

ORDINANCE #2000-05

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, APPENDIX A, ZONING ORDINANCE, ARTICLE II, GENERAL REGULATIONS, SECTION 2. GENERAL REGULATIONS FOR STRUCTURES AND USES. (E) REGULATION OF SIGNS, THROUGH MODIFICATION; BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS A. PERMITTED USES (2) PERMITTED USES IN THE C-2 DISTRICT, THROUGH MODIFICATION; BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS (C) SPECIAL EXCEPTION USES (4) SPECIAL EXCEPTION USES IN C-4, THROUGH MODIFICATION; BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 4. INDUSTRIAL DISTRICTS (1) PERMITTED USES IN THE I-1 DISTRICT THROUGH MODIFICATION; BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 6. RURAL DISTRICTS (A) AGRICULTURAL DISTRICT (1) PERMITTED USES, THROUGH MODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

WHEREAS, the County's adopted Land Development Regulations contain zoning districts which permit commercial billboard advertising signs on property within Hernando County and

WHEREAS, the adopted Comprehensive Plan gives the County the ability to address permitted uses in zoning districts, and regulate signage through the Land Development Regulations.

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners to adopt ordinances to provide standards that provide for the health, safety, and welfare of the citizens of Hernando County; and,

WHEREAS, the Board of County Commissioners has determined that commercial billboard advertising signs negatively impact the aesthetics of development in Hernando County and therefore are detrimental to the health, safety, and welfare of the citizens of Hernando County, FL.

SECTION 1. BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE II, GENERAL REGULATIONS, SECTION 2. GENERAL

FILED
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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

**REGULATIONS FOR STRUCTURES AND USES. (E)
REGULATION OF SIGNS, (9) OFF-SITE ADVERTISING SIGNS,
THROUGH DELETION AND RENUMBERING SUBSEQUENT
ITEMS, AS FOLLOWS:**

E. Regulation of Signs - Purpose:

9. Off-Site advertising signs and billboards:

- a. For purposes of this section, the term “off-site commercial billboard advertising sign” as used herein shall mean and include off-site outdoor advertising signs more specifically defined as any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form, whether placed individually or on a V-type, back-to-back, side-to-side, stacked, or double-faced display or automatic changeable facing, designed, intended, or used to advertise or inform, any part of the advertising message or informative contents of which is visible from any place on the main-traveled way. The term does not include an official traffic control sign, official marker, or specific information panel erected, caused to be erected, or approved by the Board of County Commissioners.
- b. The purpose of this section is hereby set forth as follows:
 1. To promote the health, safety, and welfare of persons within the County by avoiding an environment that encourages visual blight; and
 2. To prohibit the future installation, construction, placement, or erection of billboards which are hereby determined to be detrimental to the aesthetic sense and public health, safety, and general welfare of the citizens of Hernando County.
- c. The installation, construction, placement, or erection of off-site commercial billboard advertising sign (billboards) is prohibited in the unincorporated areas of Hernando County.
- d. Existing permitted off-site commercial billboard advertising signs (billboards) shall be considered nonconforming signs and may remain only as long as they maintain their nonconforming status. Off-site commercial billboard advertising sign (billboards) for which permits have been applied for pursuant to applications received on or prior to December 7, 1999, if otherwise approved by the County, may be constructed, placed, or erected

after the effective date of this ordinance in compliance with the Hernando County Land Development Code as such section existed prior to this ordinance, but said billboards thereafter shall be considered nonconforming signs and may remain only as long as they maintain their nonconforming status.

1. The following shall apply to these nonconforming signs:
 - a. A nonconforming sign must remain substantially the same as it was as of the date it became nonconforming. Reasonable repair and maintenance, including change of advertising message, is permitted and is not a change which would terminate nonconforming rights. The following are examples of modifications to a nonconforming sign that will result in the loss of nonconforming status:
 - (1) Modification that changes the type of structure of the sign, such as conversion of a wooden sign structure to a metal structure;
 - (2) Modification that enlarges the area of the sign facing, however, embellishments may be added to nonconforming signs subject to the limitations regarding size of sign facing and provided they do not exceed ten (10%) percent of the area of the sign facing prior to the addition of the embellishment;
 - (3) Modification that raises the height of the sign;
 - (4) Modification that adds automatic changeable faces;
or
 - (5) Modification that adds artificial lighting.
 - b. A nonconforming sign may not be removed and re-erected at the same location except as provided in 2. below.
 - c. A nonconforming sign may be relocated in kind on property under the same ownership and with the same parcel key number without any modifications as specified in a. above as a result of condemnation action by any governmental agency.
 - d. A nonconforming sign which is destroyed by an act of God, weather conditions, vandalism, or other criminal or tortious act, may be re-erected in kind on property under the same

ownership and with the same parcel key number without any modifications as specified in a. above for the remaining life of the existing lease but not to exceed fifteen (15) years from the date of destruction.

- e. A sign face which remains void of advertising matter for six (6) months or longer shall be deemed an abandoned or discontinued sign and shall lose its nonconforming status. Signs displaying an "available for lease" or similar message, signs displaying advertising for goods, products, services, facilities, events, or attractions which are no longer available, and partially obliterated signs which do not identify particular goods, products, services, facilities, events, or attractions shall be considered void of advertising matter. Failure of an owner to register the sign with the County as required below shall be prima facie evidence of abandonment.
2. The County may authorize structural alterations to a nonconforming sign in instances where Occupational Safety and Health Administration (OSHA), or other safety related requirements necessitate alterations, provided that reconstruction shall not be authorized primarily for the purpose of replacement of deteriorated materials. Alterations to the structure are allowed only if no alternatives are available which address safety requirements without requiring structural alterations. Documentation of these requirements must be submitted to the County for approval prior to making any sign alterations. If approval for structural alteration is granted by the County, the location, structural configuration, number of faces, size of the sign faces, sign structure height, and the materials used in the sign structure and sign faces must be the same type as those used in the sign prior to approval of the alterations. During the period of temporary removal for those approved alterations, the owner must permanently display the identification tag at the sign location.
- e. Registration of off-site commercial billboard advertising sign (billboards).
 - 1. All owners of off-site commercial billboard advertising sign (billboards) shall by October 4, 2000, and on an annual basis thereafter, register each billboard with the County, pay an initial registration fee, and a renewal fee annually thereafter, which fees will be established by resolution and may be amended from time to time by resolution of the Board of County Commissioners, and obtain an identification tag which tag shall be permanently affixed to the

billboard in a location that is clearly visible from any adjacent public right(s)-of-way.

2. The application for such registration shall include the following information:
 - a. The name, telephone number, and address of the owner of the billboard;
 - b. The name, telephone number, and address of the owner of the parcel on which the billboard is located with key number of parcel;
 - c. The size and height of the billboard;
 - d. Evidence to the satisfaction of the County that the billboard was lawfully permitted and in compliance with the applicable laws and ordinances when it was constructed or had existed as a lawful nonconforming billboard under the provisions of the previous outdoor advertising sign (billboard) ordinance.
3. By October 4, 2000, all other billboards shall be immediately removed.
4. Registration fees collected are to be deposited in a separate County account to be used to provide funds for additional code compliance officers to ensure compliance with the terms of this ordinance.
5. It shall be the responsibility of the owners of off-site commercial billboard advertising sign (billboards) to ensure that the information on file with the County is both current and accurate.

SECTION 2. BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS (A) PERMITTED USES, (2) PERMITTED USES IN THE C-2 DISTRICT THROUGH MODIFICATION, AS FOLLOWS:

Section 3. Commercial Districts.

The following regulations shall apply to Commercial Districts as indicated:

- (2) Permitted uses in a C-2 Highway Commercial District shall be as follows:
 - (a) Any use permitted in a C-1 General Commercial District

- (b) Drive-in restaurants
- (c) Automotive dealer establishments, including the principal selling of used cars
- (d) Tire and automotive accessory establishments
- (e) Automotive specialty establishments
- (f) Automotive and truck rental establishments
- (g) Automobile dealer establishments for the principal selling of new cars with service establishments including body shops
- (h) Automobile and truck repair establishments excluding body shops
- (i) Veterinarian and animal clinics or hospital service establishment
- (j) Alcoholic beverage dispensation
- (k) Publishing and printing service establishments
- (l) Domestic rental establishments
- (m) Crematories
- (n) Public transportation terminals for buses and taxis only
- (o) Light construction service establishments
- (p) Retail plant nurseries
- (q) Mini-warehouses
- (r) One (1) single-family dwelling unit (minimum of six hundred (600) square feet) per commercial parcel in conjunction with the operation of a business on the premises; such single-family dwelling unit shall be an integral part of the principal business structure and located behind or above that portion of the business structure devoted to service to the public
- (s) Boat sales and service with or without outside display

SECTION 3. BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 3. COMMERCIAL DISTRICTS (C) SPECIAL EXCEPTION USES (4) SPECIAL EXCEPTION USES IN C-4, THROUGH MODIFICATION, AS FOLLOWS:

- (4) Special exception uses in a C-4 Heavy Highway Commercial District shall be as follows:
 - (a) Heavy wholesale and storage establishments

- (b) Heavy heating fuel and ice establishments
- (c) Heavy outdoor advertising service establishments
- (d) Heavy farm equipment and supply establishments
- (e) Heavy building material establishments
- (f) Heavy construction service establishments
- (g) Heavy landscaping service establishments
- (h) Light and heavy motor freight transportation establishments

SECTION 4. BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 4. INDUSTRIAL DISTRICTS (1) PERMITTED USES IN THE I-1 DISTRICT THROUGH MODIFICATION AS FOLLOWS:

Section 4. Industrial Districts.

The following regulations shall apply in Industrial Districts as indicated:

- (1) *Permitted uses:* Permitted uses in the I-1 Light Industrial district shall be as follows:
 - (a) Light manufacturing
 - (b) Light wholesale and storage establishments
 - (c) Light outdoor advertising service establishments
 - (d) Light research, development and testing laboratories
 - (e) Light motor freight transportation establishments
 - (f) Aircraft parts establishments
 - (g) Automobile and truck repair establishments
 - (h) Welding shops
 - (i) Cabinet shops
 - (j) Automobile service establishments
 - (k) Domestic rental services
 - (l) Miniwarehouses
 - (m) Publishing and printing service establishments
 - (n) Monopole Towers 150 feet or less in height

SECTION 5. BY AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 6. RURAL DISTRICTS (A) AGRICULTURAL DISTRICT (1) PERMITTED USES, THROUGH MODIFICATION AS FOLLOWS:

Section 6: Rural Districts.

A. Agricultural District

- (1) *Permitted Uses:* The following permitted uses shall apply in the agricultural district:
- (a) Animal specialty farms
 - (b) Farming
 - (c) Farming service establishments
 - (d) Fisheries
 - (e) Forestry
 - (f) Forestry service establishments
 - (g) Horticultural specialty farms
 - (h) Hunting, trapping and game propagation
 - (i) Landscaping service establishment
 - (j) Single-family dwelling
 - (k) Mobile Home provided that such mobile home meets all of the regulations, requirements and provisions of this ordinance for minimum living area within the zoning district
 - (l) wildlife management activities
 - (m) resource-oriented recreational activities

SECTION 6. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remaining portions of said ordinance shall not be affected thereby.

SECTION 7. INCLUSION INTO THE CODE

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Hernando County, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 8. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of the official acknowledgment from the office of the Secretary of State of the State of Florida that this Ordinance has been filed with said office.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION
THIS 4TH DAY OF APRIL, 2000.**

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

BY *Paul H. Sullivan*
PAUL H. SULLIVAN, CHAIRMAN

SEAL

ATTEST *Jenine E. Wimer, Deputy Clerk*
KAREN NICOLAI, CLERK

