alley, or thoroughfare, on any other public lands, in or on any
245 freshwater lake, river, canal, or stream of the City, or in or on any private property,
246 without the express or implied permission of the property owner or official or governing
247 body maintaining control of the place upon which the property or other subject is left
248 unattended, shall be presumed to be “litter” for purposes of this Article and Chapter. This
249 presumption may be rebutted by competent substantial evidence.

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

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

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

268 **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon
269 adoption.

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

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

276
277 Ordinance Posted on the City’s website on _____, 2022. Public hearing advertised on the
278 City’s website on _____ and advertised in the Riverland News on _____.

279
280
281

William P. White, Mayor

282
283 Attest:

284

285 _____

286 Amanda L. Odom, CMC

287 City Clerk

288

289 Approved as to Form:

290

291 _____

292 Andrew J. Hand, City Attorney

293

294

295 **CERTIFICATE OF POSTING**

296

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

300

301 _____

302 Amanda L. Odom, CMC

303 City Clerk

RESOLUTION #RES2022-09

A RESOLUTION OF THE CITY OF DUNNELLON, FLORIDA AMENDING THE CITY'S FEE SCHEDULE BY ESTABLISHING 911 MANAGEMENT FEES FOR ADDRESSING AND DEVELOPMENT REVIEW SERVICES; REPLACING REFERENCES TO 'CITY ADMINISTRATOR' WITH 'CITY CLERK'; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Dunnellon, Florida, is authorized to establish fees to be paid out to Marion County for the issuance of 9-1-1 addresses, address verifications, development review services related to the establishment of quadrant roadway designations and other 9-1-1 Management related functions pursuant to the Constitution of the State of Florida and Florida Statutes; and

WHEREAS, the City Council of the City of Dunnellon has determined that it is necessary to revise its Fee Schedule to include 911 Management Fees; and

WHEREAS, the City Council finds that any and all proprietary fees listed below are reasonable in relation to the service provided and for the special benefit of the pater and that any and all regulatory fees listed below do not exceed the costs incurred by the City in providing such services; and

WHEREAS, the City Council of the City of Dunnellon has the authority to establish fees by Resolution.

NOW, THEREFORE, be it resolved by the City Council of the City of Dunnellon, Florida, in session duly and regularly held this 10th day of October 2022, that:

Section 1. Findings. The Whereas clauses cited herein are the legislative findings of the City Council.

Section 2. Permit Fee Schedule Amendment. The City's Fee Schedule attached hereto as Schedule 'A' and incorporated herein by reference, is hereby amended as shown. Underlined words constitute additions to the Fee Schedule, ~~strike through~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

Section 3. Severability. If any portion of the Resolution shall be declared unconstitutional or if the applicability of this Resolution or any portion thereof to any person or circumstances shall be held invalid, the validity of the remainder of this Resolution and the applicability of this Resolution, or any portion thereof to other persons or circumstances, shall not be affected thereby.

Section 4. Conflicts. All resolutions and parts of resolution in conflict with this resolution are hereby repealed.

Section 5. Effective Date. This Resolution shall become effective _____, 2022 allowing advanced notices of changes to be published.

ATTEST:

CITY OF DUNNELLON, FLORIDA

AMANDA L. ODOM, C.M.C.
CITY CLERK

WILLIAM P. WHITE, MAYOR

Approved as to form:

Andrew J. Hand, City Attorney

SCHEDULE 'A' CITY OF DUNNELLON

Building Fee Schedule

- I. All new construction, alterations, remodeling, renovations, etc., requiring a building permit shall pay fees as follows, subject to a minimum fee requirement of \$120.00:
- | | |
|---------------------------------|--|
| A. Standard Construction | Residential Construction: 1.5% of construction costs
Commercial Construction: 1.75% of construction costs*
*Estimated permit fees over \$1,000.00 value subject to 25% permit fees due at time of submittal. Non-refundable |
| B. Roofing | \$120.00 Minimum plus 0.5% of contract price thereof. |
| C. Paving | \$0 – Repaving & Striping to original setting
Commercial: see A. Standard Construction Above |
| D. Plan Review | \$75.00 First two (2) hours
\$35.00 each additional hour |
| E. Mobile Homes | 1.25% cost of home plus separate permits for trades |
| F. Lawn Irrigation & Fence only | \$100.00 |
| G. Demolition Permits | 2% of contract amount or \$100.00 per thousand square feet, whichever is greater |
| H. Administration Fee | \$0 (permit <\$120)
\$50 – Base for permits \$120 - \$200
\$50 – Base + 2% of permit cost for permits >\$200 |
- II. Fees for re-inspection, re-permitting, time extensions, and miscellaneous fees shall be as follows:
- | | |
|---|--|
| A. A re-inspection fee of \$50.00 shall be charged for all re-inspections that result from the work on a Corrective Action Notice not being completed, inspection called for before the work is done, and other re-inspections. If further re-inspections are required for the same Corrective Action Notice, the fees shall be: \$75.00 for the second re-inspection; \$150.00 for each subsequent re-inspection. All re-inspection fees shall be paid prior to re-inspection. | |
| B. Re-permitting fees shall be the full permit fee, except for projects lacking only a final inspection; said fee shall be \$120.00. | |
| C. Extensions: | \$50.00** (two maximum, up to 90 days each)
**Application must be made <u>prior</u> to permit expiration date. |
| D. Revision to approved plans: | \$75.00 plus \$0.25 per square foot of revised area |
| E. Replacement permit inspection card: | \$25.00 |

F.	Certification of additional plans:	\$75.00 per set
G.	Occupational Inspection – Change of Type Occupancy:	\$75.00
H.	Change of Contractor:	\$50.00
I.	Certificate of Occupancy (replacement):	\$50.00
III.	Other permits not listed above:	Standard Construction fees apply
IV.	After the fact permits:	Double permit fees

Planning Fees:

A.	Voluntary Annexation	\$750.00
B.	Re-Zoning	\$750.00
C.	Small Scale Comp. Plan Amendment (≤ 10 acres)	\$1,200.00
D.	Large Scale Comp. Plan Amendment (> 10 acres)	\$3,500.00
E.	Variance	\$750.00
F.	Special Exception Use	\$750.00
G.	Vacation of Plat	\$750.00
H.	Abrogation	\$750.00
I.	Concurrency Application	\$1,000.00
J.	Developer’s Agreement	\$6,000.00
K.	Amendment to Developer’s Agreement	\$3,000.00
L.	Commercial Site Plan	
	i. First 10,000 square feet	\$300.00
	ii. Each additional 10,000 square feet or portion thereof	\$175.00 (maximum \$2,500.00)
M.	Commercial Minor Site Plan (improvements to existing site) Multi-family & Subdivision	\$500.00
N.	Subdivisions	
	i. Pre-Conceptual Plan	\$300.00
	ii. Preliminary Plat	
	• First 15 lots (plus \$25.00 per lot/parcel)	\$250.00
	• 16 lots or more (plus \$25.00 per lot/parcel)	\$500.00
	iii. Improvement (Construction) Plan Review	\$750.00
	• Plus – (per 100 feet of roadway)	\$30.00
	iv. Final Plat	
	• First 15 lots (plus \$25.00 per lot/parcel)	\$250.00
	• 16 lots or more (plus \$25.00 per lot/parcel)	\$500.00
	v. PUD (Required if Site Plan Approval was not part of the PUD Comp. Plan Amendment)	\$2,500.00
O.	Admin. Appeal to the City Council	\$250.00
P.	D.R.I. (Development of Regional Impact)	\$15,500.00
Q.	Written Zoning Verification	\$150.00
R.	Administration Permit Fee	\$75.00

Fees Are Due Upon Submittal And Are Non-Refundable, Unless The Application Is Withdrawn In Writing, Within Five (5) Business Days Of Submittal (Not Including City-Observed Holidays), Unless Otherwise Approved By The City ~~Administrator~~ Clerk Or By Majority Vote Of The City Council.

Zoning/Community Development Fees:

A.	Change of Occupant/Occupancy	
ii.	Building Code Inspection	\$75.00
C.	Daily Use (Seasonal 30 day term or Annual 365 day term)	
i.	Permit Fee	\$125.00
iii.	Tent Permit Fee	\$125.00
iv.	Sign	\$125.00
D.	Home Occupation	\$100.00
E.	Not for Profit Funds Solicitation Permit	\$0.00
F.	Public Use	\$125.00
i.	Refundable Trash Deposit	\$300.00
G.	Right of Way	\$125.00
H.	Sign	\$125.00
I.	Special Event	
i.	Permit Fee	\$125.00
ii.	Tent	\$125.00
iii.	Cash bonds for carnivals, circuses, shows, exhibitions, parades (Sec. 18-102)	\$300.00
iv.	Special Event Vendor Permit	\$30.00
v.	Not for profit organizations - parade permit fees	\$0.00
vi.	Not for profit organizations - cash bonds for carnivals, circuses, shows, exhibitions, parades (Sec. 18-102)	\$0.00
J.	Certificate of Appropriateness	\$75.00
K.	Tent / Inflatable for use with another Zoning Permit	\$125.00
ii.	Refundable Trash Deposit	\$300.00
L.	Tent / Inflatable – Stand Alone Permit	\$125.00
ii.	Refundable Trash Deposit	\$300.00
M.	Lien Search	\$75.00
N.	After the Fact Permit (Failure to Comply)	Double Permit Fee
O.	Administrative Fee	\$0 (permit <\$120) \$50 – Base for permits \$120 - \$200

		\$50 – Base + 2% of permit cost for permits >\$200
	i. Not for profit organizations, admin. fees for parades	\$0.00
P.	Tree Permit Fee	
	i. Residential	\$50.00
	ii. Commercial	\$100.00
Q.	911 Management Fees	
	<u>Address Assignment</u>	<u>\$25.00</u>
	<u>Address/Parcel Verification (Email Response)</u>	<u>\$10.00</u>
	<u>Address/Parcel Verification with Letter Issued</u>	<u>\$25.00</u>
	<u>Property Owner Requested Address Change</u>	<u>\$25.00</u>

Unless Otherwise Set Forth in This Schedule ‘A,’ All City of Dunnellon Permits/Fees Are Subject to Recovery of Costs Incurred which may include, but are not limited to: attorney costs, engineering costs, and advertising costs.

Unless Otherwise Set Forth in This Schedule ‘A,’ All City of Dunnellon Permits/Fees are subject to an Administrative Fee as listed, except tree permits.

City personnel may be employed during Special Events or parades for public safety.

The City ~~Administrator~~ Clerk is hereby authorized to waive the permit fee if a hardship is proven.

The City ~~Administrator~~ Clerk is authorized to charge an additional fee to events and parades in an amount not to exceed the costs incurred by the City.