

Meeting Date
October 18, 2011



AGENDA	
Section	Public Hearing
Item No.	V.D.

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	PUBLIC HEARING; RE: ORDINANCE AMENDING CHAPTER 62 ARTICLE IX, SIGN REGULATIONS 2 nd READING, (DISTRICTS 1-5)
DEPT/OFFICE:	PLANNING AND DEVELOPMENT DEPARTMENT

Requested Action:

It is requested that the Board conduct a public hearing and take action on proposed changes to the Sign Regulations, Chapter 62, Article IX.

Summary Explanation & Background:

On January 25, 2011, with follow-up discussion on February 8, 2011, the Board of County Commissioners directed staff to examine the sign regulations with the intent of simplifying/clarifying the County's signage requirements. Staff was further directed to obtain community input in developing proposed code amendments.

The proposed ordinance was approved by the Building Construction Advisory Committee on May 11th, 2011 and by the Local Planning Agency on July 25, 2011. MIRA will hear this item at its October 6, 2011 meeting. Staff will apprise the Board of MIRA's recommendation. The Board conducted first reading of this ordinance at their August 4, 2011 zoning meeting. This hearing constitutes second and final reading of the ordinance.

Proposed Changes:

- Eliminate inconsistencies and superfluous regulations in order to make the sign code more user friendly.
- Allow feather banner and A-frame signs on a limited basis as types of exempt signage.
- Eliminate outdated and duplicative language regarding code enforcement procedures.
- Create new or amend existing definitions to clarify code provisions.
- Update/expand the sign matrix as a user friendly summary of signage allowances in the various zoning classifications.

FY 11/12 Fiscal Impacts: Advertisement costs are estimated at \$1,200.

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Clerk to the Board instruction: Strike through/underline and clean copies of ordinance attached. Return signed copies of each version to the Department.

Exhibits Attached:

- Proposed sign code ordinance (strike through/underline and clean copy versions)
- Notice of Zoning Code Change advertisement

Contract /Agreement (If attached): Reviewed by County Attorney		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
County Manager's Office	Department PR <input type="checkbox"/>				
Howard Tipton, County Manager	Robin M. Sobrino, AICP				
Mei Scott, Assistant County Manager	Director, Planning and Development Department				

ORDINANCE NO. 2011-_____

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE IX, SIGN REGULATIONS, SPECIFICALLY AMENDING SEC. 62-3301 DEFINITIONS TO MODIFY, ADD OR DELETE DEFINITIONS TO CLARIFY THE INTENT OF THE CODE; SEC. 62-3302 ENFORCEMENT TO UPDATE CODE REFERENCES AND REMOVE INCONSISTENCIES REGARDING ENFORCEMENT PROCEDURES; SEC. 62-3303 PURPOSE AND APPLICABILITY TO REDEFINE PURPOSE AND INTENT OF SIGN REGULATIONS; SEC. 62-3304 NONCONFORMING SIGNS TO CLARIFY INTENT, UPDATE CODE REFERENCE, AND REMOVE UNNECESSARY LANGUAGE; SEC. 62-3306 PERMITS GENERALLY TO CLARIFY, CONSOLIDATE AND REMOVE UNNECESSARY LANGUAGE; SEC. 62-3307 EXEMPTIONS FROM PERMIT REQUIREMENT TO ADD EXEMPTIONS FOR BANNER AND A-FRAME SIGNS; SEC. 62-3309 PROHIBITED SIGNS TO REMOVE REFERENCES TO FLAGS, BANNERS AND OFF-PREMISES NON-COMMERCIAL SIGNS ON SCENIC ROADWAYS; SEC. 62-3314 ILLUMINATION TO CLARIFY DIGITAL BILLBOARD LIGHTING; SEC. 62-3316 ON-PREMISES SIGNS TO ADD ZONING CLASSIFICATIONS, WALL MURALS, LIMITATIONS FOR COMMERCIAL LETTERING, CREATE FLAG SIZE LIMITATIONS AND ELIMINATE LOCATIONAL CRITERIA; SEC. 62-3317 TEMPORARY SIGNS TO REMOVE OLD REFERENCES AND ALLOWANCE OF OFF-PREMISE DIRECTIONAL SIGNS, TO INCREASE SIZE OF TEMPORARY SIGNS AND INCREASE TIME FRAMES; SEC. 62-3318 OFF-PREMISES SIGNS TO CLARIFY RESPONSIBLE PARTY; SEC. 62-3319 VARIANCES AND APPEALS TO INCREASE THE TIME FOR APPEAL FROM 30 TO 45 DAYS; AMEND TABLE 1. PERMITTED SIGNS BY TYPE AND ZONING CLASSIFICATION; DELETE SEC. 62-3305 REMOVAL OF ILLEGAL OR ABANDONED SIGNS; AND SEC. 62-3310 CONSTRUCTION STANDARDS AS A DUPLICATIVE REGULATION; PROVIDING FOR RESOLUTION OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners wishes to improve the sign code by making it more business friendly; and

WHEREAS, the allowances for A-frame and feather banner signs may improve business sales that will stimulate the local economy; and

WHEREAS, the Board of County Commissioners, on April 19, 2011 directed preparation of an amendment to the Sign Regulations; and

WHEREAS, the Building Construction Advisory Committee, on May 11, 2011, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on July 25, 2011, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the Local Planning Agency and the Building Construction Advisory Committee and has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Underline indicates additions.
~~Strike-through indicates deletions.~~

SECTION 1. Section 62-3301, Code of Ordinances of Brevard County, Florida, hereby amends, removes or creates the following definitions:

Sec. 62-3301. - Definitions.

For the purpose of this article, certain terms and words pertain and are defined as follows:

A-frame signs. A-frame or sandwich board signs are classified as temporary signs.

Abandoned sign. Any on-premises sign shall be considered abandoned if the business identified on the 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 180 days. An abandoned sign includes the advertising structure.

Animated or activated sign means a sign with physical action or motion, or giving the appearance thereof, through the use of illumination, wind or other mechanical means. Animated signs shall include flashing (cycles at intervals of less than six (6) seconds) or oscillating signs and swinging signs, ~~and shall exclude electronic message centers, electronic adjustable alternation displays, and time or temperature units.~~

Banner means any sign made of paper, cloth or fabric of any kind, having only such material for a backing. Banners may or may not have characters, letters, logos, illustrations or ornamentations applied thereto. Banners shall include any animated, rotating or fluttering devices designed to attract attention. Balloons shall be considered to be banners. Banners and balloons shall be permitted as temporary special event signs. ~~National flags and flags of political jurisdictions, including flags of states and municipalities, shall not be considered to be banners.~~

Building double frontage means a building that has frontage on either two streets,; or two parking lots,; or a street and a parking lot, or a street and a major body of water, or a parking lot, or a major body of water.

Changeable panel means a section of a sign face that is replaceable with a section having or forming a different message.

~~Code enforcement officer shall mean any designated employee or agent of the county or the county sheriff's office whose duty it is to enforce one or more of the codes and ordinances set forth and who has received appropriate training as determined by the county manager or his designees or by the county sheriff's office.~~

Digital Billboard means an off-premise sign that utilizes digital message technology, capable of changing the static message or copy on the sign electronically. A digital billboard may be internally or externally illuminated.

Electronic sign means any electronic message center, electronic adjustable alternation display, and time or temperature units that cycles at intervals of six (6) seconds or greater.

Embellishment means a panel or component of any sign which extends beyond the border of the sign surface for the purpose of creative design.

Flag means a piece of fabric designed to be hung on one side from a flag pole, with a color or pattern which represents some country, political subdivision, organization or business entity, including flags of states and municipalities. See also *Banner*.

Instructional sign. ~~See Directional sign.~~ means any sign that provides instruction, information or directives and is entirely located on the property to which it pertains and does not in any way advertise a business or contain a business logo or graphics (such as signs identifying restrooms, public telephones, and walkways and those similar in nature).

Off-premises sign means any permanently affixed structure that is erected and maintained for the purpose of advertising the name of a business, services, accommodations, products or activities that which are not available on the premises ~~on which~~ where the sign is located. ~~A Digital Billboard is an off-premise sign that utilizes digital message technology, capable of changing the static message or copy on the sign~~

electronically. A digital billboard may be internally or externally illuminated.

On-premises sign means any permanently affixed structure or mural that is erected and maintained for the purpose of advertising the name of a business, services, accommodations, products or activities which are actually offered for sale or for rent available on the premises on which where the sign is located.

Permittee means a person who holds a permit issued for a billboard ~~sign by the state department of transportation, pursuant to the provisions of state laws, rules and regulations,~~ sign or billboard.

Portable sign means any sign which is not permanently affixed to a building, structure or the ground, or which is attached to ~~a vehicle, or on~~ its own trailer, wheels, or otherwise is designed or intended to be transported from one place or another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols.

Roof sign means any sign attached to or erected over or on the roof of the a building. Signs attached to or painted on a parapet wall shall not be considered roof signs.

Snipe sign means any sign attached to a utility pole, tree, fence post or other object, or any sign installed without permission of the owner of the property where the sign is placed: or on county right-of-way without proper permitting. Any sign designed to provide warning to the public shall not be considered to be a snipe sign.

Temporary sign means any sign not constructed or intended for long-term permanent use. This excludes window signs and portable signs.

Wall mural means a painting or an artistic work composed of photographs or arrangements of color that may display a noncommercial image which is painted onto and not attached or fastened to the external wall of a building. Commercial messages or logos are not wall murals and shall be counted towards the wall sign allocation.

SECTION 2. Section 62-3302, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3302. - Enforcement.

- (a) Violations of this article shall be enforced pursuant to ~~Sec. section 1-7-General penalty; continuing violations~~ or prosecuted before the code enforcement special master magistrate pursuant to ~~eChapter 2, aArticle VI, dDivision 2.~~ In addition, violations of subsections 62-3306(a)(3), permit requirement for temporary signs, and 62-3309(4), (5), (7), (8) and (11), prohibited signs, may be enforced pursuant to paragraph (c) below. ~~The provisions of this section are additional and supplemental means of enforcement. Nothing in this section shall prohibit enforcement by any other means provided by law.~~
- (b) Notwithstanding the provisions of this section, the county is authorized to remove, without notice, any sign on the county right-of-way, which it determines to be a safety hazard to the traveling public. Signs located in the county right-of-way in violation of this article are declared to be a safety hazard to the traveling public.
- (c) ~~Citation procedure. Violator is a person, agent or representative of a business, organization, entity or group which owns a sign that is in violation of this article, has care or control over a sign that is in violation of this article or owns the property on which a sign is located in violation of this article.~~
 - (1) *Notification prior to citation issuance; procedures:*
 - a. ~~Prior to issuing a citation, a code enforcement officer shall provide a warning notice to the violator that the violator has committed a violation of a county code or ordinance and shall establish a reasonable time period, (one to three days) within which the violator must correct the violation.~~

- b. ~~Notice shall conform to the requirements of F.S. § 162.12 when it is not possible for the issuing code enforcement officer to hand deliver the warning notice, and to receive in return the signature of the violator, or an appropriate representative of the violator.~~
- c. ~~If, upon personal investigation, a code enforcement officer finds that the violator has not corrected the violation, or, in the alternative, made substantial documented effort to correct the violation, the code enforcement officer may issue a citation to the violator.~~
- d. ~~A code enforcement officer shall not be required to provide the violator with a reasonable time period within which to correct the violation prior to issuing the citation and may immediately issue a citation if the code enforcement officer has reason to believe that the violation presents a serious threat to public health, safety, or welfare, or if the violation is irreparable, or irreversible, or if the violator is known to have violated the same code or ordinance, and has been previously given notice and afforded the opportunity to correct the violation, within one year of the present violation.~~

(2)

~~Continuing violations. Each day a violation continues subsequent to the issuance of a citation shall constitute a separate violation, for which the initial warning notice and period for corrective action shall suffice, for which a separate subsequent citation may be issued, and an additional penalty may be applied.~~

(3)

~~Form of citation. A citation issued by a code enforcement officer shall be in the form prescribed by the county and shall contain:~~

- a. ~~The date and time of issuance.~~
- b. ~~The name and address of the violator to whom the citation is issued.~~
- c. ~~The date and time the civil infraction was committed.~~
- d. ~~The facts constituting reasonable cause to believe that the violator committed one or more civil infractions with a description of each such infraction.~~
- e. ~~The section number or numbers of the codes or ordinance violated.~~
- f. ~~The name and authority of the code enforcement officer.~~
- g. ~~The procedure for the violator to follow in order to pay the civil penalties or to contest the citation.~~
- h. ~~The applicable civil penalty for each civil infraction if the violator elects to contest the citation.~~
- i. ~~The applicable civil penalty for each civil infraction if the violator elects not to contest the citation.~~
- j. ~~A conspicuous statement that if the violator fails to pay the civil penalty or penalties within the time allowed, or fails to appear in court to contest the citation, the violator will be deemed to have waived the right to contest the citation, and that, in such case, judgment may be entered against the violator for an amount up to the maximum civil penalties.~~

(4)

~~Refusal to sign or accept citation. Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 or 775.083.~~

- (5) ~~Deposit of citations.~~ After issuing a citation to an alleged violator, the code enforcement officer shall deposit the original citation and one copy with the clerk of the county court. The clerk of the court shall notify the county administrator or his designee of any contested citations, and of the court date(s) when such contested citations may be scheduled to be heard by the county court.
- (6) ~~Uncontested citations.~~ A violator may pay the civil penalties as indicated on the citation within 90 days of receiving the citation. Payment shall waive the violator's right to a hearing to contest the citation, and shall constitute an admission of the violations.
- (7) ~~Hearing.~~
- a. ~~An alleged violator may contest the validity of a citation by requesting a hearing before a judge of the county court in and for county. The alleged violator shall request a hearing in writing within 15 days according to the instructions to be included on the citation form itself, or by appearance in person at the office of the clerk of the court, or in any other manner determined by the court to be appropriate, and which provides adequate notice to the county manager or his designee.~~
- b. ~~At any hearing, proof of the commission of a violation of a code or ordinance must be by a preponderance of the evidence. Unless otherwise required by state law or rules of court, formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings.~~
- (8) ~~Penalties.~~
- a. ~~A violation of a county Code provision or part thereof, that this section authorizes to be enforced by the issuance of citations is a civil infraction when such provision is sought to be enforced or the violator punished pursuant to this section.~~
- b. ~~The maximum civil penalty or fine shall not exceed \$500.00 per civil infraction.~~
- c. ~~A civil penalty or fine of less than the maximum civil penalty shall be assessed if the violator does not contest the citation.~~
- d. ~~The amount of the penalty for an uncontested citation shall be determined by resolution of the board of county commissioners.~~
- e. ~~If, after hearing, the judge of the county court shall affirm a contested citation or portion thereof, the court shall set the penalty for the violations. However, the penalty set shall not be less than the amount of the citation penalty had it been paid as uncontested.~~
- f. ~~All fines shall be satisfied by personal check, credit card or money order of other payment made payable to and acceptable by the clerk of the court. The clerk may assess a late fee against all fines paid after the original 90-day due date but before any hearing on the citation.~~
- (9) ~~Failure to pay or contest, failure to appear.~~ If a violator fails to pay the civil penalties or fines or fails to request a hearing, fails to appear in court to contest the citation when a hearing has been requested, or fails to appear in court as may be required, the court may enter judgment for an amount not to exceed \$500.00 per infraction, and/or may issue a rule to show cause, sua sponte, or upon the request of the issuing agency. The court rule to show cause shall require the violator to appear before the court to explain why action on the citation has not been taken. If a person who uses such rule to show cause fails to appear in response to the court's order, the violator may be held in contempt of court.

(10)

~~Collection. As an additional remedy, the county may refer violations neither paid within 90 days of issuance nor contested within 15 days of issuance to a collection agency for processing, collection, and notification of failure of payment to any credit bureau.~~

SECTION 3. Section 62-3303, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3303. - Purpose and applicability.

(a)

~~It is the purpose and intent of this article to provide a comprehensive set of guidelines regulating the type, number, size, location and maintenance of all on-premises, off-premises and temporary signs and advertising structures in order to protect the health, safety, welfare and general well-being of the citizens of the county without impeding the inherent right of all persons to advertise and assist potential customers in locating and identifying any service or facility they may desire to use or any product they may desire to purchase. It is also the intent of this article to provide flexibility for reasonable identification and advertising by professional, commercial and industrial establishments while promoting traffic safety and avoiding visual blight and contributing to the overall aesthetic well-being of the citizens which translates to economic, social and general well-being of the county.~~

(b)

The purpose of regulating the type, number, size, location installation, and maintenance of signs is to ensure that their purpose can be served without unduly interfering with: motorists, water drainage, and access to property by utility and emergency vehicles. It is not the intent of this article to regulate the copy or content of signs or to give greater protection to either commercial or noncommercial speech. Any sign authorized by this article may contain noncommercial copy.

(c)

It is also the intent of this article to provide flexibility for reasonable identification and advertising by professional, commercial and industrial establishments while promoting traffic safety and avoiding visual blight and contributing to the overall aesthetic well-being of the citizens which translates to economic, social and general well-being of the county. This article shall be applicable to the unincorporated areas of the county.

(d)

~~The county manager or designee shall have the authority to create administrative policies and procedures for the purpose of administration and enforcement of this article. Such administrative policies and procedures shall be in compliance with the intent and purpose of this article and shall not have the effect of waiving requirements specifically provided for herein.~~

SECTION 4. Section 62-3304, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3304. – Nonconforming signs.

~~Signs or advertising structures which are made nonconforming by this article shall be regulated as follows:~~

(1)

Any temporary sign pursuant to section 62-3317 shall be removed or made to conform to this article within 180 days from the effective date of the ordinance from which this article is derived.

(2)

No A conforming sign or advertising structure shall not be issued a permit or allowed permitted to be erected on the same place of business with an existing nonconforming sign until the nonconforming sign has been removed or made conforming- brought into compliance and issued a permit, if required.

(3)

A nonconforming permanent sign shall not be modified in such a way which would increase the nonconformity of the sign. A nonconforming sign shall not be replaced by another

nonconforming sign except for the change of copy or substitution of changeable panels.

(4)

Reasonable repair and maintenance of nonconforming signs, including change of advertising message, is permitted and is not a change, which would terminate the nonconforming status. Reasonable repair and maintenance means the work necessary to keep the sign structure in a state of good repair, including the replacement, in-kind, of materials in the sign structure. Where the replacement of materials is involved, such replacement may not exceed 50 percent of the structural materials in the sign within any 24-month period. The replacement value and repair and maintenance cost shall be determined by the submission of two written estimates from contractors, engineers, or architects.

(5)

A nonconforming sign may not be disassembled and re-erected at the same location.

(6)

A nonconforming sign may not be relocated.

(7)

A nonconforming sign may continue to exist so long as it is not destroyed, abandoned, or discontinued as follows:

a.

"Destroyed" means more than 50 percent of the upright supports of a sign structure are physically damaged such that the normal repair practices of the industry would call for replacement of the damaged support(s). A sign will not be considered "destroyed" within the meaning of this section under the following conditions:

1.

The destruction of a sign caused by vandalism or other criminal or tortuous act.

2.

The sign owner must demonstrate that the replacement materials cost would not exceed 50 percent of the value of the structural materials in the sign, immediately prior to destruction. The following shall be applicable in determining whether the replacement materials cost to re-erect the sign would not exceed 50 percent of the value of the structural materials in the sign:

A.

Structural materials are all those materials incorporated into the sign as load-bearing parts, including vertical supports, horizontal stringers, braces, bracing wires, brackets and catwalks. Structural materials do not include the sign face, and skirt, any electrical service, or electrical lighting, except in cases where such items have been incorporated into the sign as load-bearing parts.

B.

The value of the structural materials in the sign immediately prior to destruction shall be based on the cost of all structural materials contained in the sign as it was configured just prior to damage, and the cost of such materials shall be based on or about the date of destruction, without regard to any labor costs or special market conditions.

C.

The materials to be included in the replacement materials costs to re-erect the sign shall be all materials that would be used to return the sign to its configuration immediately prior to destruction, and shall include any material obtained from a source other than the sign itself, that is repaired on site. The repairs to the sign shall be those reasonably necessary to permanently repair the sign in accordance with the normal industry standard. The cost of such materials shall be as described in subsection (7)a.2.B., above.

b.

A nonconforming sign is "abandoned" or "discontinued" when the sign face which remains devoid of a bona fide advertising or when there is no bona fide advertising contract for 180 consecutive days or longer. Signs displaying an "available for lease" or

similar message, signs displaying advertising for a product or service no longer available, and partially obliterated signs which do not identify a particular product, service, or facility shall be considered void of advertising matter. A nonconforming sign which is abandoned or discontinued shall lose its nonconforming status.

(8)

Any repair and maintenance or re-erection of a nonconforming sign pursuant to this section, without the required building or sign permit shall constitute prima facie evidence that the damage or adverse conditions exceeded the limits provided herein and result in the loss of nonconforming status.

(9)

~~Signs, which lose nonconforming status, are illegal and subject to section 62-3305.~~

SECTION 5. Section 62-3305, Code of Ordinances of Brevard County, Florida, is hereby deleted in its entirety and reserved:

~~Sec. 62-3305. Removal of illegal or abandoned signs.~~

(1)

~~All signs deemed to be illegal or abandoned as defined in this article shall be removed within 30 days of the effective date of the ordinance from which this article is derived.~~

(2)

~~Any sign which is located in the unincorporated area of the county, which sign was erected, operated, or maintained without the permit required by this article, or is abandoned, is declared to be a public nuisance and shall be removed as provided in this section. Each day an illegal or abandoned sign remains located in the unincorporated area of the county constitutes a separate violation.~~

(3)

~~Upon a determination by the county manager or designee that a sign is abandoned, or erected or maintained without a permit, the sign face shall be prominently posted with a notice stating that the sign is illegal and must be removed within 30 days after the date on which the notice was posted if it is a permanent sign or removed within 24 hours if it is a temporary sign. A written notice shall be sent by certified mail to the current landowner of record of the property on which the sign is located and the sign owner, if identified on the sign, concurrent with and in addition to posting the notice on the sign, stating that the sign is illegal and must be permanently removed within the time period specified on the posted notice. The written notice shall further state that the sign owner has a right to request a hearing before the code enforcement special master, which request must be filed with the code enforcement division within 30 days after the date of the written notice. However, the filing of a request for a hearing will not stay the removal of the sign.~~

(4)

~~If, pursuant to the notice provided, the sign is not removed by the sign owner within the prescribed period, the county shall immediately cause removal of the sign without further notice; and for that purpose, the employees, agents, or independent contractors of the county may enter upon private property without incurring any liability for so entering.~~

(5)

~~For purposes of this section, a notice to the sign owner, when required, constitutes sufficient notice. Under such circumstances, notice is not required to be provided to the lessee, advertiser, or the owner of the real property on which the sign is located.~~

(6)

~~If, after a hearing, it is determined that a sign has been wrongfully or erroneously removed pursuant to this section, the county shall compensate the sign owner for lost revenues, and at the sign owner's discretion, shall pay either just compensation to the owner of the sign or reerect the sign, in kind, at the expense of the county.~~

(7)

~~However, if the sign owner demonstrates to the county that:~~

~~(a)~~

~~The sign has been unpermitted, structurally unchanged, and continuously maintained at the same location;~~

- (b) The sign meets the criteria established in this article for issuance of a permit;
- (c) The county has not initiated a notice of violation or taken other action to remove the sign;
- (8)
 - (a) ~~If a sign is under construction and the county determines that a permit has not been issued for the sign as required under provisions of this chapter, the county is authorized to require that all work on the sign cease until the sign owner shows that the sign does not violate the provisions of the section. The order to cease work shall be prominently posted on the sign structure, and further notice is required to be given. The failure of a sign owner or her or his agents to immediately comply with the order shall subject the sign to prompt removal by the county.~~
 - (b) ~~For the purposes of this subsection only, a sign is under construction when it is in any phase of initial construction prior to the attachment and display of the advertising message in final position for viewing by the traveling public. A sign that is undergoing routine maintenance or change of the advertising message only is not considered to be under construction for the purposes of the subsection.~~
 - (9) ~~The cost of removing a sign, whether by the county or an independent contractor, shall be assessed against the owner of the sign by the county. Unpaid removal costs shall be imposed as a lien against the sign owner by the code enforcement special master at the properly noticed hearing.~~

SECTION 6. Section 62-3306, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3306. - Permits generally.

- (a) *Required permits and approvals.*
 - (1) *Building permit.* Except as provided in section 62-3307- Exemptions from permit requirement, no person, property owner, or sign contractor shall erect, construct, locate, make structural repairs or maintain or permit to be erected, constructed, located, structurally repaired or maintained any permanent sign on property located within the unincorporated area of the county, without prior issuance of a building or electrical permit by the county building division.
 - (2) *Temporary signs.* ~~Except as provided in section 62-3307, no person shall locate any temporary sign on property within the unincorporated area of the county without prior issuance of a permit issued by the county manager or designee.~~
- (b) *Transfer.* Permits issued under this article may be transferred from one owner of the property or sign to another, but may not be transferred from one location or property to another.
- (c) *Temporary special event signs.* ~~The applicant for a permit for a temporary special event sign shall specify the number of events and the dates for which the special event sign will be displayed. The permit will be issued based upon these specified limitations. If the applicant wishes to amend the original time periods specified within the permit, the applicant shall notify the code enforcement division of the change by certified mail. The code enforcement division shall provide written verification of the change of status to the applicant.~~
- (cd) Applications for required permits shall be approved or denied with written cause within 15 business days of submittal. The 15 business day period shall run from the date the applicant

certifies in writing that the application is complete. In the event more information is required from the applicant to complete review of the application, the 15 business day period shall run from the receipt of the additional information. In the event the applicant has not been notified that the application has been denied upon the expiration of the 15 business day period, the permit shall be automatically issued and forwarded to the applicant.

(de) Digital billboards may be permitted at existing off-premise sign structures, in non-residential zoning districts subject to the following requirements:

1. The County shall only approve and issue permits for digital billboards that upgrade existing nonconforming billboards in instances where the county has made a legal settlement or agreed to do so in the course of condemnation and/or eminent domain proceedings. Otherwise, the general nonconforming provisions of this section shall apply.
2. Operational limitations. Digital billboards shall contain static messages only and shall not have movement or the appearance or optical illusion of movement of any part of the sign structure, design, or pictorial segment of the sign. Each static message shall not include movement or the appearance of movement or the flashing, scintillating or the varying of light intensity.
3. Minimum display time. Each message on the sign must be displayed for a minimum of six (6) seconds.
4. Digital Billboard illumination shall be exempt from the requirements of Sec. 62-2257, ~~Code of Ordinance of Brevard County, Florida.~~
5. Each display shall have a light sensing device with dimming ability that will adjust the brightness of the billboard as ambient lighting conditions change. Light intensity will be adjusted so as not to exceed 0.3 foot candles above ambient lighting, as measured using a foot-candle meter at a preset distance. The pre-set distance to measure the foot candle impacts vary with the expected viewing distances and the face size of each sign noted below. Measurement shall be performed perpendicular from the sign face and at the distances stated for each face size:

Face Size	Distance
12x25	150'
10'6"x36'	200'
14x48	250'

6. Notwithstanding the nonconforming status of an off-premise sign, where a settlement agreement has been reached in the course of condemnation and/or eminent domain proceedings, an existing off-premise sign structure may be permitted by the commission to be upgraded to a steel monopole type construction that will sufficiently handle the weight and load of a digital billboard and meet the requirements of the building code. Any such upgrade shall not violate any law of the State of Florida or the United States. This type of modification is only available where the owner of the billboard accepts a modified billboard in lieu of compensation for the billboard condemned. Payment for the billboard condemned makes the owner ineligible for the application of the modification of nonconforming billboard provisions contained herein. Billboard owners may be paid the cost of removal and demolition for the billboard condemned ~~withough~~ without losing eligibility to use the provisions of this ordinance.
7. The technology currently being deployed for digital billboards is LED (light emitting diode), but there may be alternate, preferred and superior technology available in the future.
8. Owners of Digital Billboards are encouraged to coordinate with the local authorities to display, without charge, on an as-needed basis, regional emergency information important to the traveling public including, but not limited to Amber Alerts, evacuation information, hurricane warnings or pertinent emergency management information.

SECTION 7. Section 62-3307, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3307. - Exemptions from permit requirement.

The following types of signs do not require a permit, provided that the sign complies with the applicable provisions of this article:

- (1) *Change of copy.* Any change of sign copy or the repainting of any sign face shall not require a permit.
- (2) *Traffic regulatory, ~~and directional~~ and instructional signs.* Traffic regulatory, ~~and directional~~, and instructional signs erected by authorized agents of the county or state, a municipality, the federal government or a private development for the safety and welfare of the public shall not require a permit. However, such signs must comply with all applicable standards of the Manual of Uniform Traffic Control Devices.
- (3) *Identification signs.* Identification signs which do not require a permit include signs identifying only the name and address of the owners, occupants or buildings. Such signs shall not exceed an area of two square feet for a single-family residential structure or four square feet for a multiple-family, nonresidential or mixed use structure.
- (4) *Flags, and banners and symbols.*
 - a. ~~Flags, emblems, symbols or insignias of any nation, state, political subdivision, religious, charitable, political, social or fraternal organization, school, public or private nonprofit organization or any business shall be exempt from permitting when the flag or symbol is displayed on a flag pole or other supporting structure. Flags, banners and symbols shall meet the criteria set forth in subsection 62-3316(g)(1).~~
 - b. Up to two (2) banners measuring 3' x 5' each can be displayed on a developed site when located 25 feet or greater from any intersection (street or driveway) without a permit. Proposed banners not meeting the size or location limitations listed above shall be permitted as part of a special event permit and meet the requirements of Section 62-3317(5). For the purpose of this section, site means the parcel of land identified by the property appraiser's office where the activity is occurring.
- (5) *Memorial signs.* Memorial signs, including the names of buildings, dates of erection or historical data, shall be exempt from permitting when cut into any masonry surface, inlaid into the face or foundation or affixed to the face of a building.
- (6) *Window signs.* Window signs shall not require a permit, but shall not exceed 50 percent coverage of each individual window. Special event signs for nonprofit organizations, open and closed signs and signs indicating hours of operation shall not be used in calculating the 50 percent maximum.
- (7) *Machine or equipment signs.* Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, which identify or advertise only the product or service dispensed by the machine or equipment, shall be exempt from permitting. These include but are not limited to signs customarily affixed to vending machines, newspaper racks and telephone booths. Gasoline and fuel pricing signs shall be exempt when required by law to be posted.
- (8) *Political campaign signs.* Nonilluminated political campaign signs and public issue signs shall be exempt from permitting, subject to the requirements of section 62-3317.
- (9) *Holiday signs.* Holiday signs, emblems, symbols and decorations for national or religious holiday observance shall be exempt from permitting.

- (10) *Garage sale signs.* Garage sale signs shall be exempt from permitting subject to the requirements set forth in section 62-3317.
- (11) *Real estate signs.* Signs for sale, lease or rental of real estate shall be exempt from permitting, subject to the requirements of section 62-3317. Real estate signs also include open house and model home signs.
- (12) *Vehicular signs.* Vehicular signs shall be exempt from permitting.
- (13) *Public convenience and warning signs.* Signs which identify the location of restrooms and public telephones and signs which indicate dangers of trespassing, swimming and animals shall be exempt from permitting.
- (14) *Historical markers.* Any sign, banner or symbol used for the purpose of designating a historical structure, place or site recognized by a governmental entity shall be exempt from permitting.
- (15) *Temporary construction signs.* Any temporary project sign under 32 square feet in size shall be exempt from permitting, subject to the provisions of section 62-3317, as applicable.
- (16) *A-frame or sandwich boards signs.* A-frame or sandwich board signs, one per business, shall be exempt from permitting requirements, provided it is no larger than three feet tall and 24 inches wide and is only located on the developed site where the activity is occurring.

SECTION 8. Section 62-3309, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3309. - Prohibited signs.

- (a) *Generally.* The following types of signs are prohibited:
 - (1) Signs which are placed on county property, including the county right-of-way, except for the following:
 - a. Government regulatory signs;
 - b. Emergency signs, warning signs erected by a governmental agency, public utility company, or contractor doing authorized or permitted work within the public right-of-way;
 - c. Bus bench and shelter signs authorized by the board of county commissioners;
 - d. Temporary signs which meet the criteria provided in subsection 62-3317(b);
 - e. Beautification/landscaping sponsorship signs not exceeding four square feet in size and two feet in height.
 - (2) Portable signs, except as provided in section 62-3317;
 - (3) Signs which imitate authorized traffic signs, signals or devices;
 - (4) Snipe signs;

- (5) Signs found by the code enforcement division or building division to be structurally unsafe or a hazard to public safety;
- (6) Abandoned signs;
- (7) Any series of two or more signs which must be read together to obtain a single message;
- (8) Animated signs or activated signs;
- (9) Roof signs, except when incorporated into the building plans as an integral part of the structure;
- (10) Any sign which is erected, constructed or located on a parcel or tract of land without obtaining the appropriate permits when a permit is required;
- (11) Banners or flags, except as provided for in subsections 62-3307(4) and 62-3316(g); and
- (12) No off-premises signs shall be erected after October 16, 2003, except that upgrades, replacements, or modifications to existing signs may be permitted as authorized by this ordinance for condemnation settlement proceedings addressing replacement of existing nonconforming off-premise signs or billboards notwithstanding the provision of subsection (b) below and new digital or traditional billboards may replace existing nonconforming off-premise signs or billboards where the county has made a legal settlement or agreed to do so in the course of condemnation and/or eminent domain proceedings.

~~(b) Off-premises noncommercial signs on scenic roadways. No off-premises noncommercial (billboard) sign shall be erected, constructed or located on property adjacent to or visible from the following road segments in the unincorporated area of the county:~~

- ~~(1) U.S. 1, from the intersection of SR 46 to the Volusia County line;~~
- ~~(2) SR 46, entire length;~~
- ~~(3) SR 50, entire length;~~
- ~~(4) SR 405, entire length;~~
- ~~(5) U.S. 1, from the south corporate limits of the city of Titusville to Golden Knights Boulevard;~~
- ~~(6) SR 407, entire length;~~
- ~~(7) SR 528, entire length;~~
- ~~(8) SR 524, entire length;~~
- ~~(9) SR 520, from its intersection with I-95 to the Orange County line;~~
- ~~(10) CR 3, from SR 528 to the boundary of Kennedy Space Center;~~
- ~~(11) Tropical Trail, entire length;~~
- ~~(12)~~

~~SR 515, from its northern terminus to the north corporate limits of the city of Cocoa, and from the south corporate limits of the city of Rockledge to its southern terminus;~~

~~(13)~~

~~SR 404, entire length;~~

~~(14)~~

~~Wickham Road, entire length;~~

~~(15)~~

~~SR A1A, from the south corporate limits of the town of Melbourne Beach to the Indian River County line;~~

~~(16)~~

~~U.S. 1, from the south corporate limits of the town of Malabar to the Indian River County line;~~

~~(17)~~

~~Babcock Street, from the south corporate limits of the city of Palm Bay to the Indian River County line;~~

~~(18)~~

~~U.S. 192, from its intersection with I-95 to the Osceola County line;~~

~~(19)~~

~~U.S. 1, east side, from the south corporate limits of the city of Rockledge to the north corporate limits of the city of Melbourne; and~~

~~(20)~~

~~SR A1A, unincorporated areas, between the south boundary of Patrick Air Force Base and the north boundary of the town of Indian Lake.~~

SECTION 9. Section 62-3310, Code of Ordinances of Brevard County, Florida, is hereby deleted in its entirety:

~~Sec. 62-3310. Construction standards.~~

~~All signs which are erected or installed on property within the unincorporated areas of the county shall be constructed in accordance with the county's adopted building and electrical codes.~~

SECTION 10. Section 62-3314, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3314. - Illumination.

Illuminated signs shall be shielded with an opaque shade and directed so as to produce no glare on roadways and surrounding properties. Externally or internally illuminated signs shall be in compliance with Section 62-2257, except as otherwise provided herein for digital billboards pursuant to Section 62-3306 (d) (4).

SECTION 11. Section 62-3316, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3316. - On-premises signs.

(a)

Maximum surface area. A total sign surface area of two square feet for each linear foot of building frontage facing a public street or parking lot shall be allowed on each parcel or tract of land located in the IN(L), IN(H), GML(P, I, U, H), BU-1-A, BU-1, BU-2, TU-1, TU-2, RVP, RP, IU, IU-1, PBP and PIP zoning classifications; approved commercial areas within the RU-2-30, PUD or RPUD or within commercially developed agricultural tracts zoned GU, AU, PA or AGR to identify approved on-site businesses. The sign surface area of freestanding signs, wall signs, projecting signs and window signs shall be utilized to calculate the maximum allowable cumulative sign surface area.

(b)

Freestanding signs. (see also Overlay Districts)

(1)

Maximum number. One freestanding sign per each minimum parcel of land on a public street shall be permitted. Where the parcel is located on more than one street frontage, one freestanding sign shall be permitted on each street frontage. If the parcel has street frontage in excess of 200 feet, one additional freestanding sign shall be permitted for each 200-foot increment.

(2)

Size. The maximum allowable sign surface area for each freestanding sign shall be 150 square feet. In cases where more than one freestanding sign is permitted, the aggregate sign surface area shall not exceed 300 square feet.

(3)

Separation. Freestanding signs shall be placed no closer than 100 feet apart on the same parcel or tract of land and no closer than 50 feet from a freestanding sign located on an adjacent parcel or tract of land.

(4)

Setback. Freestanding signs shall maintain a minimum 15-foot setback from all property lines. Pole or pedestal-mounted signs shall maintain a clearance of eight feet from the bottom of the sign to the ground when located closer than 25 feet to any intersection (street or driveway). Ground signs shall be no higher than four feet when located closer than 25 feet to any intersection (street or driveway).

(5)

Maximum height. The maximum height for any freestanding sign shall be 20 feet.

(6)

Changeable copy. No more than 90 percent of the sign surface area of any permanent freestanding sign shall be a changeable copy sign.

(7)

Permitted zoning classifications. See Table 1 following this article.

(c)

Wall signs and Murals.

(1)

Wall coverage. The total number of wall signs and coverage area is limited by the criteria in subsection (c)(2), below.

(2)

Size. The maximum allowable aggregate sign surface area for all wall signs on any structure shall not exceed one square foot per linear foot of building frontage facing a public street or parking lot, except that each separate establishment in a multiple-unit project shall be entitled to a minimum sign surface area of 20 square feet. Wall signage and commercial lettering/script incorporated within a wall mural shall not exceed ten percent of the square footage of the building wall, regardless of the number of signs.

(3)

Geometric area. Where individual letters or other graphic symbols are used separately or together to form the intended message, the size shall be determined by using the geometric area of the common shape which totally encloses the letters or symbols.

(4)

Changeable copy. No more than 90 percent of the sign surface area of any wall sign shall be a changeable copy sign.

(5)

Maximum projection and height. No wall sign shall project above the roofline or beyond the facade or wall of the structure to which the sign is attached. Wall signs shall not project more than 12 inches out from the wall to which they are attached, and shall not project into the public right-of-way.

- (6) *Permitted zoning classifications.* See Table 1 following this article.

(d) *Projecting signs.*

- (1) *Maximum number and size.* One projecting sign may be substituted for each wall sign provided that the aggregate sign surface area of the projecting sign shall not exceed the allowable sign surface area of the wall sign which the projecting sign replaces.
- (2) *Maximum projection and height.* Projecting signs shall not project more than four feet from the building wall on which the sign is attached. No projecting sign shall extend more than 20 feet above ground level to the top of the sign, and signs shall not project above the roofline of the structure on which the sign is attached. Projecting signs shall not project into the public right-of-way, and shall maintain a minimum clearance of eight feet from the ground to the bottom of the sign.
- (3) *Under-canopy signs.* Where an awning, canopy or marquee is utilized, an under-canopy sign may be hung from the awning, canopy or marquee provided that the sign is no larger than four square feet and maintains a minimum clearance of at least eight feet from the bottom of the sign to the sidewalk grade. No more than one under-canopy sign shall be utilized by each separate establishment, and the square footage of the sign shall be included in the maximum allowable sign surface area.
- (4) *Changeable copy.* No part of a projecting sign may be a changeable copy sign unless the tract or parcel of land does not have a freestanding sign. In a case where no freestanding sign exists on the property, no more than 90 percent of the surface area of the projecting sign shall be a changeable copy sign.
- (5) *Distance from adjacent property or buildings.* Projecting signs shall not be erected closer than five feet to another lot line or adjacent establishment.
- (6) *Permitted zoning classifications.* See Table I following this article.

(e) *Multifamily development.*

- (1) *Freestanding signs.*
- a. *Area.* One freestanding sign for each street frontage shall be permitted as follows:
1. Uses of 12 units or less: 16 square feet.
 2. Uses of 13 units or more: 24 square feet.
- b. *Location.* The sign may be a single sign with two faces of equal size if located within an entrance median within a private roadway or drive, or two single-faced structures of equal size located on each side of the entrance.
- c. *Height and front setback.* Maximum height shall be six feet with a minimum setback of ten feet from front property lines.
- d. *Side setback.* Minimum setback from side lot lines shall be ten feet.
- (2) *Wall signs.* One wall sign may be utilized in lieu of a freestanding sign of a maximum size as

specified in subsection 62-3316(e)(1)(a) above. No projecting or roof signs shall be permitted.

(f)

Ingress and egress signs.

(1)

Maximum number. Two signs, for directional purposes only, shall be permitted at each point of ingress and egress to a parking area as approved on the site plan or plat.

(2)

Size. The maximum allowable sign surface area for each ingress and egress sign shall be four square feet. The sign surface area of ingress and egress signs shall not be included in the maximum allowable sign surface area.

(3)

Maximum height. Ingress and egress signs shall not exceed four feet in height as measured from the top of the sign to the grade of the road nearest to the base of the sign.

(4)

Permitted zoning classifications. See Table 1 following this article.

(g)

(1) *Flags.*

(a)

Maximum number. A maximum of four flagpoles shall be permitted per each minimum parcel of land ~~on a public street~~. Only one flag shall be allowed on a flagpole.

(b)

Maximum size. Flag size shall be in relation to the height of the flagpole. The maximum height of any flag ~~or combination of flags~~ shall be 25 percent of the total height of the flagpole. The maximum length of any flag shall be the ratio of 2:1 (twice the height) of the flag.

(c)

Maximum height. The maximum height of a flagpole shall be 32 feet.

(d)

Setback. Flagpoles shall maintain a 15-foot setback from all property lines and a 25-foot setback from any intersection (street or driveway).

(e)

Permitted zoning classifications. See Table 1 following this article.

(2) *Banners.*

(a)

Banner content. It is not the intent of this section to regulate the copy or content of banners utilized at professional sports stadiums.

(b)

Maximum banner area. At professional sports stadiums, there is no square footage limitation on the banner area. For all other banner usage the limitations stated in Section 62-3317 (5) shall be applied.

(h)

Overlay districts. Signage for properties located within the overlay districts defined herein shall meet the following supplemental sign criteria:

(1)

TU-2 zoning district - All properties within the TU-2 zoning classification.

a.

One freestanding sign may be permitted up to 250 square feet in area, if the property qualifies for more than one freestanding sign, the aggregate sign surface area shall not exceed 400 square feet.

b.

Maximum height of signs shall be based on the structural height thresholds specified in

article VI of this chapter.

(2)

Merritt Park Place subdivision in the Merritt Island redevelopment area—All properties within the Merritt Place subdivision.

a.

The maximum allowable sign surface area for each freestanding sign shall be 64 square feet.

b.

Freestanding signs in the Merritt Park Place subdivision shall maintain a minimum seven and one-half foot setback from all property lines, except where coincident with the SR 520 right-of-way line. Otherwise, all other provisions as described above shall apply.

(3)

The Avenue - All properties within the PUD known as 'The Avenue', located in Viera.

a.

Total accumulative signage area (including window/wall signage, under-canopy signs, awning signage and freestanding sign opportunities) shall not exceed one and one-half square foot per linear foot of building frontage.

b.

Tenant signage which is "not readily visible" from a public street or adjacent property will not be considered as signage and not added to the accumulative signage area total.

(4)

North Courtenay Parkway Corridor - All properties with street frontage along North Courtenay Parkway north of the Barge canal to the Kennedy Space Center shall meet the following supplemental criteria for the review of all permits applied for on or after the effective date of this article.

a.

One additional freestanding sign for every 500 feet of street frontage beyond the first 200 feet of frontage, to a maximum of three total freestanding signs.

b.

Freestanding signs shall be placed no closer than 500 feet apart on the same parcel or tract of land.

c.

Freestanding signs shall be encased within a structure that is architecturally related to and compatible with the main building and overall architectural design of the development.

d.

All freestanding signs shall be ground signs and such signs shall be no more than 12 feet in height. Sign surface area shall be limited to 100 square feet for individual businesses. For sites containing multiple businesses, sign surface area shall be limited to 120 square feet.

e.

Landscaping shall be integrated with each freestanding sign and irrigation supply shall be located within 100 feet of the sign.

f.

Internal lighting of signs is prohibited.

g.

The use of fluorescent or day-glo materials is prohibited.

SECTION 12. Section 62-3317, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3317. - Temporary signs.

All temporary signs and portable signs shall require a permit be permitted pursuant to section 62-3306(a)(3), except where exempted in section 62-3307.

(1)

Temporary signs.

a.

Maximum aggregate sign surface area. The maximum aggregate sign surface area shall not exceed 48 square feet per lot for temporary signs located within any residential zoning classification. The maximum allowable size for any temporary sign located on residentially zoned property shall not exceed 16 square feet. The maximum aggregate sign surface area for temporary signs located within any commercial or industrial zoned classifications shall not exceed 200 square feet per lot or site plan. Portable signs shall be included in determining the maximum aggregate sign surface area.

b.

Setback/size. Temporary signs located on private property shall meet the following criteria:

1.

If the temporary sign is located within five feet of the front (road frontage) property line, the temporary sign may be ~~four six~~ square feet maximum and a maximum four feet in height measured from the ground except for exempt banner signs allowed under Section 62-3307 (4). Banner signs in excess of four feet in height shall be located 25 feet or greater from any intersection (street or driveway).

2.

If the temporary sign is setback five to 15 feet, the temporary sign may be 32 square feet maximum and a maximum of ten feet in height measured from the ground. The temporary sign shall be located 25 feet or greater from any intersection (street or driveway).

3.

If the temporary sign is setback 15 to 25 feet, the temporary sign may be 40 square feet maximum and a maximum of 20 feet in height measured from the ground. The temporary sign shall be located 25 feet or greater from any intersection (street or driveway).

4.

If the temporary sign is setback 25 feet, the temporary sign may be 75 square feet maximum and a maximum of 32 feet in height measured from the ground. The temporary sign shall be located 25 feet or greater from any intersection (street or driveway).

5.

All temporary signs shall maintain a minimum 15-foot setback from all other property lines.

c.

Time limitation.

1.

Temporary signs subject to permitting requirements are not to be erected for more than 30 consecutive days per permit. No more than six temporary signs permits may be issued for location at a particular property within a 12-month period.

2.

Temporary signs exempt from permitting requirements and located on private property shall be posted as follows:

i.

Noncommercial temporary signs shall be removed or replaced every 30 days.

ii.

Temporary political campaign signs shall be removed within seven days after (1) withdrawal from candidacy, (2) elimination from candidacy, or (3) election to office.

iii.

All other temporary signs shall be removed within seven days after the completion of the event.

(2)

Temporary signs located in county right-of-ways. Directional signs may be located in the county right-of-way to direct traffic to special events, garage sales and real estate model homes and open houses, subject to the following criteria:

a.

Size and construction—special event and garage sale signs. Special event and garage sale directional signs may not exceed four square feet. Signs shall be constructed of durable, low-impact materials, such as lightweight metal, plastic or wood products.

b.

Size and construction—Model home and open house signs. Model home and open house directional signs may not exceed four square feet and shall be constructed of metal or similar durable material, principally supported by a freestanding frame placed in the ground. Industry sponsored, multilocation real estate competitions shall be considered special events for the purposes of this subsection.

c.

Maximum height. The height of the sign, measured from the ground to the top of the sign, shall not exceed four feet.

d.

Setback. Signs shall be set back at least five feet from the edge of pavement or the face of curb where applicable. Signs shall not be located closer than 25 feet from any intersecting right-of-way lines and shall not be placed in the median.

e.

Time limitation. Signs may be displayed only during actual hours of operation.

f.

Maximum number. A maximum of six signs per each event location may be posted pursuant to this subsection. One sign per named roadway may be posted to direct traffic to the subject location. However, along highways of four lanes or more, a maximum of two signs may be posted, one for each traveled direction. Subsequent signs may be posted at a change of direction.

(3)

Portable signs.

a.

Maximum number. No more than three portable signs may be placed on the premises where an activity or event is taking place. Each portable sign shall be separated by a minimum distance of 100 feet. Such signs shall only use indirect lighting.

b.

Size. The maximum allowable size is 32 square feet, with a maximum allowable height of ten feet.

c.

Setback. Portable signs shall maintain a minimum setback of 15 feet from all property lines and 25 feet from any intersection (street or driveway).

d.

Time limitation. Portable signs shall not be erected for more than 30 consecutive days per permit. No more than four portable sign permits may be issued for location at a particular property within a 12-month period.

(4)

Temporary construction signs.

a.

Maximum number. An on-site temporary construction sign may be erected per street

frontage after a preliminary plat (each phase of a subdivision) or site plan has been approved for the development. Where the subject property has street frontage in excess of 200 linear feet, one additional sign shall be permitted for each 200-foot increment.

- b. *Size.* The maximum allowable sign surface area of a temporary construction sign shall be 50 square feet.
- c. *Setback.* Temporary construction signs shall maintain a minimum 15-foot setback from all property lines.
- d. *Maximum height.* The maximum height of any temporary construction sign shall be four feet, except where the sign is set back 25 feet or more from any adjacent right-of-way, where the maximum height shall be eight feet.
- e. *Time limitation.* Temporary construction signs shall be removed once 90 percent of the subdivision is sold or leased by the developer. All other temporary construction signs shall be removed prior to the issuance of a final certificate of occupancy.
- f. *Temporary off-premises directional signs.* Temporary off-premises signs may be placed on vacant lots, tracts or parcels of land subject to the provisions of this subsection. The applicant shall have written permission of the owner prior to placing an off-premises construction sign on such vacant lot, parcel or tract of land.

(5)

Temporary special event signs.

- a. Banners may be permitted in any zoning district. A cold air inflatable sign may be permitted in all zoning districts except residential zoning districts.
- b. A special event sign shall not exceed 75 square feet in copy area per sign face.
- c. Banner signs shall be securely anchored to buildings, poles, or other structural supports but shall not be permitted to be attached to electric, telephone or other utility poles, guys, or devices.
- d. ~~A maximum number of one banner sign~~ Additional banner signs in excess of the two (2) allowed by Section 62-3307 (4) may be permitted on a parcel and shall not exceed 20 feet in height.
- e. A special event sign shall not be erected more than ~~three~~ five days prior to the special event which it advertises, identifies, or announces and it shall be removed not more than one day after the special event terminates.
- f. No more than one permit for a special event sign shall be issued for any one parcel, or site within a three-month period.
- g. A special event sign shall be set back at least ten feet from all property lines and 25 feet from any intersection (street or driveway).

SECTION 13. Section 62-3318, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3318. - Off-premises signs.

(a)

Off-premises signs.

(1)

Findings, intent and purpose. The construction, erection, location, and use of off-premises signs currently affects the aesthetics, public safety and public welfare of the people of the county, The construction and erection of further off-premises signs within the county will:

a.

Further degrade the aesthetic attractiveness of the natural and manmade attributes of the community, thereby undermining the economic value of tourism and the permanent economic growth that is necessary for the promotion and preservation of the public welfare; and

b.

Have a further detrimental effect on traffic safety.

[(2)

Reserved.]

[(3)

Reserved.]

(4)

Enforcement and penalties.

a.

~~In connection with any off-premises sign which is erected or constructed in violation of the provisions of subsection (3) [sic], e~~Each day the an off-premises sign remains erected in violation of the ordinance shall constitute a separate violation and each the person sign owner or business responsible for erecting or constructing such sign is subject to a penalty of \$500.00 per day until the sign is removed.

(5)

Board's power and right to legislate. This section shall not affect the board's powers and right to legislate or regulate an owner's obligation to maintain in good condition any off-premises sign already constructed and erected as of October 16, [2003,] removal of any off-premises sign from along any portion of a county, state, interstate highway system or the federal-aid primary highway system, or enforcement of this section. This section shall not affect the board's powers and right to enter into settlement agreements with sign owners allowing the installation of digital technology and the conversion of existing signs to digital billboards as part of a settlement of eminent domain proceedings.

SECTION 14. Section 62-3319, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3319. - Variances and appeals.

Variances from the provisions of this article shall be heard by the board of adjustments pursuant to article II, division 5, variances of this chapter. Appeals from the administrative interpretation of this article shall be heard by the board of county commissioners pursuant to article ii, division 6, appeals, of this chapter.

The county manager or designee, upon receipt of a written request for an appeal, shall schedule a time for hearing within 4530 days and shall give notice of the time and place of the hearing to the applicant. A decision of the board shall be rendered in writing within 15 days of the appeal hearing. The applicant may appeal the board's decision to the circuit court by filing a petition for writ of certiorari with the clerk to the circuit court no later than 30 days after the decision. The status quo shall be maintained pending the outcome of judicial review, unless otherwise ordered by a court of law.

SECTION 15. Table 1, Code of Ordinances of Brevard County, Florida, is hereby deleted and replaced in its entirety:

TABLE 1. PERMITTED SIGNS BY TYPE AND ZONING CLASSIFICATION

Zoning Classification	Type of Sign											
	Permanent On-Premises						Temporary					
	Frees- tanding Sign	Wall Sign	Projecting Sign	Development Sign	Directional Sign	Flags	Portable Sign	Real Estate Sign	Garage Sale Sign	Project Sign	Political Campaign Sign	Off-Premises Sign (Billboard)
GU, AU, PA, AGR	X	X		X		X		X	X	X	X	
SR, RR-1, SEU, REU		2		X		X		X	X	X	X	
EU, EU-1, EU-2		2		X		X		X	X	X	X	
RU-1- 7, RU-1- 9, RU-1- 11, RU-1- 13		2		X		X		X	X	X	X	
RRM H-1, RRM H- 2.5, RRM H-5, TRC- 1, TR-3		2		X		X		X	X	X	X	
RU-2- 4, RU-2- 6, RU-2- 8, RU-2- 10, RU-2- 12, RU-2- 15		2		X		X		X	X	X	X	

RU-2-30	1	1	1	X	1	X	1	X	X	X	X	
PUD	1	1	1	X	1	X	1	X	X	X	X	
RVP	X	X	X	X	X	X	X	X	X	X	X	
RP	X	X	X		X	X	X	X	X	X	X	
BU-1-A	X	X	X	X	X	X	X	X		X	X	
BU-1, BU-2	X	X	X	X	X	X	X	X		X	X	X
TU-1, TU-2	X	X	X	X	X	X	X	X		X	X	X
IU, IU-1, PIP, PBP	X	X	X	X	X	X	X	X		X	X	X
GML	X	X			X	X		X		X		

X	Permitted
1	Permitted for commercial uses only
2	Maximum one square foot (Reference section 62-1155(b)(1), zoning approval for business tax receipt; approval of home occupations.)

TABLE 1. SIGNS BY TYPE AND ZONING CLASSIFICATION

On-premises Signs (Section 62-3316)

Zoning Classifications	Permanent							Temporary (Section 62-3317)				
	Canopy and roof signs (awnings and marquees)	Free-standing Sign (pedestal, ground, pole and monument signs)	Wall Sign, window sign	Projecting sign	Development and subdivision signs	Directional, identification, instructional, and directory signs	Flags	Portable, trailer, vehicular signs and A-frame sandwich signs	Real Estate, (model home, open house and directional signs), project, and construction signs	Garage sale sign	Political campaign sign	Special event signs (feather banners and balloons)
GU, AU, PA, AGR	1	1	1	1	X	1	X		X	X	X	1
SR, RR-1, SEU, REU, EU, EU-1, EU-2, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RRMH-1, RRMH-2.5, RRMH-5, TRC-1, TR-3, ARR, TR-1-A, TR-1, TR-2, RA-2-4, RA-2-6, RA-2-8 RA-2-10, EA			2		X		X		X	X	X	3
RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RU-2-15, RU-2-30		5	2		X		X		X	X	X	3
RU-2-30, PUD, RPUD		1	1	1	X	1	X	1	X	X	X	3
RVP		X	X	X	X	X	X	X	X	X	X	X
RP		X	X	X		X	X	X	X	X		X
BU-1-A, IN(L), IN(H)	X	X	X	X	X	X	X	X	X		X	X
BU-1, BU-2, TU-1, TU-2, IU, IU-1, PIP, PBP	X	X	X	X	X	X	X	X	X		X	X
GML (P), (I), (U), (H)		X	X			X	X		X			X

Off-Premise Signs [Section 62-3318 and Section 62-3317 (4) (f)]

Zoning Classifications	
BU-1, BU-2, TU-1, TU-2, IU, IU-1, PIP, PBP	billboard ⁴ and temporary directional signs for construction projects

Right-of-way Signs [Section 62-3301, Section 62-3309 (a) (1) and Section 62-3317 (2)]

bench and bus shelter signs, temporary directional signs for special events, garage sales, real estate model homes and open houses

X	Permitted
1	Permitted for commercial uses only
2	Maximum one square foot window or wall sign (Reference section 62-1155(b) (1), zoning approval for business tax receipt; approval of home occupations.)
3	Balloons/cold air inflatable signs are not allowed in residential districts
4	Billboard signs pursuant to Section 62-3309 (a) (11) and Section 62-3306 (d).
5	Multi-family sign allowance per Section 62-3316 (e).

SECTION 16. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 17. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 18. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 19. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION 20. Inclusion in code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED, in regular session, this 18th day of October, 2011.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Mitch Needelman, Clerk

Robin L. Fisher, Chairperson
(as approved by the Board on October 18, 2011)

(S E A L)

As approved by the Board of County Commissioners on: _____

ORDINANCE NO. 2011-_____

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE IX, SIGN REGULATIONS, SPECIFICALLY AMENDING SEC. 62-3301 DEFINITIONS TO MODIFY, ADD OR DELETE DEFINITIONS TO CLARIFY THE INTENT OF THE CODE; SEC. 62-3302 ENFORCEMENT TO UPDATE CODE REFERENCES AND REMOVE INCONSISTENCIES REGARDING ENFORCEMENT PROCEDURES; SEC. 62-3303 PURPOSE AND APPLICABILITY TO REDEFINE PURPOSE AND INTENT OF SIGN REGULATIONS; SEC. 62-3304 NONCONFORMING SIGNS TO CLARIFY INTENT, UPDATE CODE REFERENCE, AND REMOVE UNNECESSARY LANGUAGE; SEC. 62-3306 PERMITS GENERALLY TO CLARIFY, CONSOLIDATE AND REMOVE UNNECESSARY LANGUAGE; SEC. 62-3307 EXEMPTIONS FROM PERMIT REQUIREMENT TO ADD EXEMPTIONS FOR BANNER AND A-FRAME SIGNS; SEC. 62-3309 PROHIBITED SIGNS TO REMOVE REFERENCES TO FLAGS, BANNERS AND OFF-PREMISES NON-COMMERCIAL SIGNS ON SCENIC ROADWAYS; SEC. 62-3314 ILLUMINATION TO CLARIFY DIGITAL BILLBOARD LIGHTING; SEC. 62-3316 ON-PREMISES SIGNS TO ADD ZONING CLASSIFICATIONS, WALL MURALS, LIMITATIONS FOR COMMERCIAL LETTERING, CREATE FLAG SIZE LIMITATIONS AND ELIMINATE LOCATIONAL CRITERIA; SEC. 62-3317 TEMPORARY SIGNS TO REMOVE OLD REFERENCES AND ALLOWANCE OF OFF-PREMISE DIRECTIONAL SIGNS, TO INCREASE SIZE OF TEMPORARY SIGNS AND INCREASE TIME FRAMES; SEC. 62-3318 OFF-PREMISES SIGNS TO CLARIFY RESPONSIBLE PARTY; SEC. 62-3319 VARIANCES AND APPEALS TO INCREASE THE TIME FOR APPEAL FROM 30 TO 45 DAYS; AMEND TABLE 1. PERMITTED SIGNS BY TYPE AND ZONING CLASSIFICATION; DELETE SEC. 62-3305 REMOVAL OF ILLEGAL OR ABANDONED SIGNS; AND SEC. 62-3310 CONSTRUCTION STANDARDS AS A DUPLICATIVE REGULATION; PROVIDING FOR RESOLUTION OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners wishes to improve the sign code by making it more business friendly; and

WHEREAS, the allowances for A-frame and feather banner signs may improve business sales that will stimulate the local economy; and

WHEREAS, the Board of County Commissioners, on April 19, 2011 directed preparation of an amendment to the Sign Regulations; and

WHEREAS, the Building Construction Advisory Committee, on May 11, 2011, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on July 25, 2011, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the Local Planning Agency and the Building Construction Advisory Committee and has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. Section 62-3301, Code of Ordinances of Brevard County, Florida, hereby amends, removes or creates the following definitions:

Sec. 62-3301. - Definitions.

For the purpose of this article, certain terms and words pertain and are defined as follows:

A-frame signs. A-frame or sandwich board signs are classified as temporary signs.

Abandoned sign. Any sign shall be considered abandoned if the business identified on the 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 180 days. An abandoned sign includes the advertising structure.

Animated or activated sign means a sign with physical action or motion, or giving the appearance thereof, through the use of illumination, wind or other mechanical means. Animated signs shall include flashing (cycles at intervals of less than six (6) seconds) or oscillating signs and swinging signs.

Banner means any sign made of paper, cloth or fabric of any kind, having only such material for a backing. Banners may or may not have characters, letters, logos, illustrations or ornamentations applied thereto. Banners shall include any animated, rotating or fluttering devices designed to attract attention. Balloons shall be considered to be banners. Banners and balloons shall be permitted as temporary special event signs. Flags shall not be considered to be banners.

Building double frontage means a building that has frontage on either: two streets; or two parking lots; or a street and a parking lot, or a street and a major body of water, or a parking lot, or a major body of water.

Changeable panel means a section of a sign face that is replaceable with a section having or forming a different message.

Digital Billboard means an off-premise sign that utilizes digital message technology, capable of changing the static message or copy on the sign electronically. A digital billboard may be internally or externally illuminated.

Electronic sign means any electronic message center, electronic adjustable alternation display, and time or temperature units that cycles at intervals of six (6) seconds or greater.

Embellishment means a panel or component of any sign which extends beyond the border of the sign surface for the purpose of creative design.

Flag means a piece of fabric designed to be hung on one side from a flag pole.

Instructional sign. means any sign that provides instruction, information or directives and is entirely located on the property to which it pertains and does not in any way advertise a business or contain a business logo or graphics (such as signs identifying restrooms, public telephones, and walkways and those similar in nature).

Off-premise sign means any permanently affixed structure that is erected and maintained for the purpose of advertising the name of a business, services, accommodations, products or activities which are not available on the premises where the sign is located.

On-premise sign means any permanently affixed structure or mural that is erected and maintained for the purpose of advertising the name of a business, services, accommodations, products or activities which are available on the premises where the sign is located.

Permittee means a person who holds a permit issued for a sign or billboard.

Portable sign means any sign which is not permanently affixed to a building, structure or the ground, or which is attached to its own trailer, wheels, or otherwise is designed or intended to be transported from one place or another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols.

Roof sign means any sign attached to or erected over or on the roof of a building. Signs attached to or painted on a parapet wall shall not be considered roof signs.

Snipe sign means any sign attached to a utility pole, tree, fence post or other object, or any sign installed without permission of the owner of the property where the sign is placed or on county right-of-way without proper permitting. Any sign designed to provide warning to the public shall not be considered to be a snipe sign.

Temporary sign means any sign not constructed or intended for permanent use.

Wall mural means a painting or an artistic work composed of photographs or arrangements of color that may display a noncommercial image which is painted onto and not attached or fastened to the external wall of a building. Commercial messages or logos are not wall murals and shall be counted towards the wall sign allocation.

SECTION 2. Section 62-3302, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3302. - Enforcement.

(a)

Violations of this article shall be enforced pursuant to Sec. 1-7 General penalty; continuing violations or prosecuted before the code enforcement special magistrate pursuant to Chapter 2, Article VI, Division 2. Nothing in this section shall prohibit enforcement by any other means provided by law.

(b)

Notwithstanding the provisions of this section, the county is authorized to remove, without notice, any sign on the county right-of-way, which it determines to be a safety hazard to the traveling public. Signs located in the county right-of-way in violation of this article are declared to be a safety hazard to the traveling public.

SECTION 3. Section 62-3303, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3303. - Purpose and applicability.

(a)

It is the purpose of this article to provide a set of guidelines regulating the type, number, size, location and maintenance of all signs and advertising structures in order to protect the health, safety, welfare and general well-being of the citizens of the county without impeding the inherent right of all persons to advertise and assist potential customers in locating and identifying any service or facility they may desire to use or any product they may desire to purchase.

(b)

The purpose of regulating the type, number, size, location, installation, and maintenance of signs is to ensure that their purpose can be served without unduly interfering with: motorists, water drainage, and access to property by utility and emergency vehicles. It is not the intent of this article to regulate the copy or content of signs or to give greater protection to either commercial or noncommercial speech. Any sign authorized by this article may contain noncommercial copy.

(c)

It is also the intent of this article to provide flexibility for reasonable identification and advertising by professional, commercial and industrial establishments while promoting traffic safety and avoiding visual blight and contributing to the overall aesthetic well-being of the citizens which translates to economic, social and general well-being of the county. This article shall be applicable to the unincorporated areas of the county.

SECTION 4. Section 62-3304, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3304. – Nonconforming signs.

- (1) Any temporary sign pursuant to section 62-3317 shall be removed or made to conform to this article within 180 days from the effective date of the ordinance from which this article is derived.
- (2) A conforming sign or advertising structure shall not be issued a permit or allowed to be erected on the same place of business with an existing nonconforming sign until the nonconforming sign has been removed or brought into compliance and issued a permit, if required.
- (3) A nonconforming sign shall not be modified in such a way which would increase the nonconformity of the sign. A nonconforming sign shall not be replaced by another nonconforming sign except for the change of copy or substitution of changeable panels.
- (4) Reasonable repair and maintenance of nonconforming signs, including change of advertising message, is permitted and is not a change, which would terminate the nonconforming status. Reasonable repair and maintenance means the work necessary to keep the sign structure in a state of good repair, including the replacement, in-kind, of materials in the sign structure. Where the replacement of materials is involved, such replacement may not exceed 50 percent of the structural materials in the sign within any 24-month period. The replacement value and repair and maintenance cost shall be determined by the submission of two written estimates from contractors, engineers, or architects.
- (5) A nonconforming sign may not be disassembled and re-erected at the same location.
- (6) A nonconforming sign may not be relocated.
- (7) A nonconforming sign may continue to exist so long as it is not destroyed, abandoned, or discontinued as follows:
 - a. "Destroyed" means more than 50 percent of the upright supports of a sign structure are physically damaged such that the normal repair practices of the industry would call for replacement of the damaged support(s). A sign will not be considered "destroyed" within the meaning of this section under the following conditions:
 1. The destruction of a sign caused by vandalism or other criminal or tortuous act.
 2. The sign owner must demonstrate that the replacement materials cost would not exceed 50 percent of the value of the structural materials in the sign, immediately prior to destruction. The following shall be applicable in determining whether the replacement materials cost to re-erect the sign would not exceed 50 percent of the value of the structural materials in the sign:
 - A. Structural materials are all those materials incorporated into the sign as load-bearing parts, including vertical supports, horizontal stringers, braces, bracing wires, brackets and catwalks. Structural materials do not include the sign face, and skirt, any electrical service, or electrical lighting, except in cases where such items have been incorporated into the sign as load-bearing parts.
 - B. The value of the structural materials in the sign immediately prior to destruction shall be based on the cost of all structural materials contained in the sign as it was configured just prior to damage, and the cost of such

materials shall be based on or about the date of destruction, without regard to any labor costs or special market conditions.

C.

The materials to be included in the replacement materials costs to re-erect the sign shall be all materials that would be used to return the sign to its configuration immediately prior to destruction, and shall include any material obtained from a source other than the sign itself, that is repaired on site. The repairs to the sign shall be those reasonably necessary to permanently repair the sign in accordance with the normal industry standard. The cost of such materials shall be as described in subsection (7)a.2.B., above.

b.

A nonconforming sign is "abandoned" or "discontinued" when the sign face which remains devoid of a bona fide advertising or when there is no bona fide advertising contract for 180 consecutive days or longer. Signs displaying an "available for lease" or similar message, signs displaying advertising for a product or service no longer available, and partially obliterated signs which do not identify a particular product, service, or facility shall be considered void of advertising matter. A nonconforming sign which is abandoned or discontinued shall lose its nonconforming status.

(8)

Any repair and maintenance or re-erection of a nonconforming sign pursuant to this section, without the required building or sign permit shall constitute prima facie evidence that the damage or adverse conditions exceeded the limits provided herein and result in the loss of nonconforming status.

SECTION 5. Section 62-3305, Code of Ordinances of Brevard County, Florida, is hereby deleted in its entirety and reserved:

SECTION 6. Section 62-3306, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3306. - Permits generally.

(a)

Required permits and approvals.

Building permit. Except as provided in section 62-3307- **Exemptions from permit requirement**, no person, property owner, or sign contractor shall erect, construct, locate, make structural repairs or maintain or permit to be erected, constructed, located, structurally repaired or maintained any sign on property located within the unincorporated area of the county, without prior issuance of a building or electrical permit by the county.

(b)

Transfer. Permits issued under this article may be transferred from one owner of the property or sign to another, but may not be transferred from one location or property to another.

(c)

Applications for required permits shall be approved or denied with written cause within 15 business days of submittal. The 15 business day period shall run from the date the applicant certifies in writing that the application is complete. In the event more information is required from the applicant to complete review of the application, the 15 business day period shall run from the receipt of the additional information. In the event the applicant has not been notified that the application has been denied upon the expiration of the 15 business day period, the permit shall be automatically issued and forwarded to the applicant.

(d)

Digital billboards may be permitted at existing off-premise sign structures, in non-residential zoning districts subject to the following requirements:

1. The County shall only approve and issue permits for digital billboards that upgrade existing nonconforming billboards in instances where the county has made a legal settlement or agreed to do so in the course of condemnation and/or eminent domain proceedings. Otherwise, the general nonconforming provisions of this section shall apply.
2. Operational limitations. Digital billboards shall contain static messages only and shall not have movement or the appearance or optical illusion of movement of any part of the sign structure, design, or pictorial segment of the sign. Each static message shall not include movement or the appearance of movement or the flashing, scintillating or the varying of light intensity.
3. Minimum display time. Each message on the sign must be displayed for a minimum of six (6) seconds.
4. Digital Billboard illumination shall be exempt from the requirements of Sec. 62-2257.
5. Each display shall have a light sensing device with dimming ability that will adjust the brightness of the billboard as ambient lighting conditions change. Light intensity will be adjusted so as not to exceed 0.3 foot candles above ambient lighting, as measured using a foot-candle meter at a preset distance. The pre-set distance to measure the foot candle impacts vary with the expected viewing distances and the face size of each sign noted below. Measurement shall be performed perpendicular from the sign face and at the distances stated for each face size:

Face Size	Distance
12x25	150'
10'6"x36'	200'
14x48	250'

6. Notwithstanding the nonconforming status of an off-premise sign, where a settlement agreement has been reached in the course of condemnation and/or eminent domain proceedings, an existing off-premise sign structure may be permitted by the commission to be upgraded to a steel monopole type construction that will sufficiently handle the weight and load of a digital billboard and meet the requirements of the building code. Any such upgrade shall not violate any law of the State of Florida or the United States. This type of modification is only available where the owner of the billboard accepts a modified billboard in lieu of compensation for the billboard condemned. Payment for the billboard condemned makes the owner ineligible for the application of the modification of nonconforming billboard provisions contained herein. Billboard owners may be paid the cost of removal and demolition for the billboard condemned without losing eligibility to use the provisions of this ordinance.
7. The technology currently being deployed for digital billboards is LED (light emitting diode), but there may be alternate, preferred and superior technology available in the future.
8. Owners of Digital Billboards are encouraged to coordinate with the local authorities to display, without charge, on an as-needed basis, regional emergency information important to the traveling public including, but not limited to Amber Alerts, evacuation information, hurricane warnings or pertinent emergency management information.

SECTION 7. Section 62-3307, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3307. - Exemptions from permit requirement.

The following types of signs do not require a permit, provided that the sign complies with the applicable provisions of this article:

- (1) *Change of copy.* Any change of sign copy or the repainting of any sign face shall not require a permit.
- (2) *Traffic regulatory, directional and instructional signs.* Traffic regulatory, directional, and instructional signs erected by authorized agents of the county or state, a municipality, the federal government or a private development for the safety and welfare of the public shall not require a permit. However, such signs must comply with all applicable standards of the Manual of Uniform Traffic Control Devices.
- (3) *Identification signs.* Identification signs which do not require a permit include signs identifying only the name and address of the owners, occupants or buildings. Such signs shall not exceed an area of two square feet for a single-family residential structure or four square feet for a multiple-family, nonresidential or mixed use structure.
- (4) *Flags, and banners.*
 - a. Flags shall be exempt from permitting when the flag is displayed on a flag pole. Flags shall meet the criteria set forth in subsection 62-3316(g)(1).
 - b. Up to two (2) banners measuring 3' x 5' each can be displayed on a developed site when located 25 feet or greater from any intersection (street or driveway) without a permit. Proposed banners not meeting the size or location limitations listed above shall be permitted as part of a special event permit and meet the requirements of Section 62-3317(5). For the purpose of this section, site means the parcel of land identified by the property appraiser's office where the activity is occurring.
- (5) *Memorial signs.* Memorial signs, including the names of buildings, dates of erection or historical data, shall be exempt from permitting when cut into any masonry surface, inlaid into the face or foundation or affixed to the face of a building.
- (6) *Window signs.* Window signs shall not require a permit, but shall not exceed 50 percent coverage of each individual window. Special event signs for nonprofit organizations, open and closed signs and signs indicating hours of operation shall not be used in calculating the 50 percent maximum.
- (7) *Machine or equipment signs.* Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, which identify or advertise only the product or service dispensed by the machine or equipment, shall be exempt from permitting. These include but are not limited to signs customarily affixed to vending machines, newspaper racks and telephone booths. Gasoline and fuel pricing signs shall be exempt when required by law to be posted.
- (8) *Political campaign signs.* Nonilluminated political campaign signs and public issue signs shall be exempt from permitting, subject to the requirements of section 62-3317.
- (9) *Holiday signs.* Holiday signs, emblems, symbols and decorations for national or religious holiday observance shall be exempt from permitting.

- (10) *Garage sale signs.* Garage sale signs shall be exempt from permitting subject to the requirements set forth in section 62-3317.
- (11) *Real estate signs.* Signs for sale, lease or rental of real estate shall be exempt from permitting, subject to the requirements of section 62-3317. Real estate signs also include open house and model home signs.
- (12) *Vehicular signs.* Vehicular signs shall be exempt from permitting.
- (13) *Public convenience and warning signs.* Signs which identify the location of restrooms and public telephones and signs which indicate dangers of trespassing, swimming and animals shall be exempt from permitting.
- (14) *Historical markers.* Any sign, banner or symbol used for the purpose of designating a historical structure, place or site recognized by a governmental entity shall be exempt from permitting.
- (15) *Temporary construction signs.* Any temporary project sign under 32 square feet in size shall be exempt from permitting, subject to the provisions of section 62-3317, as applicable.
- (16) *A-frame or sandwich boards signs.* A-frame or sandwich board signs, one per business, shall be exempt from permitting requirements, provided it is no larger than three feet tall and 24 inches wide and is only located on the developed site where the activity is occurring.

SECTION 8. Section 62-3309, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3309. - Prohibited signs.

- (a) *Generally.* The following types of signs are prohibited:
 - (1) Signs which are placed on county property, including the county right-of-way, except for the following:
 - a. Government regulatory signs;
 - b. Emergency signs, warning signs erected by a governmental agency, public utility company, or contractor doing authorized or permitted work within the public right-of-way;
 - c. Bus bench and shelter signs authorized by the board of county commissioners;
 - d. Temporary signs which meet the criteria provided in subsection 62-3317(b);
 - e. Beautification/landscaping sponsorship signs not exceeding four square feet in size and two feet in height.
 - (2) Portable signs, except as provided in section 62-3317;
 - (3) Signs which imitate authorized traffic signs, signals or devices;
 - (4) Snipe signs;

- (5) Signs found by the code enforcement division or building division to be structurally unsafe or a hazard to public safety;
- (6) Abandoned signs;
- (7) Any series of two or more signs which must be read together to obtain a single message;
- (8) Animated signs or activated signs;
- (9) Roof signs, except when incorporated into the building plans as an integral part of the structure;
- (10) Any sign which is erected, constructed or located on a parcel or tract of land without obtaining the appropriate permits when a permit is required;
- (11) No off-premises signs shall be erected after October 16, 2003, except that upgrades, replacements, or modifications to existing signs may be permitted as authorized by this ordinance for condemnation settlement proceedings addressing replacement of existing nonconforming off-premise signs or billboards and new digital or traditional billboards may replace existing nonconforming off-premise signs or billboards where the county has made a legal settlement or agreed to do so in the course of condemnation and/or eminent domain proceedings.

SECTION 9. Section 62-3310, Code of Ordinances of Brevard County, Florida, is hereby deleted in its entirety:

SECTION 10. Section 62-3314, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3314. - Illumination.

Illuminated signs shall be shielded with an opaque shade and directed so as to produce no glare on roadways and surrounding properties. Externally or internally illuminated signs shall be in compliance with Section 62-2257, except as otherwise provided herein for digital billboards pursuant to Section 62-3306 (d) (4).

SECTION 11. Section 62-3316, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3316. - On-premises signs.

- (a) *Maximum surface area.* A total sign surface area of two square feet for each linear foot of building frontage facing a public street or parking lot shall be allowed on each parcel or tract of land located in the IN(L), IN(H), GML(P, I, U, H), BU-1-A, BU-1, BU-2, TU-1, TU-2, RVP, RP, IU, IU-1, PBP and PIP zoning classifications; approved commercial areas within the RU-2-30, PUD or RPUD or within commercially developed agricultural tracts zoned GU, AU, PA or AGR to identify approved on-site businesses. The sign surface area of freestanding signs, wall signs, projecting signs and window signs shall be utilized to calculate the maximum allowable cumulative sign surface area.
- (b) *Freestanding signs.* (see also Overlay Districts)
 - (1) *Maximum number.* One freestanding sign per each minimum parcel of land on a public street

shall be permitted. Where the parcel is located on more than one street frontage, one freestanding sign shall be permitted on each street frontage. If the parcel has street frontage in excess of 200 feet, one additional freestanding sign shall be permitted for each 200-foot increment.

(2)

Size. The maximum allowable sign surface area for each freestanding sign shall be 150 square feet. In cases where more than one freestanding sign is permitted, the aggregate sign surface area shall not exceed 300 square feet.

(3)

Separation. Freestanding signs shall be placed no closer than 100 feet apart on the same parcel or tract of land and no closer than 50 feet from a freestanding sign located on an adjacent parcel or tract of land.

(4)

Setback. Freestanding signs shall maintain a minimum 15-foot setback from all property lines. Pole or pedestal-mounted signs shall maintain a clearance of eight feet from the bottom of the sign to the ground when located closer than 25 feet to any intersection (street or driveway). Ground signs shall be no higher than four feet when located closer than 25 feet to any intersection (street or driveway).

(5)

Maximum height. The maximum height for any freestanding sign shall be 20 feet.

(6)

Changeable copy. No more than 90 percent of the sign surface area of any permanent freestanding sign shall be a changeable copy sign.

(7)

Permitted zoning classifications. See Table 1 following this article.

(c)

Wall signs and Murals.

(1)

Wall coverage. The total number of wall signs and coverage area is limited by the criteria in subsection (c)(2), below.

(2)

Size. The maximum allowable aggregate sign surface area for all wall signs on any structure shall not exceed one square foot per linear foot of building frontage facing a public street or parking lot, except that each separate establishment in a multiple-unit project shall be entitled to a minimum sign surface area of 20 square feet. Wall signage and commercial lettering/script incorporated within a wall mural shall not exceed ten percent of the square footage of the building wall, regardless of the number of signs.

(3)

Geometric area. Where individual letters or other graphic symbols are used separately or together to form the intended message, the size shall be determined by using the geometric area of the common shape which totally encloses the letters or symbols.

(4)

Changeable copy. No more than 90 percent of the sign surface area of any wall sign shall be a changeable copy sign.

(5)

Maximum projection and height. No wall sign shall project above the roofline or beyond the facade or wall of the structure to which the sign is attached. Wall signs shall not project more than 12 inches out from the wall to which they are attached, and shall not project into the public right-of-way.

(6)

Permitted zoning classifications. See Table 1 following this article.

(d)

Projecting signs.

(1)

Maximum number and size. One projecting sign may be substituted for each wall sign provided that the aggregate sign surface area of the projecting sign shall not exceed the allowable sign surface area of the wall sign which the projecting sign replaces.

(2)

Maximum projection and height. Projecting signs shall not project more than four feet from the building wall on which the sign is attached. No projecting sign shall extend more than 20 feet above ground level to the top of the sign, and signs shall not project above the roofline of the structure on which the sign is attached. Projecting signs shall not project into the public right-of-way, and shall maintain a minimum clearance of eight feet from the ground to the bottom of the sign.

(3)

Under-canopy signs. Where an awning, canopy or marquee is utilized, an under-canopy sign may be hung from the awning, canopy or marquee provided that the sign is no larger than four square feet and maintains a minimum clearance of at least eight feet from the bottom of the sign to the sidewalk grade. No more than one under-canopy sign shall be utilized by each separate establishment, and the square footage of the sign shall be included in the maximum allowable sign surface area.

(4)

Changeable copy. No part of a projecting sign may be a changeable copy sign unless the tract or parcel of land does not have a freestanding sign. In a case where no freestanding sign exists on the property, no more than 90 percent of the surface area of the projecting sign shall be a changeable copy sign.

(5)

Distance from adjacent property or buildings. Projecting signs shall not be erected closer than five feet to another lot line or adjacent establishment.

(6)

Permitted zoning classifications. See Table I following this article.

(e)

Multifamily development.

(1)

Freestanding signs.

a.

Area. One freestanding sign for each street frontage shall be permitted as follows:

1.

Uses of 12 units or less: 16 square feet.

2.

Uses of 13 units or more: 24 square feet.

b.

Location. The sign may be a single sign with two faces of equal size if located within an entrance median within a private roadway or drive, or two single-faced structures of equal size located on each side of the entrance.

c.

Height and front setback. Maximum height shall be six feet with a minimum setback of ten feet from front property lines.

d.

Side setback. Minimum setback from side lot lines shall be ten feet.

(2)

Wall signs. One wall sign may be utilized in lieu of a freestanding sign of a maximum size as specified in subsection 62-3316(e)(1)(a) above. No projecting or roof signs shall be permitted.

(f)

Ingress and egress signs.

(1)

Maximum number. Two signs, for directional purposes only, shall be permitted at each point of ingress and egress to a parking area as approved on the site plan or plat.

(2)

Size. The maximum allowable sign surface area for each ingress and egress sign shall be four square feet. The sign surface area of ingress and egress signs shall not be included in the maximum allowable sign surface area.

(3)

Maximum height. Ingress and egress signs shall not exceed four feet in height as measured from the top of the sign to the grade of the road nearest to the base of the sign.

(4)

Permitted zoning classifications. See Table 1 following this article.

(g)

(1) *Flags.*

(a)

Maximum number. A maximum of four flagpoles shall be permitted per each minimum parcel of land. Only one flag shall be allowed on a flagpole.

(b)

Maximum size. Flag size shall be in relation to the height of the flagpole. The maximum height of any flag shall be 25 percent of the total height of the flagpole. The maximum length of any flag shall be the ratio of 2:1 (twice the height) of the flag.

(c)

Maximum height. The maximum height of a flagpole shall be 32 feet.

(d)

Setback. Flagpoles shall maintain a 15-foot setback from all property lines and a 25-foot setback from any intersection (street or driveway).

(e)

Permitted zoning classifications. See Table 1 following this article.

(2) *Banners.*

(a)

Banner content. It is not the intent of this section to regulate the copy or content of banners utilized at professional sports stadiums.

(b)

Maximum banner area. At professional sports stadiums, there is no square footage limitation on the banner area. For all other banner usage the limitations stated in Section 62-3317 (5) shall be applied.

(h)

Overlay districts. Signage for properties located within the overlay districts defined herein shall meet the following supplemental sign criteria:

(1)

TU-2 zoning district - All properties within the TU-2 zoning classification.

a.

One freestanding sign may be permitted up to 250 square feet in area, if the property qualifies for more than one freestanding sign, the aggregate sign surface area shall not exceed 400 square feet.

b.

Maximum height of signs shall be based on the structural height thresholds specified in article VI of this chapter.

(2)

Merritt Park Place subdivision in the Merritt Island redevelopment area—All properties within the Merritt Place subdivision.

a.

The maximum allowable sign surface area for each freestanding sign shall be 64 square feet.

b.

Freestanding signs in the Merritt Park Place subdivision shall maintain a minimum seven and one-half foot setback from all property lines, except where coincident with the SR 520 right-of-way line. Otherwise, all other provisions as described above shall apply.

(3)

The Avenue - All properties within the PUD known as 'The Avenue', located in Viera.

a.

Total accumulative signage area (including window/wall signage, under-canopy signs, awning signage and freestanding sign opportunities) shall not exceed one and one-half square foot per linear foot of building frontage.

b.

Tenant signage which is "not readily visible" from a public street or adjacent property will not be considered as signage and not added to the accumulative signage area total.

(4)

North Courtenay Parkway Corridor - All properties with street frontage along North Courtenay Parkway north of the Barge canal to the Kennedy Space Center shall meet the following supplemental criteria for the review of all permits applied for on or after the effective date of this article.

a.

One additional freestanding sign for every 500 feet of street frontage beyond the first 200 feet of frontage, to a maximum of three total freestanding signs.

b.

Freestanding signs shall be placed no closer than 500 feet apart on the same parcel or tract of land.

c.

Freestanding signs shall be encased within a structure that is architecturally related to and compatible with the main building and overall architectural design of the development.

d.

All freestanding signs shall be ground signs and such signs shall be no more than 12 feet in height. Sign surface area shall be limited to 100 square feet for individual businesses. For sites containing multiple businesses, sign surface area shall be limited to 120 square feet.

e.

Landscaping shall be integrated with each freestanding sign and irrigation supply shall be located within 100 feet of the sign.

f.

Internal lighting of signs is prohibited.

g.

The use of fluorescent or day-glo materials is prohibited.

SECTION 12. Section 62-3317, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3317. - Temporary signs.

All temporary signs and portable signs shall require a permit, except where exempted in section 62-3307.

(1)

Temporary signs.

a.

Maximum aggregate sign surface area. The maximum aggregate sign surface area shall not exceed 48 square feet per lot for temporary signs located within any residential zoning classification. The maximum allowable size for any temporary sign located on residentially zoned property shall not exceed 16 square feet. The maximum aggregate sign surface area for temporary signs located within any commercial or industrial zoned classifications shall not exceed 200 square feet per lot or site plan. Portable signs shall be included in determining the maximum aggregate sign surface area.

b.

Setback/size. Temporary signs located on private property shall meet the following criteria:

1.

If the temporary sign is located within five feet of the front (road frontage) property line, the temporary sign may be six square feet maximum and a maximum four feet in height measured from the ground except for exempt banner signs allowed under Section 62-3307 (4) . Banner signs in excess of four feet in height shall be located 25 feet or greater from any intersection (street or driveway).

2.

If the temporary sign is setback five to 15 feet, the temporary sign may be 32 square feet maximum and a maximum of ten feet in height measured from the ground. The temporary sign shall be located 25 feet or greater from any intersection (street or driveway).

3.

If the temporary sign is setback 15 to 25 feet, the temporary sign may be 40 square feet maximum and a maximum of 20 feet in height measured from the ground. The temporary sign shall be located 25 feet or greater from any intersection (street or driveway).

4.

If the temporary sign is setback 25 feet, the temporary sign may be 75 square feet maximum and a maximum of 32 feet in height measured from the ground. The temporary sign shall be located 25 feet or greater from any intersection (street or driveway).

5.

All temporary signs shall maintain a minimum 15-foot setback from all other property lines.

c.

Time limitation.

1.

Temporary signs subject to permitting requirements are not to be erected for more than 30 consecutive days per permit. No more than six temporary signs permits may be issued for location at a particular property within a 12-month period.

2.

Temporary signs exempt from permitting requirements and located on private property shall be posted as follows:

i.

Noncommercial temporary signs shall be removed or replaced every 30 days.

ii.

Temporary political campaign signs shall be removed within seven days after (1) withdrawal from candidacy, (2) elimination from candidacy, or (3) election to office.

iii.

All other temporary signs shall be removed within seven days after the completion of the event.

(2)

Temporary signs located in county right-of-ways. Directional signs may be located in the county right-of-way to direct traffic to special events, garage sales and real estate model homes and open houses, subject to the following criteria:

a.

Size and construction—special event and garage sale signs. Special event and garage sale directional signs may not exceed four square feet. Signs shall be constructed of durable, low-impact materials, such as lightweight metal, plastic or wood products.

b.

Size and construction—Model home and open house signs. Model home and open house directional signs may not exceed four square feet and shall be constructed of metal or similar durable material, principally supported by a freestanding frame placed in the ground. Industry sponsored, multilocation real estate competitions shall be considered special events for the purposes of this subsection.

c.

Maximum height. The height of the sign, measured from the ground to the top of the sign, shall not exceed four feet.

d.

Setback. Signs shall be set back at least five feet from the edge of pavement or the face of curb where applicable. Signs shall not be located closer than 25 feet from any intersecting right-of-way lines and shall not be placed in the median.

e.

Time limitation. Signs may be displayed only during actual hours of operation.

f.

Maximum number. A maximum of six signs per each event location may be posted pursuant to this subsection. One sign per named roadway may be posted to direct traffic to the subject location. However, along highways of four lanes or more, a maximum of two signs may be posted, one for each traveled direction. Subsequent signs may be posted at a change of direction.

(3)

Portable signs.

a.

Maximum number. No more than three portable signs may be placed on the premises where an activity or event is taking place. Each portable sign shall be separated by a minimum distance of 100 feet. Such signs shall only use indirect lighting.

b.

Size. The maximum allowable size is 32 square feet, with a maximum allowable height of ten feet.

c.

Setback. Portable signs shall maintain a minimum setback of 15 feet from all property lines and 25 feet from any intersection (street or driveway).

d.

Time limitation. Portable signs shall not be erected for more than 30 consecutive days per permit. No more than four portable sign permits may be issued for location at a particular property within a 12-month period.

(4)

Temporary construction signs.

a.

Maximum number. An on-site temporary construction sign may be erected per street frontage after a preliminary plat (each phase of a subdivision) or site plan has been approved for the development. Where the subject property has street frontage in excess of 200 linear feet, one additional sign shall be permitted for each 200-foot increment.

b.

Size. The maximum allowable sign surface area of a temporary construction sign shall be 50 square feet.

c.

Setback. Temporary construction signs shall maintain a minimum 15-foot setback from all property lines.

d.

Maximum height. The maximum height of any temporary construction sign shall be four feet, except where the sign is set back 25 feet or more from any adjacent right-of-way, where the maximum height shall be eight feet.

e.

Time limitation. Temporary construction signs shall be removed once 90 percent of the subdivision is sold or leased by the developer. All other temporary construction signs shall be removed prior to the issuance of a final certificate of occupancy.

f.

Temporary off-premises directional signs. Temporary off-premises signs may be placed on vacant lots, tracts or parcels of land subject to the provisions of this subsection. The applicant shall have written permission of the owner prior to placing an off-premises construction sign on such vacant lot, parcel or tract of land.

(5)

Temporary special event signs.

a.

Banners may be permitted in any zoning district. A cold air inflatable sign may be permitted in all zoning districts except residential zoning districts.

b.

A special event sign shall not exceed 75 square feet in copy area per sign face.

c.

Banner signs shall be securely anchored to buildings, poles, or other structural supports but shall not be permitted to be attached to electric, telephone or other utility poles, guys, or devices.

d.

Additional banner signs in excess of the two (2) allowed by Section 62-3307 (4) may be permitted on a parcel and shall not exceed 20 feet in height.

e.

A special event sign shall not be erected more than five days prior to the special event which it advertises, identifies, or announces and it shall be removed not more than one day after the special event terminates.

f.

No more than one permit for a special event sign shall be issued for any one parcel, or site within a three-month period.

g.

A special event sign shall be set back at least ten feet from all property lines and 25 feet from any intersection (street or driveway).

SECTION 13. Section 62-3318, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3318. - Off-premises signs.

(a)

Off-premises signs.

(1)

Findings, intent and purpose. The construction, erection, location, and use of off-premises signs currently affects the aesthetics, public safety and public welfare of the people of the county, The construction and erection of further off-premises signs within the county will:

a.

Further degrade the aesthetic attractiveness of the natural and manmade attributes of the community, thereby undermining the economic value of tourism and the permanent economic growth that is necessary for the promotion and preservation of the public welfare; and

b.

Have a further detrimental effect on traffic safety.

[(2)

Reserved.]

[(3)

Reserved.]

(4)

Enforcement and penalties.

Each day an off-premises sign remains erected in violation of the ordinance shall constitute a separate violation and the sign owner or business responsible for erecting or constructing such sign is subject to a penalty of \$500.00 per day until the sign is removed.

(5)

Board's power and right to legislate. This section shall not affect the board's powers and right to legislate or regulate an owner's obligation to maintain in good condition any off-premises sign already constructed and erected as of October 16, [2003,] removal of any off-premises sign from along any portion of a county, state, interstate highway system or the federal-aid primary highway system, or enforcement of this section. This section shall not affect the board's powers and right to enter into settlement agreements with sign owners allowing the installation of digital technology and the conversion of existing signs to digital billboards as part of a settlement of eminent domain proceedings.

SECTION 14. Section 62-3319, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3319. - Variances and appeals.

Variances from the provisions of this article shall be heard by the board of adjustments pursuant to article II, division 5, variances of this chapter. Appeals from the administrative interpretation of this article shall be heard by the board of county commissioners pursuant to article II, division 6, appeals, of this chapter.

The county manager or designee, upon receipt of a written request for an appeal, shall schedule a time for hearing within 45 days and shall give notice of the time and place of the hearing to the applicant. A decision of the board shall be rendered in writing within 15 days of the appeal hearing. The applicant may appeal the board's decision to the circuit court by filing a petition for writ of certiorari with the clerk to the circuit court no later than 30 days after the decision. The status quo shall be maintained pending the outcome of judicial review, unless otherwise ordered by a court of law.

SECTION 15. Table 1, Code of Ordinances of Brevard County, Florida, is hereby deleted and replaced in its entirety:

TABLE 1. SIGNS BY TYPE AND ZONING CLASSIFICATION

On-premises Signs (Section 62-3316)

Zoning Classifications	Permanent							Temporary (Section 62-3317)				
	Canopy and roof signs (awnings and marquees)	Free-standing Sign (pedestal, ground, pole and monument signs)	Wall Sign, window sign	Projecting sign	Development and subdivision signs	Directional, identification, instructional, and directory signs	Flags	Portable, trailer, vehicular signs and A-frame sandwich signs	Real Estate, (model home, open house and directional signs), project, and construction signs	Garage sale sign	Political campaign sign	Special event signs (feather banners and balloons)
GU, AU, PA, AGR	1	1	1	1	X	1	X		X	X	X	1
SR, RR-1, SEU, REU, EU, EU-1, EU-2, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RRMH-1, RRMH-2.5, RRMH-5, TRC-1, TR-3, ARR, TR-1-A, TR-1, TR-2, RA-2-4, RA-2-6, RA-2-8 RA-2-10, EA			2		X		X		X	X	X	3
RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RU-2-15, RU-2-30		5	2		X		X		X	X	X	3
RU-2-30, PUD, RPUD		1	1	1	X	1	X	1	X	X	X	3
RVP		X	X	X	X	X	X	X	X	X	X	X
RP		X	X	X		X	X	X	X	X	X	X
BU-1-A, IN(L), IN(H)	X	X	X	X	X	X	X	X	X		X	X
BU-1, BU-2, TU-1, TU-2, IU, IU-1, PIP, PBP	X	X	X	X	X	X	X	X	X		X	X
GML (P), (I), (U), (H)		X	X			X	X		X			X

Right-of-way Signs [Section 62-3301, Section 62-3309 (a) (1) and Section 62-3317 (2)]

bench and bus shelter signs, temporary directional signs for special events, garage sales, real estate model homes and open houses

X	Permitted
1	Permitted for commercial uses only
2	Maximum one square foot window or wall sign (Reference section 62-1155(b) (1), zoning approval for business tax receipt; approval of home occupations.)
3	Balloons/cold air inflatable signs are not allowed in residential districts
4	Billboard signs pursuant to Section 62-3309 (a) (11) and Section 62-3306 (d).
5	Multi-family sign allowance per Section 62-3316 (e).

SECTION 16. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 17. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 18. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 19. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION 20. Inclusion in code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

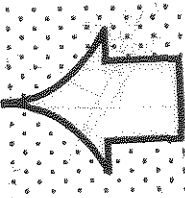
DONE, ORDERED AND ADOPTED, in regular session, this 18th day of October, 2011.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Mitch Needelman, Clerk

Robin L. Fisher, Chairperson
(as approved by the Board on October 18, 2011)



(S E A L)

As approved by the Board of County Commissioners on: _____

NOTICE OF ZONING CODE CHANGE

The Brevard County Board of County Commissioners proposes to adopt the following ordinance described below. A public hearing to consider this ordinance will be held during the Board of County Commissioner's Meeting on October 18, 2011 beginning at 9:00 AM in the Commission Chambers, 1st floor Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE IX, SIGN REGULATIONS, SPECIFICALLY AMENDING SEC. 62-3301 DEFINITIONS TO MODIFY, ADD OR DELETE DEFINITIONS TO CLARIFY THE INTENT OF THE CODE; SEC. 62-3302 ENFORCEMENT TO UPDATE CODE REFERENCES AND REMOVE INCONSISTENCIES REGARDING ENFORCEMENT PROCEDURES; SEC. 62-3303 PURPOSE AND APPLICABILITY TO REDEFINE PURPOSE AND INTENT OF SIGN REGULATIONS; SEC. 62-3304 NONCONFORMING SIGNS TO CLARIFY INTENT, UPDATE CODE REFERENCE, AND REMOVE UNNECESSARY LANGUAGE; SEC. 62-3306 PERMITS GENERALLY TO CLARIFY, CONSOLIDATE AND REMOVE UNNECESSARY LANGUAGE; SEC. 62-3307 EXEMPTIONS FROM PERMIT REQUIREMENT TO ADD EXEMPTIONS FOR BANNER AND A-FRAME SIGNS; SEC. 62-3309 PROHIBITED SIGNS TO REMOVE REFERENCES TO FLAGS, BANNERS AND OFF-PREMISES NON-COMMERCIAL SIGNS ON SCENIC ROADWAYS; SEC. 62-3314 ILLUMINATION TO CLARIFY DIGITAL BILLBOARD LIGHTING; SEC. 62-3316 ON-PREMISES SIGNS TO ADD ZONING CLASSIFICATIONS, WALL MURALS, LIMITATIONS FOR COMMERCIAL LETTERING, CREATE FLAG SIZE LIMITATIONS AND ELIMINATE LOCATIONAL CRITERIA; SEC. 62-3317 TEMPORARY SIGNS TO REMOVE OLD REFERENCES AND ALLOWANCE OF OFF-PREMISE DIRECTIONAL SIGNS, TO INCREASE SIZE OF TEMPORARY SIGNS AND INCREASE TIME FRAMES; SEC. 62-3318 OFF-PREMISES SIGNS TO CLARIFY RESPONSIBLE PARTY; SEC. 62-3319 VARIANCES AND APPEALS TO INCREASE THE TIME FOR APPEAL FROM 30 TO 45 DAYS; AMEND TABLE 1. PERMITTED SIGNS BY TYPE AND ZONING CLASSIFICATION; DELETE SEC. 62-3305 REMOVAL OF ILLEGAL OR ABANDONED SIGNS; AND SEC. 62-3310 CONSTRUCTION STANDARDS AS A DUPLICATIVE REGULATION; PROVIDING FOR RESOLUTION OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

Copies of the ordinance to be considered can be reviewed at Planning and Zoning Office, 1st floor Building A, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purposes, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons seeking to preserve a verbatim transcript of the record must make those arrangements at their own expense.

The needs of the hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance.

Per: Robin M. Sobrino, AICP, Director, Planning and Development Dept.
Brevard County Government Center
2725 Judge Fran Jamieson Way
Viera, FL 32940
(321)633-2070

Amendment to Sign Code

Matrix Describing Provisions of the Proposed Ordinance

SECTION 1. Section 62-3301, Code of Ordinances of Brevard County, Florida, hereby amends, removes or creates the following definitions:

Section #1 amends the following existing definitions for clarity:

- **Abandoned signs** – Removes “on-premises” from definition.
- **Animated or activated sign** – Intervals of less than six (6) seconds are specified to distinguish between animated and electronic signs.
- **Banner** – Removes references to flags.
- **Building double frontage** – Supports existing definition of building frontage.
- **Embellishment** – Clarifies that embellishments are located outside of the copy/message area of the sign.
- **Flag** – Helps to distinguish flags from banners.
- **Instructional sign** – Underscores sign is for informational, instructional or directional purposes.
- **Off-premises sign** – Changes support internal consistency.
- **On-premises sign** – Includes murals which contain a commercial message.
- **Permittee** – Expanded to apply to signs as well as billboards.
- **Portable sign** – Clarifies that signs mounted onto a vehicle are not portable signs.
- **Snipe sign** – Includes signage placed on County rights-of-way.

Section #1 creates the following definitions:

- **A-frame signs** – Adds A-frame or sandwich board signs as temporary signs.
- **Changeable panel** – Identifies portions of a replaceable sign face.
- **Digital Billboard** – Definition needed for latest technology.
- **Electronic sign** – Interval specification distinguishes it from animated or activated signs.
- **Wall mural** – Clarifies murals are for non-commercial purposes.

SECTION 2. Section 62-3302, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Current Code	Proposed Language
<ul style="list-style-type: none"> • Multiple code enforcement mechanisms are available for enforcement: <ul style="list-style-type: none"> ○ Citation ○ Special Magistrate 	<ul style="list-style-type: none"> • Update reflects Special Magistrate process currently in place.

SECTION 3. Section 62-3303, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Current Code	Proposed Language
<ul style="list-style-type: none"> • Describes the purpose and intent of the sign regulations 	<ul style="list-style-type: none"> • Clarifies county role in regulating signage • Removes authority to create administrative policies and procedures • Adds language to recognize a business owner’s right to advertise

SECTION 4. Section 62-3304, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Current Code	Proposed Language
<ul style="list-style-type: none"> • Grants 180 days to bring temporary signs into compliance or remove them • Prohibits additional signs at a business site until nonconforming sign(s) have been removed or made conforming • Prohibits modification of a nonconforming sign that increases its nonconformity • Requires that when nonconforming signs lose their protected status that they are subject to removal per Section 62-3305 	<ul style="list-style-type: none"> • Improves readability

SECTION 5. Section 62-3305, Code of Ordinances of Brevard County, Florida, is hereby deleted in its entirety and reserved:

Current Code	Proposed Language
<ul style="list-style-type: none"> • Describes the process for removing illegal signs 	<ul style="list-style-type: none"> • Deletes the section in its entirety for consistency with current special magistrate process

SECTION 6. Section 62-3306, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Current Code	Proposed Language
<ul style="list-style-type: none"> • Permits required for permanent, temporary, special event signs and digital billboards 	<ul style="list-style-type: none"> • Improves readability and internal consistency • Clarifies property owner or sign contractor is held responsible for obtaining permit • Deletes code enforcement from special event sign permit review as they are not part of the process

SECTION 7. Section 62-3307, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Current Code	Proposed Language
<ul style="list-style-type: none"> • Lists sign types for exemption from permits 	<ul style="list-style-type: none"> • Adds instructional signs • Improves readability of flag exemption • Adds subsection for banner sign exemptions with conditions • Adds A-frame or sandwich board signs with conditions

SECTION 8. Section 62-3309, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Current Code	Proposed Language
<ul style="list-style-type: none"> • Outlines sign types and circumstances for prohibiting signs 	<ul style="list-style-type: none"> • Removes banner and flag prohibition • Removes extraneous section prohibiting the location of off-premise signage adjacent to or visible from scenic roadways

SECTION 9. Section 62-3310, Code of Ordinances of Brevard County, Florida, is hereby deleted in its entirety:	
Current Code	Proposed Language
<ul style="list-style-type: none"> References need for compliance with County building and electric codes 	<ul style="list-style-type: none"> Removes duplicative reference to building codes
SECTION 10. Section 62-3314, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:	
Current Code	Proposed Language
<ul style="list-style-type: none"> Lighting standards for signs 	<ul style="list-style-type: none"> References consistency with performance standards for site lighting
SECTION 11. Section 62-3316, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:	
Current Code	Proposed Language
<ul style="list-style-type: none"> On-premise sign criteria for <ul style="list-style-type: none"> Freestanding signs Wall signs Projecting signs Multifamily development signs Ingress and egress signs Flags & Banners Overlay Districts 	<ul style="list-style-type: none"> Adds the following zoning classifications and areas: IN(L), IN(H), GML(P), GML(I), GML (U), GML(H), approved commercial areas within the RU-2-30, PUD or RPUD or within commercially developed agricultural tracts zoned GU, AU, PA or AGR to identify approved on-site businesses Clarifies intersections refer to streets and driveways Clarifies commercial lettering/script in a wall mural is regulated as wall signage Updates existing flag criteria with regard to maximum number, flag dimensions, and spacing from streets or driveways
SECTION 12. Section 62-3317, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:	
Current Code	Proposed Language
<ul style="list-style-type: none"> Temporary sign criteria <ul style="list-style-type: none"> Temporary signs in general Temporary signs in county rights-of-way Portable signs Temporary construction signs Temporary special event signs 	<ul style="list-style-type: none"> Increases maximum size of temporary signs from four (4) to six (6) square feet within five (5) feet of a roadway Allows exempt banner signs within the five (5) foot setback from a roadway provided sight distance requirements are met Allows additional banner signs for special event by permit Extends timeframe from three (3) days to five (5) days for erecting special events signage prior to the event
SECTION 13. Section 62-3318, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:	
Current Code	Proposed Language
<ul style="list-style-type: none"> Off-premise signs <ul style="list-style-type: none"> Findings, intent and purpose Enforcement and penalties Board's power and right to legislate 	<ul style="list-style-type: none"> Removes reference to previously deleted criteria Improves readability Clarifies definition of "violator" as being "sign owner" or "business" responsible for the sign erection

SECTION 14. Section 62-3319, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Current Code	Proposed Language
<ul style="list-style-type: none">• Variances and appeals<ul style="list-style-type: none">○ Current time frame to submit a written appeal is 30 days	<ul style="list-style-type: none">• Increases time limit of a written appeal from 30 days to 45 days

SECTION 15. Table 1, Code of Ordinances of Brevard County, Florida, is hereby deleted and replaced in its entirety:

Current Code	Proposed Language
<ul style="list-style-type: none">• Sign table – Identifies which zoning classifications can support which types of signage	<ul style="list-style-type: none">• Updates the sign table to include missing zoning classifications and lists all types of signs noted within the text document (on-premise, off-premise, and right-of-way signage)

NOTICE OF ZONING CODE CHANGE

The Brevard County Board of County Commissioners proposes to adopt the following ordinance described below. A public hearing to consider this ordinance was held during the Board of County Commissioner's Meeting on August 4, 2011. A final hearing of this ordinance is to be held on October 18, 2011, at 9:00 a.m., in the Commission Chambers, 1st floor, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE IX, SIGN REGULATIONS, SPECIFICALLY AMENDING SEC. 62-3301 DEFINITIONS TO MODIFY, ADD OR DELETE DEFINITIONS TO CLARIFY THE INTENT OF THE CODE; SEC. 62-3302 ENFORCEMENT TO UPDATE CODE REFERENCES AND REMOVE INCONSISTENCIES REGARDING ENFORCEMENT PROCEDURES; SEC. 62-3303 PURPOSE AND APPLICABILITY TO REDEFINE PURPOSE AND INTENT OF SIGN REGULATIONS; SEC. 62-3304 NONCONFORMING SIGNS TO CLARIFY INTENT, UPDATE CODE REFERENCE, AND REMOVE UNNECESSARY LANGUAGE; SEC. 62-3306 PERMITS GENERALLY TO CLARIFY, CONSOLIDATE AND REMOVE UNNECESSARY LANGUAGE; SEC. 62-3307 EXEMPTIONS FROM PERMIT REQUIREMENT TO ADD EXEMPTIONS FOR BANNER AND A-FRAME SIGNS; SEC. 62-3309 PROHIBITED SIGNS TO REMOVE REFERENCES TO FLAGS, BANNERS AND OFF-PREMISES NON-COMMERCIAL SIGNS ON SCENIC ROADWAYS; SEC. 62-3314 ILLUMINATION TO CLARIFY DIGITAL BILLBOARD LIGHTING; SEC. 62-3316 ON-PREMISES SIGNS TO ADD ZONING CLASSIFICATIONS, WALL MURALS, LIMITATIONS FOR COMMERCIAL LETTERING, CREATE FLAG SIZE LIMITATIONS AND ELIMINATE LOCATIONAL CRITERIA; SEC. 62-3317 TEMPORARY SIGNS TO REMOVE OLD REFERENCES AND ALLOWANCE OF OFF-PREMISE DIRECTIONAL SIGNS, TO INCREASE SIZE OF TEMPORARY SIGNS AND INCREASE TIMEFRAMES; SEC. 62-3318 OFF-PREMISES SIGNS TO CLARIFY RESPONSIBLE PARTY; SEC. 62-3319 VARIANCES AND APPEALS TO INCREASE THE TIME FOR APPEAL FROM 30 TO 45 DAYS; AMEND TABLE 1, PERMITTED SIGNS BY TYPE AND ZONING CLASSIFICATION; DELETE SEC. 62-3305 REMOVAL OF ILLEGAL OR ABANDONED SIGNS; AND SEC. 62-3310 CONSTRUCTION STANDARDS AS A DUPLICATIVE REGULATION; PROVIDING FOR RESOLUTION OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

Copies of the ordinance to be considered can be reviewed at Planning and Zoning Office, 1st floor Building A, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purposes, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons seeking to preserve a verbatim transcript of the record must make those arrangements at their own expense.

The needs of the hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance.

Per: Robin M. Sobrino, AICP, Director, Planning and Development Dept.
Brevard County Government Center
2725 Judge Fran Jamieson Way
Viera, FL 32940
(321)633-2070

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