

3. **Maximum Height:** Large dish antennas shall not exceed a height of more than 15 feet above the roof of the building upon which it is mounted, including base.

d. **Placement Permit**

Prior to the side-yard placement of any ground-mounted large dish antenna, the owner must secure a placement permit from the city. The application for the placement permit must be accompanied by a plot plan showing the lot lines and dimensions of the subject property, the location and dimensions of any structures thereon, the location of any public or private rights-of-way adjacent to said property and the proposed placement site for the antenna. Additionally, the application shall be accompanied by an affidavit from the owner or installer stating that a rear yard placement is not possible and the reasons therefore. The fee for a placement permit shall be set by Resolution.

4.8.6 **GROUPS FOR VARIANCE**

The Zoning Board of Adjustments and Appeals may approve antennas and large dish antennas in other locations upon finding that adherence to the standards of this section does not permit the antennas to receive or send an acceptable quality signal and the alternative location does not otherwise violate the intent of this code.

4.8.7 **ANTENNAS IN HISTORIC DISTRICTS**

Antennas and large dish antennas proposed in designated historic districts may be subject to design review for architectural or historic compatibility provided, however, that such antennas and large dish antennas are restricted no more than other comparable devices allowed in those districts.

4.9 SIGNS

4.9.1 **INTENT**

It is the intent of the City Commission through the provisions of this article to create the legal framework for comprehensive sign regulations. Furthermore, it is the intention of this article to authorize the use of signs which are:

- a. Compatible with the surroundings;
- b. Appropriate to the type of activity to which they pertain;
- c. Expressive in the identity of individual proprietors or of the community as a whole; and,
- d. Legible in the circumstances in which they are seen.

The City Commission has determined that the public has a primary interest in controlling the erection, location, and maintenance of on-premises and off-premises signs in a manner designed to protect the public health and safety, to promote the public welfare, including the preservation and improvement of the aesthetic beauty of the community and to protect the free speech rights of its citizens. The number, size and location of such

signs may, if uncontrolled, detract from traffic safety by diverting the driver's attention away from the driving task. The indiscriminate erection and maintenance of numerous large signs seriously detract from the enjoyment and pleasure of the natural scenic beauty of the city.

Therefore, the promotion and preservation of the public health, safety and welfare of the people of the city requires that the erection, construction, location, maintenance, size, and number of signs be regulated and controlled.

4.9.2 DEFINITIONS

Unless the context clearly indicates a different meaning, for the purposes of this Code, the following words and terms shall be defined as follows:

Abandoned Sign: Any sign, including the sign structure, which has been abandoned by its owner. Abandonment shall be presumed if, for a period of 180 days or longer, the sign has not 1) advertised goods, services, facilities, events or attractions available on the premises where located, 2) identified the owner or occupant, 3) directed traffic on the premises, or 4) displayed a noncommercial message which may or may not relate to an activity located on the premises.

Animated Sign: Any sign which involves motion or rotation of any part by any means, or displays flashing, intermittent or color changing light or lighting, except as defined under Electronic Message Center Sign.

Awning Sign: A building sign applied to or hanging from an awning; said awning to mean a structure made of cloth or metal with a rigid frame that is attached to a building wall so as to provide cover over a storefront, window or door.

Banner Sign: A sign made of cloth, paper, or non-rigid material of any kind, either with or without frames, excluding flags as permitted by this article.

Bench Sign: A sign imprinted upon a public service bench whose primary purpose is a collateral transportation service to the public.

Billboard: An outdoor advertising sign which exceeds 25 feet in height and 250 square feet in sign area.

Building Sign: An on-premises sign applied to or mounted on a wall, awning, marquee, window, door, parapet, mansard or other part of a building, the display surface of which does not extend above the roof line, parapet, marquee or mansard, whichever forms the top line of the building silhouette. Awning signs, marquee signs, projecting signs and wall signs are included within this definition.

Figure 4.9-1 Building Signs



Changeable Copy Sign: Any sign with copy that can be changed, rearranged, or altered manually whereby the sign face is not changed.

Community Development Director: The officer, or his designee, charged with the administration and enforcement of this article.

Cornerstone Sign or Tablet: A sign cut into any masonry surface and constructed of bronze or other non-combustible materials.

Directional Sign: An on-premises sign providing direction or indicating the location of any object, place or area located on the premises, including, but not limited to, those signs indicating avenues of ingress and egress from the premises.

Directory Sign: An on-premises sign located on property with two or more separate commercial buildings.

Drive Through Sign: A sign located on property which has previously been approved for a restaurant with drive through window(s).

Electronic Message Center Sign: An internally illuminated sign on which the copy can be changed, rearranged, or altered automatically through electrical or electronic means.

Flag: A square or rectangular sign made of cloth, paper, or non-rigid material of any kind and displayed 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.

Functional Sign: A ground sign located on property where new cars and/or trucks are sold.

Ground Sign: A sign which is supported by structures or supports, in or upon the ground, and independent of support from any building.

Height, Sign: The distance from the top of the combination sign and sign structure to the ground elevation above which the sign is located.

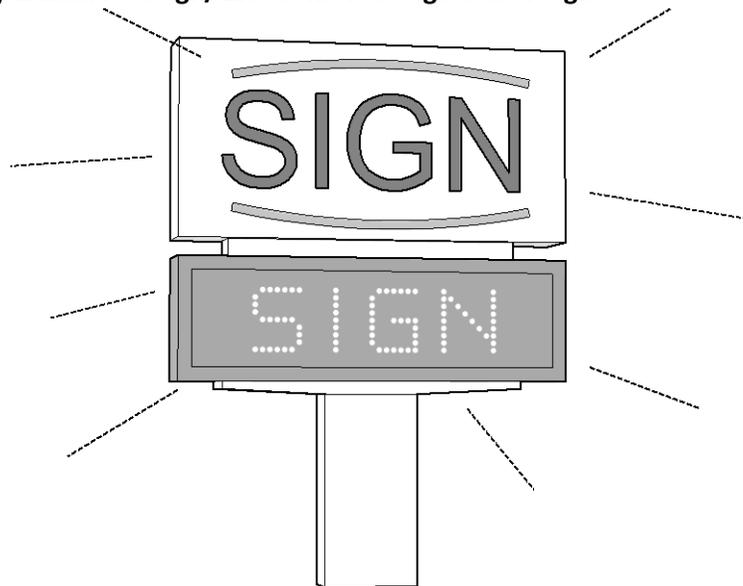
Home Occupation Sign: A building sign displayed where there is a licensed home occupation.

Human Sign: A sign held by or attached to a person that displays a commercial message advertising or otherwise drawing attention to a business, commodity, service or product.

Illuminated Sign: Any sign illuminated by any light source including by not limited to electric bulbs, luminous tubes, fiber optics and LED (light emitting diodes), whether or not the light source is part of the sign proper.

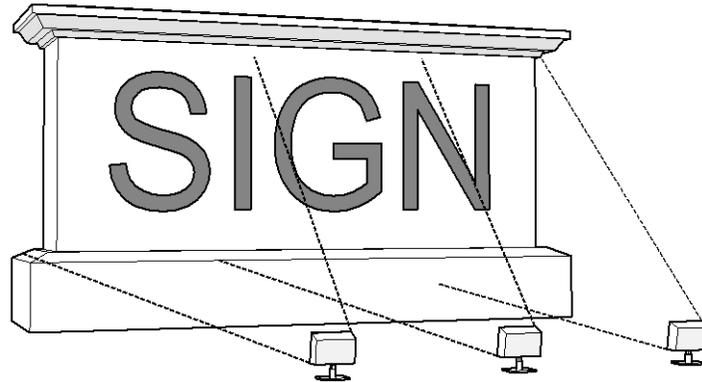
Illuminated Sign, Internally: Any sign illuminated by one or more light sources constituting an integral part of the sign proper.

Figure 4.9-2 Internally Illuminated Sign/ Electronic Message Center Sign



Illuminated Sign, Externally: A sign illuminated by an external light source, including flood or spotlights, directed primarily toward such sign.

Figure 4.9-3 Externally Illuminated Sign



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.

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.

Figure 4.9-4 Monument Sign



Nonconforming Sign: A sign or sign structure which was lawful when erected, but which does not conform to the requirements of this Ordinance.

Off-Premises Sign: A sign relating, in its subject matter, to other than the premises on which it is located or to products, accommodations or activities available on premises other than the premises on which the sign is located. A sign bearing a non-commercial message shall be deemed to be On-premises.

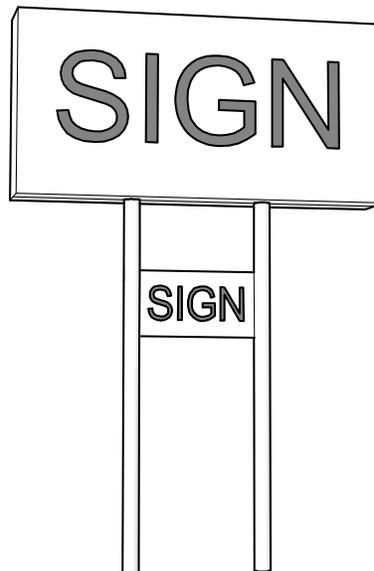
On-Premises Sign: Any sign which 1) advertises goods, services, facilities, events or attractions available on the premises where located, 2) identifies the owner or occupant of the premises, 3) directs traffic on the premises, or 4) displays a non-commercial message which may or may not relate to an activity located on the premises.

Parapet: That part of a perimeter wall vertically extending above the juncture of the roof and perimeter wall.

Parasite Sign: Any sign, for which no permit has been issued, which is attached to another sign.

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

Figure 4.9-5 Pole Signs



Portable Sign: A sign which is not permanently erected upon the ground or on the roof of any building or affixed to the wall of any building and shall include, but is not limited to, the following:

- a. Trash receptacles, and similar sidewalk appliances which display advertising copy;
- b. Sidewalk signs; and
- c. A sign, of any material, for use with or without changeable copy, illuminated or non-illuminated, mounted on a trailer or similar device, with or without wheels.

Projecting Sign: A building sign projecting perpendicular from and supported by a wall of a building.

Real Estate Sign: A sign erected on a premise which is for sale, lease or exchange.

Roof Line: The juncture of the roof and the perimeter wall of the structure or the top of the parapet or mansard, whichever forms the top line of the building silhouette.

Roof Sign: A sign which is wholly or partially fastened to and supported by or on the roof of a structure, or which extends above the mansard roof line of a structure.

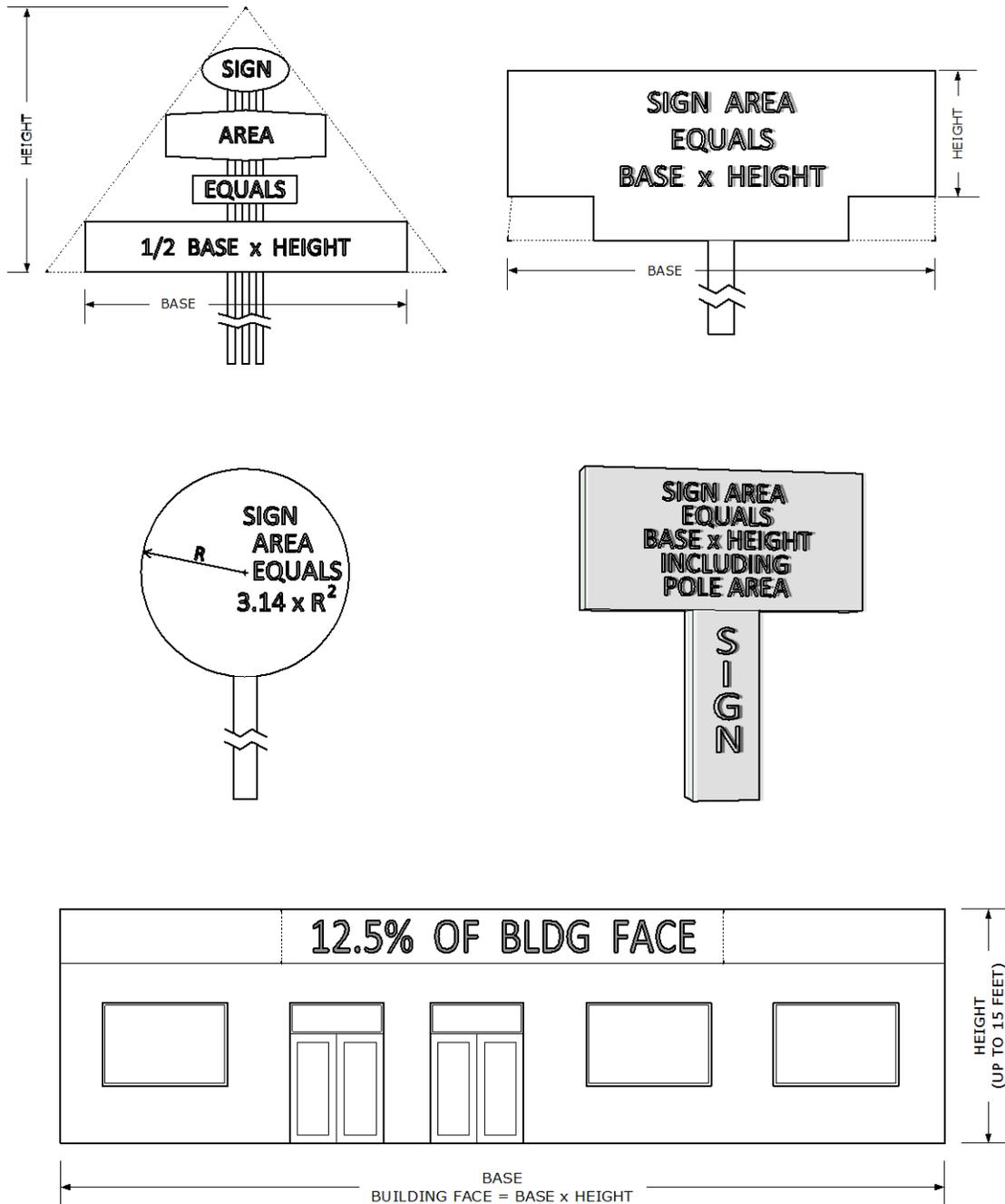
Setbacks, Sign: The minimum horizontal distance between the lot line and the closest edge or part of the sign structure.

Sidewalk Sign: A self-supporting, portable sign designed to be placed upon a public or private sidewalk, plaza, courtyard or other area where pedestrians walk or gather.

Sign: A name, identification, image, description, display, illustration, device, figure, drawing, message, placard, poster, or other thing, designed, intended, or used to advertise or inform the public which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, private parking lot, private street, or access drive where the general public customarily has access. Customary displays of merchandise placed behind a store window are not signs or parts of signs.

Sign Area: The entire area within one circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the sign structure unless the sign structure contains copy or is used as an integral part of the sign by introducing or extending the design, emblem, or logo or by utilizing colors or lighting in such a way as to attract attention to the sign. Where a sign has two or more faces or where the sign faces are mounted on a wall constructed of masonry or wood materials, the area of all faces shall be included in determining the area of the sign, except; where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel or background, any blank rectangular area which is more than 10 percent of the area of the sign as otherwise computed shall be disregarded. All of the lettering and other sign elements printed or mounted upon a wall of a building without any distinguishing border, panel or background shall be treated as a single sign for purposes of area computation. (See [Figure 4.9-6](#))

Figure 4.9-6 Sign Area Computations



Sign Face: The display surface of a sign including non-structural trim but excluding the sign structure supports.

Sign, Nonstructural Trim: The molding, battens, capping, nailing strips, latticing, and walkways attached to the sign structure.

Sign Structure: The supports, uprights, braces, and framework supporting the sign.

Unlawful Sign: No sign shall be considered to be a lawful nonconforming sign if it was erected without approval of the permitting authority or a building and/or sign permit having been obtained, or if the sign was erected contrary to the provisions or limitations of a building and/or sign permit. Any such sign shall be considered unlawful and shall be subject to removal in accordance with these regulations.

Vehicle Sign: A sign displayed upon a vehicle where the vehicle is routinely parked or displayed adjacent to and visible from the public right-of-way and where other parking spaces are available to the vehicle that are not adjacent to and visible from the public right-of-way.

Wall Sign: A building sign applied to or mounted on a wall, the display surface of which is parallel to the plane of the building wall on which it is applied to or mounted on and which does not extend more than 18 inches from the surface of the wall.

Window Sign: A sign applied to or mounted on the window panes or glass of any window or door.

4.9.3 GENERAL PROVISIONS

4.9.3.1 General Requirements throughout the City

a. Traffic Hazard Signs

Signs shall not be located, constructed, or maintained in such a way that such sign may be confused or interfere with any official traffic sign, signal, or device placed by any public authority or which may obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.

b. Obstructing Signs

Signs shall not be located as to obstruct any window, door, fire escape, stairway, or any opening required for legal ventilation, ingress, or egress for any building or structure.

c. Signs Projecting Over Pedestrian Pathways within Public Right-Of-Way

Signs shall not be erected within or overhanging any public right-of-way, except that signs on marquees and awnings and projecting signs may overhang that portion of the public right-of-way that includes a pedestrian pathway, subject to the following conditions:

1. Marquee signs may be attached to the sides and front of a marquee, and shall not extend beyond the surface area of the marquee, except as hereinafter provided.
2. A sign may be attached to the bottom horizontal surface of a marquee in a position which is perpendicular to the street right-of-way, but not parallel thereto, and shall not extend more than one foot below such bottom horizontal surface and shall maintain a vertical clearance of eight feet above the sidewalk or ground level. No sign shall be attached to the top horizontal surface of a marquee.
3. Marquee and awning signs shall be included in calculating the maximum allowable building sign area for the zoning districts in which they are located.
4. Projecting signs permitted in accordance with [Sub-Section 4.9.3.1.I](#) shall maintain a vertical clearance of eight feet between the bottom edge of the sign and the sidewalk or ground level of the pedestrian pathway.

d. Sign Supporting Structures

Signs shall not be tacked, painted, posted, or affixed in any manner on trees, utility poles, rocks, and other such supporting structures.

e. Illuminated Signs

Illuminated signs are subject to the following restrictions:

1. Illuminated signs are permitted only in Office Commercial, Retail Commercial and Industrial zoning districts; and in the PUD district for non-residential uses which are also permitted in the aforementioned conventional zoning districts; and in residential zoning districts for Conditional Uses where such uses are permitted on arterial or collector streets and the Conditional Use specifically permits an illuminated sign(s).
2. Illuminated signs erected in a commercial district contiguous to a residential district shall be so shielded or directed so that the light or brightness shall not exceed five foot candles of light measuring at the property line contiguous to the residential district.
3. No light from an illuminated sign shall be emitted into any residential dwelling or premises in excess of three foot candles of light measuring at any exterior wall of the residential dwelling or premises provided said dwelling or premises is located in a residential district.

4. No illumination or glare from any sign shall be emitted directly onto a public street or roadway so as to constitute a hazard or impediment to motorist traffic or safety, nor shall any sign impair or obstruct a full view of a traffic control device.
5. No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. Flashing signs and flashing lighting devices shall not be permitted upon a sign.
6. Electronic message center signs are permitted only in Office, Commercial, Retail Commercial and Industrial zoning districts; and in a PUD districts for non-residential uses which are also permitted in the aforementioned conventional zoning districts; and in residential zoning districts for Conditional Uses as specified below for middle and high schools. An electronic message center sign may only be used as part of a permitted ground sign, and shall not exceed 20 square feet. No exposed reflective type bulb or incandescent lamp which exceeds 11 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property. Electronic message center signs shall use only a black-colored lamp bank or panel and shall display only white or amber colored messages that do not change more frequently than once every five seconds. An electronic message center sign shall not flash or animate static information. Electronic message center signs in residential zoning districts are limited to middle schools and high schools may only be permitted as a conditional use in accordance with [Sub-Section 4.9.3.1.e.1](#) and [Sub-Section 4.9.4.1.a.1](#) and shall be subject to the following conditions:

(Ord. No. 5455, 07-21-14)

- (a) The conditional use shall include at least 20 acres of land area; and
- (b) The conditional use shall have at least 500 lineal feet of frontage on an arterial or collector roadway; and
- (c) The conditional use shall be contiguous to or across the street from property zoned for office, retail or industrial uses.

f. Abandoned Signs

Any abandoned sign, now or hereafter existing, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or property upon which such sign may be found, within 30 days after written notification from the Community Development Director. Upon failure to comply with such notice within the time specified by such order, the Community Development Director shall notify the Code Enforcement Board and request a hearing. In making a determination that a sign is abandoned the Community Development Director shall consider among other factors, the existence or absence of a current Business Tax Receipt for the premises, whether there are active utilities or a utilities service deposit at that location, and use of the premises.

g. Non-use of On-premises Sign

Any on-premises sign which otherwise conforms to the provisions of this article, and by reason of the cessation of activity on the premises, becomes an off-premises sign, may be retained by one of the following methods:

1. Painted Sign: The sign shall be covered by painting over the sign area.
2. Removable Sign Face: The sign face shall be removed and replaced with a blank insert or the sign face may be reversed.
3. Temporary Covering: The sign face may be temporarily covered by the installation of a sock or boot.

h. Nonconforming Signs

1. A sign within the corporate limits of the City of Lakeland which was lawfully erected, but by the date hereof should have been removed under provisions of prior law, and is not permitted herein, shall be immediately removed or made to comply with the requirements of this Code. A sign which is subject to the provisions of Section 70.20 F.S. shall be removed in conformance with the requirements of that section.
2. Subject to the provisions of this section, any sign which does not conform to the requirements of this Code shall be removed or brought into compliance with this Code on or before the expiration of five years i) from the date of the adoption of this Code, or any subsequent amendment making the sign nonconforming, or ii) from the date the premises was annexed into the city, whichever is later. A sign which is subject to the provisions of Section 70.20 F.S. shall be removed as provided in this sub-section, but only after compliance with the requirements of Section 70.20 F.S.
3. On-Premises Signs: Nonconforming on-premises sign(s) shall be removed as provided in Sub-Sections 1. and 2. above, except as follows:

(a) Single Occupant Premises

One nonconforming ground or building sign per street frontage for each premise may be continued provided such nonconforming sign is maintained in accordance with the requirements of this article. No changes to the sign shall be permitted except a change in copy. In the event a change of occupancy occurs, which for purposes of this article is defined as a change of tenants or proprietors, and the new tenant or proprietor chooses to change advertising on the sign or change the name of the business as advertised on the sign, the previously allowed nonconforming sign shall be brought into conformance with this article.

(b) Multiple Occupant Premises

Shopping centers and other multi-occupant premises shall be permitted to continue only one nonconforming ground sign per street frontage for each premise, and one building sign for each unit. No changes to the sign shall be permitted except a change in copy. In the event a change of ownership of the shopping center or multi-occupant premises occurs and the new owner chooses to change advertising on the sign or change the name of the center or premises as advertised on the sign, the previously allowed nonconforming sign shall be brought into conformance with this article.

(c) Nonconforming signs shall not be reestablished after damage or destruction if the estimated cost of reconstruction or repair exceeds 50 percent of the reproduction and installation cost of the sign.

(d) Nonconforming on-premises signs may be considered conforming to this ordinance, if determined to be a historic or landmark sign subject to the terms and conditions set forth below:

i. Any person who chooses to pursue the historic or landmark designation for a nonconforming sign shall make application to the Historic Preservation Board. The Historic Preservation Board shall conduct such investigation and inquiry as is necessary to determine that a sign is eligible for the historic or landmark designation. The Board may refer the application to its Design Review Committee for a recommendation to the full Board. The Board is not empowered to approve an increase in the degree of nonconformity of a sign when approving it for a historic or landmark designation.

ii. To be considered for designation as an historic or landmark sign by the Historic Preservation Board, a sign shall be 50 years old, or possess the following characteristics:

The sign must be structurally sound or repairable;

The sign is associated with historic or cultural figures, events or places;

The sign is significant as evidence of the history of a product, business or service advertised;

The sign is significant as reflecting the history of a building or the development of a historic district;

The sign is important in defining the character of a district;

The sign is characteristic of a specific historic period, such as, but not limited to, gold leaf on glass, neon, or stainless steel lettering;

The sign is integral to a building's design or physical fabric;

The sign is an outstanding example of the signmaker's art, whether because of its excellent craftsmanship, use of materials or design;

The sign is locally recognized as a popular focal point in Lakeland.

(Ord. No. 5611, 12-20-16)

- iii. Effect of historic or landmark sign designation. Historic or landmark signs shall be maintained and kept in good repair. Historic or landmark signs may not be altered, removed or covered unless the Historic Preservation Board grants a Certificate of Review to that effect. See Section 11.6 Certificates of Review.

(Ord. No. 5611, 12-20-16)

- 4. On-Premises Signs, Areas Annexed Pursuant to Annexation/Wastewater or Water Service Agreements: Any On-Premise sign erected or installed on a parcel or premises after the effective date of a city Annexation/Wastewater or Water service agreement for said parcel or premises, shall conform to the city sign regulations in effect at the time of the erection of the sign. Any sign, in existence on the date of the Annexation/Wastewater or Water Service Agreement which does not conform to the provisions of the sign regulations shall be brought into conformance or shall be taken down and removed by the owner, agent, or person having beneficial use of the building, structure or property upon which such sign may be found within 30 days after written notification.

- i. Bench Signs

Bench signs will be permitted, provided the signs are located only on benches which are placed according to agreements approved by the City Commission and subject to the conditions expressed therein.

- j. Temporary Signs

- 1. Sign types: A temporary sign may be a ground sign or a building sign, but may not be illuminated by electricity and must be constructed of rigid materials. Each premises shall be permitted temporary signs as follows:

- (a) One real estate sign per street frontage.

- (b) Three construction signs provided that such sign shall not be displayed prior to submission of an application for Building Permit for the project, and shall be removed no later than the date of issuance of the Certificate of Occupancy for the construction project. In the event a construction sign is displayed but construction is not initiated within 60 days after the sign is erected, or if construction is discontinued for a period of more than 60 days, the construction sign shall be removed.

(c) Temporary non-commercial signs displayed before, during, or after an event or occurrence scheduled to take place at a specific time and place are permitted in all zoning districts and shall be removed within 21 days after the end of the scheduled event or occurrence to which they relate.

(d) One temporary “grand opening” commercial sign which may be displayed for 30 days after the issuance of a Business Tax Receipt for any new business, new owner of an existing business, or business name change.

2. Maximum size: Each premise may display temporary signs, the area of which shall not exceed 32 square feet per sign. Temporary non-commercial signs shall not exceed an aggregate sign area of 32 square feet. Real estate signs located in residential districts shall not exceed five square feet in sign area.
3. Maximum height: Temporary signs shall not exceed eight feet in height.

k. Flags

Flags are permitted in all zoning classifications provided that no more than three flags may be displayed per premises, and each flag must be flown from a flagpole, subject to the following conditions:

1. Except for flags flown on single-family property, the height of a flag permitted by this section shall not exceed 25 percent of the total height of the flagpole.
2. The display of flags permitted pursuant to this section shall not count as chargeable square footage under the sign regulations.

l. Projecting Signs

Projecting signs shall be permitted as building signs within the C-6 and C-7 zoning districts subject to the following conditions:

1. Projecting signs shall be included in calculating the maximum allowable building sign area and shall have no more than two sides.
2. One projecting sign may be permitted per principal ground-floor business.
3. Projecting signs shall not exceed eight square feet in sign area if mounted at a height of 15 feet or lower measured from the finished sidewalk to the bottom of the sign.
4. Projecting signs shall not exceed 25 square feet in sign area if mounted higher than 15 feet measured from the finished sidewalk to the bottom of the sign.
5. Projecting signs shall be located within five feet of the principal business entrance. In no case, however, shall a projecting sign be mounted within 10 feet of any other projecting sign.

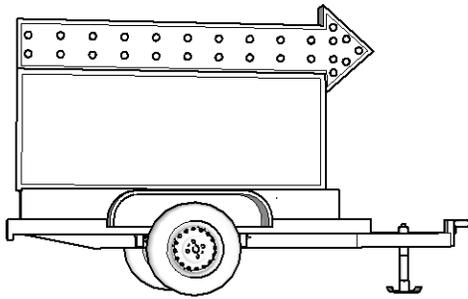
6. Projecting signs may project no more than 42 inches from the building wall.
7. Projecting signs shall maintain an eight foot clearance, between the bottom of the sign and the finished surface of all public and private pedestrian pathways.
8. Within the C-7 zoning district, exceptions to conditions b. through e. above may be approved by the Historic Preservation Board based upon a determination that sufficient historical documentation exists to justify the exception(s).
9. Projecting signs on South Florida Avenue shall be subject to FDOT review and approval.

4.9.3.2 Prohibited Signs

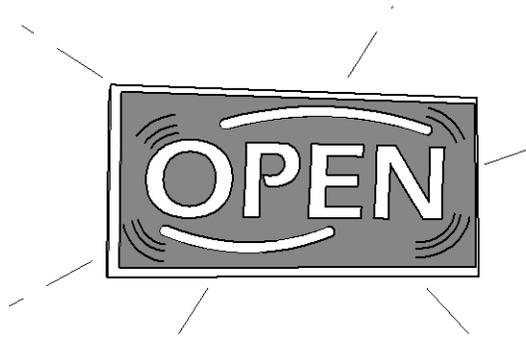
All of the following signs shall be prohibited and shall be removed in accordance with the procedure established for each category of prohibited signs.

1. Abandoned signs.
2. Animated signs and flashing lights on signs.
3. Banners, pennants, spinners, streamers, balloons, inflatable objects, fluttering devices other than flags, and lights designed to attract attention.
4. Billboards and Off-premises signs.
5. Parasite signs.
6. Portable signs, except sidewalk signs where specifically permitted.
7. Signs located on public rights-of-way or public property, except signs displayed by the governmental agency having jurisdiction over the public right-of-way and as may be authorized by law.
8. Roof signs, unless retained and maintained as the one nonconforming sign an owner is permitted to continue in use.
9. Horizontal and vertical advertising, not required by State or Federal laws, located on motor vehicle fuel pump island canopy supports, "spanner boards", and on light poles or other supporting structures at noncanopied pump islands, to be removed within 30 days after written notification.
10. Vehicle signs as defined by these regulations.
11. Any sign that is not specifically described or enumerated as permitted by these regulations.

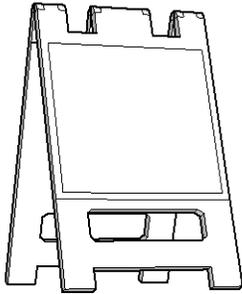
Figure 4.9-7 Examples of Prohibited Signs



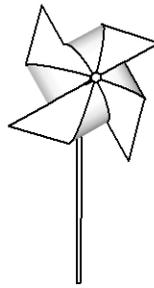
PORTABLE SIGNS



FLASHING SIGNS



**SIDEWALK SIGNS
OUTSIDE OF DOWNTOWN**



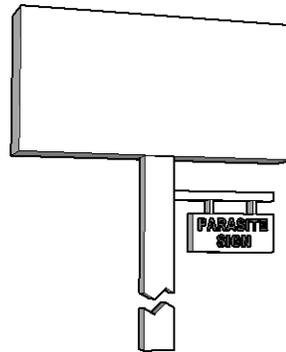
SPINNERS



INFLATABLES



BANNERS



PARASITE SIGNS

4.9.3.3 Exemptions

a. Exemptions from Permitting Requirements

The provisions of this article which require permits shall not apply to the following signs; however, said signs shall be subject to the requirements of these sign regulations and other applicable codes of the city:

1. Signs on a truck, bus, or other motor vehicle;
2. Cornerstone signs or tablets not exceeding six square feet when cut into any masonry surface or when constructed of any noncombustible material and affixed to a building;
3. Signs within the structure or structures of shopping centers or multi-occupant premises;
4. Flags;
5. Temporary signs;
6. Signs permitted by [Sub-Sections 4.9.4.1.a.8](#) and [4.9.4.2.a.6](#).
7. Home Occupation signs.
8. Window signs in accordance with the maximum sign area specified for each zoning district.
9. Fuel point of sale and fuel pump topper signs provided that such signs utilize a rigid frame that is permanently affixed to or integrated into the structure of the pump enclosure. This includes fuel pump toppers that utilize electronic visual displays.
10. Human signs in accordance with [Sub-Section 4.9.4.4.c](#).

b. Other Exemptions

The provisions of this article shall not apply to traffic control, directional, and street name signs installed by state or local jurisdictions or to signs for municipal facilities on public property that are deemed necessary by the City Manager or his designee.

4.9.4 ZONING DISTRICT REGULATIONS

4.9.4.1 Single-Family, Two-Family, and Mobile Home Zoning District Regulations (RA-1, RA-2, RA-3, RA-4, RB, and MH)

a. Permitted Signs

1. Signs which are permitted in single-family, two-family, and mobile home districts may be externally illuminated. Notwithstanding this provision, internally illuminated signs may be considered in accordance with [Sub-Section 4.9.3.1.e.1](#) for non-residential uses in residential zoning where such uses are permitted as a conditional use and an illuminated sign is expressly permitted.
2. Home Occupation Signs: One per street frontage, not to exceed one square foot in area.
3. Subdivision and Mobile Home Park Identification Signs: Such signs may be permitted per each public street frontage at the perimeter of the subdivision or park and may be provided in accordance with one of the following alternatives:
 - (a) One double-faced sign may be erected perpendicular to the perimeter street. Such sign shall not exceed 32 square feet in area and shall not exceed six feet in height to the top of the sign above the established grade at the base of the wall or sign structure. In the event certain design features such as berms and landscaping are utilized as part of the subdivision entrance, the top of the sign shall not exceed 10 feet above the finished elevation of the crown of the entrance street.
 - (b) One single-faced sign may be erected on one or both sides of the subdivision or park entrance street. Each sign shall not exceed 32 square feet in area and shall not exceed six feet in height to the top of the sign above the established grade at the base of the wall or sign structure. In the event certain design features such as berms and landscaping are utilized as part of the subdivision entrance, the top of the sign shall not exceed 10 feet above the finished elevation of the crown of the entrance street. Where a fence or wall is constructed at the perimeter of a subdivision or mobile home park, such sign(s) may be located on the face of the fence or wall.
4. Clubs, Golf Courses, Parks and Other Recreation Uses, Public Buildings, Cemeteries, Utilities and Other Similar Uses: Shall be permitted one on-premises sign per public street frontage, which sign shall not exceed 20 square feet in area and shall not exceed six feet in height.
5. Public and Private Schools:
 - (a) Ground Signs for Middle Schools and High Schools - One sign per each public street frontage, subject to the following:
 - i. Sign Area and Sign Height, Principal Street - One square foot of sign area for each two lineal feet of street frontage or 20 square feet of sign area, whichever is larger. The maximum sign area shall not exceed 50 square feet and the sign shall not exceed 15 feet in height.

ii. Sign Area and Sign Height, Secondary Street

Maximum sign area 20 square feet
Maximum height..... 6 feet

(b) Ground Signs for Public and Private Elementary Schools –

One sign per public street frontage, subject to the following:

i. Sign Area and Sign Height, Principal Street - One square foot of sign area for each two lineal feet of street frontage or 20 square feet of sign area, whichever is larger. The maximum sign area shall not exceed 36 square feet and the sign shall not exceed 10 feet in height.

ii. Sign Area and Sign Height, Secondary Street

Maximum sign area 20 square feet
Maximum height..... 6 feet

(c) Building Signs for Public and Private High Schools, Middle Schools and Elementary Schools - Building signs shall not exceed an aggregate sign area equal to 12.5 percent of the square footage of the first 15 feet in height of the wall face upon which the sign is located. In the event the height of the wall is less than 15 feet, the allowable building sign area is the aggregate sign area equal to 12.5 percent of the square footage of the wall face upon which the sign is located.

6. Churches:

(a) Ground Signs for Churches

One ground sign per public street frontage, subject to the following:

i. Sign Area and Sign Height, Principal Street - One square foot of sign area for each two lineal feet of street frontage or 20 square feet of sign area, whichever is larger. The maximum ground sign area shall not exceed 36 square feet and the sign shall not exceed 10 feet in height.

ii. Sign Area and Sign Height, Secondary Street

Maximum sign area 20 square feet
Maximum height..... 6 feet

(b) Building Signs for Churches - Building signs shall not exceed an aggregate sign area equal to 12.5 percent of the square footage of the first 15 feet in height of the wall face upon which the sign is located. In the event the height of the wall is less than 15 feet, the allowable building sign area is the aggregate sign area equal to 12.5 percent of the square footage of the wall face upon which the sign is located.

- 7. Directional Signs for Accessory Off-Street Parking Areas: Directional signs shall not exceed two square feet in sign area and shall not exceed 30 inches in height. Only one directional sign may be erected at each point of ingress and egress and may be located at the property line, but shall not be located on or overhang the public right-of-way.
- 8. On-premises sign: One on-premises sign not to exceed five square feet in sign area or six feet in height. Home occupation signs shall be governed by [Sub-Section 4.9.4.1.a.2.](#)

b. General Restrictions

Minimum Sign Setbacks: Signs permitted in the single-family, two-family, and mobile home zoning districts shall not be erected within five feet of any property line, except subdivision identification signs on a perimeter wall and directional signs for off-street parking areas as specified herein.

4.9.4.2 Multiple-Family Zoning District Regulations (MF-12, MF-16 and MF-22)

a. Permitted Signs for Residential Uses

- 1. Signs which are permitted in multiple-family zoning districts may be externally illuminated.
- 2. Multiple-Family Apartments: On-premises signs for multiple-family apartment developments are permitted according to the following conditions:

Maximum sign area:

Developments ≤ 50 units:.....20 square feet per public street frontage
 Developments > 50 units:.....50 square feet per public street frontage

Minimum sign setbacks:

Front, side or rear setback..... 5 feet

Maximum sign height:

Signs located in the area between minimum
 sign setback line and building setback line 4 feet
 Signs located at or behind the building setback line10 feet*

*(May also be permitted on a wall of an apartment structure)

Where a boundary fence or wall is constructed at the perimeter of a rental or condominium apartment development, an identification sign may be located on the face of the fence or wall in the same manner as for subdivisions.

3. Home Occupation Signs: Same as single-family zoning districts.
4. Subdivision Signs: Same as single-family zoning districts.
5. Directional Signs for Accessory Off-Street Parking Areas: Directional signs may be located anywhere on site and shall not exceed two square feet in area and thirty inches in height. Directional signs shall be set back a minimum of five feet from any perimeter property line, except one directional sign may be erected at each point of ingress and egress and may be located at the property line, but shall not be located on or overhang the public right-of-way.
6. One On-premises sign not to exceed five square feet in sign area or six feet in height. Home occupation signs shall be governed by [Sub-Section 4.9.4.1.a.2](#).

b. Permitted Signs for Non-Residential Uses

1. Externally Illuminated Signs: Are permitted for non-residential permitted uses.
2. On-premises Signs for Churches, Public and Private Schools, Clubs, Golf Courses, Parks and Other Recreation Uses, and Public Buildings, Cemeteries, Utilities and Other Similar Uses: As permitted in single-family zoning districts.
3. Subdivision Signs: Same as single-family zoning districts.
4. Signs for Off-Street Parking Lots as Principal Uses: When parcels are developed for off-street parking lots as the principal use, one on-premises sign shall be permitted per public street frontage, with a maximum sign area not to exceed 16 square feet and a maximum height not to exceed 10 feet. Such signs shall not be erected on required parking spaces.
5. Directional Signs of Off-Street Parking Areas: The requirements as specified for multiple-family apartment accessory parking areas shall apply.

c. General Restrictions

1. Internally Illuminated Signs: Shall not be permitted in multiple-family zoning districts. Notwithstanding this provision, internally illuminated signs may be considered in accordance with [Sub-Section 4.9.3.1.e](#) for non-residential uses in residential zoning where such uses are permitted as a conditional use and an illuminated sign is expressly permitted.

- 2. Minimum Sign Setbacks: Signs permitted in multiple-family zoning districts shall not be erected within five feet of any property line, except subdivision and apartment identification signs on a perimeter wall and directional signs for off-street parking areas as specified herein.

4.9.4.3 Office Commercial and Small Lot General Commercial Zoning District Regulations (O-1, O-2 and C-1)

a. Permitted On-Premises Signs

On-premises signs are permitted subject to the following conditions:

- 1. Ground Signs: Ground signs are permitted in accordance with the following provisions:
 - (a) Limited Commercial Uses on Less Than Five Acres of Land - One ground sign per premises (whether in a single usage or as a group of structures or businesses on a single premises).
 - i. Sign Area - One square foot of sign area for each two lineal feet of street frontage, or 20 square feet of sign area, whichever is larger. No premises shall have a total ground sign area in excess of 50 square feet.
 - (b) Limited Commercial Developments and Establishments on Five or More Acres of Land - One ground sign is permitted for each frontage on an arterial or collector street as designated in [Figure 3.3-1](#) as follows:
 - i. Sign Area - One square foot of sign area for each two lineal feet of street frontage, or 20 square feet of sign area, whichever is larger. No premises shall have a total ground sign area in excess of 50 square feet for each frontage on an arterial or collector street.

(c) Minimum Sign Setbacks

Front, side and rear setback..... 5 feet

Adjacent to Residential Zoning District - A ground sign shall be located not closer than 75 feet to any residence in any residential zoning district. Such sign shall be oriented away from residential zoning districts and toward the commercial district in which it is located.

(d) Maximum Sign Height

Maximum height 10 feet

2. Building Signs:

- (a) Building signs, excluding window signs, shall not exceed an aggregate sign area equal to 12.5 percent of the square footage of the first 15 feet in height of the wall face upon which the sign is located. In the event the height of the wall is less than 15 feet, the allowable building sign area is equal to 12.5 percent of the square footage of the actual height of the wall face upon which the sign is located.
- (b) Window signs shall be permitted along the ground floor elevations of buildings and shall cover no more than 25 percent of each window. Window signs shall not be included in calculating the aggregate sign area of building signs.

3. Directory Signs: Directory signs are permitted on properties of three acres or more in accordance with the following provisions:

- (a) One directory sign is permitted for each street frontage.

Maximum sign area	20 square feet
Minimum sign setbacks	
Public street right-of-way.....	30 feet
Interior property lines	5 feet
Maximum height	6 feet

4. Subdivision Signs: Same as single-family zoning districts.

5. Signs for Off-Street Parking Lots as Principal Uses: The same requirements as specified for multiple-family zoning districts shall apply.

6. Directional Signs for Off-Street Parking Areas: The same requirements as specified for multiple-family zoning districts shall apply.

b. General Restrictions

Minimum Sign Setbacks: Signs permitted in office commercial zoning districts shall not be erected within five feet of any property line, except directional signs for off-street parking areas as specified herein.

4.9.4.4 Retail Commercial and Large Lot Office Zoning District Regulations (C-2, C-3, C-4, C-5, C-6, C-7 and O-3)

a. Permitted On-Premises Signs

On-premises signs are permitted subject to the following conditions:

1. Ground Signs: Ground signs are permitted in accordance with the following provisions:

- (a) Ground Signs on Less than Five Acres of Land - One ground sign per premises (whether in a single usage or as a group of structures or businesses on a single premises).
 - i. Sign Area - One square foot of sign area for each two lineal feet of street frontage along the front lot line, or 32 square feet of sign area, whichever is larger. No premises shall have a total ground sign area in excess of 150 square feet.
- (b) Ground Signs on Five or More Acres of Land - One ground sign is permitted for each frontage on an arterial or collector street as designated on [Figure 3.3-1](#). In the event the functional classification of a street is not contained on [Figure 3.3-1](#) or is uncertain, the Community Development Director shall make a determination of the functional classification for purposes of this article.
 - i. Sign Area - One square foot of sign area for each two lineal feet of street frontage or 50 square feet of sign area per acre of the premises, whichever is larger. No premises shall have a total ground sign area in excess of 250 square feet on the principal street. Maximum ground sign area on secondary streets shall be 125 square feet.
- (c) Ground Signs for Theaters in Shopping Centers Containing Five or More Acres of Land - Any movie theater located in a shopping center containing five or more acres, may have one ground sign separate from the ground sign for the shopping center.
 - i. Sign Area - Such sign shall not exceed 150 square feet in area.

(d) Minimum Sign Setbacks

Front, side or rear setback 5 feet

Adjacent to residential zoning district - A ground sign shall be located not closer than 75 feet to any residence in any residential zoning district. Such sign shall be oriented away from residential zoning districts and toward the commercial district in which it is located.

Lakeland Electric shall have the authority to review and approve all applications for pole signs for which the height would exceed 15 feet, to ensure that the setbacks for such signs provide a sufficient separation between existing or proposed electric utility lines and support facilities and any portion of the sign and sign structure.

(e) Maximum Sign Height

Maximum height on commercial corridors* 15 feet
Maximum height on non-commercial corridors* 10 feet
Maximum height on commercial corridors* and within an Interchange Activity Center as designated by the Comprehensive Plan..... 35 feet

*As defined on [Figure 4.9-8](#)

- 2. Building Signs: The same requirements as specified for office commercial zoning districts shall apply.
- 3. Directory Signs: The same requirements as specified for office commercial zoning districts shall apply.
- 4. Subdivision Signs: Same as single-family zoning districts, except such signs may contain a maximum size of 72 square feet.
- 5. Signs for Off-Street Parking Lots as Principal Uses: The same requirements as specified for multiple-family zoning districts shall apply.
- 6. Directional Signs. The same requirements as specified for multiple-family zoning districts shall apply.
- 7. Functional Signs:

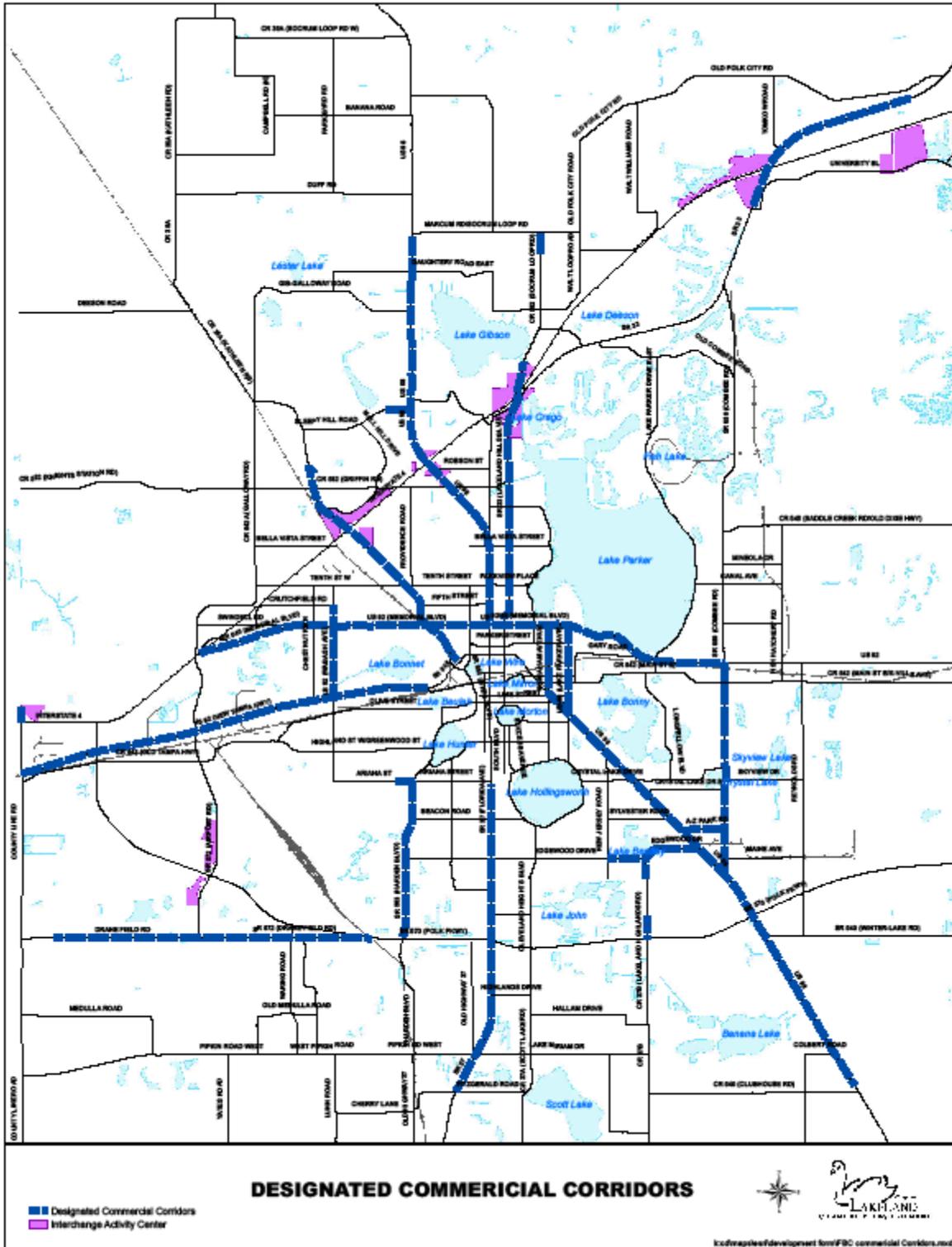
(a) One functional sign may be permitted for each entrance to the dealership from the principal street; not to exceed a maximum number of three functional signs, regardless of the number of entrances from the principal street. A maximum of one functional sign may be permitted on a secondary street regardless of the number of entrances from the secondary street. When functional signs are utilized, directional signs shall not be utilized at the same entrance.

Sign Area - Shall not exceed 50 percent of the allowable ground sign area.

Minimum Setbacks 5 feet from any property line
Maximum height on commercial corridors* 15 feet
Maximum height on non-commercial corridors* 10 feet

*As defined on [Figure 4.9-8](#)

Figure 4.9-8 Designated Commercial Corridors



- 8. Drive Through Signs: Drive through signs are only allowed on lots which have previously been approved for restaurants with drive-through windows and under the following conditions:

- (a) Two drive through signs per drive through lane

- Maximum sign area 32 square feet
 - Maximum height 6 feet
 - Minimum setback from public street Right-of-way 30 feet

- b. Sidewalk Signs

- 1. Sidewalk signs are limited to the C-6 and C-7 zoning districts and shall be subject to the following conditions:

- (a) Location Standards

- i. One sidewalk sign may be permitted per principal ground-floor retail business use frontage, which sign may be placed on a sidewalk, plaza, courtyard or other pedestrian walkway directly in front of the business premises.
 - ii. The display of sidewalk signs shall be limited to business hours only.
 - iii. Signs shall only be placed where the sidewalk or pedestrian walkway is a minimum of 10 feet in width.
 - iv. Signs shall not block or restrict pedestrian movement and when the sign is in place, there shall be a minimum of five feet clear sidewalk or walkway width for pedestrian travel.
 - v. Signs shall not be placed within two feet of the face of any curb.
 - vi. Signs shall not be placed where they interfere with any exit, fire hydrant, parking meter, bus stop, loading zone, bicycle rack, sidewalk ramp, wheelchair ramp, or similar public facility.
 - vii. Signs shall not be attached to any tree, light pole, fire hydrant, street furniture or similar fixed object.

- (b) Design Standards

- i. Signs shall be of a type that has been pre-approved by the Lakeland Downtown Development Authority (LDDA) or alternative designs meeting these standards may be submitted to the LDDA for review and approval.

- ii. Signs shall be constructed of durable, weather-resistant materials such as wood, steel, aluminum and PVC. The use of cardboard, paper, fabric and non-rigid materials is prohibited.
- iii. Maximum sign area: Six square feet per side. Maximum number of sides: Two.
- iv. Sign height: Maximum four feet. Minimum three feet.
- v. Signs must be readily portable but stable, able to withstand modest wind speeds and accidental contact from pedestrians.
- vi. Signs shall not be illuminated.
- vii. Signs may contain a changeable copy area which shall consist of a chalkboard or whiteboard only.
- viii. Signs may have a transparent sleeve or holder that does not extend beyond the sign area in which temporary printed material may be displayed.
- ix. Lights, balloons, parasite signs or other attachments are prohibited.

(c) Other

- i. Sidewalk signs shall require sign permits. For those signs to be placed on public property, the permit shall include proof of Comprehensive General Liability insurance with limits of at least \$300,000 per occurrence naming the City of Lakeland as an additional insured and an agreement to indemnify and hold the city harmless in any claim or cause of action against the city arising from the placement of such signs. Violation of any provisions or conditions of this section shall be grounds for revocation of the sign permit.
- ii. Sidewalk signs shall not be displayed during severe weather watches or warnings.
- iii. Sidewalk signs on South Florida Avenue shall be subject to FDOT review and approval.

2. Amortization

Sidewalk signs in use as of the effective date of this section that do not conform to the above standards and conditions shall be removed and their use discontinued within six months of the effective date of this section.

c. Human Signs

Human Signs are permitted in all non-residential zoning districts and shall be subject to the following conditions.

1. Only one human sign per business is permitted; and
2. Human signs must remain on the same parcel on which the business, commodity, service or product being advertised is located or within the common areas of a commercial subdivision within which the business, commodity, service or product being advertised is located; and
3. Human signs shall not occupy and portion of the public right-of-way or other public property.

4.9.4.5 Industrial Zoning District Regulations (I-1, I-2 and I-3)

Permitted On-Premises Signs

The same requirements as specified for retail commercial zoning districts shall apply.

4.9.4.6 Planned Unit Development (PUD) Zoning District Regulations

Signs for the types of developments and land uses in PUD zones shall be determined by applying the sign regulations for the conventional zoning district classifications in which the types of development and land uses are customarily permitted, except as otherwise provided below.

a. Comprehensive Sign Plans for Large Developments

1. Comprehensive Sign Plan

- (a) Where a proposed or existing development contains 50 acres or more, the applicant may elect to submit a comprehensive sign plan for the development. Such plan may propose signs which depart from the conventional sign regulations for the zoning district in which the development is located, provided that the signs have a uniform or coordinated design motif that is compatible with the development and surrounding land uses.
- (b) A comprehensive sign plan shall include a site development plan showing the locations of proposed signs by type and elevations illustrating the height, area and significant design features of each sign type.

b. Procedure for Approval

1. The applicant shall submit the proposed comprehensive sign plan to the Planning Zoning Board which shall conduct a public hearing on the matter at a regular meeting. If the comprehensive sign plan proposes signs that exceed the height and/or area of signs otherwise permitted in the zoning district, the Board shall notify the owners of record of properties abutting or across the street from the development sites.
2. In approving a comprehensive sign plan, the Board shall find that the proposed signs are compatible with the character of the surrounding area.
3. Historic Preservation Board (HPB) approval of the sign plan will also be required for developments located within a designated historic district in which the review authority for signs is specifically granted to the HPB.

4.9.5 ADMINISTRATION

4.9.5.1 Permits, Applications, Structural Requirements, Fees, Issuance of Permit, and Inspection

a. Permits Required

It shall be unlawful for any person to erect, construct, alter, display, or relocate within the city any sign, not otherwise exempted, as provided in this article, without first obtaining a permit from the Building Inspection Division and making payment of the required fee.

b. Application for Sign Permit

The city shall provide application forms for sign permits, which forms will require the following information:

1. Name, address, telephone number, and signature of the owner of the premises granting permission for the construction, operation, maintenance or displaying of sign or sign structure;
2. Name, address, telephone number and signature of sign contractor, if any;
3. Legal description and street address of premises or property upon which the sign is to be located;
4. The height, shape and dimensions of the sign structure, if any, and the dimensions and shape of the sign area;
5. The approximate value of the sign to be installed, including the installation cost;
6. Type of sign for which a permit is being sought; and

7. Two copies of a sketch, drawing, print or similar presentation drawn to scale and dimensioned, showing elevations of the sign as proposed on a building facade, awning or canopy, provided further, the relationship to other existing adjacent signs shall also be shown. In the case of a freestanding sign, these sketches shall include a site plan showing the sign location.

c. Structural Requirements

1. All signs shall comply with the appropriate detailed provisions of the building code, relating to design, structural members and connections. Signs shall also comply with the provisions of the electrical code.
2. All signs that contain more than 50 square feet in area or are greater than 15 feet in height shall be designed by an engineer registered in the State of Florida. Structural drawings along with wind load calculations shall be prepared by the engineer and submitted prior to a permit being issued.

d. Sign Permit Fees

Prior to receiving a permit for the erection, reconstruction, alteration, placement, or relocation of a sign, the applicant shall pay to the City of Lakeland all required fees, as established by resolution of the City Commission.

e. Issuance of Permit

It shall be the duty of the Chief Building Official, upon receiving an application for a sign permit, to examine such plans and specifications and other data, and if considered necessary, inspect the premises upon which it is proposed to erect the sign or other advertising structure. If the proposed structure, or sign, is in compliance with all of the requirements of this article and all other applicable laws and ordinances of the city, a sign permit shall then be issued.

Every sign permit issued by the Building Inspection Division shall become null and void if erection is not completed within six months from the date of the permit. In order to start, continue, or restart work on the sign or sign structure after the six month period has expired, a new permit application and fees will be required.

f. Inspections

1. All signs for which a permit is required by this article are subject to inspection by the Building Inspection Division.
2. When requested by the permit holder, the following required inspections shall be made by the city:
 - (a) A foundation inspection prior to pouring concrete for any approved ground or freestanding sign;
 - (b) Final electrical inspection for all electrical signs; and

(c) Final inspection for completion of all signs in accordance with approved plans.

3. If corrections of defects, or nonconformities, are not made within 10 days after notification, no permits for any sign work will be issued to the delinquent contractor until after all corrections have been completed.

4.9.5.2 CODE REQUIREMENTS

a. Building Code Requirements

The application for a permit for erection of a sign or other advertising structure must meet all of the applicable requirements of the building code before a sign permit is issued.

b. Electrical Code Requirements

The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are used must meet the requirements of the electrical code before a sign permit will be issued. The sign company representative shall check with Lakeland Electric for power line clearance.

c. Code Conflict

In the event any of these regulations are in conflict with the requirements of the building code, electrical code or other governmental regulations; the more restrictive provisions of either shall govern. Nothing in this article shall be construed to authorize signs if otherwise regulated or prohibited by private restrictions.

4.9.5.3 ENFORCEMENT

a. Enforcement of Regulations

It shall be the duty of the Community Development Director to administer and enforce the provisions of this article in conjunction with the city's Building and Electrical Codes.

b. Unsafe Signs

All signs shall be maintained in proper repair and in a proper state of preservation. Should any sign become insecure or in danger of falling, in disrepair or a deteriorated state of preservation, or otherwise unsafe in the opinion of the Community Development Director, the owner thereof or the person or firm maintaining the same shall, secure the same or cause the same to be placed in good repair in a manner to be approved by the Community Development Director, in conformity with the provisions of this code and any other applicable laws or ordinances of the city or said sign must be removed. If such order is not complied with the city may remove said sign at the expense of the owner or lessee thereof. If the cost of removal is not paid within 90 days after said charges have been submitted to the owner or lessee, same shall become a lien upon the property from which the sign is removed upon the passage of a resolution by the City Commission.

c. Variances and Appeals

1. In those situations where streets have been widened and existing setbacks which were previously in compliance with zoning are reduced or where property was developed before the existence of zoning, and strict adherence to the setback provisions of this code is impossible or impractical, the sign permit applicant may erect a building sign parallel to the adjacent public right-of-way within a required setback area without applying for a variance.
2. The Zoning Board of Adjustment and Appeals is hereby authorized:
 - (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this article or of any amendments adopted pursuant thereto; and
 - (b) To hear applications for variances from the provisions of this article regulating the height and setbacks of signs and to grant variances from such height and setback provisions where, owing to special conditions, literal enforcement of the requirements of said provisions will result in unnecessary hardship; will not be contrary to the public interest; will observe the spirit and intent of this article; and will do substantial justice.

The Zoning Board of Adjustment and Appeals shall not have the power to vary any other provisions of these sign regulations except as set forth hereinabove.

3. Any person aggrieved by a decision of the Zoning Board of Adjustment and Appeals may seek judicial review by filing a petition for writ of certiorari in the Circuit Court within 30 days from the date of the written order appealed from.

d. Construction and Application

Anything contained in this article to the contrary notwithstanding, any sign authorized by this code is allowed to contain non-commercial copy or messages in lieu of any other copy or message. For purposes of this Code, all non-commercial speech shall be deemed On-Premises.

4.10 SOLID WASTE COLLECTION BINS

4.10.1 GENERAL

- a. For purposes of this section, the term "solid waste collection bin" shall include all solid waste containers or devices that require mechanical pickup or servicing, including dumpsters, trash compactors, bailers etc.
- b. Solid waste collection bins shall be provided in all office, commercial, and industrial development or redevelopment projects and in multi-family development or redevelopment projects of five or more dwelling units. The minimum number, size and type of solid waste collection bins required for a development site shall be as determined by the Public Works Department as appropriate for the proposed use. The Director of Public Works may waive provisions of this section or may authorize curbside pickup of solid waste where, in his opinion, site conditions make strict adherence to these regulations infeasible.
- c. The construction specifications for bin pads and bin enclosures shall be as set forth in the Engineering Standards Manual.
- d. The location of solid waste collection bins and the construction of bin pads and bin enclosures shall be approved by the Public Works Department through the site plan review and inspection process in accordance with the following standards. Alternative locations for solid waste collection bins may be approved as part of adopted site development plans for Planned Unit Developments or Conditional Uses.
- e. Where site conditions on redevelopment projects make the application of a particular standard impractical on a specific site, the Director of Public Works may authorize an administrative variance in accordance with the procedure set forth in the Engineering Standards Manual.

4.10.2 LOCATION STANDARDS

- a. Solid waste collection bins shall not be located in required front or street side yards.
- b. Solid waste collection bins shall be located where collection vehicles have an unobstructed path to enter, collect the waste or service the device, back up, and depart without having to make unnecessary or unsafe maneuvers. Over-the-cab collection vehicles must be able to lift solid waste collection bins without overhead obstructions.