

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE, ORDINANCE NO. 89-21 AS AMENDED; PROVIDING FOR AMENDMENTS TO SECTION 406.2, BILLBOARDS; CREATING SECTION 406.7, DIGITAL BILLBOARDS; AMENDING APPENDIX A, DEFINITONS; PROVIDING FOR APPLICABILITY, REPEALER, SEVERABILITY, INCLUSION INTO THE LAND DEVELOPMENT CODE, MODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Florida Constitution of 1968, and Chapters 70, 125, 163, and 479, Florida Statutes (2016), Pasco County has the authority to adopt regulations relating to the repair, replacement, and relocation of billboard structures and to adopt this Ordinance; and

WHEREAS, the Pasco County Board of County Commissioners (“County Commission”) previously adopted billboard regulations, Ord. No. 99-20, prohibiting the future installation, construction, placement, or erection of billboard structures and the systematic removal of same as such were determined to be detrimental to the aesthetic sense and public health, safety, and general welfare of the citizens of Pasco County; and

WHEREAS, the County Commission subsequently amended Ord. No. 99-20 by Ord. No. 02-06 in response to the Florida Legislature’s adoption of Chapter 2002-13, Florida Statutes, and subsequent litigation against the County (*LAMAR ADVERTISING OF LAKE LAND, a division of THE LAMAR COMPANY, L.L.C., v. PASCO COUNTY*, case no. 51-2000-7968CAWS), authorizing all lawfully constructed registered billboard structures to remain as nonconforming uses while still prohibiting the construction of new billboard structures; and

WHEREAS, the County Commission finds it necessary to reduce existing billboard structures to promote the health, safety, and general welfare of the citizens of the County by lessening hazards to pedestrian and vehicular traffic, by preserving property values, by reducing the unsightly proliferation of billboard structures that occurred prior September 30, 1999 that detract from the aesthetic appeal and character of the County leading to economic decline and blight; and

WHEREAS, Ord. No. 99-20, codified in the Pasco County Land Development Code as Section 406.2, regulates billboard structures in Pasco County and is amended by this Ordinance so as to be consistent with new Section 406.7 and to incorporate updated standards for existing nonconforming billboard structures; and

WHEREAS, the elimination of nonconforming registered billboard structures from Pasco County constitutes a public purpose by reducing visual blight, improving traffic safety and improving the visual aesthetics of the County; and

WHEREAS, at this time, the County Commission desires to reduce the overall number of lawfully existing nonconforming billboard structures within the County through implementing a program whereby said billboard structures are removed in exchange for the ability to convert a specific number of lawfully existing nonconforming billboard structure(s) to provide for digital or Tri-Vision display in strict compliance with this Ordinance; and

WHEREAS, the County Commission recognizes that Tri-Vision display is limited to a maximum of three sign faces due to the nature of Tri-Vision technology and cannot contain the same number of messages as a digital display billboard. Therefore, it is appropriate that the number of lawfully existing nonconforming billboards structure(s) to be removed for conversion of an existing structure to Tri-Vision be less than the number required for conversion to digital display; and

WHEREAS, the County Commission finds that an excessive number of billboard structures with digital display is undesirable as more light pollution, driver distraction, and visual clutter is created by digital billboards than non-digital billboards, therefore, the County Commission hereby adopts regulations to address the adverse effects of digital display; and

WHEREAS, the County Commission wishes to significantly limit the number of, and regulate the operation of billboard structures with digital display, but finds it necessary to allow a limited number of said structures as an incentive to reduce the overall number of lawfully registered nonconforming billboards; and

WHEREAS, the County Commission finds it appropriate to allow billboard owners combine the removal of lawfully registered nonconforming billboards and payment to the blight eradication fund in lieu of removal of all their structures consistent with the provisions of this Ordinance; and

WHEREAS, the County Commission finds that digital display on billboard structure(s) allowed within the County must conform to certain limitations and restrictions to mitigate negative impacts on aesthetics, visual clutter, distractions, traffic, and protected areas and places within the County; and

WHEREAS, the County Commission finds that digital display on billboard structure(s) may be appropriate at certain locations within the County and 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 determined that digital display is not an appropriate use by on-site signs within the unincorporated County and such technology and all similar technology is specifically reserved for use by billboard structure owners availing themselves of all the requirements of this Ordinance and that the use of such technology is a special benefit to said billboard structure owners for the removal of their lawfully existing registered nonconforming billboard structures; and

WHEREAS, the County Commission finds that these amendments to the County's existing billboard regulations are beneficial to accomplish a balance of these needs for all the citizens of Pasco County, including enhancement of the visual and aesthetic environment and natural scenic beauty of the County, and further the purpose, goals and objectives and policies of the Pasco County Comprehensive Plan; and

WHEREAS, the County Commission finds that the requirements set forth in this Ordinance further benefit the public health, safety, and welfare of the County by creating limits on the number and location of those billboard structures that will be converted to digital display, clarifying their legal status, and regulating the permitting and operation of such digital display; and

WHEREAS, pursuant to Section 70.20, Fla. Stat., the County is specifically empowered to enter in to agreements with billboard owner(s) on whatever terms are agreeable to the parties for the removal and reconstruction of billboard structures; and

WHEREAS, the provisions of this Ordinance promote the net removal of billboard structures from within the County and furthers the eradication of blight; 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 406.2, Billboards, of the Land Development Code is hereby amended as follows:

406.2. **Billboards**

A. Intent and Purpose

It is the intent and purpose of this section to promote the health, safety, and welfare of persons within the County and avoid an environment that encourages visual blight by prohibiting the installation, construction, placement, or erection of new billboards, which are hereby determined to be detrimental to the aesthetic senses and public health, safety, and general welfare of the citizens of the County. It is not the intent and purpose of this section to regulate the content of speech. Noncommercial speech in lieu of any other speech may be displayed on a billboard.

B. Applicability

Billboards that registered with the County as of September 30, 1999, are subject to the requirements and prohibitions of this section. Nonregistered billboards are unlawful and may not avail themselves of the provisions of Sections 406.2 and 406.7 of this Code.

C. Modifications to Registered Billboards

Registered billboards may be modified in compliance with the following and only upon issuance of a Building Permit.

1. Modifications shall not increase the area of the sign face by more than ten (10) percent of the registered billboard.

2. Modifications shall not increase the overall height of the billboard, including supporting structure, by more than ten (10) percent of the registered billboard, measured from grade to the highest point of the sign face or supporting structure, whichever is higher.

3. Conversion to digital display in strict compliance with Section 406.7 of this Code.

4. Conversion to Tri-vision may be permitted consistent with the following standards and requirements.

a. The conversion shall be consistent with all the requirements of Subsections 406.7.D, E, F, and H. of this Code. However, the exchange rate of existing, registered billboard structures shall be two (2) existing structures for the conversion of one (1) structure.

b. Each Tri-Vision face shall have no more than three (3) rotating displays per face with only one (1) display being viewed at a time. The dwell time for each display shall be at least thirty (30) seconds; twirl time of each face shall be three (3) seconds or less. All panels of the display must rotate simultaneously.

c. Other than the rotating display panels and associated mechanical equipment to turn the panels, no other moving parts are permitted on Tri-Vision billboards.

d. Tri-Vision billboard structures shall contain a default design that will freeze the face in one position if malfunction occurs.

~~2.5.~~ If the original registered billboard is illuminated, the power source of that illumination may be modified to incorporate an alternative power source (e.g. solar).

~~3.6.~~ Billboard support poles and structures must be of a neutral color (black, brown, grey or dark green).

~~4.7.~~ Embellishments, cut-outs, and extensions are prohibited.

D. Reconstruction of Registered Billboards

Registered billboards may be reconstructed upon the original location of the registered billboard, provided that the replacement billboard complies with all restrictions pertaining to modifications of registered billboards, Section 406.2.C, and that all applicable demolition and Building Permits are obtained. Upon removal from a site for six (6) months or longer, the

registered billboard will be considered abandoned and shall not be reconstructed. This time period shall be extended when there is an active Building Permit on the property, or if an owner gives written notice to the County of the necessity for temporary removal of the billboard for a time period exceeding six (6) months, and providing a date for replacement is within two (2) years of removal, as such request is approved by the County Administrator or Designee.

E. Relocation of Registered Billboards

Registered billboards may be relocated in compliance with the following and only upon issuance of required demolition and Building Permit(s).

1. The relocated registered billboard shall comply with all restrictions pertaining to modifications of registered billboards, [Section 406.2.C. and Section 406.2.G.](#)
2. The new location shall not be on a different road.
3. The new location shall be within a 1,320-foot radius from the initial location of the registered billboard proposed to be relocated.
4. The new location shall be on a location within a parcel where such billboard would have been permissible pursuant to the County regulations in effect at the time such billboard was originally permitted and constructed.
5. If relocation is necessary due to governmental eminent domain action, and the criteria in E.2, E.3, or E.4 cannot be met, the County and owner may agree to an alternate new location. Size and height may be varied by agreement due to the difference in physical characteristics of the alternate new location and the original location. The County may require abandonment of other registered billboards owned by the same individual or entity if the alternate new location is more visible or heavily traveled than the original location.

F. Nonregistered Billboards

Billboards not registered with the County as of September 30, 1999, are prohibited in the unincorporated area of the County.

G. [Landscaping and Tree Protection and Mitigation](#)

Relocated billboards shall be landscaped where the billboard is not located on an impervious surface and where located on a developed parcel, in accordance with a County-approved landscaping plan meeting the requirements of Section 905.2 of this Code, prior to final inspection. Landscaping shall consist of five native shrubs a minimum of four feet in height, ten gallon container at the time of planting. Billboard landscaping is in addition to any other required landscaping for the site. The billboard owner shall maintain the required landscaping in a healthy and vigorous condition, free of debris, litter and invasive species at all times.

The removal or pruning of a tree on private property by a billboard owner or its agent is subject to the provisions of this Code, Section 802 of this LDC. Damage, in any manner, to any tree located on County public lands, including right-of-way, is prohibited and subject to fines consistent with this Code Section 802.3.G.3.

GH. 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.

1. 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 billboard, 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 billboard which is displayed in violation of the Code is liable for the violation. Any person who erects a billboard in violation of this Code, or any person who otherwise causes or contributes to a violation shall be liable for the violation.

2. Information contained in any billboard, including names, addresses, or telephone numbers of persons or entities benefiting from or advertising on the billboard, 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 billboard. Each unlawful billboard shall be deemed a separate violation of this section.

I. Court Declaration.

Subsection 406.2.C.2. is not severable. If (a) Section 406.2.C.2 providing for the permanent removal of a minimum of two (2) lawfully existing registered billboard structures in exchange for the conversion of a remaining billboard structure(s) to a Tri-Vision billboard, with affected billboards to be designated by agreement is declared invalid, illegal, or unenforceable by a final court order from a court of competent jurisdiction, or (b) any other portion of Subsection 406.2.C.2 is declared invalid, illegal, or unenforceable by a final order from a court of competent jurisdiction and such court order specifically requires the removal of any Tri-Vision billboard constructed in accordance with Subsection 406.2.C.2, then, upon such court order becoming final and non-appealable, (i) the authorization for any Tri-Vision billboard allowed by Subsection 406.2.C.2 and implemented through an agreement entered into pursuant to Section 406.7 of this LDC shall immediately be illegal and null and void; (ii) any Tri-Vision billboard that has been constructed pursuant to Subsection 406.2.C.2 shall become illegal and, within 30 days of the expiration of the date the order becomes final and non-appealable, must be either demolished and removed at the expense of the billboard owner or converted to a static billboard at the expense of the billboard owner; (iii) any existing registered billboard structures that were removed in order to construct a Tri-Vision billboard(s) may be rebuilt, on the same properties on which they were previously constructed, display of static message only, and to the same dimensions, subject to the receipt of required permits and compliance with the Florida Building Code, and provided that the following conditions are met: (1) if the court order described in this subsection becomes final and non-appealable within five years of the effective date of the ordinance codified in Subsection 406.2.C.2, the billboard owner shall not rebuild more than 50 percent of the registered billboard structures previously removed under Subsection 406.2.C.2 and associated agreements; (2) if the court order becomes final and appealable between five years and ten years after the effective date of the ordinance, the billboard owner shall not rebuild more than 25 percent of the registered billboard structures previously removed under Subsection 406.2.C.2 and associated agreements; (3) if the court order becomes final and appealable ten years or more after the effective date of the ordinance, the billboard owner shall not rebuild any registered billboard structures previously removed under Subsection 406.2.C.2 and associated agreements; and (4) any registered billboard structures rebuilt under this

subsection shall be classified as a legally nonconforming billboard structures; and (iv) the entirety of the amendments contained within Subsection 406.2.C.2. of this LDC shall become void and repealed.

Section 3. Section 406.7, Digital Billboards, of the Land Development Code is hereby created as follows:

406.7 Digital Billboards

A. Intent and Purpose

It is the intent and purpose of this Section to provide for the removal of existing, registered billboard structures and the conversion of some existing, registered billboard structures to allow digital display where consistent with this Code, Section 406.7 and only when specifically approved by the Board of County Commissioners by a written agreement between the County and an owner of billboards as provided for in this Section 406.7. Billboard structures with digital display hereinafter shall be referred to as “digital billboards.” No digital billboards shall be allowed in unincorporated Pasco County except as provided in this Section 406.7.

This Section 406.7 establishes regulations to minimize the secondary effects that often accompany the unregulated display of digital billboards, preserves the character and repose of adjacent areas, protects property values, and reduces traffic hazards caused by undue distractions. The County specifically finds that digital billboards authorized pursuant to the requirements of this Code, Section 406.7 and the terms and provisions contained within the written agreement between the County and an owner of billboards is the only lawful and appropriate use of digital messaging in Pasco County.

B. Applicability

Owners of existing billboard structures meeting the requirements of Code, Section 406.2 B. of this Land Development Code (LDC) may avail themselves of the provisions and requirements of this Section 406.7 by using their lawfully existing billboards and/or other lawfully existing billboard(s) within Pasco County where said other billboard(s) are obtained by an owner to meet the requirements of this Section 406.7. No variances may be granted that would alter any of the provisions of Sections 406.2 and 406.7 of the LDC.

C. Location Requirements

Digital billboards shall be located in areas that are deemed appropriate as defined by the criteria in this Code, Section 406.7 and shall be specifically identified in the written agreement between the County and an owner of billboards. Digital billboards shall not be located in the following

future land use categories, zoning districts, special districts, planning areas, and protected places, as more specifically described herein.

1. Future Land Use Categories.

Digital billboards shall not be located within the following future land use categories:

- a. Coastal (C/L), Conservation (CON),
- b. Major Recreation/Open Space (R/OS),
- c. Connerton New Town (NT)
- d. All Agricultural categories, and
- e. All Residential categories.

2. Zoning Districts.

Digital billboards shall not be located within the following zoning districts:

- a. All Agricultural Districts,
- b. All Residential Districts,
- c. Residential portions of MPUDs and PUDs, and
- d. Conservation Subdivision MPUDs.

3. Special Districts

Digital billboards shall not be located within the following special districts:

- a. Traditional Neighborhood Developments,
- b. The Villages of Pasadena Hills Stewardship District, and
- c. Historic Districts.

4. Planning Areas

Digital billboards shall not be located within the following planning areas:

- a. Northeast Rural Area,
- b. Rural Transition Area,
- c. Rural Character Area,
- d. Rural Neighborhood Protection Area,
- e. the Heart of Land O'Lakes Vision Plan,
- f. the Community Vision for the 301 Corridor,
- g. the SR 52 Corridor Dade City Entranceway,
- h. the Central, East and North Market Areas,
- i. within the West Market Area the Anclote West, Central, River, and Spring Districts.

The remaining West Market Area Districts may have digital billboard(s) provided the digital billboard has frontage on U.S. 19 and complies with all requirements of this Section 406.7 and said digital billboard is not located closer than 500 feet to a District gateway feature.

5. Protected Places

Digital billboards shall not be located within the following protected places:

- a. Ecological Corridors;
- b. Suncoast Scenic Parkway;
- c. parks or wetlands;
- d. parcels acquired in fee or less than fee through the County's Environmental Lands Acquisition Program;
- e. within a MUTRM project area;
- f. designated scenic corridors and those identified in the future;
- g. historic sites/cemeteries/resources regardless of registered nationally, with the State of Florida, or locally;
- h. required open space and/or greenspace;
- i. along local roads and all roads and road segments not already having a lawfully existing registered billboard structure on the effective date of this Code Section 406.7;
- j. locations under review by the Florida Department of Transportation for the construction of noise abatement walls.

6. Billboard structures proposed for digital conversion may be relocated in compliance with the following and only upon issuance of required demolition and Building Permit(s):

a. The new location shall not be on a different road.

B. The new location shall be within a 1,320-foot radius from the initial location of the registered billboard proposed to be relocated.

D. Requirements for Digital Billboard Conversion

1. Digital billboards shall only be allowed in conjunction with an executed enforceable agreement that provides for a reduction in the number of existing, registered billboard structures in the County, as authorized pursuant to Section 70.20, Florida Statute, (2016), of the Bert J. Harris, Jr. Private Property Rights Protection Act. The County may enter into such consensual agreements with owners for the removal of lawfully existing billboard structures and the conversion of lawfully existing billboard structures to display digital messaging consistent with this Code, Section 403.6. The removal, including an agreement(s) for removal between the billboard owner and any entity, of billboard structure(s) occurring prior to the effective date of this Section shall not be counted for exchange purposes under this Section.

2. A minimum of fourteen (14) lawfully existing registered billboard structures shall be removed from Pasco County, which may include structures located within the County's municipalities, for each structure sought to be converted to display digital messaging. For each additional billboard structure removed from Pasco County the mandatory minimum dwell time of one minute shall be reduced by ten (10) seconds. The County's removal priorities of the structures shall be those which are nonconforming to the location requirements of Section 406.7.C.

3. A minimum of two (2) lawfully existing registered Tri-Vision billboard structures shall be removed from Pasco County for each structure sought to be converted to display digital messaging. For a proposed removal of a combination of Tri-vision and static billboards for a

conversion to digital display the specific number of required structures to be removed shall be designated through an agreement pursuant to Section 406.7.H. and Section 70.20, Florida Statute.

4. Billboard owners, through an agreement pursuant to Section 403.7.H. and Section 70.20, Florida Statute, may also pay, in lieu of some or in addition to the required removal of existing structures, to the County monies in an amount as determined by said agreement for use in blight eradication in Pasco County.

5. All lawfully existing billboard structures proposed for removal pursuant to the agreement required herein shall be removed completely prior to the issuance of a permit for the conversion of the first digital billboard authorized by said agreement. "Removed completely" means that the billboard structure and all debris removed from the site.

6. All required permits for the demolition of existing billboard structures, building permits for digital conversion shall be obtained and fees paid prior to said work. Permit fees for (i) the initial issuance of the operating permit, (ii) annual renewal of operating permit, and (iii) transfer of operating permit shall be adopted by resolution of the Board of County Commissioners. Annual operating permits shall expire annually on January 15 of the subject year. All annual operating fees are required to be submitted to the County's Zoning and Intake Division by no later than January 15 of that year. On or before November 1 of each year, the Division shall send to each owner a list of operating permits and a notice of fees due for all permits which were issued to them prior to September 30. The owner shall, no later than January 1 of each year, advise the Division of any errors contained in the notice. Failure to pay the required annual operating permit fees by February 15th of each year is a violation of this Code, Section 406.7. Any development order, including a building permit or billboard permit, that permits construction of a digital billboard under this Section shall be deemed a development order of the type described in Section 70.20(12), Florida Statute.

E. Digital Billboard Structure Requirements

1. A digital billboard may be erected as a single face or back-to-back type face. At the billboard owner's option, a digital billboard may be backed by a static face. Billboard faces located on the same structure shall be back-to-back. The structure will have no more than one face on any side and shall be a monopole design. No digital billboard shall overhang any physical structure, building or road right-of-way nor be constructed on a roof or wall of any structure or building. No digital billboard shall be mobile.

2. Maximum height is fifty (50) feet above the crown of the road that the billboard is intended to be viewed from or the height of the existing billboard structure to be converted, which shall be verified by the County prior to conversion of the existing billboard, whichever is less. Maximum height is measured to the highest point of the digital billboard, including any border, or the structure.

3. Maximum digital billboard advertising surface area shall be 672 square feet including any border for digital billboards located along Interstate 75 and a maximum 400 square feet

along all collector and arterial roads. Such border shall be black, with no illumination and writing or symbols other than the identification (name and/or logo, and contact information) of the digital billboard owner. Faces shall be oriented away from residential areas and protected places.

4. Pole wrapping, three-dimensional extensions and embellishments are prohibited on digital billboard structures. Digital billboard monopoles shall be painted black, brown, grey or dark green.

5. No embellishments, extensions or cutouts shall be utilized on a digital billboard. All visible portions of the back side of a digital billboard shall be painted monochromatic black.

F. Siting Requirements

Digital billboards shall be sited so as to comply with State and Federal requirements not inconsistent with this Code and all of the following criteria, as applicable, which may not be varied:

1. Separation. Digital billboards shall be a minimum 1,500 feet away from all other billboards (digital or otherwise) on the same side of a road as measured at the base of the structures. Spacing between digital billboards shall be such that a driver is not faced with two or more digital displays within his field of view at the same time. Further, digital billboards shall not be located near traffic control devices, driver decision and action points, or areas of limited sight distance. Only one (1) digital billboard shall be permitted at a street intersection.

2. Setbacks for digital billboards shall be a minimum of 25 feet, as measured at the base of the structure, from the right-of-way or the future right-of-way as shown on the Corridor Preservation Table. For roads not yet adopted into the Corridor Preservation Table, minimum setbacks shall be determined by County staff based upon the Vision Map. Maximum set back from the right-of-way shall be 100 feet from the right-of-way of the road that the digital billboard is intended to be viewed from.

Setbacks from the future land uses, zoning districts, special districts, planning areas, and protected places identified in Section 403.6.C. of this Code shall be 500 linear feet, as measured at the base of the structure and measured on the same side of the road to the closest property line of the protected category, district, area, or place.

When a controlled access road, or any portion of a controlled access road, is designated as a scenic highway or scenic byway pursuant to Section 335.093, Florida Statute, permits for conversion to digital billboard(s) shall not be issued for conversion of those structure(s) visible from the portion of the road designated as a scenic highway or byway. Digital billboards proposed for a road that intersects with, crosses over or under said scenic highway or byway shall not be oriented to be viewed from said highway or byway. This shall apply to the Suncoast Scenic Parkway and all other roads so designated in the future.

Setbacks from schools, churches, and government property shall be 500 linear feet, as measured at the base of the structure, as measured on the same side of the road.

Setbacks from any building or structure shall be 20 feet, as measured at the base of the structure.

3. Only one digital billboard face shall be viewable from any one direction at an intersection. Said digital billboard shall not be located closer than 500 feet, as measured at the base of the structure, from the intersection measured at the edge of pavement of the road intersecting the road way to be served by the digital billboard. Lawfully existing registered billboard structures located closer than 500 feet to an intersection as of the effective date of this Section 406.7 may be converted to a digital billboard in conformance with the Section 406.7 and provided that the dwell time is not reduced to less than 30 seconds.

Only one digital billboard face shall be viewable from any one direction at an interchange of a controlled access highway. Digital billboards shall not be located adjacent to or within 500 feet, as measured at the base of the structure, of an interchange, safety Rest Area/Welcome Center, scale area or any other facility requiring ramps for access to or from the main traveled way. Said 500 feet is to be measured along the roadway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way. For the purpose of this subsection, all portions of an interchange between the points of pavement widening of the entrance and exit ramps of the same interchange shall be considered part of that interchange. The 500 feet shall be measured independently for each direction of travel and a digital billboard authorized for one direction shall not be placed in such a manner that it can be read from the opposing direction if within the opposing traffic control zone. Lawfully existing registered billboard structures located closer than 500 feet to an interchange as of the effective date of this Section 406.7 may be converted to a digital billboard in conformance with the Section 406.7 and provided that the dwell time is not reduced to less than 30 seconds.

4. Digital billboard face(s) shall be oriented towards and be viewable from the roadway.

5. Relocated billboards shall be landscaped where the billboard is not located on an impervious surface and where located on a developed parcel, in accordance with a County-approved landscaping plan meeting the requirements of Section 905.2 of this Code, prior to final inspection. Landscaping shall consist of five native shrubs a minimum of four feet in height, ten gallon container at the time of planting. Billboard landscaping is in addition to any other required landscaping for the site. The billboard owner shall maintain the required landscaping in a healthy and vigorous condition, free of debris, litter and invasive species at all times. The removal or pruning of a tree on private property by a billboard owner or its agent is subject to the provisions of this Code, Section 802 of this LDC. Damage, in any manner, to any tree located on County public lands, including right-of-way, is prohibited and subject to fines consistent with this Code Section 802.3.G.3.

G. Technical Requirements

1. Digital billboards shall display 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. There shall be no special effects between messages. Noncommercial speech in lieu of any other speech may be displayed on a digital billboard.

2. Dwell time, defined as the interval of change between each individual message, shall be at least sixty (60) seconds unless a shorter time is authorized by Section 403.6.D.2. The message displayed on a digital billboard shall not change more often than once every sixty (60) seconds, with all illumination changing simultaneously. There shall be no special effects or other content between messages.

3. Digital billboards shall not be interactive. Display shall not be consecutive message(s) on the same digital billboard or another billboard, digital or otherwise. Message sequencing on one or more digital billboards is prohibited.

4. Digital billboards 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. Digital billboards shall display County sponsored messages at no charge on an as-needed basis as determined by the County and as specifically described in the written agreement between the County and the owner.

5. Lighting from digital billboards shall not be directed skyward such that it would create any hazard for aircraft or create skyglow. Digital billboards shall be modulated so that, from sunset to sunrise, the brightness shall not exceed 1,000 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 100 Nits. The brightness of digital billboards shall be measured by a luminance meter. The County Administrator or designee may require in writing to the billboard owner that the maximum day and/or night brightness of any digital billboard to be reduced provided that any such reduction in maximum allowable Nits maintains the visibility to the traveling public of the digital billboard display during day and night time hours without any need for amendment to this Section.

6. Digital billboard(s) 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 billboard sign shall immediately reduce lighting intensity of the digital billboard 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 406.7.

7. Brightness and automatic dimmers. Digital billboards shall have installed and operating ambient light monitors to automatically adjust the brightness level of the digital billboard based upon ambient light conditions.

8. Light trespass from digital billboards shall not exceed 0.1 foot-candles at the digital billboard property line.

9. Digital billboard technology used shall be of the type designed to avoid hacking of the operation of the digital billboard.

10. Any digital billboard 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 billboard.

12. The owner of a digital billboard shall provide to the County an on-call contact person and phone number for each authorized digital billboard. The contact person must have the authority and ability to make immediate modifications to the displays and lighting levels of the digital billboard(s) should the need arise.

13. At the time of application for a building permit for the digital billboard, the owner shall provide written certification from the digital billboard manufacturer providing that: (i) ambient light sensors are installed; and (ii) the light intensity of the digital billboard has been preset to not exceed the brightness levels established by this Section 406.7.

14. Digital billboard(s) shall comply with State and Federal technical requirements not inconsistent with this Code.

H. Relocation and Reconstruction Agreement

1. In addition to the limitations and requirements of this Section 406.7, an executed Relocation and Reconstruction Agreement for the removal of existing registered billboard structures and the conversion of an existing registered billboard structure(s) for the purposes of digital display shall be required. Digital billboards shall only be allowed in conjunction with an approved enforceable agreement that provides for, consistent with this Section 406.7, a reduction in the number of existing registered billboard structures within Pasco County, as authorized pursuant to Section 70.20, Florida Statute (2016), of the Bert J. Harris, Jr. Private Property Rights Protection Act. The County may enter into such consensual agreements with billboard owners for the removal of existing registered billboard structures, and the conversion

of an existing registered billboard(s) to a digital billboard(s). Payment into the blight eradication fund and the amount of, if applicable, shall also be addressed with said agreement. Prior to the issuance of a permit for conversion for the digital billboard, the owner of the existing registered billboard structures shall enter into an agreement with the County in accordance with Section 70.20, Florida Statute. Billboard owners interested in entering into said agreements are required to make application to the Pasco County Attorney's Office on the required form and pay an application fee for the negotiation, drafting, and presenting of a Relocation and Reconstruction Agreement to the Board of County Commissioners. Upon receipt of a complete application, same shall be time and date stamped and all applications shall be processed in the order in which they are received. Additional consulting fees shall be required in the event that a billboard owner seeks to contribute to the blight eradication fund in addition to the removal of existing registered billboard structures. Applications shall be processed and brought to the Board of County Commissioners for consideration within 180 days of acceptance as evidenced by the time and date stamp unless withdrawn by the applicant.

2. Content of Agreement

The agreement shall specify which existing registered billboard structures shall be permanently removed and the location(s) of the requested digital billboard conversion(s). The agreement shall require approval by the Board of County Commissioners. The agreement shall specify the time duration in which the terms of the agreement shall be complied with and an expiration date. The agreement shall include provisions granting the County use and access, without charge to the County, to digital billboard(s) for displays and messages for emergencies, other urgent displays or messages, including but not limited to Amber Alerts, Cop Killer Alerts, hurricane or other emergency warnings, and for displays and messages for County approved public benefit such as County-sponsored and co-sponsored events and attractions. The agreement shall allow for County displays and messages for an agreed number of times per year.

Upon completion of the demolition, removal, recycled or disposal of any existing registered billboard structure that is not converted into a digital billboard as authorized in an agreement with the County in accordance with Section 70.20, Florida Statute, the property upon which the existing registered billboard structure was located shall no longer include a billboard structure as

a permitted structure except as otherwise expressly authorized by such agreement with the County.

Prior to the issuance of a permit for a digital billboard, the applicant shall provide a letter or other written documentation from the State of Florida stating that either the proposed billboard is not subject to State regulation, complies with applicable State regulations, or will comply as proposed with applicable State regulations.

I. Compliance and Enforcement

1. No variance or alternative standard maybe granted that would alter the provisions of this Section 406.7.

2. Any violation of this Section 406.7 shall result in the County requiring the digital billboard owner to turn the billboard off until the violation is cured.

3. At its option, the County may inspect without climbing onto the structure, any digital billboard for compliance with the standards and requirements of this Section 406.7. and the written agreement.

4. Digital billboard owners shall annually renew each billboard's operating permit and pay the associated fees.

5. Violations. In connection with the County's issuance of a notice of violation or other process pursuant to Section 108 of this Code, by which the County seeks to enforce the provisions of this Section 406.7 related to an alleged violation of the lighting standards, brightness standards, message sequencing, or minimum message dwell time standards established in this Section 406.7, six hours shall be deemed a reasonable time for the owner or operator to cure a first-time alleged violation. Any time period in which the digital changeable message display is turned off while the owner or operator attempts to address or cure the alleged violation shall toll the running of the six-hour period. Mechanical malfunctions that require a technician in the field to cure shall be done within 24 hours; in the interim, the screen shall remain black if the malfunction affects the digital display.

5. Court Declaration.

This Section 406.7 is not severable. If (a) Section 406.7 (providing for the permanent removal of lawfully existing registered billboard structures in exchange for the conversion of a remaining billboard structure(s) to a digital billboard, with affected billboards to be designated by

agreement, and providing for public service and County-sponsored messages on the digital billboard(s)) is declared invalid, illegal, or unenforceable by a final court order from a court of competent jurisdiction, or (b) any other portion of this Section 406.7 is declared invalid, illegal, or unenforceable by a final order from a court of competent jurisdiction and such court order specifically requires the removal of any digital billboard constructed in accordance with this Section 406.7, then, upon such court order becoming final and non-appealable, (i) the authorization for any digital billboard allowed by this Section 406.7 and implemented through an agreement entered into pursuant to this Section 406.7 shall immediately be illegal and null and void; (ii) any digital billboard that has been constructed pursuant to this Section 406.7 shall become illegal and, within 30 days of the expiration of the date the order becomes final and non-appealable, must be either demolished and removed at the expense of the billboard owner or converted to a static billboard at the expense of the billboard owner; (iii) any existing registered billboard structures that were removed in order to construct a digital billboard(s) may be rebuilt, on the same properties on which they were previously constructed, display of static message only, and to the same dimensions, subject to the receipt of required permits and compliance with the Florida Building Code, and provided that the following conditions are met: (1) if the court order described in this subsection becomes final and non-appealable within five years of the effective date of the ordinance codified in this Section 406.7, the billboard owner shall not rebuild more than 50 percent of the registered billboard structures previously removed under this Section 406.7 and associated agreements; (2) if the court order becomes final and appealable between five years and ten years after the effective date of the ordinance, the billboard owner shall not rebuild more than 25 percent of the registered billboard structures previously removed under this Section 406.7 and associated agreements; (3) if the court order becomes final and appealable ten years or more after the effective date of the ordinance, the billboard owner shall not rebuild any registered billboard structures previously removed under this Section 406.7 and associated agreements; and (4) any registered billboard structures rebuilt under this subsection shall be classified as a legally nonconforming billboard structures; and (iv) this Section 406.7 of this LDC shall become void and repealed.

Section 4. Appendix A, Definitions, of the Land Development Code is hereby amended as follows:

Consecutive Message. When a second message/slide displayed on a digital billboard or Tri-Vision billboard answers a question posed on the prior slide, continues or completes a sentence started on the prior slide, or continues or completes a story line started on the prior slide.

Digital display. The digital billboard advertising area or face.

Digital billboard. Any billboard structure that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. See also Billboard.

Dwell Time. The minimum duration of a single display on a digital billboard.

Embellishments or extensions. A temporary extension of a billboard structure which contains a portion of the message or informative contents, that may or may not extend beyond the standard structure, and which is added, modified, or removed when the message is changed.

Foot-candles. A measure of illuminance (the amount of light falling onto a surface).

Glare. Any light, either direct or indirect, which is notably more intense than the average illumination of the majority of the field of vision, that reduces the ability to see or produces a sensation of ocular discomfort. Glare can occur at any ambient light level, whether it be sunlight glinting off glass in the daytime or intense artificial light sources at night.

Luminance. A measure of the brightness of a surface which is emitting light. The unit of measurement most commonly used is *candelas per square meter*, often referred to as *nits* in the U.S. (1 nit = 1 cd/m²).

Message Sequencing. Dividing a single thought or message into 2 or more successive displays on a digital billboard(s) or a combination of digital and non-digital billboards.

Nit. Unit of measure of luminance.

Registered existing billboard structure; lawfully existing registered billboard structure. Those billboard structures currently existing and located within Pasco County that were registered with the County as of September 30, 1999. The structure consists of the entire structure, including faces, frames, lighting fixtures, supports, foundations, electrical, etc., manufactured and constructed for the purpose of outdoor advertising.

Static Billboard. A billboard that does not display messages by electronic means but instead utilizes materials such as paint, vinyl and paper substrates.

Structure Height. The total vertical distance from the crown of the main-traveled way to the top of the highest sign face, including any border or trim, excluding embellishments.

Tri-Vision Billboard. A billboard composed of mechanically operated louvers or slats containing multiple separate messages, each of which becomes visible when the louvers are synchronically rotated to 1 of a multiple number of positions, providing up to 3 separate billboard faces.

Section 5. Applicability.

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

Section 6. Repealer.

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

Section 7. Severability.

Should any portion of Section 406.2.C.2. be held invalid, said Section is not severable pursuant to Section 406.2.I., Court Declaration, and Section 406.2.C.2. in its entirety shall be repealed upon such declaration. Likewise Section 406.7 is not severable pursuant to Section 406.7.1.5., Court Declaration, and should any portion of Section 406.7. be held invalid, said Section in its entirety shall be repealed upon such declaration. All other Sections of this Ordinance are severable and if any other section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 8. 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 9. 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 10. 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 th day of , 2016.

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

BY: _____

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

BY: _____

Kathryn Starkey, Chairman