

ORDINANCE NO. 455

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 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, *Florida Statutes*, regarding local government comprehensive planning and the adoption of land development regulations including sign regulations, as well as Chapter 166, *Florida Statutes*, regarding municipalities and municipal and "home rule" powers; and

WHEREAS, the City Council of the City of Atlantis, Florida 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 and future needs of the City's residents and businesses, while also complying with applicable 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 these ~~this~~ purposes, 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, location 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 installed or 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. Permanent Signs typically require permitting and inspections for construction or installation.

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. An 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);
- (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 Florida Building Code.

(2) *Fees.* Permit fees shall be based on the construction valuation as set forth in the Florida 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. The 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 chapter 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 July 15, 2020 ~~June 17, 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 the City's ~~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” 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" 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 Sign 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 Florida 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 Streets.
- (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 control device 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 device , that contain red or green lights that might be confused with a traffic control device 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, 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 frame 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 tropical storm or hurricane watch or warning 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 and the declaration has been lifted.
- (d) Any Temporary Sign 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.

~~(d)~~ (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"> • 50 (up to 100 feet of Street frontage) • 75 (101 to 149 feet of Street frontage) • 100 (150 feet or more of Street frontage) 	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"> • 30 (up to 50 feet of Street frontage) • 50 (51 to 99 feet of Street frontage) • 75 (100 feet or more of Street frontage) 	

			of <u>S</u> treet frontage)	
H-D	1 per <u>S</u> treet frontage	6 (local <u>S</u> treet) 18 (major <u>S</u> treet)	<ul style="list-style-type: none"> • 75 (up to 50 feet of <u>S</u>treet frontage) • 100 (51 to 99 feet of <u>S</u>treet frontage) • 150 (100 feet or more of <u>S</u>treet frontage) 	

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.

(2) *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.

(3) *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 ²	Maximum Height (feet) ¹	Maximum Sign Face Area (square feet) ¹	Other Criteria
RD	1	N/A	8	
C-1A CG CO PO H-D	1	<div>2.5 (up to 25 feet of building or Tenant space frontage)</div> <div>4 (26 to 50 feet of building or Tenant space frontage)</div> <div>7.5 (more than 50 feet of building or Tenant space frontage)</div>	<div>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.</div> <div>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.</div> <div>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.</div>	A multi-Tenant development or center may be permitted one (1) additional Building Wall Sign not to exceed a Sign Face 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.
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.

(4) 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.

c. Condition. All flags and flagpoles shall be kept in good condition when on display. No flag shall be displayed that is torn, tattered or noticeably faded.

d. All flags shall be 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 tropical storm or hurricane watch or warning 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 and the declaration has been lifted.

e. When displaying the flag of the United States of America, residents and businesses are strongly encouraged to utilize the flag protocols adopted at 4 United States Code Chapter 1, "The Flag."

(5) 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.

(6) *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.

(7) *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.

(8) *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.

FIRST READING this 15th day of July 2020

SECOND AND FINAL READING this 19th day of August 2020

CITY OF ATLANTIS

Aye

Nay

Mayor Michael LaCoursiere

Aye

Nay

Vice Mayor Allan Kaulbach

Aye

Nay

Councilor Keller Lanahan

Aye

Nay

Councilor Guy Motzer

Aye

Nay

Councilor Peter Shapiro

ATTEST:

(SEAL)

Kristen Puhalainen, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY.

Keith Davis, City Attorney