

## **ORDINANCE 2023-799**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INVERNESS, FLORIDA, AMENDING CHAPTER 2, “ZONING AND LAND USE, DESIGN STANDARDS, PARKING, SIGNS, TRAFFIC, CONCURRENCY, RESOURCE PROTECTION AND LANDSCAPE REQUIREMENTS” OF THE CITY OF INVERNESS LAND DEVELOPMENT CODE; AMENDING SECTION 2.9 “NONCONFORMING LAND USE PROVISIONS”; AMENDING SECTION 2.10. “SIGNS” BY AMENDING SUBSECTION (I) “FREESTANDING (GROUND) SIGNS.”; PROVIDING FOR FREESTANDING SIGN STANDARDS IN THE COMMERCIAL, CENTRAL BUSINESS DISTRICT, AND INDUSTRIAL ZONING DISTRICTS; PROVIDING FOR CODIFICATION, CONFLICTS, AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Inverness finds and determines that the City’s land development codes are required to regulate signs as provided by section 163.3202 (2) (f) Florida Statute; and

WHEREAS, the City does not wish to censor speech, but rather to provide for the public welfare by regulating signage in the City in a manner that enhances the aesthetics of the community, reduces visual pollution, provides clear information and minimizes distractions to drivers in the interests of traffic safety; and

WHEREAS, the City finds and determines that the regulation of signage for purposes of aesthetic has long been recognized as advancing the public welfare: and

WHEREAS, the City finds and determines that these sign regulations further the character and ambiance of the City, and reflect its commitment to maintaining and improving an attractive, small-town environment; and

WHEREAS, the City finds that this Ordinance will be in the best interest of the residents of the City of Inverness, and that this Ordinance is consistent with the Comprehensive Plan.

BE IT ORDAINED BY the City Council of Inverness, Florida as follows:  
**NOW, THEREFORE, BE IT ENACTED BY THE CITY OF INVERNESS,**

**FLORIDA, AS FOLLOWS:**

### **SECTION 1: RECITALS**

The above referenced “Whereas” clauses are true and correct and constitute legislative findings of the City Council.

## **SECTION 2: ADOPTION**

Section 2.6 Application of Regulations and Requirements for Specific Uses of Chapter 2, of the City of Inverness Land Development Code is hereby amended to read, as provided in Attachment “A”, as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not being modified).

## **SECTION 3: CODIFICATION**

Attachment “A” of this Ordinance shall be codified and made part of the City of Inverness Land Development Code Sections of this Ordinance may be renumbered or re-lettered to accomplish the intent of this Ordinance; that the word, “Ordinance” may be changed to “Section,” “Article,” or other appropriate word. The City Clerk is given liberal authority to correct scriveners’ errors, such as incorrect code cross references, grammatical, typographical and similar or like errors when codifying this Ordinance.

## **SECTION 4: CONTROL**

In the event of a conflict or conflicts between this Ordinance and other ordinances, this Ordinance controls.

## **SECTION 5: SEVERABILITY**

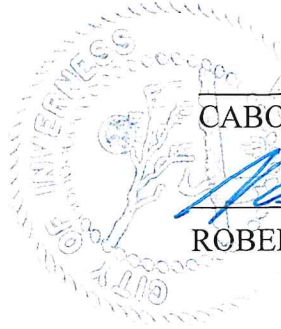
It is the intent of the City Council of the City of Inverness, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to not render invalid or unconstitutional the remaining provisions of this Ordinance.

## **SECTION 6: EFFECTIVE DATE**

This Ordinance shall become effective as provided by law.

Upon motion duly made and carried on first reading, the foregoing Ordinance was approved on the 7<sup>th</sup> day of March, 2023.

Upon motion duly made and carried on second reading, the foregoing Ordinance was adopted on the 21<sup>ST</sup> day of MARCH, 2023.



Cabot M. McBride  
CABOT MCBRIDE, President

Robert Plaisted  
ROBERT PLAISTED, Mayor

ATTEST:

Susan Jackson

SUSAN JACKSON, City Clerk

Approved as to form and correctness

Robert Batzel, Jr.

ROBERT BATSEL, JR, City Attorney

## EXHIBIT "A"

### Sec. 2.9. - Nonconforming Land Use Provisions

#### E. Nonconforming Freestanding Signs

1. A freestanding sign which lawfully existed at the date of adoption of this Ordinance will not be rendered nonconforming until a change of use has occurred on the land parcel containing the sign. Prior to a change of use, existing signs may be reconstructed as necessary, but shall not be expanded, enlarged, extended, or moved to a new location.

~~¶F.~~ *Nonconforming Mobile Home Parks.* A mobile home park which lawfully existed at the date of adoption of this Ordinance but which has been rendered nonconforming by this Code may continue and may expand on the lot on which it existed at the date of adoption of this Ordinance. No additional lands may be used for said expansion.

~~¶G.~~ *Repair and Maintenance of Nonconforming Buildings and Structures.* Ordinary repairs such as the repair or replacement of nonbearing walls, fixtures, wiring or plumbing may be done on a nonconforming building or structure provided that the cubic content, location or setbacks of the building or structure shall not be changed.

~~¶H.~~ *Special Exception Uses.* Any special exception use approved under the terms of this Code shall be deemed a nonconforming use, however no special exception use shall be enlarged, extended or expanded without application to and approval by the Zoning Board of Adjustment, in accordance with the provisions of Chapter 9.5 of the Code of Ordinances.

~~¶I.~~ *Temporary Uses.* The casual, intermittent, temporary or illegal use of any building, structure or land shall not be sufficient to establish the existence of a valid nonconforming use, nor shall such use be validated by the adoption of this Ordinance unless it complies with the terms of this Code.

~~¶J.~~ *Abandonment.* Once abandoned, the nonconforming use of any building, structure or land shall not be resumed. For the purpose of this section, abandonment shall mean the cessation of the nonconforming use for a continuous period of six (6) months or the conversion of a nonconforming use to a permitted use.

### Sec. 2.10. - Signs

*Freestanding Signs.* One (1) freestanding monument sign may be erected on a parcel in the Central Business District (CBD), Commercial (C), or Industrial (I) zoning districts. Monument signs shall have a support structure that is constructed of a permanent material, such as concrete block or brick. Concrete block bases shall feature a stucco, stone, or brick veneer. Such sign shall not exceed sixty-four (64) square feet in area, ten (10) feet in height or be located within five (5) feet of a property line. Monument signs shall not be placed in the triangle of visibility (see Section 2-14 – Traffic Circulation). For multi-tenant monument signs see Section 2.5 -Regulations Governing Special Exception Uses for shopping centers.