

ORDINANCE NO. 15-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDC 15T-09**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 2, SECTION 207, TEMPORARY USES; CHAPTER 7, SECTION 760, SIGNS; CHAPTER 9, SECTION 930, VARIANCES AND SPECIAL EXCEPTIONS; CHAPTER 10, DEFINITIONS, TO ENSURE EMERGING LEGAL STANDARDS ARE MET FOR THE REGULATION OF SIGNS; RECOGNIZE EXISTING RIGHTS AND INCLUDE APPROPRIATE PROVISIONS TO BRING NON-CONFORMING SIGNS INTO COMPLIANCE OVER TIME; ENSURE REGULATIONS ARE CLEAR, CONCISE AND EASILY UNDERSTOOD BY ALL AFFECTED PARTIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Local Government Comprehensive Plan and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Land Development Regulations consistent with the Polk County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; and

WHEREAS, Chapter 9, Section 903 of the Land Development Code requires Land Development Code Amendments to be a Level 4 Review; and

WHEREAS, Chapter 9, Section 907 sets forth the purpose and review process for Level 4 Reviews; and

WHEREAS, pursuant to Section 125.67 of the Florida Statutes, every ordinance shall embrace but one subject and matter properly connected therewith; and

WHEREAS, pursuant to Section 163.3174 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Amendment on June 3, 2015; and

WHEREAS, the proposed text amendments to the Polk County Land Development Code is intended to regulate signage; and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida that:

NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

SECTION 1: Chapter 2, Section 207, Temporary Uses, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add and amend the following:

Section 207 Temporary Uses

Temporary uses are defined as those types of activities that are not regularly conducted from a permanent structure or location, and are conducted for only a short period of time.

F. *Signage for Temporary Uses*

Signs for Temporary Uses shall be in accordance with Section 760.F except the time limit for signs for Food Stands, Produce Stands, Special Events, and Meeting Place temporary uses may be for the duration of the temporary use approval.

SECTION 2: Chapter 7, Section 760, Signs, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add and amend the following:

Section 760 Signs

A. *Purpose and General Provisions*

1. This Section shall be known and may be cited as the “Polk County Sign Regulations”.
2. The Purpose of these Sign Regulations is to make known that signs provide an important medium through which businesses and individuals may convey a variety of commercial and noncommercial messages. But, when left unregulated, signs can become a threat to public safety as a traffic hazard, and a detriment to property values and the County’s overall public welfare as an aesthetic nuisance. Therefore, the intent of these Sign Regulations is to:
 - a. Preserve the right of free speech and expression in the display of signs;
 - b. Further the objectives of Polk County’s comprehensive plan;
 - c. Protect the public health, safety and welfare of County citizens;
 - d. Reduce traffic and pedestrian hazards;
 - e. Protect property values by minimizing signs’ possible adverse effects;
 - f. Promote economic development; and
 - g. Ensure the fair and consistent enforcement thereof.
3. These Sign Regulations are intended to complement, and all signs shall be constructed and maintained in compliance with applicable building, electrical, and other codes which apply to structures. Where inconsistency exists between these

Sign Regulations and applicable codes, the more restrictive requirement shall apply.

4. Measurement of Signs:
 - a. The area of signs with regular geometric shapes, including combinations thereof, shall be measured using standard mathematical formulas. If the sign consists of more than one section or module facing the same direction, all areas will be totaled.
 - b. For signs that are (or include) three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area is the sum of the two adjacent vertical faces of the smallest cube encompassing the sign or object.
 - c. Unless stated otherwise in these Sign Regulations, the total surface area of all sign faces shall be counted and considered to be part of the maximum total sign area allowance.
 - d. Double-Face Signs: One side or the larger of the two sides shall be considered in computing square footage requirements for area limitations. Double-face signs connected, but angled more than 45 degrees, shall be required to calculate both sides of the sign.
5. Dangerous Signs: Any sign determined under these Sign Regulations to be a hazard to the public health, safety, and welfare of County residents shall be immediately repaired or removed at the expense of the owner or other party determined to have beneficial use of the sign.
6. Signs placed or erected on public rights-of-way or located in the Clear Visibility Triangle per Section 711 shall be subject to immediate removal unless expressly approved by Polk County or the Florida Department of Transportation.
7. Any sign not complying with all regulations in effect at the time of its construction or use is illegal and subject to notification of violation by the Polk County Code Enforcement Division and/or immediate removal, at the expense of the owner or other party determined to have beneficial use of the sign.
 - a. Non-compliance can result in prosecution in the same manner as misdemeanors are prosecuted, per Chapter 125.69, Florida Statutes.
 - b. A double permit fee shall be paid for any sign or sign component erected without a permit.

- c. Removal of Abandoned Signs: Signs that are abandoned, now and hereafter existing, shall be removed, the sign face at a minimum, within 30 days after notice of abandonment by the County.
8. Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.

B. *Sign Permit Requirements and Appeal*

1. Permit: A sign permit shall be required in accordance with the Polk County Land Development Code for the construction, erection, repair, alteration or relocation of any sign not otherwise exempted.
 - a. Validity of Permit: A sign permit shall become null and void if the work for which the permit was issued has not been started within a period of 6 months after the date of the issuance of the permit. Additionally, any work started, but discontinued for a period greater than 6 months shall cause the permit to become null and void.
 - b. No Permit Required: In addition to any sign otherwise exempted, the changing of a face or normal and regular maintenance that does not alter the supports, structure or location of the sign, nor increases the sign area shall not require a permit.
2. Application for a permit: All applications for sign permits shall be made on the forms provided by the Building Division and shall include the following:
 - a. Name, address, telephone number, and signature of the owner or authorized agent of the premises granting permission for the sign;
 - b. Name, address, telephone and license number of the sign contractor;
 - c. A description of the sign indicating the number, size, shape and dimensions of the sign;
 - d. A schematic drawing of the site showing the proposed location of the sign in relation to nearby buildings and streets;
 - e. The number, in aggregate sign area, of signs on the premises (existing and proposed); and
 - f. For Long-term Temporary Sign permits, applications must also include:
 - 1) The temporary need for the sign; and
 - 2) The expected length of time the sign will be displayed.

3. Application Submittal: Applications for permits shall be submitted to the Building Division together with an application fee as established by resolution of the Board of County Commissioners (BOCC). The Building Division shall review the application, examine the plans and specifications, and may inspect the premises upon which the proposed sign is to be erected.
4. Permit Issued or Denied: Polk County shall have ten working days from the receipt of a complete application to review the application. A permit shall be issued or denied on or before the end of the ten working day review period if the application for a new sign or renewal complies with these Sign Regulations.
 - a. A sign permit application may be denied for reasons such as noncompliance with standards contained herein and any applicable code.
 - b. Polk County shall inform the applicant of the reasons for denying the sign permit application.
 - c. If Polk County does not issue a determination within the ten working day period, the sign permit is deemed approved.
5. Appeal: The aggrieved party shall have 30 calendar days to revise and resubmit the sign permit application at no additional cost for review by Polk County.
 - a. In the alternative, the aggrieved party may appeal a denial of a sign permit application by submitting the appropriate application and fees pursuant to Section 918.C of the Land Development Code.

C. *Exempt Signs*

The following signs are exempted from the permit requirements of Section 760.B, provided that such signs must comply with all other requirements of these Sign Regulations and other applicable codes.

1. Directional signs.
 - a. Signs shall not exceed 3.5 feet in height; however no sign shall exceed 3 feet in height in the clear visibility triangle.
 - b. Each sign shall be no larger than four square feet.
 - c. Each sign shall contain no commercial message; however, a business logo or name is permitted.
 - d. On-site:
 - i. No more than two signs per entrance.
 - ii. One foot minimum setback from the property line.
 - e. Off-site:
 - i. No more than two signs shall be permitted which must be located within a one and one half (1.5) mile radius of the geographic center of the property referenced on said sign.
 - ii. Five foot minimum setback from the property line.

- iii. Written authorization from the property owner(s) where the sign(s) will be located shall be made available upon request.
 - iv. Signs shall comply with Chapter 479, Florida Statutes, when located adjacent to state highways.
- 2. Temporary signs as permitted by Section 760.F.5 (a), 6 (d) & (e).
- 3. One sign or tablet per building, not exceeding four square feet in area, when cut into any masonry surface, or when constructed of bronze or other incombustible material, and attached to the surface of a building.
 - a. No sign shall be mounted at a height greater than six feet from the ground or sidewalk to the bottom of the sign.
- 4. Signs incorporated into machinery or equipment by a manufacturer or distributor.
- 5. Signs carried by a person.
- 6. Flags; where the aggregate sign area of such flags shall not count as chargeable square footage; provided that:
 - a. No more than four flags may be displayed per parcel, and
 - b. Each flag must be flown from a flagpole.
- 7. Any public purpose/safety sign, including regulatory signs and any other notice or warning required by Local, State, or Federal Government law, ordinance, regulation or resolution.

D. *Prohibited Signs; Generally*

Any sign not permitted by these Sign Regulations is prohibited.

E. *Prohibited Signs; Specifically*

The following signs are prohibited, and no variance shall be granted which would authorize same:

- 1. Banners, pennants, ribbons, searchlights, spinners, streamers or inflatable signs, except as may be specifically permitted in these Sign Regulations.
- 2. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- 3. Signs that interfere with any fire escape, emergency exit, standpipe, or any window to the extent that light or ventilation is reduced to a point below that required by any provision of this Section or other applicable regulation.

4. Signs that imitate or are made to resemble official traffic or government signs, symbols and signals.
5. Signs of such intensity or brightness that glares onto adjoining residential property or impair the vision of motorists, cyclists, or pedestrians using or entering a public way.
6. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, sidewalk or street, except house numbers and traffic control signs.
7. Signs placed upon, or attached to benches, bus shelters or waste receptacles that are oriented toward and intended to be visible from the public rights-of-way.
8. Portable signs.
9. Parasite signs.
10. Billboards in the following Selected Area Plans:
 - I-4/NE Parkway
 - Ronald Reagan Parkway
 - North US 27
 - State Road 559
11. Abandoned signs.
12. Snipe signs.
13. Vehicle signs, as defined by these Sign Regulations.
14. Signs containing statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.
15. Animated signs; provided that this subsection shall not prohibit changeable copy signs which are allowed in non-residential districts and on parcels within residential districts where residential support uses are permitted.

F. ***Temporary Signs***

1. **Maximum Size:** Unless stated otherwise in these Sign Regulations, premises may display temporary signs whose aggregate sign areas shall not exceed 32 square feet. However, any double-faced sign allowable under Section 760.F.5 shall be permitted up to 64 square feet of aggregate sign area if no single face exceeds 32 square feet of aggregate sign area, and no other temporary sign is displayed on the premises.

2. Maximum Height: Unless stated otherwise in these Sign Regulations, temporary signs shall not exceed 8 feet in height.
3. Sign may be on-premises or off-premises; however, off-premises signs shall require express consent of the property owner.
4. Sign is not included in the total allowance sign area for a property.
5. Type: Ground or building sign, but shall not be illuminated by electricity.
 - a. Short-term temporary sign
 - i. Displayed for up to 75 consecutive days, twice per calendar year or may be combined to total 150 consecutive days unless stated otherwise in these Sign Regulations.
 - ii. Sign permit is not required; however, the initial date of sign display shall be placed on the sign.
 - iii. Sign shall not exceed 6 feet in height and have a minimum 5 foot setback from the property line.
 - b. Long-term temporary sign
 - i. Displayed for more than 150 consecutive days.
 - ii. Annual sign permit required, renewable up to 3 years.
 - iii. Sign shall not exceed 8 feet in height and have a minimum 5 foot setback from the property line.
 - iv. Sign must have the permit number printed or affixed to the sign.
6. Temporary signs permitted for premises as follows:
 - a. Commercial signs, unless stated otherwise in these Sign Regulations, in:
 - i. Non-residential districts;
 - ii. Residential districts on property with ≥ 5 acres and ≥ 500 feet of public street frontage or $\geq 10,000$ square feet of floor area;
 - b. Signs displayed before, during or after an event or occurrence scheduled to take place at a specific time and place. All such signs shall be removed within 10 days after the end of the scheduled event or occurrence to which they relate;
 - c. One additional temporary sign for premises that has no permanent sign, provided that such sign is not displayed for a period of more than 60 days or until installation of the permanent sign, whichever occurs first;
 - d. Real estate signs (on-premises);
 - i. One sign.
 - ii. Sign shall be removed within one week after closing of the sale of the property or building, or last vacant lot within the subdivision is

built on (or when the subdivision or phase thereof is transferred to a Homeowners Association) to which the sign relates.

- iii. Sign may be double-faced or V-type.
 - iv. Residential Districts
 - 1) Residential dwelling: One ground sign not exceeding 6 square feet in sign area and 6 feet in height. Nothing contained herein shall be construed to permit a sign if private restrictions prohibit or restrict the display of signs.
 - 2) Newly platted residential subdivision sign: One ground sign per entrance, not exceeding 8 feet in height.
 - v. Residential support uses in residential districts.
 - 1) Each sign shall not exceed 8 feet in height.
 - vi. Non-residential Districts
 - 1) One ground sign per 500 feet of public street frontage.
 - 2) Each sign shall not exceed 8 feet in height.
- e. Construction sign;
- i. The sign shall be removed upon the completion of work or the issuance of a Certificate of Occupancy. If construction is not initiated within 60 days after the sign is erected or discontinued for more than 60 days, the sign shall be removed.
- f. Banner
- i. Permitted as a short-term temporary sign in non-residential districts and on parcels within residential districts where residential support uses are permitted, provided:
 - 1) Banner shall not exceed 8 feet in height; and
 - 2) Shall only be attached to poles designed expressly for that purpose.
7. Parcels of more than one acre and multiple tenants (e.g., strip shopping centers or strip malls) shall be permitted temporary signs not to exceed 64 square feet of aggregate sign area. The owner of the strip shopping center or mall shall be responsible for any penalties accrued for non-compliance by the tenants.

G. *On-Premises Signs*

On-Premises signs shall conform to the requirements of these Sign Regulations unless specifically permitted, exempted, or prohibited herein.

- 1. Freestanding signs shall conform to the following requirements:
 - a. Signs located in the RAC, IND, PM, BPC-1, BPC-2, CAC, HIC, LCC, TCC, NAC, RCC, CC, CE and OC land use districts shall be set back a minimum of five feet from the property line, with a height no greater than 15 feet. Each additional foot above 15 feet requires an additional setback

of six inches. No sign shall exceed the maximum structure height in the land use district.

- b. Signs located in the L/R, INST, ROS, PRESV, any of the RL subdistricts, RS, RM, RH and A/RR land use districts shall be set back a minimum of ten feet from the property line, and may be constructed to the maximum sign height as indicated in Table 7.16 without an additional setback. No sign shall exceed the maximum structure height in the land use district.
- c. One sign per parcel and the sign may be double-faced.
- d. Signs shall be separated by a minimum spacing of 50 feet between adjoining parcels.
- e. Signs located within a Development of Regional Impact (DRI) shall conform to the standards in Table 7.15b.

Table 7.15b - Signs in a DRI

Land use per Map H	Sign Area	Sign Height	Minimum setback to achieve maximum height
Residential	32 square feet	6 feet	10 feet
Internal Retail/Commercial or Office	40 square feet	10 feet	5 feet
External Retail/Commercial or Office	250 square feet Parcels <5 acres 150 square feet	30 feet Parcels <5 acres 20 feet	15 feet Parcels <5 acres 10 feet
Phosphate Mining	300 square feet Parcels <5 acres 200 square feet	40 feet Parcels <5 acres 30 feet	20 feet Parcels <5 acres 15 feet

*Sign area and height shall be reduced by 15% in all Selected Area Plans (SAP's) that do not have adopted sign standards.

- 2. Monument signs shall not exceed 4 feet in height, 20 feet in length, 15 inches in width and may have a base of up to 3 feet, except as otherwise provided by these Sign Regulations.
 - a. Multiple monument signs may be located on one parcel so long as the aggregate sign area does not exceed 80 square feet.
 - b. Monument signs may be double-faced.

3. One plaza sign is permitted per parcel. The following shall apply to plaza signs:

- a. A plaza sign may represent two or more parcels. Each parcel advertising on the plaza sign shall not be permitted an individual freestanding/on-premises sign unless the individual parcel or lot in question requesting a freestanding/on-premises sign complies with the following:
 - i. It does not share a common wall within another building or structure on an adjacent parcel; and
 - ii. It does not advertise on said plaza sign; and
 - iii. The free standing/on-premises sign is at least 50 linear feet from said plaza sign or any other free standing/on-premises sign.
- b. Plaza signs shall comply with the setback standards as outlined in Table 7.16 for on-premises signs and shall be permitted a maximum sign height of 20 feet, unless stated otherwise in 3.d, below.
- c. Plaza signs shall be permitted 40 square feet of sign face for the plaza name plus 20 square feet of sign area per tenant, regardless of the land use district.
- d. The maximum permitted plaza sign area within A/RR or any of the Residential land use districts shall adhere to the following sign area and height specifications based upon the road classification for which the plaza sign is oriented:

Road Classification	Square Feet Per Face	Maximum Height
Arterial Road	150	20 feet
Collector Road ⁽¹⁾	120	15 feet
Local Road ⁽²⁾	80	10 feet

⁽¹⁾ Includes urban and rural collectors

⁽²⁾ Or other internal drive aisles

- e. The maximum permitted plaza sign area within the NAC, OC, RCC, CC, PIX, ECX, L/R, INST, LCC and CE land use districts shall not exceed 150 square feet.
- f. Plaza signs shall not be permitted within the PRESV and ROS land use districts.
- g. The maximum permitted plaza sign area in all other land use districts not identified herein shall be 300 square feet.

- h. Plaza signs serving multiple parcels shall submit a common signage plan to include the following:
 - i. All parcel boundaries of the parcels included within the request.
 - ii. Parking lot layout and drive aisles.
 - iii. Entrances and exits to all right-of-ways.
 - iv. All current and proposed signage.
 - i. The plaza sign areas and height as referenced within this Section shall be reduced by 15% in all Selected Area Plans (SAPs) that do not have adopted sign standards.
4. Building signs shall conform to the following requirements:
- a. Building signs may cover an area equivalent to 25 percent of the largest vertical wall of the building. Said signs may be located on any side of the building, and shall not count against the total permitted sign area for freestanding and monument signs. Said signs shall not project above the vertical wall to which it is attached, or more than four feet horizontally from said wall. If said sign projects from the wall to which it is attached it must comply with sub-section 4.c. regarding Projected signs.
 - b. Canopy signs may cover up to 15% of the total vertical sign area of all four sides of the canopy. Signs may be located on any side of the canopy.
 - c. Projected signs that protrude from the wall to which they are attached at a depth greater than three inches shall maintain a minimum vertical clearance of eight feet above the sidewalk or ground level and shall not be erected within or overhang any public rights-of-way. Such signs shall not extend more than four feet beyond the line of the building or structure to which it is attached. The building official may authorize lesser or greater standards in the interest of public safety.
 - d. Roof signs shall not exceed a height equivalent to the elevation of the building upon which the sign is located (i.e., if a building is 20 feet tall, the roof sign may only add an additional 20 feet). The height above the roof may be equal to the height from grade to the highest point of the building, but in no case will the height of the sign, exceed 20 feet from this point to the top of the sign. At no time shall the height of the building plus the height of the roof sign exceed the maximum district structure height as indicated in table 2.2.

- e. Roof sign supports shall appear to be free of any extra bracing angle iron, guy wires, and cables. The supports shall appear to be an architectural and integral part of the building. Supporting columns of round, square, or shaped steel members may be erected if required bracing, visible to the public is minimized or covered.
5. Signs located on subdivision walls (See chapter 10: Subdivision wall)
- a. The total sign area shall not count as chargeable square footage.
 - b. No sign, copy, text or advertising symbol shall be placed upon a subdivision wall at a height greater than the maximum sign height indicated in Table 7.16.
 - c. Any sign located upon a wall-like structure that does not meet the definition of a subdivision wall must comply with the height, setback and sign area regulations for a monument sign.
6. Up to two permanent Neighborhood Identification signs may be permitted at each entrance to a designated neighborhood provided the following conditions are met.
- a. *Content.* Such sign shall contain only the name of the neighborhood and the insignia or motto of the neighborhood.
 - b. *Location.* The sign shall not create a physical or visual hazard for pedestrians or motorists entering or leaving the neighborhood.
 - c. *Maintenance.* Upon application to Polk County for a sign permit, an individual firm, partnership, association, corporation, legally established neighborhood association, or other legal entity shall be designated, in the form of a written statement, as the person responsible for the perpetual maintenance of the sign. The statement shall provide that the person or organization, including its successor or assign, is responsible for maintaining the sign(s).
 - d. *Height and Square Footage.* The sign shall not exceed 6 feet in height and 64 square feet in aggregate sign area.
 - e. *Location of Neighborhood Identification Signs Within County Rights-of-Way.* Neighborhood Identification signs may be located within County rights-of-way only under the following conditions:
 - i. If the entity agreeing to maintain neighborhood signs as set out above in I (6)(c) enters into an indemnification and/or hold harmless agreement acceptable to the County Attorney, the County may permit a sign, and associated walls and permanent planters, to

be placed at the entrance(s) of the neighborhood within the County rights-of-way, including medians, so long as such signs, walls and/or planters do not create a physical or visual hazard for pedestrians or motorists entering or leaving the neighborhood and are not located within the clear visibility triangle or the clear recovery area of the roadway as set out in the State of Florida Department of Transportation's *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways*.

- ii. The location and materials of any sign and associated wall and permanent planters, are subject to approval by the Polk County during the permitting process. Applicant will be required to submit a letter of approval from the County Transportation Department or the Florida Department of Transportation. At the discretion of the Building Director, the application may also be reviewed by the Director of the Land Development Division.

7. Window Signs:

- a. Window signs are permitted provided such signs, in aggregate sign area, are ≤ 25 percent of the total window surface area of the premises facing a public street or parking lot. The aggregate sign area of a window sign shall not count as chargeable square footage.

Table 7.16 On-Premises Sign Standards
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Future Land Use Designation*	Max Square footage per face; Maximum of 2 faces	Max Sign Height	Minimum Setback to achieve maximum height (5' Min.=15' sign)
Regional Activity Centers (RAC) Industrial (IND) Phosphate Mining (PM)	300 square feet Parcels < 5 acres 200 square feet	40 feet Parcels < 5 acres 30 feet	17.5 feet Parcels < 5 acres 12.5 feet
Business-Park Center-1 (BPC-1) Business-Park Center-2 (BPC-2) Community Activity Centers (CAC) High-Impact Commercial Centers (HIC) Linear Commercial Corridor (LCC) Tourism-Commercial Centers (TCC)	250 square feet Parcels < 5 acres 150 square feet	30 feet Parcels < 5 acres 20 feet	12.5 feet Parcels < 5 acres 7.5 Feet
Neighborhood Activity Centers (NAC)	80 square feet	20 feet	7.5 feet
Office Center (OC) Rural-Clusters Centers (RCC) Convenience Centers (CC) Commercial Enclave (CE)	50 square feet	12 feet	5 feet
Leisure/Recreation (L/R) Institutional (INST)	80 square feet	15 feet	10 feet
Recreation and Open Space (ROS) Preservation Areas (PRESV)	40 square feet	8 feet	10 feet
Residential-Suburban (RS) Residential-Low-1(RL-1) Residential-Low-2(RL-2) Residential-Low-3(RL-3) Residential-Low-4(RL-4) Residential-Medium (RM) Residential-High (RH)	32 square feet	6 feet	10 feet
Agriculture/Residential Rural (A/RR)	80 square feet	15 feet	10 feet

*Sign area and height shall be reduced by 15% in all Selected Area Plans (SAP's) that do not have adopted sign standards.

H. *Off-Premises Signs (Billboards)*

1. Location:

- a. Billboards shall be permitted in BPC-1, BPC-2, IND, TCC, RAC, CAC, HIC, and L/R land use districts and in any of such land use districts located within the Green Swamp Area of Critical State Concern, a Special Protection Area or the Polk Parkway Protection Area.
- b. Billboards shall be permitted within a Selected Area Plan (SAP) land use district unless otherwise prohibited.
- c. Minimum spacing between billboards shall be 1,000 feet measured linearly; except in the Polk Parkway Protection area, the minimum spacing shall be 1,500 feet measured linearly.
- d. Minimum spacing between a residential land use district and a billboard shall be 500 feet measured radially. Minimum spacing between a residential land use district and a billboard may be reduced to 250 feet,

measured radially, provided a landscaped buffer, adequate to the location, is planted at the base of the sign and approved by the Land Development Director or his/her designee.

- e. Minimum spacing from any public or private school or public park shall be 250 feet.
 - f. Minimum setbacks shall be 50 feet from the front property line and 10 feet from the side and rear property lines. Setbacks shall be measured from that portion of the sign in closest proximity to the respective property line.
2. Type:
- a. Billboards shall not be stacked, placed side-to-side or have three or more faces, and shall be limited to freestanding type signs.
3. Size:
- a. Minimum sign face shall be 128 square feet. Maximum sign face shall be 800 square feet. Sign embellishments shall be considered a part of the sign face.
 - b. No portion of the sign face shall be less than 8 feet or more than 40 feet in height. In no instance shall a sign exceed the maximum district structure height as provided in Table 2.2.

I. Non-conforming Signs

- 1. Existing legal non-conforming signs shall be “Grandfathered” and may be maintained for continued safe use. A lawfully erected sign made non-conforming by new regulations becomes a legal non-conforming sign.
- 2. Any sign not lawfully existing under new regulations, and which should have been removed or modified under prior law is an illegal non-conforming sign. The adoption of this Ordinance shall not affect the requirement that all such illegal non-conforming signs be removed or made to conform to these Sign Regulations.
- 3. A non-conforming sign is subject to the provisions of Section 479.105, Florida Statutes.
- 4. A non-conforming sign may not be relocated, except to a conforming location.
- 5. A non-conforming sign may not be enlarged or altered in a way which increases its degree of non-conformity, but any sign or portion thereof may be altered to decrease its degree of non-conformity.

6. In the event of an eminent domain action, Section 121 of this Code shall apply. However, a non-conforming sign subject to the provisions of Section 70.20, Florida Statutes, may be relocated and reconstructed .
7. Removal of Non-conforming Signs: Non-conforming signs shall not be reestablished after damage or destruction if the estimated cost of reconstruction or repair exceeds 50 percent of the replacement value of the non-conforming sign. The sign must be rebuilt to conform to current regulations, or removed within 90 days at no cost to the County.
 - a. All existing legal signs which are non-conforming due to their location in an improper land use district shall be removed at no cost to the County within twenty (20) years of the effective date of the sign regulations in effect at the time of the non-conforming determination.
 - b. If a business for which a non-conforming sign is used ceases to operate for a period of six months, the sign shall lose its non-conforming status, and shall be removed or made to conform within 90 days of such business ceasing to operate.
 - c. Any billboard located within 1,000 feet measured linearly of any other billboard (regardless of jurisdiction), or 1,500 feet measured linearly (regardless of jurisdiction) in the event the sign is located within the Polk Parkway Protection Area, which is destroyed, dismantled or damaged beyond 50 percent of its total value as recorded on the Polk County tax roll may not be repaired or replaced and must be removed, along with any associated supporting structure at no cost to Polk County.

J. *Signage Plans*

Introduction:

Unique mixed-use developments that have been planned to create a strong sense of place and community may have signage plans. Signage plans shall be permitted subject to the appropriate review, that implement a signage system that sets forth a strong identity for the overall development while at the same time allowing each business to communicate with the public in a consistent, community-building, coordinated manner. A balance of sign size to the overall environment, and overall enhancement of the development is a desired result of signage plans. To achieve this goal, a system of prescriptive and variable sign elements may be designed as part of a signage plan.

Requirements:

1. Large-scale mixed use projects may elect to create a specific signage plan consistent with the architectural theme of the overall project if the project meets the following minimum criteria:

- a. The project has an Activity Center Future Land Use designation
 - b. The project consists of more than one land use or business entity.
2. The signage plan shall contain the following elements:
- a. Description of overall project.
 - b. Description of signage and graphic element to include:
 - i. types and illustrations of signs allowed.
 - ii. General location for Level 3 review (specific location to be determined during Level 2 review)
 - iii. General requirements.
 - iv. Maximum heights of each sign type.
 - v. Maximum copy area of each sign type.
 - vi. Proposed lighting of signs.
 - vii. Colors and materials.
 - viii. Treatment of “trademark business.”
 - ix. Overall Project Identification sign(s), if proposed, at the entry of the project to create a unique image and identification for the project. More than one Project Identification sign may be permitted if there are multiple entrances to the project.
 - x. Provisions for Gateway Signs (at the applicant’s discretion).
3. Signage plans shall be subject to the Polk county Level 3 review process.

K. *Variances*

Sign variances may be granted in accordance with Sections 930 and 931 for height and setbacks only. Sign variances shall be approved or denied by the Planning Commission for height and by the Land Development Division Development Review Committee for setbacks.

SECTION 3: Chapter 9, Section 930, Variances and Special Exceptions, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to amend the following:

Section 930 Variances & Special Exceptions

B. *Authority*

Where there is no other form of relief available, the Board of Adjustment shall have the authority to grant variances or special exceptions from the terms and requirements of this Code relative to:

1. The dimensional requirements in Tables 2.2, 4.2, 4.4, 4.9, 4.13, 4.15, 4.17, 401.08.04 and 5.3. Variances by the Board of Adjustment to density, floor area ratio and minimum lot size requirements are prohibited;
2. Section 206.M, Solar Panels and Solar Energy Systems (lot size requirement, Setbacks, height, or solar panel or equipment location requirements)
3. Section 207D, Temporary Mobile Home for Medical Hardship (special exception);
4. Section 209.G, Accessory Structure (size)
5. Section 211.B, Swimming Pool Enclosure
6. Section 214, Distance Between Buildings;
7. Section 215, Setbacks From Private Roads;
8. Section 216, Commercial Vehicle Parking and Storage (special exception);
9. Section 222.E Livestock and Fowl in Residential Neighborhoods
10. Section 224, Alcohol Sales, (Distance requirements only)
11. Section 303, Communication Towers, Section 2 (Separation from Airports);
12. Section 303 Solar Electric Power Generation Facility (l.d – height)
13. Section 303, Utilities, subsection 8 (electrical power substations and electrical power switching stations);
14. Section 401.04, US highway 98 Selected Area Plan, the following subsections:
 - a. 401.04.D.6.i
 - b. 401.04.D.7.d
 - c. 401.04.D.8.j
15. Section 610.D.4 & 6, (Setbacks).

16. Section 761, Maximum Permissible Noise Levels by Land Use Designation
17. The linear distance measurement and height approved by Level 3 Review or Level 4 Review. Variances by the Board of Adjustment to density, floor area ratio and minimum lot size requirements are prohibited.
18. The height requirements in the Military Compatibility Zone as indicated in Section 642.
19. Section 401.08.Southeast Polk Selected Area Plan, subsection 401.08.H.1.

C. ***Public Notice***

Public notice of the Board of Adjustment hearings shall be given pursuant to Section 960.

D. ***Planning Commission***

Variances may be granted by the Planning Commission only when the variance request is part of an application for Conditional Use C-3 or C-4. However, sign variances for height shall be granted by the Planning Commission in accordance with Section 760.K. Variances eligible for review by the Planning Commission are listed in Section 930 and only apply when in conjunction with a Planned Development, C-3 or C-4 application with the exception to sign variances.

SECTION 4: Chapter 10, Definitions, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add and amend the following:

CHAPTER 10 - DEFINITIONS

RESIDENTIAL SUPPORT USES: The use of land, buildings or structures for uses which include but are not limited to child care centers, schools, and religious institutions.

SIGN: Any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device, including the sign's area, face and structure, which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information. Types of signs are identified as:

ABANDONED SIGN: A sign shall be considered abandoned when the business activity or firm, which such sign advertises, is no longer in operation for a period of at least 60 days, or does not have a current occupation tax certificate in effect. In the alternative, a sign which is non-commercial in nature and the content of the sign pertains to a time, event or purpose which has elapsed or expired in the preceding 60 days.

AGGREGATE SIGN AREA: The total available sign area of all sides or portions of a sign.

ANIMATED SIGN: Any sign using actual motion or the illusion of motion.

BANNER: A sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. “Banner” does not include ground signs or pole signs, regardless of whether said signs are on-site or off-site.

BILLBOARD: A permanently constructed sign structure composed of one or more large surfaces for permanent or changeable messages supported by vertical posts and generally used for off-premises advertising.

BUILDING SIGN: A sign displayed upon or attached to any part of the exterior of a building, and including wall signs, projected signs, and roof signs.

CANOPY SIGN: See MARQUEE SIGN.

CHANGEABLE COPY SIGN: A sign with a fixed or changing display/copy composed of: 1) manual placement of letters or symbols on a panel mounted in or on a track system, or 2) a series of lights that may be changed through electronic means not more than once every six seconds.

CONSTRUCTION SIGN: A sign located on the premises of a construction site, identifying the purpose of the construction, the name of the architect, engineer, contractor, subcontractor and suppliers of material or equipment on the premises of work under construction.

DIRECTIONAL SIGN: A sign design to provide direction to pedestrian and vehicular traffic. Such sign shall not include any advertising message; however, the name or logo of the business or use to which the sign is giving direction may also be included on the sign.

DOUBLE-FACE SIGN: A sign with back-to-back parallel faces, provided that the faces are joined on the same support or separated by not more than three feet . Double-face signs include “V-type” signs. See “V“-TYPE SIGN.

EMBELLISHMENT: Letters, figures, characters or representations in cut-out or irregular forms or similar ornaments attached to or superimposed upon a wall or sign.

FLAG: A sign, usually square- or rectangular-shaped, made of paper, plastic or fabric of any kind and intended to be hung from a flagpole by being tethered along one side.

FLAGPOLE: A freestanding ground mounted structure, or a structure mounted to a building, wall, or roof and used for the sole purpose of displaying a flag.

FREESTANDING SIGN: A sign which is permanently supported by structures or supports in or upon the ground and independent of support from any building.

GROUND SIGN: See FREESTANDING SIGN.

HOME OCCUPATION SIGN: A building sign displayed where there is a licensed home occupation.

MARQUEE SIGN: A building sign upon, attached to, or hanging from a marquee; said marquee to mean a canopy or covered structure projecting from and supported by a building when such canopy or covered structure extends beyond the building line or property line. This definition includes CANOPY SIGN.

MEMORIAL SIGN: See TABLET SIGN.

MONUMENT SIGN: Any sign, other than a Pole sign, which is placed upon or supported by structures or supports in or upon the ground and independent of support from any building. This definition includes SOLID BASE SIGN.

MULTI-TENANT SIGN: See PLAZA SIGN.

NEIGHBORHOOD IDENTIFICATION SIGN: A non-commercial sign which is displayed at the entrance to a neighborhood or subdivision and is visible from road rights-of-way. This definition includes SUBDIVISION SIGN.

NEWLY PLATTED RESIDENTIAL SUBDIVISION SIGN: See REAL ESTATE SIGN.

NON-CONFORMING SIGN: A sign or advertising structure existing within the County on the effective date of this Section, which does not conform to the requirements of this Section, and for which a valid sign permit was issued.

OFF-PREMISES SIGN: Any sign which displays, advertises, identifies or directs attention to a business, product, service, activity or place not on the premises on which the sign is located. A sign bearing a non-commercial message is deemed to be On-Site. This definition includes OFF-SITE SIGNS.

OFF-SITE SIGN: See OFF-PREMISES SIGN.

ON-PREMISES SIGN: Any sign (1) identifying or advertising a business, person, activity, goods, products or services, (2) displaying a non-commercial message, or (3) any combination of (1) and (2) located on the same parcel as the sign. This definition includes ON-SITE SIGNS.

ON-SITE SIGN: See ON-PREMISES SIGN.

PAINTED WALL SIGN: Any sign painted directly on any wall or roof material of any building.

PARASITE SIGN: Any sign attached to another sign, for which no permit has been issued.

PENNANT: Any triangular shaped flag-like, feather-like or streamer-like piece of cloth, plastic, foil, or paper attached to any staff, cord, building, or other structure, usually in a series, at only one (1) or two (2) edges with the remainder hanging loosely.

PLAZA SIGN: A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants. This definition includes MULTI-TENANT SIGNS.

POLE SIGN: A ground sign mounted on free standing poles or other supports such that the bottom edge of the sign face is eight feet or more above grade.

POLITICAL SIGN: Any temporary sign erected by a political candidate or authorized representative thereof, for the purpose of advertising a candidate or stating a position regarding an issue which will appear on any primary, general, or special election ballot in the unincorporated area of Polk County.

PORTABLE SIGN: Any sign other than a sandwich sign that is not permanently erected upon the ground, or on the roof of any building or affixed to the wall of any building and which may be readily moved from place to place. This definition does not apply to signs painted directly on vehicles or signs displayed through, but not on, windows.

PROJECTED SIGN: A sign attached to a building or other structure and extending beyond the surface of the building or structure to which it is attached.

REAL ESTATE SIGN: A temporary sign erected on premises pertaining to the sale, lease or rental of land, structure or building and identifying the owner or selling agent. This definition includes NEWLY PLATTED RESIDENTIAL SUBDIVISION SIGN.

ROOF SIGN: Any sign created, constructed, and maintained wholly upon or over the roof of any building.

SANDWICH SIGN: An unsecured temporary sign, double or single faced which is portable, most often forming the cross-sectional shape of the letter "A" when viewed from the side and may readily be moved from place to place.

SNIFE SIGN: Any sign which is attached in any way to a utility pole, tree, fence post, or any other object located on public or private property. Any sign designed to provide warning to the public shall not be construed to be a snipe sign.

SOLID BASE SIGN: See MONUMENT SIGN.

SUBDIVISION SIGN: See NEIGHBORHOOD IDENTIFICATION SIGN.

TABLET SIGN: Any sign located on the permanent part of a building which denotes nameplates, the name of the building, date of erection, historical significance, dedication, or other similar information. This definition includes MEMORIAL SIGN.

TEMPORARY SIGN: Any sign designed, constructed, and intended to be used on a limited basis for a specific purpose with permission of the property owner.

TIME AND TEMPERATURE SIGN: A sign conveying a lighted message of time, temperature, barometric pressure or similar information by means of electrical impulse or changing intervals.

V-TYPE SIGN: A double-faced sign with two sign faces not more than 8 feet apart when measured at the widest point and erected back-to-back at a 45 degree angle to form a "V". (See: DOUBLE-FACE SIGN).

VEHICLE SIGN: Any sign displayed upon a vehicle where the principal purpose of the vehicle is not general transportation, but the display of the sign itself.

WALL SIGN: A sign applied or attached directly to the face of a building and becoming or appearing to become, a part of the building.

WINDOW SIGN: A sign which is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door. The display of merchandise is not a window sign.

SIGN AREA: The aggregate area of a sign within the periphery of a regular geometric form such as a square, rectangle, triangle, or circle, or combinations of regular geometric forms including the sign face.

SIGN FACE: The entire area of the sign on which copy could be placed, including any border or frame which forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed.

SIGN HEIGHT: The vertical distance from the top of the sign to crown of the adjacent road right-of-way to which the sign is oriented.

SIGN PERMIT: The document required for the task of installing, expanding or replacing a sign not otherwise exempted from these Sign Regulations.

SIGN SETBACK: The shortest horizontal distance from the property line to the nearest point (leading edge) of the sign or its supporting member whichever is nearest to the property line.

SIGN SITE: The space of ground occupied by the sign structure.

SIGN SITE SPACING: The shortest distance between signs or a line projected from the sign, perpendicular to the right-of-way on the same side of the road, facing the same direction.

SIGN STRUCTURE: Any construction used or designed to support a sign, including all supports, braces, guys and anchors, electrical parts, wires and lighting fixtures, and all painted and display areas attached to or placed around the sign structure.

SECTION 5: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 6: EFFECTIVE DATE

This ordinance shall become effective upon adoption by the Board of County Commissioners.