

**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*** (~~Revised 12/18/12 — Ord. 12-040~~)

Signs for Temporary Uses shall be in accordance with Section ~~760G-760.F, Temporary Sign~~ 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.

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**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 Ssign Rregulations are intended to complement, and all signs shall be constructed and maintained in compliance with the requirements of the applicable

~~building, and electrical, and other codes which apply to structures adopted by the County. Wherever there is inconsistency exists between these Sign Regulations and the building or electrical applicable codes, the more stringent 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. 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, located in the Clear Visibility Triangle per Section 711 and/or erected or maintained without required permits per Chapter 479, Florida Statutes, 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 prosecution in accordance with applicable law, including without limitation:

- a. Enforcement in accordance with the Polk County Code Enforcement Special Magistrate Ordinance, as it may be amended or superseded;
- b. Immediate removal at the expense of the violator, owner, or any person or entity that has beneficial use of the sign;

c. Prosecuted as a violation of County ordinance in the same manner as misdemeanors are prosecuted in accordance with Section 125.69, Florida Statutes; and/or

d. A double permit fee for any sign or sign component erected without a permit.

Nothing stated herein shall prevent the County from taking such other lawful action in law and equity as may be necessary to remedy the violation, including without limitation pursuit of injunctive and/or declaratory relief.

28. Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.

9. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of these Sign Regulations is declared invalid by a court of competent jurisdiction, such invalidity shall not affect the validity or enforceability of the remaining portions.

10. For every sign that is allowed herein, any non-commercial copy may be legally substituted in lieu of any other commercial or non-commercial copy.

~~3. All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the County.~~

**B. Sign Permit Requirements and Appeal (Rev. 9/26/01 – Ord. 01-71)**

~~1. 1. A building sign permit shall be required in accordance with the Polk County Building Land Development Code for the construction, erection, repair, and alteration or relocation of any sign not otherwise exempted. The changing of a face or normal and regular maintenance that does not alter the supports, structure or location of the sign shall not require a permit. State certification or liability insurance shall be required to obtain a building permit.~~

2. 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.

3. 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. In addition to a building permit, an electrical permit shall be required in accordance with the Polk County Electrical Safety Code for the electrical wiring and connection of signs. All electric signs shall bare an Underwriters Laboratory (UL) listing.~~

34. All applications for sign permits shall be made on the forms provided by the ~~Building Official~~Building Division and shall include the following:

a. Name, address, and telephone number, and signature of the owner or authorized agent of the premises granting permission for the sign of applicant;

~~b. The legal description of the property upon which the sign is to be located.~~

~~c. Adequate information to show that the proposed sign is in compliance with this Section.~~

~~db. Name of person, firm, corporation, or association, if different from the applicant, erecting the sign and proof of State certification or liability insurance, address, telephone and license number of the sign contractor;~~

~~ec. Written consent of the owner, or his authorized agent, of the building or premises on which the sign is to be erected~~A description of the sign indicating the number, size, shape and dimensions of the sign;

~~fd. At least two sets of construction plans, drawn to scale, shall be submitted. If the sign face is greater than or equal to 50 square feet or the sign height is greater than or equal to 10 feet, such plans shall be sealed by a professional engineer or architect, registered in the State of Florida~~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 off-premises 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.~~

45. 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. ~~A permit shall be issued or denied within ten working days.~~

6. 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 within or before the end of the ten working days 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.

7. 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. ***Sign Installation Procedures (Rev. 9/26/01 – Ord. 01-71)***~~

1. ~~Building, electrical or other applicable permits shall be secured prior to any physical preparation of the site or installation of any components of the proposed construction. A double permit fee shall be paid for any sign or sign component erected without a permit.~~

2. ~~The applicant shall install a stake at the exact location of each supporting member of the proposed construction. Such marking will be inspected within three working days and must be approved prior to permitting. The “Permit Issued Card” is required to be posted on the site for construction inspection.~~

3. ~~In addition to the above requirements, off premise sign applicants shall install an orange stake adjacent to the sign location. The stake shall be visible from the road right of way. The purpose of the stake is to provide the inspector with quick and safe location of the site along busy roadways.~~

~~DC. ***Signs Exempt Signs from Building Permit Requirements (Rev. 5/19/10; Ord. 10-018; 9/26/01 – Ord. 01-71)***~~

~~No building permit shall be required for the types of signs described in this~~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.~~However, electrical permits shall be required when such signs are~~

~~illuminated, and such signs shall be located and erected in accordance with all other provisions of this Section.~~

1. ~~On-site d)Directional signs shall mean a permanent on-site sign, which directs traffic within a parcel, or which identifies the location of entrances, exits, restrooms, telephones, freight, etc. On-site directional signs shall meet the following criteria.~~

~~a. No more than two signs per entrance.~~

~~b. One foot minimum setback from the property line.~~

~~ae. Signs shall be no higher than three feet and six inches in height; however no sign shall exceed 3 feet in height in the clear visibility triangle.~~

~~bd. Each sign shall be no larger than four square feet.~~

~~e. No sign shall be located in or protrude into the right-of-way.~~

~~f. Signs shall not be located in the Clear Visibility Triangle per Section 711 unless the sign is no higher than three feet in height.~~

~~c. On-premises:~~

~~i. No more than two signs per entrance.~~

~~ii. One foot minimum setback from the property line.~~

~~d. Off-premises:~~

~~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.~~

~~2. Off-site directional signs shall mean a sign which is used solely for the purpose of indicating the direction or physical location of any sale, object, place, use, business, event, service or area, which is not located on the same parcel as the sign. Off-site directional signs shall meet the following criteria.~~

~~a. No more than two off-site directional signs shall be permitted.~~

~~b. Five foot minimum setback from the property line.~~

~~c. Signs shall be no higher than three feet and six inches.~~

~~d. Each sign shall be no larger than four square feet.~~

- e. ~~No sign shall be located in or protrude into the right-of-way.~~
- f. ~~Signs shall not be located in the Clear Visibility Triangle per Section 711 unless the sign is no higher than three feet in height.~~
- g. ~~Written authorization shall be provided from the property owner(s) where the sign(s) will be located.~~
- h. ~~Off site directional signs shall comply with Chapter 479, Florida Statutes when located adjacent to state highways per this statute.~~

2. On-premises temporary signs.

~~3. Temporary signs announcing a nonpolitical campaign, drive or event, provided they meet the following criteria:~~

- a. ~~Said signs shall be erected no earlier than 30 days prior to and removed within 30 days following the campaign, drive, or event.~~
- b. ~~Signs shall be no larger than 32 square feet.~~

~~4. Temporary construction signs, located on premise, which do not exceed 32 square feet in area, provided such signs shall be removed upon the completion of work or the issuance of a Certificate of Occupancy.~~

~~5. Temporary real estate signs not exceeding 32 square feet provided they meet the following criteria:~~

- a. ~~Said signs shall not be located within five feet of any property line.~~
- b. ~~One sign per 500 feet of public street frontage.~~
- c. ~~Said signs shall be on premise signs and shall be removed within one week after the closing of the sale of the property or building to which the sign relates, or in the case of a subdivision, after the sale of the last remaining lot.~~
- d. ~~Said signs may be back to back or V shaped.~~

~~6. Professional name plates, occupational signs, and business identification signs, not exceeding four square feet in area, listing the name, occupation, location and business of an occupant within the building.~~

- a. ~~Said sign must be building mounted at a height no greater than six feet from the ground or sidewalk to the bottom of the sign.~~

- b. ~~The sign shall not protrude from the wall to which it is attached a distance greater than three inches.~~
- 7. ~~Dedicatory signs or memorial plaques setting forth the name and erection date of a building, commemorating a person or persons, or like use; provided such signs are cast in metal, engraved in stone or concrete, or otherwise suitably inscribed in or on a monumental material.~~
  - a. ~~If said sign is building mounted the height shall be no greater than six feet from the ground or sidewalk to the bottom of the sign.~~
  - b. ~~Said sign shall not protrude from the wall to which it is attached a distance greater than three inches.~~
- 3. One tablet sign 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 tablet sign shall be mounted at a height greater than six feet from the ground or sidewalk to the bottom of the sign.
- 8. ~~Temporary political campaign signs not exceeding 32 square feet.~~
  - a. ~~Said signs shall be displayed for a period beginning no earlier than 60 days prior to, and ending no later than ten days after, any election in which the candidates name appears on the ballot.~~
  - b. ~~Said signs shall not be placed on public property or rights of way, utility poles, or trees.~~
  - c. ~~The responsibility for sign placement and removal shall be the candidate whose name appears on the sign.~~
- 9. ~~Legal notices and official instruments.~~
- 10. ~~Holiday lights and decorations.~~
- 11. ~~Merchandise displays behind storefront windows.~~
- 124. ~~Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.~~
- 13. ~~Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers provided that the vehicle is registered and not distressed.~~

14. ~~Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.~~
155. Signs carried by a person.
166. ~~Flags, emblems, or insignia of any nation, state, or political subdivision. One flag, emblem, or insignia for an organization may be flown on a lot when flown with one or more flag, emblem, or insignia of nation, state, or political subdivision. Such flags, emblems, or insignia; 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.~~
- ~~shall not be allowed in the required clear visibility triangles (Section 711).~~
17. ~~Flags of a non-commercial nature in a residential Land Use District.~~
18. ~~Outdoor menu boards located on properties approved for restaurants with drive-thru windows.~~
19. ~~Barber poles.~~
20. ~~Change of face on any sign that does not alter the supports, structure, or location of the sign or increases the sign area.~~
217. Signs Any public purpose/safety sign, including regulatory signs and any other notice or warning signs required erected and owned by Local, State, or Federal Government law, ordinance, regulation or resolution.
22. ~~Temporary subdivision signs, designed and intended to advertise and promote the sale, rental, or lease of lots and/or structures in any subdivision, provided they meet the following criteria:~~
- ~~a. A maximum of two, non-illuminated signs shall be permitted for each entrance to a subdivision, provided the signs are two single faced structures of equal size located on each side of the subdivision entrance.~~
- ~~b. The maximum sign area shall be 32 square feet.~~
- ~~c. Temporary subdivision signs shall not exceed a height of eight feet as measured from the average finished grade.~~
- ~~d. Temporary subdivision signs may be permitted within the County right-of-way provided the face of the sign is oriented in such a manner that it is parallel with, and adjacent to the right-of-way boundary. Subdivision signs shall not be located within the clear visibility triangle, 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*, or within any roadway medians.~~

- e. ~~Temporary subdivision signs may advertise only lots and/or homes for sale within the adjacent subdivision.~~
- f. ~~Such signs must be located in a manner which will not interfere with, or block public utilities and sidewalks. The owner/developer shall be responsible for complying fully with the requirements of the "Underground Facility Damage Prevention and Safety Act," Chapter 556, *Florida Statutes*, and with the "Sunshine State One-Call" program prior to any excavation necessary for the erection of any signs to be placed within public rights of way and shall assume all liabilities provided for in that Chapter in case of damage to underground facilities.~~
- g. ~~Temporary subdivision signs shall be removed within one week after the last vacant lot within the subdivision is built on, or when the subdivision or phase thereof is transferred to a Homeowners Association.~~

~~E. ***Minimum Restrictions (Rev. 4/01/03 Ord. 03-25; 9/26/01 Ord. 01-71)***~~

- 1. ~~No sign shall be erected or maintained which produces a traffic hazard, such as blind corners at intersections; glare from sign lighting; words, symbols or lights that might be confused with traffic directions.~~
- 2. ~~No sign shall be erected or maintained which attempts, or appears to attempt, to regulate, warn or direct the movement of traffic or which interferes with, indicates or resembles any official traffic sign, signal or similar devices.~~
- 3. ~~No sign shall be permitted to project into the direct line of vision of any official traffic control signal from any point in a moving traffic lane of a road rights of way within 660 feet of such signal.~~
- 4. ~~No sign shall be erected, tacked, nailed, painted, posted, or affixed in any manner on utility poles or natural features such as trees or rocks.~~
- 5. ~~No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, fire escape or other entrance or exit to any building, nor shall any sign be attached to a standpipe or fire escape.~~
- 6. ~~All signs, including their supports, braces, guys, and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by Polk County, and shall present a neat and clean appearance. The vegetation around, in front of,~~

behind, and underneath the base of ground signs shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

**FD. Prohibited Signs; Generally**

Any sign not specifically permitted by these Sign Regulations is prohibited.

**E. Prohibited Signs; Specifically** (Rev. 4/22/09 — Ord. 09-017; 7/29/02 — Ord. 02-52; 9/26/01 — Ord. 01-71)

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this Section. Unless otherwise permitted, the following signs are expressly prohibited and no variance shall be granted which would authorize same unless exempted by Section 760. D or expressly authorized by Section 760. G:

- ~~1. Signs that are in violation of the building code or electrical code adopted by the County.~~
- ~~2. Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.~~
- ~~3. Signs consisting of one or more banners, flags, except as prescribed in Section 760.D.15, 760.D.16 and 760.G.3, pennants, ribbons, spinners, streamers or captive balloons.~~
- ~~4. Signs that emit any sound that is intended to attract attention, or involve the use of animals.~~
51. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- ~~62. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Section or other ordinances of the County.~~applicable regulation.
- ~~73. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic control device.~~Signs that imitate or are made to resemble official traffic or government signs, symbols and signals.
- ~~8. Non-governmental signs that use the words "stop," "look," "danger," or any similar word, phrase, or symbol in such a manner as to be reasonably confused with or construed as, or conceal, a traffic control device.~~

~~9. Signs, within ten feet of public rights-of-way or 100 feet of traffic control lights, that contain red, green or amber lights that might be confused with traffic control lights.~~

~~10. Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.~~

~~114. Signs that are of such intensity or brilliance brightness as to cause glare glare glare onto adjoining residential property or impair the vision of motorists, cyclists, or pedestrians using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.~~

~~12. Searchlights used to advertise or promote a business or to attract customers to a property.~~

~~135. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.~~

~~146. Signs placed upon, or attached to benches, bus shelters or waste receptacles that are oriented toward and intended to be visible from located in the public rights-of-way. Signs located on the interior of lots that are not visible from the public rights-of-way are not prohibited.~~

~~15. Signs approved on public property, or on private property (such as private utility poles) located on public property, other than signs erected by the Director.~~

~~16. No sign shall be placed or erected on a public rights-of-way unless approved by the County Transportation Department or the Florida Department of Transportation.~~

~~177. Portable signs.~~

~~8. Parasite signs.~~

~~189. Off-premise signs shall be prohibited Billboards in the following Selected Area Plans:-~~

- I-4/NE Parkway
- ~~County Road 54/Loughman~~ Ronald Reagan Parkway
- North US 27
- ~~Banana Lake~~
- State Road 559

10. Abandoned signs.

11. Snipe signs.

12. Vehicle signs, as defined by these Sign Regulations.

13. Signs containing statements, words, or pictures of an obscene, indecent, or immoral character that are not protected by the First Amendment of the United States and Article I §4 of the Constitution of the State of Florida.

14. 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.

~~G. Temporary Signs (Rev. 4/01/03 – Ord. 03-25; 7/29/02 – Ord. 02-52; 9/26/01 – Ord. 01-71)~~

~~1. Temporary signs are allowed throughout the County, subject to the restrictions imposed by this Section and other relevant parts of this Section.~~

~~2. A temporary sign shall be a ground or building sign, but shall not be an electric sign.~~

~~All parcels shall be allowed one temporary sign with an aggregate sign area of not more than 32 square feet. Said sign shall not exceed eight feet in height and shall be setback a minimum of five feet from the property line.~~

~~Parcels of more than one acre with more than one tenant (i.e. shopping centers or strip malls) shall be allowed one temporary sign per tenant per year (example: 8 tenants = 8 temporary signs per year). However, the total number of temporary signs on any multi-tenant parcel at any given time shall not exceed three. The owner of the shopping center or mall shall be responsible for any penalties accrued for non-compliance by the tenants.~~

~~3. Banners shall be permitted as a temporary sign. One sign per 500 feet of public street frontage. A maximum of two, non illuminated signs shall be permitted for each entrance to a subdivision, provided the signs are two single faced structures of equal size located on each side of the subdivision entrance. Temporary subdivision signs may be permitted within the County right of way provided the face of the sign is oriented in such a manner that it is parallel with, and adjacent to the right of way boundary. Subdivision signs shall not be located within the clear visibility triangle, 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*, or within any roadway medians. Temporary subdivision signs may advertise only lots~~

~~and/or homes for sale within the adjacent subdivision. Such signs must be located in a manner which will not interfere with, or block public utilities and sidewalks. The owner/developer shall be responsible for complying fully with the requirements of the "Underground Facility Damage Prevention and Safety Act," Chapter 556, Florida Statutes, and with the "Sunshine State One Call" program prior to any excavation necessary for the erection of any signs to be placed within public rights of way and shall assume all liabilities provided for in that Chapter in case of damage to underground facilities. Temporary subdivision signs shall be removed within one week after the last vacant lot within the subdivision is built on, or when the subdivision or phase thereof is transferred to a Homeowners Association.~~

- ~~4. The maximum time limit for use of a temporary on premises sign shall be 30 days. A permit may be renewed for the same parcel or premises once for a total of 60 days within a calendar year.~~
- ~~5. Any temporary sign not complying with the requirements of this Section is illegal and subject to immediate removal and/or notification of violation by the Polk County Code Enforcement Division.~~
- ~~6. Requirements for temporary signs are as follows:
  - ~~a. All parcels shall be allowed one temporary sign with an aggregate sign area of not more than 32 square feet. Said sign shall not exceed eight feet in height and shall be setback a minimum of five feet from the property line.~~
  - ~~b. Parcels of more than one acre with more than one tenant (i.e. shopping centers or strip malls) shall be allowed one temporary sign per tenant per year (example: 8 tenants = 8 temporary signs per year). However, the total number of temporary signs on any multi-tenant parcel at any given time shall not exceed three. The owner of the shopping center or mall shall be responsible for any penalties accrued for non-compliance by the tenants.~~~~

**F. Temporary Signs**

- ~~1. Sign may be a ground or building sign but shall not be illuminated by electricity.~~
- ~~2. Sign may be on-premises or off-premises; however, off-premises signs shall require express consent of the property owner.~~
- ~~3. Sign is not included in the total allowance sign area for a parcel.~~
- ~~4. Unless stated otherwise, a parcel may display temporary signs with an aggregate sign area of 32 square feet. However, any double-faced sign allowed 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 parcel.

5. One additional temporary sign is allowed for a parcel 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.

6. 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.

7. Unless stated otherwise, temporary signs shall not exceed 6 feet in height in residential districts, or 8 feet in height in non-residential districts and in residential districts on parcels where residential support uses are permitted.

8. Sign shall have a minimum 5 foot setback from the property line.

9. On-premises temporary signs require no sign permit; however, the initial date of sign display shall be placed on the sign.

10. Off-premises temporary signs shall require an annual sign permit and the permit number printed or affixed to the sign. Such signs are allowed in:

a. Non-residential districts;

b. Residential districts on property with  $\geq 5$  acres and  $\geq 500$  feet of public street frontage or  $\geq 10,000$  square feet of floor area; and

c. Residential districts on parcels where residential support uses are permitted.

11. Sign shall be removed within 30 days after the end of the scheduled occurrence or purpose to which it relates.

HG. ~~On-Premises Signs (Rev. 5/20/09 Ord. 09-023; 5/20/09 Ord. 0-022; 4/01/03 Ord. 03-25; 7/29/02 Ord. 02-52; Rev. 9/26/01 Ord. 01-71 Rev. 01/18/05 Ord. 04-23)~~

On-Premises signs, which includes free standing, solid base, building mounted, and entrance signs, shall conform to the requirements of Section 760 these Sign Regulations unless specifically permitted, exempted, or prohibited by another Section of this Code herein.

1. ~~Free standing~~Ground signs shall conform to the following requirements:

a. ~~Free standing~~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. ~~A five foot~~

~~setback shall permit a sign with a height no greater than 15 feet. For each additional one foot in sign height above 15 feet the sign shall be set back an additional six inches.~~ Each additional foot above 15 feet requires an additional setback of six inches. ~~In no instance shall a~~ No sign shall exceed the maximum structure height as ~~provided in Table 2.2~~ in the land use district.

- b. ~~Free standing signs~~ 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~~ — ~~Said signs may be constructed to the maximum sign height as indicated in Table 7.16 without an additional setback.~~ ~~In no instance shall a~~ No sign shall exceed the maximum structure height as ~~provided in Table 2.2~~ in the land use district.
- c. ~~No more than one~~ One free standing sign for each parcel shall be ~~permitted per parcel.~~ Free standing signs and the sign ~~shall have a maximum of two sign faces~~ may be double-faced. ~~Where a sign has two faces, and the faces are of equal size with no more than three feet separation, the area of the sign shall be taken as the area of one face. In the case of a V shaped sign, in which the two faces of a sign touch in the front and are separated in the back, if the separation at the widest point is less than eight feet the area of one face shall be calculated. In all other cases the area of the sign shall be calculated as the area of both faces.~~
- d. Signs shall be separated by a minimum spacing of 50 feet between adjoining parcels.
- e. ~~Free standing s~~ Signs located within a Development of Regional Impact (DRI) shall conform to the ~~following standards~~ in Table 7.15b.
- f. ~~The maximum width of the supporting structure of a free standing sign shall be determined according to the sign height. A ten foot tall sign shall be permitted a base up to and equal to 100 percent of the width of the sign face. For every foot of height above ten the permitted base width shall be reduced by five percent. Any sign greater than 25 feet tall shall be permitted a base width up to and equal to 20 percent. See table 7.15c.~~

**Table 7.15b - Signs in a DRI**

Land use per Map H	Sign Area	Sign Height	Minimum setback to achieve maximum height
Residential	40- <del>32</del> square feet	<del>8-6</del> feet	10 feet
Internal Retail/Commercial or Office	40 square feet	10 feet	5 feet

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

~~g. The first three feet below the sign face, on a sign with a base less than 50% of the width of the sign face, shall be reserved for embellishment and shall not count for sign area provided text or advertising symbols are not applied. In the case of a solid base sign (50% or greater sign width) the first three feet from ground level shall not count as sign area provided text or advertising symbols are not applied.~~

2. ~~Solid Base Monument signs shall comply with the height and setback standards for Free Standing Signs, unless greater distances are deemed necessary by the Building Official so as not to block the line of sight from adjoining highways and driveways 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 solid basemonument signs may be located on one parcel so long as the aggregate sign area remains under the allowable limit does not exceed 80 square feet indicated in table 7.16.~~

b. ~~Solid base Monument signs shall have a maximum of two faces. The sign area shall be calculated as the area of one face. Or in the case of unequal size sign faces, the area of the larger facemay be double-faced.~~

**Table 7.15c - Permitted Base Width**

Sign Height	% of the width of the sign face
# 10 feet	100 % (Sign area calculated as a Solid Base Sign.)
> 10 feet to 15 feet	75 % (Sign area calculated as a Solid Base Sign.)
> 15 feet to 20 feet	50 % (Sign area calculated as a Solid Base Sign.)
> 20 feet to 25 feet	25 %

Sign Height	% of the width of the sign face
> 25 feet	20 %

3. ~~One single-plaza sign may be permitted per , on a single parcel or lot with a multi-tenant building or buildings as a substitute to a Free Standing/On premise sign on each parcel or lot for the appropriate land use district. Plaza signs are not subject to the requirements in Table 7.16, with exception to the setback requirements. The following shall apply to all-plaza signs:~~

- a. ~~A p~~Plaza signs may be permitted when representing two or more parcels or lots. ~~However, when this is the case e~~Each individual parcel or lot advertising identified on the single-plaza sign shall not be permitted an individual ~~free-standingground/on-premises~~ sign unless the individual parcel or lot in question requesting a ~~free-standingground/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-standingground/on-premises~~ sign is at least 50 linear feet from said plaza sign or any other ~~free-standingground/on-premises~~ sign.
- b. Plaza signs shall comply with the setback standards as outlined in Table 7.16 for ~~On~~on-premises signs and shall be permitted a maximum sign height of 20 feet, unless ~~specified-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 <sup>(1)</sup>	120	15 feet
Local Road <sup>(2)</sup>	80	10 feet

<sup>(1)</sup> Includes urban and rural collectors

<sup>(2)</sup> 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 in this Section 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 ~~mounted~~ signs shall conform to the following requirements:

- a. ~~Facade and wall~~ Building signs may cover an area equivalent to 25 percent of the largest ~~side~~ vertical wall of the building. ~~The Building mounted sign area is equal to the total length of largest side of the building, multiplied by the total height (not including the pitch of the roof) of the same side, multiplied by .25.~~ Said signs may be located on any side of the building, and shall not count against the total permitted sign area for ~~free standing~~ ground and ~~solid base~~ monument signs. Said signs shall not project above the vertical wall to which it is attached, or more than ~~three~~ 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. ~~Gas-e~~Canopy signs may cover up to 15% of the ~~combined-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 ~~upon a subdivision wall shall not be regulated~~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~~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 ~~solid-base~~monument sign.
6. Up to two permanent Neighborhood ~~identification~~Identification signs ~~designated and intended to identify the name of the neighborhood~~ 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 and shall not contain promotional or sales material.~~
- ba. *Location.* The sign shall not create a physical or visual hazard for pedestrians or motorists entering or leaving the neighborhood.
- eb. *Maintenance.* Upon application to ~~the Codes Enforcement Division~~ Polk County for a ~~neighborhood~~ 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 ~~neighborhood~~ sign. The statement shall provide that the person or organization, including its successor or assign, is responsible for maintaining the sign(s).
- ec. *Height and Square Footage.* The sign shall not exceed ~~six~~ 6 feet in height ~~and as measured from the average finished grade~~ 64 square feet in aggregate sign area.
- ed. *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 ~~neighborhood~~ 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 ~~neighborhood~~ signs and associated walls and permanent planters, are subject to approval by the ~~Codes Enforcement Director~~ 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 ~~Code Enforcement~~ 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.

<b>Future Land Use Designation*</b>	<b>Max Square footage per face; Maximum of 2 faces</b>	<b>Max Sign Height</b>	<b>Minimum Setback to achieve maximum height (5' Min.=15' sign)</b>
Regional Activity Centers (RAC) Industrial (IND) Phosphate Mining (PM)	300 square feet  <b>Parcels &lt; 5 acres 200 square feet</b>	40 feet  <b>Parcels &lt; 5 acres 30 feet</b>	17.5 feet  <b>Parcels &lt; 5 acres 12.5 feet</b>
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  <b>Parcels &lt; 5 acres 150 square feet</b>	30 feet  <b>Parcels &lt; 5 acres 20 feet</b>	12.5 feet  <b>Parcels &lt; 5 acres 7.5 Feet</b>
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)	40-32 square feet	8-6 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.

II. Off-Premises Signs (~~Rev. 5/20/09 – Ord. 09-023; 4/22/09 – Ord. 09-017; 5/08/01 – Ord. 01-14~~)  
Billboards

1. Location:

- a1. Off-premises advertising signs Billboards shall be permitted only 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, or a Special Protection Area overlay land use district or the Polk Parkway Protection Area.

~~b2.~~ ~~Off-premises signs~~ Billboards shall be permitted within a Selected Area Plan (SAP) land use district unless otherwise prohibited.

~~e3.~~ Minimum spacing between ~~off-premises signs~~ 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.

~~d4.~~ Minimum spacing between a residential land use district and ~~an off-premises sign~~ a billboard shall be 500 feet measured radially. Minimum spacing between a residential land use district and ~~an off-premise sign~~ 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.

~~e5.~~ Minimum spacing from any public or private school or public park shall be 250 feet.

~~f6.~~ 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:~~

~~a7.~~ ~~Signs~~ Billboards shall not be stacked, placed side-to-side or have three or more faces, and shall be limited to ground signs.

~~b.~~ ~~Signs shall be limited to free-standing type signs only.~~

~~3.~~ ~~Size:~~

~~a8.~~ 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.

~~b9.~~ No portion of the sign face shall be less than ~~eight (8')~~ 8 feet nor more than 40 feet in height. In no instance shall a sign exceed the maximum district structure height as provided in Table 2.2.

~~4.~~ ~~Time Limits:~~

~~a.~~ ~~Off-premises signs constructed pursuant to a permit issued after the effective date of this Ordinance may remain in place for a period of ten (10) years from the date of the permit authorizing their construction. Prior to the expiration of the ten (10) year period, the sign owner must apply for permit renewal or the sign shall be removed at no cost to the County. A~~

~~sign permit shall be renewed only if the sign is in compliance with all regulations in effect at the expiration of the ten (10) year period.~~

- ~~b. Applications for an off premises sign permit shall either be approved or denied within sixty (60) days. Once approved, a permit shall be issued and paid for in full and the sign shall be constructed within six (6) months. Otherwise, reapplication for a permit shall be required.~~

~~J. **Polk Parkway Protection Area** ((Revised 5/20/09 – Ord. 09-023; 5/08/01 – Ord. 01-14)~~

~~The Polk Parkway Protection area is located on either side of the Polk Parkway (State Road 570) within 1000 feet of the centerline of the Parkway right of way.~~

~~1. Location:~~

- ~~a. Off premises advertising signs shall be permitted only in BPC 1, BPC 2, IND, TCC, RAC, CAC and L/R Land Use designations and in any of such land use districts located within the Green Swamp Area of Critical State Concern or a Special Protection Area overlay land use district.~~
- ~~b. Minimum spacing between off premises signs shall be 1,500 feet measured linearly.~~
- ~~c. Minimum spacing between a residential land use district and an off-premises sign shall be 500 feet measured radially. Minimum spacing between a residential land use district and an off premise sign 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 Growth Management Director or his/her designee.~~
- ~~d. Minimum spacing between an off premises sign and any public or private school or public park shall be 250 feet.~~
- ~~e. Off premises signs shall be setback a minimum of 50 feet from the front property line or the established building setback line within 300 feet of the site, whichever is greater. Off premises signs shall be setback a minimum of 10 feet from the side and rear property lines.~~

~~K. **Lighting** (Rev. 4/22/09 – Ord. 09-017, Rev. 09/18/12 Ord. 12-028)~~

- ~~1. Internal light sources shall not produce an intensity or brightness that would cause glare, confusion or distraction when viewed from a public rights-of-way or adjoining property.~~

- a. ~~No revolving or rotating beam or beacon of light that simulate any emergency light or device shall be permitted as part of any sign. Flashing red, green, blue or amber lighting devices not operated by a governmental agency shall not be permitted upon a sign.~~
- b. ~~All illuminating and electric devices on permanent signs shall be installed and wired in accordance with the Polk County Electrical Safety Code.~~
- c. ~~Within the Military Compatibility Zones (MCZ) as established by Section 642 of this Code, sign lighting shall be downward projecting or backlit. Lighting attached to signage shall be projected directly at the sign and downward using light shields, hoods, and cut-off type fixtures.~~

~~LI.~~ ***Non-conforming Signs (Rev. 5/08/01—Ord. 01-14)***

- 1. ~~Existing legal N~~Non-conforming signs that legally exist on the effective date of this Section shall be “Grandfathered” and may be maintained for continued safe use. Further, nothing herein shall be construed to prevent the construction of off-premises signs legally permitted as of the effective date of this Code~~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.~~
- 32. A non-conforming sign may not be relocated, except to a conforming location.
- 4. ~~A non-conforming sign may not be made larger (sign height or sign face) unless the alteration would bring the sign into compliance with all regulations of this Code~~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.
- 53. In the event of an eminent domain action, Section 121 of this Code shall apply rather than subparagraphs 1. and 2. of this subsection. However, notwithstanding anything herein to the contrary, ~~where a non-conforming sign subject to the provisions of Section 479.1570.20, Florida Statutes, is applicable, a non-conforming sign may be relocated and reconstructed in accordance with the provisions of that statute.~~

M. ~~6.~~ Removal of Non-conforming Signs; ~~(Rev. 5/08/01 – Ord. 01-14)~~

~~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. Any non-conforming sign which is destroyed, dismantled or damaged from any cause 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. Any allowable repairs, excluding a change of the sign face, shall require a permit. A damaged~~The sign must be either repaired, if permitted, rebuilt to conform to current regulations, or removed within 90 days at no cost to the County.

~~1a.~~ All existing legal signs which are ~~currently legally in existence but 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 ~~this Ordinance~~the sign regulations in effect at the time of the non-conforming determination.

~~2b.~~ If a business for which a non-conforming ~~on-premise~~ 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.

~~3.~~ Any off premises sign located within 1,000 feet measured linearly of any other off premises sign (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.

N. ~~Novelty Signs (Rev. 12/1/10 – Ord. 10-082; 9/26/01 – Ord. 01-71)~~

~~Any sign that is not expressly permitted, exempted or prohibited by this Section may be granted approval by the Planning Commission, at a public hearing, as a Novelty sign. A novelty sign must demonstrate the following:~~

~~1.~~ The sign must not be injurious to the area involved or be detrimental to the public welfare.

~~2.~~ Granting approval of the sign must not circumvent a condition or the intent of a condition placed on a development by the Planning Commission or the BoCC.

~~3.~~ The sign shall not detract from the natural or scenic attributes of any area within this county.

~~4. The sign must demonstrate a unique, innovative or exceedingly attractive design quality.~~

~~5. Novelty signs shall only be permitted within Planned Developments (PD's or old PUD's) and developments with a regional draw or attraction.~~

ΘJ. **Signage Plans** (~~Added 2/14/07 – Ord. 07-004~~)

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. ~~b.~~ Description of signage and graphic element to include:
    - i. ~~types~~ 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~~ County Level 3 review process.

~~P. **Penalty (Rev. 5/08/01 – Ord. 01-14)**~~

- ~~1. Violation of this Section may be punishable by a fine not more than five hundred dollars (\$500) and/or imprisonment for not more than 60 days.~~
- ~~2. If the application of any provision of this Section would require payment of compensation under state or federal law, the County, at its discretion, may choose to waive application of such provision. Such discretion shall be based upon fiscal and land use considerations and shall not be based upon the ownership or content of a sign.~~

~~QK. VarianceyVariances (Rev. 12/1/10 – Ord. 10-082)~~

~~Sign Vvariances may be granted to this section in accordance with Sections 930 and 931 for height and setbacks only. Sign Vvariances shall be approved or denied by the Planning Ceommission for height and may be granted for height and setbacks only 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 (Rev. 08/19/14 – Ord. 14-054; 12/3/13 – Ord. 13-0-62; Rev. 9/18/12 – Ord. 12-028; (Rev. 1/10/12 – Ord. 12-001; 12/6/11 – Ord. 11-033; 12/1/10 – Ord. 10-083; 12/1/10 – Ord. 10-082; 06/03/09 – Ord. 09-024; 02/16/05 – Ord. 05-05, Rev. 9/18/12 – Ord. 12-028, Rev. 09/18/12 – Ord. 12-028)~~

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 (1.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 760, Signs (Setbacks and Height Only).~~
- ~~1716.~~ Section 761, Maximum Permissible Noise Levels by Land Use Designation
- ~~1817.~~ 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.
- ~~1918.~~ The height requirements in the Military Compatibility Zone as indicated in Section 642.
- ~~2019.~~ 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** (~~Rev. 12/1/10 – Ord. 10-082~~)

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, ~~all sign variances~~ for height shall be granted by the ~~Planning Commission~~ Planning Commission in accordance with Section 760. ~~Q-K and do not have to be part of an application for a Conditional Use C-3 or C-4.~~ 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**

**PREMISES:** The lot or lots, plots, portions or parcels of land considered as a single development or activity.

**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.

~~**ADVERTISING SIGN:** A sign board, billboard, poster panel or similar structure or device of any material that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered.~~

**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-premises or off-premises.

**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 MOUNTED SIGN:** Any sign displayed upon or attached to and deriving its major support from any part of the exterior of a building, and including wall or fascia signs, projected signs, and roof signs.~~

**~~BULLETIN BOARD:~~** ~~A permanently constructed sign structure, with or without changeable message panels, used on the premises to identify the building and the services offered therein.~~

**~~BUSINESS IDENTIFICATION SIGN:~~** ~~A sign located on the premises of a permitted or legally existing commercial enterprise that identifies the business or the product or service offered by that enterprise.~~

**~~CANOPY 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. Any sign attached to or constructed in or on a permanent roof like shelter extending from part or all of the building face. (See: MARQUEE and 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:~~** ~~Any sign whose sole purpose is to provide utilized only for the purpose of indicating the location or direction of to any object, place, area or event pedestrian and vehicular traffic.~~

**~~DOUBLE DOUBLE-FACE SIGN:~~** ~~A sign with back-to-back parallel faces, or a AV@ type sign provided that the faces are joined on the same support or separated by not more than four three feet at the end nearest the road right-of-way and not separated by more than a forty five degree angle on the back side. Double-face signs include "V-type" signs. (See: A"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.~~

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

**~~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.~~

~~**FLASHING SIGN:** A sign designed to attract attention by the inclusion of a flashing, changing, revolving or flickering light source or a change of light intensity. A flashing sign does not include time and temperature signs or message signs.~~

~~**FREE STANDING GROUND SIGN:** A sign which that is permanently supported by structures or supports, in or upon the ground, and independent of support from any building.~~

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

~~**ILLUMINATED SIGN:** A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.~~

~~**MARQUEE SIGN:** Any sign attached to or constructed in or on a permanent roof like shelter extending from part or all of the building face. (See: CANOPY SIGN)~~

~~**MESSAGE SIGN:** A sign with electronically controlled message centers where different copy changes are shown on the same lamp bank.~~

~~**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.~~

~~**NEIGHBORHOOD IDENTIFICATION SIGN:** A sign displayed at the entrance to a neighborhood or subdivision identifying the neighborhood 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 legally or advertising structure existing within the Polk County on the effective date of this Section September 1, 2000, or any date thereafter, which does not conform to the requirements of this Section, and for which a valid sign permit was issued.~~

~~**NOVELTY SIGN (Rev 9/26/01 – Ord. 01-71):** Any sign not permitted by Section 760 that demonstrates original design, innovation and artistic integrity. A novelty sign is generally characterized by a particularly ornate design or non-typical shape such as three dimensions. Subject to approval by the Planning Commission.~~

**OFF-PREMISES SIGN:** ~~Any advertising sign which advertises goods, products, or services relating to an activity or place not necessarily sold on the premises on which the sign is located. A sign bearing a non-commercial message is deemed to be on-premises.~~

**ON-PREMISES SIGN:** Any sign relating to an activity or place on the same premises on which the sign is located identifying or advertising a business, person, activity, goods, products or services located on the same parcel as the sign.

~~**OFF-PREMISES SIGN:** Any advertising sign which advertises goods, products, or services not necessarily sold on the premises on which the sign is located.~~

**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:** ~~(Rev. 09/02/09 Ord. 09-057) A sign identifying or advertising two or more tenants, businesses, persons, activities, goods, products or services, or any combination thereof, within a building or buildings and utilized as a substitute to the free standing/on-premise sign requirements~~ A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

**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.

~~**PROJECTING-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 generally 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.

**SELF SUPPORTING SIGN:** ~~A temporary sign which is independent of special support such as a building or wall. Such signs include A-A@ frame and tripod signs.~~

**SNIPE 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 (Rev. 9/26/01 – Ord. 01-71) :** ~~Any sign in which the width of the base, at an elevation greater than three feet from ground level (the first three feet is not sign area), is 50% or greater than the width of the sign face.~~

**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.

**TEMPORARY SIGN:** ~~A~~Any sign designed, constructed, and intended to be used on a ~~short term~~limited basis.

**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.

**A-V@-TYPE SIGN:** ~~A structure double-faced sign consisting of at least~~with two sign faces not more than 8 feet apart when measured at the widest point and which are erected back-to-backback-to-back at an 45 degree angle from to form a 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 ~~wall sign is a sign applied or attached directly to the face of a building and becoming or appearing to become, a part of the building.~~ ~~(See: FASCIA SIGN)~~

**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 surface aggregate area of a sign shall be computed as including the entire area 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. If the sign consists of more than one section or module facing the same direction, all areas will be totaled. In the case of double face signs, only one face shall count toward the aggregate area if the two faces are of equal area; if the two faces are not of equal area, the area of the larger face will be used in determining the sign area.~~

**~~SIGN, ELECTRIC:~~** ~~Any sign containing electric wiring.~~

**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 in order to alter, expand, install or replace 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.