



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

June 24, 2022

Ms. Nikki Alvarez-Sowles, Esq.  
Pasco County Clerk and Comptroller  
The East Pasco Governmental Center  
14236 6<sup>th</sup> Street, Suite 201  
Dade City, Florida 33523

Attention: Allie Knupp

Dear Nikki Alvarez-Sowles:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Pasco County Ordinance No. 22-35, which was filed in this office on June 24, 2022.

Sincerely,

Anya Owens  
Program Administrator

ACO/mas

**AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE, ORDINANCE NO. 89-21 AS AMENDED; PROVIDING FOR AMENDMENTS TO SECTION 406.1, SIGNS; SECTION 601, TRADITIONAL NEIGHBORHOOD DEVELOPMENT; CREATING SECTION 1203.4, NONCONFORMING SIGNS; AMENDING APPENDIX A, DEFINITIONS; PROVIDING FOR ADDITIONAL AMENDMENTS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR APPLICABILITY, REPEALER, SEVERABILITY, INCLUSION INTO THE LAND DEVELOPMENT CODE, MODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, Pasco County finds and determines that it is appropriate to update and revise its Land Development Code relative to signs; and

**WHEREAS**, Pasco County finds and determines that it is appropriate to ensure that the Land Development Code as it relates to signs is in compliance with all constitutional and other legal requirements; and

**WHEREAS**, Pasco County finds and determines that the provisions of Section 406.1 of the Land Development Code is consistent with the adopted Pasco County Comprehensive Plan; and

**WHEREAS**, Pasco County finds and determines that these amendments are not in conflict with the public interest; and

**WHEREAS**, Pasco County finds and determines that these amendments will not result in incompatible land uses; and

**WHEREAS**, under established Supreme Court precedent, a law that is content-based is subject to strict scrutiny under the First Amendment of the U.S. Constitution, and such law must therefore satisfy a compelling governmental interest and narrowly tailored to achieve its purposes; and

**WHEREAS**, under established Supreme Court precedent, a compelling interest is a higher burden than a substantial, important, or rational governmental interest; and

**WHEREAS**, in *Reed v. Town of Gilbert, Ariz.* 135 S.Ct. 2218 (2015) the United States Supreme Court, in an opinion authored by Justice Thomas and joined in by Justices Roberts, Scalia, Alito, Kennedy and Sotomayor, addresses the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs; and

**WHEREAS**, in *Reed*, the Supreme Court held that such regulations were content-based regulations , presumptively unconstitutional and required a compelling governmental interest; and

**WHEREAS**, in *Reed*, the Supreme Court held that governmental regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed; and

**WHEREAS**, in *Reed*, the Supreme Court held that even a purely directional message, which merely gives the time and location of a specific event, is one that conveys an idea about a specific event, so that directional signs are therefore considered by the Court to be content-based, and event-based regulations are not content neutral; and

**WHEREAS**, Pasco County recognizes that in *Reed*, the Supreme Court held that if a sign regulation on its face is content-based, neither its purpose, nor function, nor justification matter, and the sign regulation is therefore subject

*put*

to strict scrutiny and must serve a compelling governmental interest; and

**WHEREAS**, in *Reed*, Justice Alito in a concurring opinion joined in by Justices Kennedy and Sotomayor pointed out that local governments still have the power to enact and enforce reasonable sign regulations; and

**WHEREAS**, in *Reed*, Justice Alito in the concurring opinion joined in by Justices Kennedy and Sotomayor provided a list of rules that will result in a Court ruling that a sign regulation is not content-based; and

**WHEREAS**, Justice Alito noted that such regulations , listed below, were not a comprehensive list of such rules:

**WHEREAS**, Pasco County recognizes that Justice Alito included the following regulations as among those that would not be adjudicated to be content-based regulations: (1) regulations regarding the size of signs, which regulations may distinguish among signs based upon any content-neutral criteria such as those listed below; (2) regulations regulating the locations in which signs may be placed, which regulations may distinguish between freestanding signs and those attached to buildings; (3) regulations distinguishing between lighted and unlighted signs; (4) regulations distinguishing between signs with fixed messages and electronic signs with messages that change; (5) regulations that distinguish between the placement of signs in private and public property; (6) regulations that distinguish between the placement of signs on commercial and residential property; (7) regulations distinguishing between on-premises and off-premises signs [see discussion in Memorandum dated September 11, 2015 from Lawrence Tribe to Nancy Fletcher, President, Outdoor Advertising Association of America re: Applying the First Amendment to Regulations Distinguishing Between Off-premises and On-premises Signs after *Reed v. Town of Gilbert*]; (8) regulations restricting the total number of signs allowed per mile of roadway; and (9) regulations imposing time restrictions on signs advertising a one-time event, where regulations of this nature do not discriminate based on topic or subject and are akin to regulations restricting the times within which oral speech or music is allowed; and

**WHEREAS**, Justice Alito further noted that in addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech, and that government entities may put up all manner of signs to promote safety, as well as informational signs and signs pointing out historic and scenic spots; and

**WHEREAS**, Justice Alito noted that the *Reed* decision, properly understood, will not prevent governments from regulating signs in a way that fully protects public safety and serves legitimate aesthetic objectives, including rules that distinguish between on-premises and off-premises signs; and

**WHEREAS**, as a result of the *Reed* decision, it is appropriate and necessary for local governments to review and analyze their sign standards and regulations, beginning with their temporary sign standards and regulations, so as to make necessary changes to conform with the holding in *Reed*; and

**WHEREAS**, Pasco County finds and determines that it is appropriate to modify and update certain sign regulations in order to respond to changes to the parameters outlining permissible government regulation of signage, including the *Reed* case; and

**WHEREAS**, Pasco County recognizes that under established Supreme Court precedent, commercial speech may be subject to greater restrictions than noncommercial speech, and that doctrine applied to both temporary signs and permanent signs; and

**WHEREAS**, Pasco County finds and determines that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the act will be permitted to stand provided: (1) the unconstitutional provisions can be separated from the remaining valid provisions; (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void; (3) the good and bad features are

not so inseparable in substance that it can be said that the legislative body would have passed the one without the other; and (4) an act complete in itself remains after the valid provisions are stricken [see, e.g., *Waldrup v. Dugger*, 562 So.2d 687 (Fla. 1990)]; and

**WHEREAS**, Pasco County finds and determines that there have been judicial decisions where courts have not given full effect to the severability clauses that applied to sign regulations and where the courts have expressed uncertainty over whether the legislative body intended that severability would apply to certain factual situations despite the presumption that would ordinarily flow from the presences of a severability clause; and

**WHEREAS**, Pasco County finds and determines that the County has consistently adopted and enacted severability provisions in connection with its land development code regulations, including sign standards; and

**WHEREAS**, Pasco County finds and determines that the Land Development Code's severability clause was adopted with the intent of upholding and sustain as much of the County's regulations, including its sign regulations, as possible in the event that any portion thereof (including any section, sentence, clause, or phrase) be held invalid or unconstitutional by any court of competent jurisdiction; and

**WHEREAS**, Pasco County finds and determines that there be an ample record of its intention that the presence of a severability clause in connection with the County's sign regulations be applied to the maximum extent possible, even if less regulation would result from a determination that any provision is invalid or unconstitutional for any reason whatsoever; and

**WHEREAS**, Pasco County finds and determines that there are ample record that it intends that the height and size limitations on free-standing and other signs should continue in effect regardless of the invalidity or unconstitutionality of any or even all other provisions of the County's sign regulations, other ordinance code provisions or other aw, for any reason(s) whatsoever; and

**WHEREAS**, Pasco County finds and determines that there are ample record that it intends that the provisions of its regulations prohibiting certain physical types of signs should continue in effect regardless of the invalidity or unconstitutionality of any even all other provisions of the County's sign regulations, other ordinances code provisions or other aw, for any reason(s) whatsoever; and

**WHEREAS**, Pasco County finds and determines that objects and devices such as graveyard and cemetery markers visible from a public area, vending machines or express mail drop-off boxes visible from a public area, decorations that do not constitute commercial speech visible from a public area, artwork that does not constitute commercial speech; a building's architectural features visible from a public area, and a manufacturer's or seller's markings on machinery or equipment visible from a public area are not within the scope of what is intended to be regulated through its land development regulations that pertain to signage; and

**WHEREAS**, Pasco County finds and determines that the aforesaid objects and devices are commonly excluded or exempted from being regulated as signs in land development regulations, and that extending a regulatory regime to such objects or devices; and

**WHEREAS**, Pasco County finds and determines that it should continue to prohibit discontinued signs regardless of whether there was any intent to abandon the sign; and

**WHEREAS**, Pasco County finds and determines that a traffic control device sign, exempt from regulation under the County's land development regulations for signage, is a government sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard, and according to the MUTCD

traffic control device signs include those signs that area classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might to readily be ap[parent]), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information); and

**WHEREAS**, Pasco County recognizes that under established Supreme Court precedent, aesthetics is not a compelling governmental interest but is a substantial governmental interest; and

**WHEREAS**, Pasco County finds and determines that Article II, Section 7, of the Florida Constitution, as adopted in 1968, provides that it shall be the policy of the State to conserve and protect its beauty; and

**WHEREAS**, Pasco finds and determines that the regulation of signage for purposes of aesthetics is a substantial governmental interest and directly serves the policy articulated in Article II, Section 7, of the Florida Constitution, by conserving and protecting its scenic beauty; and

**WHEREAS**, Pasco County finds and determines that the regulation of signage for the purposes of aesthetics has long been recognized as advancing the public welfare; and

**WHEREAS**, Pasco County finds and determines that as far back as 1954 the United State Supreme Court recognized that “the concept of the public welfare is broad and inclusive,” that the values it represents are “spiritual as well as physical, aesthetic as well as monetary,” and that it is within the power of the legislature “to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled” [Justice Douglas in *Berman v. Parker*, 348 U.S. 26, 33 (1954)]: and

**WHEREAS**, Pasco County finds and determines that aesthetics is a valid basis for zoning, and the regulation of the size of signs and the prohibition of certain types of signs is legally defensible upon aesthetic grounds alone as promoting the general welfare [see *Merritt v. Peters*, 65 So. 2d 861 (Fla. 1953); *Dade County v. Gould*, 99 So. 2d 236 (Fla. 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5<sup>th</sup> Cir. 1970), *cert. dismissed*, 400 U.S. 805 (1970)] and; and

**WHEREAS**, Pasco County finds and determines that it is the policy of the State of Florida to conserve and protect its natural resources and scenic beauty, Florida Constitution Art. II, section 7(a), and that the regulation of signage is consistent with, and furthers, this policy; and

**WHEREAS**, Pasco County finds and determines that more than two decades ago a growing number of local governments had begun prohibiting pole signs, allowing only for ground signs (also referred to as monument signs), and monument signs are typically used and preferred by vacation resorts, planned communities, and other jurisdictions that seek to maintain a distinctive image; and

**WHEREAS**, Pasco County finds and determines that the enhancement of the visual environment is critical to a community’s image; and

**WHEREAS**, Pasco County finds and determines that the sign control principles set forth herein create a sense of character and ambiance that distinguishes the County as one with a commitment to maintaining and improving an attractive environment; and

**WHEREAS**, Pasco County finds and determines that the beauty of the County both with regards to its natural and built environments has provided the foundation of the economic base of the County’s development, and that the County’s sign regulations not only help create an attractive community for residents, but also bolster Pasco’s image as a tourist destination; and

**WHEREAS**, Pasco County finds and determines that the Land Development Code as amended over the years and the adoption of planning studies demonstrates a strong, long-term commitment to maintaining and improving the County's attractive and visual environment; and

**WHEREAS**, Pasco County finds and determines that, from a planning perspective, one of the most important community goals is to define and protect aesthetic resources and community character; and

**WHEREAS**, Pasco County finds and determines that the purpose of the regulation of signs as set forth in Section 406.1 of the Land Development Code and as amended herein, of is to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements; and

**WHEREAS**, Pasco County finds and determines that the sign regulations as set forth in Section 406.1 of the Land Development Code and as amended herein, are intended to enable the identification of places of residence and business subject to constitutionally-defensible limitations; and

**WHEREAS**, Pasco County finds and determines that the sign regulations as set forth in Section 406.1 of the Land Development Code and as amended herein, are intended to allow for the communications of information necessary for the conduct of commerce subject to constitutionally-defensible limitations; and

**WHEREAS**, Pasco County finds and determines that the sign regulations as set forth in Section 406.1 of the Land Development Code and as amended herein, are intended to lesson hazardous situations, confusion and visual clutter caused by the proliferation, improper placement, excessive illumination, animation, and excessive height, area, and bulk of signs which compete for the attention of pedestrian and vehicular traffic; and

**WHEREAS**, Pasco County finds and determines that the sign regulations as set forth in Section 406.1 of the Land Development Code and as amended herein, are intended to enhance the attractiveness and economic well-being of the County as a place to live, vacation and conduct business; and

**WHEREAS**, Pasco County finds and determines that the sign regulations as set forth in Section 406.1 of the Land Development Code and as amended herein, are intended to protect the public from the dangers of unsafe signs; and

**WHEREAS**, Pasco County finds and determines that the sign regulations as set forth in Section 406.1 of the Land Development Code and as amended herein, are intended to permit signs that are compatible with their surroundings and site orientation, and to preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs; and

**WHEREAS**, Pasco County finds and determines that the sign regulations as set forth in Section 406.1 of the Land Development Code and as amended herein, are intended to allow signs that are appropriate to the zoning district in which they are located and which are consistent with the category of use to which they pertain, subject to constitutionally-defensible limitations; and

**WHEREAS**, Pasco County finds and determines that the sign regulations as set forth in Section 406.1 of the Land Development Code and as amended herein, are intended to curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business subject to the maximum restrictions permissible by constitutional jurisprudence; and

**WHEREAS**, Pasco County finds and determines that the sign regulations as set forth in Section 406.1 of the

Land Development Code and as amended herein, are intended to establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains; and

**WHEREAS**, Pasco County finds and determines that the sign regulations as set forth in Section 406.1 of the Land Development Code and as amended herein, are intended to regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians; and

**WHEREAS**, Pasco County finds and determines that the sign regulations as set forth in Section 406.1 of the Land Development Code and as amended herein, are intended to require signs to be constructed, installed, and maintained in a safe and satisfactory manner; and

**WHEREAS**, Pasco County finds and determines that the sign regulations as set forth in Section 406.1 of the Land Development Code and as amended herein, are intended to preserve and enhance the natural and scenic characteristics of the County; and

**WHEREAS**, Pasco County finds and determines that the regulation of signage was originally mandated by Florida's Local Government Comprehensive Planning and Land Development Act in 1985 and this requirement continues to apply to Pasco County through Section 163.3202(2)(f), Fla. Stats.; and

**WHEREAS**, Pasco County finds and determines that nonconforming signs that are discontinued and/or unmaintained for six months shall be made to conform to current standards for such signage and land development regulation; and

**WHEREAS**, Pasco County finds and determines that it has adopted the Land Development Code in order to implement its Comprehensive Plan and to comply with the minimum requirements in the State of Florida's Growth Management Act, as Section 163.3202, Fla. Stats., including the regulation of signage and future land uses; and

**WHEREAS**, Pasco County finds and determines that the Land Development Code is the manner by which the County has chosen to regulate signage; and

**WHEREAS**, Pasco County finds and determines that the Land Development Code and its signage regulations were and are intended to maintain and improve the quality of life for all citizens of the County; and

**WHEREAS**, Pasco County finds and determines that in meeting the purposes and goals established in these preambles, it is appropriate to prohibit and/or to continue to prohibit certain sign types; and

**WHEREAS**, Pasco County finds and determines that it is appropriate to specify that in addition to the regulations of Section 406.1 of the Land Development Code and as amended herein, signs shall comply with all applicable building and electrical code requirements; and

**WHEREAS**, Pasco County finds and determines that the County has allowed non-commercial speech to appear wherever commercial speech appears; and that the County desires to continue that practice by including a specific substitution clause that expressly allows non-commercial messages to be substituted for commercial messages and noncommercial messages to be substituted for noncommercial messages; and

**WHEREAS**, Pasco County finds and determines that it is appropriate to allow for the display of allowable temporary signage without any prior restraint or permit requirement; and

**WHEREAS**, Pasco County finds and determines that it is appropriate to prohibit direct illumination of the surface of any temporary sign, but such prohibition shall not be construed to constrain the general illumination of flags and

flagpoles unless otherwise expressly prohibited; and

**WHEREAS**, Pasco County finds and determine that limitations on signs are related to zoning districts for the parcels and properties on which they are located; and

**WHEREAS**, Pasco County finds and determines that the limitations on the size (area), height, number, spacing, and setbacks of signs, adopted herein, are based upon sign types; and

**WHEREAS**, Pasco County finds and determines that various signs that serve as signage for particular uses, such as drive-through lanes for businesses, are based upon content-neutral criteria in recognition of the functions served by those land uses, but not based upon any intent to favor any particular viewpoint or control the subject matter of the public discourse; and

**WHEREAS**, Pasco County finds and determines that sign standards and regulations adopted hereby still allow alternative means of communications; and

**WHEREAS**, Pasco County finds and determines that the purpose, intent, and scope of its signage standards and regulations are concerned with the secondary effects of speech and are not designed to censor speech or regulate the viewpoint of the speaker; and

**WHEREAS**, Pasco County finds and determines that the purpose, intent, and scope of its signage standards and regulations should be detailed so as to further describe the beneficial aesthetic and other effects of the County's sign standards and regulations, and to reaffirm that the sign standards and regulations are concerned with the secondary effects of speech and are not designed to censor speech or regulate the viewpoint of the speaker.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Pasco County, Florida, as follows:

**Section 1. Recitals.**

The Whereas Clauses above are true and accurate and are incorporated by reference and made part of this Ordinance.

**Section 2. Applicability.**

All provisions of this Ordinance shall apply to the unincorporated areas of Pasco County, Florida,

**Section 3. Repealer.**

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

**Section 4. Amendment.**

The Pasco County Land Development Code is hereby amended as shown and described in Attachment A, attached hereto and made part hereof.

**Section 5. Severability.**

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this

Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

**Section 6. Inclusion into the Land Development Code**

It is the intent of the Board of County Commissioners that the provisions of this ordinance shall become and be made part of the Pasco County Land Development Code and that the sections of this ordinance may be renumbered or relettered.

**Section 7. Scrivener's Error.**

The County Attorney may correct scrivener's error found in this Ordinance by filing a corrected copy of this Ordinance with Board Records.

**Section 8. Effective Date.**

This Ordinance shall be transmitted to the Department of State by the Clerk to the Board by electronic mail within ten (10) days of the adoption of this Ordinance, and this Ordinance shall take effect upon filing with the Department of State.

ADOPTED with a quorum present and voting this 21<sup>st</sup> day of June 2022.



BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

APPROVED  
IN SESSION

JUN 21 2022

PASCO COUNTY  
BCC

NIKKI ALVAREZ-SOWLES, ESQ  
PASCO COUNTY CLERK & COMPTROLLER

KATHRYN STARKEY, CHAIRMAN

# Attachment A

## CHAPTER 400. PERMIT TYPES AND APPLICATIONS

### SECTION 406. MISCELLANEOUS PERMITS

#### 406.1. Signs

##### 406.1.1. General

###### A. Intent and Purpose

The intent and purpose of this section is to regulate signs to promote the health, safety, and general welfare of the citizens of the County by lessening hazards to pedestrians and vehicular traffic, by preserving property values by preventing unsightly and detrimental signs that detract from the aesthetic appeal of the County and lead to economic decline and blight, by preventing signs from reaching excessive size and numbers disproportionate to the size or intensity of use of the parcel on which they are located or that they obscure one another to the detriment of the County, by ensuring good and attractive design that will strengthen the County's appearance and economic base, and by preserving the right of free speech and expression in the display of signs as required by subject matter jurisprudence.

It is not the purpose of this section to regulate or control the copy, the content, or the viewpoint the message contained on such sign or displayed on such sign structure. Nor is it the intent of this section to afford greater protection to commercial speech than to noncommercial speech. Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed in this section, and any sign permitted by this section may display a noncommercial message. If any or all of the other provisions of this section are held to be unconstitutional, it is the explicit intent of the Board of County Commissioners (BCC) that, at a minimum, the standards in Section 406.1.13 be considered severable and enforced as the minimum standards for signs in the County.

###### B. Applicability

All signs proposed to be located or currently existing in the unincorporated area of the County are subject to the requirements of this section. Signs proposed to be located in Special Districts governed by Chapter 600 of this Code are subject to the requirements of Section 601.10 Traditional Neighborhood Development. All persons proposing to locate a sign or in control of an existing sign or the land upon which it is located are subject to the requirements of this section. No provision of this section shall be intended to regulate the

posting on private property of official signs and notices required by law, such as notices of rezonings, etc.

C. Nonconforming Signs

Nonconforming signs lawfully existing in the County on December 10, 2002 shall comply with this Code, Chapter 1200, Nonconformities.

D. Exempt Signs

The following signs are exempt from regulation under Section 406.1 of this Code, unless otherwise stated below.

1. A sign, other than a window sign, located entirely inside the premises of a building or enclosed space not visible from exterior or adjacent property.
2. A sign on a vehicle, other than a prohibited vehicle sign or signs.
3. A statutory sign.
4. A traffic control device sign.
5. Any sign not visible from an adjacent residential use, public street, sidewalk or right-of-way or from a navigable waterway or body of water.
6. A government sign other than those owned by Community Development Districts. A government sign shall not require a sign permit and shall be allowed in all zoning districts on public property and public rights-of-way. However, the foregoing shall have no impact on any separate requirements established by state statute for building permits, electrical permits or other statutory permits and the technical requirements of Section 406.1.8.J of this Code.
7. Interior signs as defined by this Code.
8. Signs located on or within property owned or leased by Pasco County.
9. Signs not affixed to land, a structure, a vehicle or vessel, such as those carried or held by persons.

10. Farm Signs meeting all the criteria of Section 604.50 Florida Statutes.

#### 406.1.2. Authorization for Signs

##### A. Applications for Sign Permits

Applications for signs are unique in that their authorization is subject to the time, place, and manner restrictions within this Code and for the actual construction of the sign, in most circumstances, compliance with the most recent version of the Florida Building Code, as recognized by the County. The issuance of Sign Permit recognizes compliance with both this Code and the Florida Building Code. Hereinafter, these authorizations shall be referred to as Sign Permits.

1. Sign Permits required. No person shall erect or assist in the erection, construction, alteration, and relocation of any sign for which a Sign Permit, or any other required permit, has not been obtained. "Alter" shall include, but not be limited to, the addition of sign surface area, changing a static sign face to digital display, a multiprism sign face, or any technology that automatically changes the sign face, and/or the changing or relocation of the light source. "Alter" includes any and all structural changes in the sign, but shall not include the changing of copy on the face of a sign, which is designed as a changeable copy sign. Any sign erected, constructed, altered, or relocated without the required Sign Permits, is illegal and a violation of this Code. The repair and maintenance of an existing sign shall not require a Sign Permit provided the work performed does not exceed that necessary to keep the sign, including the sign structure, maintained in original permitted state or to meet applicable building, electrical codes, or these regulations. If the repair and maintenance of the sign requires a Building Permit, e.g., electrical work is involved, that permit shall be obtained prior to commencement of the work.
2. Application; determination of completeness. Before any Sign Permit is issued, a written application in the form provided by the County Administrator or designee, shall be filed, together with such drawings and specifications as may be necessary to fully advise the County of the location, construction, materials, manner of illuminating, method of securing or fastening, the number of signs applied for, the consent of the property owner, the required application fee, and proof of issuance of or application for any required development and approval for the structure. Upon the submission of an application, staff shall have ten (10) business days to determine whether it is complete. If staff finds that the application is not complete, they shall provide the applicant with written notice of the deficiencies within the ten (10) day period. Upon resubmission of the application, staff shall have five (5) additional business days to determine whether the applicant's revisions are sufficient to complete the application. If they are not, staff will again inform the applicant of any remaining deficiencies in writing. This process shall continue until the applicant has submitted a complete application or demands that the application be reviewed "as is."
3. Administrative review. Administrative review of Sign Permit applications shall include the review of all information submitted to determine conformity with this Code and an on-site inspection of the proposed sign location. Sign and landscape conflicts may be resolved by an administrative variance, see Section 407.3. Proposed structural and safety features and electrical systems shall be in accordance with the requirements of

the County's adopted Construction Code. No sign shall be approved for use unless it has been inspected and found to be in compliance with all the requirements of this Code and the County's adopted Construction Code.

4. The County Administrator or designee shall approve or deny the Sign Permit application based on whether it complies with the requirements of this Code and the County's adopted Construction Code and shall approve or deny the Sign Permit within thirty (30) calendar days after receipt of a complete application or from the date the applicant demands that the application be reviewed "as is." The County Administrator or designee shall prepare a written notice of its decision describing the applicant's appeal rights and send it by certified mail, return receipt requested to the applicant pursuant to Section 407.1. The applicant may file an appeal application to the BCC within thirty (30) calendar days after the date of mailing the County's written notice. The BCC shall hear and decide the appeal at the next available BCC meeting that is at least thirty (30) calendar days after the date of receiving the appeal application. If the BCC does not grant the appeal, then the appellant may seek relief in the Circuit Court for the County, as provided by law.

B. Extension and Expiration of Sign Applications and Sign Permits

1. An application for a Sign Permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing for the Sign Permit, unless before then a Sign Permit has been issued. One (1) or more extensions of time for a period of not more than ninety (90) days each may be allowed by the County Administrator or designee for the application, provided the extension is requested in writing and justifiable cause is demonstrated.
2. Time to complete construction. Every Sign Permit issued shall become invalid unless the work authorized by such Sign Permit is commenced within six (6) months after its issuance, or if the work authorized by such Sign Permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. If a Building Sign Permit is issued, the work authorized by the Building Sign Permit shall be commenced and at least one required inspection shall be successfully completed within six (6) months after issuance of the Building Sign Permit. If the work has commenced and the Sign Permit is revoked, becomes null and void, or expires because of lack of progress or abandonment, a new Sign Permit covering the proposed work shall be obtained before proceeding with the work.

C. Permit Revocation

The County Administrator or designee is hereby authorized and empowered to revoke, in writing, any permit issued by the County upon failure of the holder thereof to comply with the provisions of this Code or if the permit was issued on the basis of a mistake by the County, or misstatement of facts or fraud by the applicant. The County Administrator or designee shall send the revocation by certified mail, return receipt requested to the sign owner. Any person having an interest in the sign or property may appeal the revocation by filing a written notice of appeal with the County within fifteen (15) calendar days after mailing the written notice of revocation. The BCC shall hear and decide the appeal at the next BCC

meeting that is at least in thirty (30) calendar days after the date of receiving the written notice of appeal. If the BCC does not grant the appeal, then the appellant may seek relief in the Circuit Court for the County, as provided by law.

D. Relationship to Other Permits

No Sign Permit for any on-site sign shall be issued by the County until a Building Permit has been issued and the construction of the principal building has actually commenced to which the Sign Permits relates.

E. Signs on County Property

1. For those circumstances when the BCC is acting in its proprietary capacity, the BCC may authorize bench signs on County property in the right-of-way by written agreement or through a Board-adopted policy. All such approved signs must meet the County's advertising policy.
2. Wayfinding Signs pursuant to the County's Wayfinding Program are government speech that may be located on County-owned property subject to the requirements of the County's Wayfinding Sign Program.

406.1.3. Prohibited Signs and Materials

The signs and sign types listed below are prohibited and shall not be erected, operated, or placed on any property. Any lawfully existing permitted permanent sign structure or sign type that is among the prohibited signs and sign types listed below shall be deemed a nonconforming sign subject to the provisions of Section 1203.4 of this Code.

The following materials are prohibited to be used for permanent signs: non-durable materials such as paper, cardboard, fabric, vinyl, or plywood.

A variance may not be approved for a prohibited sign or material. The following types of signs are prohibited.

- A. Activated signs and devices not meeting the requirements of subsection 406.1.8.J of this Code.
- B. Revolving signs.
- C. Snipe signs.
- D. Signs other than sandwich style signs placed on the sidewalk or curb.
- E. Swinging signs.

- F. Vehicle signs.
  
- G. Signs which imitate or resemble any official traffic or government sign, signal, or device. Signs which obstruct, conceal, hide, or otherwise obscure from view any official traffic or government sign, signal, or device.
  
- H. Any sign which:
  - 1. Has unshielded, illuminated devices that produce glare or are a hazard or nuisance to motorists or occupants of adjacent properties.
  - 2. Due to any lighting or control mechanism, causes radio, television, or other communication interference.
  - 3. Is erected or maintained so as to obstruct any fire-fighting equipment, window, door, or opening used as a means of ingress or egress for fire escape purposes, including any opening required for proper light and ventilation.
  - 4. Does not comply with the specific standards required for that type of sign as elsewhere required in this Code.
  - 5. Is erected on public property or a public right-of-way, except government signs or other signs except as expressly allowed in this Code (see Section 406.1.2.E).
  - 5. Employs motion picture projection or has visible moving parts or gives the illusion of motion.
  - 6. Emits audible sound, vapor, smoke, odor particles or gaseous matter.
  - 7. Bears or contains statements, words or pictures which have been adjudged obscene in the community.
  
- I. Bench signs located on private property.
  
- J. Abandoned signs.
  
- K. Air blown devices.
  
- L. Inflatable signs, balloons, or devices, of all sizes and types, including but not limited to shapes of products, animals, and the like.
  
- M. Illegal signs.

- N. Beacon lights.
- O. Roof signs located above the top line of the mansard, parapet, eaves, or similar architectural features.
- P. Window signs which, in aggregate, cover more than twenty-five (25) percent of the total window surface.
- Q. Signs in or upon any river, bay, lake, or other body of water within the unincorporated limits of the County. Signs attached to or painted on piers or seawalls.
- R. Pole signs except for temporary signs.
- S. Multiprism signs.
- T. Portable signs.
- U. Pennants.
- V. Flag, sail, teardrop, feather banners and other similar freestanding banner signs where the entity has erected digital display signage on the site..
- W. Wind blown devices.
- X. Any unpermitted sign for which a Development, Building, or Sign Permit is required and the permit(s) has not been obtained.
- Y. Any sign exempt from obtaining a Sign Permit that does not comply with the applicable requirements of Section 406.1.6.
- Z. Off-site signs and messaging other than registered billboards as provided for in this Code.
- AA. Signs located on public rights-of-way without a valid Right-of-Way Use Permit and a current License and Maintenance Agreement, if required by this Code.
- BB. Graffiti
- CC. Exterior signs or signs visible from the street or neighboring dwellings that are associated with a home occupation. Professional signs that are statutorily required are permitted.

406.1.4. Abandoned Signs

- A. An abandoned sign is prohibited and shall be removed. An abandoned sign is any sign or sign structure which, for a period of six (6) consecutive months, has any, all, or a combination of the following characteristics:
1. The sign or structure does not bear copy.
  2. The sign or structure is not maintained as required by this Code.
  3. The property upon which the sign or structure is located remains vacant for a period of six (6) consecutive months or more. A property will be considered vacant when the property either no longer has a valid Certificate of Occupancy as required under Chapter 18 of the Pasco County Code of Ordinances, or when the property's actual use no longer reflects the use intended by the property's Certificate of Occupancy.
  4. The property on which the sign or structure is located remains unoccupied for a period of six consecutive months or more. A property will be considered unoccupied when it is no longer routinely habited by the presence of human beings.
- B. Signs which have any, all, or a combination of the characteristics listed above shall be covered and remain covered with an opaque covering, not bearing copy, by the property owner.
- C. Signs on parcels with active Building Permits will not be considered abandoned during the period that a permit is active provided that the internal fixtures are covered and the sign is maintained as required by this Code.

406.1.5. Substitution Noncommercial Speech for Commercial Speech

Notwithstanding anything contained in this Section to the contrary, any sign erected pursuant to the provisions of this Section may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another noncommercial message; provided however, that there is no change in the size, height, setback or other criteria contained in this Section.

406.1.6. Permanent Signs Exempt from Obtaining Sign Permits and Temporary Signs

The following on-site signs are not required to obtain a Sign Permit provided, however, that such signs are erected in conformance with all other requirements of this Code and provided that all required permits have been issued.

1. In nonresidential districts a Sign Permit is not required to change or replace the copy, message, or sign face on changeable copy signs. However, the change or replacement of the copy, message, or sign face must not enlarge, increase, or decrease the sign surface area, sign structure area, nor adversely affect the original

design integrity. If, in order to change or replace the copy, message, or sign face, the supporting sign structure must be unfastened, loosened, or removed, then a Sign Permit shall be required. Copy shall not be replaced such that the sign becomes an off-site sign.

2. In residential districts, one (1) nonilluminated wall sign not to exceed two (2) square feet in sign surface area.
3. In addition, all parcels may display the following without a permit(s):
  - a. Flags when displayed on a pole(s) or other supporting structures and provided that the flags do not bear a commercial message.
  - b. Signs or tablets not bearing a commercial message when cut into any masonry surface or when constructed of bronze or other noncombustible materials and located on a building or monument.
  - c. Interior signs as defined by this Code. Such signs shall not be counted as part of the maximum sign square footage permitted on any parcel.
  - d. One (1) noncommercial sign per premises not to exceed four (4) square feet in sign surface area and six (6) feet in height.

B. Temporary Signs

All allowed temporary signs shall meet the following general standards, as applicable, in addition to any applicable specific standards as provided in this Code:

1. Time of display. Temporary signs may be displayed before, during, and up to five (5) calendar days after an event to which the sign relates. Temporary signs shall not be posted more than fifteen (15) calendar days prior to the time of the event or activity to which they relate and shall be removed no later than five (5) calendar days after the conclusion of that event or activity. For the purposes of illustration, temporary political campaign signs may be posted no earlier than fifteen (15) days prior to the date of candidate qualification and must be removed no later than five (5) calendar days after the election to which they relate.
2. Location on parcel. A temporary sign shall not create a physical or visual hazard for pedestrians or motorists and shall be set back a minimum of five (5) feet from the right-of-way line and twenty (20) feet from the intersection of any rights-of-way. Temporary signs shall not be located within public rights-of-way or easements.

3. Number. One (1) temporary sign of any type, banner, or feather banner that is not prohibited by this Code for each residential lot, nonresidential establishment having a Certificate of Occupancy (CO), or vacant lot.
4. Maximum sizes. All temporary signs shall not exceed four (4) feet in width and eight (8) feet in height. However, feather banners, as defined by this Code shall not exceed two and one half (2.5) feet in width and eight (8) feet in height.
5. Temporary signs shall not be illuminated.
6. Temporary signs shall not be double-faced.
7. Maintenance standards for temporary signs. All temporary signs and supporting structures must be made of durable materials capable of withstanding the outdoor elements for the period of time to be displayed. Signs shall not contain any tears, tattered edges, stains or other signs of wear. Any temporary sign that is broken, damaged or in poor condition must be removed within 24 hours of notice by the County. All temporary signs must be removed and safely stored indoors whenever the public is instructed by a governmental authority that weather conditions require the storage of any loose items or materials due to an impending storm or other weather system.
8. Window signs which comprise, in aggregate, twenty-five (25) percent of the total window area or less.
9. One (1) sandwich-style sign per business establishment having a Certificate of Occupancy, when the sign is placed on the sidewalk no further than five (5) feet from the main entrance door of the establishment and with a maximum height of 3½ feet and maximum sign structure width of two (2) feet. The sign shall not be placed so as to obstruct pedestrian traffic along the sidewalk.

406.1.7. Signs in Rights-of-Way

- A. Bench signs as permitted in this Code, Section 406.5, may be placed in public rights-of-way within the County.
- B. Signs for which a valid Right-of-Way Use Permit and a License and Maintenance Agreement have been obtained from the County prior to December 31, 2011, may be placed in the public right-of-way subject to the terms of the Right-of-Way Use Permit and the License and Maintenance Agreement. However, such signs are nonconforming structures pursuant to this Code, Chapter 1200.
- C. Signs permitted as interim uses, pursuant to Section 901.2 of this Code, may be located within the public right-of-way subject to the requirements for a Right-of-Way Use Permit and a License and Maintenance Agreement.
- D. Prohibition of all other signs on rights-of-way. It shall be unlawful for any person, firm, corporation or other entity, for its own or the benefit of another, to erect, place, post, install, affix, attach, or in any other way locate or maintain a sign upon, within, or otherwise encroaching on a right-of-way or upon a structure located within such a right-of-way.

406.1.8. General Standards

All signs for which a Sign Permit is sought or has been issued shall meet the following general standards, as applicable, in addition to any applicable specific standards as provided in this Code.

- A. For the purpose of determining the spacing requirement found in this subsection, distances shall be measured from the leading edge of the sign structure to the property line of the property from which the distance is being measured.
- B. Illuminated signs, including neon signs, shall not produce more than one (1) foot-candle of illumination four (4) feet from the sign, when measured from the base of such sign. Exposed neon tubing shall not be permitted on ground signs.
- C. Signs, including temporary signs, shall not be placed in the clear sight triangle or in the rights-of-way (unless otherwise permitted as per this Code, Section 406.1.2.E). Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage.
- D. Maintenance of signs. All signs, including their supports, braces, guys, and anchors, shall be maintained so as to present a neat, clean appearance. Painted areas and sign surfaces shall be kept in good condition and illumination on signs designed and approved for/with illumination shall be maintained in safe and good working order. Illumination, if provided, shall be maintained in safe and good working order. The County may order the repair of sign(s) declared unmaintained, and with or without notice, may cause any structurally unsafe or structurally insecure sign to be immediately removed if the building official determines the sign presents an immediate threat to the public health or safety. On-site signs not currently in use, but that are not abandoned signs pursuant to Section 406.1.4, shall also be maintained in a neat and clean appearance.
- E. Height. The height of all signs shall include berms or permanent planters if the sign is located thereon and shall be measured at an elevation equal to the elevation of the closest portion of the nearest paved right-of-way to the highest point of the sign structure.
- F. Sign Shape and Area Computation. In computing sign area in square feet, standard mathematical forms for common shapes will be used. Common shapes shall include squares, rectangles, trapezoids, and triangles. The total sign area will be the area of the smallest common shape that encompasses the several components of the sign. All components of a sign or shall be included as one (1) sign. Individual components may be considered separate signs only if they are separated from other components.
- G. Ground signs shall be designed with an enclosed base. The width of such enclosed base shall be equal to at least two-thirds of the width of the sign structure measured at its widest point. The finish shall be consistent with materials used on the building that the sign serves.

- H. Number of signs. For the purpose of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single unit. In cases where material is displayed in a random or unconnected manner, or where there is reasonable doubt as to the intended relationship of such components, each component or element shall be considered to be a separate sign. A projecting sign or ground sign with a sign surface on both sides of such structure shall be construed as a single sign provided that the back to back sign faces do not exceed an angle of ninety (90) degrees and the total area of such sign shall be the area computed on a single side of the sign.
- I. Nothing contained in this section shall be construed to allow the display of signs when otherwise prohibited or restricted by private restrictions or covenants of residential or nonresidential property.
- J. Digital Signs. The intent and purpose of this subsection is to allow a property or business owner to consolidate advertising using a single sign instead of relying on multiple signs, banners, or flags by providing for digital display on ground signs in limited situations for nonresidential establishments which provide for multiple or successive messages on one sign face. Multiple or successive digital messaging alleviates the need for temporary messaging due to the ability to have multiple or successive messages on the same sign. Therefore, temporary signs and nonconforming signs are prohibited where a digital display is installed. Replacing temporary signage with multiple messaging on digital signs serves a public purpose by reducing visual blight, reducing sign clutter, improving traffic safety and improving the visual aesthetics of the County. Digital signs have a streamlined appearance and are progressive when compared to legally nonconforming signage on a site, such as roof signs, pole signs, and similar dated sign structures necessitating the removal of these nonconformities. Reduction in the number of lawful nonconforming signs located within the County furthers the substantial public interests in public safety and beautification of the County's roadways, is in the best interest of the County and its citizens and constitutes a public purpose.

Legally non-conforming signs with digital display are subject to the technical requirements of this Section. All other digital signs are prohibited. Digital signs, as provided in Sections K, L, M, and N may be permitted subject to the following technical requirements:

1. Digital display shall be static loop only. There shall not be any illumination that moves, appears to move, blinks, fades, rolls, shines, dissolves, flashes, scrolls, show animated movement or change in the light intensity during the static display period. Messages shall not give any appearance or optical illusion of movement or 3-D display. There shall be no special effects between messages. Noncommercial speech in lieu of any other speech may be displayed on digital display.
2. Dwell time, defined as the interval of change between each individual message, shall be at least fifteen (15) seconds, with all illumination changing simultaneously. There shall be no special effects or other content between messages.
3. Digital display signs shall not be interactive.
4. Digital display shall not be configured to resemble a warning or danger signal and shall not resemble or simulate any lights or official signage used to control traffic unless at the direction of the County for a public service announcement/ government declared emergency.

5. Lighting from digital display shall not be directed skyward such that it would create any hazard for aircraft or create skyglow. Digital display shall be modulated so that, from sunset to sunrise, the brightness shall not exceed 350 Nits. Sunset and sunrise times are those times established by the Tampa Bay Area Office of the National Weather Service. At all other times, the maximum brightness level shall not exceed 1,000 Nits. The brightness of digital display shall be measured by a luminance meter. The County Administrator or designee may require in writing to the sign owner that the maximum day and/or night brightness of any digital display to be reduced provided that any such reduction in maximum allowable Nits maintains the visibility to the traveling public of the digital display during day and night time hours without any need for amendment to this Section.
  
6. Digital signs shall not display light that is of such an intensity or brilliance to cause glare or otherwise impair the vision of a driver. Should the County, through its County Administrator or designee, at its sole discretion, find any digital display to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interferes with the operation of a motor vehicle, upon request, the owner of the digital sign shall immediately reduce lighting intensity of the digital display to a level acceptable to the County. "Immediate" or "immediately" shall be considered by the County to mean that the owner shall promptly and diligently begin and complete modifications as soon as it is advised of the need therefore. Failure to reduce lighting intensity on request shall be a violation of this Section 406.1.
  
7. Brightness and automatic dimmers. Digital display signs shall have installed and operating ambient light monitors to automatically adjust the brightness level of the digital display based upon ambient light conditions.
  
8. Light trespass from digital display shall not exceed 0.2 foot-candle at the digital sign property line. The illuminance of any digital display shall not be greater than 0.2 foot-candle above ambient light levels at any given time of day or night, as measured using a foot-candle meter at a preset distance described in this subsection.

Foot-candle measurement shall be taken at the measurement distance determined by using the following formula:

$$\text{Measurement distance (in feet)} = \sqrt{\text{Square footage of the digital display face}} \times 100$$

9. Digital display technology used shall be of the type designed to avoid hacking of the operation of the digital display.
  
10. Any digital display that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall immediately revert to a black screen until it is restored to its normal operation conforming to the requirements of this Section.
  
11. No auditory message or mechanical sound shall be emitted from any digital sign.

12. The owner of a digital display sign shall provide to the County an on-call contact person and phone number. The contact person must have the authority and ability to make immediate modifications to the display and lighting levels of the digital sign should the need arise.
13. Digital signs shall comply with State and Federal technical requirements not inconsistent with this Code.

K. Digital Signs – Regional Attractors.

1. Intent and Purpose

The intent and purpose of this subsection is to allow digital display on signs in limited situations for the use by regional attractors. Regional attractors are tourist destinations hosting a variety of events throughout the year that are promoted to visitors of Pasco County. Due to the large number of events and the wide variety of such events, regional attractors require the ability to convey multiple differing messages in a short amount of time to the traveling public. Therefore, it is appropriate that regional attractors may, meeting the requirements of this Code, construct signs with digital display.

2. Regional Attractor Status

Whether an applicant for a sign with digital display qualifies as a regional attractor meeting the intent and purpose of this Code shall be determined based upon the definition of regional attractor and the following criteria:

- a. The existing minimum acreage, under control by the entity, is at least 140 acres or the existing square footage under roof(s) is a minimum of 35,000 sq. ft.; and
- b. The existing minimum number of parking spaces, under control by the entity, is at least 450 or the existing minimum number of seats is at least 2,000; and
- c. The regional attractor hosts a minimum of 50 individual unique tourism related events as demonstrated on the regional attractor's annual events calendar.

3. Location Requirements

Regional attractors applying for signs with digital display shall have frontage on an arterial road, as determined by Table 7-3 Generalized Current Year Functional Classification Criteria for Reclassification of Existing Roads Functional Category of the Pasco County Comprehensive Plan or Interstate 75 and shall not be located in the Northeast Rural Area.

4. Sign Structure Requirements

- a. Digital display may be permitted in conjunction with a new monument sign or installed on an existing conforming monument sign. Only one sign structure containing digital display shall be permitted for each regional attractor.
- b. The sign structure shall not exceed eleven (11) feet in height except that the sign may contain an ornamental top feature that is sculptural or artistic in nature that exceeds the eleven (11) foot height limitation. The ornamental top feature shall not exceed fifteen (15) percent of the overall height of the sign structure. The sign structure must contain architectural features equal to at least fifty (50) percent of the total square footage of the copy area.
- c. A digital display face is permissible on both sides of the monument sign structure provided the faces are back to back. The digital display shall be an integral component of the permanent monument sign and compatible with the design of the sign including width, depth, and color of the cabinet. The digital display area shall not exceed 50% of the entire sign face that it is located on.

5. Siting Requirements

- a. Digital associated with major attractors which abut a residential district or use shall not be erected closer than 100 feet from any property line containing the residential zoning district or use.
- b. Only one sign face shall be viewable from any one direction. Sign faces must be back to back and not in a V formation.
- c. Signs containing digital display must comply with all applicable requirements of Section 406.1.8, General Standards, of this Code.

L. Digital Signs – Community Development Districts (CDD).

1. Intent and Purpose

The intent and purpose of this subsection is to allow non-commercial digital display on signs in limited situations for the use by governmental entities, specifically CDDs established pursuant to Chapter 190, Florida Statutes. Pursuant to Section 190.012, Florida Statutes, CDDs have special powers and obligations relating to public improvements and community facilities that require enhanced communication with District residents. Therefore, it is appropriate that CDDs may, meeting the requirements of this Code, construct signs with digital display.

2. Qualifying CDDs

A CDD applicant for a digital display must have a majority of the CDD board of supervisors as elected residents (electors) of the District.

3. Location Requirements

Signs with digital display shall be located within the boundaries of a CDD and may only be located within a highly visible area of the community such as amenities centers, clubhouses, etc. that frequented by residents, or high traffic area of the District and shall not be visible from an arterial road or any other location outside of the CDD boundaries.

4. Sign Structure Requirements

- a. Digital display may be permitted in conjunction with a new monument sign or installed on an existing conforming monument sign. Only one sign structure containing digital display shall be permitted for a CDD.
- b. A new sign structure shall not exceed five (5) feet in height and (24) square feet of sign structure area. Where an existing monument sign is converted to contain digital display, the display shall not exceed (24) square feet.
- c. A digital display face is permissible on both sides of the monument sign structure provided the faces are back to back. The digital display shall be an integral component of the permanent monument sign and compatible with the design of the sign including width, depth, and color of the cabinet.

5. Siting Requirements

- a. Signs with digital display shall not be erected closer than 100 feet from any residential use.
- b. Only one sign face shall be viewable from any one direction. Sign faces must be back to back and not in a V formation.
- c. Signs containing digital display must comply with all applicable requirements of Section 406.1.8, General Standards, of this Code.

M. Digital Signs – Homeowner Associations and Condo Associations.

1. Intent and Purpose

The intent and purpose of this subsection is to allow noncommercial digital display on signs in limited situations for use by Homeowner Associations, created and operating pursuant to Chapter 720, Florida Statutes, and Condominium Associations, created and operating pursuant to Chapter 718, Florida Statutes, collectively hereinafter referred to as “Associations”. Associations are characterized by the existence of a board of directors charged with the governance of the Association, financially and otherwise, which may require enhanced communication with its members. Associations are also characterized by an undivided share in common elements (such as amenities centers, clubhouses, etc.) that are owned and maintained by the Association to serve Association membership that are often times the gathering place for Association members that can provide enhanced communication opportunities.

2. Qualifying Associations

- a. Associations not located within a CDD.
- b. Association applicants for a digital display must have a majority of its board of

directors as owners of property within the Association.

3. Location Requirements

Signs with digital display shall be located only at amenities centers, clubhouses, etc., or high traffic area of the property serving the residents of the Association and shall not be visible from an arterial road or any other location outside of the boundaries of the Association.

4. Additional Requirements

The requirements of L.4. and 5. shall apply to Association digital signs.

N. Digital Signs – Office, Commercial, and Industrial Districts and Office, Commercial or Industrial entitled portions of an MPUD.

1. For purposes of this Section, Office Districts shall mean PO-1 Professional and PO-2 Professional Office Districts, Commercial Districts shall mean C-1 Neighborhood Commercial, C-2 General Commercial and C-3 Commercial/Light Manufacturing Districts, and Industrial Districts shall mean I-1 Light Industrial Park and I-2 General Industrial Park Districts.

2. Digital display shall be used for onsite messaging only.

3. Sign Structure Requirements

a. Digital display may be installed on a new monument sign or installed on an existing conforming monument sign. It may not be installed on an existing nonconforming sign such as a pole sign but a monument sign with digital messaging may replace such signs. Digital display shall not be permitted on a monument sign that has been granted a height increase through an alternative standard.

b. The sign structure shall not exceed eleven (11) feet in height except that the sign may contain an ornamental top feature that is sculptural or artistic in nature that exceeds the eleven (11) foot height limitation. The ornamental top feature shall not exceed fifteen (15) percent of the overall height of the sign structure.

c. A digital display face is permissible on both sides of the monument sign structure provided the faces are back to back. The digital display shall be an integral component of the permanent monument sign and compatible with the design of the sign including width, depth, and color of the cabinet. The digital display area shall not exceed 50% of the entire sign face that it is located on.

4. Siting Requirements

a. Digital which abut a residential district or use shall not be erected closer than 100 feet from any property line containing the residential zoning district or use.

- b. Signs containing digital display shall comply with all applicable requirements of this Section 406.1.8, General Standards, of this Code.

406.1.9. Additional Standards for Permanent Signs in Residential Districts

A. All signs for which a Sign Permit is sought or has been issued shall meet the following general standards.

1. Noncommercial signs are allowed in all residential districts and may be substituted for any sign expressly allowed and any such sign may display a noncommercial message. Noncommercial signs are subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as to the sign for which they are being substituted.
2. On-site signs meeting the general and specific standards of this Code, as applicable, are allowed in residential districts. Off-site signs are prohibited in residential districts.
3. An individual firm, partnership, association, corporation, or other legal entity other than the County shall be designated as the person responsible for perpetual maintenance of the sign(s).
4. A sign shall not create a physical or visual hazard for pedestrians or motorists entering or leaving a development and shall be set back a minimum of five (5) feet from the right-of-way line and twenty (20) feet from the intersection of the rights-of-way. Signs located in medians of residential development entrance streets need not comply with the setback requirements of this subsection.
5. Each sign structure area shall not exceed ten (10) feet in height.

B. Signs at Entrances to Residential Developments

One (1) double-faced ground or up to two (2) single-faced signs may be located at each entrance to a residential development and each individual village, pod, or distinct neighborhood. One (1) additional sign may be located at each terminus (or farthest edge) of the residential development, provided each additional sign is located at least 1,000 feet from the main development sign, up to a maximum of two (2) additional signs. Each sign surface area shall not exceed forty (40) square feet.

C. Signs Internal to a Residential Development

1. An unlimited number of permanent signs located on lands in common ownership shall be allowed to fulfill the functions of the residential community, not exceeding five

(5) feet in height and twenty-four (24) square feet of sign structure area and meeting the right-of-way setback requirements of this subsection.

2. Other permanent accessory signs, as necessary, not to exceed four (4) square feet in sign structure area and thirty (30) inches in height. A Sign Permit is not required unless the sign is illuminated.
- D. Nonresidential uses located within residential zoning districts shall be permitted nondigital signage that is compatible with their surroundings and site orientation, hence the allowable size and location of said signs is curtailed to the minimum necessary to protect aesthetics and community character. Parcels having nonresidential permitted uses, such as churches; special exception uses, such as day cares; and conditional uses, such as residential treatment and care facilities located in residential or agricultural districts; shall be allowed one (1) nondigital ground sign or wall sign not exceeding eight (8) feet in height and eighty (80) square feet in sign structure area, including architectural features and a maximum sign copy area of forty (40) square feet. The sign shall not create a physical or visual hazard for pedestrians or motorists entering or leaving the property and shall be set back a minimum of five (5) feet from the right-of-way line, twenty (20) feet from the property line if adjacent to a residential use, and twenty (20) feet from the intersection of any rights-of-way. Illuminated signs shall not be allowed facing residential uses unless the nonresidential use is separated from the residential use by an arterial or collector road. For nonresidential permitted uses within residential communities, one (1) ground sign not exceeding five (5) feet in height and twenty-four (24) square feet in sign structure area is allowed. This subsection does not apply to home occupations.

#### 406.1.10. Additional Standards for Permanent Signs in Nonresidential Districts

- A. All signs for which a Sign Permit is sought or has been issued shall meet the following general standards:
1. Noncommercial signs are allowed in all nonresidential districts and may be substituted for any sign expressly allowed and any such sign may display a noncommercial message. Noncommercial signs are subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as to the sign for which they are being substituted.
  2. On-site signs meeting the general and specific standards of this Code, as applicable, are allowed in nonresidential districts. Off-site signs, other than registered billboards, are prohibited in nonresidential districts.
  3. Signs on properties in nonresidential districts which abut a residential district shall not be erected closer than ten (10) feet from any residential zoning district.
  4. A sign shall not create a physical or visual hazard for pedestrians or motorists and shall be set back five (5) feet from the right-of-way line and twenty (20) feet from the intersection of any rights-of-way. When located on the intersection of two (2) or more

one (1) way streets, the setback from any intersection may be reduced to fifteen (15) feet, so long as the sign does not interfere with the clear sight triangle.

5. The finishing materials used on the sign shall be consistent with those used on the structure to which the sign relates.
6. For public safety and to serve as visible street address for delivery of mail and official government notification, official street address numbers and/or the range of official address numbers shall be posted on the ground sign structure and shall not be considered when figuring copy area. The numbers shall be either reflective or be of a contrasting color so as to be visible both day and night from the street or be illuminated. This subsection 406.1.10.A.6. shall be applied retroactively and proactively to all developed nonresidential parcels in the unincorporated Pasco County.

B. Ground Signs

1. One double-faced ground or up to two (2) single-faced signs maybe located at each entrance to a nonresidential development and each individual distinct pod. Each sign surface area shall not exceed forty (40) square feet.
2. One (1) ground sign is allowed for each parcel having frontage on a street. If a parcel has street frontage in excess of 300 feet, one (1) additional ground sign shall be allowed for each additional 300 feet of street frontage. At least 600 feet of street frontage is needed for a second sign, and the signs shall be placed no closer than 300 feet from each other on the same parcel.
3. Ground signs shall not exceed eleven (11) feet in height except that a ground sign may contain an ornamental top feature that is sculptural or artistic in nature that exceeds the eleven (11) foot height limitation. The ornamental top feature shall not exceed fifteen (15) percent of the overall height of the sign structure.
4. Maximum sign structure area and maximum copy area.

To encourage innovative design and aesthetically pleasing ground signs in the nonresidential districts of the County, the sign structure must contain architectural features equal to at least fifty (50) percent of the total square footage of the copy area and comply with the following standards:

- a. Single occupancy parcels. The maximum allowable copy area and total sign structure area for any single occupancy parcel shall be determined by the table below:

<b>Building Size Square Feet</b>	<b>Maximum Copy Area Square Feet</b>	<b>Maximum Sign Structure Area (Including Copy Area) Square Feet</b>
0-75,000	100	200
75,000-250,000	125	250
Over 250,000	150	300

- b. Multioccupancy parcels. The maximum allowable copy area for any multioccupancy parcel shall be determined by the table above by aggregating the size of the buildings, proposed and existing, if the parcel has multiple buildings, and/or by calculating the copy area equal to twelve (12) square feet for each tenant, proposed and existing, or a combination of these two (2) approaches to achieve the higher number of square feet allowed for copy area. However, the maximum allowable copy area for a sign on a multioccupancy parcel shall not exceed 200 square feet, and the maximum sign structure area shall not exceed 400 square feet.
  
- c. Multioccupancy parcels with 600 feet or more of frontage. If a parcel is entitled to more than one (1) sign under Section 406.1.10.B.2 and is a multioccupancy parcel, all allowable ground signs may be combined into a single ground sign not to exceed 400 square feet in sign structure area. Such a combined sign may not exceed fifteen (15) feet in height, except for an ornamental top feature that is sculptural or artistic in nature, that exceeds the fifteen (15) foot height limitation. However, the ornamental top feature shall not exceed fifteen (15) percent of the overall height of the structure. The combined sign may be divided into two (2) signs, if the frontage of the parcel exceeds 1,500 feet. The total area of the combined signs shall not exceed 400 square feet in sign structure area and the height of each sign shall not exceed fifteen (15) feet.
  
- 5. Location of multioccupancy signs. Multioccupancy signs or signs for a large scale, commercial, retail building may be located on an out-parcel if the out-parcel and the multioccupancy parcel or the large scale, commercial, retail building have shared common access. The out-parcel may also have its own sign, the size of which shall be determined by the single occupancy parcel table located in this section.

C. Wall Signs

Wall signs shall be allowed in nonresidential districts provided the following specific regulations are met in addition to the general regulations stated above:

- 1. The maximum allowable sign structure area for wall signage shall not exceed 1½ square feet per linear foot of establishment frontage, excluding parking garages

linear footage, if applicable, facing a street. Notwithstanding the foregoing, the maximum sign structure area shall not exceed 150 square feet for each frontage.

2. Wall signs shall not project above the roof line, the top line of the mansard, parapet, eave, or other architectural features as applicable, or side walls of the establishment to which the wall sign is attached nor shall the wall sign project more than eighteen (18) inches from the wall to which it is attached.
3. One (1) wall sign shall be permitted for each establishment in a multioccupancy parcel. Establishments located at a corner shall be allowed one (1) wall sign for each side of the establishment that faces a street.

D. Projecting Signs

Projecting signs shall be allowed in nonresidential districts, provided the following specific regulations are met, in addition to the general regulations stated above:

1. Projecting signs may be substituted for the wall sign, provided that the sign structure area of the projecting sign is not greater than the maximum sign structure area permitted for a wall sign.
2. Projecting signs shall not project more than four (4) feet from the wall to which the projecting sign is attached.
3. Projecting signs shall not be located above the roofline of the building nor more than eighteen (18) feet above the grade of the street, whichever is less.
4. Projecting signs shall not be located closer than ten (10) feet from an interior lot line or an adjacent establishment.
5. Projecting signs which project over any public or private pedestrian way shall be elevated a minimum of nine (9) feet above such pedestrian way. Projecting signs which project over any public or private street shall be elevated a minimum of fifteen (15) feet above such street.

E. Regulations for Marquee, Canopy, and Awning Signs

Marquee, canopy, and awning signs shall be allowed in nonresidential districts, provided the following specific regulations are met, in addition to the general regulations stated above:

1. An awning, canopy, or marquee sign may be substituted for a wall sign.

2. Any sign located on an awning, canopy, or marquee shall be affixed flat to the surface and shall not rise in a vertical dimension above the awning, canopy, or marquee.
3. The maximum sign structure area for awning, canopy, and marquee signs shall not exceed four (4) square feet per linear foot of building frontage facing a street. The aggregate copy shall not exceed twenty-five (25) percent of the total area of the awning, canopy, or marquee surface. The awning or canopy sign may be illuminated only if the material of which it is made is opaque.

F. Signs Internal to a Nonresidential Development

The intent and purpose of this subsection is to allow for accessory signage internal to a nonresidential development where such signage is not readily visible from adjacent rights-of-way.

1. An unlimited number of permanent signs may be located within a multioccupancy parcel or multiple parcels, developed under a Unified Plan of Development, not exceeding a height of five (5) feet and thirty-two (32) square feet of sign structure area, and meeting the right-of-way setback requirements of this subsection. The signs may be ground, wall, or projecting signs as appropriate to the site design.
2. Unlimited permanent signs, as necessary, not to exceed four (4) square feet in sign structure area and thirty (30) inches in height. No Sign Permit is required unless illuminated.
3. Colonnade signs. One (1) colonnade sign per establishment may be suspended at least nine (9) feet above a walkway limited to pedestrian traffic or at least fifteen (15) feet above a walkway open to vehicular traffic, not exceeding six (6) square feet of sign structure area.

G. Miscellaneous Nonresidential Signs

1. For the purposes of traffic safety, in addition to the signs otherwise permitted by these sign regulations, for all permitted drive-through establishments shall be allowed two (2) signs placed in proximity to each drive-through lane. Such sign shall be set back to the minimum building setback for the appropriate zoning district, or forty (40) feet, whichever is less. Sign surface area(s) may not exceed twenty-four (24) square feet and the sign structure area may not exceed eleven (11) feet in height. These signs may be internally illuminated and may emit sound only as part of a business transaction.
2. Two (2) signs are allowed per driveway not exceeding four (4) square feet in sign surface area and the sign structure area may not exceed thirty (30) inches in height.

If such sign is to be illuminated, then an Electrical Permit shall be obtained. These signs may be placed with a one (1) foot setback from the right-of-way provided that such signs meet all other applicable regulations.

#### 406.1.11. Unified Sign Plans for Developments

##### A. Intent and Purpose

The intent and purpose of a Unified Sign Plan (USP) is to provide applicants with an opportunity to create attractive signage having uniform or cohesive design of color, texture, materials, or architectural features which contribute to placemaking throughout the development. The establishment of an USP is voluntary and is not the intent of the County to circumvent the prohibitions of Section 553.79(22), Florida Statutes.

Further, USPs are intended to logically establish sign metrics (number, size, height, types) and/or blend sign types (residential and nonresidential) in a manner that is responsive to the specific site characteristics, function of the development, and/or the mix of uses therein.

USPs provide an opportunity for developments to incorporate signs with features which may not meet the specific provisions of the remainder of Section 406.1, but are appropriate due to the outstanding design, placemaking, theming and way-finding features of those signs.

##### B. General Requirements

1. A USP shall be for an entire Master Planned Unit Development (MPUD) or distinct portion thereof, an entire Common Plan of Development or a distinct portion thereof. Where a portion of the MPUD or Common Plan of Development is proposed to have a USP, the area to be included within the boundaries of the USP must be contiguous and reasonably compact.

Contiguous shall mean that a substantial portion of each parcel within the USP shall be coterminous with the other parcels that the USP is composed of. The existence of a public area, wetland, right-of-way, easement, railway, water course, or other minor geographical division of a similar nature running through the USP shall not be deemed to destroy contiguity. However, nothing herein shall be construed to allow right-of-ways, easements, railways, watercourses and the like to be used to fashion or gain contiguity.

Reasonably compact shall mean the concentration of the parcels that shall be used to form the boundaries of the USP and precludes the creation of finger areas or serpentine like patterns. The existence of a minor enclave within the USP boundaries shall not destroy compactness.

2. Standards for ground signs. Ground signs shall be designed with a height no taller than 20 feet from the ground to top of a decorative/architectural cap. The base shall be a minimum of 18 inches in height and have a width no less than 1/3 the width of the sign face, including any decorative/architectural features around the sign face.

#### C. Submittal Requirements

An applicant shall submit required information in the form as specified by the County Administrator or designee. The application package shall include:

1. Applicant Information
  - a. Proof of Ownership, i.e., copy of deed;
  - b. Agent of Record Letter, if applicable;
  - c. Application Fee as required for a Development Agreement; and
  - d. The location of the proposed USP.
2. A narrative statement describing the proposed USP, demonstrating how the proposed USP meets or exceeds the County's intent and purpose for USPs and contributes to placemaking and way-finding for the subject project area. The narrative shall include analysis of the factors used to evaluate a USP (See Section 406.1.11 E). This narrative shall also include analysis of the extent to which the USP is in conformance with Section 406.1 of this Code. In circumstances where the USP is not in conformance with Section 406.1, a discussion of how the proposed alternative meets or exceeds the intent of this section.
3. A description of all allowed signage pursuant to Section 406.1 including the number of signs, the approximate location on site of each sign and the sign type, the total square footage of sign structure area, height of signs and the sign copy area for all signs allowed pursuant to this Section within the subject development.
4. A description of all signage not in compliance with Section 406.1 including the number of signs, the approximate location on site of each sign and the sign type, the total square footage of sign structure area, height of signs and the sign copy area for all signs allowed pursuant to this Section within the subject development. For those signs not meeting the requirements of Section 406.1 of this Code, graphic renderings of each sign shown in context of the proposed location.
5. As applicable, whether the USP has been approved by an architectural review board of the subject development.

#### D. Prohibited Signs and Materials

The following sign types are prohibited in a USP:

1. Activated signs and devices not meeting the requirements of subsection 406.1.8.J of this Code;

2. Revolving signs;
3. Snipe signs;
4. Signs other than sandwich-style signs placed on the sidewalk or curb;
5. Swinging signs;
6. Vehicle signs;
7. Signs which imitate or resemble any official traffic or government sign, signal or device. Signs which obstruct, conceal, hide or otherwise obscure from view any official traffic or government sign, signal or device;
8. Any sign which:
  - a. Has unshielded, illuminated devices that produce glare or are a hazard or nuisance to motorists or occupants of adjacent properties.
  - b. Due to any lighting or control mechanism, causes radio, television or other communication interference.
  - c. Is erected or maintained to as to obstruct any firefighting equipment, door or opening used as a means of ingress or egress for fire escape purposes, including any opening required for proper light and ventilation.
  - d. Does not comply with the specific standards required for that type of sign as elsewhere required in this Code.
  - e. Is erected on public property or a public right-of-way, except government signs or other signs except as expressly allowed in this Code (see Section 406.1.2.E).
  - f. Employs motion picture projection or has visible moving parts or gives the illusion of motion.
  - g. Emits audible sound, vapor, smoke, odor particles or gaseous matter.
  - h. Bears or contains statements, words or pictures which have been adjudicated obscene in the community.
9. Bench signs located on private property;
10. Abandoned signs;
11. Inflatable signs, balloons, or devices of all sizes, including, but not limited to, activated tubes, puppets, people and the like;
12. Illegal signs;
13. Beacon signs;

14. Multi-prism signs;
15. Portable signs;
16. Pennants;
17. Flag, sail, teardrop, feather banners and other similar freestanding banner signs where the entity has access to digital display signage on site.;
18. New Billboards; this Section shall not require the removal of lawfully existing billboards;
19. Signs located on public rights-of-way without a valid Right-of-Way Use Permit and a current License and Maintenance Agreement if applicable; and
20. Signs advertising premises not subject to the USP.
21. Graffiti

E. Review Process

The application for approval of a Unified Sign Plan shall be distributed to appropriate review parties as determined by the County Administrator or designee.

The County Administrator or designee shall prepare a recommendation for consideration by the Planning Commission (PC) and the Board of County Commissioners.

The following factors shall be considered in the evaluation of all requests for Unified Sign Plans:

1. Whether the USP meets or exceeds the intent of a USP by creating a uniform or cohesive design for proposed signage based upon color, texture, materials, or architectural features.
2. Whether the USP contributes to place making within the development.
3. Whether the USP meets or exceeds the intent of the USP to logically use allowed signage in a manner that is responsive to the specific site characteristics, function of the development, and/or the mix of uses therein.
4. Whether those signs included in the USP that do not meet the specific provisions of the remainder of Section 406.1 are deemed appropriate due to the outstanding design and place making features of those signs, including consideration of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size and the size and style of lettering.
5. Whether the proposed USP is consistent with the applicable Market Area Policies, Mission and Vision as enumerated in the Comprehensive Plan.

6. Additionally, the request for a USP shall demonstrate:
  - a. The location and placement of the proposed signs in the USP will not endanger motorists;
  - b. Sign lighting will not cause hazardous or unsafe conditions for motorists;
  - c. The proposed signs will not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
  - d. The proposed signs will not obstruct views of users of adjacent buildings to side yards, front yards, or to open space; and
  - e. The proposed signs will not negatively impact the visual quality of a public open space such as a public recreation facility, square, plaza, courtyard; and the like.

7. Whether the requested USP proposes signs prohibited by this section.

F. Recommendation

The recommendation by the County Administrator or designee may be to:

1. Approve;
2. Approve with modifications or conditions; or
3. Deny.

G. Hearings Required

1. The PC shall consider the request for a USP at an advertised public hearing. Notice shall be published pursuant to this Code. Additionally, there shall be notice given to adjacent property owners within five hundred feet. The PC shall consider the recommendation of the County Administrator or designee, comments made at the public hearing, and the requirements of this section in preparing its recommendation for the Board of County Commissioners.
2. The PC may recommend:
  - a. Approve;
  - b. Approve with modifications or conditions; or
  - c. Deny.
3. The Board of County Commissioners shall consider the request for a USP at an advertised public hearing. Notice shall be as required for the PC hearing. The Board of County Commissioners shall consider the recommendation of the County

Administrator or designee, the recommendation of the PC, comments made at the public hearing, and the requirements of this section in rendering its decision. Approval or denial of a USP shall be in writing. The written approval may include conditions as necessary to ensure compliance with this Code.

#### H. Effect of Approval

1. Approval of a USP allows for the approved signage to be used in locations anywhere within the USP without those signs being considered off-site signs.
2. Substantial modifications to an approved USP shall be made through an amended Agreement in accordance with Section 406.3, as approved by the Board of County Commissioners after receiving a recommendation by the PC.
3. Existing signage not incorporated into the request for approval of the USP shall be removed within the time specified in the Agreement.
4. All signs in the area of the USP shall be in conformance with the USP. Additional Sign Permitting fees may be required to ensure compliance with the USP.
5. For any large-scale commercial retail development proposed to be located within the USP, such development is exempt from Section 1102.4.I. of this Code.
6. The Agreement shall be recorded in the public records of Pasco County in a manner that future purchasers will be notified of the existence of the USP.
7. The applicant shall be responsible for notifying tenants of the requirements of the USP.

#### I. Modifications to an Approved USP

##### 1. Substantial Modifications

A substantial modification request shall be processed as a USP amendment in accordance with this Code, Section 406.1.11.H.2. The following shall be presumed to be substantial modifications to the approved USP:

- a. Any change to a condition specifically imposed by the BCC at the time of the USP approval.
- b. Request for repeal of the entire USP or a portion of the USP previously approved by the BCC. Unless a new USP is applied for and approved in accordance with Section 406.1.11, the development shall comply with this

Code Section 406.1.

- c. Any change to the legal description recorded in the Official Records of Pasco County as Exhibit A, Legal Description, and made part of a previously approved USP, provided that the additional property is a cohesive part of the development.
- d. Any request to extend the duration date of the USP.
- e. Request to add a sign type not previously approved in the USP, however, if using the same design standards approved in the USP, or as amended, it is a nonsubstantial modification.
- f. Any change in architectural design, theming, and color palette from what was approved in the USP. The applicant must demonstrate how the new architectural design, theming, and color palette meet the intent and purpose of a USP and how it contributes to overall placemaking and cohesive design of the previously approved USP.
- g. Notwithstanding a-f above, a change of any aspect, attribute, or feature of the USP which may adversely impact the site or surrounding area in a manner which would be inconsistent with this Code or the Comprehensive Plan, may be considered substantial or require a hearing before the PC.

2. Nonsubstantial Modifications

The County Administrator or designee is authorized to approve administratively nonsubstantial modifications to the approved USP but shall not have the power to approve changes that constitute a substantial modification. If the requested revisions to the USP are nonsubstantial, the following information shall be provided:

a. Applicant Statement

A statement by the applicant specifying the exact nature of the changes proposed to the USP and/or conditions and an analysis of the applicability of the substantial modification standards. The statement must include how the proposed changes meet the intent and purpose for USPs and contributes to placemaking and wayfinding for the subject project area.

b. A copy of the approved USP, most recent version, to include any nonsubstantial modifications.

c. A copy of the recorded Development Agreement for USP.

d. A graphic or map indicating:

(1) The boundaries of the USP.

(2) Identification of the portion of the USP proposed for change.

(3) As applicable, whether the proposed change(s) to the USP has been approved by an architectural review board of the subject development.

3. Review and Determination

Upon receipt of a completed application for the nonsubstantial modification with all required documents, County staff shall have thirty (30) days to review and request revisions.

Upon receipt of responses to comments and requested revisions from the applicant, the County Administrator or designee shall issue a nonsubstantial determination in writing within ten (10) days along with any conditions to ensure compliance with the Comprehensive Plan and this Code. Any changes to the USP that are not included in the narrative statement required pursuant to this Code shall not be considered approved by the County.

A change in any aspect, attribute, or feature of the USP that may be considered nonsubstantial which may adversely impact the site or surrounding area as determined by the County Administrator or designee, which would be inconsistent with the Goals, Objectives, and Policies of the Comprehensive Plan or general standards for development approval as set forth in this Code, may be considered substantial or require a hearing before the PC, the latter of which would require notice to the public by mail and posting in accordance with Section 306.

J. Deviations from Approved USP Plans.

Deviations from approved USPs or failure to comply with a requirement, condition, or safeguard imposed by the BCC during the approval procedure shall constitute a violation of this Code.

406.1.12. Minimum Criteria for All Signs in the County

It is the intent of the BCC that, should any provision of this Section 406.1 be declared unconstitutional, the unconstitutional subsection(s) hereof is intended to be severable from the remaining provisions of Section 406.1. Should all other provisions of Section 406.1 be declared unconstitutional, notwithstanding any other provision of this Code, the following minimum criteria shall also be met by all signs erected in the County.

- A. Residential districts. No sign may be erected in a residential district that exceeds the following dimensions:
  - 1. Maximum sign height: Ten (10) feet.
  - 2. Maximum sign structure area: Forty (40) square feet.
  
- B. Nonresidential districts. No sign may be erected in a nonresidential district that exceeds the following dimensions:

1. Maximum sign height: Fifteen (15) feet.
  2. Maximum sign structure area: 400 square feet.
- C. Digital Display is prohibited, except in conformance with the requirements of subsection 406.1.8.J, K, L, M, and N of this Code.

#### 406.1.13. Enforcement

In addition to the enforcement provisions of Section 108, the County may apply any one (1) or combination of the following remedies in the event of a violation of this section.

- A. Whenever a violation(s) of this section occurs or exists or has occurred or existed, any person, individual, entity, or otherwise, who has legal, beneficial, or equitable interest in the facility, or instrumentality causing or contributing to the violation(s), and any person, individual, entity or otherwise who has legal, beneficial, or equitable interest in the real or personal property upon which such violation(s) occurs or exists or has occurred or existed, shall be liable for such violation(s). The owner or marketer of goods, services, and/or events which are advertised on a sign, which is displayed in violation of this Code, is presumed to have a legal, beneficial, or equitable interest in the facility or instrumentations causing or contributing to the violation. Such presumption can only be rebutted by clear and convincing evidence. In addition, any person with control or responsibility over the condition or appearance of the premises where a violation exists, such as a manager, any owner or marketer of goods, services, and/or events, which are advertised on a sign which is displayed in violation of the Code, is liable for the violation. Any person who erects a sign in violation of this ordinance or any person who otherwise causes or contributes to a violation shall be liable for the violation.
- B. Information contained in any sign, including names, addresses, or telephone numbers of persons or entities benefiting from or advertising on the sign, shall be sufficient evidence of ownership or beneficial use or interest for purposes of enforcing this section. More than one (1) person or entity may be deemed jointly and severally liable for the placement or erection of the same sign. Each unlawful sign shall be deemed a separate violation of this section.
- C. Removal of Signs on Rights-of-Way

Any sign on a right-of-way or on public property in violation of this section shall be subject to immediate removal and impounding, without notice, by the County Administrator or designee at the joint and several expense of the owner, agent, lessee, or other person having beneficial use of the sign, the sign contractor or, if non-County right-of-way, the owner or lessee of the land upon which the sign is located.

1. Illegal signs of negligible or no value; destruction. Any sign placed or erected in a right-of-way or on public property in violation of this section, which has negligible or no value due to its perishable or nondurable composition including, but not limited to, those made out of paper, cardboard, fabric, vinyl, plywood, poster board, or unfinished materials, shall be deemed abandoned and may be destroyed by the County after

removal. No notice or opportunity to reclaim such a sign shall be required of the County.

2. Recovery of impounded signs; abandonment and destruction. Except for those signs described in Subparagraph 1 above, any sign removed and impounded by the County shall be held in storage and the owner, if the owner's identity and whereabouts are known to the County, shall be provided with written notice via certified mail and regular mail of impoundment and fifteen (15) days from the date of notice to reclaim any such sign. Any impounded sign stored by the County may be destroyed if not reclaimed within fifteen (15) days of the written notice date or within fifteen (15) days of the date of removal if the identity and/or whereabouts of the owner are not known to the County.
- D. Removal of signs on private property for immediate peril. The County Administrator or designee may cause, without notice, the immediate removal of any sign which is an immediate peril to persons or property. The cost of removal shall be the joint and several responsibility of the owner, agent, lessee, or other person having beneficial use of the sign, the sign contractor, or the owner or lessee of the land upon which the sign is located.

## CHAPTER 600. OVERLAY AND SPECIAL DISTRICT AREAS

### SECTION 601. TRADITIONAL NEIGHBORHOOD DEVELOPMENT

#### 601.10. Signs

- A. Location Restrictions. Signs shall not be erected, constructed, or maintained so as to obstruct any fire escape, window, door, or opening used as a means of egress or so as to prevent free passage from one part of a roof to any other part thereof. A sign shall not be attached in any form, shape, or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for ventilation.
- B. Conflict with Other Regulations. Where the provisions of this Code, Section 406.1, Signs, conflict with the TND signage requirements, the TND signage requirements shall prevail. Signs standards not addressed in these subsequent sections shall defer to any applicable standards.
- C. Measurement of Building Frontage. For purposes of sign-area computation, the building frontage shall be that part of the building where lines perpendicular to a straight line connecting the corners of the building site intersect the building.
- D. Maximum-Allowable Copy Area. Within the town center or neighborhood center, a total sign area of one (1) square foot shall be allowed for each linear foot of building frontage along the primary business site building frontage.

Primary frontage shall be the narrow dimension of the primary business site building facing a street, park, plaza, or parking lot. If the building has frontage on more than one (1) street, additional sign area shall be allowed based on one-half square foot of sign area for each linear foot of building frontage along the secondary street(s) frontage of the building site.

Sign types excluded from this calculation are:

- 1. Accessory Service Use Signs. One (1) nonilluminated sign shall be limited to a maximum of three (3) square feet in area and be located at the business entrance.
- 2. One (1) Nonilluminated Wall Sign not to exceed two (2) square feet. The minimum size of each letter shall be a minimum of one (1) inch and a maximum of six (6) inches.

3. One (1) sign may be located in a permanently mounted display box on the surface of the building within eight (8) feet to the entry of a restaurant. The allowable area for said sign shall be a maximum of four (4) square feet.
  4. Temporary Signs
- E. Sign Shape and Area Computation. In computing sign area in square feet, standard mathematical forms for common shapes will be used. Common shapes shall include squares, rectangles, trapezoids, and triangles. The total sign area will be the area of the smallest common shape that encompasses the several components of the sign. All components of a sign or shall be included as one (1) sign. Individual components may be considered separate signs only if they are separated from other components.
- When signs are enclosed in a border or highlighted by background graphics, the perimeter of such border or background will be used to compute area.
- F. Number of Signs Permitted. Each business within the town center and neighborhood center may have up to three (3) signs. The total copy area permitted is for all of the signs combined and not for each individual sign. Signs that are not included in copy-area calculations shall be exempt from the total number of signs permitted.
- G. Multifaced Signs. On any sign with more than one face, the maximum number of advertising surfaces visible from any location will be counted, provided; however, that all advertising surfaces of a multi-faced sign shall be equal in size and height and contained within a common perimeter.
- H. Illumination of Signs. Back-lit, halo-lit illumination, or reverse-channel letters with halo illumination are the only type of illumination permitted within a TND. White light and neon are the only colors permitted as illumination within the TND.
- I. Building-Type Signage. The following building-type signs are permitted as detailed herein.
1. Wall Sign. No wall sign or supporting structure shall project more than twelve (12) inches from the wall of a building. No wall sign shall extend more than thirty (30) feet above ground level to the top of the sign, nor above the roof line.
  2. Window Signs, Attached. Signs which are physically attached or painted to any surface of a window are permitted and the area of any such sign shall count in the maximum-allowable sign area.
  3. Window Signs, Unattached and Temporary. Signs located on the interior of a structure, but visible from the exterior of the building, are permitted and are not charged against the maximum-allowable signage area if such signs are not physically attached or painted to the window and do not obscure more than ten (10) percent of

ground-floor, street-side building transparency. The ten (10) percent is not-to-exceed total glass area calculated for both unattached and temporary window signs.

Temporary signs can take the form of banners, window graphics, or as cards integrated with a window display. Temporary signs are permitted on the interior of the business establishment only and shall be no more than five (5) square feet of text; shall not exceed ten (10) square feet in size; and no more than ten (10) percent of ground-floor, street-side building transparency.

4. **Projecting and Hanging Signs.** No projecting sign or supporting structure shall extend above the roof line, nor shall any such sign extend into any street centerline setback or more than thirty (30) feet above ground level to the top of the sign and shall provide a vertical clearance of nine (9) feet along pedestrian areas.
5. **Awning Signs.** An awning sign where allowed by the County and built in accordance with the Florida Building Code shall be permitted, but shall count in allowable signage for the building.
6. **Signs Proximate to Entries.** One (1) sign, not exceeding three (3) square feet in area, may be permitted at each access drive.
7. **Sandwich-Style Sign.** One (1) sandwich-style sign per business establishment having a Certificate of Occupancy, when the sign is placed on the sidewalk no further than five (5) feet from the main entrance door of the establishment and with a maximum height of 3½ feet and maximum sign structure width of two (2) feet. The sign shall not be placed so as to obstruct pedestrian traffic along the sidewalk.
8. **Monument Signs.** Multioccupancy parcels shall be allowed one (1) monument sign within the town center and may not exceed thirty-four (34) square feet of copy area per side and not exceed six (6) feet in height. The illumination of this monument sign shall not be internally lit and may have external lighting that is concealed to the sign. An increase of ten (10) percent copy area shall be permitted if an architectural base is as described below in Subsection i. The monument sign support base shall be encased or provide external support and meet the following standards:
  - a. Signs shall be in an enclosed base possessing a minimum width of two-thirds the width of the sign.
  - b. If any support, upright, bracing, or framework is utilized or proposed to support a ground sign, said support, upright, bracing, or framework shall be:
    - (1) **Architectural Feature.** Encased in an ornamental shell of stone, brick, ornamental metal, or similar and/or compatible materials with the architecture of the building or other site features;

- (2) The maximum size of the background structure of a sign shall not exceed 110 percent of the total square footage of copy area. For example, fifty (50) square feet of copy area can have fifty (55) square feet of background-structure area. If the sign is encased in an architectural feature which is the base of the sign, the maximum background structure may be up to 150 percent of the total square footage of copy area and increase maximum copy area by an additional twenty-five (25) percent per total copy area; and
  - (3) The base shall not be intended or designed to include messages and shall not include colors, trademarks, or any other decorative design features that are primarily intended to attract attention, rather than be unobtrusive or compatible with the architecture of the building or other site features.
- c. A minimum width of thirty-six (36) inches of landscaping shall be incorporated around the base to include low-growing shrubs and ground cover and/or flowering annual to promote color and must have an automatic-drip irrigation system.
  - d. Monument signs are permitted within the town center if the building is setback more than fifteen (15) feet from the right-of-way. The maximum height shall be six (6) feet.
9. Home-Based Business Sign. One (1) home-based business sign is permitted. A business may have one (1) square foot of signage per four (4) lineal feet of building frontage not-to-exceed sixteen (16) square feet. A home-based building sign shall not be illuminated.

601.11. **Definitions**

The following words, terms and phrases, and their derivations shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words not defined in this section shall have the meaning as defined within this Code. Words not defined in this section or this Code shall have the meaning as defined within the Comprehensive Plan. When not inconsistent with the context, words in the present tense include the future. The word "shall" is always mandatory and not merely directory.

- A. "A" Street. The primary, pedestrian-oriented streets within a neighborhood center and a town center that provide a mix of uses promoting pedestrian activity, cycling, and transit. These streets have building-frontage requirements that place buildings close to the street and restrict off-street parking and service uses along them.
- B. Accessory Service-Use Area. A service area that is used for loading, unloading, and a staff entrance which is not used as a public entrance, but has access to the building.

- C. Anchor. Large national or regional retailer that serves as primary draw for a shopping center. At regional malls, anchor tenants are typically department stores and at community and power centers, they are food/drug stores, discount department stores, etc.
- D. Architectural Relief. Decorative finish that will provide a visual break in building facade.
- E. Awning. Temporary shelter supported entirely from the exterior wall of a building and composed of nonrigid materials, except for the supporting framework.
- F. "B" Street. The secondary streets within a neighborhood center and a town center that provide vehicular and service access to development blocks. These streets have no building-frontage requirements. While "B" streets are not intended to be primary pedestrian streets, at a minimum they must include sidewalks and street trees in accordance with specified street-design standards.
- G. Bicycle Lane. A portion of a roadway that has been designated by striping, signage, and pavement marking for the preferential or exclusive use of bicyclists.
- H. Block Faces. The building facades on one (1) side of a block's street frontage.
- I. Buffer. An area reserved or designed to separate potentially incompatible land uses.
- J. Buildable Area (Also, Buildable Land Area). The area within the boundary of a development or parcel, excluding areas devoted to right-of-way, transmission power-line easements, lakes, wetlands, or areas within the 100-year floodplain.
- K. Building Facade. An exterior wall of a building that is set along a frontage line.
- L. Building Frontage. The linear length of a building facing a public street right-of-way, exclusive of alleys.
- M. Building Massing. The three (3) dimensional bulk of a structure: height, width, and depth.
- N. Building Orientation. The position in which the primary facade of a building is located on a block.
- O. Caliper. The measure of the trunk diameter of a tree at six (6) inches above the soil line.
- P. Community Common Areas. Includes a park; green and/or plaza; centralized recycling areas; mailbox kiosks; informal open space, both active and passive; fountains; monuments that serve as a community identity; and other, additional meeting areas within the town center which precludes streets, parking lots, and sidewalks. Sidewalks that are located internal to a

common area are permitted to count towards this requirement, but not sidewalks that are provided throughout the development.

- Q. Cul-de-Sac. A turnaround at the end of a dead-end street.
- R. Development Blocks or Blocks. A unit of development that is surrounded on all sides by "A" streets. Example dimensions: 500 feet to 700 feet in length by 500 feet to 700 feet in width.
- S. Encroachment. Entering into adjacent area.
- T. Finish. The final, exterior material or treatment applied to a building, such as brick or stucco.
- U. Half-Blocks. A subunit of a development block that is surrounded on three (3) sides by "A" streets and on one (1) side by "B" streets. Example dimensions: 500 feet to 700 feet in length by 250 feet to 350 feet in width.
- V. Hanging Signs. Hanging signs are similar to projecting signs, except that they are suspended under a canopy or attached to a ceiling. Hanging signs are generally smaller than projecting signs due to their lower mounting height.
- W. Linear Facilities. The legal definition of linear facilities is set forth in Section 704.06(11), Florida Statutes, and includes electric, telecommunication, other transmission and distribution lines and facilities, and public or private transportation corridors and related appurtenances. Linear facilities also include water distribution and sewer-collection systems.
- X. Liner Retail. Liner retail is defined as a building type designed to mask surface parking lots or anchor retail uses in order to provide building frontage along "A" streets, typically single story.
- Y. Live Work Unit. An apartment unit that is integral with a commercial building. Only the owner, operator, or an employee of the principal permitted use and the immediate family may occupy such units.
- Z. Main Street (within a Town Center). An "A" street that serves as the primary, nonresidential corridor for a town center.
- AA. Mass. See "Building Massing."
- BB. Mixed-Use Building. The combination of either commercial or office and residential uses within a single building of two (2) or more stories, wherein at least fifty 50 percent of the floor area contains residential-dwelling unit(s).

- CC. Multi-Modal Transportation System. A network of transportation infrastructure that supports multiple modes of travel, including vehicles, transit, walking, and biking.
  
- DD. Neighborhood. Neighborhoods are characterized by a mix of residential housing and neighborhood services that may include schools, parks, neighborhood shopping, and houses of worship.
  
- EE. Neighborhood Center. The public core of a neighborhood, which may be a combination of parks; schools; public-type facilities, such as churches or community centers, and may include small-scale, neighborhood-oriented commercial uses.
  
- FF. Neighborhood-Oriented Commercial Uses. Retail or office land uses that serve most of the daily needs of residents of the neighborhood in which it is located.
  
- GG. Nonresidential Use. Office, business, commercial, including retail uses, or light-industrial uses.
  
- HH. Open Space. Undeveloped land or water body which is free of structures and equipment, except those incidental to the land's open-space uses. Open space may include the following: flood protection, creating a sense of spatial separation for incompatible land uses, areas for agricultural operations, passive recreation, active recreation, conservation uses, or historical site preservation.
  
- II. Parking, Diagonal. Parking spaces within the right-of-way that is adjacent to and at an angle between forty-five (45) and ninety (90) degrees. Diagonal parking may be back-in parking only.
  
- JJ. Parking, Off-Street. Parking spaces that are located outside of any street right-of-way or easement and designed to accommodate the parking of domestic vehicles. Parking spaces are allowed within the travel lanes of some streets as illustrated in the street sections.
  
- KK. Parking, On-Street. Space located inside of any street right-of-way or easement and designed to accommodate the parking of domestic vehicles.
  
- LL. Parking, Parallel. Parking spaces within the right-of-way that is adjacent to and parallel to travel lanes.
  
- MM. Plaza. A public space at the intersection of streets devoted to civic purposes and temporary commercial activities, such as craft shows, farmers markets, etc. A plaza is surrounded by streets with facing buildings and includes lawns, trees, walks, ornamental structures, buildings, and durable pavement for parking.
  
- NN. Principal Entrance. Entrance of a structure in which a primary access point is provided.

- OO. Private-Edge Condition. A development block that is permitted to create a single row of lots or building sites as an edge or boundary.
  
- PP. Primary Local Stop: A bus stop that is located within a neighborhood which includes shelter, transit-route information, seating, trash receptacle, bicycle rack, and adequate lighting.
  
- QQ. Prototype. A generalized development diagram that illustrates the basic design principles to be applied to actual development conditions.
  
- RR. Public-Edge Condition. A requirement for development blocks to share a public street as a common edge or boundary.
  
- SS. Public Entrance. Entrance that is available for access by the general public during operating hours of business.
  
- TT. Public Space. Any publicly accessible square, plaza, or green that is available for passive or active recreation.
  
- UU. Public/Civic. A class of land uses that includes the following public and civic-use categories as defined within the County zoning ordinance: community service; education facilities; government facilities (limited to city, county, State or Federal government offices; emergency services; fire; sheriff; medical station; or post office); and places of worship.
  
- VV. Recreational Space. Passive or active recreational areas.
  
- WW. Residential Use. The use of land, buildings, or structures for uses which include, but are not limited to, community residential facilities, dwelling units, fraternity and sorority houses, life-care treatment facilities, private-pleasure craft used as a residence, professional-residential facilities, and temporary living facilities.
  
- XX. Service-Function Area: An Equipment Area. Loading area or dock; trash-collection area; trash-compaction area; truck-parking area; recycling area; or other, similar service-function area.
  
- YY. Shade/Street Tree. A self-supporting woody plant, typically having a minimum height at maturity of at least twenty (20) feet, planted primarily for its high crown of foliage.
  
- ZZ. Surface. See "Finish."
  
- AAA. Town Center. A concentration of development within a neighborhood that includes identified residential, retail, office, public spaces, and public/civic uses.

- BBB. TND. A collection of neighborhoods around a town center.
- CCC. Urban Development Form. A development pattern that is designed on a grid using a system of blocks that are limited in width and length; that are framed by a street system that prioritizes pedestrian activity; and that has buildings and structures that form a consistent, distinct edge spatially delineating the public street and the private block interior.
- DDD. Walking Distance. The distance a resident of average health and age may be expected to walk for the purposes served by the neighborhood center considering the available sidewalks, streets, and paths; conditions which enhance the walking experience, such as tree canopies, shade and visual interest; or which detract from it, provided that in no event shall "walking distance" exceed one-half mile of pedestrian travel.
- EEE. Window Signs, Attached. Signs that are painted, posted, displayed, or etched on an interior translucent or transparent surface, including windows or doors.
- FFF. Window Signs, Unattached. Signs located on the interior of a structure, but visible from the exterior of the building, not physically attached or painted to the window..

## CHAPTER 1200. NONCONFORMITIES

### SECTION 1201. GENERALLY

#### 1201.1. Intent and Purpose

The intent and purpose of this section is to protect the property rights of owners or operators of nonconforming uses, structures, or lots while encouraging the reduction of nonconforming uses within the County as provided in Chapter 2, Policy FLU 1.5.1, of the Pasco County Comprehensive Plan.

#### 1201.2. Construction and Uses Approved Prior to December 1, 1975

Nothing herein contained shall require any change in plans or construction of a structure for which a Building Permit was issued prior to December 1, 1975, provided such construction was completed by December 1, 1976. Nothing herein shall require any change in a use of land or a structure provided such use lawfully existed before December 1, 1975, and has not since been abandoned as defined in this Code, Section 1202.4.

#### 1201.3. Unlawful Use Not Authorized

Nothing in this section shall be interpreted as authorization for, or approval of, the continuance of any use of a structure or premises in a manner that violated State law and/or County ordinances in effect on December 1, 1975.

#### 1201.4. Applicability

This section applies to all nonconformities. There are three (3) categories of nonconformities as described in Table 1201-1.

**TABLE 1201-1**

**Nonconformities**

<b>Situation</b>	<b>Definition</b>
Nonconforming Use	<p>A nonconforming use is a use which legally existed prior to the initial adoption of the Comprehensive Plan or subsequent amendment thereto or the County's first land development regulations, or any subsequent amendment thereto, and which does not comply with the current Code. The casual, temporary, or illegal use of land or structures does not establish the existence of a nonconforming use.</p> <p>A nonconforming use may consist of a nonconforming use of land, a nonconforming use of structures, or a nonconforming use of land and structures.</p>
Nonconforming Structure	<p>A nonconforming structure is a structure lawfully existing prior to the initial adoption of the County's first land development regulations or any subsequent amendment or government action which could not be built under the terms of the current Code by reason of restrictions governing area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot.</p> <p>A nonconforming sign is a sign lawfully erected within the County on December 10, 2002, which does not conform to the requirements of this Code.</p>
Nonconforming Lot	<p>A nonconforming lot is a lot which lawfully existed prior to the December 1, 1975, adoption of the County's first land development regulations Code, or any subsequent amendment or government action that could not be created under the terms of this Code by reason of lot size, dimension, characteristic, or other provision of this Code.</p>

1201.5. **Review of Nonconformities**

Any person may request a review of a nonconformity for the purposes of determination that the use, structure or lot is legally nonconforming, or determination of whether a nonconforming use has been abandoned pursuant to the provisions of this Code. The request shall be submitted to the County Administrator or designee, along with supporting documentation, such as affidavits, dated photographs, utility receipts, statements from utility companies, occupational licenses, or professional

licenses showing locations, and a review fee. The County Administrator or designee shall have forty-five (45) days from the date that the application is found to be sufficient to issue a final determination. The final determination may be appealed to the BCC as provided in this Code, Chapter 400, Section 407.1.

1201.6. **Registration**

The County Administrator or designee shall maintain, for public use and information, a list of uses, lots, and structures determined to be legally nonconforming. The list shall include a general description of the nature and extent of the nonconformities and may include photographs as documentation.

SECTION 1202. NONCONFORMING USES

1202.1. **Nonconforming Use Enlargement Prohibited**

A legal nonconforming use shall not be changed, intensified, expanded, or enlarged in any manner beyond the floor area or lot area that it occupied on December 1, 1975, or the effective date of any amendment to this Code rendering such use nonconforming.

1202.2. **Nonconforming Use Allowed Continuation**

A nonconforming use may continue and may be bought or sold in conjunction with the land upon which the use is operated, subject to the provisions of this Code, even though such use does not conform to the current regulations established for that zoning district in which it is located.

1202.3. **Where Structure is Damaged**

In circumstances where less than fifty (50) percent of the value of the structure (as determined by fair market value of the structure) in which a nonconforming use is located is damaged or destroyed by fire, explosion, flood, or other casualty, or legally condemned, the structure may be reconstructed and the nonconforming use continue provided that (a) the reconstructed structure shall not exceed the height, area, or volume of the structure destroyed or condemned; and (b) reconstruction

shall be commenced within six (6) months from the date the structure was destroyed or condemned and shall be carried on without interruption. The act of receiving a Building Permit does not constitute commencement of construction.

1202.4. **Abandonment**

The nonconforming use of a structure or land, except a residential structure being used as a residence, which has been abandoned, shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when one or more of the following conditions exists:

- A. When a nonconforming use has been discontinued for a period of 180 days. For the purposes of this section, the intent of the owner of the nonconforming use shall not be controlling in determining whether the nonconforming use has been abandoned. Discontinuance of the nonconforming use for a period of 180 days, regardless of the intent of the owner, shall constitute abandonment.
- B. When it has been replaced by a conforming use.

1202.5. **District Changes**

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any nonconforming uses existing therein.

1202.6. **Grandfather of Special Exception Uses**

Any use which is currently permissible as a special exception in a district under the terms of this Code and was in existence at the time the property was initially zoned (December 1, 1975) or rezoned shall not be deemed a nonconforming use in such district, but shall without further action be considered a permitted use.

SECTION 1203. NONCONFORMING STRUCTURES

1203.1. **Repair, Maintenance, and Alterations**

Except as below, only ordinary repairs and maintenance may be made to a nonconforming structure:

- A. A nonconforming structure may be altered or improved provided that any structural change shall not increase the degree of nonconformity. Structural

changes which decrease or do not affect the degree of nonconformity shall be allowed.

- B. A nonconforming structure may be altered to the extent necessary, if such alteration is intended, and will result in the structure's conversion to a conforming structure.
- C. Nothing in this section shall prevent the strengthening or restoring to a safe condition of any portion of a nonconforming structure declared unsafe by the Building Official.

1203.2. **Restorations**

- A. In circumstances where less than fifty (50) percent of the value of the structure (as determined by fair market value of the structure) in which a lawful nonconforming structure is damaged or destroyed by fire, explosion, flood, or other casualty, or legally condemned, the structure may be reconstructed provided that (a) the reconstructed structure shall not exceed the height, area, or volume of the structure destroyed or condemned; and (b) reconstruction shall be commenced within six (6) months from the date the structure was destroyed or condemned and shall be carried on without interruption.
- B. In circumstances where fifty (50) percent or more of the value of the structure (exclusive of walls below grade) as of the date of the damage (as determined by fair-market value of the structure) in which a lawful nonconforming structure is damaged or destroyed by fire, explosion, flood, or other casualty, or legally condemned, and which does not comply with the use, area, setback or height regulations of Chapter 500, the structure shall not be restored except in conformity with the regulations for the zoning district in which such structure is located.
- C. A nonconforming sign shall not be replaced with another nonconforming sign.

1203.3. **Replacement of Nonconforming Mobile Homes**

Nonconforming mobile homes may be replaced with a larger or same size mobile home provided that the replacement is accomplished within six months from the removal.

1203.4. **Nonconforming Signs**

- A. All permanent nonconforming signs and sign structures shall be removed upon request or occurrence of one of the following:
  - 1. No new permanent signs may be permitted on a parcel while a nonconforming sign remains on the parcel.
  - 2. No conversion to digital may be permitted on a parcel while a nonconforming sign remains on the parcel.
  - 3. If more than 50% of the sign area or sign structure is damaged.
  - 4. The nonconforming sign is altered. "Alter" shall include, but is not limited to, any and all structural changes to the nonconforming sign, the addition of sign surface area, changing a static sign face to an activated sign face, a multiprism sign face, or any other technology that automatically changes sign face, and the changing of the light source.

B. Removal

- 1. Removal shall include all sign structure, supports, angle irons, poles and all other remnants of the nonconforming sign.
- 2. From time to time the County may make monies available to assist in the removal of nonconforming signs in the form of a grant or a no or low-interest loan.

C. Exemptions

- 1. Nonconforming signs possessing documented historical value.

SECTION 1204. NONCONFORMING LOTS

1204.1. Notwithstanding the limitations imposed by any other provisions of this section, any lot or parcel, which existed prior to December 1, 1975, and, located within an original zoning district as established at the time of the adoption of zoning, but that did not meet the minimum requirements for that district, shall be considered a small lot of record. A small lot of record may also be created as a result of governmental action including, but not limited to, right-of-way dedication or reservation.

1204.2. Building Permits may be issued upon identification of a parcel or lot as a small lot of record to allow the erection, expansion, alteration, or replacement of any structure, together with accessory buildings as permitted within that zoning classification as follows:

- A. Single-family dwellings, including mobile homes, and their accessory buildings constructed or to be constructed upon small lots of record shall not be required to comply with the minimum setback and lot-coverage requirements applicable in the district in which the parcel or lot is located, but shall conform with the required setbacks and lot coverage of the nearest zoning district where minimum lot area, width, depth, or setback regulations can be met.
1. In cases where a small lot of record does not conform to any single-family district, a minimum setback of fifteen (15) feet or other setback as determined by the County Administrator or designee, to be equitable, from any front, or rear lot line, or five (5) feet from any side lot line shall apply, depending upon which dimension is substandard. In determining an equitable front or rear setback, the County Administrator or designee shall use the approximate average depth of the front or rear yards of the nearest structures on the same side of the street within 200 feet. If the lot width is sixty (60) feet or greater, then the minimum side setback shall be 7.5 feet.
  2. No accessory structure in any residential district shall be permitted less than five (5) feet from a side or rear lot line and fifteen (15) feet from any front lot line unless approved by the Planning Commission.
  3. Existing single-family dwellings shall be allowed to expand, be altered, or replaced, provided that such improvements do not further encroach into the established yard areas and setbacks, if less than the minimum for the district in which they are located.
- B. Undeveloped, commercial, or industrial zoned parcels or lots shall not be required to meet minimum lot area and/or width requirements, but shall conform to all other zoning district regulations for the zoning district in which the small lot of record is located.
- C. Developed, commercial, or industrial zoned parcels or lots shall not be required to meet minimum lot area and/or width requirements and shall be allowed to expand, alter, or replace existing structures provided that such improvements do not further encroach into the established yard areas and setbacks if less than the minimum for the district in which it is located.

## SECTION 1205. EFFECT OF CONDEMNATION ACTIONS ON EXISTING DEVELOPMENT

This section of the Code shall apply to all properties impacted by an eminent domain action to the extent that eminent domain affects the existing use of a property:

- 1205.1. A nonconformity created through the exercise of eminent domain powers shall not constitute a violation of this Code, and the owner of any property that is the subject of such nonconformity shall not be required to cure such nonconformity.
  
- 1205.2. Any structure or site improvement subject to this Section may be rebuilt, relocated, or reconstructed to cure the adverse impacts that result from the exercise of eminent domain powers, even if such rebuilding, relocation, or reconstruction does not conform to this Code with respect to area, width, depth, setbacks, required yards, landscape buffer, location of improvements, location of signs, or parking, so long as the following criteria are met:
  - A. The proposed rebuilding, relocation, or reconstruction is necessary to allow use of the property consistent with or similar to the pre-acquisition use of the property.
  - B. The size or intensity of the nonconformity is not increased.
  - C. The rebuilding, relocation, or reconstruction will not result in a violation of the Comprehensive Plan.

- 1205.3. Existing lawful signs, lawful on-premises signs, or registered billboards shall not be required to comply with the setback or spacing requirements of this Code for signs and billboards, as amended, so long as such sign will be located a minimum of five (5) feet from the edge of the proposed right-of-way. Legally nonconforming on-site signs may be relocated or reconstructed if required as a result of the condemnation action.
- 1205.4. If the condemning authority provides for alternate retention areas or drainage facilities as part of the condemnation action, facilities in such alternate areas shall not be required to comply with stormwater management requirements, subdivisions, and development review procedures of this Code, as amended.
- 1205.5. A condemning authority exercising its power of eminent domain is authorized to apply for such permits or approvals necessary to carry out the rebuilding, relocation, or reconstruction of a structure or site improvement pursuant to this Section 1205.
- 1205.6. The provisions of this Section shall apply to real property of which a portion is acquired through the exercise or the threat of exercise of eminent domain. This Section shall apply without regard to whether the real property acquisition is pursuant to an order of a court of competent jurisdiction or is pursuant to the process of a negotiated purchase under threat of eminent domain.

## APPENDIX A

### DEFINITIONS

**Billboard.** For the purposes of Billboards, this Code, Section 406.2, the following words shall be defined as follows.

- 1. "Billboard, or Static Billboard". A type of off-site sign that is required to be registered with the County, pursuant to the criteria of this Code.
- 2. "Registered Existing Billboard Structure; Lawfully Existing Registered Billboard Structure". Those billboard structures currently existing and located within Pasco County that were registered with the County as of September 30, 1999. The structure consists of the entire structure, including faces, frames, lighting fixtures, supports, foundations, electrical, etc., manufactured and constructed for the purpose of outdoor advertising.
- 3. "Tri-Vision Billboard". A billboard composed of mechanically operated louvers or slats containing multiple separate messages, each of which becomes visible when the louvers are synchronically rotated to 1 of a multiple number of positions, providing up to 3 separate billboard faces.
- 4. "Digital Billboard". Any billboard structure that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. See also Digital Billboard.

**Sign.** For the purposes of Signs, this Code, Section 406.1, the following words shall be defined as follows.

- 1. "Sign." Any visual medium that communicates information to the public, regardless of purpose,, includes any symbols, letters, figures, illustrations, graphics, or other forms affixed to any structure or device or land.

2. "Activated sign." Any sign that contains or uses for illumination any light, lighting device, or lights that change color, flash, or alternate or change appearance of the said sign or any part thereof automatically; any sign that contains moving parts as part of its normal operation, such as rotating signs, shall be considered an activated sign. Additionally, a sign that depicts or contains copy that moves or appears to be moving; emits audible sound, vapor, smoke, odor particles, or gaseous matter; or electronic message center(s) a.k.a reader boards, or similar technology.
3. "Advertiser." Any person who is a lessee or owner of a sign, an agent of the same, or anyone who has beneficial use of a sign.
4. "Advertising balloon." A sign constructed from nonporous material that is inflated and is designed to rise and float in the atmosphere. Included in this definition are those advertising balloons that represent the form of a person, place, or thing. Aircraft that may meet this definition are not considered advertising balloons. Advertising balloons may be tethered or tied to the ground or may be designed to float freely in the atmosphere may be tethered or tied to the ground or may be activated material shaped in tubes, puppets, people and the like that are intended to be inflated and may or may not wave, dance or move. Included in this definition are those balloons that represent the form of a person, place, or thing that are anchored to the ground. Aircraft that may meet this definition are not considered balloons.
5. "Advertising device." Any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property so as to be visible to the public. For purposes of this Appendix and Section 406.1, an advertising device is a "sign."
6. "Air-blown device." Any device not otherwise specifically defined in this Appendix, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by mechanically forced air. This definition specifically includes but is not limited to those devices referred to commercially as "air puppets" and "air dancers." For purposes of this Appendix and Section 406.1, air-blown devices are advertising devices.
7. "Architectural feature." Any construction attending to but not an integral part of a sign, such as, by way of example not limitation, landscape, building, or structural forms that enhance the site in general; it also includes graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose, or when the stripes or other painting techniques are applied to a sign, provided such treatment does not include lettering, logos, or pictures.
8. "Art." Consists of paintings, sculpture, and other pictures or objects that are created for people to look at and admire or think deeply about.
9. "Awning sign." A shelter supported entirely from the exterior wall of a building and composed of nonrigid materials, except for the supporting framework, upon which a sign is indelibly drawn, painted, or printed.
10. "Banner sign." Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind. "Banner" does not include ground signs or pole signs regardless of whether the ground signs or pole signs are on-site or off-site.
11. "Canopy sign." A roof-like cover, attached or unattached, extending from the exterior wall of a building and composed of supporting framework of rigid materials upon which a sign is indelibly drawn, painted, or printed.

12. "Changeable copy sign." Any framed sign, illuminated or not, that is principally devoted to and designed for changeable text and graphics. This definition shall not include activated signs.
13. "Colonnade sign." A sign suspended below the roof of a covered walkway, perpendicular to the facade of the structure, oriented to pedestrians.
14. "Copy." The letters, colors, text, or other graphics that comprise the message displayed upon the sign copy area.
15. "Copy area." The area on a sign containing the copy. The copy area of a sign shall be measured from the outside edges of the copy area frame should such a frame be used.
16. "Digital Sign." A sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. See also electronic message center.
17. "Double-faced sign." A sign having two (2) display surfaces not necessarily displaying the same copy, which are parallel, back-to-back, and not more than forty-eight (48) inches apart.
18. "Electronic Message Center." A sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. See also digital signs.
19. "Entrance sign." A sign located at the entrance to a residential or nonresidential development.
20. "Exempt sign." A sign for which a permit is not required, but which must conform to the requirements of this Code.
21. "Feather banner." A vertical sign, made of lightweight material that is prone to move in the wind, and that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand. This definition includes such signs of any shape including flutter, bow, teardrop, rectangular, shark, feather, and U-shaped. For purposes of this Appendix and Section 406.1, a feather banner is an advertising device and sign.
22. "Festoon." Fabric, paper, plastic, or foil draped and bound at intervals.
23. "Flag." A piece of cloth or similar material, typically oblong or square, and designed or intended to be hung from a flagpole by being tethered along one attachable by one edge to a wall-mounted pole or to a free-standing pole by a rope.
24. "Government Sign." Any temporary or permanent sign erected by or on order of a public official at the federal, state or local government level in the performance of any duty including, but not limited to, designated wayfinding signs, noncommercial signs identifying a government building or service, traffic control signs, street name signs, warning signs, safety signs, informational signs, traffic signs, public notices of events, public notices of governmental actions, proposed changes of land use, any proposed rezoning, or any other governmental speech.
25. "Graffiti." Writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface in a public place.

26. "Ground sign/monument sign." Any sign other than a pole sign that is placed upon or supported by structures, or supports in or upon the ground and independent of support from any building that has the vertical structural supports concealed within an enclosed base. The width of such enclosed base shall be equal to at least two-thirds of the width of the sign structure measured at its widest point. The finish shall be consistent with materials used on the building that the sign serves. "Ground signs" shall include monument signs.
27. "Illuminated sign." An illuminated sign is one which either:
  - a. Provides artificial light through exposed bulbs, lamps, or luminous tubes on the sign surface;
  - b. Emits light through transparent or translucent material from a source within the sign; or
  - c. Reflects light from a source intentionally directed upon it.
28. "Inflatable sign." Any sign, advertising device, or balloon that is or can be filled with air or gas. This includes any three-dimensional ambient air-filled in the shape of a container, figure, or product. For purposes of this Appendix and Section 406.1, inflatable signs and balloons are considered advertising devices.
29. "Interior sign." A sign that is located in the interior of a structure or is located outside a structure but, because of the sign's placement, design, or orientation, is not visible to passersby.
30. "Marquee sign." Any sign that is attached to or hung from a permanent, roof-like structure or marquee that is supported by a building wall and that projects out from the building line usually, but not necessarily over a public right-of-way, such as a sidewalk.
31. "Multioccupancy sign." A ground sign/monument sign on a multioccupancy parcel or an out-parcel that is part of a common plan of development.
32. "Multiprism sign." Signs made with a series of triangular vertical sections that turn and stop to show three (3) pictures or messages in the sign surface area.
33. "Nonconforming sign." Any sign lawfully in existence within the County on December 10, 2002, that does not conform to the requirements of this Code.
34. "Off-site sign." A sign that is displayed for a building, structure, or use that is located on another premise. A registered billboard is an off-site sign.
35. "On-site sign, a.k.a. on-premises sign." A sign displayed on a premises, or in the case of a multioccupancy parcel, on a contiguous parcel or on another parcel located in the area covered by an approved Uniform Sign Plan and specified within that plan. Any sign containing noncommercial speech is an on-site sign.

36. "Pennant." A small, triangular or rectangular flag or multiples thereof, made of lightweight plastic, fabric, or other material, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this Appendix and Section 406.1, pennants are "advertising devices" and "windblown devices." This term does not include a "banner" or a "flag" as defined and regulated by Section 406.1.
37. "Permanent sign." A sign which is constructed of rigid material and is securely attached to a building, wall, or sign structure and is designed for and intended to be on display long term in accordance with the requirements of this Code and any other applicable Federal, State, or local laws, and in such a manner as to be immobile without the use of extraordinary means, such as disassembly.
38. "Pole sign." A sign independent of support from any building that is mounted on freestanding poles or other supports.
39. "Portable sign." Any sign other than a sandwich-style sign, double- or single-faced, that is not permanently erected on the site and which may readily be moved from place to place; except that this definition shall not apply to signs painted directly on vehicles.
40. "Projecting sign." Any sign that is attached to and that projects from the outside wall of any building or structure, excluding wall signs as defined herein.
41. "Revolving sign, a.k.a. rotating sign." Any sign so erected or constructed as to periodically or continuously change the direction toward which any plane containing the display surface area is oriented.
42. "Roof sign." Any sign erected, constructed, or maintained on the roof of any building, above the eaves or above mansards, parapets, or other similar architectural features of buildings or structures that are capable of supporting signs.
43. "Rotating sign" (see "revolving sign").
44. "Sandwich board/sidewalk/sandwich-style sign." A sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of the letter "A" when viewed from the side.
45. "Sign face." The part of a sign on which the copy or message is or could be placed.
46. "Sign structure." Any structure that is designed specifically for the purpose of supporting a permanent sign, has supported, or is capable of supporting a sign and/or its copy area. This definition shall include any architectural features, decorative covers, braces, wires, supports, or components attached to or placed around the copy area. This definition shall not include a building or buffer wall to which a sign is attached.
47. "Sign structure area." The entire area of the sign including the copy area, the sign surface area, and the sign structure. The structure area of the sign shall be measured from the outside edges of the sign structure.
48. "Sign surface area." The surface area of a sign is the entire area within the periphery of a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign

and including all of the elements of the matter displayed, but not including the sign structure bearing no copy. The surface area of the sign shall be measured from the outside edges of the sign or the sign frame, whichever is greater. The sign surface area shall include the aggregate sign area upon which copy could be placed and shall include the total of a single side of a sign surface upon which copy could be placed.

49. "Snipe sign." A sign made of any material when such sign is tacked, nailed, posted, glued, or otherwise attached to any pole, tree, or other natural feature, fence, fence post, bench, stakes, other sign, or other similar objects located on public or private property.
50. "Temporary sign." A sign which is not designed, constructed, or intended to be permanent. This definition shall not include prohibited signs. Temporary signs are sandwich-style signs, banners, feather banners, posters, flags, and similar styles of signage.
51. "Vehicle signs." Any commercial sign attached to, placed on, or wrapped or painted on a vehicle, including automobiles, trucks, boats, campers, and trailers, that is parked in a manner that indicates it is intended to be viewed from a vehicular right-of-way. This includes signs on vehicles that are 1) parked on a public right-of-way, or public property, and/or 2) parked on the same parcel of private property for 24 hours or longer. This definition is not to be construed to include those commercial signs on vehicles, when and during that period of time such vehicles are traversing the public highways during the normal course of business.
52. "Wall sign." A sign which is painted on, fastened to, or erected against the wall of a building with its face in a parallel plane to the plane of the building facade or wall and which does not project more than eighteen (18) inches from such building.
53. "Wind-blown device." Any device, whether or not specifically defined in this Appendix, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind. Such devices include banners (except as may be specifically authorized), pennants, streamers, ribbons, or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind. A "flag" is defined separately and is not considered a "windblown device" for purposes of this Appendix and Section 406.1. See also "air-blown device" which is defined separately.
54. "Window sign." A window sign is one which is painted on, attached to, or visible through a window excluding displays of merchandise and intended to be viewed from a right-of-way.