

ORDINANCE NO.: 2008-03

AN ORDINANCE OF THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING CONTENT NEUTRAL SIGN REGULATIONS BY PROVIDING FOR TIME, PLACE AND MANNER RESTRICTIONS AUTHORIZED BY THE U.S. AND FLORIDA CONSTITUTIONS IN FURTHERANCE OF THE GOALS OF THE HERNANDO COUNTY COMPREHENSIVE PLAN, INCLUDING LAND USE COMPATIBILITY, AESTHETICS, AND THE PUBLIC HEALTH, SAFETY AND WELFARE; FURTHER PROVIDING FOR PURPOSE AND INTENT, INCLUDING SEVERABILITY; APPLICABILITY AND EFFECT; DEFINITIONS; ILLUMINATION AND ANIMATION; FLAGS, BANNERS, TEMPORARY SIGNS, TEMPORARY DIRECTIONAL SIGNS, AND DISPLAYS; MAINTENANCE; AVOIDANCE OF OBSTRUCTION TO VISION; AUTHORIZED SIGN AREA SETBACKS, HEIGHT AND NUMBER FOR SIGNS, BASED ON ZONING DISTRICT AND ROAD CLASSIFICATION; A CONTINUING PROHIBITION ON CONSTRUCTION OF NEW BILLBOARDS AND PERMITTING FOR NONCONFORMING BILLBOARDS; SIGNS REQUIRED BY LEGAL PROCESS OR FOR PROTECTION OF PUBLIC SAFETY AND WELFARE; AUTHORIZATION OF ADDITIONAL SIGNS AT CERTAIN TIMES, AS WHEN PROPERTY IS ADVERTISED AS AVAILABLE FOR SALE, LEASE OR RENT, OR DURING ELECTION CAMPAIGNS AS A MEANS OF ENCOURAGING CORE POLITICAL SPEECH; SUBDIVISION, DEVELOPMENT AND MODEL CENTER IDENTIFICATION; SIGNS FACILITATING TRAFFIC MOVEMENT; VEHICLE SIGNS; MODEL HOME SIGNS; HOME OCCUPATION SIGNS; CONSTRUCTION SIGNS; PERMIT APPLICATION, ISSUANCE AND APPEAL RIGHTS; RESIDENTIAL AREA SIGNS; ADDITIONAL RESTRICTIONS FOR PDD's AND PDP's; PERMANENT SIGNS; TEMPORARY SIGNS; REGULATIONS FOR GARAGE SALE SIGNS; INCLUSION IN THE CODE, WITH DIRECTIONS TO THE CODIFIER AND INSTRUCTIONS THAT THE REGULATIONS HEREIN PREVAIL OVER PRIOR CONFLICTING ORDINANCES; AND FOR AN EFFECTIVE DATE.

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

SECTION 1. Regulation of signs---Purpose and intent.

The purposes of these sign regulations are: to encourage the effective use of signs as a

1 means of communication in Hernando County; to maintain and enhance the aesthetic
2 environment and maintain the county's ability to attract sources of economic
3 development and growth; to improve vehicular and pedestrian traffic and safety; to
4 minimize the possible adverse effects of signs on nearby public and private property; to
5 enable the fair and consistent enforcement of these sign regulations; and to support the
6 policies contained in the Comprehensive Plan pertaining to signage. By enacting these
7 regulations, the Board of County Commissioners hereby specifically intends that each
8 and every section, subsection, paragraph, subparagraph, list element or word shall be
9 severable; and that the elimination of any one or more of said portions of these
10 regulations shall have no effect on the validity and enforceability of all other provisions
11 hereof. The Board further specifies and directs its intent that, in any judicial
12 construction of these regulations, as to the whole or any portion thereof, it shall be
13 presumed that each and every section, subsection, paragraph, subparagraph, list or
14 word herein would have been enacted without regard to whether or not any other such
15 provisions were or were not valid or otherwise included herein. It is further the intent of
16 the Board that these regulations shall allow the maximum amount of expression or
17 speech consistent with the compatibility of such expression or speech with other land
18 uses and with the aesthetic and public health, safety and welfare concerns which the
19 Board is charged by law and the Florida Constitution with preserving and protecting.

20 **SECTION 2. Applicability--Effect.**

21 All signs shall be subject to the regulations provided herein except where otherwise
22 provided for in this ordinance or other ordinances pertaining to sign usage and erection.
23 The effect of this ordinance, as more specifically set forth herein, is to:
24 Establish a permit system to allow a variety of signs in commercial and industrial zones,
25 and a limited variety of signs in other zones, subject to the standards and permit
26 procedures of this ordinance;
27 Enable the identification of places of residence and business; and
28 Lessen hazardous situations, confusion and visual clutter caused by proliferation,
29 improper placement, illumination, animation and excessive height, area and bulk of
30 signs which compete for attention of pedestrian and vehicular traffic; and,

1 Enhance the attractiveness and economic well-being of the county as a place to live,
2 vacation and conduct business; and,
3 Protect the public from the dangers of unsafe signs; and
4 Permit signs that are compatible with their surroundings and aid orientation, and
5 preclude placement of signs in a manner that conceals or obstructs adjacent land uses or
6 signs;
7 Encourage signs that are appropriate to the zoning district in which they are located and
8 consistent with the categories of land use in which they are located or to which they are
9 proximate; and
10 Curtail the size and number of signs and sign messages to the minimum reasonably
11 necessary to identify a residential or business location and the nature of any such
12 business or to allow expression of commercial, noncommercial or political viewpoints,
13 while permitting the maximum amount of speech consistent with land use
14 compatibility, aesthetics, and public health, safety and welfare; and,
15 Establish sign size in relationship to the type of land use, and to the scale of the lot and
16 building and roadway classification on which the sign is to be placed or to which it
17 pertains; and
18 Regulate signs in a manner so as to not interfere with, obstruct vision or distract
19 motorists, bicyclists or pedestrians; and,
20 Require signs to be constructed, installed and maintained in a safe and satisfactory
21 manner; and
22 To allow certain signs that are small, unobtrusive and incidental to the principal use of
23 the respective parcels or lots on which they are located, subject to the substantive
24 requirements of this ordinance, but without a requirement for permits; and
25 Narrowly tailor sign regulations to balance the interests of citizens in free speech with
26 the compelling government interests in compatibility of uses, aesthetics, and the health,
27 safety and welfare of the public; and
28 Prohibit all signs not expressly permitted by this ordinance; and
29 Provide for the enforcement of the provisions of this ordinance.

30

1 **SECTION 3. Definitions.**

2 a. Sign: Any structure, display, device, painting, drawing, message, placard, poster,
3 billboard or notice bearing a name, direction, advertisement, statement or other
4 message that is displayed or posted for public view.

5 b. Sign face: The surface of a structure either designed for, designated for or displaying
6 sign copy. No portion of the supporting structure shall extend past the sign face except
7 for the structure base which makes contact with the ground or unless the supporting
8 structure is architecturally compatible with the buildings located on site.

9 c. Sign area: The area of a sign shall be the area within the smallest square, rectangle,
10 parallelogram, trapezoid, triangle, circle or semicircle, the sides of which touch the
11 extreme points or edges of the sign face. Where a sign has two (2) display faces back to
12 back, parallel to one another, the area of only one face shall be considered the sign area.
13 For spheres and other three-dimensional structures, the sign area will be the maximum
14 two (2) dimensional area the sign displaces.

15 d. Sandwich board signs: Any sign, double or single faced, which is portable and may
16 readily be moved from place to place.

17 e. Portable sign: Any sign not permanently attached to the ground or other permanent
18 structure, or a sign designed to be transported, but not including a vehicle sign as
19 defined herein.

20 f. Banner: A sign backed by cloth, fabric, or similar material designed to be attached
21 between or upon poles, posts, trees, fences, buildings or similar devices. Banner does
22 not include flag as defined in this ordinance.

23 g. Flag: Any piece of cloth, fabric or similar material containing distinct colors,
24 characters, numbers, letters, illustrations, patterns or symbols mounted on a single
25 vertical staff along one (1), two (2) or three (3) edges.

26 h. Community service use: includes places of public assembly, schools, community
27 centers, parks and other similar community service uses.

28 i. Special event: temporary events including such uses as carnivals, circuses, tent
29 revivals, festivals and other special events of a similar nature. Such special events must
30 receive conditional use permit approval pursuant to the zoning ordinance, or a special

1 event permit through the county or other applicable jurisdiction.

2 j. Lot or parcel: any land in Hernando County separately classified according to a
3 unitary individual, corporate or collective ownership by the Hernando County Property
4 Appraiser, for purposes of tax assessment; or any platted lot or other identified tract
5 within a recorded subdivision (or unrecorded subdivision, if recognized by the Property
6 Appraiser); but not including any public road right-of-way or easement, or any rights-
7 of-way or easements owned by public or quasi-public utility providers and directly used
8 for the provision of utility services.

9 k. Vehicle sign: a sign painted on or affixed to a vehicle, as such term is defined in
10 Chapter 316, Florida Statutes, in such manner that the contours of the sign structure, if
11 any, are coexistent with the contours of the vehicle.

12
13 **SECTION 4. Illumination and animation:**

14 a. No sign shall be illuminated in a manner which allows direct visibility of the lighting
15 source or glaring reflection thereof from a public street unless the lighting source is
16 rated at fifteen (15) watts or less. Floodlights and spotlights shall be shielded to prevent
17 their visibility from public streets and other properties. The intent of this section is to
18 allow adequate illumination without glare or bright lights which could distract or impair
19 the visibility of motorists, pedestrians or neighbors.

20 b. Flashing lights are permitted, provided that the lights individually do not exceed
21 fifteen (15) watts and provided that all such lights and advertising illuminated thereby
22 are at least twelve (12) feet above the profile grade lines of all streets within one hundred
23 fifty (150) feet of the sign. Flashing lights shall not be colored so as to resemble lights
24 used for traffic or emergency signals (such as red, amber, green and blue).

25 c. Animated signs and flags shall be located at least twelve (12) feet above the profile
26 grade lines of all streets within one hundred fifty (150) feet of the sign.

27
28 **SECTION 5. Flags, banners, temporary signs, temporary directional signs,**
29 **and displays.**

30 a. No more than one (1) permanent banner with a maximum size of 24 square feet shall

1 be allowed on a lot or parcel zoned for commercial or industrial use except pursuant to
2 paragraph c below. Such banner shall be securely mounted and kept in good
3 maintenance. No zoning permit or certificate of use will be required for this permanent
4 banner.

5 b. No more than three (3) flags shall be allowed on a lot or parcel zoned for residential,
6 commercial or industrial use, except pursuant to paragraph c below. Notwithstanding
7 the foregoing, any commercial or industrial parcel with more than three hundred (300)
8 feet of frontage on a roadway classified as arterial or major collector may display one
9 permanent flag for each one hundred (100) feet of such frontage, or portion thereof. No
10 zoning permit or certificate of use is required for permanent flags.

11 c. 1. Except as provided in paragraphs a and b above or as otherwise expressly
12 permitted by this ordinance, flags, pennants and banners, portable signs, streamers,
13 balloons, sandwich board signs and other similar devices are hereby prohibited, except
14 that such devices may be utilized in connection with a permittee's activity on a lot or
15 parcel zoned for recreational, commercial or industrial use not more than six (6) times
16 during a calendar year and the aggregate duration of all such events totals no more than
17 sixty (60) days per calendar year. Additional events may be permitted, even if the sixty
18 (60) day total for that lot or parcel has been used in a calendar year, but any such
19 additional events shall be limited to fifteen (15) days each and may occur no more than
20 once per year for the occupant of a single-use lot or parcel or for any single occupant of a
21 multi-occupant parcel. One additional twenty-one (21) day period may be permitted for
22 a new business within sixty (60) days of the opening of a new business at a new or
23 existing business location. "Opening" shall mean the day upon which the new business
24 is first open to the general public.

25 2. The applicant for temporary signage authorized herein is required to obtain a
26 temporary sign permit from the county with the dates of display stated on the permit. If
27 the applicant is not the record owner of the lot or parcel, the application for a permit
28 shall include authorization from the record owner or such owner's authorized agent. No
29 other zoning permit or certificate of use will be required for these types of devices. By
30 this requirement, it is the specific intent of the board of county commissioners that no

1 such devices shall be allowed except pursuant to the provisions of this paragraph and
2 that any provision of the Hernando County Code of Ordinances relating to
3 non-conforming uses shall not apply to such devices. Temporary uses or structures
4 other than signs as defined herein shall remain subject to such other requirements as
5 may be set forth in the Hernando Count Zoning Ordinance, as amended from time to
6 time.

7 3. Where the applicant is the owner or lessee of a lot or parcel and is a fraternal or
8 patriotic organization pursuant to articles of incorporation filed with the State of
9 Florida, the Administrative Official may issue a permit for such lot or parcel to allow up
10 to three additional flags beyond the maximum of three authorized hereunder provided
11 that such additional flags shall be setback at least 75 feet from any road frontage on an
12 arterial or collector roadway to minimize the potential of traffic safety issues due to
13 distraction. Such organization may be for profit or not for profit but must have service
14 to and for its members as its principal business purpose.

15 4. If the lot or parcel has occupants other than the record owner, any citation for
16 violating this subsection regarding temporary signage may be issued to the record
17 owner, the occupant in violation, or both.

18 d. Temporary flags, pennants and banners, portable signs, streamers, balloons,
19 sandwich board signs and other similar devices are allowable on a temporary basis for
20 community service uses proximate in time to events and activities associated with the
21 community service use. Such temporary signage shall be removed upon the end of the
22 event. No permit is required for the temporary community service event signage.

23 e. In addition to any other signs allowed or permitted pursuant to this ordinance,
24 temporary directional signs shall be allowed on a privately-owned lot or parcel for
25 special events, real estate open houses, garage sales and similar events. Such directional
26 signs shall not be allowed on the county right-of-way. No permit is required for a
27 temporary directional sign. The sign shall indicate the dates of the event, the party
28 responsible for the event and the address of the event, which event information is for
29 county monitoring purposes only and is not required to be visible from the street. Such
30 signs shall be made of durable water proof material and may be no greater than six (6)

1 square feet in size. Any such sign shall be posted no earlier than 7:00 a.m. on the day
2 first day of the event to which the sign relates and shall be removed by sundown on the
3 last day of the event to which the sign relates; provided that such signs for special events
4 which have a conditional use permit or a special event permit may be placed a
5 maximum of forty-eight (48) hours prior to the beginning of the event and must be
6 removed within twenty-four (24) hours of the conclusion of the event.

7 f. The provisions of this subsection 4. shall not apply to portable signs, wall signs and
8 sandwich board signs which are:

9 1. Displayed to persons or customers who are already physically on the lot, parcel or
10 other premises owned or leased by a business or nonprofit entity; and

11 2. Not intended for display or legibly visible to members of the general public not
12 already on the specific business or entity lot, parcel or leasehold.

13 For purposes of this limited exception, "leasehold" may include a common area shared
14 with or by other lessees.

15
16 **SECTION 6. Maintenance.**

17 All signs for which authorization is required by this ordinance, including their
18 supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted
19 and display areas, shall be maintained in accordance with the building and electrical
20 codes adopted by Hernando County, and shall present a neat and clean appearance with
21 all parts in proper alignment and the face clearly readable. It shall be unlawful not to
22 maintain a sign as provided for in this section. The county shall issue a citation for
23 failure to comply with the sign maintenance provision. After a citation has been issued,
24 the county may initiate action to require the removal of an unmaintained sign at the
25 owner's expense.

26
27 **SECTION 7. Obstruction to vision.**

28 The provisions of the Hernando County Land Development Regulations relating to
29 obstruction to vision shall apply to all signs except for pole supports which may occur
30 within the clear sight window provided that such supports do not exceed one foot in

1 diameter and provided that no more than one such pole support for any single sign shall
2 encroach into the defined area.

3
4 **SECTION 8. Signs as an accessory use.**

5 Signs are considered accessory uses accompanying and complementing uses of land
6 which are authorized as consistent with the Hernando County comprehensive plan or
7 are otherwise authorized. The intent of this section is to allow for such signs as are
8 accessory to the principal use of the lot or parcel on which they are located and to allow
9 the benefits of such signs; while avoiding unsightly and unnecessary visual clutter,
10 minimizing distractions and hazards to motorists and pedestrians, and providing a
11 medium for the expression of commercial, noncommercial and political expression or
12 speech, as each category of speech may be applicable and accessory to a particular
13 authorized land use.

14 a. Sign area:

15 1. The maximum size of a sign shall be determined by the classification of the road
16 abutting the lot or parcel on which the sign is located and by the zoning district in which
17 the lot or parcel is located. The roadway classification map developed by Hernando
18 County is hereby adopted by reference and made part of this section. Official roadway
19 classification maps shall be placed on file at the Hernando County Planning
20 Department. The classification map may be modified by board resolution at any time
21 upon notice of an advertised public hearing.

22 2. U.S. and state highways, limited access highways (i.e., U.S. 19, U.S. 41, S.R. 50, S.R.
23 589, U.S. 98, U.S. 301, I-75), or any new limited access highway, new U.S. or state
24 highway--commercially zoned parcels with less than one hundred (100) linear feet of
25 road frontage will be allowed one sign not to exceed one hundred (100) square feet in
26 sign area. Commercially zoned parcels with a road frontage in excess of one hundred
27 (100) linear feet will be allowed one square foot of sign area per linear foot of road
28 frontage with a maximum of two hundred (200) square feet of sign area.

29 Other collector/arterial roads (as identified on the roadway classification
30 map)--maximum one hundred (100) square feet of sign area for parcels zoned for

1 commercial use.

2 For commercially zoned parcels on all other roads and for parcels within any zoning
3 district other than commercial or residential--maximum fifty (50) square feet of sign
4 area.

5 3. The maximum size for all signs in any district zoned for residential use is six (6)
6 square feet, provided that nothing herein shall authorize any commercial use of any
7 property zoned for residential use, including but not limited to signage thereon;
8 provided, however, that more specific regulations herein for an authorized commercial
9 use on a residential parcel or lot, such as a special exception or conditional use for home
10 occupation or model home, shall control sign size on such parcel or lot.

11 b.. Setbacks: The setbacks for signs are dependent on size. Setback distances are
12 measured from the lot line to the closest part of the sign.

13 1. Signs up to and including seventy-five (75) square feet in area shall be located at least
14 five (5) feet from all lot lines.

15 2. Signs greater than seventy-five (75) and up to and including one hundred fifty (150)
16 square feet in area shall be located at least ten (10) feet from all lot lines.

17 3. Signs greater than one hundred fifty (150) square feet shall be located at least twenty
18 (20) feet from all lot lines.

19 4. The provisions of the Hernando County Land Development Regulations pertaining
20 to variances shall apply to the dimensional standards herein required.

21 c. Height:

22 1. All sign area shall be at least ten (10) feet above the grade of the edge of the street
23 surface if it is located within the clear sight triangle in accordance with the Hernando
24 County Facilities Design Guidelines. There are no minimum height requirements in
25 other areas of the lot.

26 2. The maximum height for signs will be determined by the type of road abutting the
27 lot or parcel on which the sign is located and is as follows:

28 Limited access highways (i.e., I-75, S.R. 589, or any new limited access highways)--Sixty
29 (60) feet above the grade level of the highway within a 1,000-foot radius of an
30 intersection providing access to the highway and forty (40) feet above the grade level of

1 the highway in other areas.
2 U.S. and state highways (i.e., U.S. 19, U.S. 41, S.R. 50, S.R. 589, U.S. 98, U.S. 301 or any
3 new U.S. or state highway)--Forty (40) feet above the grade level of the highway.

4 All other roads--Twenty-five (25) feet above the grade level of the road or twice the
5 height of the building, whichever is less, provided that, except for flags as defined
6 herein, no sign on a lot or parcel zoned for residential use shall be higher than six (6)
7 feet from the ground in which or over which it is mounted.

8 d. Directory type signs: In commercial or industrial centers where two (2) or more
9 activities are located, a directory type of sign display is encouraged so as to avoid visual
10 clutter. These signs may have an additional fifty (50) square feet of sign area when
11 utilized but shall not exceed twenty-five (25) percent above the maximum sign size
12 allowed pursuant to subsection E.8.a. above.

13 e. Number of signs:

14 1. Individual firms or activities located on a single parcel or lot may display no more
15 than one sign.

16 2. Individual firms or activities located on a corner parcel or lot may display one sign
17 of maximum sign area as determined by the road frontage the lot has, or they may have
18 one sign along each road, provided the combined area of these signs does not exceed the
19 maximum as determined by the road frontage.

20 3. Shopping centers, malls, strip plazas and other buildings housing more than one
21 business or activity may display no more than one sign for each two hundred (200) feet
22 of frontage, provided they are at least two hundred (200) feet apart along public streets
23 and provided each sign does not exceed the maximum allowed according to
24 subsection.8.a. herein.

25 4. There shall be no limit to the number of attached signs which may be attached to
26 walls after issuance of a zoning and other appropriate permits. All parts of attached
27 signs shall be at least five (5) feet from all lot lines. The total display area for all attached
28 signs shall not exceed twenty (20) percent of the building facade on which the sign is
29 located. This section is not intended to limit the number of or placement of placard
30 signs in windows.

- 1 5. There shall be no limit to the number of signs which are:
2 (i) Displayed to persons or customers who are already on the lot or parcel owned or
3 leased by a business or nonprofit entity; and
4 (ii) Which are not intended for display or visibly legible to members of the general
5 public not already on the specific business or entity lot, parcel or leasehold.
6 For purposes of this limited exception, "leasehold" shall not include any common area
7 shared with and by other lessees.

8 6. Except as otherwise provided in this ordinance, an individual lot or parcel zoned for
9 residential use may display no more than one sign. No zoning permit or certificate is
10 use is required for such sign.

11
12 **SECTION 9. Billboards:**

13 a. For purposes of this section, the term "billboard sign," or "billboard," as used herein,
14 shall mean any combination of structure and message in the form of an outdoor sign,
15 display, device, figure, painting, drawing, message, placard, poster, billboard,
16 advertising structure, advertisement, logo, symbol, or other form, whether placed
17 individually or on a V-type, back-to-back, side-to-side, stacked, or double-faced display
18 or automatic changeable facing, when any part of the message is visible from any place
19 on a public right-of-way; which exceeds the size, setback or height limitations set forth
20 herein. The term does not include a sign meeting applicable size, setback and height
21 limitations which is authorized and permitted based on zoning district, land use, and
22 road frontage and classification, or authorized without permit requirement under other
23 provisions of this ordinance; nor does it include an official traffic control sign, official
24 marker, or specific information panel erected, caused to be erected, or approved by the
25 board of county commissioners or a state or federal governmental entity when the board
26 or other entity owns or exercises jurisdiction over the property.

27 b. The purpose of this section is hereby set forth as follows:

- 28 1. To promote the health, safety, and welfare of persons within the county by avoiding
29 an environment that encourages visual blight; and
30 2. To prohibit the installation, construction, placement, or erection of billboards which

1 are hereby determined to be detrimental to the aesthetic sense and public health, safety,
2 and general welfare of the citizens of Hernando County.

3 c. The installation, construction, placement, or erection of billboard signs (billboards)
4 is prohibited in the unincorporated areas of Hernando County.

5 d. Existing permitted billboard signs (billboards) registered pursuant to Ordinance No.
6 2000-05 shall be considered nonconforming signs and may remain only as long as they
7 maintain their nonconforming status, provided that a nonconforming sign must remain
8 substantially the same as it was as of the date it became nonconforming. Reasonable
9 repair and maintenance, including change of message, is permitted and is not a change
10 which would terminate nonconforming rights. The following modifications to a
11 nonconforming sign shall result in the loss of nonconforming status:

12 (1) Modification that changes the type of structure of the sign, such as conversion of a
13 wooden sign structure to a metal structure;

14 (2) Modification that enlarges the area of the sign facing, however, embellishments
15 may be added to nonconforming signs subject to the limitations regarding size of sign
16 facing and provided they do not exceed ten (10) percent of the area of the sign facing
17 prior to the addition of the embellishment;

18 (3) Modification that raises the height of the sign;

19 (4) Modification that adds automatic changeable faces;

20 (5) Modification that changes the method of display of any message on the sign from
21 static to animated, including but not limited to any video or electronic display of a non-
22 static message; or

23 (6) Modification that adds artificial lighting.

24 b. A nonconforming sign may not be removed and re-erected at the same location
25 except as provided in subsection 2. below.

26 c. A nonconforming sign may be relocated in kind on a lot or parcel under the same
27 ownership and with the same parcel key number without any modifications as specified
28 in subsection a. above if such nonconforming sign is taken in a condemnation action by
29 any governmental agency or pursuant to a negotiated settlement with any governmental
30 agency in lieu of exercise of condemnation powers as certified by the agency.

1 d. A nonconforming sign which is destroyed by an act of God, weather conditions,
2 vandalism, or other criminal or tortious act, may be re-erected in kind on a lot or parcel
3 under the same ownership and with the same parcel key number without any
4 modifications as specified in subsection a. above for the remaining life of the existing
5 lease but not to exceed ten (10) years from the date of destruction.

6 e. A sign face which remains void of any message for six (6) months or longer shall be
7 deemed an abandoned or discontinued sign and shall lose its nonconforming status.
8 Signs displaying an "available for lease" or similar message, signs displaying advertising
9 for goods, products, services, facilities, events, or attractions which are no longer
10 available, and partially obliterated signs which do not identify particular goods,
11 products, services, facilities, events, or attractions or which do not state a readily
12 comprehended message shall be considered void of any message. Failure of an owner
13 to register the sign with the county as required below shall be prima facie evidence of
14 abandonment.

15 2. The county may authorize structural alterations to a nonconforming sign in
16 instances where Occupational Safety and Health Administration (OSHA), or other safety
17 related requirements necessitate alterations, provided that reconstruction shall not be
18 authorized primarily for the purpose of replacement of deteriorated materials.
19 Alterations to the structure are allowed only if no alternatives are available which
20 address safety requirements without requiring structural alterations. Documentation of
21 these requirements must be submitted to the county for approval prior to making any
22 sign alterations. If approval for structural alteration is granted by the county, the
23 location, structural configuration, number of faces, size of the sign faces, sign structure
24 height, and the materials used in the sign structure and sign faces must be the same type
25 as those used in the sign prior to approval of the alterations. During the period of
26 temporary removal for those approved alterations, the owner must permanently display
27 the identification tag at the sign location.

28 e. Registration of billboard signs (billboards).

29 1. All owners of billboard signs (billboards) shall register each billboard with the
30 county, pay an initial registration fee, and a renewal fee annually thereafter, which fees

1 will be established by resolution and may be amended from time to time by resolution of
2 the board of county commissioners, and obtain an identification tag, which tag shall be
3 permanently affixed to the billboard in a location that is clearly visible from any
4 adjacent public right(s)-of-way.

5 2. The application for such registration shall include the following information:

6 a. The name, telephone number, and address of the owner of the billboard;

7 b. The name, telephone number, and address of the owner of the parcel on which the
8 billboard is located with key number of parcel;

9 c. The size and height of the billboard;

10 d. Evidence to the satisfaction of the county that the billboard was lawfully permitted
11 and in compliance with the applicable laws and ordinances when it was constructed or
12 had existed as a lawful nonconforming billboard under the provisions of a previous
13 ordinance.

14 3. Registration fees collected are to be deposited in a separate county account to be
15 used to provide funds for additional code compliance officers to ensure compliance with
16 the terms of this ordinance.

17 4. It shall be the responsibility of the owners of billboard signs (billboards) to ensure
18 that the information on file with the county is both current and accurate.

19
20 **SECTION 10. Permitted signs in all zoning districts.**

21 Signs in compliance with the size, height and setback limitations herein for any
22 applicable zoning district, land use, and road classification and frontage which are
23 incidental to a legal process or necessary to protection of the public health, safety or
24 welfare are allowed without requirement of zoning permit or certificate of use.

25
26 **SECTION 11. Additional signs authorized when lot or parcel is for sale,
27 lease or rent.**

28 In addition to any other signs authorized by this ordinance, at least one unlighted sign
29 located on premises being advertised for sale, lease or rent is permitted in all zoning
30 districts. Only one such additional sign may be located on a lot or parcel zoned for

1 residential use and shall not exceed six (6) square feet in area. Such additional signs
2 located on nonresidential lots or parcels shall not exceed sixty-four (64) square feet in
3 area and must be located at least five (5) feet from all lot lines. More than one sign may
4 be displayed on a non-residential lot or parcel which borders more than one county or
5 state road, with a limit of one such additional sign for every five hundred (500) feet of
6 road frontage. No zoning permit or certificate of use is required for these signs. Any
7 such additional sign must be removed within 14 days of the closing on the sale of the lot
8 or parcel or recording of the documentation of the transaction in the Official Records of
9 Hernando County, whichever event occurs first.

10
11 **SECTION 12. Additional signs authorized during election campaigns.**

12 In the interest of promoting political speech which is the essence of representative
13 democracy and the core of the First Amendment's free speech guarantee, it is the intent
14 of the Board of County Commissioners to allow additional noncommercial signage
15 during political campaigns. In addition to any other signs authorized by this ordinance,
16 during a period beginning no more than forty-five (45) days prior to the first election of
17 the series of elections that determines a candidate or issue, additional unlighted
18 noncommercial signs which do not otherwise meet the terms of this ordinance may be
19 erected on privately owned lots or parcels. Each such additional sign located in
20 residential zoning districts and/or on residential lots or parcels shall not exceed six (6)
21 square feet in sign area. The sum of the total sign area of such additional signs on non-
22 residential lots or parcels shall not exceed the total sign area allowed for permitted signs
23 for the applicable zoning district, road classification and road frontage, and shall further
24 comply with height and setback restrictions applicable to permitted signs. Such
25 additional signs shall be removed by the lot or parcel owner or persons acting on the
26 owner's behalf within fourteen (14) days after the election. No zoning permit or
27 certificate of use is required for such additional signs during such election period. For
28 purposes of this subsection, "election" shall mean the single specific date of a primary,
29 general or special election designated by law or ordinance and shall not mean or include
30 any period in advance of such date during which voting other than at assigned precincts

1 may be allowed.

2
3 **SECTION 13. Subdivision, development and model center identification.**

4 a. Subdivisions and developments may use signs located at entrances to such
5 subdivisions and developments to identify the development and the properties and
6 amenities therein. Such signs may be permitted when such sign locations and sizes have
7 been approved as shown on the final master plan for the project as approved in the
8 rezoning or master plan process pursuant to other land development regulations. If such
9 signs are not shown on the final master plan, they may still be permitted if they meet the
10 requirements of this ordinance for a clear-site triangle and setbacks. Such signs,
11 however, shall not be located upon any road right-of-way, public or private, unless
12 authorized by a lease executed pursuant to other provisions of the Hernando County
13 Code of Ordinances with respect to public rights-of-way. Maintenance of existing
14 entrance signs on county right-of-way is the responsibility of homeowners' associations
15 or the developer and not the county.

16 b. A model center within a platted subdivision may identify itself with a sign which may
17 be erected within one hundred (100) feet of each side of the entrance roadway to the
18 subdivision, and by one sign which may be erected within five hundred (500) feet of
19 each side of the entrance roadway to the subdivision. Said signs may be erected for a
20 period of no more than four (4) years after the last phase, unit or area of the subdivision
21 has received final plat approval. Such signs shall be no greater than thirty-two (32)
22 square feet each, must be erected on property owned by the developer, and shall be
23 placed outside of the right-of-way. A maximum of six (6) total flags may be displayed at
24 the entrance to said subdivision.

25
26 **SECTION 14. Signs facilitating traffic movement.**

27 In addition to other permitted signs under this ordinance, signs on private
28 nonresidential property which are necessary or desirable to the effective movement of
29 traffic between such property and public rights-of-way shall:

30 a. Not exceed four (4) feet in height from the bottom of the sign to ground level or six

- 1 (6) square feet in sign area;
- 2 b. Be erected and as appropriate provide information to facilitate the movement of
- 3 traffic in a manner consistent with the rules and regulations that Hernando County uses
- 4 for traffic control, including but not limited to the Facilities Design Guidelines and
- 5 requirements therein for maintaining a clear sight window for motorists.

6

7 **SECTION 15. Vehicle signs; portable signs designed to be transported.**

8 a. Vehicle signs with a total area on any vehicle in excess of ten (10) square feet are

9 prohibited when the vehicle meets all of the following:

10 1. Is visible from the street right-of-way that the vehicle is within one hundred (100)

11 feet of; and

12 2. Is located at a business address which correlates to a lot or parcel in a commercial,

13 agricultural or industrial zoning district; or is located at a permitted home occupation

14 use in a residential zoning district; and

15 3. Is not regularly used in the conduct of the business advertised on the vehicle,

16 provided that a vehicle used primarily for advertising and secondarily for other business

17 purposes shall not be considered a vehicle used in the conduct of the business.

18 b. Portable signs designed to be transported are prohibited when the portable sign

19 meets one or more of the following:

20 1. Total area of all sign faces exposed during transport exceeds 64 square feet; or

21 2. The sign is illuminated or animated during transport.

22

23 **SECTION 16. Signs--Model homes located in residential area.**

24 a. Any model home or model home center built in a single-family residential area is

25 permitted no more than one sign per lot, measuring no more than thirty-two (32)

26 square feet in size.

27 b. No portable signs or sandwich board signs shall be permitted.

28 c. During the first thirty-day grand opening period, flags or banners shall not be

29 regulated as to type or number. After the first thirty-day grand opening period, the

30 model center may display a maximum of three (3) flags.

1 d. Each model within the model center shall be allowed to have an additional sign
2 measuring no more than six (6) square feet.

3
4 **SECTION 17. Home occupation signs.**

5 In addition to any other signs authorized by this ordinance, one unlighted sign not over
6 six (6) square feet in area shall be allowed when a home occupation is permitted as a
7 special exception on premises otherwise zoned for residential use, which sign may bear
8 a commercial message. If required as a condition of the special exception, the sign may
9 only relate to the authorized use of the lot or parcel on which it is located.

10
11 **SECTION 18. Signs at construction sites.**

12 In addition to any other signs authorized by this ordinance, signs may be located on a
13 work site when a builder, subcontractors or other entities are involved in the work
14 activity occurring thereon. One additional sign per builder, subcontractor or other
15 entity involved in work activity on the lot or parcel is allowed. Such additional signs
16 shall be allowed in all zoning districts. Such signs located on residential lots or parcels
17 shall not exceed six (6) square feet in sign area. Such signs located on nonresidential lots
18 or parcels shall not exceed sixty-four (64) square feet in sign area. All such additional
19 signs displayed during construction shall be located at least ten (10) feet from all lot or
20 parcel lines and shall be removed prior to issuance of the certificate of occupancy. No
21 zoning permit or certificate of use is required for these signs.

22
23 **SECTION 19. Permits.**

24 a. The zoning permit required by the Hernando County Land Development Regulations
25 shall be obtained for all permanent and temporary signs on lots or parcels zoned for
26 agricultural, industrial or commercial use regardless of the value of such sign, unless
27 specifically exempted therefrom by the terms of this ordinance or applicable law. The
28 zoning permit shall be obtained without regard to whether or not a building permit is
29 either required or obtained. In order for any permanent sign to be a legal sign, it must
30 have a permit from the county unless otherwise specified in this ordinance.

1 b. No zoning permit shall be required for signs which are displayed to persons or
2 customers who are already on the lot, parcel or other premises owned or leased by a
3 business or nonprofit entity and which are not intended for display or legibly visible to
4 members of the general public not already on the specific business or entity lot, parcel
5 or leasehold. Nothing herein shall exempt any sign from any applicable requirement for
6 a building permit to ensure construction according to applicable building codes. For
7 purposes of this limited exception, "leasehold" shall not include any common area
8 shared with and by other lessees.

9 c. An applicant shall deliver an application for a permit with respect to a sign requiring
10 a zoning permit or other certificate of use to the zoning administrator. The application
11 shall be reviewed for consistency with any applicable requirements of this code. Review
12 of the application shall be completed with 30 calendar days, and the permit or certificate
13 relating to the sign shall be granted or denied within that time. If the permit is denied
14 or for any reason no decision is rendered within 30 calendar days, the applicant may file
15 an appeal to the governing body within 30 days of the date of written notice of denial, or
16 within 30 days of the expiration of the 30-day permitting period without approval or
17 denial, and such appeal shall be heard at the next regular meeting of the governing body
18 which is at least seven days after the date of the appeal, as a quasi-judicial matter
19 subject to further appellate remedies as provided by Florida rules of court and subject to
20 such orders of expedited process as may be issued by the judges thereof.

21
22 **SECTION 20. Signs in residential areas.**

23 Signs on lots or parcels zoned for residential use shall comply with the size, height and
24 number requirements provided herein and shall otherwise conform to applicable district
25 regulations with respect to permitted uses. Illumination of residential signs is hereby
26 prohibited, except as provided herein. Temporary signs in residential areas, which are
27 not otherwise provided for in this ordinance, such as those constituting all or a part of
28 seasonal or holiday decorations or displays, shall not be unlawful if any such signs are in
29 place on a residential lot or parcel for less than sixty (60) days in any one calendar year.
30 Seasonal or holiday decorations or displays may contain illumination consistent with or

1 typical of similar decorations or displays on residential lots or parcels in the same
2 general area. Any such seasonal or holiday decorations or displays which are so out of
3 proportion to decorations or displays on similar lots or parcels in the same general area
4 as to create manifest incompatibility with adjacent uses or cause undue disruption to the
5 area, such as attraction of crowds, excessive traffic, or noise plainly audible within any
6 adjacent residential structure, are hereby prohibited.

7
8 **SECTION 21. Additional restrictions.**

9 The county may require additional restrictions on signs without regard to content
10 thereof in areas designated on the Future Land Use Map as planned development
11 district or during the approval of a master plan for a planned development project
12 (PDP). Any such restrictions shall relate only to the time, place and manner of sign
13 construction and display.

14
15 **SECTION 22. Permanent signs.**

16 Permanent signs that were lawfully existing under the terms of the ordinance in effect
17 at the time of permitting, or at the time of erection if no permit was required, may
18 remain until they need replacement. For purposes of this section, it shall be presumed
19 that a sign needs replacement if repair or other work to bring the sign into compliance
20 with section 6 of this ordinance exceeds fifty (50) percent of the cost of a comparable
21 sign at that point in time. Replacement would have to occur in accordance with the sign
22 regulations in effect at the time the renewal is permitted.

23 For purposes of this paragraph, "permanent signs" shall not include billboard signs
24 registered pursuant to Ordinance No. 2000-05, any unregistered billboard sign required
25 to be registered pursuant to Ordinance No. 2000-05, or any specifically listed device or
26 similar device enumerated in section 23 hereof.

27
28 **SECTION 23. Temporary signs.**

29 Temporary signs, and any flags, pennants and banners, portable signs, streamers,
30 balloons, sandwich board signs and other similar devices that were lawfully existing

1 under the terms of the ordinance in effect at the time of erection may remain for a
2 period not to exceed six (6) months from the effective date of the ordinance changing
3 their legal status, and no provision of the Hernando County Code of Ordinances relating
4 to nonconforming uses shall have any application to such signs or devices.

5
6 **SECTION 24. Permanent banners and flags.**

7 Permanent banners and flags that were lawfully existing under the terms of the
8 ordinance in effect at the time of erection may remain for a period not to exceed six (6)
9 months from the effective date of the ordinance changing their legal status.

10
11 **SECTION 25. Amending section Section 21-2, Hernando County Code of**
12 **Ordinances, to provide for content-neutrality with respect to signs and**
13 **making no other changes in the regulation of garage sales.**

14
15 Section 21-2, Hernando County Code of Ordinances, relating to garage sales, is hereby
16 amended to read as follows, with struck-through material to be deleted from the Code
17 and underlined material to be added:

18 Garage sales.

19 (a) Authority, purpose, area of applicability. This section is enacted under the home
20 rule power of the county for the purpose of providing the necessary regulations of garage
21 sales in the county in the interest of public health, safety and welfare of the citizens and
22 residents of the county. This section shall apply and be in force in all residential districts
23 of the county not within the boundaries of any municipality.

24 (b) Definition. "Garage sale" shall mean and include all sales entitled "garage sale,"
25 "lawn sale," "yard sale," "apartment sale," "house sale," "carport sale," "tag sale,"
26 "moving sale," or any other similar casual sale of tangible personal property which is
27 advertised by any means whereby the public at large is or can be made aware of said
28 sale.

29 (c) Times and locations:

30 (1) Garage sales shall be conducted on any improved residential lot, parcel, or tract of

1 land in any area within the unincorporated areas of the county.

2 (2) Garage sales may be conducted to include up to four (4) families on said premises
3 when such sale items are owned by those families.

4 (3) Garage sales shall be limited to four (4) times in a calendar year, for a maximum of
5 three (3) consecutive days in each period. This limitation of four (4) times a year applies
6 to the location of the garage sale.

7 (4) Garage sales shall be held only between the hours of 8:00 a.m. and 4:00 p.m.

8 (5) At the conclusion of the garage sale each day, all unsold articles shall be removed or
9 packed in such a manner so as not to be visible from any public street or abutting
10 property.

11 (d) Signs:

12 (1) Only one sign not exceeding ~~four (4)~~ six (6) square feet in size shall be displayed on
13 the premises where such sale is being conducted.

14 (2) Such sign shall not be erected or placed closer than five (5) feet to the front or side
15 property lines.

16 (3) It ~~shall be~~ is unlawful to place such ~~garage sale~~ signs in any manner upon public
17 rights-of-way including utility poles.

18 (4) All signs not otherwise in compliance with the provisions of this code shall be
19 removed at the end of each sale day or by 5:00 p.m.

20 (5) It shall be unlawful for signs to remain after 5:00 p.m. unless otherwise in
21 compliance with the provisions of this code.

22 (6) ~~Persons placing signs on public rights-of-way shall be subject to the issuance of a~~
23 ~~citation.~~

24 ~~(7)~~ It shall be prima facie evidence of a violation of this subsection if signs of any kind
25 are placed in a manner other than outlined in this subsection or as otherwise authorized
26 by this code and can be established as having originated with a particular person and
27 such person having allowed such sign to be placed upon county rights-of-way or other
28 location unlawfully.

29 (e) Parking. All parking of vehicles shall be conducted in compliance with all
30 applicable laws and ordinances.

~~(7)~~ It shall be prima facie evidence of a violation of this subsection if signs of any kind are placed in a manner other than outlined in this subsection or as otherwise authorized by this code and can be established as having originated with a particular person and such person having allowed such sign to be placed upon county rights-of-way or other location unlawfully.

(e) Parking. All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances.

(f) Persons and sales excepted. The provisions of this section shall not apply to or affect the following persons or sales:

(1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

(2) Not-for-profit organizations.

(g) Enforcement. All civil infractions of the Hernando County Garage Sale Ordinance shall be enforced ~~through County Court pursuant to chapter 162.21, Florida Statutes~~ pursuant to Chapter 2, Article III, of this Code.

SECTION 26. Inclusion in the Code; prior conflicting ordinances.

a. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, any section or subsection of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section, "article", or other appropriate designation.

b. It is the further intent of the Board of County Commissioners that sections one through 24 herein shall constitute a complete revision of that portion of the Code of Ordinances of Hernando County, Florida, designated as Appendix A, Article II, section 2, subsection E., which subsection shall hereby stand repealed, and the provisions of any prior ordinances in conflict herewith shall be of no further force or effect.

SECTION 27. Effective date.

This ordinance shall take effect immediately upon receipt of official

acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 5th day of February, 2008.

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

Attest: *Karen Nicolai*
KAREN NICOLAI



By: *Christopher A. Kingsley*
CHRISTOPHER A. KINGSLEY
Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY *KW* *2/5/08*
County Attorney's Office