SENT TO STATE

BOARD OF COUNTY COMMISSIONERS **ORDINANCE NO. 24-45**

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE; SECTION 204.1.A PLANNING COMMISSION; SECTION 304.2.D PUBLIC NOTICE; SECTION 305.2.B NEIGHBORHOOD MEETING COORDINATION AND NOTICE; SECTION 307 CONTINUANCE PROCEDURES; SECTION 310 PERFORMANCE SECURITY; SECTION 311 DEFECT SECURITY; SECTION 403.5 CONSTRUCTION PLANS; SECTION 406.1.6.B.1 AND 3 TEMPORARY SIGNS; SECTION 406.1.9.A ADDITIONAL STANDARDS FOR PERMANENT SIGNS IN RESIDENTIAL DISTRICTS; SECTION 406.1.10.B, C, AND E ADDITIONAL STANDARDS FOR SIGNS IN NONRESIDENTIAL DISTRICTS, GROUND SIGNS, WALL SIGNS, AND REGULATIONS FOR MARQUEE, CANOPY, AND AWNING SIGNS; SECTION 1003.1 GATES, FENCES, AND WALLS, GENERAL REQUIREMENTS; SECTION 1003.4 GATES, FENCES, AND WALLS, NON-RESIDENTIAL REQUIREMENTS; SECTION 1203.4 NONCONFORMING SIGNS; SECTION 1302.1.D UNIFORM PROCEDURES AND PROVISIONS, REDUCTION OF MOBILITY FEES AND WAIVERS OF SCHOOL IMPACT FEES; APPENDIX A DEFINITIONS; AND OTHER SECTIONS, AS NECESSARY, FOR INTERNAL CONSISTENCY; PROVIDING FOR APPLICABILITY; REPEALER; PROVIDING FOR SEVERABILITY; INCLUSION INTO THE LAND DEVELOPMENT CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Pasco County, Florida, is authorized under Chapters 125, 162, 163, 177, and 380 Florida Statutes, to enact zoning and other land development regulations to protect the health, safety and welfare of the citizens of Pasco County; and

WHEREAS, Sections 163.3201, 163.3202, 163.3211 and 163.3213, Florida Statutes, empowers and requires the Board of County Commissioners of Pasco County, Florida, to implement adopted Comprehensive Plans by the adoption of appropriate land development regulations and specifies the scope, content and administrative review procedures for said regulations; and

WHEREAS, Section 163.3202, Florida Statutes, provides that certain specified and mandated regulations are to be combined and compiled into a single land development code for the jurisdiction; and

WHEREAS, the Board of Commissioners adopted the restated Pasco County Land Development Code on October 18, 2011 by Ord. No. 11-15; and

WHEREAS, at the time of the adoption of the restated Land Development Code, the Board of County Commissioners contemplated the need to make amendments addressing issues of implementation and internal consistency; and

WHEREAS, at the direction of the Board of County Commissioners, the County has overhauled its public notice program in an effort to provide clearer and more robust public hearing and neighborhood meeting notice signs for posting on project sites; and

WHEREAS, the new public notice program consists of a new signage design, formatting, process for obtaining required signs, and continuance posting procedures; and

WHEREAS, the public hearing process for a project are lengthy and at times may be continued to additional dates, therefore the public hearing process is not amenable to a precise start and end duration of time, necessitating the phase in of the new public notice program; and

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WHEREAS, individual proposed projects are subject to their own specific deadlines for public noticing posting calling for flexibility in the implementation of new standards; and

WHEREAS, the effective date of the new public notice program shall be January 1, 2025, and the County shall provide for flexibility in the implementation of the new regulations, therefore, at any one time, until no longer necessary, old and new signage will be seen throughout the County; and

WHEREAS, to avoid confusion and additional costs the Board hereby directs that old signage may continue to be used for pending projects until the projects' public hearing process is complete; and

WHEREAS, effective January 1, 2025, all new projects not yet entering into the required public noticing phase shall comply with the new public notice program requirements; and

WHEREAS, the Local Planning Agency conducted a public hearing on September 19, 2024 and found the proposed amendments consistent with the Pasco County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners conducted duly noticed public hearings on October 22, 2024 and November 12, 2024, where the Board of County Commissioners considered all oral and written comments received at public hearings, including staff reports and information received during said public hearings and found the proposed amendments consistent with the Pasco County Comprehensive Plan; and

WHEREAS, the citizens of Pasco County were provided with ample opportunity for comment and participation in this amendment process through Horizontal Roundtable and Interested Parties meeting, public meetings and public hearings; and

WHEREAS, in exercise of said authority the Board of County Commissioners of Pasco County, Florida, has determined that it is necessary and desirable to amend the restated Pasco County Land Development Code to implement policy direction and to correct internal inconsistencies.

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

SECTION 1. Authority.

This ordinance is enacted pursuant to Chapter 125 and 163, Florida Statutes, as amended and under the home rule powers of the County.

SECTION 2. Legislative Findings of Fact.

The foregoing Whereas clauses, incorporated herein, are true and correct.

SECTION 3. Applicability and Effect on Existing Development Approvals.

The applicability and effect of this amendment shall be as provided for in Sections 103.1 and 103.2 of the restated Land Development Code.

SECTION 4. Repealer.

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

SECTION 5. Amendment.

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

SECTION 6. 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 7. Effective Date.

A certified copy of this ordinance shall be filed with the Florida Department of State by the Clerk to the Board by electronic mail within ten (10) days after adoption and shall take effect upon such filing, except for Sections 304.2.D, 305.2.B, and 307, which shall take effect on January 1, 2025 .

ADOPTED with a quorum present and voting this 12nd day of November, 2024.

(SEAL)

APPROVED
IN SESSION
NOV 12 2024
PASCO COUNTY
BCC

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

COUNTY COMMISSIONERS ORGANIZED JUNE 2nd 1887 PASCO COUNTY FLORIDA

ATTEST:

NIKKI ALVAREZ-SOWLES, ESQ
PASCO COUNTY CLERK & COMPTROLLER

CHAIRMAN, Ronald E. Oakley

CHAPTER 200. DECISION MAKING BODIES AND OFFICIALS

SECTION 201. GENERAL PROVISIONS

The purpose of this chapter is to establish the authority for review and consideration of development applications and other proposed actions in the County and to assign such authority to the following boards and officials:

- The Board of County Commissioners (BCC);
- The Local Planning Agency (LPA);
- The Planning Commission (PC); and
- County Administration and staff.

201.1. Delegation of Authority

The BCC is authorized to create boards and agencies to administer the provisions of this Code under the authority prescribed by such regulations and State law. The delegation of authority to these boards and the County administrative officials shall be as set forth in this Code.

The BCC shall have the authority to appoint necessary personnel, designate the proper agencies, and promulgate and establish the necessary rules and regulations for the proper enforcement of this Code.

Whenever a County administrative official is authorized to do some act or perform some duty, it is to be construed to authorize delegation to an appropriate subordinate to perform the authorized act or duty unless the terms of the provision or section specify otherwise.

The BCC hereby retains full discretion to interpret and apply the provisions hereof as it shall deem appropriate, and nothing in this section shall be construed to mean that the BCC relinquishes any legislative authority over the unincorporated area of the County.

201.2. Parliamentary Rules

When a County board, commission, or committee has not adopted rules of procedure, the current edition of *Robert's Rules of Order*, revised, not in conflict with this Code, shall govern the conduct of those meetings.

For the purpose of this Code, a tie vote on any motion before the BCC or PC shall constitute a denial of that motion. However, during public hearings for final determinations before the BCC or PC, a tie vote on a motion for final disposition of a quasi-judicial decision resulting when less than the full BCC or PC voting, due to the absence of a member, shall cause an automatic continuance of the application to a date certain.

201.3. **Ethics and Sunshine**

All County boards, commissions, and committees are subject to the applicable provisions of the Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statutes, as amended; and the Florida's Government in the Sunshine Law, Section 286.011, Florida Statutes, as amended.

SECTION 202. BOARD OF COUNTY COMMISSIONERS

202.1. The BCC shall render final determinations pertaining to the amendment of the Comprehensive Plan, amendments to this Code, any development order, or any development approval, except where authority for a final determination is delegated to another agency or administrative official pursuant to this chapter.

202.2. The BCC has those expressed and implied powers and duties necessary to carry on County government as contemplated in the Florida Statutes and the Constitution of the State of Florida.

202.3. Any irregularity in complying with the procedures imposed by this Code, other than procedures which compliance is required by statute, may be waived by the BCC in an appropriate motion or by action taken, provided that such a waiver does not materially and substantially injure the interests of the affected party.

SECTION 203. LOCAL PLANNING AGENCY

203.1. The LPA is established pursuant to Section 163.3174, Florida Statutes, and shall have all the duties as required by statute. The BCC hereby designates the PC as the LPA, and the PC shall have all the functions, powers, and duties as set forth in Section 163.3174, Florida Statutes.

203.2. The LPA shall include a representative of the District School Board of Pasco County (School Board) appointed by the School Board (district appointee). The School Board member of the County's LPA shall attend and vote at those meetings of the LPA at which the LPA:

A. Considers proposed Comprehensive Plan Amendments that would, if approved, increase residential density on the property that is the subject of the Amendment; and/or

B. Adopts or modifies Comprehensive Plan Goals, Objectives, or Policies that pertain to school concurrency, siting or development standards, or the Public School Facilities Element generally.

SECTION 204. PLANNING COMMISSION

204.1. **Planning Commission**

A. The PC shall be comprised of seven (7) voting members, all of whom, except one (1), shall be appointed by the BCC; one (1) member is to be appointed by

each commissioner and there shall be one (1) at-large member selected by a majority of the BCC. The PC members' terms shall run concurrently with the term of office of the commissioner who appointed them, with the at-large member serving a four (4) year term. If a PC member's term expires the member shall remain on the PC until such time as a new appointment is made. The remaining member shall be appointed by the School Board (district appointee), pursuant to Section 163.3174(1), Florida Statutes. The district appointee to the PC shall vote on:

1. All matters (including procedural votes and votes on individual conditions) relating to rezonings or land use changes that would allow one (1) or more residential units (regardless of what the existing zoning or land use allows);

2. All matters related directly to a proposed or existing school site (e.g. whether a site is required, impact fee credit value for a school site, collocation with a proposed school site);

3. Issues related to roads, interconnections, sidewalks, bike paths or roadway crossings that will be used to access an existing or planned school site and that are within two (2) miles of such school site;

4. All matters related directly to the application of school concurrency and Level of Service (LOS) standards for schools to a project; and,

5. All matters related directly to proposed or existing ancillary school facilities, as such facilities are defined by the State Requirements for Educational Facilities, and owned by the School District.

6. Regardless of the foregoing, the district appointee shall vote in the case of a tie vote of the PC on any other matter. The district appointee shall serve at the pleasure of the School Board until replaced or upon resignation.

7. In all other matters, the representative appointed by the School Board shall not be required to vote.

B. If any member, other than the district appointee, is absent from three (3) consecutive meetings without cause and without prior notification to the chairman, the County Administrator or designee shall declare the member's office vacant and the BCC shall promptly fill such vacancy. In any event, the BCC may remove any PC member with or without cause at any time at its discretion.

C. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the BCC.

D. A chairman and a vice-chairman shall be elected from among the PC members. In the absence of both the chairman and vice-chairman from a PC meeting, an acting chairman shall be elected.

204.2. **Meetings**

The PC shall meet as required. The presence of four (4) members or more shall constitute a quorum of the PC for items where the district appointee is eligible to vote. On all other items, the quorum shall be three (3). The BCC may establish rules for the conduct of PC meetings.

204.3. **General Functions, Powers, and Duties**

Except in the locations subject to Section 602, where these duties are the responsibility of the Advisory and Policy Committee created pursuant to Section 602.7, the PC shall:

A. Issue final determinations on special exception applications.

B. Hold public hearings and transmit to the BCC, recommendations on zoning district amendments, conditional use applications proposed Master Planned Unit Development zoning amendments, Operating Permit Applications, and certain appeals.

C. Except where the BCC has specifically delegated variance authority to some other person, body, or entity, or specifically reserved variance authority to itself, the PC shall hear and issue final determinations on all variance requests pursuant to the requirements of this Code. The PC's variance authority includes variances from the requirements of land development regulations located in this Code, the Code of Ordinances, and resolutions of the BCC.

D. The PC has no authority to grant variances from uses of land or to grant variances from the requirements of State or Federal law.

E. The PC has the authority to hear and decide appeals for administrative variances pursuant to Section 407.3.

F. Hear requests for alternative standards that have not been approved by the County Administrator or designee pursuant to Section 407.5.D.2.

G. Hear requests for a determination that a proposed change is "minor" when the County Administrator or designee has determined that there will be an adverse impact pursuant to Section 402.2.N.2.i and hear appeals of other determinations by the County Administrator or designee pursuant to Section 402.2.N.

H. The PC is authorized to hear and decide appeals as provided for in this Code, Section 407.1.

SECTION 205. RESERVED

SECTION 206. ADMINISTRATIVE OFFICIALS

206.1. **Administrative Officials**

A. Except where State law or the BCC has specifically delegated authority to some other person, body, or entity, or specifically reserved authority to itself, the County Administrator and designated administrative officials are authorized to perform all administrative functions of the County government relating to the administration of this Code.

B. For the purpose of carrying out the provisions and requirements of this Code and all rules and regulations made pursuant thereto, the County Administrator or designee are duly authorized and empowered by the BCC to investigate possible violations; inspect premises, to the extent allowed by law; and to issue violation warnings and citations to persons violating the terms of this Code. The County Administrator or designee shall have the authority to investigate all alleged violations; to provide evidence to the State or County Attorney's Office relative to such violations; and to testify on matters relating to this Code, regulations, or investigations conducted in accordance with such regulations. Furthermore, the County Administrator or designee shall be responsible for the interpretation and for the enforcement of this Code through appropriate administrative determinations. In any quasi-judicial or judicial proceeding, the administrative interpretation of any provision of this Code shall be presumed to be correct, unless such interpretation is clearly proven to be arbitrary, unreasonable, or contrary to law.

C. The powers and duties of the County administrative officials or their staff, for the purposes of this Code, may include those listed below and any other duties specifically cited in this Code:

1. To receive applications for development activities and to approve application criteria deviations where appropriate and authorized by this Code.

2. To make all necessary site visits and field inspections and, where necessary and approved by the BCC, to retain experts as they may deem necessary to report on technical issues.

3. To interpret the provisions of this Code, subject to the provisions of this Code governing appeals and judicial proceedings.

4. To review and issue final determinations on Administrative Permits as required in this Code.

5. To make recommendations to the PC, LPA, and BCC.

6. To review and issue final determinations on administrative variances and alternative standards.

7. To interpret the provisions of this Code, subject to the provisions of this Code governing appeals and judicial proceedings.

D. Neither the County Administrator nor designees or other staff members shall have the authority to permit any construction, use, or change of use which does not conform with the provisions of this Code.

CHAPTER 300. PROCEDURES

SECTION 301. APPLICABILITY AND GENERAL PROVISIONS

301.1. Intent and Purpose

The intent and purpose of this section is to provide the procedures and general standards for review of development, development activity and other applications that are submitted to the County for review under this Code. All applications for development approval shall comply with these procedures and the applicable standards of this Code and as may be required by other Federal, State, or local regulation.

301.2. Effect of Overdue Taxes, Liens, and Fines

In addition to the development approval application information required by other parts of this Code, an applicant shall provide, with each development approval application, evidence that all property taxes and other obligations owed to the County related to the property are current. A development approval application that includes property for which there are overdue taxes or other financial obligations to the County shall not be reviewed or processed by the Development Services Branch, except in those cases where approval is a requirement to correct a violation.

301.3. Misrepresentation

If the Board of County Commissioners (BCC), Planning Commission (PC), or County Administrator or designee, makes a final determination that any existing or previously approved development, or portion thereof, was not adequately reviewed for compliance based upon lack of disclosure, or misrepresentation by the applicant, the development shall be subject to additional review for compliance with those regulations, as amended, that were avoided due to the failure to disclose or misrepresentation by the applicant. If such review causes other portions of the development to be redesigned, those areas shall also be reviewed for compliance with applicable provisions of this Code and the Comprehensive Plan in effect at the time the failure to disclose or misrepresentation was discovered.

SECTION 302. DEVELOPMENT APPROVALS REQUIRED

All development approvals required by this Code shall be obtained prior to the commencement of any development activity.

SECTION 303. COMMON PROCEDURES

303.1. Development Manual

A development manual for the guidance of persons preparing development approval applications shall be maintained by the Assistant County Administrator for Development Services. Unless otherwise provided in this Code, the development manual shall contain the application forms for all development approvals referenced in this Code and the detailed application procedures and content, including the following:

A. Dates and deadlines for submitting applications.

B. Required documents and information to accompany applications.

C. Review time frames.

D. Neighborhood notice.

E. Neighborhood meetings.

F. Public notice.

G. Content review.

H. Application review.

I. Review of responses to content and compliance reviews.

J. Such other requirements as may be needed to provide review in an objective, timely, and thorough manner.

It is intended that changes to the Development Manual be made in a collaborative manner with input from all appropriate stakeholders. However, this is not intended to limit the authority of the Assistant County Administrator for Development Services to make appropriate and necessary changes to the Development Manual so as to further the objectives of a responsive and responsible land development review program. All changes to the Development Manual will be identified in a prominent manner on the County website.

303.2. Authority to File Development Applications

Unless otherwise specified, an application may only be filed by the owner of the property or an agent of the owner who is specifically authorized by the owner to file such an application with the County.

303.3. Authority to Access the Property

The submission of a development approval application shall convey consent and authorization by the owner to County entry onto and inspection of premises, lot, or parcel for any purpose associated with the development request.

303.4. **Fees**

Fees shall be paid according to the fee schedule established by resolution(s) by the BCC.

303.5. **Preapplication Consultation**

A. The purpose of a preapplication consultation is to familiarize the applicant with the provisions of this Code applicable to the proposed development, and to inform the applicant about the development approval application, preparation, and submission. The owner/applicant shall request a preapplication consultation prior to submittal of a development approval application. The applicant shall provide the property identification number, physical address, and contact information, including name, telephone number, and e-mail address, if applicable, when requesting the preapplication consultation. The applicant should come to the consultation prepared to discuss the proposed development in enough detail so that staff can evaluate the proposal and provide helpful feedback to the applicant.

B. A preapplication consultation, with attendance by the owner/applicant, is required prior to the submission and acceptance of any development approval application for:

1. Zoning Amendment

2. Conditional Use

3. Special Exception

4. Preliminary Site Plans (PSPs)

5. Preliminary Development Plans (PDPs)

6. Minor Rural Subdivisions (MRSs)

7. Operating Permits

The requirement for a preapplication consultation may be waived by the County Administrator or designee.

C. The preapplication consultation is optional prior to submission of a development approval application that is not listed above.

303.6. **Application Submittal and Acceptance**

A. The owner/applicant shall submit a development approval application pursuant to the applicable submittal requirements contained within the Development Manual. A content-review consultation is mandatory for all development approval applications prior to acceptance.

B. A development approval application shall be accepted when it contains all required information and documents. Incomplete applications will not be

accepted for review and shall be returned to the applicant with a list of deficiencies.

C. Modifications to Submittal Requirements

1. Modifications to application or submittal requirements may be granted in writing by the County Administrator or designee, subject to meeting one (1) or more of the following criteria:

a. The information or material that will be obtained from the application or submittal requirement(s) is not relevant to the specific request, or does not materially affect the ability to review compliance with substantive review standards of the this Code;

b. The information or material that will be obtained from the application or submittal requirement is readily available from another source in the County's possession;

c. The applicant has provided alternate information or material that achieves the same intent and purpose of the application or submittal requirement;

d. Modification from the application requirement is required by State or Federal law; or

e. The request for modification satisfies specific waiver or deviation criteria set forth elsewhere in this Code.

2. Process

a. Notwithstanding the foregoing, where the final decision on a development approval application will be made by the Planning Commission (PC) or BCC, such bodies may require compliance with the application or submittal requirement if the applicable final decision maker determines that the information is required for their determination of the issue.

Final determinations shall be made in writing by the County Administrator or designee. Such determinations may be appealed pursuant to this Code.

b. Timelines for Zoning and Site Plan Actions

Review procedures and timelines shall be in accordance with Chapter 125.022, Florida Statutes and as specified in the Development Manual.

303.7. **Application Review**

After acceptance, the application shall be routed to the appropriate review agencies. In reviewing applications, reviewing agencies shall take into consideration all the applicable factors identified in this Code when formulating a recommendation or taking action.

A. Sufficient Application

A development approval application shall be deemed sufficient if all required information and documents have been prepared in accordance with professionally accepted standards, the Comprehensive Plan, this Code, and all other applicable rules and regulations. The County Administrator or designee is authorized to take into consideration and request from an applicant any other information which is reasonable and relevant to the formulation of a recommendation or a decision on the matter being reviewed. No application for review shall be deemed sufficient until all required information is provided.

In formulating a recommendation, all of the applicable factors recited in this Code shall be taken into consideration. At any time during the course of review, the County Administrator or designee may provide an applicant with an opinion as to the likelihood of a recommendation of approval or denial by the staff with regard to an application being reviewed. However, such opinion shall be informal only and shall not be binding upon the PC or the BCC. When a development approval application has been deemed to be sufficient, staff review shall be completed, a final determination made, or where required, the development approval application shall be placed on the next available agenda of the appropriate review body. Table 303-5 outlines the development applications requiring public hearings and the bodies responsible for the conduct of those hearings.

B. Deficient Application

If a development approval application is determined to be deficient, the applicant shall be notified in writing with citations to the applicable regulation(s) and a specific request made for additional information that is required to continue or conclude review. The development approval application shall be deemed withdrawn unless the applicant responds, within the allotted timeframe, in one of the following ways:

1. The applicant provides all the information requested.

2. The applicant requests in writing that the application be processed in its present form. In this case, the applicant acknowledges that the application has been determined to be deficient and that the final determination on the application shall be based on the information submitted, and the applicant waives the right to supplement the application with additional information. The application shall then be processed in its present form.

3. The applicant requests, in writing, an extension of time to provide all the requested information. An extension of time may be granted by the County Administrator or designee. For each application, any and all extensions of time shall not exceed 180 days.

TABLE 303-5

Required Public Hearings for Development Approval Applications

Application	PC	LPA	BCC
Development of Regional Impact (DRI)	X		X
DRI Substantial Amendment (NOPC)	X		X
DRI Non Substantial Amendment (NOPC)			X
DRI Development Order Amendment (no NOPC)			X
DRI Abandonment			X
DRI Recision			X
Zoning Amendment	X		X
MPUD Amendment	X		X
MPUD Substantial Amendment	X		X
Conditional Use	X		X
Special Exception	X		
Conditional Use and Special Exception Revocation			X
Operating Permits (Except Minor Land Excavation)	X		X
Zoning Variance	X		
Alternative Relief	X		
Alternative Standards as Specified in Section 407.5.C and D	X		
Wireless Facilities (Tier III)	X		X
Review of Staff Tier II Wireless Facility Determination			
Appeals of Administrative Determinations	X		
Appeals of Zoning Interpretations			X
Appeals of PC Decisions			X
Development Agreement		X	X
Unified Sign Plan	X		X
Waiver of Specific Distance of 1,000 Feet for On-Premises Consumption of Alcoholic Beverages	X		

303.8. **Ex-Parte Communications**

The BCC and PC, in considering appeals, rezoning, special exceptions, conditional uses, variances, and any other quasi-judicial matter under applicable law, shall act in a quasi-judicial capacity. Pursuant to Section 286.0115, Florida Statutes, a person is not precluded from communicating directly with a member of the BCC or PC (local public official) by application of ex-parte communication prohibitions. However, each decision-making body may establish rules of procedure regarding ex-parte communication. In addition, subject to the standard of review requirements of this Code, local public officials may discuss with any person, the merits of any quasi-judicial action, may read written communications relating to the quasi-judicial action, may conduct investigations and site visits, and may receive expert opinions relating to the quasi-judicial action. Furthermore, pursuant to Section 286.0115(1), Florida Statutes, adherence to the following procedures shall remove any presumption of prejudice arising from ex-parte communications with the local public officials:

A. The subject of the ex-parte communication and the identity of the person, group, or entity with which the communication took place is disclosed by the local public official and made a part of the record before final action on the matter.

B. Written communications with the local public official relating to the quasi-judicial action are made a part of the record before final action on the matter.

C. The existence of investigations, site visits, and expert opinions by the local public official relating to the quasi-judicial action are made a part of the record before final action on the matter.

D. Disclosures made pursuant to A, B, and C above must be made before or during the public hearing at which a vote is taken on the quasi-judicial matter so that persons who have opinions contrary to those expressed in the ex-parte communication are given a reasonable opportunity to refute or respond to the communication.

E. The disclosure requirements set forth in A through D above or a local public official's failure to comply with such requirements shall not:

1. Be deemed an essential requirement of the law or this Code;

2. Create any presumption of prejudice or be conclusive evidence of prejudice;

3. Lessen the burden of proof for a party alleging that an ex-parte communication is prejudicial; or

4. Affect the validity of the public hearing or quasi-judicial action, unless the nondisclosure and ex-parte communication are found by a court or body of competent jurisdiction to be prejudicial and a denial of due process.

SECTION 304. PUBLIC NOTICE REQUIREMENTS

The intent of public notice requirements is to increase the likelihood that citizens are well informed of development approval applications made and to advise them of the opportunity to speak at the public hearing. The applicant is responsible for complying with these public-notice requirements and the applicable statutory requirements.

304.1. **Types of Public Notice**

Forms of notice required for various public hearings may include a mailed notice, published notice provided via a newspaper of general circulation, and posted notice by signs located on the subject property. Neighborhood meetings and neighborhood notices provide additional notice to the public regarding certain types of development applications pursuant to Sections 305 and 306. The public notice requirements for development approval applications are indicated in Table 304-1.

TABLE 304-1
Required Public Notice for Development Approval Applications

Application	Mailed	Published	Posted
Administrative Use Permit for the Sale of Alcoholic Beverages **			X
Development of Regional Impact (DRI)	X	X	X
Development Agreement (DA)		X	
DRI Substantial Amendment (NOPC)	X	X	X
DRI Non Substantial Amendment (NOPC)		X	X
DRI Development Order Amendment (no NOPC)		X	
DRI Abandonment	X	X	X
DRI Rescission	X	X	X
Zoning Amendment*	X	X	X
MPUD Substantial Amendment*	X	X	X
MPUD Non-Substantial Amendment**			X
Conditional Use*	X	X	X
Special Exception*	X	X	X
Minor Land Excavation*			
Zoning Variance	X		X
Alternative Relief	X		X
Alternative Standards as Specified in Section 407.5.C and D	X		X
Unified Sign Plan	X	X	X
Wireless Communication Facility (Tier II)	X		
Appeals (see Section 407.1)	X	X	X
Preliminary Site Plan and Substantial Modifications to	X		
Preliminary Development Plan and Substantial Modifications to	X		
Mass Grading and Substantial Modifications to	X		
Vested Rights	X		X
Waiver of Specific Distance of 1,000 Feet for On-Premises Consumption of Alcoholic Beverages	X		X
Comprehensive Plan Map Amendments	X	X	X

*See Sections 305 and 306 for Neighborhood Meeting and Neighborhood Notice Requirements
**Posted notice to occur within two (2) business days of the final written approval

304.2. **Public Notice**

A. Timing

Where Public Notice is required it shall occur at least thirteen (13) days prior to the hearing.

B. Mailed

Where a mailed notice is required, notice of the date, time, place, and purpose of the public hearings shall also be mailed to those who own property, including entities such as homeowners' associations, local governments, and the District School Board of Pasco County, within 500 feet of the property lines of the land for which the final determination is sought within the RES-3 (Residential 3 du/ga) and higher Future Land Use Classification and within 1,000 feet of the property lines of the land for which the final determination is sought within the AG (Agricultural), AG/R (Agricultural/Residential) and RES-1 (Residential – 1 du/ga) Future Land Use Classifications. In addition, notice shall also be mailed to neighborhoods organizations registered with the County whose members reside within 1,000 feet of the property lines of the land for which the final determination is sought, regardless of whether such organizations own property within such distance. Names and addresses of property owners shall be deemed those appearing on the latest ad valorem tax rolls of Pasco County and the adjacent County, as applicable. For property that is a part of or adjacent to a condominium or manufactured home community, individual owners shall be noticed if located within 500 feet of the project, and for property that is a common tract, appropriate notice shall only need to be sent to the association. The County Administrator or designee may require additional notice to other property owners and neighborhood organizations based upon project design and potential impacts. Where the proposal is internal to an MPUD, the public notice shall be from the boundary line of the proposed internal change, unless the applicant owns all the property to be noticed, then the public notice shall be sent to all property owners within 500 feet which might include properties internal and external to the MPUD. The County Administrator or designee may require additional notice to other property owners and neighborhood organizations based upon project design and potential impacts.

C. Published

In the form required by Sections 50.11, 125.66 and 163.3184, Florida Statutes, as applicable, notice of the date, time, place, and purpose of the public hearing shall be published in a newspaper of general circulation in the County or by other means authorized by state law.

D. Posted

Where the matter being heard involves a specific parcel of land, a sign meeting the specifications in the Development Manual shall be erected on the property, providing notice of the date, time, place, and purpose of the public hearing, in such a manner as to allow the public to view the same from one (1) or more streets. In the case of landlocked property, the sign shall be erected on the nearest street right-of-way and include notation indicating the general distance and direction to the property for which the approval is sought. In all cases, thenumber of signs to be used shall be left to the discretion of the County Administrator or designee provided that the numbers shall be reasonably calculated to adequately inform the public of the purpose of the public hearing. The applicant shall ensure that the signs are maintained on the land until completion of the final action on the development approval application. The

applicant shall ensure the removal of the sign within ten (10) days after final action on the development approval application.

304.3. **Affidavit of Public Notice**

It is the responsibility of the applicant to file the affidavit attesting to notification and provide the supporting documentation no less than seven (7) days prior to the public hearing in the case of development approval applications to be heard before the BCC or PC.

SECTION 305. NEIGHBORHOOD MEETING

305.1. **Intent and Purpose**

The intent and purpose of a neighborhood meeting is to provide an opportunity for early citizen participation in an informal forum in conjunction with development approval applications, and to provide an applicant the opportunity to understand any impacts the neighborhood may experience. These meetings shall provide citizens and property owners with an opportunity to learn about applications that may affect them and to communicate with the applicant to resolve concerns at an early stage of the process. A neighborhood meeting is not intended to produce a complete consensus on all development approval applications, but to encourage applicants to be good neighbors and to allow for informed decision making. The neighborhood meeting shall be conducted after the application is deemed complete for content and at least thirty (30) days prior to the first scheduled public hearing.

At least one (1) neighborhood meeting shall be held and additional neighborhood meetings may be held but are not required. If an applicant fails to hold a required neighborhood meeting, the County shall not schedule that development approval application for consideration before the PC, Local Planning Agency (LPA), or the BCC, whichever occurs first. A neighborhood meeting is mandatory for the following development approval applications:

A. Zoning Amendments within the four rural areas as depicted on Map 2-13 of the Comprehensive Plan, except when the County Administrator or designee determines that a neighborhood meeting is not required due to the nature of the development application or a lack of existing rural neighborhoods as defined in the Comprehensive Plan.

B. Land Excavation and Minor Land Excavation

C. Mining

D. Construction and Demolition Debris Disposal Facilities

E. Yard Trash Processing Facilities

F. Sanitary Landfills

G. Wireless Communications Facilities (Tier 3)

H. Helipad(s) and/or Airport Landing Facilities

A neighborhood meeting is optional for any development approval application that is not listed above. However, the County Administrator or designee reserves the right to require a neighborhood meeting for any development approval application in contentious matters where opposition is expected due to the nature and or location of the request.

305.2. Coordination and Notice

Prior to scheduling the neighborhood meeting, the applicant shall coordinate with the County Administrator or designee.

The notice of the neighborhood meeting shall include the date, time, location, application name and number, and a description and the location of the project and be provided in the following forms:

A. Mailing

The applicant shall provide notification by mail according to this Code. The applicant shall mail these notices with proper postage a minimum of thirteen (13) days before the neighborhood meeting. For development applications within the AG (Agricultural), AG/R (Agricultural/Rural) and RES-1 (Residential - 1 du/ga) Future Land Use Classifications, the mailing shall be to all property owners within 1,000 feet of the project boundary. For development applications within the RES-3 (Residential - 3 du/ga) and higher Future Land Use Classifications, the mailing shall be to all property owners within 500 feet of the project boundary. In addition, notice shall also be mailed to neighborhoods organizations registered with the County whose members reside within 1,000 feet of the property lines of the land for which the final determination is sought, regardless of whether such organizations own property within such distance.

B. Posting

The applicant shall post a sign meeting the specifications in the Development Manual , a minimum of thirteen (13) days before the neighborhood meeting that meets the requirements of this Code, Section 304.

C. Rescheduled Meetings

New public notice consistent with all of the above shall be provided for any rescheduled neighborhood meeting.

305.3. General Meeting Requirements

A. Meeting Time and Location

The neighborhood meeting shall start between 6:00 p.m. and 7:00 p.m. on a weekday and between 9:00 a.m. and 5:00 p.m. on a weekend, or may be held

at a time convenient for residents in the surrounding area. The meeting shall be held within the general area of the subject property.

B. Meeting Elements

At the neighborhood meeting, the applicant shall present the following, as applicable:

1. A general concept plan for the entire project. Such plan shall indicate the general location of residential areas, including density and unit types, open space, active or resource-based recreation areas, natural areas (including wetlands, buffers, and flood plains) nonresidential areas (including maximum square footage and maximum height), and proposed nonresidential uses.

2. A plan of vehicular, bicycle, and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, and access points to the external and internal thoroughfare network.

3. Drawings indicating the conceptual architectural theme or appearance and representative building types.

C. Meeting Summary

The applicant shall submit to the County, at least twenty-five (25) days prior to the first scheduled public hearing, a summary of the materials presented at the meeting, the issues raised by those in attendance, the suggestions and concerns of those in attendance, a copy of the sign-in sheet, a copy of the neighborhood meeting advertisement, and a copy of the mailed notices sent to property owners, along with the mailing list and proof of mailing.

SECTION 306. NEIGHBORHOOD NOTICE

306.1. **Intent and Purpose**

The intent and purpose of a neighborhood notice is to provide an opportunity for early citizen participation in conjunction with development approval applications. The neighborhood notice shall be provided at least thirty (30) days prior to the issuance of the final determination. Neighborhood notice may be provided prior to application submittal. If an applicant fails to provide the neighborhood notice, the County shall not hold the public hearing or, as applicable, not issue a final determination on the development approval application until the applicant provides the neighborhood notice and thirty (30) days have elapsed. A neighborhood notice is mandatory for the following development applications:

A. Zoning Amendments outside the four (4) rural areas as depicted on Map 2-13 of the Comprehensive Plan or in circumstances where the County Administrator or designee determined a neighborhood meeting is not required.

B. Conditional Use applications that do not require a neighborhood meeting.

C. Special Exception applications that do not require a neighborhood meeting.

D. Mass Grading

E. PSPs

F. PDPs (Residential or Nonresidential)

G. Alternative Standards (other than those in 407.5.C and 407.5.D). Notice may be provided in connection with other notice above.

306.2. **General Requirements**

A. Unless otherwise indicated in Table 304-1, a neighborhood notice shall be provided by the applicant by mail and posting in accordance with the mailing and posting requirements of Sections 304.2.B and D.

B. Content of the Neighborhood Notice

The neighborhood notice shall contain the following as applicable:

1. A general description of the project, including size and/or number of units.

2. Date the application was accepted for review.

3. Availability to view the application at the County offices where the application was filed.

4. Ability to provide comments directed to the County Administrator or designee.

C. Proof of the Neighborhood Notice

The applicant shall submit a copy of the mailed neighborhood notices sent to the property owners along with the mailing list and proof of mailing to the County Administrator or designee.

SECTION 307. CONTINUANCE PROCEDURES

Continuances for the consideration of any development approval application may be granted by the PC, LPA, or BCC at their discretion. The number of times an application may be continued is at the discretion of the PC, LPA, or BCC as applicable. Applicant-requested continuances shall be in writing and must be received by the County Administrator or designee no later than five (5) days prior to the scheduled meeting. The applicant shall modify the posted sign as specified in the Development Manual. For applicant-requested continuances, the applicant shall renotice pursuant to this Code, including publication, if the matter is rescheduled to be heard sixty (60) days or more from the initial meeting date.

SECTION 308. POSTDECISION PROCEDURES

Final determinations shall be in writing. Approvals shall be rendered within ten (10) business days of the final determination action.

A denial determination shall itemize the specific code, provision, or Comprehensive Plan Goal, Objective, or Policy, and/or applicable law used as the basis for denial and shall be rendered within thirty (30) days of the final determination action.

SECTION 309. CONSTRUCTION AND INSPECTION OF IMPROVEMENTS

309.1. **General**

A Florida State registered professional engineer (Engineer) shall be employed to design, inspect, certify, and complete all required improvements associated with the development project, such as clearing, grubbing, earthwork, storm drainage, water, sewer, reuse facilities, embankment, subgrade, base, curbing, asphalt pavement, sidewalks, multiuse trails, lighting, landscaping, signalization, signing, pavement marking, and all other required improvements.

309.2. **Inspection of Improvements**

Prior to the installation of required improvements, the Engineer shall prepare and/or review all necessary shop drawings, material submittals, means, and methods for the installation of the required improvements. The Engineer shall perform all necessary inspections and reviews as he deems necessary to provide certification of completeness and compliance with the approved plans and specifications. The Engineer shall verify that the required testing per the *Pasco County Engineering Services Department Testing Specifications for Construction of Roads, Storm Drainage, and Utilities* shall be provided. The selected Engineer shall certify that all required tests have been performed and that the results of those tests indicate that the tests meet or exceed minimum standards. All failed tests shall be retested with new results shown, using a numbering system which links the tests to the original test. The Engineer shall provide all signed and sealed test reports, including a location map depicting test number locations on a graphical project layout; i.e., master grading plan.

A. The Engineer shall notify the Project Management Division of the following key activity startups a minimum of five (5) working days in advance:

1. Clearing, grubbing, and tree protection and National Pollutant Discharge Elimination System requirements.

2. Subgrade stabilization.

3. Base placement.

4. Paving.

5. Final inspection.

B. In order for the County to participate in a final inspection, the Engineer shall provide a signed and sealed certification of completion and three (3) signed and sealed sets of record drawings along with one (1) disc containing .pdf and .dwg format files. Record drawings shall be signed and sealed by both the Engineer and surveyor on each page and shall accurately depict all conditions "as built."

The acceptable completion of the project shall be subject to the following:

1. Reinspection and completion of punch list items, if any, and payment of reinspection fee to the County.

2. All test reports, signed and sealed with certification of Engineer described above.

3. Utility acceptance.

SECTION 310. PERFORMANCE SECURITY

310.1. **Generally**

Where the BCC allows the posting of performance security to guarantee the installation of improvements, including public streets, drainage, landscaping, utilities, sidewalks and bikeways or private streets, drainage, and landscaping in lieu of actual installation prior to final plat approval, the developer shall provide with the application for final plat approval or preliminary plat if proceeding under Section 177.073, Fla. Stat., evidence of security adequate to assure the installation of all required improvements.

310.2. **Required Improvements Agreement**

In connection with the approval of any final subdivision plat or preliminary plat if proceeding under Section 177.073, Fla. Stat.,where the developer intends to install the required improvements after such approval, a Required Improvements Agreement,

in substantial conformance with the model agreement set forth by the County shall be executed.
All Required Improvements Agreements shall be recorded with the approved final subdivision plat.

310.3. **Type of Performance Security**

The type of Performance Security may take any of the following forms subject to the criteria set out below:

A. Surety Bond to guarantee performance;

B. Letter of Credit;

C. Escrow Agreement;

D. Cash to be held by the Clerk of the Circuit Court; or

310.4. **Conformance**

The Performance Security document shall strictly conform to the corresponding exhibit in the Transportation Engineering Department, *A Procedural Guide for the Preparation of Assurances of Completion and Maintenance* (as may be subsequently amended). Nothing in this section shall prevent the Performance Security document from containing other terms or provisions, so long as any other terms or provisions do not contradict the terms of the exhibits or the intent of this Code.

310.5. **Letter of Credit**

In the event a Letter of Credit is furnished, the following shall apply:

A. The institution issuing the guarantee document shall be a bank or savings association, unless otherwise approved by the County Administrator or designee and the County Attorney or designee.

B. The institution shall be: (1) organized and existing under the laws of the State or (2) organized under the laws of the United States and have a principal place of business in the State and (3) have a branch office which is authorized under the laws of the State or of the United States to receive deposits in the State.

C. The Letter of Credit must provide for draws to be made on it at an office within 100 miles from the County.

D. The Letter of Credit must be signed by the President or Vice President of the institution, authorized to execute said instruments.

E. The institution of the Letter of Credit must have and maintain an average financial condition ranking of thirty-five (35) or more from two (2) nationally

recognized financial rating services, compiled quarterly by the Florida Department of Financial Services, unless otherwise approved by the County Administrator or designee and the County Attorney or designee.

310.6. Surety Bond

In the event a Surety Bond is furnished, the following shall apply:

A. The surety company shall have a currently valid Certificate of Authority issued by the Florida Department of Financial Services, Division of Insurance Agents, and Agency Services, authorizing it to write Surety Bonds in the State.

B. The surety company shall have a currently valid Certificate of Authority issued by the United States Department of Treasury under the U.S.C. § 9304-9308 of Title 31.

C. The surety company shall be in full compliance with the provisions of the Florida Insurance Code.

D. The surety company shall have at least twice the minimum surplus and capital required by the Florida Insurance Code at the time the Surety Bond is issued.

E. If the bond amount exceeds $5,000.00, the surety company shall also comply with the following provisions:

The surety company shall have at least the following rating in the latest issue of Best's Key Rating Guide:

Bond Amount	Policy Holder's Rating	Required Financial Rating
$5,000 to $1,000,000	A	Class IV
$1,000,000 to $2,500,000	A	Class V
$2,500,000 to $5,000,000	A	Class VI
$5,000,000 to $10,000,000	A	Class VII
$10,000,000 to $25,000,000	A	Class VIII
$25,000,000 to $50,000,000	A	Class IX
$50,000,000 to $75,000,000	A	Class X

310.7. Effective Period

The Performance Security shall remain in effect until required improvements are accepted or in the case of private improvements, approved by Pasco County. Required improvements secured by a Performance Security shall be completed within one (1) year of the date of recording of the final plat, unless extended by the BCC. County Administrator may extend the one (1) year period for landscaping where ongoing construction might damage landscaping that is installed.

310.8. **Approval**

A Performance Security provided under this section shall be subject to approval by the BCC, unless delegated to the County Administrator or designee.

310.9. **Default**

Where an approved Performance Security has been provided and the required improvements have not been installed according to the terms of the Performance Security instrument or the Required Improvements Agreement the County may, upon ten (10) days written notice to the parties to the instrument, declare the Performance Security to be in default and exercise the County's rights thereunder. Upon default, no further County permits or approval shall be granted for the project until adequate progress toward completion of the remaining, required improvements is shown as determined by the BCC. The BCC shall receive payment in full if the improvements are not completed or an extension has not been granted prior to the expiration of the Performance Security.

310.10. **Default in Subdivisions with Private Improvements**

Where an approved Performance Security has been provided and the required improvements have not been installed according to the terms of the Performance Security instrument, the County may, upon ten (10) days written notice to the parties of the instrument, declare the Performance Security to be in default and exercise the County's rights thereunder. Upon default, no further County permits or approval shall be granted for the project until adequate progress toward completion of the remaining required improvements is shown as determined by the BCC. The County shall have the right, based upon easements granted with the approval, to enter private property to complete the work to the standards approved on the construction drawings and receive payment in full for the work completed. The County may establish a municipal service benefit unit or special assessment program to complete the required improvements should any short fall be projected to occur.

310.11. **Form, Amount**

Such Performance Security shall comply with all statutory requirements and shall be satisfactory to the County as to form and manner of execution. The amount of such security shall be based upon an estimate by the engineer and surveyor of record, and be subject to the approval of the County Administrator or designee.

The Performance Security shall be equal to the maximum cost, adjusted for inflation during the maximum effective period of the security for the uncompleted portion of the required improvements; provided, however, such amount shall be 125 percent of the current construction costs of such improvements for subdivisions with public improvements and/or 3 private improvements.

310.12. **Partial Release of Security**

A developer, at his option, may apply for a partial release of a portion of the monetary amount provided for in such a document upon a demonstration that a corresponding, specifically-described portion, or phase of approved improvements has been totally completed in the manner specified in this Code. The BCC, at its discretion, may elect to release the portion requested upon the issuance of a Certificate of Completion as to the completed portion or phase provided; however, that it shall be the policy of the BCC not to accept a request for release of a Performance Security for a unit or phase which is not complete, including drainage facilities.

310.13. **Time Limit on the Document**

A. Unless otherwise approved by the PC or BCC, the applicant agrees to complete construction of all improvements required as a condition of platting within one (1) year from the date that the plat is approved by the BCC. If the applicant fails to complete construction of the improvements within such time period, the County may exercise any of the following nonexclusive remedies:

1. Call the Performance Security;

2. Revoke the final Certificate of Capacity or concurrency exemption issued for the platted entitlements;

3. Vacate the plat if no lots have been transferred to Bona Fide Purchasers; or

4. Immediately cease the issuance of Building Permits and/or Certificates of Occupancy within the plat.

The applicant's signature of the acknowledgement form shall be considered an application for, and consent to, County vacation of the plat pursuant to Section 177.101, Florida Statutes, in the event of a default pursuant to this section. Until such time that construction of such improvements is complete, the applicant agrees to include the following disclosure in all sales literature and sales documents for lots within the plat.

B. For the purposes of this condition, the term "complete" shall mean that:

1. The improvements have been completed in accordance with the standards set forth in this Code and in accordance with approved plans and specifications;

2. A Certificate of Completion has been issued by the County Administrator or designee and other appropriate departments of the County; and

3. The Performance Guarantee has been released by the BCC.

C. The developer shall provide a Performance Security in accordance with this Code, which shall be valid and in effect until:

1. The improvements have been completed in accordance with standards set forth in this Code and with approved plans and specifications;

2. A Certificate of Completion has been issued by the County Administrator or designee and other appropriate departments of the County; and

3. The guarantee has been released by the BCC.

4. The Performance Security tendered to the BCC shall be valid for a minimum of eighteen (18) months, but may be longer. In the event the improvements are not completed within one (1) year of the effective date of the Performance Security, the developer shall be in default.

The BCC may extend the period for installation at their discretion for good cause.

310.14. **Completion of Improvements**

Upon completion of the approved improvements, the developer shall:

A. Provide to the County Administrator or designee a certification from an engineer duly registered in the State, that the improvements have been constructed and completed in conformity to the approved plans and specifications;

B. Provide to the County Administrator or his designee all certified signed and sealed test reports per the most current *"Pasco County Transportation Engineering Department Testing Specifications for Construction of Roads, Storm Drainage and Utilities"*;

C. Provide to the County Administrator or designee County-acceptable record drawings; and

D. Apply for, in writing, along with the certification, the release of the Performance Security to the County Administrator or designee.

310.15. **Release of the Performance Security**

Upon receipt of a Certification of Completion and Application for Release, the County Administrator or designee shall provide a recommendation to the BCC within sixty (60) days as to whether a release should be given, and if the County Administrator or designee is satisfied that everything has been completed in conformance with this Code. The BCC may then release the Performance Security, with or without conditions based upon the circumstances.

310.16. **Tests Required**

In all cases involving Performance Security governed by this section, laboratory test reports shall be submitted to the County Administrator or designee as he deems necessary, to verify completion or construction of improvements in accordance with the requirements or standards. Such tests shall be made by an approved testing laboratory and certified by a Florida registered engineer at the expense of the developer verifying testing completion and that testing of the construction of improvements are in accordance with the requirements and standards of Pasco County.

SECTION 311. DEFECT SECURITY

311.1. Prior to the issuance of a Certificate of Completion, the developer shall post security, in an amount equal to fifteen (15) percent of the actual costs of all required improvements, for the purpose of correcting any construction, design or material defects, or failures within public rights-of-way or easements dedicated or granted to the County in the development or required off-site improvements. The form and manner of execution of such security shall be subject to the approval of the County Attorney. The effective period for such security shall be thirty-six (36) months following the issuance of a Certificate of Completion. Substitution of principal, sureties, or other parties shall be subject to the approval of the BCC upon recommendation of the County Attorney. Upon default, the BCC may exercise its rights under the Defect Security Instrument and Defect Security Agreement upon ten (10) days written notice to the parties of the instrument.

311.2. Streets; roads; or any other improvements dedicated to the public, as indicated on a plat approved by the County as appropriate under this Code; and intended for County maintenance, shall require completion of a defect security period warranting the improvements to be free from defects and an initial defect security document valid for the entire initial warranty period plus six (6) months; streets, roads, or any other improvements shall not be accepted by the BCC for County maintenance until completion of the warranty period and all other requirements of this section.

311.3. For streets, roads, and any other improvements dedicated to or approved by the County as appropriate under this Code and intended for County maintenance, the developer shall, upon application for release of the required Performance Security Guaranteeing of a Completion of Improvements document as required in this Code, Section 310, if applicable, provide one (1) of the following documents for the purpose of guaranteeing the workmanship, materials, and maintenance of improvements during any warranty period (defect security document):

A. A Surety Bond guaranteeing freedom for defects;

B. Letter of Credit;

C. Escrow Agreement;

D. Cash to be held by the Clerk of the Circuit Court; or

Any Defect Security document shall be subject to the fee schedule in the Transportation Engineering Department, *A Procedural Guide for the Preparation of Assurances of Completion and Maintenance* (as may be subsequently amended).

The scope of the area contemplated in the Defect Security document, and subsequently accepted and maintained by the County, shall be indicated as dedicated areas on a County approved plat, or if a plat is not applicable, some other document acceptable to the County Attorney.

In no case shall a Defect Security document be accepted before the commencement of the maintenance period as provided in this section.

311.4. **Defect Security**

The Defect Security document shall strictly conform to the corresponding exhibit in the Transportation Engineering Department, *A Procedural Guide for the Preparation of Assurances of Completion and Maintenance* (as may be subsequently amended).

In the event of a Letter of Credit is furnished, the following shall apply:

A. The institution issuing the guarantee document shall be a bank or savings association, unless otherwise approved by the County Administrator or designee and the County Attorney or designee.

B. The institution shall be:

1. Organized and existing under the Laws of the State; or

2. Organized under the Laws of the United States and have its principal place of business in the State, and

3. Have a branch office which is authorized under the Laws of the State or of the United States to receive deposits in the State.

C. The Letter of Credit must provide for draws to be made on it at an office within 100 miles from the County.

D. The Letter of Credit must be signed by the President or Vice President of the institution authorized to execute said instruments.

E. The institution of the Letter of Credit must have and maintain an average financial condition ranking of thirty-five (35) or more from two (2) nationally recognized financial rating services, compiled quarterly by the Florida Department of Financial Services, unless otherwise approved by the County Administrator or designee and the County Attorney's Office.

F. The expiration date of the Letter of Credit shall be automatically extended without amendment for one (1) year from the expiration date, unless otherwise authorized in writing by the County Administrator or designee. If the Letter of Credit is not automatically extended for such additional one (1) year period, at least sixty (60) days prior to the expiration date then in effect, the bank or savings association shall notify the County Administrator or designee by registered or certified U.S. Mail, postage prepaid, return receipt requested. This notification shall be sent to The County Engineer, 8731 Citizens Drive, Suite 320, New Port Richey, Florida 34654, or any other address specified in writing by the County Administrator or designee.

G. The Letter of Credit shall have a provision which allows the County Administrator or designee to collect the funds upon notice that the Letter of Credit will not be automatically extended if the purpose for which the Letter of Credit was issued still exists, unless a substitute Letter of Credit meeting the requirements of this section is provided.

311.5. In the event a Surety Bond is furnished, the following shall apply:

A. The surety company shall have a currently valid Certificate of Authority issued by the Florida Department of Financial Services, Division of Insurance Agents, and Agency Services, authorizing it to write Surety Bonds in the State.

B. The surety company shall have a currently valid Certificate of Authority issued by the United States Department of Treasury under 31 U.S.C. § 9304-9308.

C. The surety company shall be in full compliance with the provisions of the Florida Insurance Code.

D. The surety company shall have at least twice the minimum surplus and capital required by the Florida Insurance Code at the time the Surety Bond is issued.

E. If the bond amount exceeds $5,000.00, the surety company shall also comply with the following provisions:

The surety company shall have at least the following rating in the latest issue of Best's Key Rating Guide:

Bond Amount	Policy Holder's Rating	Required Financial Rating
$5,000 to $1,000,000	A	Class IV
$1,000,000 to $2,500,000	A	Class V
$2,500,000 to $5,000,000	A	Class VI
$5,000,000 to $10,000,000	A	Class VII
$10,000,000 to $25,000,000	A	Class VIII
$25,000,000 to $50,000,000	A	Class IX
$50,000,000 to $75,000,000	A	Class X

311.6. The monetary amount of the Defect Security shall be based on the cost estimate of an engineer duly registered in the State, which has been submitted to and accepted by the County Transportation Engineering Department using the engineer's own estimate amounts or an estimate established by multiplying the actual unit quantity by the unit costs contained in the Transportation Engineering Department, *A Procedural Guide for the Preparation of Assurances of Completion and Maintenance* (as subsequently amended), whichever is greater. However, if a developer has a history of having had claims made against posted Performance or Defect guarantees, or a history of noncompliance with the design standards set forth in this Code, the BCC may require an additional ten (10) percent to the amount required in this section.

311.7. The developer shall be responsible for maintaining the dedicated improvements during the warranty period. In the event the developer does not maintain the dedicated improvements during the warranty period, the County Administrator or designee shall notify the developer in writing of the areas that require maintenance. The developer shall have sixty (60) days from receipt of the notice to perform the required repairs to the satisfaction of the County Administrator or designee, or be in default of the Defect Security document, unless a longer time is agreed upon between the developer and the County Administrator or designee. The developer shall also be responsible for requesting, in writing, a final inspection from the Project Management Division not before ninety (90) days prior to the termination of the initial Defect Security period. Upon receipt of the request for final inspection, the Project Management Division shall notify the developer in writing providing a list of deficiencies of items to be remedied by the developer before the expiration of the Defect Security period. In the event the developer does not remedy the deficiencies before the expiration of the maintenance period, the developer shall be in default of the Defect Security document.

311.8. The BCC may grant an extension of the initial Defect Security period, for a one (1) year term per each extension, provided a Defect Security document is provided by the developer and valid for the entirety plus six (6) months of that extension period. Any extension period Defect Security document shall be subject to the fee schedule in the Engineering Services Department, *A Procedural Guide for the Preparation of Assurances of Completion and Maintenance* (as subsequently amended). In granting an extension, the BCC may consider, but is not limited to, a lesser term, availability of materials, labor, and timeliness of compliance by the County with this section.

311.9. Upon remedy to the satisfaction of the County Administrator or designee of all deficiencies listed pursuant to this section, or if no items, but in any case no sooner than the completion of the initial Defect Security period, the County Administrator or designee shall, within sixty (60) days, recommend to the BCC the release of the Defect Security document and acceptance of the indicated streets, roads, and other improvements, if any, by the BCC for County maintenance.

311.10. Nothing in this Code shall prevent the BCC from being able to, on its own initiative, release the Defect Security document and accept the streets, roads, or any other improvements for maintenance at any time.

SECTION 312. ACCEPTANCE OF IMPROVEMENTS

312.1. Any street, road, or other improvement intended for dedication to the public must be indicated with specificity acceptable to the BCC and formally accepted by the BCC through a plat or other acceptable means. Streets, roads, or other improvements, which are not built to County specifications, private roads; streets; or other improvements; and roads, streets, or other improvements for which an offer of dedication has been made, but where the offer has not been officially accepted by the BCC; shall not be deemed part of the County road system; shall not be the responsibility of the BCC; and shall not be maintained by the County, unless such maintenance is voluntarily assumed by the County pursuant to this Code. The duty and responsibility to maintain such streets and roads or any other improvements shall be that of the developer, his successors in interest, or any entity established to ensure maintenance and the said entity must be acceptable to the County. This section shall not conflict or prevent any road from becoming a County right-of-way pursuant to Section 95.361, Florida Statutes. Emergency repairs by the County on any street, road, or other improvements shall not be deemed a voluntary assumption by the County pursuant to Section 177.081, Florida Statutes, or be deemed to create an obligation upon the County to perform any act of construction or maintenance within such dedicated areas.

312.2. Approval of a plat or construction plan by the County as appropriate under this Code shall not be deemed to constitute acceptance for maintenance of streets, roads, and any other areas or improvements shown on the plat, unless such maintenance is voluntarily, specifically, and officially assumed by the BCC. Streets, roads, and any other areas or improvements shall become County maintained only upon an official, voluntary, affirmative act by the BCC specifically assuming maintenance of such improvements pursuant to this Code.

312.3. Streets, roads, and any other areas or improvements shall become County maintained only upon an official, voluntary, affirmative act by the BCC specifically assuming maintenance of such improvements. This section shall not conflict or prevent any road from becoming a County right-of-way pursuant to Section 95.361, Florida Statutes. Nothing in this Code shall be construed as creating an obligation of the County for maintenance of any sidewalks, regardless of dedication to the public or voluntary acceptance of maintenance of the rights-of-way that any sidewalk may be within.

312.4. Approval of any plat, as appropriate under this Code, shall not be deemed to constitute acceptance of streets, roads, or any other improvements or areas indicated in such plat for County maintenance. Streets, roads, or any other improvements or areas dedicated to the County through a plat or any other means shall not be County maintained, unless accepted in accordance with this section.

312.5. Until the acceptance of improvements for County maintenance in accordance with this section, the developer, or his successors in interest, shall have the duty and responsibility for any and all routine and periodic maintenance of any and all streets, roads, or any other improvements made by the developer, dedicated and/or approved or otherwise, including permanent-reference monuments and permanent-control points as required by Chapter 177, Florida Statutes.

312.6. Streets, roads, or any other improvements shall be eligible for acceptance by the BCC for County maintenance only if such improvements are built to County specifications.

Improvements which are not constructed to County specifications must be built to County specifications prior to becoming eligible for acceptance by the County for County maintenance.

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 of 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 Sign Permit is issued, the work authorized by the Sign Permit shall be commenced and at least one required inspection shall be successfully completed within six (6) months after issuance of the 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 Permit 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. Signs having similar characteristics to snipe signs if authorized by another section of this Section 406.1 shall not be considered snipe signs and shall not be prohibited.

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 as expressly allowed in this Code (see Section 406.1.2.E).

6. Employs motion picture projection or has visible moving parts or gives the illusion of motion.

7. Emits audible sound, vapor, smoke, odor particles or gaseous matter.

8. 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 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

A. Permanent 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

Temporary Signs might be confused with snipe signs. The following regulations apply to lawful 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 and Number. At all times, one (1) temporary sign is allowed for each residential lot, nonresidential establishment having a Certificate of Occupancy (CO), or vacant lot, however, up to five (5) temporary signs may be displayed on a residential lot, nonresidential establishment having a Certificate of Occupancy (CO), or vacant lot for a duration of 30 days immediately prior to an election. Four (4) of said signs shall be removed within five (5) days after the election.

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. 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.

4. Temporary signs shall not be illuminated.

5. 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.

6. Window signs which comprise, in aggregate, twenty-five (25) percent of the total window area or less.

7. 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 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 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:
   Measurement distance (in feet) = √Square footage of the digital display face x 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. <u>Digital Signs – Community Development Districts (CDD).</u>

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

a. Signs with digital display shall be located within the boundaries of a CDD 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 which at a minimum shall include 406.1.8. A, C, D, E, F, G (in part), and H.

M. <u>Digital Signs – Homeowner Associations and Condo Associations.</u>

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. <u>Digital Signs – Office, Commercial, and Industrial Districts and Office, Commercial or Industrial entitled portions of an MPUD.</u>

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 and may contain an ornamental/architectural top feature that is sculptural or artistic in nature that exceeds the ten (10) foot height limitation. The ornamental/architectural top feature shall not exceed ten (10) percent of the overall height of the sign structure and shall be considered part of the sign structure when calculating sign 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/architectural top feature that is sculptural or artistic in nature that exceeds the eleven (11) foot height limitation. The ornamental/architectural top feature shall not exceed fifteen (15) percent of the overall height of the sign structure and shall be considered part of the sign structure when calculating sign height.

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:

Building Size Square Feet	**Maximum Copy Area Square Feet**	**Maximum Sign Structure Area (Including Copy Area) Square Feet**
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, 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 to the surface.

3. Signs above canopies shall not be considered roof signs provided they do not project above the roofline of the building. Signs attached to entranceway canopies shall not be considered roof signs provided they do not project above the roofline of the building for which the canopy is associated with.

4. 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.

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 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. Signs having similar characteristics to snipe signs if authorized by another section of this Section 406.1 shall not be considered snipe signs and shall not be prohibited;

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;

20. Signs advertising premises not subject to the USP; and

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 nonsubtantial 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 1000. MISCELLANEOUS STRUCTURE REGULATIONS

SECTION 1003. GATES, FENCES, AND WALLS

1003.1. General Requirements

A. No gate, fence, or wall shall be installed on any public or private right-of-way used as a street, road, highway, or easement for ingress and/or egress. However, as part of a development entrance feature, a gate, fence, or wall may be installed on a private right-of-way exclusively owned.

B. Each gate, fence, or wall erected shall be of uniform construction and appearance, and shall be erected and maintained in good repair so as to not pose a hazard or eyesore.

C. No gate, fence, or wall shall be erected so as to interfere with the clear-sight triangle as defined in this Code or the *Florida Department of Transportation* (FDOT) *Manual of Uniform Minimum Standards*, most recent edition (Greenbook), whichever is applicable. (See Figure 1003A, Pasco County Clear Sight Triangle with FDOT Clear Sight Limits.)

D. In the event fifty (50) percent, or more, of a nonconforming gate, fence, or wall is damaged, destroyed, or removed, whether by natural causes or otherwise, then the nonconforming structure shall be removed and any replacement gate, fence, or wall shall be erected in compliance with the requirements of this section.

E. The height of all gates, fences, or walls located at a common property line shall be measured and averaged at regular intervals on both sides of the property line. Where not located on a common property line, the measurements shall be taken at regular intervals on the exterior of the gate, fence, or wall. The final height shall be determined by averaging the dimensions obtained from the measured interval averages. The measured interval distances shall typically be eight (8) feet. Berms, when used in conjunction with fences or walls, shall be included in height determinations. Support poles, columns, and decorative lights may exceed the height limitations by not more than one (1) foot. Gates may exceed the height limitations by not more than two (2) feet.

F. Fences, gates, and walls shall be constructed in such a manner so as not to interfere with drainage and utilities. If it is necessary for the County to perform maintenance in an easement where a fence is located, the owner will be required to remove the fence within thirty (30) days of the mailing of the written notice by the County, and if it is not removed, the County may remove the fence without replacement.

G. Chain link, welded wire, or similar fences and gates visible from collector or arterial roadways on the Highway Vision Plan & Functional Classification Map shall be prohibited unless the property is zoned industrial.

H. Where applicable, all gates, fences, and walls shall meet the requirements as set forth in this Code, Section 905.2.

1003.2. **Exemptions**

A. Gates, fences, and walls which are owned or erected by utility companies or owned or erected by Pasco County or any state or federal governmental agency.

B. Gates, fences, and walls on property being used primarily for agricultural purposes.

1003.3. **Residential Requirements**

Gates, fences, and walls shall be subject to the following requirements in residential districts or residential developments:

A. Gates, fences, or walls shall not exceed four (4) feet in height in the front yard or in front of the dwelling unit, except as part of a continuous buffer wall for a subdivision or phase thereof.

B. On corner lots and double frontage lots, gates, fences, or walls shall not exceed four (4) feet in height in that front yard that is parallel to the principal building line of the residence where the front door is located, or in front of the dwelling unit. Any person may seek a written determination from the County Administrator or designee identifying the "front door" and/or "principal building line of the primary residential structure" for a residential property. In the other front yard, a six (6) foot fence may be permitted, provided it meets the required front setback for the district in which it is located.

C. In side or rear yards, gates, fences, or walls, shall not exceed six (6) feet in height.

D. The finished side of the gate, fence, or wall shall face the adjoining lot right-of-way.

E. Gates, fences, and walls that are electrified or constructed of corrugated metal, sheet aluminum, barbed wire, or similar materials are prohibited.

1003.4. **Nonresidential Requirements**

Gates, fences, and walls shall be subject to the following requirements in nonresidential districts or nonresidential developments:

A. Gates, fences, or walls shall not exceed eight (8) feet in height in any yard.

B. The finished side of the gate, fence, or wall shall face the adjoining lot right-of-way.

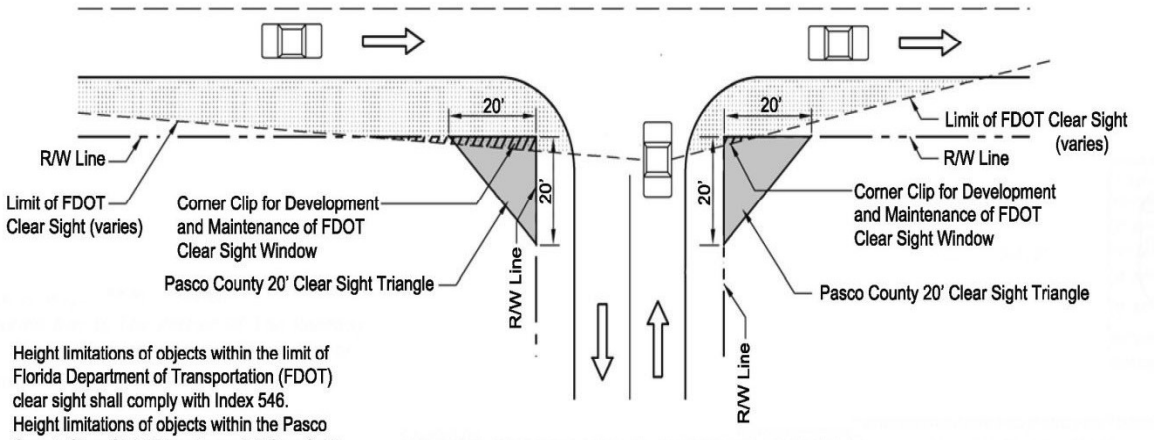
C. For industrial zoned parcels, coated chain link fences shall be allowed.

1003.5. **Additional Requirements for Waterfront Properties**

A. Fences may be constructed along the rear property line but not within fifteen (15) feet of the mean high-water line. Fences may be constructed along side property lines provided they do not exceed four (4) feet in height and shall be constructed so as to not obstruct vision within fifteen (15) feet of the rear property line or within fifteen (15) feet of the mean high-water line. Fences in the side yard may be a maximum of six (6) feet in height, so long as they do not extend in front of or to the rear of the dwelling structure. (See Figure 1003B, Permitted Location of Fences in Side and Rear Yards on Waterfront Properties.)

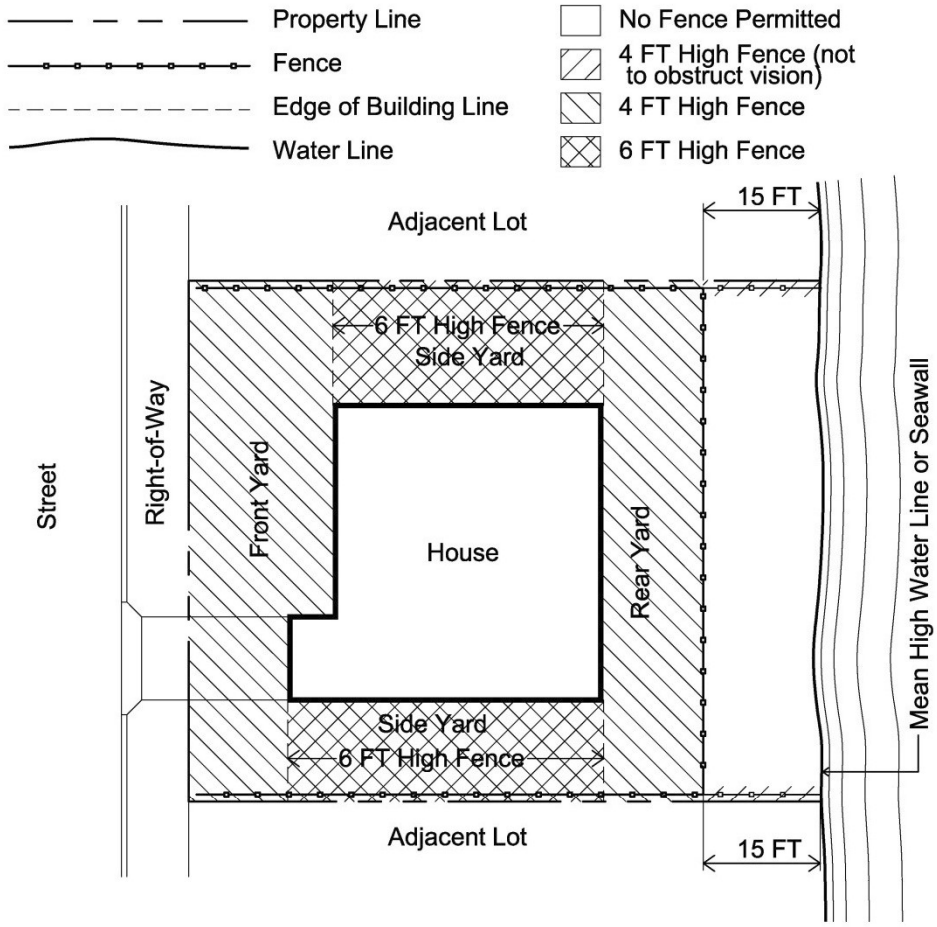
B. See Section 1001, Docks and Seawalls, for additional waterfront property development standards.

FIGURE 1003A



PASCO COUNTY CLEAR SIGHT TRIANGLE
WITH FDOT CLEAR SIGHT LIMITS

FIGURE 1003B



WATERFRONT LOT

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

Situation	Definition
Nonconforming Use	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. A nonconforming use may consist of a nonconforming use of land, a nonconforming use of structures, or a nonconforming use of land and structures.
Nonconforming Structure	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. 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.
Nonconforming Lot	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.

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.

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. A nonconforming sign shall not be replaced with another nonconforming sign.

B. All permanent nonconforming signs and sign structures shall be removed upon 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.

C. In the alternative, for multioccupancy parcels having a non-conforming sign(s) that does(do) not pose a threat to public safety, the property owner may enter into an agreement with the County for the future removal of the non-conforming sign(s) so that tenants may apply in the interim for permanent signage on the multioccupancy parcel, i.e. wall, colonnade, awning, canopy, etc. Such agreement shall be binding on successors and assigns and be recorded in the official records of the County. Said agreement shall be for a duration that is commensurate with the longest lease for an existing tenant that uses the nonconforming sign, unless a longer duration is approved by the County Administrator or designee.

D. 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.

E. 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.

CHAPTER 1300. CONCURRENCY AND MOBILITY/IMPACT FEES

SECTION 1302. MOBILITY AND IMPACT FEES

1302.1. Uniform Procedures and Provisions

A. Legislative Findings and Intent

1. This section is intended to implement and be consistent with the Comprehensive Plan and is intended to be consistent with Section 163.31801, Florida Statutes (the Florida Impact Fee Act).

2. It is the further intent of this section that new development pay for its fair share of the cost of capital improvements required to accommodate new development through the imposition of impact and mitigation fees that will be used to finance, defray, or reimburse all or a portion of the costs incurred by the County to construct or acquire capital improvements to accommodate that new development.

3. It is also the intent of this chapter to be consistent with the principles for allocating a fair share of the cost of new capital improvements to new users as established by the Florida Supreme Court and the District Courts of Appeal of Florida in the case of *Contractors and Builders Association of Pinellas County v. City of Dunedin*, 329 So.2d 314 (Fla. 1976), and other cases. This is accomplished by ensuring new development does not pay more than its proportionate share of the cost of these capital improvements; ensuring such proportionate share does not exceed the cost incurred by the County for such capital improvements to accommodate new development; and ensuring that new development receives sufficient benefit from the funds collected in the form of such capital improvements.

4. It is the further intent of this section to establish a system for the efficient and coordinated administration of mobility, impact, and mitigation fees authorized by this section, including the consistent administration of payments, expenditures, appeals, offsets, credits, refunds, and reviews of independent impact analysis.

5. It is not the intent of this chapter to collect any mobility, impact, and mitigation fees from any new development in excess of the actual amount necessary to offset new demands for capital improvements.

6. It is not the intent of this chapter that any monies collected from any mobility, impact, or mitigation fees deposited in a fee account ever be commingled with monies from a different fee account, ever be used for a type of capital improvement or equipment different from that for which the fees are paid, or ever be used to operated, repair, or maintain existing capital improvements.

B. Mobility, Impact, and Mitigation Fees Adopted

1. School Impact Fees (Effective February 28, 2001)

At the request of the Pasco County District School Board (School Board), the County adopts school impact fees. The County, by the adoption of this section, does not intend to explicitly or implicitly assume any portion of the responsibilities of the School Board and the State to provide for the school system, but only seeks to supplement funding of those growth-related capital improvements which have not been provided for by the State.

2. Mobility Fees (Effective July 20, 2011)

The County adopts mobility fees to assist in providing increased capacity for the transportation system to accommodate the increased demand development activity will have on the transportation system.

3. Water and Wastewater Service Impact Fees (Effective April 27, 1999)

The County adopts water and wastewater service impact fees in order to assist the County in attempting to maintain existing levels of water and wastewater service and to avoid future deficiencies in service.

4. Park and Recreation Impact Fees (Effective January 29, 2002)

The County adopts park and recreation impact fees in order to defray all or a portion of the parks and recreation facilities required to accommodate the impact on those facilities imposed by new residential construction.

5. Library Impact Fees (Effective September 4, 2002)

The County adopts library impact fees in order to defray all or a portion of the library facilities required to accommodate the impact on those facilities imposed by new residential construction.

6. Fire Combat and Rescue Service Impact Fees (Effective January 21, 2004)

The County adopts fire combat and rescue service impact fees in order to defray all or a portion of the costs of the fire combat and rescue service facilities and equipment required to accommodate the impact on that system imposed by new building construction.

7. Hurricane Preparedness Mitigation Fees (Effective September 21, 2004)

The County adopts hurricane preparedness mitigation fees to address the impacts created by new development on hurricane shelter availability and evacuation capability in the County

C. General Provisions.

1. This section shall not invalidate the provisions of any development order or development approval requiring the developer to contribute property as a part of the development approval process, unless the development order or development approval is specifically amended or modified by the Board of County Commissioners (BCC). The donation of land, recording of a plat, or other development approval prior to the effective date of an individual mobility, impact, or mitigation fee or any amendment, adjustment, or modification thereto shall not exempt or vest any person from the provisions of this section or any amendment thereto unless such person is exempt pursuant to the terms of this section.

2. Effect of payment of mobility, impact, or mitigation fees on other applicable County and/or city land development regulations:

   a. The payment of mobility, impact, or mitigation fees shall not entitle the applicant to a Building Permit, Certificate of Occupancy (CO), or a final inspection as such other requirements, standards, and conditions are independent of the requirements for payment of an impact fee.

   b. Neither these procedures nor this section shall affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards, or other applicable standards or requirements of the Comprehensive Plan, this Code, the Pasco County Code of Ordinances, and the codes and ordinances of the municipalities in the County which shall be operative and remain in full force and effect without limitation.

3. The payment of a mobility, impact, or mitigation fee shall be in addition to all other fees, charges, or assessments due for the issuance of a Building Permit, CO, and a final inspection.

4. Where an impact fee, mobility fee, or mitigation fee is imposed, the fee shall be paid or it is a violation of this Code. The obligation for payment of mobility and impact fees shall run with the land.

D. Reductions of Mobility Fees and Waivers of School Impact Fees

1. Mobility fees may be reduced and school impact fees waived on new residential construction within communities and subdivisions providing housing for persons who are fifty-five (55) years of age or older. The reduced mobility fee is referred to as the "age restricted" rate in the mobility fee schedule. New residential construction within communities and subdivisions meeting the requirements of 42 U.S.C. § 3607 and Florida Statutes will not be presumed to be entitled to a reduction or a waiver. The County has created the following procedures in order for

the mobility fee reduction and/or school impact fee waiver to be granted.

a. The County shall be informed at the Pre-Application meeting for the project that such community or subdivision is intended to provide housing for persons who are fifty-five (55) years of age or older. Should this decision not be made prior to the Pre-Application meeting, notice to the of the inent to provide housing for persons who are fifty-five (55) years of age or older may occur at the time of an MPUD rezoning but must be determined prior to the submittal of the construction plan application.

b. Community wide covenants and restrictions in compliance with Form 1302.1-A of this Section incorporated herein, providing that no one under the age of twenty-two (22) is permitted to permanently reside within the community must be executed, recorded, and submitted to the County prior to approval of the construction plan for that phase of development to which the covenants and restrictions pertain.

c. Prior to the issuance of a Building Permit, a copy of a recorded deed or, if rental property a copy of the intended lease, containing the age restrictive language as provided in Form 1302.1-B of this Section and incorporated herein shall be produced to the County in lieu calculation of the estimated full mobility fee and the school impact fee. Adherence to this paragraph will authorize the Department to issue estimated mobility fees and impact fees to be less than the full amount.

d. If the property owner/developer is also the builder and has complied with paragraphs a. - c. above, a corrective warranty deed containing the language contained in Form 1302.1-B must be provided to the Department prior to the issuance of a Building Permit to obtain the reduction and waiver estimate described above.

e. The process provided for in this subsection may be invoked for model homes, mobile model homes and other model dwelling units within proposed communities and subdivisions intending to provide housing for persons who are fifty-five (55) years of age or older where compliance with paragraphs a. - c. has occurred.

f. Proposed developments or subdivisions located within the incorporated municipalities of Pasco County that intend to provide housing for persons who are fifty-five (55) years of age or older, shall be reviewed by the County for compliance with this Section for the purpose of reductions of mobility fees and waivers of school impact fees.

g. Where a breach or dissolution of such a restriction occurs or the community that the waived dwelling units are located within ceases

to be a fifty-five (55) and older community, the full mobility fee and school impact fee shall be due pursuant to the fee schedules in place at the time that the breach or dissolution occurs. At the joint discretion of the County Administrator and the School District Superintendent the payment of the full mobility fee and school impact fee may be deferred to a time certain by written agreement with the part(ies) responsible for payment. However, no mobility fee and/or school impact fees shall be due during the term of any litigation between the homeowners' association or similar entity responsible for the enforcement of the communitywide covenants and restrictions described in this Section and a unit/property owner for the enforcement of the restriction on permanent occupancy by persons under twenty-two (22) years of age

2. Mobility fees may be waived or reduced on affordable housing projects. Such projects shall comply with the provisions of Sections 1302.2.f.2.e. ("Affordable Housing Rate") or f. ("Moderate Income Affordable Housing Rate") of this Code. School impact fees for qualifying affordable housing projects may be waived pursuant to Section 1302.3.C.5.g. of this Code.

E. Independent Fee Calculations

The following shall apply to all fees except for mobility fees and hurricane preparedness mitigation fees:

1. Applicant Fee Study. If an applicant opts not to have an impact fee determined according to the applicable impact fee schedule(s), then the applicant shall prepare and submit to the County Administrator or designee an independent fee calculation study for the new construction for which a Building Permit(s) is sought for each impact fee schedule challenged.

2. The independent fee calculation study shall follow the prescribed methodologies and formats used in the study as adopted by the County, as may be amended, that is relied upon by the County in the challenged fee schedule.

3. The proposed independent fee calculation study shall be submitted to the County Administrator or designee who shall, after consultation and review of the independent fee study with any consultant if one has been retained, mail a written determination to the applicant within sixty (60) calendar days of a completed submittal as to whether such calculation complies with the prescribed methodologies and formats. A CO shall not be issued or final inspection conducted in the interim, unless the applicant pays the impact fee based upon the impact fee schedule in effect.

4. The County Administrator or designee shall consider the documentation submitted by the applicant, but is not required to accept

such documentation if it is deemed to be incomplete, inaccurate, or unreliable. The County Administrator or designee may, in the alternative, require the applicant to submit additional or different documentation for consideration.

5. If the independent fee calculation study is determined to be acceptable by the County Administrator or designee then the applicant shall pay the independent fee calculation impact fee amount in lieu of an amount based upon the challenged impact fee schedule.

6. If the independent fee calculation study is determined to be unacceptable, then the independent fee calculation shall be rejected. Such rejection shall be in writing and set forth the reasons for the rejection and shall be provided to the applicant by certified mail. The applicant shall pay an impact fee based upon the impact fee schedule in effect at the time of rejection.

7. The applicant shall have thirty (30) calendar days from the receipt of written notification of rejection to request a hearing pursuant to this Code. A CO shall not be issued or a final inspection conducted in the interim, unless the applicant pays the impact fee based upon the impact fee schedule in effect.

F. Credits

Unless a longer time period is specifically authorized by the BCC in a development approval, credit accounts for all mobility and impact fee credits shall expire twenty (20) years after the date that the credit account was last utilized, which shall be the date that the County last received a written assignment of credits from the credit account. If the mobility/impact fee credit account has never been utilized, the credit account shall expire twenty (20) years after the date that the credit account was established, unless a longer time period is specifically authorized by the BCC in a development approval.

The following shall apply to all park, school, and library impact fees. Any credit information for mobility fees, fire combat and rescue service impact fees, hurricane preparedness mitigation fees, and water and wastewater service impact fees is located in the individual section:

1. Any applicant or successor in interest that donates land or a facility may be entitled to a credit against the impact fees due provided:

   a. The costs of such site or facility have been included in the applicable impact fee study; or

   b. The land donated or facility provided is determined by the County Administrator or designee to be a reasonable substitute for the impact fee due. For a school site or school facility donation, the Superintendent shall determine whether the donation is a reasonable substitute for the school impact fee due.

2. The credit shall be granted at such time as the land or facility, which is the subject of the donation, has been conveyed to and accepted by the County or School Board. The credit shall be granted in the name of the person conveying the land or facility. To convey land, the following provisions shall be met, at no cost to the County or School Board, and all documents shall be in a form approved by the County or School Board attorney:

   a. The delivery of a complete and current abstract of title or a title insurance commitment to insure the said property for the amount equal to the value of the credit;

   b. The delivery of a deed, in appropriate form, with sufficient funds for recording same based upon the agreed value of the property;

   c. The payment of taxes for the current year through the time of conveyance pursuant to Chapter 196, Florida Statutes;

   d. The issuance of a title insurance policy subsequent to the recording of the deed and escrow of taxes; and

   e. Any and all other documents reasonably required by the County or School Board attorney.

3. The value of the credit shall be calculated as follows:

   a. If land was donated, the value of the credit shall be based upon the value of the donated property at the time of conveyance, unless the person donating the property and the County Administrator or designee or the BCC agrees in a development approval to another valuation date. The amount of the credit shall be 115 percent of the assessed value of the conveyed land as determined by the County Property Appraiser unless the person donating the property and the County Administrator or designee or the BCC agrees in a development approval to another credit amount.

      Credits issued for donated land may not be utilized or applied toward the facility portion of the impact fee.

   b. The amount of a credit for facilities or equipment shall be established in a written agreement between the person constructing or donating the facilities or equipment and the BCC. Credits issued for donated or constructed facilities may not be utilized or applied toward the land or land acquisition portion of the impact fee.

   c. Requests for credits shall be submitted to the County Administrator or designee. The request for a credit shall be accompanied by relevant documentary evidence establishing the eligibility of the applicant for the credit.

4. Credits for donations of land and/or the provision of school facilities, where such land or facilities are located within the boundaries of the cities, shall not occur without the formal approval of the Superintendent and the County Administrator or designee.

5. Credits may be sold, assigned, or conveyed to another person within the same development that received the credits or transferred to another project or development within the same impact fee expenditure district or within an adjoining impact fee district which receives benefits from the improvement or contribution that generated the credits. The extent of such benefits shall be determined by the County Administrator or designee taking into account the level of service standards in the Comprehensive Plan. To transfer credits, the applicant must submit to the County Administrator or designee a letter signed and notarized by the owner of the credits that specifies the name of the person receiving the transfer of the credits and the amount of the credit being transferred. Regardless of the date of transfer, the transfer of the credit shall not be effective until the transfer letter is received and accepted by the County Administrator or designee.

6. Unused credits shall not be refunded.

G. Government Acquisition Credit

1. Program Established

a. If the County, or another entity with eminent domain authority, acquires land by condemnation, by threat of condemnation, or otherwise purchases land with a building or structure located thereon that existed on or after the original effective date of an impact fee ordinance and intends to remove the said building or structure, and such land is either: (1) replaced with a use that precludes construction of any buildings; or (2) encumbered by a deed restriction that precludes construction of any buildings, the County shall create an impact fee credit, equivalent to the impact fee(s) that would be due for the said building or structure if rebuilt on the date that title transfers pursuant to an Order of Taking, the date of closing for other acquisitions, or some other date as approved by the BCC (government acquisition credit).

b. The County shall establish a separate government acquisition credit tracking system for each applicable impact fee.

c. Government acquisition credits may be appropriated to a property owner at the discretion of the County. Where a government acquisition credit is appropriated to a property owner:

(1) Language, including the amount of credit, granting the credit to the property owner must be included in the

agreement for sale and purchase and approved by the BCC; or

(2) If a petition for eminent domain has been filed, the credit and credit amount must be included in the settlement agreement of the eminent domain proceeding and approved by the BCC.

d. The property owner who receives a credit may utilize the said credit for payment of the impact fees due upon relocation. If the credit amount is insufficient to pay the impact fees due at the new location at the time such fees are due, the property owner shall be responsible for payment of the difference between the credit amount and the impact fees due, unless the BCC specifically appropriates additional unused government acquisition credit from the applicable tracking system or another funding source to pay the difference between the credit amount and the impact fees due.

e. Unless otherwise approved by the BCC in the agreement for sale and purchase or the eminent domain settlement agreement, the property owner receiving the credit must utilize the government acquisition credit within three (3) years from the date that the title transfers or the date of closing for other acquisitions.

f. Government acquisition credit shall not be available to property owners when the issue of compensation is determined by a jury, pursuant to Section 73.071, Florida Statutes.

2. Calculation

The amount of the governmental acquisition credit shall be calculated based on the fees in effect at the time that title transfers pursuant to an Order of Taking, the date of closing for other acquisitions, or other date as approved by the BCC. Government acquisition credits may not be available for impact fees adopted or increased after the date of the agreement for sale and purchase, the eminent domain settlement agreement, or some other agreement.

3. Estimates

A person may request at any time a nonbinding estimate of the government acquisition credit for a particular property; however, such estimate is subject to change until the BCC approves the agreement for sale and purchase or the settlement agreement of an eminent domain proceeding.

4. Transfers and Appropriations

a. Any government acquisition credits not used within three (3) years or created but not appropriated to an individual property owner shall remain within the applicable tracking system until used. The BCC or, subject to purchasing authority, the County Administrator or designee, may appropriate unused government acquisition credits within the applicable tracking system to pay impact fees on behalf of: (1) qualified businesses pursuant to the Economic Development Incentive Ordinance; (2) residences or developments eligible for the mobility affordable housing rate or other affordable housing fee payers; or (3) any other use permitted by law. The BCC's utilization or transfer of such credits is not subject to transfer restrictions.

b. Government acquisition credits are not transferable from property owners to other persons or nongovernmental entities unless otherwise approved by the BCC in the agreement for sale and purchase, the eminent domain settlement agreement, or some other agreement.

c. Government acquisition credits may not be refunded or exchanged for monies. No monies shall be payable where the amount of the said credit exceeds the impact fees due.

H. Refunds

1. The procedures in this section shall apply when:

a. A refund is required by a substantive provision of this chapter, any agreement, or other applicable law;

b. A refund is due because a final determination of eligibility for a waiver, credit, offset, or reduced impact fee pursuant to this chapter, any agreement, or applicable law was not made or available at the time the impact fee was paid; or

c. A refund is due if the development activity or new construction is canceled due to noncommencement of construction before the funds have been encumbered and expended pursuant to this section. For purposes of this section, noncommencement means either notice to the County of intent not to commence development or the date of expiration of a Building Permit following the application of any applicable Building Permit extensions. Refund requests shall be made within ninety (90) days from the date of noncommencement. If a refund is granted, any applicable administration fee shall be retained by the County.

2. Refunds shall be made in accordance with the following procedure: The present owner of the property for which the impact fee was paid or owner of the right to the refund pursuant to a contract, agreement, or letter must petition the County Administrator or designee for the refund. The written petition must be submitted to the County Administrator or designee and must contain:

   a. The name, address, and telephone number of the petitioner.

   b. A notarized, sworn statement that the petitioner is the current owner of the real property for which the fee was paid or the petitioner is the lawful owner of the right to the refund pursuant to a contract, agreement, ordinance, or letter.

   c. A copy of the latest recorded deed, contract, agreement, or letter establishing the right to the refund.

   d. A copy of the most recent ad valorem tax bill.

   e. The name of the person to whom the refund shall be issued.

   f. If applicable, the description and documentation of the County's nonuse of the impact fee.

   Upon acceptance of a completed request for a refund, the County Administrator or designee shall review the request and documentary evidence submitted by the applicant as well as such other information and evidence as may be deemed relevant. After complete verification and satisfaction of the requirements, the County shall refund the mobility or impact fee.

3. The right to a refund shall run with the land; accordingly, all refunds due pursuant to this chapter shall be issued to the current owner of the real property entitled to the refund, unless another person presents the County with a contract, agreement, or letter signed and notarized by the current owner, or an agreement or ordinance is approved by the BCC which assigns or allocates the current owner's right to such refund to the other person.

4. Within ninety (90) days from the date of acceptance of a complete petition for refund, the County Administrator or designee will issue a final determination on the refund request.

5. Other than retained administration fees, no fee shall be charged for a refund and a refund received shall not include interest or investment income while on deposit in an impact fee fund.

6. For the purpose of refund requests for failure to use impact fee funds, "budgeted" shall mean that the funds are allocated within the County's Capital Improvement Plan, Capital Improvements Element, or some other appropriate capital improvement plan. The County Administrator or designee may request that the BCC grant a one (1) year extension to the timeframe for budgeting or encumbering a specific fee type. Fees collected shall be deemed to be spent on the basis of "the first fee in shall be the first fee out." For purposes of this section, all mobility and impact fees shall be deemed to be spent prior to the expenditure of any interest or investment income. The present owner shall request the refund within one (1) year following the end of the calendar year immediately following eight (8) years from the date on which the fee was received.

I. Appeals

Unless otherwise provided for in this Code, a person who receives a final determination from the County Administrator or designee pursuant to this section, shall have the right to request an appeal hearing before the BCC in accordance with the procedures and rules in this Code.

J. Administration Fees

Administration fees shall be set by separate resolution(s) or ordinances of the BCC and shall be based upon the actual cost of administering and implementing the County's mobility, impact, and fee programs including, but not limited to, establishing, reviewing, updating, calculating, and collecting impact fees; establishing and maintaining credit and other impact fee accounts; and processing refunds of impact fees. Administration fees shall be in addition to the impact fees due pursuant to this chapter and impact fee credits or offsets shall not apply to administration fees. Any administration fees collected to date on any of the County's impact fees may be used for funding administrative costs associated with any of the impact fees. Administration fees shall be nonrefundable unless the BCC or a court of law with jurisdiction determines that the administration fees exceed the County's actual cost of administering and implementing the County's mobility and impact fee programs or otherwise violate Florida law.

FORM 1302.1-A

To be acceptable to the County for waiver of the school impact fee or reduction of the mobility fee, transportation impact fee (TIF) or trip generation/transportation mitigation, community covenants, including, but not limited to, restrictive covenants, declaration of condominium, declaration of covenants, cooperative documents, prospectus or offering circulars, as applicable, must contain, at a minimum, the following language in its entirety.

1. The community described in this instrument is a housing facility or community operating under the exemption requirements of the Fair Housing Act, 42 U.S.C. § 3607, as amended, as housing for older persons [insert one of the following that applies, a or b]:

    a. At least eighty (80) percent (unless a more restrictive provision is provided for in the general applicable covenants) of the units are occupied by at least one (1) person fifty-five (55) years or older, and the housing facility or community complies with 24 C.F.R. § 100.305, 100.306, and 100.307, as amended.

    b. All occupied units are solely occupied by persons sixty-two (62) years of age or older.

2. No person under the age of twenty-two (22) [Note: age restrictions greater than twenty-two (22) are also permissible; age restrictions less than twenty-two (22) are not permissible] shall be allowed to permanently occupy any residential unit in [insert name of community]. Occupancy by the said individual(s) in any residential unit(s) for more than ninety (90) days (replace with time period less than ninety [90] days as applicable) shall constitute "permanent" occupancy.

3. The [insert developer, successor and assigns, and/or name of community property homeowners' association, as applicable] shall be responsible for enforcing the foregoing restrictions and shall be jointly and severally liable along with the owner(s) of the violating unit(s) to the County and the District School Board of Pasco County (School Board), for payment(s) of any school impact fees, mobility fees, TIFs, or transportation mitigation waived or reduced if such restrictions have been violated. Such payment(s) shall be calculated in accordance with the school impact fee, mobility fee, TIF, or the transportation mitigation rates or rules in effect at the time the violation(s) are discovered.

4. The foregoing restrictions are for the benefit of the County and the School Board who shall have the right to enforce violations of the foregoing restrictions by assessment of school impact fees, TIFs, mobility fees, or transportation mitigation by any means legally available to the [insert developer, successor and assigns, and/or name of the community property homeowners' association, as applicable], or by any other legal remedy, including injunctive relief. The County and the School Board shall be entitled to recover any attorney's fees expended to enforce violations of the foregoing restrictions or to collect school impact fees, TIFs, or transportation mitigation waived or reduced in violation of the foregoing restrictions.

5. The foregoing restrictions shall survive any expiration of the other applicable deed restrictions and shall not be removed or amended without the consent and written agreement of both the County and the School Board.

FORM 1302.1-B

To be acceptable to the County for waiver of the school impact fee or reduction of the mobility fee, transportation impact fee (TIF), or trip generation/transportation mitigation, individual deeds and lease agreements for real property/units within housing facilities or communities established pursuant to 42 U.S.C. § 3607 must contain the following language in its entirety:

1. The community of [insert name of community] is intended to be "housing for older persons" pursuant to the Fair Housing Act, 42 U.S.C. § 3607. No person under the age of twenty-two (22) [Note: age restrictions greater than twenty-two (22) are also permissible; age restrictions of less than twenty-two [22] are not permissible] shall be allowed to permanently occupy any residential unit in [insert the name of the community]. Occupancy by the said individual(s) in any residential unit(s) for more than ninety (90) days (replace with time period less than ninety [90] days, as applicable) shall constitute "permanent" occupancy.

2. The foregoing restrictions are for the benefit of the County and the District School Board of Pasco County (School Board) who shall have the right to enforce violations of the foregoing restrictions by assessment of school impact fees, mobility fees, TIFs, or transportation mitigation by any means legally available to the [insert name of the community property homeowners' association], or by any other legal remedy, including injunctive relief. The County and the School Board shall be entitled to recover any attorney's fees expended to enforce violations for the foregoing restrictions or to collect school impact fees, mobility fees, TIFs, or transportation mitigation waived or reduced in violation of the foregoing restrictions.

3. The foregoing restrictions shall not be removed or amended without the consent and written agreement of both the County and the School Board.

4. This foregoing restrictions shall run with the land and be binding and enforceable against the grantee, his heirs, assigns, and successor in interest.

Appendix A Definitions

Community residential home.

1. A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

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

"Canopy sign." A structure extending from the exterior wall of a building that contains a sign. Signs above canopies shall not be considered roof signs provided they do not project above the roofline of the building. Signs attached to entranceway canopies shall not be considered roof signs provided they do not project above the roofline of the building for which the canopy is associated with.

"Marquee sign." Any sign that is attached to or hung from a permanent 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.

"Roof sign." Any sign erected, constructed, or maintained on any roof(s) or portion(s) of a roof(s) of a building, including signs above parapets, or other similar architectural features of buildings or structures that are capable of supporting signs. This definition includes all signs that are positioned on or above the roofline of a building.

"Veterinarian Clinic" shall mean facilities where diagnosis and treatment of sick, deceased or ailing animals, primarily domestic pets, are performed. Veterinarian clinics do not include non-veterinary kennels.

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

November 18, 2024

Nikki Alvarez-Sowles, Esq.
Pasco County Clerk and Comptroller
14236 6th Street, Suite 201
Dade City, Florida 33523

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. 24-45, which was filed in this office on November 18, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

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