

**CITY COUNCIL JOINT WORKSHOP  
with the ARCHITECTURAL REVIEW COMMITTEE (ARC)  
REVISION OF THE CODE OF ORDINANCES  
CITY OF ATLANTIS  
260 ORANGE TREE DRIVE, ATLANTIS FL  
June 3, 2020  
7 P.M.**

**This meeting will be conducted in person and via teleconference on Webex.com. Because of the current state of emergency due to COVID-19 and under the authority of State of Florida Executive Order 2020-69 as extended by State of Florida Executive Order 2020-112 and 2020-114, a quorum of the City Council can be constituted via Webex.com**

**See page 2 for attendance and public comment instructions**

**AGENDA**

**1. Call to Order**

**2. Roll Call**

Mayor Michael LaCoursiere  
Vice Mayor Allan Kaulbach  
Councilor Keller Lanahan  
Councilor Guy Motzer  
Councilor Peter Shapiro

ARC Chair John Everett  
ARC Vice Chair Richard Brown  
ARC Member Catherine Burger  
ARC Alternate Benjamin Peterson

**3. Comments from the Public**

**4. Draft Sign Code**

**5. Draft Shutters Code**

**6. Adjourn**

Note: If a person decides to appeal any decision made by the above City Council with respect to any matter considered at such meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City of Atlantis does not provide such a record.

ADA Notice: The Atlantis Council Chambers is equipped with hearing assistance devices. The City of Atlantis will provide upon request (48-hour notice required), a sign language interpreter for public meetings.

**CITY COUNCIL MEETING  
CITY OF ATLANTIS  
In person and via teleconference on Webex.com  
May 20, 2020  
7:00 P.M.**

**PLEASE NOTE: The room will be designed to accommodate a joint workshop following distancing guidelines, and microphones will be spaced and shared. Therefore, the audio via Webex may not be loud and clear.**

## **How to attend this Council Meeting**

### **In person**

The City Council will meet in person (HOWEVER, one or more Councilors may participate remotely via Webex) for this meeting. Due to CDC social distancing guidelines, there will be limited seating available in the City Council chambers for the public, which will be available on a first come, first served basis. The City will not provide face coverings; please bring your own.

### **By telephone**

Dial 408-418-9388  
Enter Access Code 132 243 9934  
Phone password: 26353684

### **On your computer**

Email the City Clerk at [kpuhalainen@atlantisfl.gov](mailto:kpuhalainen@atlantisfl.gov) to be added to the attendee list. You will receive an invitation via email with the sign-in instructions.

OR

Go to [www.webex.com](http://www.webex.com) and click on 'Join' in the upper right-hand corner.  
Enter access code 1322439934  
Enter password 2MFkFmTix64

## **Comments from Members of the Public**

Any member of the public wishing to comment publicly on any matter, including on items on the agenda, may submit comments by noon on meeting day by email to the City Clerk at [kpuhalainen@atlantisfl.gov](mailto:kpuhalainen@atlantisfl.gov). All comments submitted by email that, if read orally, are three minutes or less shall be read into the record. All comments submitted by email shall be made part of the public record.

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATLANTIS, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES AT CHAPTER 11.6. SIGNS AND ADVERTISING BY PROVIDING UPDATED REGULATIONS FOR COMMERCIAL AND NON-COMMERCIAL SIGNS WITHIN THE CITY WHICH COMPLY WITH CONSTITUTIONAL REQUIREMENTS FOR GOVERNMENT REGULATION OF EXPRESSION; REVISING DEFINITIONS, EXEMPTIONS, PROHIBITIONS, AND DESIGN & PERMITTING REQUIREMENTS; PROVIDING THAT ALL UN-AMENDED SECTIONS SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Atlantis, Florida is currently undertaking a comprehensive review of the City of Atlantis' Code of Ordinances, including the City's sign code; and

**WHEREAS**, sign code regulations implicate the fundamental right of freedom of expression as guaranteed by the United States Constitution and the Florida Constitution; and

**WHEREAS**, American jurisprudence regarding government regulation of expression is complex, multi-faceted and fact specific: regulations that are based on the content of non-commercial expression must be the least restrictive means of meeting a compelling government interest; content neutral regulations that are based on time, place and manner of the non-commercial expression must be narrowly tailored to meet an important government interest and must leave open ample alternatives for lawful expression; and the regulation of commercial advertising must be narrowly tailored to meet the government's substantial interest in assuring that the advertising content is not misleading, and in assuring the legality of the commercial activity being advertised; and

**WHEREAS**, the regulation of signs by municipal government is contemplated by Florida law including but not limited to Chapter 163 regarding local government comprehensive planning and the adoption of land development regulations including sign regulations, as well as Chapter 166 regarding municipalities and municipal and "home rule" powers; and

**WHEREAS**, the City Council has reviewed its current sign code and has thoroughly discussed and debated the way the code should be revised in order to meet the present day and future needs of the City's residents and businesses, while also complying with the above legal standards; and

**WHEREAS**, the revisions to the City's sign code as set forth in this ordinance are intended to accomplish these goals, to protect the freedom of expression guaranteed to all citizens, and to serve the best interest, and protect the health, safety and welfare of the citizens, businesses and visitors of the City of Atlantis.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTIS, FLORIDA, AS FOLLOWS:**

**Section 1:** The Code of Ordinances of the City of Atlantis is hereby amended at Chapter 11.6. Signs and Advertising by providing updated regulations for commercial and non-commercial signs within the city which comply with constitutional requirements for government regulation of expression; revising definitions, exemptions, prohibitions, and design & permitting requirements; providing that Chapter 11.6 shall hereafter read as follows:

## Chapter 11.6 - SIGNS AND ADVERTISING

### Sec. 11.6-1. - Purpose and scope of regulations.

(a) In general. The purpose of this chapter is to establish regulations for the systematic control of signs and advertising displays within the City of Atlantis, as contemplated and/or required by the City's Comprehensive Development Plan, Chapters 163 and 166, Florida Statutes, and the Florida and the United States Constitution. The regulations and requirements as herein set forth are intended to preserve the residential character of the City of Atlantis by controlling size, location and use of signs in all zoning districts within the city. The regulations and requirements as herein set forth are also intended to further the City's compelling interest in providing for public safety and its important interest in providing for general aesthetics and for legality and clarity of commercial speech. It is likewise and further intended to protect and promote the general health, safety and welfare of the public, to protect property values and to assist in the safe, economic, and aesthetic development of business. To achieve this purpose, signs erected or installed within the city should address each of the following goals.

(1) *Property value protection.* Signs should not create a nuisance to the occupancy or use of other properties as a result of their size, height, brightness or movement. They should be aesthetically compatible in harmony with buildings, the neighborhood and other conforming signs in the area.

(2) *Communication.* Signs should not deny other persons or groups the use of sight lines on public rights-of-way, should not obscure important public messages and should not overwhelm readers with too many messages. Signs can and should help individuals to identify and understand the jurisdiction and the character of its subareas. Commercial advertising should be clear, concise and related to lawful commercial activity.

(3) *Preservation of community's beauty.* Small residential municipalities such as Atlantis ~~this~~ rely heavily on their natural surroundings and beautification efforts to retain their unique character. This concern is reflected by the active and objective regulations of the appearance and design of signs.

### Sec. 11.6-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Terms that are not defined herein should be given their common meaning:

*AARC.* The City of Atlantis Architectural Review Committee.

~~*Advertising.* Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.~~

*Awning.* An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid or retractable skeleton over which an approved cover is attached.

*Awning Sign.* A Sign painted on, printed on or attached flat against the surface of an the Awning.

*Back Lit Awning.* An internally illuminated Awning with translucent covering.

*Building Frontage.* That certain linear dimension, measured in feet, generally located on the side of a building facing, parallel to and/or oriented to an abutting street, and which contains the primary building entrance.

*Building Wall Sign.* A Sign displayed upon or attached to any part of the exterior of a building, including walls,

windows, doors, parapets, awnings and roof slopes of 45 degrees or steeper.

*Changeable Copy Sign.* A Sign which is visible from outside a building and which is characterized by changeable copy, regardless of method of attachment of the copy or manual/electronic operation of the changing message.

*Commercially Zoned Property.* For purposes of the sign code, property in the city that is non-residential, or that is designated with one of the following zoning districts is considered to be commercial property: C-1A, CG, CO, PO and H-D.

Commercial Speech. Speech that proposes a commercial transaction, identifies a person or entity with whom a commercial transaction is offered, or identifies a place or location at which a commercial transaction is offered.

Commercial Speech Sign. A Sign containing Commercial Speech.

*Copy.* The linguistic or graphic content of, including but not limited to Logos, contained on a Sign Face.

*Directional Sign.* An on-premises Ground Sign or Temporary Sign designed to guide or direct vehicular traffic.

*Directory Sign.* An on-premises Ground Sign or Wall Sign designed to identify and provide direction to specific Tenants located in a Multi-Tenant complex.

*Electric Sign.* Any sign containing electric wiring.

Edge of the Street. The edge of the paved roadway located within the geographical boundaries of the City of Atlantis.

*Erect a Sign.* To construct, reconstruct, install, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a Sign but it shall not include any of the foregoing activities when performed as an incident to routine maintenance.

Flag. A piece of fabric of distinctive design that is used as a symbol (as of a nation) or as a decoration.

*Ground Sign.* A Permanent Sign that is supported by one or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground, when no part of the sign is attached to any part of a building or structure.

*Harmful to minors.* With regard to Copy sign content, any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement; or non-erotic word or picture; when it:

- (1) Predominately appeals to the prurient, shameful, or morbid interest or is otherwise obscene in nature of minors in sex; and
- (2) Is patently offensive to generally accepted standards in the adult community as a whole with respect to what is suitable sexual material for minors; and
- (3) Taken as a whole, lacks serious literary, artistic, political, or scientific value.

Height of a sign. The height of a sign shall be measured as set forth in subsection 11.6 11(c) of this chapter.

*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 or other gaseous tube lighting, incandescent lights, back-

lighting, LED lighting, etc. and shall also include signs with reflectors that depend upon automobile headlights to make Copy visible.

LED. Light emitting diode.

*Logo.* Any symbol, trademark, picture or other graphic representation which is used to signify or identify the particular business or organization.

*Marquee.* A structure projecting from and completely supported by a building and which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

*Multi-tenant complex.* A non-residential use consisting of one or more plots and developed as a unified or coordinated project with a building or buildings housing more than one Tenant space.

*Neon or other gaseous tube sign.* A Sign electrically lighted by exposed tubes containing inert gas and visible from outside of a building.

Noncommercial Speech. Speech that does not propose a commercial transaction.

Noncommercial Sign. A Sign on which the Copy contains only Noncommercial Speech.

*Nonconforming Sign.* A Permanent Sign existing on at the effective date of the adoption ~~adopting~~ of this chapter which could not be built under the current terms of this chapter.

*Occupant (occupancy).* The use of a building or structure, or any portion thereof to effect ~~for~~ commercial transactions.

*Off-Site or off-premises Sign.* A Commercial Speech Sign advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at identifying a location other than the Plot property on which said sign the Commercial Speech Sign is located, where a commercial transaction is offered or a Noncommercial Speech Sign identifying the location of a noncommercial event other than the Plot on which the Noncommercial Speech Sign is located. This term applies to both Permanent Signs and Temporary Signs.

*On-Site Sign:* A Noncommercial Speech Sign erected on a Plot by the owner or lessee of the Plot or a Commercial Speech Sign on which at least some of the Copy on the Sign Face relates to the offer of a commercial transaction at the Plot on which such Sign is located. On-site Signs do not include Signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

*Outline Neon or Other Gaseous Tube, or LED Lighting.* An arrangement of electric discharge tubing or LED components to outline or call attention to certain features such as the shape of a building or the decoration of a window.

*Painted Wall Sign.* A Sign painted on a wall or on any other surface or part of a building or structure. This does not include residential street numbers as may be required by City code.

*Permanent Sign.* ~~Designed, constructed and~~ A Sign intended to be displayed to the general public for a minimum of one year. ~~more than short term use~~

*Plot.* As defined in chapter 15 of this Code of Ordinances.

*Portable Sign.* Any Sign held by hand or attached to a structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled, or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its mobility ~~Any sign which is not permanently attached to a building or is not attached to a permitted sign~~

~~structure affixed to the ground. Such signs include, but shall not be limited to, A- or T-frame signs, snipe signs, paper signs (other than allowable window signs), plywood signs, commercial signs carried by a person and commercial signs affixed to a vehicle or placed within or on a vehicle so as to be visible when the vehicle is parking in the vicinity of the business or place being advertised. Any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed and the remaining chassis or support structure converted to an A- or T-frame sign and attached temporarily or permanently to the ground.~~

Real Estate Sign. A Temporary Commercial Speech Sign used to identify property, buildings or building/tenant space other real property interests that are being offered for sale, rent or lease. Such signs shall also include signs used to advertise an "open house" real estate event. Directional Signs are not Real Estate Signs.

Residentially Zoned Property. Property within the City designated with one of the following zoning districts: R- 1AAA, R-1AA, R-1A, R1B, R-1, R-2 and R-3.

Roof line. A horizontal line intersecting the highest point or points of a roof.

Sign. Any device object designed to convey information or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

- (1) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- (2) Flags except as regulated at Sec. 11.6-10(4) and insignias of any government except when displayed in connection with commercial promotion;
- (3) Legal notices; identification, information, or directional signs erected or required by governmental bodies;
- (4) Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights;

Sign face. The part of a sign that is or may be used for Copy.

Sign Face Area. The area which contains the entire surface area of a Sign upon which Copy may be placed, and which is further defined by subsection 11.6-11(a) of this chapter.

Sign Structure. ~~Anything construction~~ used or designed to support a Sign.

Snipe Sign. Any Sign, generally of a temporary nature, made of any material, when such Sign is tacked, nailed, posted, pasted, glued, or otherwise attached to the ground or to trees, poles, stakes, fences, or other objects, not erected, owned, and maintained by the owner of the Sign.

Street. A public or private right-of-way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways, and boulevards.

Street Frontage. The length of the property line of any one Plot along the ~~main~~ Street on which it borders. Plots that abut more than one Street shall be considered to have more than one Street Frontage.

Temporary Sign. Any Sign that is not intended to be a Permanent Sign ~~A sign which is intended to or advertise community events, civic projects, political candidacy, political issues, real estate for sale or lease, or other special events on a short term basis.~~

Tenant. The person(s) or entity(ies) lawfully occupying Tenant Space.

*Tenant Space.* A self-contained space for rent or lease in a non-residential building, having its own secured entry from either the building interior or exterior, and comprised of enclosed space occupied by the principal or primary use and its own restroom facilities.

*Tenant Space Frontage.* That certain linear dimension, measured in feet, located on the exterior side of a Tenant space that is generally facing, parallel to and/or oriented to an abutting street, and which contains the primary Tenant space entrance.

*Vehicle Sign.* A Sign of any nature attached to, affixed in any manner, or painted on a motor vehicle or trailer.

*Window Sign.* A Commercial Speech Sign painted or permanently displayed upon or within a storefront window or door, or a Temporary Commercial Speech Sign affixed to the interior of a storefront window or door. LED and Outline neon or other gaseous tubing shall not be included in the definition of a Window Sign and area expressly prohibited by this chapter.

**Sec. 11.6-3. - General provisions.**

The regulations set forth in this chapter are intended to further the city's compelling interest in protecting public safety with the least restrictive means possible, and also to further the city's important interests in maintaining aesthetics and ensuring the truthfulness, accuracy, clarity and the lawfulness of commercial speech, all through means that are narrowly tailored to achieve those interests.

(a) *Relationship to building and electrical codes.* These sign regulations are intended to complement the requirements of the building and electrical codes adopted by the city. Wherever there is inconsistency between these regulations and the building or electrical code, the more stringent requirements shall apply.

(b) *No defense to a nuisance action.* Compliance with the requirements of this chapter shall not constitute a defense to an action brought to abate a nuisance under the common law.

(c) *Enforcement.* The regulations contained in this Chapter shall be enforced through the City's code enforcement process. ~~The city manager may initiate action before the code enforcement board or special magistrate of the city to obtain compliance with this chapter.~~

(d) Maintenance of all Signs and removal of Commercial Speech Signs located on Commercially Zoned Property upon business closure.

(1) 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 city, and shall be free of rust, broken parts, mildew, damage, peeling or faded paint, or any other deficiency that must be corrected to ensure a like new appearance at all times. The vegetation around the base of Ground Signs for a distance of ten feet 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.

(2) Any Commercial Speech Sign now or hereafter existing which no longer ~~advertises~~ proposes a bona fide business conducted or a product sold current commercial transaction shall be ~~taken down~~ and removed by the owner, agent or person having the beneficial use of the building or structure upon which sign may be found within ten days after written notification from the city manager. Upon failure to comply with such notice within the specified time ~~in such order~~, the city is hereby authorized

to cause removal of such sign and any expenses incident thereto shall be paid by the Plot owner of the building or structure to which said sign is attached.

(e) *Permits.*

(1) Unless otherwise provided for in this chapter, no sign shall hereafter be erected, constructed, altered or maintained, except as provided in this chapter, until after a permit for the same has been issued in accordance with the permitting procedures of the building code.

(2) *Fees.* Permit fees shall be based on the construction valuation as set forth in the building code and adopted fee schedule.

(3) *Exemption.* Unless otherwise stated in this chapter, Temporary Signs not regulated by the Florida Building Code and exempt signs as set forth herein shall not require a permit, a fee or review and approval by the AARC. Notwithstanding this exemption, all such Signs shall be subject to the other provisions of this chapter, including the sign design requirements set forth in section 11.6-8, when applicable.

(f) *Noncommercial ~~message~~ Copy.* Notwithstanding anything contained in other sections of the chapter of the code to the contrary, any Sign erected pursuant to the provisions of this chapter may, at the option of the owner applicant, contain either ~~a noncommercial message unrelated to Noncommercial Speech, Commercial Speech related to the business and located on the business premises, or a combination of the business located two.~~ Where Commercial Speech and Noncommercial Speech both appear on a Sign Face, the premises where the sign is erected or a commercial message related to the business and located on the business premises. Sign shall be deemed to be a Commercial Speech Sign. The ~~noncommercial message may occupy the entire sign face or portion thereof.~~ Sign Face Copy may be changed from commercial to noncommercial ~~messages~~ Copy as frequently as desired by the owner of the sign, provided that the size and design criteria conform to the applicable portions of this code, the sign is allowed by this chapter, the sign conforms to the requirements of the applicable zoning designation and the appropriate permits are obtained. For the purposes of this sign code, Noncommercial messages Copy, by their its very nature, shall never be deemed off-premises.

(g) *Signs, number and surface area.*

(1) For the purpose of determining number of Signs, a Sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single Sign.

(2) The surface area of a Sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the Sign Face and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of Surface area.

**Sec. 11.6-4. - Nonconforming signs.**

All signs lawfully erected within the city that do not conform to the terms of this chapter as of June 17, 2020 ~~2015~~, shall be allowed to remain as nonconforming signs, provided that such signs are maintained as required by this chapter. The change of the face or tenant panel in a lawfully existing, nonconforming sign shall not require the sign to conform to this chapter; however, the replacement of any existing nonconforming sign

shall not be permitted unless such replacement complies with the requirements of this chapter. A nonconforming sign may not be enlarged or altered to increase its nonconformity. Should any nonconforming sign be damaged by any means to an extent of more than 50 percent of its replacement cost at the time of damage, it shall not be reconstructed or repaired except in conformity with the provisions of this chapter.

**Sec. 11.6-5. - Variances.**

Applications for a variance from the requirements of this chapter shall be processed and considered pursuant to the same process set forth in the zoning chapter of this code.

**Sec. 11.6-6. - Exempt signs.**

The following signs are exempt from the ~~operation of these sign~~ regulations contained in this chapter, and from the requirement in this chapter that a permit be obtained for the erection of Permanent Signs and that such Signs be subject to review and approval from the AARC, provided they are not placed or constructed so as to create a hazard of any kind and comply with all other applicable requirements set forth in this chapter:

- (1) Commercial Speech Advertising and Identifying Signs located on taxicabs, buses, trailers, trucks, or other vehicles or vehicle bumpers, except as otherwise provided in this chapter. No such signs on any vehicle associated with a home occupation shall be permitted when the vehicle is parked at the location of the licensed home occupation at a Residentially Zoned Property.
- (2) Holiday lights and decorations erected during the ~~associated appropriate~~ holiday season and in compliance with all building and electrical codes. Holiday lights and decorations may be erected no earlier than four weeks prior to the subject holiday. All holiday lights and decorations shall be removed within two weeks following the holiday. All holiday lights and decorations shall be displayed within the applicable setbacks for Temporary Signs on the same Plot.
- (3) Legal notices and official instruments.
- (4) Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
- (5) Merchandise displays behind storefront windows so long as no part of the display moves or contains flashing lights.
- (6) ~~Reserved Political signs as set forth in subsection 11.6-9(b) of this chapter.~~
- (7) Public warning Signs or devices to indicate the dangers of trespassing, swimming, animals, chemical lawn treatment or other similar hazards; Signs advising of the use of home security monitoring systems. This exemption does not include "child at play" signs / child shaped structures intended to warn motorists of children in the area.
- (8) 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 air conditioning units, TV satellite dishes, newspaper racks, vending machines ~~telephone booths~~, and gasoline pumps.
- (9) Signs or devices necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or Directional signs erected on public property ~~as approved by or with the express approval of the City of Atlantis through the city manager.~~

- (10) Signs that are not designed or located so as to be visible from any Street or adjoining property.
- (11) Temporary ~~real estate~~ Signs as set forth in subsection 11.6-9(a) of this chapter.
- (12) Reserved Temporary window signs as set forth in subsection 11.6-9(d) and subsection 11.6-10(5) of this chapter.

**Sec. 11.6-7. - Prohibited signs.**

(a) *Generally.* It shall be unlawful to erect or keep any Sign not expressly authorized by, or exempted from, this chapter.

(b) *Specifically.* The following signs are expressly prohibited unless exempted by section 11.6-6 of this chapter or expressly authorized by sections 11.6-4, 11.6-9 or 11.6-10 of this chapter:

- (1) Any Sign that constitutes a safety hazard.
- (2) Blank Temporary Signs.
- (3) Changeable Copy sign as defined by this chapter, except for the following:
  - a. Gas station signs; provided, however, that such signs are:
    - a. Limited to a maximum of 20 percent of the total sign area of any allowable ground sign face;
    - b. Changeable copy is limited to price of fuel and the words "cash" and "credit"; and
    - c. The maximum height of changeable numbers to display the price of fuel shall be 12 inches.
- (4) Marquee sign as defined by this chapter.
- (5) Non-governmental signs that use the words "stop," "look," "danger," or any similar word, phrase, or symbol. "Child at play" signs / child shaped structures intended to warn motorists of children in the area are included in this prohibition.
- (6) Off Site premises sign as defined in this chapter.
- (7) Outline neon or other gaseous tube, or LED lighting used on commercially zoned property for commercial purposes, whether located on the exterior of the building or within five feet of any window surface visible from the exterior.
- (8) Painted Wall Sign as defined by this chapter.
- (9) Portable Signs as defined by this chapter.
- (10) Roof Signs as defined by this chapter.
- (11) Searchlights ~~used to advertise or promote a business or to attract customers to a property.~~
- (12) Signs commonly referred to as wind signs or feather banners, consisting of one or more banners, flags ~~(except flags that are as permitted in subsection 11.6-10(4) of this chapter)~~, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.
- (13) Signs displaying Copy that is Harmful to minors as defined by this chapter.

- (14) Signs erected on public property, or on private property (such as privately owned utility poles) located on public property, other than Signs erected by the City or other public authority for public purposes.
- (15) Signs erected over or across any public Street except as may otherwise be expressly authorized by this chapter, and except governmental signs erected by or on the order of the city manager.
- (16) Signs or Sign Structures that interfere in any way with free use of any fire escape, emergency exit, 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 chapter or other ordinance of the city.
- (17) Signs placed upon benches, bus shelters or waste receptacles.
- (18) Signs that are in violation of the building code or electrical code adopted by the city.
- (19) Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian 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.
- (20) 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.
- (21) Signs that contain any lighting or control mechanism that causes interference with radio, television or other communication signals.
- (22) Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- (23) Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
- (24) Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public Streams.
- (25) 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 illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.
- (26) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.
- (27) Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of Copy.
- (28) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- (29) Signs within ten feet of any public right-of-way or 100 feet of any traffic-control lights, that contain red or green lights that might be confused with traffic control lights.

(30) Strings of light bulbs used on commercially zoned properties, other than traditional holiday decorations, except as permitted in the C-1A zoning district as set forth in subsection 11.6-10(7) of this chapter.

(31) Temporary construction signs.

(32) Vehicle signs visible from any street with a total sign area less than or equal to ten square feet, when the vehicle is parked for more than 60 consecutive minutes on a commercially zoned property and on which the business being advertised is located and:

- a. Is parked within the front two-thirds of the area between the front building line and the front lot line; or
- b. In the case of corner lots, is parked within the front two-thirds of the area between the side building line and the side lot line; or
- c. Is parked within 30 feet of any street right-of-way line.

(33) Vehicle signs with a total sign area on any vehicle in excess of ten square feet, when the vehicle is parked on the same property as the business being Advertised and:

- a. Is parked for more than 60 consecutive minutes within 100 feet of any street right-of-way line; and
- b. Is visible from the street that the vehicle is within 100 feet of; and
- c. Is parked on commercially zoned property.

(34) Snipe Signs.

**Sec. 11.6-8. – Permanent Sign design and location requirements.**

All Permanent signs erected within the city shall comply with the following design requirements. This section ~~Such regulations~~ shall not apply to all signs, including exempt or ~~and~~ Temporary Signs.

(1) General criteria for appearance and design.

- a. Unless otherwise exempted from the requirement elsewhere in this chapter ~~set forth herein~~, all Signs erected within the city shall require review and approval from the AARC.
- b. Colors shall be used harmoniously and with restraint. Excessive brightness and brilliant colors shall be avoided. Lighting, if permitted, shall be harmonious with the design. If external spot or flood lighting (up-lighting) is used, the light fixtures and light source shall be arranged so that the light source is shielded from view.

(2) Design criteria for building wall Signs. A building wall Sign(s) shall:

- a. Be designed as an integral component of the architectural concept of the building. Size, color, lettering, location and arrangement shall be harmonious with the building design;
- b. Project no more than four feet perpendicularly from the surface to which it is attached;
- c. Not extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building;

- d. In the case of any Multi-tenant complex, comply with an approved uniform Sign program setting forth the location, style, color, method of attachment/construction, illumination and size of walls Signs. For existing Multi-tenant complexes, the owner may submit a uniform Sign program for consideration by the AARC that establishes criteria for all future Sign permits to be issued in the complex. If the owner of an existing Multi-tenant complex does not submit a uniform Sign program for the property, Signs shall be required to comply with the established uniform Sign program as established by the majority of existing wall Signs; and
  - e. Be illuminated by either external directional lighting or by the use of opaque face, reverse channel backlit letters.
- (3) Design criteria for Ground Signs. Ground Signs shall be designed to be:
- a. Aesthetically compatible ~~in harmony~~ with the architectural theme, design style and scale of the principal building on site and incorporate complementary building materials and colors;
  - b. Uniform as to style, color, materials, illumination and overall design when more than one Ground Sign is permitted for a use.
- (4) Locational criteria for Ground Signs. Ground Signs shall be:
- a. Oriented away from Residentially zoned property, except on major Streets provided the sign location is a minimum of 150 feet from the nearest Residentially zoned property.
  - b. Located a minimum of ten feet from the property line. A setback of less than ten feet may be approved by the city manager when it is determined that compliance with required the setback is not possible, it can be shown that the proposed location is consistent with the purpose and intent of this chapter, and the proposed location does not result in any adverse impacts to public health, safety and welfare.
- (5) Design criteria for Directional and Directory signs. When permitted by subsection 11.6-10(8) of this chapter, Directional and Directory Signs shall comply with the general, design and locational criteria for wall and Ground Signs set forth in this section.

**Sec. 11.6-9. - Temporary signs.**

- (a) ~~Temporary real-estate~~ Commercial Speech Signs. Temporary Commercial Speech ~~non-illuminated real-estate~~ Signs shall comply with the following design, size, locational, quantity and duration requirements to further the city's important interests in assuring accuracy in advertisements and maintaining property values and the city's enviable aesthetics through means that are narrowly tailored to achieve those interests.
- (1) Residentially zoned property: ~~Residential uses in the R 1AAA, R 1AA, R 1A, R 1, R 2 and R 3 zones.~~
- a. Temporary Commercial Speech Signs shall have a maximum Sign Face area of 324 square inches and may be oriented in either a "landscape" or a "portrait" configuration. Real-estate signs in all residential districts shall be 18 inches in width and shall be 18 inches

~~above the finished grade of the ground with the top of the face of the sign no more than two and one-half feet above the finished grade of the ground.~~

b. No more than one Temporary Commercial Speech Sign per Plot shall be allowed permitted. However, when an open house or other on-site event is held which is related to the purpose of the authorized Temporary Commercial Speech Sign, a second Temporary Commercial Speech Sign per Plot shall be allowed which advertises the on-site event. Such second Temporary Commercial Speech Sign must be removed upon the conclusion of the on-site event.

c. Signs shall be made of a durable metal or other durable material that is made to withstand prolonged exposure to the elements. Copy shall be printed with black lettering on a white background, or vice versa, and shall include the name of the person to contact regarding the subject of the Sign Copy and the means of contact (e.g. telephone number and/or e-mail address). Signs shall be designed with black lettering on a white background and supported by black or white support posts of wood or metal no greater than one inch in diameter (round) or width (square).

d. Temporary Commercial Speech Signs shall be supported by two (2) black or white metal support posts and shall also be completely framed in a metal no greater than one inch in diameter (round) or width (square) Signs shall be installed on the property advertised for sale, rent or lease.

e. Temporary Commercial Speech Signs shall be displayed and maintained on the Plot relating to the Copy on the Sign. No Off-Site or Off-Premises signs are permitted, including Off-Site or Off-Premises Directional Signs Signs shall be setback a minimum of 12 feet from the edge of the street, or when impossible to comply with this requirement, setback no more than four feet from the principal structure. If application of this requirement is not possible, the city manager shall determine the location of the sign consistent with the purpose and intent of this chapter.

f. Temporary Commercial Speech Signs shall be located in front yards only and shall be setback a minimum of 12 feet from the Edge of the Street, or when impossible to comply with this requirement, setback no more than four feet from the principal structure. If application of this requirement is not possible, the City Manager or designee shall determine the location of the sign consistent with the purpose and intent of this chapter Signs for the lease or rent of space shall be permitted no sooner than 30 days prior to the expiration of a lease and only during such time as the space is vacant or not subject to an active lease or rental agreement.

g. Temporary Commercial Speech Signs may be displayed when the subject of the Copy is reasonably available to be marketed in the relevant marketplace and removed upon completion of the proposed transaction. In particular, for proposed transactions related to Residentially Zoned Property, Temporary Commercial Speech Signs may be displayed when the property is available to be purchased or up to 30 days prior to the property being available for rent or lease and such Temporary Commercial Speech Signs shall be removed

from the Residentially Zoned Property upon the closing of a sale or execution of a rental or lease agreement.-

(2) Commercially zoned property: Uses in all other zones.

- a. Maximum size of a Temporary Commercial Speech Sign shall be 72 24 square feet.
- b. Maximum height shall be 12 feet; maximum width shall be six feet.
- c. No more than one Temporary Commercial Speech Sign per Plot shall be permitted.
- d. Temporary Commercial Speech Signs shall be designed made of a durable metal or other durable material that is made to withstand prolonged exposure to the elements. Copy shall be printed with black lettering on a white background, or vice versa, and shall include the name of the person to contact regarding the subject of the Sign Copy and the means of contact (e.g. telephone number and/or e-mail address). Temporary Commercial Speech Signs shall be supported by two (2) black or white metal support posts and shall also be completely framed in a metal frame of wood or metal no greater than six inches in diameter (round) or width (square).
- e. Temporary Commercial Speech Signs shall be displayed and maintained installed on the Plot property advertised for sale, rent or lease related to the Copy on the Sign Face. No Off-Site or Off-Premises signs are permitted, including Off-Site or Off-Premises Directional Signs.
- f. Temporary Commercial Speech Signs may be displayed when the subject of the Copy is reasonably available to be marketed in the relevant marketplace and removed upon completion of the proposed transaction. In particular, for proposed transactions related to Commercially Zoned Property, Temporary Commercial Speech Signs may be displayed when the property is available for the lease or rent of space shall be permitted no sooner than to be purchased or up to 30 days prior to the expiration of a lease and only during such time as the space is vacant or not subject to an active lease or rental agreement property being available for rent or lease and such Temporary Commercial Speech Signs shall be removed from the Commercially Zoned Property upon the closing of a sale or execution of a rental or lease agreement.
- g. ~~— All real estate signs shall be removed within three days following completion of a sale or execution of a lease or rental agreement.~~

(b) Temporary Noncommercial Speech Signs. Temporary Noncommercial Speech Signs shall comply with the following design, size, locational, quantity and duration requirements to further the city's important interests in maintaining property values and the city's enviable aesthetics through means that are narrowly tailored to achieve those interests. The same requirements as set forth below shall apply on both Residentially Zoned Property and Commercially Zoned Property.

(1) Maximum size shall be 18 inches by 24 inches and maximum height shall be 36 inches above the finished grade of the ground. Signs may be oriented in either a "landscape" or a "portrait" configuration.

(2) Signs shall be manufactured of a material that is durable and made to withstand limited exposure to the elements. Signs shall be supported by two (2) black, gray or white metal support posts no greater than one inch in diameter (round) or width (square).

- (3) Temporary Noncommercial Speech Signs shall be located in front yards only and shall be setback a minimum of 12 feet from the Edge of the Street, or when impossible to comply with this requirement, setback no more than four feet from the principal structure. If application of this requirement is not possible, the City Manager or designee shall determine the location of the sign consistent with the purpose and intent of this chapter.
- (4) One Temporary Sign per Plot associated with a definite event shall be permitted beginning 30 days prior to the event. By way of example: religious services for a particular holiday are one definite event; multiple candidates running for office as well as individual ballot questions related to a particular issue all occurring at the same election are each separate definite events; a birthday party is one definite event. Signs shall be removed from the property promptly upon the conclusion of the event.
- (5) One Temporary Sign per Plot which is not associated with a definite event shall be permitted at all times. By way of example, these are Signs generally expressing allegiance (or opposition) to a school or sports team; or signs generally expressing support (or opposition) to an ideological, social, familial or political concept generally, and that are not associated with any definite event.
- (c) All Temporary Signs shall be removed and safely stored within a structure upon the declaration by the State of Florida, Palm Beach County, or the National Weather Service of a Hurricane Watch that includes the City of Atlantis within the scope of the declaration and shall not be displayed until after the storm system has completely passed the City.
- (d) Signs showing evidence of weathering, rust or other damage, or deterioration from whatever cause, shall be removed and/or replaced immediately.
- ~~(b) Political signs. Temporary political signs, each not exceeding four square feet in sign area and not more than four feet in height, may be displayed on any plot within the city. Political signs shall be limited to one sign per candidate or issue, per plot in any federal, state, county or municipal election. Political signs shall not be placed on any plot within the city without the consent of the property owner. For vacant parcels, the property owner's written consent must be filed with the city clerk prior to the erection or placement of any temporary political signs. Political signs shall be erected no more than 30 days before a federal, state, county or municipal election and must be removed within 48 hours of the Election Day or political event for which they were placed. If such signs are not timely removed, they may be removed by the city and the city may charge the candidate the actual cost for such removal in accordance with F.S. § 106.1435. Political signs shall be prohibited in the rights-of-way within the city.~~
- ~~(e) (e) Temporary special event signs in certain commercial zoning districts. Temporary signs may be permitted for grand openings and special events in the C-1A and CG zoning districts or social clubs as part of a special event permit issued by the city. No more than two Temporary signs associated with the permitted special event shall be allowed permitted and the total sign face area of all Temporary signs associated with the permitted special event shall not exceed 24 square feet each 60 square feet. Such signs shall require a special event permit. No more than two special events permits for a period of up to ten days, each, shall be issued per eligible Plot per calendar year.~~
- ~~(f) (f) Temporary window signs. See subsection 11.6-10(5) of this chapter.~~

**Sec. 11.6-10. - Permanent Signs.**

In addition to the criteria set forth below, all Permanent Signs shall also comply with the Sign design and

location criteria set forth in section 11.6-8 of this chapter.

- (1) *Ground Signs for Commercially zoned property.* Ground Signs shall be permitted subject to the following number, height, size and other noted criteria.

Zoning District	Maximum Number per Plot 1	Maximum Height (feet) 2	Maximum Sign Face Area (square feet) 3	Other Criteria
RD	1 double-faced or 2 single-faced per Street frontage	6 (local Street) 15 (major Street)	16 (local Street) 50 (major Street)	External illumination only
C-1A CG	1 per Street frontage	6 (local Street) 15 (major Street)	<ul style="list-style-type: none"> <li>• 50 (up to 100 feet of Street frontage)</li> <li>• 75 (101 to 149 feet of Street frontage)</li> <li>• 100 (150 feet or more of Street frontage)</li> </ul>	The Ground Sign shall contain no more than four (4) Tenant panels or Sign faces. The name of the development or center shall not be included as one of the allowable Tenant panels or Sign faces.
CO PO	1 per Street frontage	6 (local Street) 15 (major Street)	<ul style="list-style-type: none"> <li>• 30 (up to 50 feet of Street frontage)</li> <li>• 50 (51 to 99 feet of Street frontage)</li> <li>• 75 (100 feet or more of Street frontage)</li> </ul>	
H-D	1 per Street frontage	6 (local Street) 18 (major Street)	<ul style="list-style-type: none"> <li>• 75 (up to 50 feet of Street frontage)</li> <li>• 100 (51 to 99 feet of Street frontage)</li> <li>• 150 (100 feet or more of Street frontage)</li> </ul>	

Notes:
(1) Plots having more than one Street frontage shall be permitted to have one (1) Ground Sign per Street frontage provided that no Ground Sign is located within 50 feet of the point of intersection of the abutting Streets. If the Ground Sign is proposed within 50 feet of the point of intersection, only one (1) Ground Sign shall be permitted for the Plot.
(2) Major Streets include Military Trail, Congress Avenue and Lantana Road; local Streets shall be all other rights-of way.
(3) Unless otherwise indicated, square footage shall be permitted regardless of whether the Street Frontage is classified as a major or local Street.

(3) *Ground Signs for Residentially zoned property.* One double-face Sign or two (2) single-faced Signs shall be permitted at each entrance into the development from each abutting Street. The maximum allowable area of any Sign Face shall be 16 square feet and the maximum height of any such Sign shall be six feet. Illumination shall be by external means only.

(4) *Building wall Signs for Commercially zoned property.* Building wall Signs shall be permitted subject to the following number, height, size, locational and other noted criteria.

Zoning District	Maximum Number <sup>2</sup>	Maximum Height (feet) <sup>1</sup>	Maximum Sign Face Area (square feet) <sup>1</sup>	Other Criteria
RD	1	N/A	8	
C-1A CG CO PO H-D	1	2.5 (up to 25 feet of building or Tenant space frontage)	1 square foot of Sign face area for every 1 linear foot of building or Tenant space frontage up to a maximum of 50 square feet.	A multi-Tenant development or center may be permitted one (1) additional building wall Sign not to exceed a Sign area of twenty (20) square feet to identify the name of the development or center on each building wall oriented to an abutting Street frontage.
		4 (26 to 50 feet of building or Tenant space frontage)	1 square foot of Sign face area for every 1 linear foot of building or Tenant space frontage up to a maximum of 50 square feet.	
		7.5 (more than 50 feet of building or Tenant space frontage)	1 square foot of Sign face area for every 1 linear foot of building or Tenant space frontage up to a maximum of 50 square feet.	

Notes:

(1) For purposes of this chapter, building or Tenant space frontage shall mean that linear dimension of the building or Tenant space most generally parallel to and/or oriented to an abutting Street.

(2) In the case of Plots having more than one abutting Street or other building facades that serve as the main building front or primary building entrance, an additional building wall Sign in compliance with the above-noted criteria may be permitted by the AARC, subject to a determination that such Sign does not adversely impact abutting residential property and is consistent with the purpose and intent of this chapter.

(5) Flags.

a. Number. No more than three flags ~~or insignias of governmental, religious, charitable, fraternal or other organizations~~ may be permanently displayed on any one Plot at any given time.

b. Size. The maximum distance from top to bottom of any flag or flags shall be 30 percent of the total height of the flag pole, or in the absence of a flag pole, 30 percent of the distance from the top of the flag or insignia to the ground. The maximum height of a flag pole on any Residentially zoned property shall be 20 feet. The maximum height of a flag pole on any Commercially zoned property shall be 35 feet.

(6) Window Signs. Maximum window coverage. The combined area of Permanent and Temporary Signs placed on or behind windows on structures in commercially zoned property shall not exceed 15 percent of the total first floor window area situated on the side of the building or Tenant space generally parallel to and/or oriented to an abutting Street. Such signage shall be permitted in addition to building wall signage allowed by this chapter. Window Signs shall be located so as to provide clear and unobstructed sight lines from adjacent parking areas and sidewalks to interior spaces, including areas where business transactions are conducted.

(7) Street numbers.

a. Generally. Every building in the city shall have its Street number so affixed to the building or the premises upon which the building is located that it is both visible and legible from the public Street.

b. Height and color. All Street numbers shall be a minimum of three inches in height on ~~residential~~ buildings located on Residentially zoned property and a minimum of six inches on ~~commercial~~ buildings located on Commercially zoned property. All Street numbers shall be a sharply contrasting color with the building.

(8) Strings of white light bulbs. Strings of white light bulbs may be permanently permitted to outline buildings and decorate trees on developed property in the C-1A zoning district, provided that such display is customarily incidental to the use, harmonious with the character of existing development and the surrounding area, does not result in adverse impacts to public health, safety and welfare. Approval by special exception from the city council and issuance of a building permit shall be required.

(9) Directional and Directory Signs.

a. Directional Signs to identify access to parking areas may be erected, subject to compliance with the following criteria:

1. No more than one directional Sign shall be allowed at each point of ingress and egress to a parking lot or parking area from an abutting street;
2. Such Signs shall not create a traffic or pedestrian hazard;
3. Such Signs shall not exceed two square feet in background area nor extend to a height greater than three feet;

4. Sign faces shall be restricted to directional information (i.e. enter, exit, parking, etc.) only. Names, Logos and other ~~forms of~~ non-directional Copy information shall not be permitted; and

5. Such Signs shall comply with the applicable design criteria of this chapter and be approved by the AARC.

6. Off-site Directional signs are prohibited.

b. Directory signs to identify the location of specific Tenants in a Multi-Tenant complex comprised of two or more buildings sharing a common parking lot or area may be permitted, subject to the following criteria:

1. Such Signs may be either on-site Ground signs or wall signs;

2. Directory Signs shall be strategically located and of the minimum number necessary to provide effective direction for vehicular and pedestrian traffic;

3. Directory Signs shall not exceed more than six square feet of sign face area;

4. No more than one Directory wall Sign shall be permitted per building;

5. Directory ground Signs shall not exceed a height of five feet; and

6. Such Signs shall comply with the applicable design criteria of this chapter and be approved by the AARC.

**Sec. 11.6-11. - Measurement determinations.**

(a) Sign face area.

(1) Generally. The area of a sign face shall be the area within the smallest square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points or edges of the sign face.

(2) Special situations.

a. Where a sign is composed of letters attached directly to a building wall, Ground sign structure, window, door or other allowable surface or location, and the letters are not enclosed by a border or trim, the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points of the letters or pictures.

b. Where two sign faces are placed back to back on a single sign structure, and the faces are at no point more than four feet apart, the area of the sign shall be counted as the area of one of the faces.

c. Where three or more sign faces are arranged in a square, rectangle, or diamond, the area of the sign shall be the area of the two largest faces.

(b) Number of signs.

- (1) *Generally.* In general, the number of Signs shall be the number of non-contiguous Sign faces. Multiple non-contiguous Sign faces may be counted as a single Sign if all the Sign faces are included in the geometric figure used for determining the Sign area.
- (2) Special situations.
- a. Where two Sign faces are placed back to back and are at no point more than three feet apart, it shall be counted as one Sign.
- b. If a Sign has four faces arranged in a square, rectangle or diamond, it shall be counted as two signs.
- (c) Sign Height. The height of a Sign shall be measured as the vertical distance from the finished grade at the base of the supporting Sign Structure to the top of the Sign, or its frame or supporting Sign Structure, whichever is higher.
- (d) Sign Setback. Setback measurement shall be from the outermost edge of the Sign Structure to the nearest Edge of the Street.

**Section 2:** All un-amended sections of Chapter 11.6 shall remain in full force and effect as previously adopted.

**Section 3:** All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

**Section 4:** Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**Section 5:** Specific authority is hereby granted to codify this Ordinance.

**Section 6:** This Ordinance shall take effect immediately upon adoption.

## Chapter 4 - BUILDINGS AND BUILDING REGULATIONS

### ARTICLE VII. - MINIMUM PROPERTY STANDARDS

#### **Sec. 4-60. - Purpose and scope.**

The purpose of this article is to establish uniform minimum standards for the occupancy and maintenance of all dwelling units, as well as office, commercial and institutional structures, located in the City of Atlantis. The objective of this article is to improve, preserve, and maintain the buildings and structures of the city and to eliminate blighting influences wherever possible. Every building or structure in the city is subject to the provisions of this article and shall conform to these requirements, regardless of when the building or structure may have been constructed, altered or repaired. This article does not replace or modify standards of other codes or ordinances regulating the construction, replacement or repair of buildings or unsafe structures, but shall operate in conjunction with the Florida Standard Building Codes and all other technical codes as adopted by the city council.

#### **Sec. 4-61. - Maintenance and appearance standards for all structures.**

(a) The owner and/or manager of all real property within the city shall maintain the exterior of the premises in such a manner to conform with all city codes and ordinances to avoid blighting influences on neighboring properties, and to avoid the creation of hazards to public health, safety and welfare. Properties shall be maintained in accordance with the following standards:

(1) The exterior of all premises and every structure thereon, including all parts of the structure and appurtenances where exposed to public view, shall not show evidence of deterioration, weathering, discoloration, ripping, tearing or other holes or breaks. All screened enclosures shall be properly fitted and maintained. All other surfaces shall be maintained free of broken glass, crumbling stone, brick or stucco, or other conditions reflective of deterioration or inadequate maintenance.

(2) All surfaces requiring paint or which are otherwise protected from the elements shall be painted or protected. Painted surfaces shall be maintained free of graffiti, and with uniform colors, void of any evidence of deterioration. Colors shall be

harmonious with each other and representative of the character of the neighborhood. The use of three or fewer different colors on the building is encouraged. Bright and brilliant colors are discouraged. Fluorescent and metallic colors are prohibited.

(3) All off-street parking spaces shall be asphalt, concrete or block and shall be smooth-surfaced and in good repair, in compliance with city codes.

(4) Only one principal color may be used on each structure, excluding those used to accent architectural features and/or trim.

(5) a. Allowed roofing materials. Only the following roofing materials are allowed:

1. Concrete tile or concrete derivatives;
2. Barrel tile; or
3. Wood shake shingles.
4. Standing seam, interlocking shingle and faux clay metal.

b. Prohibitions. All roofing materials made of asphalt; fiberglass and/or metal are strictly prohibited on residential structures located within the city.

c. Maintenance responsibilities. All roofs must be of a uniform color; thus, all repairs must blend with the predominant color of the roof.

(6) On all properties within the city that have been improved with a habitable structure, ~~all the entire yard~~ areas must be landscaped in accordance with the following guidelines:

a. Height of trees, palm trees, hedges, and all other plant material, shall conform with all applicable city ordinances including chapter 8.5 of the City Code.

b. All yard areas ~~Yards~~ must be composed of lawn and other landscaping ~~sodded~~ in accordance with chapter 8.5 of the City Code. Lawns shall be ~~and~~ mowed on a regular basis, and landscaping shall be maintained to provide a healthy, neat, manicured appearance at all times.

c. Yard areas ~~Yards~~ may contain ~~areas not intended for sod such as~~ play areas, gardens, flower beds, driveways, walks, etc. All such areas shall be clearly defined and must be landscaped in accordance with chapter

8.5 of the City Code and maintained free of weeds and other uncultivated growth so that they provide a healthy, neat, manicured appearance at all times.

d. All yard areas ~~yards~~ (lawns, landscape areas and other areas both vegetative and non-vegetative areas) shall be maintained so as to present a healthy, neat, and orderly appearance at all times. Debris and refuse shall be removed from all yard areas immediately.

e. Dead or substantially dead vegetative material (including trees, palm trees, or individual tree branches, shrubs, hedges, vines or other vegetative material) is hereby declared to be a public nuisance, and must be removed and/or replaced within 30 days.

(7) No owner of any lot or parcel of land in the city shall permit to remain or maintain on any such lot or parcel any dead or substantially dead palm trees, including the stumps thereof, of any variety or species of palm tree susceptible to "lethal yellowing" and the same shall be promptly removed by the owner at the owner's expense.

(8) All ~~permanently attached~~ components of storm panel systems shall be maintained in a state of good repair and appearance at all times ~~match the color of the walls or trim of the building~~. Storm shutters which are installed, hung, attached to a structure or are otherwise utilized for their intended purpose for any period of time in excess of 30 consecutive days must be manufactured, painted or treated so that they match or complement the structure to which they are attached, subject to the following:

a. Corrugated aluminum or other metallic shutters and all components of accordion and roll up shutters need not be painted, but must be properly maintained and uniform in appearance on the structure to which they are attached ~~subject to the time limits set forth in subsection d. below~~.

b. The use of wood is permitted so long as the wood that is installed, hung, attached to a structure or used as storm shutters is properly maintained and uniform in appearance on the structure to which it is attached ~~for a period of time in excess of 30 consecutive days is painted~~

~~to match the color of the walls or trim of the building, subject to the time limits set forth in subsection d. below.~~

~~c. Reserved Due to the nature of being permanently attached to the building even when in the open position, all components of accordion and roll up shutters shall match the color of the walls or trim of the building.~~

d. Under no circumstances shall wood or metal panels be installed prior to June 1 nor shall they be allowed to remain in place after November 30 of any year, unless a tropical storm or hurricane "warning" or "watch" has been issued outside of such time frame, in which case the said panels are allowed but must be removed within two weeks of the end of the storm event.

e. The use of storm panel systems or shutter systems while the building to which they are attached is occupied by any person must be:

~~i. Pursuant to the issuance of a tropical storm or hurricane "warning" or "watch"; or~~

~~ii. Pursuant to the declaration of a state of emergency; or~~

~~iii. In compliance with all provisions of the Florida Fire Prevention Code and the Florida Life Safety Code as adopted by the city at section 7-26. Said compliance specifically includes provisions relative to ingress, egress and escape requirements.~~

## **Chapter 8.5 - LANDSCAPING AND TREE PROTECTION**

### **ARTICLE I. - IN GENERAL**

#### **Sec. 8.5-1. - Short title.**

This chapter shall be known and cited as the Landscaping and Tree Protection Ordinance.

#### **Sec. 8.5-2. - Purpose and intent.**

It is the intent of the City of Atlantis to promote the health, safety, and welfare of existing and future residents of and visitors to Atlantis ~~South Florida~~ by establishing minimum

standards for the protection of natural plant communities, and the installation and continued maintenance of landscaping within the City of Atlantis, in order to:

(1) Promote the conservation of potable and non-potable water by encouraging the preservation of existing and native vegetation, encouraging the planting of natural of uncultivated areas, encouraging the use of site-specific plant materials, and establishing techniques for installation and maintenance of landscape materials and irrigation systems; and

(2) Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:

- a. Improving air and water quality through such natural processes as photosynthesis and mineral intake; and
- b. Maintaining permeable land areas essential to surface water management and aquifer recharge; and
- c. Reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capacities of trees and other vegetation; and
- d. Promoting energy conservation through the creation of shade, reducing heat gain in or on building or paved areas; and
- e. Reducing the temperature of the microclimate through the process of evapotranspiration; and encouraging the conservation of limited freshwater resources through the use of site-specific plants and various planting and maintenance techniques.

**Sec. 8.5-3. - Applicability.**

This chapter shall apply to any new property development or to the expansion of existing development. Single-family homes shall be exempt only as specifically noted.

**Sec. 8.5-4. - Definitions.**

The following words and phrases as used in this chapter shall have the respective meanings ascribed to them by this section:

Buffer perimeter landscape. Continuous area of land which is required to be set aside along the perimeter of a lot in which landscaping is used to provide a transition between and to reduce the environmental, aesthetic, and other impacts on one type of land use upon another.

Crown. The main mass of branching of a plant above the ground.

Cultivated landscape area. Planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.; Includes ground cover, lawn and buffer perimeter landscape areas.

Diameter at breast height (DBH). "Breast height" is defined to be 54 inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

Drip line. The outermost perimeter of the crown of the plant as projected vertically to the ground.

Fence. Any artificially constructed barrier made of chain link, aluminum, wood, plastic or other materials customarily used for fences other than masonry or concrete materials, erected to enclose or screen areas of land. All fences, with the exception of the wood fences that enclose the courtyards attached to the residences in The Atriums development and fences used for screening of mechanical equipment or other service areas, must be constructed of materials that allow the transmission of light and air through no less than 50 percent of the surface area; however fences may be screened by hedges or other approved landscaping materials, (subject to height limitations for both fences and landscaping materials); see definition (28) below and subsection 8.5-7(b). All fences, including those used for screening, shall be subject to review and approval by the City Architecture Review Committee (See section 8.5-7). Any such barrier made of concrete block, masonry or similar material is considered to be a wall; see definition for "wall" below.

Grass. Any natural variation of species such as St. Augustine, Zoysia or Bermuda, grown to form a dense surface layer. See also "Sod".

Ground cover. Plant other than turf grass or sod, normally reaching an average maximum height of not more than 24 inches at maturity.

Hedge. A row or line formed by shrubs, bushes, or other plants, including such species as Calusa, Podocarpus, Arboricola, Croton or Copper-leaf, and excluding trees and palm trees, being planted closely together, forming physically or visually a boundary.

decorative line, or barrier; often pruned to a symmetrical shape that is flat, or cube shaped, etc., forming a natural looking wall which does not exceed eight feet in height. Any growth of vegetation which forms a continuous screen or barrier.

Irrigation system. A permanent, artificial water system designed to transport and distribute water to plants.

Landscape architect. A landscape architect registered by the state.

Landscaping. Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

Lawn. A grassy area kept substantially free from other plant material (excluding trees and palm trees) and kept mowed and weeded for aesthetic purposes or for recreational use.

Mulch. Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Palm tree. An unbranched evergreen tree with a crown of long feathered or fan-shaped leaves, and typically having old leaf scars forming a regular pattern on the trunk.

Parking/vehicle use area. Any portion of a development site used for circulation, parking and/or display of motorized vehicles.

Plant species, controlled. Those plant species which tend to become nuisances because of their undesirable growth habits, but which, if properly cultivated, may be useful or functional as elements of landscape design.

Plant species, prohibited. Those plant species which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety and welfare.

Remove. To relocate, cut down, damage, poison, or in any other manner destroy or cause to be destroyed.

Screening. Screening shall mean a visual barrier consisting of permanent, dense vegetation or other permitted structure at least equal in height to the item being screened from view, but which does not exceed the maximum height limitation for fences, walls and hedges set forth elsewhere in the Atlantis Code of Ordinances, including the zoning chapter.

Shrub. A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base.

Site-specific planting. The selection of plants material that is particularly well suited to withstand the physical growing conditions which are normal for that location.

Sod. See "Grass".

Statues and fountains. For purposes of landscape plan site element review by the architectural committee as required by Sec. 8.5-14(b)(7), artistic and aesthetic structures including a solid foundation, standing three feet or taller, and requiring a building permit to install or construct. Statues and fountains are further regulated at City Code Sec. 15-6(i).

Tree. Any self-supporting woody perennial plant of a species which normally grows to an overall height of a minimum of 15 feet, having an average mature spread of crown greater than 15 feet; possibly shrubby in appearance when young.

Vegetative, native. Any plant species with a geographic distribution indigenous to all, or part, of the state.

Wall. A structure made of concrete block, masonry or other similar material which may or may not be stuccoed and painted. Walls are strictly prohibited in all residential zones except where they are connected to the residential building and used as an architectural feature thereto or as screening for windows thereon subject to height limitations; see definition 8.5-7 (28) and subsection 8.5-7(b) for more details.

**Sec. 8.5-5. - Protection of existing vegetation; enforcement, violations and penalties.**

(a) Every consideration should be given to the retaining of as much of any existing plant material as may already be present on any site, subject to the approval of the architectural review committee.

(b) Trees that are preserved shall receive credit against the landscape area requirements as follows:

(1) For each tree preserved less than six inches (DBH) equals one tree credit.

(2) For each tree preserved greater than or equal to six inches (DBH) equals two tree credits.

(3) For each palm tree preserved that is twelve feet or greater in height with less than six inches (DBH) equals one half tree credit.

(4) For each palm tree preserved that is twelve feet or greater in height with greater than or equal to six inches (DBH) equals one tree credit.

(c) Trees which are to be preserved pursuant to any regulations in this chapter must preserve 75 percent of the drip line of such trees. In addition, any trees which have been identified for preservation pursuant to an approved landscape plan or city permit which are damaged or destroyed during construction must be replaced with trees of like DBH at a ratio of two replacement trees per each damaged tree.

(d) Reserved.

(e) Failure to install and maintain landscaping, obtain permits, or follow any other procedures according to the requirements of this chapter shall constitute a violation of the city code. Where trees are required to be planted or preserved by this chapter, the failure to plant or preserve each individual tree shall be considered to be a separate violation of this chapter. All dead trees, trees with damage to more than 50 percent of the tree and/or dead landscaping materials must be removed. Each day upon which landscaping is not installed according to the requirements of this chapter shall constitute a separate and continuing violation of this chapter. Violations of this chapter shall be subject to the city code enforcement procedures adopted pursuant to F.S. ch. 162, including notice, hearing and penalty provisions therein or by any other lawful means available to the city.

**Sec. 8.5-6. - Landscape requirements for zoning districts.**

A landscape plan shall be prepared for all development within the City of Atlantis. Such landscape plan must be approved by the architectural review committee and installed in accordance with such approval prior to receipt of certificate of occupancy (CO).

(1) Commercial—(CIA), (CG) and (CO). Within these commercial zones and any other commercial zones created by ordinance, the landscape requirements are:

- a. A minimum of 25 percent of the total parcel square footage shall be landscaped.
- b. Within the landscaped area, there shall be a minimum of one tree per each 2,000 square feet (or fraction thereof), excluding parking/vehicle use areas.

c. A minimum of one tree and 1,000 square feet of landscaping for any nonconforming lot.

(2) Hospital zone—HD. Such zone shall include all areas presently designated as the hospital zoning districts, all institutional use areas designated in other zoning district classifications, and any other institutional districts created by ordinance. Within this zone the landscape requirements are:

a. A minimum of 25 percent of the total parcel square footage shall be landscaped.

;

b. Within the landscaped area there shall be a minimum of one tree per each 3,000 square feet (or fraction thereof), excluding parking/vehicle use areas.

c. A minimum of one tree and 1,000 square feet of landscaping for any nonconforming lot.

(3) Multiple-family residential zones—(R-2), (R-3) and (R-4). Within all multiple-family zones, the landscape requirements are:

a. A minimum of 30 percent of the total parcel square footage shall be landscaped.

b. Within such landscaped area there shall be a minimum of one tree per each 1,200 square feet (or fraction thereof) excluding parking/vehicle use areas.

c. Common areas shall be landscaped to maintain reasonable access for utilities and maintenance.

(4) Single-family residential zones—(R-1AAA), (R-1AA), (R1A), (R1) and (R1B).

a. Single-family parcels are exempt from landscaping on parking/vehicle use areas.

b. Landscaping for each parcel shall include the planting of not less than five trees or palm trees, however, such trees which are saved during construction shall be credited toward this requirement in accordance with section 8.5-5. There shall be a minimum of one tree or palm tree per each 1,000 square feet (or fraction thereof) of the total lot size. These trees shall be evenly distributed throughout the lawn area ~~open space~~ of the lot in order that the front, rear and side yards are landscaped. Trees existing on single-family residential lots as of July 17, 2002, shall remain in compliance so long as the removal of a tree or trees thereafter does not reduce the total number below the required minimum. Should any existing

single-family residential property have fewer trees than the required minimum as of July 17, 2002, such property shall be considered in compliance and trees may be removed therefrom so long as they are replaced one for one. Such removal requires a no-fee permit and the removed trees must be replaced within 60 days of the issuance of the permit. Single-family residential lots will be required to meet the minimum requirements of this chapter for all new construction, major reconstruction or alteration, or a change in landscaping of 50 percent or greater of lot area within a twelve-month period. Major reconstruction as the term is used in this chapter shall mean alterations in excess of \$15,000.00.

c. All residential parcels shall have lawn areas of grass ~~sed~~ installed in the front, rear and side and back yards and efficient underground irrigation systems for watering purposes. However, the quantity of lawn area and the type of irrigation (e.g., spray, bubbler, low volume, drip) should be in accord with the water conservation principles as promoted by the South Florida Water Management District through the Xeriscape Program (See section 8.5-7 hereinbelow).

d. Residential landscaping should enhance the privacy of the dwellings, however, the greenbelt and common property areas should be maintained without strict definition of property lines. The combination of shrubs and ground cover should complement the relationship of trees and palm trees to dwelling structure. The ground within the cultivated landscape planting areas shall receive appropriate landscape treatment, including mulch or ground cover.

e. A permit, subject to additional regulations set forth at subsection 8.5-6(5) hereinbelow is required for the owners of all existing dwellings ~~homes~~ in order to install, relocate or remove landscaping under the following conditions:

\*1. Removal of tree or trees without reducing the number of trees below the minimum required by subsection 8.5-6(4)b.

\*2. Existing lots currently below minimum; trees to be replaced one for one within 60 days of permit date.

\*\*3. All new construction.

\*\*4. Renovation or addition to existing dwelling ~~home~~.

\*\*5. Change in landscape of 50 percent or greater in any twelve-month period.

\*\*6. Any alteration of landscaping within five feet of easement or right-of-way.

\*\*7. Projects exceeding \$3,000.00.

\* No fee; no ARC approval required

\*\* Fee required; ARC approval required

NOTE: Existing shrubs and grass ~~seed~~ may be replaced at any time without a permit and without meeting minimum tree requirements.

(5) All zoning districts. The placement of landscape material in any utility right-of-way, city right-of-way or easement located within the city; without a permit from the city, is strictly prohibited.

a. Any person who desires to landscape one of the aforementioned rights-of-ways or easements or proposes any activity regulated by the provisions of this subsection and section 8.5-6(4)e. above, must make application for and be issued a permit from the city prior to the commencement of such landscaping project. Certain applications require a fee and shall be submitted to the architectural review committee for review and approval prior to the issuance of the permit (see subsection 8.5-6(4)e). For all landscaping installations requiring a permit, an affidavit of maintenance responsibility shall be executed by the owner and filed with the permit application. Failure to obtain such permit may subject the person to penalties as set forth at section 8.5-5.

b. Permit applications may be obtained in the office of the city clerk, and once filed with the city must be reviewed by architectural committee prior to issuance of a permit.

c. All permit applications must be accompanied by an affidavit of owner's responsibility for all items placed in rights-of-way and/or easements.

(6) Exemption for certain tree pruning, trimming, or removal on residential property. The pruning, trimming, or removal of any tree located on residentially zoned property shall be exempt from the requirements of this section and from any city permitting requirements if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons

or property. Furthermore, the city shall not require the replacement of any tree that has been removed pursuant to this subsection.

**Sec. 8.5-7. - Supplemental regulations.**

(a) Visibility at intersections in residential districts. Nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and ten feet above the centerline grades of the intersecting streets.

(b) Fences, walls, and hedges.

(1) Fences :

a. Except as provided in subsection c. below, fences in any zoning district may not be placed other than in any required rear yard along the rear and side property lines. Fences are prohibited between the front building line and the edge of pavement adjacent to the front yard. Except as provided in subsection c. below, fences may not exceed five feet in height; however, wood fences as defined in subsection 15-3(11.1) of the city zoning code located in The Atriums development that enclose the courtyards attached to the residences are permitted and may be six feet in height.

b. Architectural committee approval shall be required prior to the installation of any fence within the city. In order to approve any fence plan, the architectural committee must determine that the criteria found at subsection 15-10(e)(4) have been met.

c. Fences may be located in side yards behind the front building line, and may be higher than five feet, if specifically approved by the architectural committee. Prior to allowing the placement of any fence in a side yard, or allowing any fence to exceed its maximum permitted height as set forth herein, the architectural committee must find, in addition to the criteria set forth at subsection b. above, that the requested fence placement or height is the minimum required for the fence to provide adequate privacy and security to the applicant's property. In making this determination, the architectural committee shall consider the type of fence being constructed, the relationship of the applicant's property to adjacent properties, and

the size, height and architectural features of the structure(s) located or proposed to be located on the applicant's property and on the adjacent properties.

See also subsection 15-3(28) of the city zoning code for the definition of "yard".

(2) Walls :

a. Except as provided in subsection c. below, walls are only allowed in residential zoning districts when they are connected to the dwelling residential building and used as architectural features thereto or screening for windows thereon; walls in all non-residential zoning districts are permitted in any required side or rear yard, and may be required under certain circumstances. Except as provided in subsections c. and d. below, such walls may not exceed five feet in height.

b. Architectural committee approval shall be required prior to the installation of any wall within the city. In order to approve any wall plan, the architectural committee must determine that the criteria found in subsection 15-10(e)(4) have been met.

c. In residential zoning districts, walls may be located in a required side or rear yard, and in all zoning districts, walls may be higher than five feet, if specifically approved by the architectural committee. Prior to allowing the placement of any wall in the required side or rear yard of a residential zoned lot, or allowing any wall to exceed its maximum permitted height as set forth herein, the architectural committee must find, in addition to the criteria set forth at subsection b. above, that the requested wall placement or height is the minimum required for the wall to provide adequate privacy and security to the applicant's property. In making this determination, the architectural committee shall consider the type of wall being constructed, the relationship of the applicant's property to adjacent properties, and the size, height and architectural features of the structure(s) located or proposed to be located on the applicant's property and on the adjacent properties. The architectural committee may not approve, and walls are strictly prohibited on or adjacent to the side or rear lot line in any residential zoning district.

See also subsection 15-3(28) of the city zoning code for the definition of "yard".

d. The following wall height requirements are mandatory and may not be altered by the architectural committee under any circumstances:

1. Where a commercial district abuts any other zoning district, a wall not less than eight feet nor more than 12 feet in height adjacent to the non-commercial zoning district shall be required. Appropriate landscaping may also be required to soften the effect of the wall.

2. Where any two different zoning districts abut, exclusive of commercial districts, a wall not more than 12 feet in height along with appropriate landscaping may be required by the architectural committee; provided however, this increased height shall not be permitted to violate the intersection visibility requirements required by subsection (a) above.

(3) Hedges: Hedges as defined in this chapter may not exceed eight feet in height in residential zoning districts. Hedges as defined in this chapter shall have no codified maximum height in commercial zoning districts; however, maximum height shall be limited by architectural committee approval. In order to approve any such hedge plan, the architectural committee must determine that the criteria found at subsection 15-10(e)(4) have been met. In making this determination, the architectural committee shall consider the type of hedge being installed, the relationship of the applicant's property to adjacent properties, the size, height and architectural features of the structure(s) located or proposed to be located on the applicant's property and on the adjacent properties, and the uses on the applicant's property and on the adjacent properties (which may include rights-of-way). All hedges and must be maintained in a healthy condition and trimmed at all times. ~~Since the term "hedge" constitutes any growth of vegetation which forms a continuous screen or barrier, a grouping of trees which meets this definition must also be trimmed at eight feet in height. If it is desired that individual trees be allowed to grow to a height greater than eight feet, there must be a separation between the trees such that there is a differentiation between the tree trunk and the spread of crown, as opposed to being trimmed so as to constitute a hedge. A trimmed hedge shall consist of hedge vegetation maintained in such a manner that the sides are perpendicular to the ground. The top shall be maintained in a configuration which is perpendicular to the sides and parallel with the ground.~~

(4) Frontage : When a lot has more than one frontage, the front yard and side yards for purposes of placing fences and walls shall be determined based upon the prevailing front yard pattern of the street on which the structure is located.

(c) Buffer zones.

(1) Perimeter plantings shall be included to buffer all proposed development from surrounding rights-of-way. Where the parcel edge abuts a public right-of-way, one tree shall be planted along the perimeter for every 40 feet of right-of-way frontage (e.g. 80 feet of right-of-way frontage equals two trees). Trees may be planted in groups or separately, however, no two trees shall be more than 60 feet apart. Shrubs shall be included, in clusters or in a row, for a minimum of 75 percent of the perimeter along the right-of-way.

(2) Where two separate zoning districts abut, the architectural review committee may require landscaping along the adjoining edge as follows:

- a. Trees, one for every 40 feet;
- b. Shrubs with a minimum height of four feet and a spread of 24 inches, six for every 40 feet;
- c. Shrubs with a minimum height of 24 inches and a spread of 12 inches, 16 for every 40 feet;
- d. Ground cover, sod and mulch.

(3) The above requirements may be altered only with the approval of the architectural review committee. The proposed buffer for any development may exceed the requirements as defined, provided the buffer fulfills the intent of the buffer requirements. The intent of the buffer requirements is to provide privacy to residential development and to blend all proposed development with the existing surroundings.

(d) Artificial grass. The use in any front yard or portion thereof of artificial grass, turf, or lawn material as a substitute for natural grass or vegetation is prohibited. The use in any side or rear yard or portion thereof of artificial grass, turf, or lawn material as a substitute for natural grass or vegetation is permitted with architectural committee approval. In order to approve the use of artificial grass, turf, or lawn material as a substitute for natural grass or vegetation the architectural committee must determine that the criteria found at subsection 15-10(e)(4) have been met.

(e) Water conservation. The design of landscapes in all regulatory zones should incorporate the water conservation principles of xeriscape. The city will have free publications, supplied by the South Florida water management district, available for the public to obtain for the purpose of learning about the principles of xeriscape. Xeriscape is water conservation through creative landscaping. The term "xeriscape" means water conserving, drought-tolerant landscaping or simply the use of appropriate plant material that does not require special attention to grow properly. Appropriate use of plant material means that the plant will survive with comparatively little supplemental irrigation.

(f) Palm trees. Where palm trees are used for required trees, palm species with a DBH of more than six inches at maturity equal one tree credit. Palm species with a DBH of less than six inches at maturity or multi trunk species equal one-half tree credit. All palm trees installed must have six feet of clear trunk (12 feet over all) to be considered a tree.

(g) Installation. All landscape materials shall be installed in a sound workmanlike manner and according to accepted professional planting procedures with the quality of plant materials as herein described.

(h) Maintenance. The owner of the property shall be responsible for maintenance of all landscaped areas which shall be maintained so as to present a healthy, neat, and orderly appearance at all times and shall be kept free from refuse and debris. In the event any landscape material should die, such material shall be replaced within 30 days.

**Sec. 8.5-8. - Parking/vehicle use areas.**

(a) Defined. See definitions, Sec. 8.5-4. ~~A "parking/vehicle use area" is any portion of a development site used for circulation, parking and/or display of motorized vehicles.~~

(b) Parking/vehicle use area requirements. Those requirements for planting areas in addition to the landscaping requirements by zoning districts, which are intended to offset the impact of the parking/vehicle use area. These requirements involve a minimum planting area to be located within the vehicle use area or within ten feet from the edge of the parking/vehicle use area.

(c) Minimum percentage of landscaped area. All parking/vehicle use area shall include a minimum of 30 percent of the gross paved area as landscaped area. All parking/vehicle use areas shall include a minimum number of trees as set forth in paragraph (d) herein

below. The ground within the tree planting area shall receive appropriate landscape treatment, including mulch or ground cover.

(d) Minimum number of trees or palm trees. The required number of trees or palm trees for all parking/vehicle use areas shall be a minimum of one tree for every 250 square feet of required landscape areas, e.g., a parking area with 2,500 square feet of gross paved area must have 30 percent or 750 square feet of landscape area and  $(750/250 = 3)$  three trees. See Sec. 8.5-7(f) for palm tree calculations.

(e) Eligible areas. Areas eligible to be counted to meet parking/vehicle use area requirements include: Areas between parking and drives, corners, interior islands, and perimeter areas with a minimum dimension of three feet. Ineligible areas include: Areas covered by projecting canopy and areas counted for other regulatory zones, e.g., buffer, areas more than ten feet from the edge of the parking/vehicle use area.

(f) Ground within planting area. The ground within the planting area shall receive appropriate landscape treatment, including mulch or ground cover.

(g) Certificate of occupancy. A certificate of occupancy or similar authorization shall be issued only upon compliance with the landscape requirements as set forth herein.

#### **Sec. 8.5-9. - Standards for landscape materials.**

(a) Quality of plants. All plant materials shall be a minimum of Florida Number One as defined in "The Grades and Standards for Nursery Stock", 2nd Ed. February 1998 as published by the Florida Department of Agriculture and Consumer Services. Exceptions and substitutions from this regulation may be reviewed and approved by the architectural review committee in order to promote the use of slow growing or native plant materials.

(b) Tree planting standards. Immediately upon planting, trees shall be a minimum of ten feet in height and shall have a minimum crown spread of five feet. Palm trees shall have a minimum of six feet of clear trunk (12 feet over all).

(c) Tree species. A variety of shade tree species, both flowering and non-flowering, as well as palm trees are suggested to meet the requirements of this chapter. Native trees are preferred; however, other tree species are permitted so long as the proposed tree is not listed in section 8.5-12 as a prohibited plant species. All landscaping plans must be approved by the architectural review committee.

(d) Use of larger tree sizes. Credits for the use of trees larger than the minimum size will be as indicated in the table below. Fractional measurements shall be attributed to the next lowest category.

Calculation of Tree Size Credits

Crown of Trees	Spread of Proposed Trees	and	Height of Proposed Tree	=	Number of Tree Credits
14 or more feet		and	25 feet and above	=	4
10—16 feet		and	17—24 feet	=	3
6—12 feet		and	13—16 feet	=	2
Less than 6 feet		and	10—12 feet	=	1

**Sec. 8.5-10. - Reserved.**

**Sec. 8.5-11. - Vegetation protection.**

(a) Site assessment. For all construction activity which changes the footprint of the structure, there shall be the additional requirement of a landscape plan and a written statement describing the proposed activity regarding the impact on existing vegetation. The landscape plan or site plan will include a limit of work line to delineate the area affected by the proposed construction activity. The review of submitted material will include an assessment of the existing site conditions, as reported by the applicant, to determine whether existing vegetation is protected to the greatest extent possible. For smaller projects, with construction costs of \$5,000.00 and less, a site sketch plan showing existing vegetation, and a written statement describing the proposed activity and the impact on existing vegetation will fulfill the document submittal portion of the vegetation protection requirements. If the architectural review committee finds that existing vegetation is protected to the greatest extent possible, a building permit will be issued. If, however, the committee finds significant existing vegetation will be removed without reasonable replacement, the building permit will not be issued until the applicant can comply with the vegetation protection requirements of this ordinance.

(b) Invasive species control. The location of prohibited plant species (see subsection 8.5-12(a) below) shall be noted on the site assessment. The removal of all prohibited plant species will be required as a condition of permit approval. Vegetation installed to cover areas cleared of prohibited plant species will be credited toward required landscaping.

(c) Submittal requirements. In addition to the requirements as set forth hereinabove and at section 8.5-14, the landscape plan shall show the following:

(1) A tree (including palm tree) survey of the existing vegetation which also depicts any tree greater than two inches DBH and/or greater than ten feet in height and, for new construction only, the footprint of the proposed building.

(2) An application fee, the amount of which shall be set by resolution by the city council.

### **Sec. 8.5-12. - Prohibited plant species; removal.**

(a) Prohibited plant species. The following plants or trees, as contained in the State of Florida Noxious Weed and Invasive Plant List, Rule 5B-57.007 F.A.C. shall not be installed anywhere within the city:

(1) Parasitic Weeds.

Aeginetia spp. – Aeginetia

Alectra spp. – Alectra

Cuscuta spp. Only the native Florida species are excluded from this list. These include:

americana

compacta

exaltata

gronovii

indecora

obtusiflora

pentagona

umbellata

Orobanche spp. – broomrapes, with the exception of O. uniflora – oneflowered broomrape.

(2) Terrestrial Weeds.

Ageratina adenophora – crofton weed

Alternanthera sessilis – sessile joyweed  
Abrus precatorius – rosary pea  
Ardisia crenata – coral ardisia  
Ardisia elliptica – shoebutton ardisia  
Asphodelus fistulosus – onionweed  
Avena sterilis – animated oat, wild oat  
Borreria alata – broadleaf buttonweed  
Carthamus oxyacantha – wild safflower  
Casuarina equisetifolia – Australian pine  
Casuarina glauca – suckering Australian pine  
Chrysopogon aciculatus – pilipiliula  
Colubrina asiatica – latherleaf  
Commelina benghalensis – Benghal dayflower  
Crupina vulgaris – common crupina  
Cupaniopsis anacardioides – carrotwood  
Digitaria scalarum – African couchgrass, fingergrass  
Digitaria velutina – velvet fingergrass, annual couchgrass  
Dioscorea alata – white yam  
Dioscorea bulbifera – air potato  
Drymaria arenarioides – lightning weed  
Emex australis – three-corner jack  
Emex spinosa – devil’s thorn  
Euphorbia prunifolia – painted euphorbia  
Galega officinalis – goat’s rue  
Heracleum mantegazzianum – giant hogweed  
Imperata brasiliensis – Brazilian satintail  
Imperata cylindrica – cogongrass  
Ipomoea triloba – little bell, aiea morning glory  
Ischaemum rugosum – murainograss  
Leptochloa chinensis – Asian sprangletop  
Leucaena leucocephala – lead tree  
Ligustrum sinense – Chinese privet, except the cultivars ‘Variegatum’ and  
Sunshine’  
Lycium ferocissimum – African boxthorn

Lygodium japonicum – Japanese climbing fern  
Lygodium microphyllum – small-leaved climbing fern  
Melaleuca quinquenervia – melaleuca  
Melastoma malabathricum – Indian rhododendron.  
Mikania cordata – mile-a-minute  
Mikania micrantha – climbing hempweed  
Mimosa invisa – giant sensitive plant  
Mimosa pigra – catclaw mimosa  
Nassella trichotoma – serrated tussock  
Neyraudia reynaudiana – Burma reed  
Nymphoides cristata – crested floating heart  
Nymphoides peltata – yellow floating heart  
Opuntia aurantiaca – jointed prickly pear  
Oryza longistaminata – red rice  
Oryza punctata – red rice  
Oryza rufipogon – wild red rice  
Paederia cruddasiana – sewer-vine  
Paederia foetida – skunk-vine  
Paspalum scrobiculatum – Kodomillet  
Pennisetum clandestinum – Kikuyu grass  
Pennisetum macrourum – African feathergrass  
Pennisetum pedicellatum – Kyasuma grass  
Pennisetum polystachyon – missiongrass, thin napiergrass  
Prosopis spp.  
Pueraria montana – kudzu  
Rhodomyrtus tomentosa – downy myrtle  
Rottboellia cochinchinensis – itchgrass  
Rubus fruticosus – bramble blackberry  
Rubus molluccanus – wild raspberry  
Saccharum spontaneum – wild sugarcane  
Salsola vermiculata – wormleaf salsola  
Sapium sebiferum – Chinese tallow tree  
Scaevola taccada – beach naupaka  
Schinus terebinthifolius – Brazilian pepper-tree

Setaria pallidifusca – cattail grass

Solanum tampicense – wetland nightshade

Solanum torvum – turkeyberry

Solanum viarum – tropical soda apple

Tridax procumbens – coat buttons

Urochloa panicoides – liverseed grass

Australian pine	(Casuarina spp.)
Punk tree	(Melaleuca quinquenervia)
Brazilian pepper	(Schinus terebinthifolius)
Earleaf acacia	(Acacia auriculæformis)
Silk oak	(Grevillea robusta)
Schefflera	(Actinophylla)
Norfolk Island pine	(Araucaria heterophylla)
Ficus tree	(Ficus spp.) (Note: This prohibition does not apply when this plant species is used as a hedge not to exceed eight feet in height or when used as a perimeter buffer of the city which has been installed as a noise buffer at a height not to exceed 12 feet.)

(b) Removal. The trees and plants listed in section 8.5-12 as "prohibited plant species" may not be planted or installed anywhere within the city ~~except the ficus when installed as a hedge in accordance with the regulations set forth in subsection (a) above;~~ however, nothing herein shall be construed to require removal of any existing vegetation except as otherwise required by this chapter. The only restrictions and prohibitions regarding plant materials in the city are those set forth in the City Code of Ordinances or other applicable state or federal laws.

**Sec. 8.5-13. - Controlled plant species.**

The following plant species have a tendency to become nuisances if they are not properly cultivated. These species may be planted under controlled conditions, provided they are installed and maintained according to the following supplemental regulations:

- (1) *Bischofia javanica* (Toog) and *dalbergia sissoo* (Sissoo). Though commonly used because of fast growth, these species have brittle wood which break up under high velocity winds. These species may continue to be planted but cannot be counted for more than ten percent of the total number of trees required by any section of this chapter.
- (2) Ficus is prohibited except when planted within an existing and otherwise healthy ficus hedge to replace an unhealthy or dead portion of the hedge.

**Sec. 8.5-14. - Landscape plan.**

(a) Unless specifically exempted, an appropriate landscape plan, as described below, shall be submitted for review by the architectural review committee.

- (1) Format: Twenty-four inches by 36 inches (single-family lot may be on 18 inches by 24 inches).
- (2) Number of copies: Five.

(b) The landscape plan shall include the following:

- (1) Name, address and phone number of owner, landscape architect, and other agents representing the owner's interest for the completion of the proposed work.
- (2) Name of project and project location.
- (3) North arrow, numerical scale, and graphic scale.
- (4) Tabular site data:
  - a. Vehicular use area (in square feet).
  - b. Development area, remainder (in square feet).
- (5) Species list:
  - a. Botanical names, common names.
  - b. Quantity totals.
  - c. Specifications for plant size.
  - d. Specifications for plant quality.

- e. Plant spacing.
- (6) Description of irrigation system with details of type of emitters, pipe, and the location of the time clock and moisture detection device (optional).
- (7) Location and description of all existing and proposed site elements, including:
  - a. Pavement, color and texture.
  - b. Exterior site furnishing (e.g., trash receptacles, benches, drinking fountains, etc.).
  - c. Buildings and other structures, including architectural embellishments to residential dwellings, statues, and fountains, any of which that are visible from any city right-of-way.
  - d. Utility easements, drainage easements, water and sewer service lines, and all other easements and public rights-of-way.
  - e. All existing site features, including water bodies, vegetation and landform.
  - f. All proposed plant and landscape materials.

**Sec. 8.5-15. - Variance; mitigation.**

(a) Applications for variances regarding any aspect of this chapter shall be submitted to the zoning board of adjustment for consideration and final action. The architectural review board shall first review such application and forward its recommendation to the board of adjustment prior to final action.

(b) All applications for variances shall be submitted on forms provided by the city and shall be accompanied by an application fee, the amount of which shall be set by resolution of the city council. The standards to be utilized by the board of adjustment shall be the following:

(1) Special conditions and circumstances exist which are peculiar to the land on which the landscaping is proposed and such conditions do not result from the actions of the applicant.

(2) The literal interpretations of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district or area.

(3) The grant of this variance is not contrary to the intent of this chapter, will be in harmony with the purpose of this chapter and will not be injurious to the area involved or otherwise detrimental to the public welfare.

(c) The variance, if granted, must be exercised within six months from the date of the order granting same or it will automatically expire and will be rendered null and void. One six-month extension may be granted by the board of adjustment if a written request for same is received prior to the expiration date.

(d) Mitigation. If it is not possible or reasonably feasible for all regulations set forth in this chapter to be met, the board of adjustment may approve, along with a variance from the regulations, a contribution to a city tree replacement account in dollar amounts equal to the total amount of the value of the tree(s) not installed or replaced, the installation costs and one-year maintenance as mitigation for the failure to install or replace such tree(s). Such mitigation requirements must be indicated on the face of the permit.

(e) Exemption from variance or mitigation requirement:

No variance nor mitigation shall be required to prune, trim or remove any tree located on residentially zoned property if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property as provided at Sec. 8.5-6(6) of the City Code and Sec. 163.045, Florida Statutes as that section and that statute may be amended from time to time. Furthermore, the city shall not require the replacement of any tree that has been removed pursuant to those provisions of law.

**Secs. 8.5-16—8.5-20. - Reserved.**

## **ARTICLE II. - FERTILIZER USE**

**Sec. 8.5-21. - Title.**

This article shall be known as the "Fertilizer-Friendly Use Ordinance" which is required by F.S. § 403.9337, to be adopted by any municipality located within the watershed of a water body or water segment that is listed as impaired by nutrients pursuant to F.S. § 403.067. Other related regulations concerning water quality and discharge adopted in

furtherance of the city's NPDES MS4 permit are set forth at chapter 14. article VI, of the City Code of Ordinances.

**Sec. 8.5-22. - Definitions.**

For this article, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise.

Application or apply means the actual physical deposition of fertilizer to turf or landscape plants.

Applicator means any person who applies fertilizer on turf and/or landscape plants in the City of Atlantis.

Approved test means a soil test from the University of Florida, government, or other commercial licensed laboratory that regularly performs soil testing and recommendations.

Best management practices (BMPs) means turf and landscape practices, or combination of practices, based on research, field-testing, and expert review, determined to be the most effective and practical site-specific means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

Code enforcement officer, official , or inspector means any designated employee or agent of the City of Atlantis whose duty it is to enforce codes and ordinances enacted by the City of Atlantis.

Commercial fertilizer applicator as provided in F.S. § 482.1562(9), means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicators.

Fertilizing or fertilization means the act of applying fertilizer to turf, specialized turf, or landscape plants.

Fertilizer means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

Institutional applicator means any person, other than a private, non-commercial or a commercial applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional

applicators shall include, but shall not be limited to, owners, managers, or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

Landscape plant means any native or non-native tree, shrub, or groundcover (excluding turf).

Lawn means a grassy area kept substantially free from other plant material (excluding trees and palm trees) and kept mowed and weeded for aesthetic purposes or for recreational use.

Person means any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

Prohibited application period means the time period during which a flood watch or warning, a tropical storm watch or warning, or a hurricane watch or warning is in effect for any portion of the City of Atlantis, issued by the National Weather Service, or if heavy rain (two inches or more within a 24-hour period) is likely.

Saturated soil means a soil in which the voids are filled with water, saturation does not require flow. For the purposes of this article, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

Slow-release, controlled release, timed release, slowly-available, or water insoluble nitrogen means nitrogen in a form which delays its availability for vegetative uptake and use after application, or which extends its availability to the vegetation longer than a reference rapid or quick release product.

Turf, sod, or grass lawn means any natural variation of species such as St. Augustine, Zoysia or Bermuda, grown to form a dense surface layer. ~~an area of grass-covered soil held together by the roots of the grass.~~

Urban landscape means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or landscape plants. For the purposes of this section, agriculture has the same meaning as provided in F.S. § 570.02.

**Sec. 8.5-23. - Findings.**

As a result of the Florida Department of Environmental Protection's determination that certain water bodies within Palm Beach County are impaired from excessive nutrient levels, the city council of the City of Atlantis finds that the best management practices contained in the most recent edition of the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries," are required and are necessary to implement within the city as set forth in this article.

**Sec. 8.5-24. - Purpose and intent.**

This article regulates the proper use of fertilizers by any applicator: requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing requirements: establishes a prohibited application period: and specifies allowable fertilizer application rates and methods, fertilizer-free zones, and exemptions. This article requires the use of best management practices to minimize negative environmental effects associated with excessive nutrients in water bodies. These environmental effects have been observed in and on Palm Beach County's natural and constructed stormwater conveyances, rivers, creeks, canals, lakes, estuaries and other water bodies. Collectively, these water bodies are an asset important to the environmental, recreational, cultural and economic well-being of Palm Beach County residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, is anticipated to help improve and maintain water and habitat quality.

**Sec. 8.5-25. - Applicability.**

This article shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer to urban landscapes within the area of the City of Atlantis unless such application is specifically exempted by section 8.5-31, of this article. The regulations in this article shall be prospective only and shall not impair any existing contracts.

**Sec. 8.5-26. - Timing of fertilizer applications.**

(a) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the prohibited application period or to saturated soils.

(b) Fertilizer containing nitrogen and/or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the stormwater pollution prevent plan for that site.

**Sec. 8.5-27. - Fertilizer free zones.**

Fertilizer shall not be applied within ten feet, or three feet if a deflector shield or drop spreader is used, of any pond, stream, water body, lake, canal, or wetland as defined by the Florida Department of Environmental Protection at Chapter 62-340, Florida Administrative Code, or from the top of a seawall or lake bulkhead. Newly planted turf or landscape plants may be fertilized in this zone only for a 60-day period beginning 30 days after planting if needed to allow the vegetation to become well established. Caution shall be used to prevent direct deposition of fertilizer into the water.

**Sec. 8.5-28. - Fertilizer content and application rates.**

(a) Fertilizers applied to turf within the City of Atlantis shall be applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements For Urban Turf Fertilizers. Under Rule 5E-1.003(2), Florida Administrative Code, required application rate and frequency maximums, which vary by plant and turf types, are found on the labeled fertilizer bag or container.

(b) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in section (1) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

(c) Fertilizer used for sports turf at golf courses shall be applied in accordance with the recommendations in "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses," published by the Florida Department of Environmental Protection, dated January 2007, as may be amended. Fertilizer used at Park or athletic fields shall be applied in accordance with Rule 5E-1.003(2). Florida Administrative Code.

**Sec. 8.5-29. - Fertilizer application practices.**

(a) As provided in section 8.5-27 of this article, spreader deflector shields shall be used when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.

(b) Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

(c) In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

(d) Property owners and managers are encouraged to use an Integrated Pest Management (IPM) strategy as currently recommended by the University of Florida Cooperative Extension Service publications.

**Sec. 8.5-30. - Management of grass clippings and vegetative matter.**

In no case shall grass clippings, vegetative material, and/or vegetative debris intentionally be washed, swept, or blown on to or into stormwater drains, ditches, conveyances, water bodies, wetlands, sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

**Sec. 8.5-31. - Exemptions.**

The provisions set forth in this article shall not apply to the following:

- (1) Bona fide farm operations as defined in the Florida Right-to-Farm Act, F.S. § 823.14;
- (2) Other properties not subject to or covered under the Florida Right-to-Farm Act that have pastures used for grazing livestock; and
- (3) Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

**Sec. 8.5-32. - Training.**

(a) All commercial and institutional applicators of fertilizer within Palm Beach County shall abide by and successfully complete the six-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida/Palm Beach County Cooperative Extension Service "Florida-Friendly Landscapes" program or an approved equivalent program.

(b) Non-commercial and non-institutional applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the University of Florida/IFAS "Florida-Friendly Landscape Program" and label instructions when applying fertilizers.

**Sec. 8.5-33. - Licensing of commercial applicators.**

(a) All businesses applying fertilizer to turf or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that the business owner or his/her designee holds the appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a Local Business Tax Receipt. Owners for any category of occupation which may apply any fertilizer to Turf and/or Landscape Plants shall provide proof of completion of the program to the City of Atlantis. It is the responsibility of the business owner to maintain the "Florida-Friendly Best Management Practices for Protection of Water

Resources by the Green Industries" certificate to receive their annual business tax receipt.

(b) After December 31, 2013, all commercial applicators of fertilizer within the City of Atlantis shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per Rule 5E-14.117(18), Florida Administrative Code.

(c) All businesses applying fertilizer to turf and/or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties and multi-family and condominium properties) must ensure that at least one employee has an appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a local business tax receipt. Standard business tax receipt (BTR) and transaction fees shall apply.

**Sec. 8.5-34. - Enforcement; penalties; appeal.**

(a) Enforcement. The provisions of this article shall be enforced by (1) the City of Atlantis Special Magistrate pursuant to the authority granted by F.S. § 162.01 et, seq., as may be amended, and chapter 2, article V, of the City Code of Ordinances; or (2) the City of Atlantis through its authority to enjoin and restrain any person violating the City Code of Ordinances. The City of Atlantis may pursue these or any other enforcement remedies available under the law.

(b) Penalties. Failure to comply with the requirement of this article shall constitute an irreparable and irreversible violation of this article and each new day the violation exists it is considered a separate incident. Fines shall be determined by considering the factors set forth at F.S. § 162.09 and shall not exceed the amounts listed in this section of the state law.

(c) Disposition of penalty funds. Funds generated by penalties imposed under this Article shall be used by the City of Atlantis for the administration and enforcement of F.S. § 403.9337, and the corresponding sections of this article, and to further water conservation and nonpoint pollution prevention activities.

(d) Appeals. Appeals of administrative orders of the special magistrate shall be as provided under state law, which process is also set forth at section 2-99, of the City Code of Ordinances.

## Chapter 15 - ZONING

### ARTICLE I. - IN GENERAL

#### Sec. 15-3. - Definitions.

For the purposes of this chapter, certain terms or words used herein shall be interpreted as follows:

(1) *Person*: The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(2) *Interpretation of tenses and numbers*: The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

(3) *Shall*: The word "shall" is mandatory, the word "may" is permissive.

(4) *Used or occupied*: The words "used or occupied" include the words intended, designed, or arranged to be used or occupied.

(5) *Lot*: The word "lot" includes the words plot or parcel.

(6) *Accessory use or structure*: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

(6.1) *Boundaries*: Interpretations regarding boundaries of land use districts shall be made in accordance with the following:

a. Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.

b. Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.

c. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.

d. Boundaries shown as following or approximately following natural features shall be construed as following such features.

(7) *Building height*: The distance between the finished level of the first floor and the finished level of the ceiling of the top floor.

(7.1) *Commercially developed parcel*: A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

(7.2) *Cul-de-sac*: A local street, one end of which is closed and consists of a circular turnaround.

(7.3) *Computation of time*: The time within which an act is to be done shall be computed by excluding the first and including the last day; if the first day is a Saturday, Sunday or legal holiday, that day shall be excluded.

(7.4) *Day*: The word "day" shall mean a calendar day, unless a working day is indicated.

(7.5) *Delegation of authority*: Whenever a provision appears requiring the head of a department or some other city officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

(7.6) *Density*: The number of dwelling units permitted per acre of land.

(7.7) *Development*: Any proposed material change in the use or character of the land, including, but not limited to, land clearing or the placement of any structure or site improvement on the land.

(8) *Dwelling, single-family*: A detached residence designed for or occupied by one family only.

(9) *Dwelling, two-family*: A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

(10) *Dwelling, multiple-family*: A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.

(10.1) *Easement*: The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

(11) *Family*: One or more persons occupying a single housekeeping unit and using common cooking facilities, providing that unless all members are related by blood or marriage, no such family shall contain over five persons.

(11.1) *Fence*: Any artificially constructed barrier made of chain link, aluminum, wood, plastic or other materials customarily used for fences other than masonry or concrete materials, erected to enclose or screen areas of land. All fences, with the exception of the wood fences that enclose the courtyards attached to the residences in The Atriums development and fences used for screening of mechanical equipment or other service areas, must be constructed of materials that allow the transmission of light and air through no less than 50 percent of the surface area; however fences may be screened by hedges or other approved landscaping materials, (subject to height limitations for both fences and landscaping materials); see definition (28) below and subsection 8.5-7(b). All fences, including those used for screening, shall be subject to review and approval by the City Architecture Review Committee (See section 8.5-7). Any such barrier made of concrete block, masonry or similar material is considered to be a wall; see definition (27.1) below.

(11.2) *Gender*: Words importing the masculine gender shall be construed to include the feminine and neuter.

(11.3) *Hazardous substances*: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

(12) *Hedge*: A row or line formed by shrubs, bushes, or other plants, including such species as Calusa, Podocarpus, Arboricola, Croton or Copper-leaf, and excluding trees and palm trees, being planted closely together, forming physically or visually a boundary, decorative line, or barrier; often pruned to a symmetrical shape that is flat, or cube shaped, etc., forming a natural looking wall which does not exceed eight feet in height. Any growth of vegetation which forms a continuous screen or barrier.

(12.1) *Hospital*: A facility licensed by the state which maintains and operates organized inpatient facilities for one or more persons, for medical or surgical diagnosis, care, and treatment of human illness.

(12.2) *Impervious space*: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

(12.3) *Improvement, substantial*: Any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50 percent of the fair market value of the structure, either:

- a. Before improvements is started; or
  - b. If the structure is damaged and being restored, before the damage occurred.
- Substantial improvement is started when the first alteration of the structural part of the building commences.

(12.4) *Incompatibility of land uses*: Issues arising from the proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including the impacts of noise, vibration, smoke, odors, toxic matter, radiation, and similar environmental conditions.

(12.4A) *Institutional assembly*: A facility or structure operated and used for social, educational or recreational purposes, including but not limited to civic organizations, recreational or cultural centers, after school programs or tutorial services. Such a facility may be private or open to the public.

(12.5) *Junk*: Old, dilapidated, scrap, abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, plastic, rubber, motor vehicles, and parts thereof.

(12.6) *Lot line*: The boundary of a lot, plot or parcel.

(12.7) *Lot of record*: A lot which is part of a subdivision recorded in the office of the clerk of the circuit court, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(12.8) *Marijuana*: Means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or seed or resin, including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient as defined in F.S. § 381.986, Marijuana includes any strain of marijuana or cannabis, in any form, that is authorized by state law to be dispensed or sold in the State of Florida. Also referred to as "medical marijuana."

(12.9) *Medical marijuana treatment center dispensing facility*: A retail facility established by a licensed "medical marijuana treatment center," that sells and dispenses marijuana, products containing marijuana, or related supplies, but does not engage in any other activity related to preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of marijuana, marijuana products, or related supplies. A medical marijuana treatment center shall not be construed to be a medical marijuana treatment center dispensing facility.

(13) *Medical marijuana treatment center*. A facility licensed by the Florida Department of Health to acquire, cultivate, possess, process (including but not limited to development of related products such as food, tinctures, aerosols, oils or ointments), transfer, transport, sell, distribute, dispense, or administer marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers, as authorized by state law. A facility which provides only retail sales or dispensing of marijuana shall not be classified as a medical marijuana treatment center under this chapter, but shall be classified as a medical marijuana treatment center dispensing facility.

(13.1) *Number*: Words in the singular shall include the plural and words in the plural shall include the singular.

(13.2) *Off-street parking spaces*: An off-street parking space shall comprise not less than 180 square feet of parking stall. All parking stalls shall have necessary maneuvering space adjacent thereto. Space for maneuvering incidental to parking shall not encroach upon any public way.

(13.3) *Open space*: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, foundations, swimming pools, wooded areas, and watercourses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

(13.4) *Outdoor advertising business*: Provision of outdoor displays or display space on a lease or rental basis only.

(13.11) *Office, administrative*: A place of business for the rendering of management or administrative services. Such uses may include certain business or professional offices that do not generate more than incidental client traffic, such as certain accounting, engineering, architecture or law offices, or off site management services. This does not include medical offices or clinics of any kind, or retail sales.

(13.12) *Office, medical*: Facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the State of Florida. Emergency treatment is not the dominant type of care provided at this facility.

(13.13) *Office, professional*: A place of business for the rendering of professional services in which a professed knowledge or skill in some department or of science or learning is used by its practical application to the affairs of others. The generation of client traffic is expected by these uses, which may include certain accounting, engineering, architecture, law, planning, artistic, finance, investment offices or the like. This does not include medical offices or clinics of any kind, or retail sales.

(14) *Parking space, off-street*: See subsection (13.2) hereinabove.

(14.5) *Pharmacy*: An establishment offering on-site dispensing of prescription drugs, non-prescription drugs or both, staffed by a state licensed pharmacist who shall be present and on duty during all hours that the on-site dispensing of prescription drugs occurs. Pharmacy does not include a "dispensing practitioner" who is a physician that dispenses prescription drugs or non-prescription drugs or both to the practitioner's own patients in the regular course of his or her practice, as defined by F.S. § 465.0276.

(15) *Plot*: For zoning purposes, as covered by this chapter, a plot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such plots shall have frontage on an improved public street, and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;

d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

(16) *Plot frontage*: The front of a plot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner plots and through plots, all sides of a plot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under front yards in this section.

(17) *Plot measurements*:

a. Depth of a plot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side plot lines in front and the rearmost points of the side plot lines in the rear.

b. Width of a plot shall be considered to be the distance between straight lines connecting front and rear plot lines at each side of the plot, measured across the rear of the required front yard, provided however that width between side plot lines at their foremost points (where they intersect with the street line) shall not be less than 70 percent of the required plot width except in the case of plots on the turning circle of a cul-de-sac, where the 70 percent requirement shall not apply.

(18) *Plot description*:

a. *Corner plot*, defined as a plot located at the intersection of two or more streets. A plot abutting on a curved street or streets shall be considered a corner plot if straight lines drawn from the foremost point of the side plot lines to the foremost point of the plot meet at an interior angle of less than 135 degrees.

b. *Interior plot*, defined as a plot other than a corner plot with only one frontage on a street.

c. *Through plot*, defined as a plot other than a corner plot with frontage on more than one street. Through plots with frontage on two streets may be referred to as double frontage lots.

d. *Reversed frontage plot*, defined as a plot in which the frontage is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot.

(18.5) *Residential use*: Use of land or structures thereon for residential occupancy of a permanent or semi-permanent nature. This use allows occupancy by any one individual or family, as that word is defined hereinabove, with or without bona fide non-paying guests in any individual dwelling unit. The term "residential use" includes "single-family residences," "multiple family residences," "residential unit(s)" and "multiple family dwellings" whether or not contained in a

"planned unit development" as those terms are used in this zoning code. The rental of any single-family residence, multiple family residence, residential unit or multiple family dwelling for any period of time less than one month or more than three times per year shall be considered a commercial use.

(18.6) *Retail stores*: A place of business selling goods in small quantities directly to the consumer in establishments which provide a service or offer a product to the general public. This use does not include a pharmacy.

(19) *Roofline*: A horizontal line intersecting the highest point or points of a roof.

(20) *Sign*: ~~Any device~~ object designed to convey information ~~inform~~, or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

- a. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- b. ~~Flags and insignias of any government~~ except as regulated at Sec. 11.6-10(4) ~~when displayed in connection with commercial promotion~~;
- c. Legal notices; identification, information, or directional signs erected or required by governmental bodies;
- d. Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights;
- e. ~~Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.~~

(21) Reserved. Signs, number and surface area:

- a. ~~For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.~~
- b. ~~The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.~~

(22) *Sign, on-site:* A noncommercial speech sign erected on a Plot by the owner or lessee of the plot or a commercial speech sign on which at least some of the copy on the sign face relates to the offer of a commercial transaction at the plot on which such sign is located. On site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business. ~~A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.~~

(23) *Sign, off-site:* A commercial speech sign identifying a location other than the Plot on which the commercial speech sign is located, where a commercial transaction is offered or a noncommercial speech sign identifying the location of a noncommercial event other than the Plot on which the noncommercial speech sign is located. The term applies to both permanent and signs and temporary signs. ~~A sign other than an on-site sign.~~

(24) *Special exception:* A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this zoning ordinance.

(24.5) Statues and fountains. Artistic and aesthetic structures including a solid foundation, standing three feet or taller, and requiring a building permit to install or construct. Statues and fountains are further regulated at City Code Sec. 15-6(i).

(25) *Street line:* That right-of-way line of a street.

(26) *Structure:* Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Specifically, structures include buildings, mobile homes, walls, fences, billboards, poster panels, pools, pool aprons, patios, mailboxes, statues and fountains, and tennis courts.

(27) *Variance:* A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be

granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.

(27.1) *Wall*: A structure made of concrete block, masonry or other similar material which may or may not be stuccoed and painted. Walls are strictly prohibited in all residential zones except where they are connected to the residential building and used as an architectural feature thereto or as screening for windows thereon subject to height limitations; see definition (28) below and subsection 8.5-7(b) for more details.

(27.2) *Written or in writing*: The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

(28) *Yard*: A required open space unoccupied and unobstructed by any structure or portion of a structure, provided however, that:

a. Fences in all zoning districts may be permitted in any rear yard along the rear and side property lines, Fences are permitted around swimming pools, and are required absent an alternative type of approved barrier such as a screen enclosure. Wood fences that enclose the courtyards attached to the residences in The Atriums development are also permitted. All fences are subject to height limitations as set forth in subsection 8.5-7(b).

b. Walls in all nonresidential zoning districts may be permitted in any side or rear yard subject to height limitations and may be required in certain circumstances; see subsection 8.5-7(b).

c. Walls in all residential zoning districts that are connected to the residential building and used as architectural features thereto or screening for windows thereon, may be permitted in any side or rear yard subject to height limitations as set forth in subsection 8.5-7(b). In no case shall any wall be permitted on or adjacent to the side, rear or front property lot lines in residential zones.

d. When a plot has more than one frontage, as described in "yard, front" below, the front yard and side yards for purpose of placing fences and walls shall be determined based upon the prevailing front yard pattern of the street on which the structure is located.

e. Fences and walls used to screen satellite dishes in any zoning district may be permitted in any yard pursuant to subsection 15-6(h)(3); and

f. Covered parking may be approved for multiple-family dwellings by the board of adjustment as provided elsewhere in these regulations.

[Definitions for specific yards:]

a. *Yard, front*: A yard extending between side lot lines across the front of a plot abutting the street line. In any front yard, no fence or wall shall be permitted across such yard. No tree or other vegetation shall be permitted which materially impedes vision.

1. In the case of through plots, unless the prevailing front yard pattern on adjoining plots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through plot is not in keeping with the prevailing yard pattern, the administrative official may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent plots.

2. In the case of corner plots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

3. In the case of reversed frontage corner plots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

4. In the case of corner plots with more than two frontages, the administrative official shall determine the front yard requirements, subject to the following limitations: At least one front yard shall be provided having the full depth required generally in the district; and, no other front yard on such plot shall have less than half the full depth required generally.

5. Depth of required front yards shall be no closer than the required setbacks as stated in section 15-5, district regulations.

b. *Yard, side:* A yard extending from the rear line of the required front yard to the rear lot line.

1. In the case of through plots, side yards shall extend from the rear lines of the front yards required. In the case of corner plots with normal frontage, there will be only one side yard, adjacent to the interior plot. In the case of corner plots with reversed frontage, the yards remaining after the full and half-depth front yards have been established shall be considered to be side yards.

2. Width of required side yards shall be measured at right angles to a straight line adjoining the ends of front and rear plot lines on the same side of the plot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

c. *Yard, rear:* A yard extending across the rear of the plot between inner side yard lines.

1. In the case of through plots and reversed frontage corner plots, there will be no rear yard. In the case of corner plots with normal frontage, the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior plot to the rear line of the half-depth front yard.

2. Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side plot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established.

(28.1) *Year*: The word "year" shall mean a calendar year, unless otherwise indicated.

**Sec. 15-6. - Supplemental district regulations.**

(a) *Minimum requirements*. In their interpretation and application, the provisions of this chapter shall be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

(b) *Refuse containers*. All refuse shall be stored in underground containers in single-family residential districts. In R-2 and R-3 Districts, refuse shall be stored either in underground containers or in containers within the apartment building. In CO and C1A Districts, refuse containers must be structurally screened from all adjacent property owners and all containers must be designed to conform with the standards of health, safety and welfare of the city.

(c) *Pools*. All swimming pools, wading pools, spas, etc. shall be constructed and installed in accordance with state law and the latest edition of the Florida Building Code Swimming Pool and Spa Code adopted by the City of Atlantis; ~~see section 4-41 of the Atlantis Code of Ordinances.~~

(d) *Public easement/right-of-way*. No building or structure shall be erected or constructed within or across any public utility easement or public right-of-way.

(e) *Roof-top appurtenances*. All roof-top appurtenances excluding solar heating devices shall be adequately screened from public view.

(f) *Temporary structures*. A permit for the use of temporary structures and operations in connection with and on the site of building or land preparation developments, including dredging and filling, grading, paving, installation of utilities, construction, erection of field offices, structure for storage of equipment and building materials must be issued by the city prior to any such temporary structure being erected, installed or in any way occupied or used.

(g) *No business in residential district*. No business of any kind whatsoever shall be erected, maintained, operated, carried on, permitted or conducted within any residential district except for home occupations pursuant to section 9-28 of the City Code of Ordinances.

(h) *Satellite dishes*. [Shall remain in full force and effect as previously adopted]

(i) Mailboxes, statues and fountains. All curbside mailboxes within the city, and all statues and fountains located in a front yard and visible from a city right-of-way within the city are subject to the following, as applicable:

(1) All curbside mailboxes shall comply with USPS STD 7A, or the otherwise current United States Postal Service regulations which govern the design of curbside mailboxes.

(2) Curbside mailboxes, including the mounting post, may be black, white, or any other color or colors that match the colors of the principal structure located on the property.

(3) Any curbside mailbox that is not the traditional dome-rectangular shape, mounted on a single post of traditional design, or any curbside mailbox that is decorated other than as set forth in paragraph (2) above, must be reviewed and approved by ARC prior to installation.

(4) Any lawfully existing mailbox at the effective date of this subsection regarding mailboxes that could not be built under the terms of this subsection or that could not receive ARC approval under the terms of this subsection and subsection 15-10(e)(4)c. of the city's zoning code may continue so long as it remains otherwise lawful, subject to the following provisions:

a. No such mailbox may be enlarged or altered in any way which increases its non-conformity.

b. Should such mailbox be destroyed by any means to an extent of more than 50 percent of its assessed value at the time of destruction, or fall into a state of disrepair such that it is found to be in violation of the city's minimum property standards by the code enforcement board or special magistrate, it shall not be reconstructed or repaired except in conformity with the provisions of this subsection;

c. Should such mailbox be moved for any reason for any distance whatever, it shall thereafter conform to the provisions of this subsection.

(5) Statues and fountains standing three feet or taller and requiring a building permit to install or construct which are proposed to be located in any front yard and which would be visible from any city right-of-way must be reviewed and approved by ARC prior to installation.

(6) Any lawfully existing statue or fountain at the effective date of this subsection regarding statues and fountains that could not be built under the terms of this subsection or that could not receive ARC approval under the terms of this subsection and subsection 15-10(e)(4)c. of the city's zoning code may continue so long as it remains otherwise lawful, subject to the following provisions:

a. No such statue or fountain may be enlarged or altered in any way which increases its non-conformity.

b. Should such statue or fountain be destroyed by any means to an extent of more than 50 percent of its assessed value at the time of destruction, or fall into a state of disrepair such that it is found to be in violation of the city's minimum property standards by the code enforcement board or special magistrate, it shall not be reconstructed or repaired except in conformity with the provisions of this subsection:

c. Should such statue or fountain be moved for any reason for any distance whatever, it shall thereafter conform to the provisions of this subsection.

(j) *Preapplication conference.* [Shall remain in full force and effect as previously adopted]

(k) *Medical offices, medical and dental clinics, outpatient medical care and surgical care centers and medical and dental training facilities* [Shall remain in full force and effect as previously adopted]

(l) *Reasonable accommodation process in housing.* [Shall remain in full force and effect as previously adopted]

#### **Sec. 15-10. - Administration, enforcement and building permits.**

(a) *Administration.* [Shall remain in full force and effect as previously adopted]

(b) *Enforcement.* [Shall remain in full force and effect as previously adopted]

(c) *Building permits and painting architectural approvals.* [Shall remain in full force and effect as previously adopted]

(d) *Construction and use to be as provided in applications, plans and permits.* [Shall remain in full force and effect as previously adopted]

(e) *The architectural committee.*

(1) *Establishment; appointment; terms.* The architectural committee of the City of Atlantis, Florida is hereby established and shall consist of three members appointed by the city council for terms of two years. An alternate member may be appointed by the city council for a term of one year. In the absence or disability of a regular member, an alternate member, if appointed, shall be called to sit and act in his place by the chairperson of the architectural committee.

(2) *Organization; qualification of members.* The architectural committee shall elect a chairperson and a vice-chairperson to preside at its meetings. Whenever possible, the members of the architectural committee shall consist of persons who are currently involved in or are retired from the architectural profession, in some manner, i.e., an architect, a landscape architect, a person with expertise in landscaping or horticulture,

or a person connected in some way with the building/construction or engineering profession.

(3) *Powers and duties; plans and specifications.* The architectural committee shall review every application for a permit (or for architectural approval in the case of painting) to erect a building, sign, or structure of any kind, whatsoever, including non-traditional (see subsection 15-6(i)) curbside mailboxes and statues and fountains, or to alter, remodel, repair, or change the exterior of any structure, or paint the exterior of any structure or surface within the city, including satellite dish applications. The architectural committee shall also review every application for the installation of permanent emergency electrical generators on any property within the city. For purposes of this chapter, any such generator shall be considered as equipment and not as a "structure;" however, a building permit for installation is required and all building code requirements shall be met. Every application for permit shall be accompanied by two sets of detailed plans and/or detailed specifications and/or aesthetic description, as applicable. No application for a permit shall be deemed proper before the architectural committee until all plans and specifications, when required, including landscape plans, have been provided as herein set forth and reviewed by the building official. The architectural committee shall function as the final decision-making authority with regard to approval of matters set forth in this section. If an applicant disagrees with the decision of the architectural committee, such applicant may appeal this decision to the city council. When a decision is so appealed, the city council shall act as the final decision making authority with regard to the matter appealed but may not waive requirements specifically set forth in the code. The applicant shall have 30 days from the day of the decision of the architectural committee, exclusive of the day the decision is rendered, in which to notify the city manager, in writing, that the applicant desires to appeal. The city council shall act upon the appeal within 45 days of the date notice is furnished to the city manager, exclusive of the day on which the notice is furnished. If the applicant is seeking a variance from code requirements as opposed to review of the architectural committee's decision, application must be made to the board of adjustment in a timely manner as set forth in section 15-9 of the zoning code.

(4) *Criteria for board action.*

- a. The architectural committee shall review applications for building permits and painting architectural approvals for any structure subject to its jurisdiction as set

forth in subsection (3) above. In reaching its determination, the committee shall consider the following:

- i. Whether the plan for the proposed structure or project is in conformity with good taste, good design, and in general, contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.
- ii. Whether the proposed structure or project, in its exterior design and appearance, is of a quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
- iii. Whether the proposed structure or project is in harmony with the development or proposed development in the general area, with the comprehensive development plan of the city, and with the criteria set forth in supplemental district regulations as may be amended from time to time.
- iv. Whether the proposed structure is in conformity with the standards of the code and other applicable ordinances in so far as the location and appearance of the buildings and structures are involved.

b. The architectural committee shall likewise review applications for permits to install permanent emergency electrical generators subject to its jurisdiction as set forth in subsection (3) above. Prior to approving the application, the committee shall confirm the following:

- i. That the generator proposed for permanent installation is a fully enclosed model.
- ii. That the plans for installation minimize the visual impact on the adjacent properties with the use of appropriate sight screening.
- iii. That the generator is not installed in any front yard as defined in the zoning code. Such installation is strictly prohibited.
- iv. That sound attenuating materials have been used to screen the generator to insure the reasonable containment of sounds which will be created by the operation of any emergency electrical generator.
- v. That any application approved for the installation of an emergency electrical generator shall include the requirement that maintenance and "exercise" of the installed generator shall be limited to once per week,

Monday through Saturday, between the hours of 10:00 a.m. and 5:00 p.m. with such period not to exceed 60 minutes in duration, and that generators may only be used during periods when electrical service to the property has been lost.

c. The architectural committee shall likewise review applications for permits to install "non-traditional" mailboxes, as well as statues and fountains located in front yards pursuant to subsection 15-6(i). Prior to approving the application, the committee shall confirm the following:

i. The proposed mailbox, statue or fountain should accentuate and compliment the architecture of the principal structure located on the property.

ii. The proposed mailbox, statue or fountain should be of a quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

iii. The proposed mailbox, statue or fountain should be harmonious with the surrounding landscaping and development in the area, and in general, contribute to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

(5) *Denial; findings of fact.* If the application is disapproved by the architectural committee due to noncompliance with the criteria set forth hereinabove, the architectural committee shall detail in its findings of fact the criterion or criteria that are not met and that need to be met in order that the applicant might obtain approval. The action taken by the architectural committee shall be set forth in writing and signed by the chairperson.

(6) *Meetings.* The architectural committee shall meet on a regularly scheduled basis no less than two times per month. Additional meetings may be held at the call of the chairperson, if necessary. All meetings shall be open to the public. Failure of the architectural committee to make a decision within 45 days after an application has been deemed complete by the building official and is properly before the architectural committee shall be deemed an approval of the architectural committee.