ARTICLE V.
SIGNAGE*

DIVISION 1.
GENERALLY

*Code of Ordinances Reference--Buildings and building regulations, Ch. 6; structures projecting over certain property, § 6-306 et seq.; condemnation of unsafe signs, § 6-309; public liability and property damage insurance required for certain signs, § 6-310.

Sec. 39-151. Purpose of regulations; scope.
The purpose of these regulations concerning signs is to protect and preserve the character and appearance of the City of Titusville, Florida; to provide ample opportunity to advertise in commercial areas, and in so doing to prevent excessive advertising; and to limit signs in noncommercial districts to essential uses, primarily for purposes of identification and information in order to protect the character and appearance of such districts. These standards are designed to protect and promote the general health, safety and welfare of the public in a manner consistent with the following objectives:

(1) Protect and maintain the visual integrity of roadway corridors within the City by establishing a maximum amount of signage on any one (1) site to reduce visual clutter.

(2) Establish locations and setbacks for signage which are designed to protect motorists from distractions, obstructions and hazards and avoid visual blight.

(3) Encourage signs compatible to the area in which they are located and consistent with the category of use to which they pertain.

(4) Ensure signs serve the use being conducted on the premises.

(5) Provide for signage which satisfies the needs of the local business community for visibility, identification and communication.

(6) Establish procedures for removal of non-conforming existing signs and consideration of variances and appeals.

(Ord. No. 7-1992, 4-16-92; Ord. No. 11-1999, § 1, 7-13-99)

Sec. 39-152. Definitions.
For the purpose of administration, interpretation and enforcement of this section, and unless otherwise stated herein, the following words, and those defined in section 27-11, shall have the meanings as indicated herein.

Abandoned sign. Any sign shall be considered abandoned if the business identified on said sign has not been conducting business at the site on which the sign is located or at the location noted on the sign for a period greater than ninety (90) days from the occupational license transfer or expiration date or the sign has not been maintained. An abandoned sign includes the advertising area and support structure.

Animated sign. Any sign of which all or any part thereof revolves or moves in any fashion whatsoever, and any sign which contains or uses for illustration any light, lights
or lighting device or devices which change color, flash or alternate, shows movement or motion, or changes the appearance of said sign or any part thereof automatically, including wind-operated devices. Animated signs shall include flashing signs and/or beacon lights. For the purpose of these regulations, time and temperature signs and dynamic or variable message signs scrolling shall not be construed to be animated or flashing signs.

**Awning/canopy.** An awning sign is a permanent sign affixed to, printed on or otherwise part of an ornamental, roof-like structure supported entirely from the exterior wall of a building and composed of non-rigid or light-weight matter sheathing except for the supporting framework. **Back-to-back sign.** A sign consisting of two (2) parallel sign facings oriented in opposite directions upon a single sign structure, with the faces separated by no more than forty-eight (48) inches. **Balloon sign.** Any inflated device or display which is designed to advertise, inform, identify or attract attention. **Banner sign.** Any sign made of paper, cloth, fabric or other non-rigid material of any kind having only such material for a backing. Banners may have frames as part of their structure. Banners may or may not have characters, letters, logos, illustrations or ornamentations applied thereto. National flags and flags of political jurisdictions, including flags of states and municipalities, shall not be considered to be banners. **Beacon light.** Any light with one (1) or more beams, capable of being directed in any direction or directions or capable of being revolved automatically. **Bench sign.** A sign which is attached or printed onto the back of a bench which is placed within a public right-of-way and is an off-premise advertising sign. **Billboard.** A freestanding sign erected and maintained by an advertising business or service, upon which advertising material may be displayed which generally advertises firms and organizations that, along with their goods and services, are not located on the same premises as the sign; and whose, surface is sold, rented or leased for the display of advertising material. The term shall not include signs intended to advertise a business located on the same site as the sign. (See definition of off-premise outdoor advertising sign). **Building signs.** A structure which by its architectural character resembles a product being sold or an image being conveyed. (i.e. an ice cream parlor shaped to resemble an ice cream cone.) **Building face.** The elevation of a building (front, side or rear) as measured from the ground level to the beginning of the roofline and between the corners of said building. For the purpose of these regulations the roof area of a building or parapet with an angle greater than seventy-five (75) degrees shall not be considered in determining maximum allowable size of wall sign. **Bus bench.** A seat designed for seating two (2) or more persons that is placed along a regular bus route at transit stops. **Bus shelter.** A structure with a roof and a minimum of two (2) side panels with seating for two (2) or more persons that is placed at a designated bus stop deemed appropriate by the City for benches or shelters. **Current value.** The current value of a sign shall be the value of the sign as stated on the original City of Titusville permit to allow the sign, as adjusted for inflation. A City
permit noting the value of the sign shall be required to be provided in order to use this
definition. For the purpose of these regulations the consumer price index shall be used to
determine the adjusted inflation rate.

*Designated bus stop.* A location along a Space Coast Area Transit (SCAT) bus route
marked by a bus stop sign and listed on a public bus route schedule or other schedule
sanctioned by SCAT. This would not include a "flag stop" whereby a passenger may stop
a bus anywhere along the route where it is safe for the bus to stop.

*Directional sign.* A sign erected for the convenience of the public, such as for directing
traffic movement, parking or identifying restrooms, public telephones, walkways and
other similar features or facilities.

*Double-faced sign.* A sign of one (1) of the following three (3) configurations:

1. A sign structure with two (2) adjacent faces oriented in the same direction.
   For the purposes of these regulations, this configuration is defined as
   "side-by-side".

2. A sign structure having two (2) faces placed back-to-back. For the
   purposes of these regulations, this configuration is defined as "back-to-
   back".

3. A sign structure having two (2) faces and constructed in the form of a "V"
   when viewed from above. For the purposes of these regulations, this
   configuration is defined as "V-type".

*Dynamic or Variable message sign.* A sign containing display that can be changed by
electrical, electronic or computerized process. See Section 39-176 for requirements
regarding Dynamic message signs.

*Embellishments.* Irregularly shaped portions of a billboard consisting of all or a portion of
any picture, symbol, design, figure or caricature, either on a flat surface or in bas relief,
which extends beyond the normal borders of a billboard sign, but which does not contain
any written advertising copy.

*Facade.* See definition of "building face".

*Face or facing.* That portion of a sign upon which advertising is affixed or painted and
visible in one direction at a time.

*Fence sign.* A fence sign is flush mounted directly to the fence surface area or painted on
the face of a fence.

*Flag.* A piece of fabric with a color or pattern which represents flags of the United States
of America, the state, the City, foreign nations having diplomatic relations with the
United States and any other flag adopted or sanctioned by an elected legislative body.

*Freestanding sign.* A ground sign.

*Ground sign.* A sign on, or with supports in or upon the ground, independent of support
of any building, including monument and pole signs.

*High rise sign.* A ground sign that is permitted only within the Interstate Access Zone
with a height greater then thirty-five (35) feet and no higher then seventy-five (75) feet
from grade. Said sign are intended to advertise to and attract the motoring public off I-95.
One (1) high rise sign may be permitted per lot on commercial property with a minimum
of fifty (50) feet of frontage on an existing improved (i.e. paved street) public/private
ROW and located within the interstate access zone.

*Illegal sign.* A sign that at the time of placement was installed without City approval
and/or against or not authorized by City signage regulations.
\textit{Immoral display}. A sign that displays any statement, word, character or illustration of an obscene nature, as defined by Chapter 847, Florida Statutes.

\textit{Interstate access zones}. Interstate access zones are designated where a state highway permits direct access to I-95 (i.e. SR50 and SR405). The interstate access zone shall extend one-quarter (1/4) mile (one thousand three hundred twenty (1,320) feet) measured lineally from the intersection of the state highway and the centerline of the I-95 right-of-way.

\textit{Lighted sign}. Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as part of the sign proper. This will include reflected lighting, neon, fiber optics, incandescent lighting and back lighting.

\textit{Monument sign}. A ground sign that is erected directly upon the existing grade or artificially created landscaped berm and designed such that all means of support are concealed in a totally enclosed base that is the same width as the sign. A monument sign shall not include a sign in which support structure(s) (pole) is wrapped and/or concealed with a skirt. If a monument sign is placed on an artificially created landscape berm, the berm height shall be included in measuring/determining the maximum height of the sign.

\textit{Multiple-faced sign}. A type of billboard sign comprised of sections which rotate to display a series of advertisements, each advertisement being displayed for at least six (6) seconds continuously without movement; the duration of movement of sections between advertisements not exceeding two (2) seconds.

\textit{Multi-tenant directory sign}. A ground or wall sign identifying the building name, building address, tenant name and/or tenant unit number. Multi-tenant directory signs shall include all tenants in the building.

\textit{Mural}. A wall decoration that depicts a scene, picture, illustration or design with no written message, word, insignia or logo.

\textit{Nit}. A unit of illuminative brightness equal to one candle per square meter measured perpendicular to the rays of the source.

\textit{Non-conforming signs}. A sign lawfully existing on the effective date of an ordinance [July 13, 1999], or amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance. In addition, to this definition the requirements of section 27-11 of Land Development Regulations (Definitions "non-conforming situations") and Chapter 47; Article XII (Nonconforming Uses, Structures, and Projects) shall also apply to non-conforming signs. In the event there is a conflict between these regulations the more restrictive shall apply.

\textbf{Note}: The definition of non-conforming situations as noted in section 27-11 is: A situation that occurs when, on the effective date of these regulations [July 13, 1999], an existing lot or structure or use of an existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum size requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with these regulations, or because land or buildings are used for purposes made unlawful by these regulations. Also includes signs that are in nonconformity with these regulations.
Official sign. A sign erected by a governmental agency or its designee, setting forth information pursuant to law.

Off-premise sign. A sign advertising goods, services and/or businesses not located upon the property where the sign is located.

Off-premise outdoor advertising sign. A sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located; also called a "billboard". The following shall not be considered as off-premise signs for the purposes of these regulations:

1. Directional or official signs authorized by law;
2. Real estate signs;
3. On-premise signs.

On-premise sign. A sign that advertises the primary goods or services sold or taking place upon the premises on which the sign is located.

Pennant sign. Any string of geometric shape(s) of fabric, cloth, paper or plastic fabrication, without characters, letters or ornamentation, not to include the flag of any federal, state, local or foreign national government and shapes not exceeding eighteen (18) inches in length.

Pole sign. A ground sign that is a detached freestanding sign supported by one (1) or more poles.

Political sign. Any sign that is relating to the election of a person to public office or relating to a political party or relating to a matter to be voted upon at an election called by a public body.

Portable sign. Any sign that is readily moveable and not affixed to a structure or imbedded in the ground.

Projecting sign. A sign which projects more than twelve (12) inches from a wall of a building and is solely supported by said wall.

Reader board. Any sign made of durable material in which the face can be easily changed. Aluminum frames with glass or Plexiglas covering is included in this definition. For computation of sign size, the entire frame is considered the area of the sign. A reader board may be either a wall or a ground sign.

Real estate sign. A temporary sign installed by the owner or his agent which advertises that a particular lot, building or structure thereon is for sale, rent or lease. Real estate signs shall include real estate directional, open house and model home signs.

Roof sign. Any sign erected, constructed or maintained above the roof of any building, except for the purposes of this section, roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space.

Sandwich sign. Includes "portable signs," double or single faced, which are portable and may readily be moved from place to place.

Side-by-side sign. A billboard sign with two (2) adjacent faces oriented in the same direction.

Sign. Any device or display consisting of lights, letters, numbers, symbols, illustrations, announcements, cut-outs, insignia, trademarks or demonstrations, including all trim, borders and structural elements which is designed to advertise, inform, identify or attract attention.
**Sign, flashing.** A flashing sign which includes a flashing, changing, revolving, or flickering light source or change of light intensity, whether internally or indirectly illuminated. A flashing sign is considered an animated sign (see definition for animated sign). For the purpose of these regulations, time and temperature signs shall not be considered to be a flashing sign.

**Sign, time and temperature.** A time and temperature sign is a sign conveying lighted messages indicating only the time, temperature, tide change, barometric pressure, or wind speed and direction, by means of illuminated letters or numbers with change intervals. For the purpose of these regulations, time and temperature signs shall not be construed to be animated or flashing signs and shall not be used as a message board or display of any advertisement. Time and temperature signs shall be included in the sign computation area.

**Single-faced sign.** A sign with one (1) face which can be viewed from one (1) direction only.

**Snipe sign.** Any sign constructed of nonpermanent materials, including, but not limited to, paper, cardboard, wood and metal or mounted in a temporary manner such as attached to a utility pole, tree, fence post or similar object or inserted into the ground. This definition also includes any sign installed without permission of the owner of the property where the sign is placed. Political signs or any signs designed to provide warning to the public as defined in this section shall not be considered to be a snipe sign.

**Special event sign.** A temporary sign designed and intended to promote or advertise grand openings, going out of business, festivals, holidays and similar events.

**Triangular or tri-faced sign.** A sign with three (3) faces forming a triangle when viewed from above.

**V-type sign.** A sign structure which is constructed in the form of a V, of which the internal angle of the apex does not exceed forty-five (45) degrees and the backs of the faces are not separated by more than thirty-six (36) inches at the apex of the V.

**Vehicular sign.** A sign attached to or painted on the normal surface area of an operable, licensed vehicle advertising the business for which the vehicle is used. Signage required pursuant to the Code of Ordinances of the City of Titusville and F.S § 489.521(7)(a)(b) shall not be considered as vehicular signage.

**Wall sign.** An on-premise sign which is painted on, attached to or erected flush against the exterior wall of a building and is supported by the building. A wall sign shall not project more than twelve (12) inches from the building or structure. Signs attached to that portion of a roof surface constructed at an angle of seventy-five (75) degrees or more from horizontal are considered to be wall signs.

**Window sign.** Any sign painted on, attached to or hung on the exterior of any window or glass door of any building to communicate information about activity, business, commodity, event, sale or service and is visible from the exterior of the window. Window signs do not include displays of merchandise. (See section 39-154(a) of these regulations.)

(Ord. No. 7-1992, 4-16-92; Ord. No. 7-1996, § 1, 3-14-96; Ord. No. 11-1999, § 3, 7-13-99; Ord. No. 4-2001, § 1, 3-27-01; Ord. No. 25-2008, § 1, 9-23-08)

**Sec. 39-153. Administration and enforcement of article.**
Permits required. It shall be unlawful for any person to post, display, paint, repair, replace, or erect any sign without having first obtained a permit therefor, except as excluded by section 39-154 of these regulations. These directives shall not be construed to require any permit for renovation or repainting of a sign face (excluding a change in the message being conveyed) or repainting of a structure, cleaning and other normal maintenance of a permitted sign as required in paragraph (e) below. A new permit shall be required for any sign when the structural configuration or electrical components are altered or added or when the sign is relocated.

Procedures to obtain permit. In order to obtain a permit to erect any sign within the corporate area of the City of Titusville, Florida, an applicant shall submit the following information to the Building Official:

1. A completed permit application;
2. An accurate scaled drawing which shows the dimensions, material to be displayed and colors of the proposed sign (two sets);
3. Construction details (two (2) sets);
4. Electrical plans, if applicable (two (2) sets);
5. An accurate, scaled drawing showing the location of the proposed sign on the site or building, including dimensions to property lines and/or buildings on the site (two (2) sets);
6. The location, type and dimension of other signs on the same site.

Compliance with the Standard Building Code. The Standard Building Code, Signs, and Outdoor Displays, as adopted by Volume I of these regulations becomes a part of this article and structural specifications must be met or exceeded as set out in said chapter. Other specifications in said chapter are also in force as to general sign placement, structural requirement and all items enumerated therein. Any ground signs exceeding thirty-two (32) square feet and/or more than eight (8) feet above grade shall be required to have sealed engineering drawings.

Liability insurance. No permit shall be issued for any sign overhanging the public right-of-way in accordance with this provision unless such applicant posts a bond or public liability insurance policy in the amount of two hundred thousand dollars ($200,000.00) per person, two hundred thousand dollars ($200,000.00) for any accident, five hundred thousand dollars ($500,000.00) for any property damage. Such bond or liability insurance shall remain in effect at all times while such sign overhangs the public right-of-way. The public liability insurance may be waived if the applicant elects to have the City of Titusville install the sign over the public right-of-way. The City is in no way obligated to provide this service.

Maintenance. All signs including their supports, braces, guys and anchors, shall be kept in good repair and/or shall be repainted periodically to prevent distraction, unsightliness and unreadability.

Inspection. All signs for which a permit is required by this article are subject to inspection by the Building Official, who is hereby authorized and empowered to revoke any permit issued upon failure of the holder thereof to comply with the provisions of this article within thirty (30) days after notification in writing by the Building Official.
Enforcement. Any sign or sign structure which is constructed, erected, operated, used, maintained, posted or displayed in violation of this chapter is hereby declared to be a public and private nuisance by virtue of the fact that the sign endangers the public health, safety and welfare and is manifestly injurious to the aesthetics of the community and shall be forthwith removed by the Building Official, and for that purpose, its agents or authorized representatives may enter upon private property without incurring any liability therefor.

(Ord. No. 7-1992, 4-16-92; Ord. No. 11-1999, § 3, 7-13-99)

Sec. 39-154. Signs excluded from regulation.

(a) Application of regulations. Regulation of this article shall apply to all persons, public and semi-public bodies and to all zones, with the following exceptions:

(1) Signs not exceeding one and one-half (1 1/2) square feet in area and having only property number, post office numbers and names of occupants of any private premises, for identification purposes only.

(2) Legal notices posted by authorized persons of a public body.

(3) Public information, traffic control, regulatory and directional signs erected by a public body.

(4) Integral decorative or architectural features of buildings or structures, but excluding letters, numbers, trademarks, insignia and any moving parts or lights.

(5) Signs directing or instructing vehicular or pedestrian traffic and parking on private property, providing such sign bears no more than twenty (20) percent advertising matter per sign face and does not exceed three (3) square feet in area. This twenty (20) percent area shall be computed by including the entire area of advertising within a single, continuous perimeter of not more than eight (8) straight lines enclosing the extreme limits of the writing, representation, emblem or other display used to differentiate the advertising sign from the backdrop or structure against which it is placed.

(6) Real estate signs, as defined in this chapter, shall be allowed under the following conditions:

a. Non-illuminated signs shall be allowed for each street frontage of the subject property only. Number of allowed signs shall be based on the street frontage as described below:

1. Less than three hundred (300) feet--One (1) sign.
2. Three hundred (300) feet to seven hundred fifty (750) feet--Two (2) signs.
3. Seven hundred fifty-one (751) feet to one thousand (1000) feet--Three (3) signs.
4. More than one thousand feet--Four (4) signs maximum.

b. Properties represented by more than one (1) real estate office may utilize one (1) non-illuminated sign for each real estate office. The total sign area for multiple signs combined shall not exceed that permitted under paragraph (c) below, and the location of such
signs shall be contained within one (1) ten-foot wide area on each street frontage of the subject property only.

c. Maximum sign area shall be:
   1. Single family zones and uses--Six (6) square feet
   2. Multi-family zones--Sixteen (16) square feet
   3. All other non-residential zones--Thirty-two (32) square feet

d. Freestanding signs shall be:
   1. Set back five (5) feet from the public right-of-way, or zero (0) feet where the density of existing vegetation on undeveloped parcels would preclude compliance with the five (5) foot setback. In such case, the sign shall be placed parallel to the roadway.
   2. Set back twenty-five (25) feet from side property lines, or equidistant between side property lines.
   3. A maximum height (including post height) of six (6) feet in residential zones and eight (8) feet in non-residential zones.

e. Real estate signs shall be removed from the premises or property within seven (7) days after the listing has expired, after the property has been no longer listed for sale, or within seven (7) days after the sale of said property. Real estate signs that indicate the premises is under contract for sale or lease shall be removed within thirty (30) days following the date of the contract for lease or sale. Real estate signs located within the right-of-way or not removed within the time limit specified above may be removed by the City, and may be reclaimed by the owner of the sign upon payment of a fee of $10.00 per sign as a service charge. Any sign not claimed within fifteen (15) days shall become the property of the City.

(7) Signs attached temporarily to the interior of a building window or glass door. Such signs, individually or collectively, may not cover more than fifty (50) percent of the surface area of the transparent portion of the window or door to which they are attached. For the purpose of these regulations, an individual glass pane of a window or glass door is not calculated, rather the aggregate total of a window opening or glass door opening shall be uses.

(8) Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within thirty (30) days following the holiday.

(9) Signs indicating that a special public or semi-public event such as a fair, carnival, circus, festival, or community event. Such signs may be displayed for a period of not more than thirty (30) days prior to the event and shall be removed no more than three (3) days after the event.

(10) Garage sale signs shall be exempt for permitting subject to the following restrictions:
   a. **Maximum number.** One (1) non-illuminated on-premise garage sale sign per street frontage and one (1) additional off-premise garage
sale sign may be erected per entry into a subdivision or development in which the garage sale is taking place.

b. **Size.** The maximum allowable sign surface area for each garage sale sign shall be six (6) square feet.

c. **Maximum height.** The maximum height of any garage sale sign shall not exceed four (4) feet.

d. **Time limitations.** No on or off-premise garage sale sign shall be erected more than four (4) consecutive days and shall not be displayed more than two (2) times in any calendar year. Such sign shall be removed at the conclusion of the last day of the garage sale.

(11) Flags as defined in section 39-152.

(12) Words, letters or logos printed on an umbrella attached to a permanent table where the use at which the table is located is lawfully allowed.

(13) Public warning signs on private property to indicate the dangers of trespassing, swimming, no parking, animals or similar hazards. These signs shall be no larger than four (4) square feet unless specifically provided for by law. Signs shall be spaced a minimum of two hundred (200) feet apart unless superseded by Florida Statutes.

(14) Any memorial sign, gravestone or commemorative plaque.

(15) Occupational signs denoting the name and profession of an occupant in a professional, a commercial or a public institutional building and not exceeding two (2) square feet in area.

(16) Development promotional signs located at the entrance(s) of a development, when not exceeding thirty-two (32) square feet in size and eight (8) feet in height.

(17) Balloon signs of less than twenty-four (24) inches in diameter.

(18) Other temporary signs not listed in section 39-154 shall be regarded and treated in all respects as permanent signs.

(b) On the occasion that a sign is not specifically excluded nor included within these regulations, it shall be the decision of the Building Official to determine if any sign shall be required to be permitted.

(Ord. No. 7-1992, 4-16-92; Ord. No. 7-1995, § 1, 3-14-95; Ord. No. 11-1999, § 4, 7-13-99; Ord. No. 9-2008, § 1, 3-11-08)

**Sec. 39-155. Specially permitted signs.**

(a) **Residential complex entrance signs.** Entrance signs for residential complex identification shall be monument-type signs not exceeding eight (8) feet in height. Along collector streets, each entrance shall be limited to one (1) sign. Along arterial streets, one (1) sign may be permitted on each side of the entrance or in an approved landscaped median within the subdivision boundaries.

(b) **Development promotional signs.** Signs exceeding thirty-two (32) square feet in size shall meet the requirements of [section] 39-172.

(c) **Construction site identification signs.**

(1) Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors and funding sources. Not more
than one (1) such sign may be erected per site, and it may not exceed thirty-two (32) square feet in area unless specifically required to be larger by a state or federal agency. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within ten (10) days after the issuance of the final occupancy permit.

(2) Where subcontractors and funding sources are not included in the construction sign, a separate signs not exceeding two (2) feet by four (4) feet shall be allowed. Such signs are subject to the same time limitations as referenced in section 39-155(c)(1) above.

(d) *Window signs.* Signs painted on or attached to the exterior surface of a window shall be treated the same as a wall sign.

(e) *Balloon-type signs.* The following regulations shall apply to all temporary balloon-type signs:

1. The placement of balloon-type signs shall not cause a sight obstruction to motorists or pedestrians.
2. The balloon itself shall be no higher than thirty-five (35) feet from base to top and no more than thirty-five (35) feet in width.
3. Balloons shall not be placed on top of any buildings.
4. Balloons shall be anchored or secured to prevent excess movement due to weather conditions.
5. Hot air, helium or other gaseous elements other than forced air balloon signs are prohibited. Balloons with a diameter of twenty-four (24) inches or less are exempt from these regulations.
6. No parcel or development shall be issued more than three (3) permits in any calendar year. The maximum duration of any permit shall be for ten (10) days.
7. Balloons shall not be located in any required parking space area.
8. No balloon shall be allowed in any right-of-way.
9. A copy of the following shall be provided to the Building Official for processing the special permit application:
   a. Address of location or legal description.
   b. Written permission of the property owner or the owner's designated agent.
   c. Evidence of the installer's liability and property damage insurance.
   d. A copy of a survey or site plan accurate to scale showing the location of the balloon, building/structures all property lines, abutting ROW's, parking, circulation area and the property's ingress and egress.

(f) *Mobile vendor, special event vendor, seasonal sales vendor sign.* (New) Signage shall be limited to vehicular signs. Portable signs, banners, pennants, balloons and flags are prohibited.

(g) *Political signs.* See section 39-157, Political Campaign Sign Regulations.

(h) *Bench signs, bus benches and bus shelters.* See section 39-196, Specially Permitted Signs.

Sec. 39-156. Number of signs.

(a) For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.

(b) A two-sided or multi-sided sign shall be regarded as one sign so long as:
   (1) Said sign is a "V-type sign" as described in the definition section 39-152.
   (2) Said sign is a "Back-to-back sign" as described in the definition section 39-152.
   (3) The copy on all sides is identical, except for billboards, which shall be permitted to display a different advertising message on each face.

(Ord. No. 7-1992, 4-16-92; Ord. No. 11-1999, § 6, 7-13-99)

Sec. 39-157. Political campaign sign regulations.

(a) Size. The maximum aggregate allowable sign surface area for any political campaign sign or signs (excluding billboards) shall be six (6) square feet in single family residential zoning classifications and sixteen (16) square feet in multi-family zoning classifications, and in non-residential zoning classifications, thirty-two (32) square feet. In mixed use zoning classifications which permit both residential and commercial uses (for example CBD, SMU & UMU zonings) the size of the sign shall be governed by the use of the property. Residential uses and vacant lots in mixed use zoning classifications shall be limited to six (6) square feet when they do not have frontage on a arterial road way (see section 39-40(c) for official list of road way designation). The aggregate square footage applies to individual candidate or referendum issues and shall not prohibit other political candidates’ signs on a parcel provided aggregate limitations as provided above are complied with as it relates to individual candidates or issues.

(b) Location. No campaign sign shall be located in, on or over any road, public and/or private right-of-way or on any government property. No sign shall obstruct, impede or otherwise create a hazardous condition for the safe and normal flow of pedestrian or motor vehicle traffic. No sign shall be erected on private property without the consent of the property owner or lessee or tenant of the property. Free-standing signs shall be set back five (5) feet from the public right-of-way or zero (0) feet where the density of existing vegetation on undeveloped properties would preclude compliance with the five (5) foot setback.

(c) Maximum height. The maximum height of any political campaign sign (excluding billboards) shall not exceed six (6) feet in residential zones and eight (8) feet in nonresidential zones.

(d) Number of signs. Number of allowed signs shall be based on the street frontage as described below with a limitation of the aggregate square footage described in (a) above.

(1) Less than three hundred (300) feet — One (1) sign per candidate or referendum issue.
Three hundred (300) feet to seven hundred fifty (750) feet — Two (2) signs per candidate or referendum issue.

Seven hundred fifty-one (751) feet to one thousand (1000) feet — Three (3) signs per candidate or referendum issue.

More than one thousand feet — Four (4) signs maximum per candidate or referendum issue.

Time limitation. Any political campaign sign shall be removed from the premises by the candidate, his or her agent, or the occupant within seven (7) calendar days after the election or run-off election in which the candidate is eliminated or elected or after the resolution of the respective issues by referendum.

Prohibited display. No political, referendum issue or campaign sign shall be placed on any tree, utility pole or fence post.

Signs in violation. Any sign erected in violation of these regulations will be removed by the City.

Removal bond required. Before such signs are erected, the candidate or political action committee placing the political sign or their representatives shall pay a cash bond of one hundred dollars ($100.00) and register a permanent address and telephone number with the City Clerk. Such bond shall be returned to the candidate or political action committee after all signs within the required seven (7) calendar days after the election, the bond shall be forfeited and the City shall remove said signs. Removed signs shall be held by the City for a period of fifteen (15) days. During regular City business hours, the candidate or political action committee may claim their signs, but shall pay a ten dollar ($10.00) service charge to the City for each sign claimed. This service charge shall not be deducted from the cash bond. Any signs not claimed within the fifteen (15) day period shall become the property of the City of Titusville.

DIVISION 2.
DISPLAY OF SIGNS


(a) Public rights-of-way. No signs such as banner signs or similar type signs will be allowed to be placed over the street rights-of-way or suspended across any public property, except by public or semi-public bodies as may be approved by the City Manager and/or his designee as per section 39-191(1), and with such conditions as the City Manager and/or his designee may impose. Banner signs over state and/or federal routes shall also comply with requirements of the Florida Department of Transportation and be no less than eighteen (18) feet above the road surface.

(b) Banner signs. Each banner sign approved as provided for above or on private property shall be permitted for a maximum of thirty (30) days per calendar year, per business, per site. The maximum size of any single banner sign shall not
exceed two hundred (200) square feet, nor shall any lot, site, premise or business exceed four hundred (400) square feet of total area of banner signs.

(c) *Beacon lights.* No spot, beacon, flashing or flood light shall be permitted in any area within the City, except where such light is non-revolving and in a fixed position, and when said light shines only on the owner's premises or signs and away from any street or roadway or residential area. This shall not include beacon lights such as those required by Federal Aviation Administration regulations.

(d) *Billboards.* See section 39-196; Off-premise signs.

(e) *Pennants.* "Pennants" as defined in section 39-152 shall be allowed in RC zoned districts and in conjunction with permitted outside sales and display areas in CC zoned districts provided that the total lineal feet of said pennants does not exceed the street frontage of the lot upon which they are displayed and the pennant does not exceed eighteen (18) inches in length.

(f) *Computation of area.*

1. **Wall signs.**
   a. Wall signs consisting of individual letters, emblems, etc., whether painted on or erected flush against the exterior wall of a building, shall be computed by including the entire area within a single, continuous perimeter of not more than eight (8) straight lines enclosing the extreme limits of the writing, representation, emblem or other display used to differentiate the sign from the backdrop or structure against which it is placed.
   b. Wall signs utilizing a removable surface or a holding cabinet shall be computed the same as ground signs.
   c. Gas station and convenience store canopy signs.
      1. For the purpose of these regulations, canopy signs for gas station and convenience stores, over their gasoline pump islands only, shall be considered a wall sign.
      2. The facade/face of the canopy shall not be included in the area for calculating the maximum area of a wall sign.
      3. Signage size/area on a canopy shall be based upon the facade/building face as noted in section 39-173(a). No more than fifty (50) percent of permitted wall sign area shall be allowed on a canopy.
      4. A second canopy sign shall only be permitted per the criteria noted in section 39-173(a)(2).

2. **Ground signs.**
   a. The copy area of a ground sign shall be computed by including the entire area of the sign surface, including the removable surface, advertising surface area and any framing, trim or molding, but not including the holding cabinet or support structure.

3. **Monument and mural signs.**
   a. Mural signs, as defined in section 39-152, may encompass the entire building face to which it is being applied onto. Request for mural signs on more than one (1) building face shall be subject to additional review up to and including City Council approval.
b. Monument signs shall be computed as follows:
   1. The copy area of a monument sign shall be calculated by using the entire surface area of the monument sign structures minus an eighteen (18) inch border along the top and side and minus a twenty-four (24) inch border along the bottom.

(4) **Changeable copy signs.**
   a. No more than fifty (50) percent of the sign surface area of any permanent sign shall be a changeable copy sign. The primary wall and ground or monument signs for theaters, churches and community based non-profit organizations shall be exempt from this changeable copy area limitation. Additional/secondary wall and ground or monument signs for theaters, churches and community based non-profit organizations shall not be exempt from the changeable copy area limitations.

(g) **Placement of ground or monument signs.**
   1. No ground and/or monument sign shall be placed within the safe sign triangle area as defined in section 39-41(e).
   2. See section 39-172(c) for additional placement restrictions for monument signs.

(h) **Additional signage regulations for individual Zoning districts and Land Use Designations.**
   (1) **Planned Industrial District (PID).**
      a. Within the PID zoning district, signage issues concerning Entrance Sign, Ground Sign, Wall Sign and Other Signs (i.e. real estate signs, building safety, address occupant identification and traffic signs) shall be regulated by the PID zoning signage criteria as noted in section 59-549(f).
      b. All other signage issues not addressed in section 59-549 shall be governed by the signage regulation as noted in this chapter (Chapter 39, Article V Signage).

   (2) **Central Business District (CBD).**
      a. In addition to these regulations site within the CBD zoning shall meet all additional signage criteria noted in section 59-669(c).
      b. Variances to signage requirements in the CBD zoning designation shall use the less restrictive variance criteria as noted in section 59-669(j)(2).
      c. The CBD zoning district is designed to encourage excellence in urban design, preserve the unique character and historic fabric of the downtown, and reinforce the role of the downtown as a community center and meeting place for people from all walks of life and all economic groups. Variances to signage regulations in this zoning district shall not be use as justification or precedent for signage variances in other zoning districts even if the request are similar in nature.
d. All other signage issues not addressed in section 59-549 shall be governed by the signage regulation as noted in this chapter (Chapter 39, Article V Signage).

(Ord. No. 7-1992, 4-16-92; Ord. No. 13-1995, § 1, 5-9-95; Ord. No. 11-1999, § 8, 7-13-99)

Sec. 39-172. Surface area, number, location and height of ground signs.

(a) Surface area. The total aggregate area of all ground or monument signs (including directory of occupant signs), for a development shall not exceed thirty-two (32) square feet per first acre, or fraction thereof. Sites exceeding one (1) acre shall be permitted additional signage surface area calculated at a rate of thirty-two (32) square feet per acre to a maximum of one hundred fifty (150) square feet per sign and four hundred fifty (450) square feet per development; or

(b) The maximum area of ground or monument signs (including directory of occupant signs) for a development shall be based upon street frontage on a ROW as listed below:

<table>
<thead>
<tr>
<th>Street Frontage</th>
<th>Surface Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 feet-100 feet</td>
<td>32 square feet</td>
</tr>
<tr>
<td>101 feet-300 feet</td>
<td>64 square feet</td>
</tr>
<tr>
<td>301 feet-500 feet</td>
<td>96 square feet</td>
</tr>
<tr>
<td>501 feet and over</td>
<td>150 square feet</td>
</tr>
</tbody>
</table>

(c) When determining the size/surface area of ground or monument sign either the requirements of sections 39-172(a) or 39-172(b) shall be used. In no case shall a combination or mixing of these two (2) criteria be allowed. Any change of signage shall follow the same criteria. If the sign area criteria are changed, then all other signage on the site shall be required to be changes to the same criteria.

(d) Monument signs may be granted an additional surface area credit of twenty-five (25) percent subject to all of the following criteria being met.

1. A monument sign shall not exceed a height of ten (10) feet.
2. REQUIRED TO BE A TRUE MONUMENT SIGN WITH ENTIRE BASE UPON THE GROUND, NOT A POLE WITH A SKIRT AROUND IT TO MAKE THE SIGN APPEAR TO BE A MONUMENT SIGN.
3. The maximum size/surface area of a monument sign, even with twenty-five (25) percent surface area credit, shall not exceed one hundred fifty (150) square feet.
4. In order to insure that monument signs are installed in a safe manner in regard to vehicular and pedestrian safety, a safe sight triangle area of 10' x 50' (10' along driveway x 50' along the ROW) shall be required from all drive ways or access points. This 10' x 50' placement criteria may be reduced by the Administrator on lots with access from rights-of-way with a one-way traffic flow only when it can be unquestionably demonstrated by the applicant that such placement will pose no line of sight obstruction and unquestionably demonstrated by the applicant that such placement will create no traffic/pedestrian safety problems. Such administrative action shall only be when a sign is placed in a manner that is not in
conflict with the one-way traffic flow and line-of-sight. The Administrator is in no way required and/or obligated to grant such reduction.

(5) The sight distance criteria as noted in section 39-41(e) shall be required to be met.

(e) **Number of signs.** Except as authorized by this section, no development may have more than one (1) ground sign.

(1) Corner lots with a roadway classification of collector or higher (a lot bounded on more than one (1) side by paved street/ROW) may have signage on each street frontage according to paragraph (a) or (b) above. Corner lots within the Central Business District zoning designation shall be exempt to the roadway classification restriction.

(2) If a development is located on a lot that is bordered by two (2) public streets that do not intersect at the lot's boundaries (double front lot), with a roadway classification of collector or higher, then the development may have one (1) ground sign on each side of the development bordered by such streets according to paragraph (a) or (b) above. Double front lots within the Central Business District zoning designation shall be exempt to the roadway classification restriction.

(f) **Location of ground signs.**

(1) Ground signs shall be set back a minimum of ten (10) feet from all property lines in a landscaped area at least equal in square footage of said sign. Setback shall be measured from the leading edge of the sign.

(2) Sites within the Downtown Mixed Use Land Use Designation as noted on the City's Future Land Use map shall have no setback criteria from a property line subject to line-of-site (safe sight triangle/visibility criteria) being met and subject to no portion of the sign intruding into the ROW/past the property line.

(g) **Height of ground signs.** All ground sign[s] shall be measured from existing grade.

(1) No ground sign shall exceed thirty-five (35) feet in height for properties fronting arterial roadways.

(2) No ground sign shall exceed fifteen (15) feet in height for properties fronting all other road classifications.

(3) Per the requirements of section 59-8(2) the maximum height of ground signs in the Downtown Mixed Use Land Use Designation shall not exceed fifteen (15) feet.

(h) **Interstate access zones:** Interstate access zones are designated where a state highway permits direct access to I-95. The Interstate access zone shall extend one-quarter (1/4) mile (one thousand three hundred twenty (1,320) feet) measured lineally from the intersection of the state highway and the centerline of the I-95 right-of-way. Commercial property with a minimum of fifty (50) feet of frontage on a existing improved (i.e. paved street) public/private ROW and located within the interstate access zone shall be allowed the following signage.

(1) Except as noted specifically in this subsection all other signage requirements of this chapter shall be required to be met.

(2) One (1) high rise ground sign may be permitted on a lot in the interstate access zone as follows:
a. Maximum height.

<table>
<thead>
<tr>
<th>State Highway No.</th>
<th>(above existing grade)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR 406</td>
<td>75 feet</td>
</tr>
<tr>
<td>SR 50</td>
<td>75 feet</td>
</tr>
</tbody>
</table>

b. Surface area. The size of a high rise sign for a development shall not exceed sixty-four (64) square feet per first acre, or fraction thereof. Sites exceeding one (1) acre shall be permitted additional signage surface area calculated at a rate of sixty-four (64) square feet per acre to a maximum of two hundred fifty (250) square feet; or

c. A sign surface area of two (2) square feet for each linear foot of building frontage facing the front lot line/road-right-of-way line shall be allowed (front lot line as noted in the definition of Setback [front setback] in section 27-11 of these regulations shall be used). Maximum allowable area per sign shall not exceed of two hundred fifty (250) square feet.

1. Only that portion of the building under air facing the front lot line/road-right-of-way line shall be used. All other building frontage/elevations shall not be used to calculate sign area. Building embellishments, appendages, screening walls, etc., shall not be used to calculate sign area.

2. Only that portion of the building frontage running nearest to parallel to the front lot line/road-right-of-way line shall be used. In no instance shall more than one (1) building frontage/elevation be used to calculate sign area.

3. In the event the front lot line/road-right-of-way line distance is less than the building frontage the length of the front lot line/road-right-of-way line shall be used.

4. High rise sign shall be setback a minimum of fifty (50) feet from all property lines. This setback shall be required to be increased to one hundred (100) feet when abutting residential zoning and/or use.

5. Application for high rise signs shall include calculations, by a registered engineer, noting that the fall radius (i.e. break point) will allow the entire sign to collapses entirely upon the site it is erected upon.

6. Permit applications submitted pursuant to this subsection shall include a site plan with elevations.

7. In no instance shall a billboard be permitted as a high rise sign.

8. Variance to the maximum permitted height or size of a high rise sign shall not be permitted.

d. When determining the size/surface area of high rise sign either the requirements as noted above in subsection (b) or (c) shall be used.
In no case shall a combination or mixing of these two criteria be allowed. Any change of signage shall follow the same criteria. If the sign area criteria are changed, then all other signage on the site shall be required to be changed to the same criteria.

e. The aggregate area of all ground/pole signs on a site in the interstate access zone (ground sign under thirty-five (35) feet in height and high rise sign) shall not exceed four hundred fifty (450) square feet.

(Ord. No. 7-1992, 4-16-92; Ord. No. 11-1999, § 9, 7-13-99)

Sec. 39-173. Surface area and number of wall signs.

Except as authorized by this section, each separately licensed business shall be allowed one (1) wall sign.

(a) Single-tenant buildings.

(1) The aggregate square footage of wall signs shall not exceed twenty (20) percent of the building face to which it is affixed.

(2) Buildings having more than one (1) street frontage (on an existing paved ROW) may have one (1) additional wall sign affixed to that secondary ROW frontage. The size of this secondary wall sign shall not exceed ten (10) percent of the smallest/narrowest building elevation or equal to the size of the primary wall sign, whichever is less. Regardless of the number of street frontages, no more than two wall sign shall permitted.

(b) Multi-tenant buildings.

(1) The aggregate square footage of wall signs shall not exceed twenty (20) percent of building elevation of the tenant unit to which it is affixed.

(2) Buildings having more than one (1) street frontage may have additional wall signage affixed to that secondary ROW frontage as follows:

a. Corner-unit tenants may have one (1) additional wall sign affixed to their secondary ROW frontage. The size of this secondary wall sign shall not exceed ten (10) percent of the smallest/narrowest building elevation or equal to the size of the primary wall sign, whichever is less; or

b. A multi-tenant directory wall sign may be affixed to the secondary ROW frontage according to paragraph (b)(1) above.

(c) No wall sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on roofs.

(d) No sign attached to a building may project more than twelve (12) inches from the building wall.

(Ord. No. 7-1992, 4-16-92; Ord. No. 11-1999, § 10, 7-13-99)

Sec. 39-174. Reserved.
Editor's note--Ord. No. 11-1999, § 11, adopted July 13, 1999, deleted § 39-174 in its entirety. Formerly, said section pertained to the location and height of ground signs. See the Code Comparative Table.

Sec. 39-175. Sign illumination and signs containing light.
All illuminated signs shall provide shielding from the source of illumination in order that such source shall not be directly visible from any public way or residential zone or use. No sign within one hundred fifty (150) feet of a residential zone or use may be illuminated between the hours of 10:00 p.m. and 7:00 a.m.

Sec. 39-176. Dynamic or Variable Message Signs.
(a) Dynamic or Variable Message Signs, as defined in LDR Section 39-152, shall be allowed, provided they comply with the following requirements:
(1) Size and Location.
   a. Freestanding/Monument Signs.
      1. That portion of the sign that constitutes the electronic changeable display shall be allowed up to fifty percent (50%) of the total allowable sign area.
   b. Building Mounted Signs
      1. Building mounted dynamic or variable message signs are prohibited.
(2) Number of signs. No development may have more than one (1) sign that contains a dynamic or variable message display.
(3) Display.
   a. The display of the sign shall not change more rapidly than once every two and one-half (2.5) seconds;
   b. The display shall not, or shall not appear to, flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking and chasing lights; the display shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or otherwise portray movement, animation or video;
   c. Scrolling or traveling of a static message onto the sign from one (1) direction only per display shall be allowed; provided that each message remains in a static state for at least two and one-half (2.5) seconds. There shall be two and one-half (2.5) seconds of blank screen between messages;
   d. No message shall require more than ten (10) seconds to be displayed in its entirety;
(4) Light Levels.
   a. All signs shall have installed ambient light monitors and shall, at all times, allow such monitors to automatically adjust the brightness level of the dynamic or variable message sign based on ambient light conditions;
b. Maximum brightness levels for dynamic or variable message signs shall not exceed eight thousand (8,000) nits when measured within 1 meter of the sign’s face at its maximum brightness during daylight hours and five hundred (500) nits when measured within 1 meter of the sign’s face at its maximum brightness between dusk and dawn.

(5) Zoning and Use.
   a. Dynamic or variable message signs shall not be allowed at, on or visible to the public from any dwelling or home occupation in a residential zoning or residential use.
   b. Businesses, churches or schools located in a residential zoning are allowed dynamic or variable message signs providing that:
      1. They comply with Sections 39-176(a)(1) and 39-176(a)(2);
      2. Dynamic or variable message signs within one hundred fifty (150) feet of a residential zoning or use shall be turned off between the hours of 10:00 p.m. and 7:00 a.m.
   c. Dynamic or variable message signs are not permitted in the following zoning districts: Central Business District (CBD) and Urban Mixed Use (UMU)

(6) Additional Permit Requirements.
   In addition to the permit requirements set forth in Section 39-153, a permit for a dynamic message sign must include the following:
   a. Dynamic or variable message sign permit applications must include a copy of the manufacturer’s operating manual, which includes the manufacturer’s recommended standards for brightness, scrolling or traveling speed and other display operations;
   b. Dynamic or variable message sign permit applications must also include a certification from the owner or operator of the sign stating that the sign shall, at all times, be operated in accordance with City regulations and that the owner or operator shall provide proof of such conformance upon request of the City;
   c. Dynamic or variable message signs require a listing mark from a Nationally Recognized Testing Laboratory (i.e. Underwriters Laboratories, Electronic Testing Laboratory, etc.) with the label and certification number;
   d. Additionally, whether the sign is programmed from the site or from a remote location all requirements of section 39-176 shall be enforced.

(Ord. No. 25-2008, § 3, 9-23-08)

Secs. 39-177--39-190. Reserved.

DIVISION 3.
MISCELLANEOUS PROVISIONS
Sec. 39-191. Miscellaneous restrictions and prohibitions.

(a) All portable signs (those not permanently attached to a building or the ground including snipe, sandwich, trailer mounted and pedestal mounted) are prohibited except those listed under section 39-154.

(b) All roof-mounted signs and those which extend above the parapet of the building are prohibited.

(c) All flashing lights which are not a part of the sign's copy are prohibited.

(d) No signs shall be erected in any residential zone except as permitted in this ordinance.

(e) No sign may be placed at any location on a lot or parcel of land where it may interfere with or obstruct free and clear vision for pedestrian, bicycle and vehicular traffic.

(f) On-premise signs with visible moving, revolving or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, except for traditional barber poles, are prohibited.

(g) On-premise signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion are prohibited.

(h) No sign may be erected so that by its location, color, size, shape, nature or message, it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

(i) **Confusing lights.** There shall be no lights, either fixed, flashing or moving, which might create confusion with traffic lights or lights on emergency vehicles.

(j) **Distance from residential districts.** Signs on properties in commercial or industrial districts, which abut a residential district or use, shall not be erected closer than a distance at least equal to the top of said sign from any residential district boundary line.

(k) **Obstruction.** No signs shall be erected in a manner that would impede ingress or egress through any door or emergency exit in any building. No sign shall be erected so as to impede access to, or operation of, a fire escape, emergency (fire) lane or any other safety device.

(l) Signs erected on public property, rights-of-way or on private property located on public property, (such as private utility poles) are prohibited, other than signs erected by public authority for public purposes and signs authorized in writing pursuant to Article 337.407 of the Florida Statutes.


Sec. 39-192. Maintenance of signs.

(a) All signs and all components thereof, including without limitation, supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components (supporting structures, back, etc.) not bearing a message shall be constructed of materials that blend with the background colors or shall be painted a neutral color to blend with the natural environment.

(b) All sign faces shall be maintained with a clear and unfaded copy or a "For rent" sign.
(c)  If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within thirty (30) days of the removal of the message portion of the sign, replace the entire message portion of the sign with a blank face or remove the remaining components of the sign, or the sign shall be considered an illegal sign, all non-conforming protection status void, all permits void and said sign shall be required to be totally removed. This subsection shall not be construed to alter the effect of section 39-194, which prohibits the replacement of a nonconforming sign, nor shall this subsection be construed to prevent the changing of the message of a legally permitted sign.

(Ord. No. 7-1992, 4-16-92; Ord. No. 11-1999, § 13, 7-13-99)

Sec. 39-193. Unlawful cutting of trees and shrubs.
(a)  No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, excessively trim, destroy, or remove any trees, shrubs, or other vegetation unless authorized by the City of Titusville and any other agency having jurisdiction.

(Ord. No. 7-1992, 4-16-92; Ord. No. 11-1999, § 14, 7-13-99)

Sec. 39-194. Nonconforming signs.
(a)  Intent. It is the intent of this section to allow non-conforming signs, that were lawfully permitted and obtained all City of Titusville permits, before the adoption of the Code to continue until they are no longer used or become hazardous, but not to encourage their survival. Such signs are hereby declared to be incompatible with the overall intent of this Chapter.

(b)  Removal of non-conforming and illegal signs. All non-conforming, illegal and non-permitted signs, except as provided herein, shall be removed immediately.

(c)  This section is reserved for any future text addition/amendments.

(d)  No conforming sign or advertising structure shall be permitted to be erected on the same lot or parcel with an existing non-conforming sign until the non-conforming sign has been removed or made conforming.

(e)  Continuance of non-conformities. A non-conforming sign may be continued, subject to the following provisions:

1. A non-conforming sign shall not be modified in such a way that would increase the non-conformity of the sign.

2. Non-conforming sign or sign structures that are defined as abandoned under this Chapter shall not be permitted for reuse and must be removed.

3. There may be a change of tenancy or ownership of a non-conforming sign without the loss of non-conforming status, as long as the new occupancy occurs within ninety (90) days of the previous occupational license transfer or expiration date.

4. If a nonconforming sign damaged by fire, flood, explosion, collapse, wind, war or other catastrophe to such an extent that the cost of repair and reconstruction will exceed fifty (50) percent of the current value as defined in these regulations at the time of damage, it shall not be used or
reconstructed except in full conformity with the provisions of this Code. Notwithstanding, the preceding and for the purpose of these regulations, any sign damaged to the extent that the support structure is severed, or lifted from its foundation or the foundation is lifted out of the ground or the sign case is totally removed from the support structure or wall, shall be considered destroyed and shall not be replaced except [except] in total conformance with all current sign regulations.

(5) Normal repairs and maintenance may be made.

(f) **Casual, temporary or illegal use.** The casual, temporary or illegal use of any sign shall not be sufficient to establish the existence of a non-conforming use or to create any rights in the continuance of such use.

(Ord. No. 7-1992, 4-16-92; Ord. No. 11-1999, § 15, 7-13-99; Ord. No. 1-2000, § 1, 1-11-00)

**Sec. 39-195. Amortization of nonconforming signs.**

(a) **Sign variances.**

(1) An application for a variance to the signage regulations noted in this chapter may be filed unless expressly prohibited.

(2) Variances to signage requirements in the CBD zoning designation shall use the less restrictive variance criteria as noted in section 59-669(j)(2).

(3) The CBD zoning district is designed to encourage excellence in urban design, preserve the unique character and historic fabric of the downtown, and reinforce the role of the downtown as a community center and meeting place for people from all walks of life and all economic groups. Variances to signage regulations in this zoning district shall not be use as justification or precedent for signage variances in other zoning districts even if the request are similar in nature.

(b) **Voiding/cancellation of a sign variance.**

(1) All previously approved signage variances granted prior to the adoption of these regulations (before July 13, 1999) shall be void in the event any of the following occur:
   a. The sign is destroyed.
   b. The sign is removed.
   c. The sign is determined to be abandoned.
   d. The situation/justified as noted by the Board of Adjustment and Appeals for approval of the variance no longer exists.

(2) All approved signage variances granted after the adoption of these regulations (after July 13, 1999) shall be void in the event any of the following occur:
   a. The sign is determined to be abandoned.
   b. The situation/justified as noted by the Board of Adjustment and Appeals for approval of the variance no longer exists.

(Ord. No. 11-1999, § 16a, 7-13-99)

**Editor's note**—Ord. No. 11-1999, § 16a, set out provisions for a new § 39-195 to read as herein set out. Formerly, § 39-195 pertained to amortization of non-conforming signs.
Sec. 39-196. **Off-premise signs and billboards.**

(a) Off-premise signs are prohibited except as hereinafter provided.

(b) Bench signs, bus benches and bus shelters shall be permitted, subject to the following requirements:

1. No person, firm, corporation, club or other entity (hereinafter referred to as the "sponsor") shall place a bus bench, bench sign or bus shelter within any right-of-way in the City without an agreement with the City Council authorizing said sponsor to place benches within rights-of-way in the City.

2. Bus shelters and bus benches shall only be permitted at designated bus stops along existing SCAT bus routes that are deemed appropriate by the City.

3. Bus shelters and bus benches shall not be permitted in locations where, in the opinion of the City Manager or his designee, will adversely affect the safety of motorists, bicyclists or pedestrians.

4. Bus shelters and benches shall only be permitted in State of Florida rights-of-way with the written approval of the Florida Department of Transportation (FDOT) District Engineer or his designee.

5. No more than one (1) bus shelter, bus bench or bench sign may be placed at each location.

6. No bus shelter, bus bench or bench sign shall be placed within a right-of-way until the City Manager or his designee has issued a permit for the placement of such shelter, bench or sign.


8. The sponsor shall be responsible for maintaining each of its bus benches, bus shelters and bench signs in accordance with the provisions of section 39-192 of these regulations. In addition, the base of the bench or shelter must be maintained from any tall grass or weeds that would hinder the safe use of the bench or shelter. Treatment and elimination of fire ants or other dangerous insects from area around the bench shall be considered part of proper maintenance.

9. Bus shelters, bus benches and bench signs existing as of the adoption date of this regulation shall be exempt from the requirements of subsections (b)(2) and (b)(5) of this section for a period of two (2) years, provided that they meet the maintenance requirements of subsection (b)(8). After the two-year period, bus shelters, bus benches and bench signs shall be required to conform to all regulations outlined herein.

10. Removal. Any bus shelter, bus bench or bench sign that, in the opinion of the code enforcement supervisor, does not meet the requirements for said facilities as set forth in these regulations, shall be immediately repaired or removed at the owner's expense.
Billboards shall be permitted on parcels with a zoning designation of T, CC, RC, M-1, M-2, M-3 or GU, subject to the following requirements:

1. **Location.**
   a. The parcel must be located entirely within an interstate access zone as defined in section 39-174(f) or abut the I-95 right-of-way. (For sites abutting I-95, the said sign shall be solely for advertisement of the traveling public on I-95 and required to face I-95).
   b. No off-premise sign shall be established or located in a shoreline overlay district as defined in Chapter 59, Division 3 of these regulations.
   c. No off-premise sign shall be established or located in an historical overlay district as defined in Chapter 59, Division 8 of these regulations.
   d. No off-premise sign shall be located on a property without the consent of the property's owner or legal representative.

2. **Minimum lot size.**
   a. A minimum lot size of one (1) acre shall be required for billboards. If the minimum lot size of that permitted zoning district is less than one (1) acre, the minimum one (1) acre lot size shall apply and not be subject to any variance.
   b. If the minimum lot size of that permitted zoning district is more than one (1) acre, than the more restrictive lot size requirement shall be met; and not subject to any variance.

3. **Minimum frontage.**
   a. A minimum frontage (from existing paved ROW) of two hundred (200) feet shall be required. If the minimum frontage of that permitted zoning district is less, the two hundred (200) foot frontage requirements shall apply and not be subject to any variance. If the minimum street frontage of that permitted zoning district is higher than the more restrictive shall apply and not subject to any variance.
   c. On a corner lot which abuts at least two (2) rights-of-way, a billboard shall not be erected within the sight distance triangle as defined in section 39-41 of these regulations.
   d. A billboard located within five hundred (500) feet of any toll plaza of any limited access highway, as measured along the edge of the pavement of said highway, shall be setback at least five hundred (500) feet from the edge of the right-of-way of the limited access highway.

4. **Setbacks.**
   a. Billboards must maintain a setback of a minimum of three hundred (300) feet from any residential zoning district or use.
   b. Billboard signs shall be set back a minimum of twenty-five (25) feet from all property lines. These setbacks shall be measured as the distance from the closest point of the billboard sign to the nearest property line.
   c. On a corner lot which abuts at least two (2) rights-of-way, a billboard shall not be erected within the sight distance triangle as defined in section 39-41 of these regulations.
Separation.

a. Billboards shall not affect the visibility of any existing conforming ground sign located on adjacent properties.

b. All billboard signs shall be located at least one thousand five hundred (1,500) feet from all existing permitted billboard signs on the same side of the road as measured from their closest points. This separation requirement shall not be construed to not apply to any non-permitted billboards. This separation requirement shall apply to all billboards (permitted and non-permitted/illegal). The applicant may submit an official complaint to the code enforcement official for citation in order to attempt to remove a non-permitted/illegal billboards.

c. Signs shall be no closer than five hundred (500) feet, as measured from the right-of-way, of an exit ramp, on ramp, interchange or overpass.

d. A billboard shall not be erected within a one hundred (100) foot radius from the intersection of the centerline of a right-of-way and the nearest railroad track grade crossing.

e. A billboard shall not be erected within three hundred (300) feet of the nearest property line of a park.

Height.

a. Billboards shall have a maximum height of thirty-five (35) feet above the crown of the road it is primarily designated to serve or thirty-five (35) feet above the existing grade, whichever is greater. A certified survey shall be required to be submitted confirming the crown of the road elevation directly in front of the billboard or confirming existing grade elevation.

b. The sign area shall be at least ten (10) feet above the ground.

Number.

a. No more than one (1) billboard sign shall be located on any one (1) minimum sized lot or parcel, as noted in section 39-196(b).

b. Billboard signs shall only be permitted on a lot or parcel where said billboard sign is the only use of said lot or parcel.

Size.

a. The maximum allowable sign surface area for any billboard sign shall be four hundred (400) square feet.

Embellishments.

a. Embellishments may not exceed fifteen (15) percent of the allowable square footage of advertising surface area.

b. Embellishments will be allowed to a maximum of five (5) additional feet in overall height of sign and shall not allow rectangular extensions which result in additional internal advertising surface square footage.

Face styles.

a. Billboard sign faces shall be of the following types:
1. Poster panels or bulletins mounted on a free-standing structure with advertising copy applied in the form of pasted paper.

2. Indexing signs made with a series of triangular vertical sections that turn and stop or index, to show three (3) pictures or messages in the same area.

3. Painted bulletins where the advertiser's message is painted directly on the background of a free-standing display area.

(11) Configurations.
   a. All faces on a multiple-faced billboard shall have sign faces of identical dimensions and configurations.
   b. No portion of the sign structure of any billboard shall extend above any part of the sign face.
   c. On a double-faced billboard which is constructed in the form of a V, the internal angle of the apex shall not exceed forty-five (45) degrees and the backs of the faces shall not be separated by more than thirty-six (36) inches at the apex of the V.
   d. Double-faced billboards which have two (2) faces placed back to back shall not be separated by more than forty-eight (48) inches.
   e. Multiple vision billboards shall be permitted; the individual sections which contain the advertising copy shall be displayed for at least six (6) seconds continuously without movement; the duration of movement of sections between advertisements not exceeding two (2) seconds.
   f. Tri-faced or triangular billboards shall not be permitted.
   g. Billboards on the roof of any building are prohibited.
   h. Side-by-side billboards are prohibited.
   i. Vertically stacked or double-tier billboards are prohibited.
   j. No single-faced billboard shall have an interior angle from road to face of sign in excess of forty-five (45) degrees, and shall be installed as to minimize a view of the rear of a sign.
   k. Each sign face on a billboard shall be completely covered when a message is posted. If the message is smaller than the sign face's dimensions, skirting or screening shall be used to achieve conformity.
   l. No off-premise sign shall be constructed which resembles any official marker erected by a governmental entity, or which by reason of position, shape or color would conflict with the proper functioning of any official traffic control device.

(12) Landscaping.
   a. The base of each structure shall be planted with suitable landscaped material, and maintained so as to ensure a minimum landscape screen of four (4) feet in height and seventy five (75) percent opacity within one (1) year of planting.

(13) Lighting.
a. Billboard lighting shall be uplifted by fixtures mounted to the structure.

b. Signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited.

c. Signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.

d. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

(14) Permit requirements.

a. No off-premise sign shall be erected without securing a permit from the Building Official and payment of the permit fee.

b. The building permit number of a billboard shall be permanently affixed at eye level to the billboard pole situated closest to the nearest road.

c. A permit shall be required for the erection, alteration or repair of any existing or new billboard. Changes to the advertising message shall not require a permit.

d. Fees shall be as follows:
   1. The building plan review fee shall be two hundred fifty dollars ($250.00).
   2. The building permit cost shall be five hundred dollars ($500.00).
   3. The annual license/inspection fee shall be two hundred dollars ($200.00).

e. Billboards shall be plainly labeled on the apron with the owner's name, maintenance firm and City of Titusville permit number. The maximum size of this identification shall be sixteen (16) square feet.

f. A permit from the Florida Department of Transportation (FDOT) is also required prior to erection of any billboard adjacent to a state highway. In the event of a discrepancy between the provision of FDOT permitting requirements and this section, the more restrictive regulations shall apply.

g. All billboard construction plans must be sealed by a registered engineer and meet all applicable requirements set forth in the standard building code. A site plan or survey showing location of billboard, nearest billboard, nearest residential use, proposed landscaping and elevations are required to be submitted.

(15) Maintenance.

a. Off-premise signs shall be regularly maintained in good and safe structural condition.
b. The general area in the vicinity of a billboard shall be kept free and clear of sign materials, debris, trash and refuse.

c. All billboard faces must be maintained with a clear and unfaded copy of paid advertising, a public service message or a "For rent" message. All components thereof, including without limitation, supports, braces and anchors, shall be kept in a state of good repair.

(Ord. No. 11-1999, § 17, 7-13-99; Ord. No. 4-2001, § III, 3-27-01)

Secs. 39-197. Substitution of non-commercial speech for commercial speech.
Notwithstanding anything contained in this Article or regulations to the contrary, any sign erected pursuant to the provisions of this Article or regulation may, at the option of the owner, contain a non-commercial message in lieu of a commercial message and the non-commercial copy may be substituted at any time in place of the commercial copy or returned to a commercial message as authorized by these regulations. The non-commercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one non-commercial message to another non-commercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback and other dimensional criteria contained in this article and regulation have been satisfied.

(Ord. No. 32-2007, § 1, 6-26-07)

Sec. 39-198. Content neutrality as to sign message (viewpoint).
Notwithstanding anything in this Article or regulations to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such signor displayed on such sign structure.

(Ord. No. 32-2007, § 2, 6-26-07)

Sec. 39-199. Severability.

(a) Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, sentence, phrase, clause, term, or word of this Article.

(b) Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth in Section 39-199(a), or elsewhere in this Article, this regulation, or any adopting ordinance, if any part, section, subsection, paragraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, sentence, phrase, clause, term, or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

(c) Severability of provisions pertaining to prohibited signs. Without diminishing or limiting in any way the declaration of severability set forth in
Section 39-199(a), or elsewhere in this Article, this regulations, or any adopting ordinance, if any part, section, subsection, paragraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, sentence, phrase, clause, term, or word of this Article that pertains to prohibited signs.

(d) **Severability of prohibition on billboards.** If any part, section, subsection, paragraph, sentence, phrase, clause, term or word of his Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained herein.

*(Ord. No. 32-2007, § 3, 6-26-07)*

**Sec. 39-200--39-210. Reserved.**