



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

February 7, 2018

Ms. Paula S. O'Neil  
Clerk and Comptroller  
The East Pasco Governmental Center  
Pasco County  
14236 6<sup>th</sup> Street, Suite 201  
Dade City, Florida 33523

Attention: Ms. Katie McCormick

Dear Ms. O'Neil:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Pasco County Ordinance No. 18-05, which was filed in this office on February 7, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

THE BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 18-05

**AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE, PROVIDING FOR AMENDMENTS TO SECTION 406.1, SIGNS; AMENDING APPENDIX A, DEFINITIONS; PROVIDING FOR APPLICABILITY, REPEALER, SEVERABILITY, INCLUSION INTO THE LAND DEVELOPMENT CODE, AND AN EFFECTIVE DATE.**

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**WHEREAS**, pursuant to Article VIII, Florida Constitution of 1968, and Chapters 125 and 163, Florida Statutes (2017), Pasco County has the authority to adopt regulations relating to signage; and

**WHEREAS**, the Board of County Commissioners recognizes that regional attractors are located within the County; and

**WHEREAS**, regional attractors are tourist destinations hosting a large variety of events throughout the year that are promoted to visitors coming to Pasco County; and

**WHEREAS**, 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; and

**WHEREAS**, the County Commission finds that digital display on signage accessory to regional attractors will provide a mechanism for conveying multiple differing messages in a short amount of time to the traveling public without creating the clutter of temporary signage and advertising devices; and

**WHEREAS**, the County Commission finds that digital display on regional attractor signs is appropriate at certain locations within the County and must be constructed and operated within the regulatory standards established by this Ordinance; and

**WHEREAS**, the County Commission finds that digital display, due to animated images, lighting, incongruity in relation to the character of the area, potential for distracting drivers and disrupting protected areas and places, must be reasonably regulated to protect the health, safety and welfare of the County's citizens and businesses, as well as drivers and other interests within the County; however, in the interest of the health, safety, and welfare the County

Commission finds it appropriate to delegate to the County Administrator or designee the authority to require the reduction in brightness of any digital display deemed to be interfering with health, safety, or welfare; and

**WHEREAS**, the County Commission has conducted duly noticed public hearings as required by law, at which hearings all parties in interest and citizens were afforded notice and the opportunity to be heard; and

**WHEREAS**, the County Commission hereby finds and declares that this Ordinance is in the best interest of the public health, safety, and welfare, and that it advances a valid and important public purpose.

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

**Section 1. Recitals.**

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

**Section 2. Section 406.1.8, General Standards, Signs, is hereby amended as follows:**

**Section 406.1.8.1**

**I. 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 to 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 or electronic message centers 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 which at a minimum shall include 406.1.8. A, C, D, E, F, G (in part), and H.

### 6. Technical Requirements

a. 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.

b. Dwell time, defined as the interval of change between each individual message, shall be at least sixty (60) seconds, with all illumination changing simultaneously. There shall be no special effects or other content between messages.

c. Digital display signs shall not be interactive.

d. 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.

e. 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.

f. 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.

g. 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.

h. 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 should be taken at the measurement distance determined by using the following formula:

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

i. Digital display technology used shall be of the type designed to avoid hacking of the operation of the digital display.

j. 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.

k. No auditory message or mechanical sound shall be emitted from any digital sign.

l. 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.

m. At the time of application for a building permit for the digital sign, the owner shall provide written certification from the digital sign manufacturer providing that: (i) ambient light sensors are installed; and (ii) the light intensity of the digital display has been preset to not exceed the brightness levels established by this Section 406.1.

n. Digital signs shall comply with State and Federal technical requirements not inconsistent with this Code.

#### 7. Legally Non-conforming Signs with Digital Display

Legally non-conforming signs with digital display are subject to the technical requirements of Section 406.1.8.1.6. of this Code. All other digital display signs inconsistent with this Section 406.1.8.1 are prohibited.

Section 3. Appendix A, Definitions, of the Land Development Code is hereby amended as follows:

Digital Display- a portion of a sign face emitting an illuminated message created electronically by a light source.

Regional Attractor- an existing facility, public or private, located within the unincorporated area of Pasco County having all of the following characteristics and meeting the applicable criteria of Section 406.1 of this Code: (a) is a tourist destination as

evidenced by the facility or events at the facility being promoted to tourists as defined by Section 125.0104(2)(b)2., Florida Statutes; and (b) the use of the facility is programmed to host a large variety of uniquely different events throughout the calendar year.

**Section 4. Applicability.**

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

**Section 5. Repealer.**

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

**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. Inclusion into the Land Development Code**

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

**Section 8. Scrivener's Error.**

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

**Section 9. Effective Date.**

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

ADOPTED with a quorum present and voting this 6th day of February, 2018.

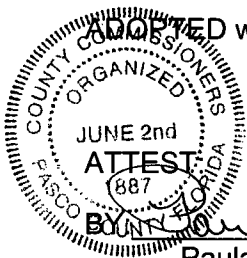
BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

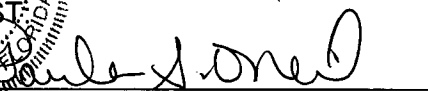
BY:   
Mike Wells, Chairman

APPROVED  
IN SESSION

FEB 06 2018

PASCO COUNTY  
BCC



  
Paula S. O'Neil, Ph.D.  
Clerk & Comptroller