

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 407. RELIEF APPLICATIONS

407.5. Alternative Standards

The intent of an alternative standard is to provide design alternatives that meet or exceed the technical or design requirements of this Code or provide relief when no feasible engineering or construction solutions can be applied to satisfy the regulation. The County Administrator or designee is authorized to approve alternative standards with conditions.

- A. Requests for alternative standards may be made in conjunction with the filing of a development application. Alternatively, an application may be filed prior to submittal of an application. In that circumstance, sufficient information shall be submitted to permit a reasoned consideration of the request. Prior to filing a request for alternative standards, any applicant should review Section 303.6.C, Modification to Submittal Requirements. Sufficient information must be provided for the administrative official to make a determination.
- B. The County Administrator or designee shall consider the following criteria when reviewing an alternative standards request. 1 or 2 shall be met and all of 3, 4, and 5 shall be met:
 - 1. The alternative standard meets or exceeds the intent and purpose of the Code requirement at issue.
 - 2. No feasible engineering or construction solutions can be applied to satisfy the regulation.
 - 3. The alternative standard does not adversely affect compliance with other Code provisions, development order(s), or permit(s).
 - 4. The alternative standard is not in conflict with other mandatory substantive requirements of local, State, or Federal law.
 - 5. The alternative standard is consistent with the applicable provisions of the Comprehensive Plan.
- C. Where deviations from Section 901.1 are requested, the Planning Commission (PC) shall hear the request and consider the following criteria at a public hearing duly noticed pursuant to this Code, Section 304:
 - 1. No feasible engineering or construction solutions can be applied to satisfy the regulation; or
 - 2. The proposed alternative standard will maintain or improve collector/arterial roadway capacity and travel times without increasing the number or severity of accidents; or

3. Compliance with the regulation will deny reasonable access.
- D. For alternative standard requests regarding signs, the PC shall consider the request at a public hearing duly noticed pursuant to this Code, Section 304.

1. Purpose and Intent

The purpose of this section is to provide the circumstances where alternative standards may be approved. Granting a request shall meet or exceed the intent to:

- a. Ensure no pole signs or other prohibited sign is erected;
- b. Approve signs which are compatible with other nearby signs, other elements of street and site furniture, and with adjacent structures. Compatibility shall be determined by the relationships of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size, and the size and style of lettering;
- c. Ensure the location and placement of the sign will not endanger motorists;
- d. Ensure the sign will not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
- e. Ensure the sign will not obstruct views of users of adjacent buildings to side yards, front yards, or to open space;
- f. Ensure the sign will not negatively impact the visual quality of a public open space as a public recreation facility, square, plaza, courtyard, and the like; and
- g. Ensure the sign's lighting will not cause hazardous or unsafe driving conditions for motorists.

2. Increase in Number of Monument Signs

The intent of this subsection is to provide for allowing an increase from one (1) to two (2) monument signs only when there is a reduction in the overall total sign area on the site. Approval of such a request shall require the PC to affirmatively determine compliance with the following criteria:

- a. The request is consistent with the purpose and intent of this section, as stated in Section 407.5.D.1;
- b. The subject parcel shall have a total combined linear frontage between 590 and 600 linear feet of frontage.

The combined sign structure area and copy area of both proposed monument signs shall not exceed the total sign structure area and copy area as would be allowed for one (1) monument sign on the subject parcel;

- c. The total allowed sign area of all other on-site signage; e.g., wall signs, awnings, etc., shall be reduced by at least thirty-five (35) percent.

3. Increase in Height of a Monument Sign or Size of a Wall Sign

Where an alternative standard is requested to increase the height of a monument sign, or to increase the size of a wall sign, the PC shall affirmatively determine compliance with the following criteria:

- a. The request is consistent with the purpose and intent of this section, as stated in Section 407.5.D.1;
- b. Granting the request reduces the number of signs on the parcel and/or the number of registered billboards in the unincorporated areas of Pasco County. The request must achieve one or more of the following:
 - (1) Removal of one or more unconstructed monument signs on the parcel visible from any right-of-way which the applicant otherwise would have been permitted to erect on the parcel; or
 - (2) Removal of one or more nonconforming signs on the parcel visible from any right-of-way which the applicant otherwise would have been permitted to retain on the parcel; or
 - (3) One or more registered billboards from any parcel in unincorporated Pasco County; or
 - (4) Any combination of the above; and
- c. Granting the request reduces the overall sign structure area visible on the parcel from any right-of-way. The total sign structure area which applicant otherwise would have been permitted to erect or retain on the parcel must be reduced by at least thirty-five (35) percent. For the purposes of calculating the allowable sign structure area in this section, the actual size of registered billboards that are proposed to be removed will be used. All other requirements of Section 406.1 of this Code, including but not limited to, copy/sign structure ratios and required architectural features, must be observed for the proposed sign; and

- d. Granting the request does not result in excessive sign heights. The maximum height for a sign erected pursuant to this alternative standard may not exceed twenty (20) feet, or thirty (30) feet on controlled access roadways, even where a reduction in overall numbers of signs on the property and a reduction in overall sign structure area is achieved; and
- e. Granting the request does not result in the erection of pole signs or any other prohibited structures identified in this Code; and
- f. Granting the request meets or exceeds the stated intent and purpose of:
 - (1) Section 406.1 of this Code; and
 - (2) This subsection. The specific intent and purpose of this subsection is:
 - (a) To allow applicants to combine monument sign height allowances (or to combine wall sign size allowances) in exchange for reducing the overall number and size of monument signs (or wall signs) which are, or may be, erected on the property; and
 - (b) To provide an incentive for property owners to remove nonconforming signs and registered billboards in return for increased flexibility in the height of monument signs or increased size of wall signs; and
 - (c) To give flexibility in height and size to allow signs that are proportionate for the property, but not to approve signs of excessive heights or heights that will be inharmonious or incompatible with its surroundings. The sign should be compatible with building heights of the existing neighborhood and should not impose a foreign or inharmonious element to an existing skyline.
- g. Granting the request does not require Pasco County to compensate for any signage or registered billboards proposed to be removed. The owner(s) of any sign or registered billboard, and landowner(s) where such sign or registered billboard was erected, must provide a written acknowledgement in a form approved by the County Attorney's Office that:

- (1) The increased height/size of signage obtained through approval of an alternative standard is just compensation, and is the sole compensation owing pursuant to Section 70.20, Florida Statutes and under any other legal theory available, for any sign and/or registered billboard removed from the property, or any sign which could have been erected but was not; and
- (2) The sign/registered billboard owner and the landowner waive any right to additional compensation under Section 70.20, Florida Statutes, or under any other legal theory available, for any sign and/or registered billboard removed from the property, or which could have been erected but was not; and
- (3) If the sign/registered billboard owner and landowner are not the same entity requesting approval of the alternative standard, the applicant for an alternative standard must agree to defend, indemnify, and hold the County harmless for any claim for compensation by other persons, in a form approved by the County Attorney's Office.

E. Denial of Alternative Standards. Any request for an alternative standard which does not meet the criteria above will be denied, and the applicant shall either:

1. Comply with this Code.
2. For those alternative standards heard by the PC pursuant to Section 407.5.C, a denial may be appealed to the Board of County Commissioners pursuant to this Code, Section 407.1.