

ORDINANCE 97-2

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES; ADOPTING A MORATORIUM PROHIBITING THE APPROVAL OF A PUBLIC FACILITY OVERLAY DISTRICT AUTHORIZING THE CONSTRUCTION OF COMMUNICATION TOWERS; PROVIDING FOR A SHORT TITLE; ESTABLISHING THE AUTHORITY TO ADOPT THE ORDINANCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A STATEMENT OF APPLICABILITY; ESTABLISHING A MORATORIUM; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDE FOR AN EFFECTIVE DATE.

FILED

REC'D
FEB 11 11 14 PM '97
CLERK OF COUNTY
DATE

THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS FINDS THAT:

WHEREAS, the Telecommunications Act of 1996 effectively deregulated the wireless communications industry;

WHEREAS, as a result of the Telecommunications Act of 1996 and the reduction of cost for consumers, there has been an increase in the rate of applications for the Public Service Facility Overlay District for the purpose of constructing communication towers;

WHEREAS, there are issues such as aesthetics, height, collocation, and safety issues that will need to be addressed when considering the placement of communication towers;

WHEREAS, the Hernando County Board of County Commissioners has the responsibility to provide both the residents of Hernando County and wireless communications companies with the orderly approval of communication towers;

WHEREAS, the Hernando County Land Development Regulations do not adequately address the permitting of communication towers;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, that the following provisions are hereby enacted and hereby become the Moratorium Prohibiting the Approval of a Public Service Facility Overlay District Authorizing the construction of communication towers.

SECTION 1. SHORT TITLE

This article shall be known and cited as the "Moratorium Prohibiting the Approval of a Public Service Facility Overlay District for Communication Towers".

SECTION 2. AUTHORITY

This article is adopted pursuant to the general laws of Florida, and the provisions hereof and all sections contained herein shall be construed as having been adopted in the interests of the health, safety, and general welfare of the people and environment of Hernando County, Florida.

SECTION 3. DEFINITION

Communications Tower: a mast, pole, monopole, guyed tower, lattice tower, free-standing tower or other structure designed and primarily used to support antennas.

SECTION 4. APPLICABILITY

This moratorium is applicable to all new approvals for a Public Service Facility Overlay District authorizing the building of communication towers.

SECTION 5. MORATORIUM

Subsequent to the effective date of this ordinance, the approval of a Public Service Facility Overlay District for the building and operation of communication towers shall be prohibited until whichever of the following occurs first:

1. One Hundred Twenty (120) Days; or,
2. Necessary amendments to the Land Development Regulations applicable to building of communication towers have been adopted.

SECTION 6. EXEMPTIONS

All communication towers which are legally operating or have received approval pursuant to the Zoning Ordinance of Hernando County prior to the effective date of this ordinance are exempt from regulation hereunder.

SECTION 7. ENFORCEMENT

Implementation and enforcement of this ordinance shall be by staff as designated by the County Administrator.

SECTION 8. 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 effected thereby.

SECTION 9. INCLUSION INTO THE CODE

The provisions of this ordinance shall be included and incorporated into the Land Development Regulations 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 10. 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 11th DAY OF FEBRUARY, 1997.

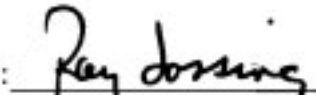
(SEAL)

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

Attest:


KAREN NICOLAI, Clerk

By:


RAY LOSSING, Chairman

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