

P&Z Board Members

Roger Manning
Katrina Long Robinson
John Stanavitch
Kara Crump
Phillip Everett



City of Westlake

4001 Seminole Pratt Whitney Rd.
Westlake, Florida 33470
Phone: 561-530-5880
Fax: 561-790-5466

Planning and Zoning Meeting
Monday, June 17, 2019

Meeting Location
Westlake Council Chambers
4005 Seminole Pratt-Whitney Road
Westlake, FL 33470
6:00 PM

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings and for such purpose 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 meeting/hearing may be continued to another date and time as may be found necessary during the aforesaid meeting. In accordance with the provisions of the Americans with Disabilities Act (ADA), any person requiring special accommodations at these meetings because of disability or physical impairment should contact the Interim City Manager at (954)753-5841 at least two (2) calendar days prior to the meeting.

City of Westlake

4001 Seminole Pratt Whitney Rd.
Westlake, Florida 33470
Phone: 561-530-5880
Fax: 561-790-5466
Website: westlakegov.com



Council Members

Roger Manning-Mayor
Katrina Long Robinson-Vice Mayor
John Stanavitch-Seat 1
Kara Crump-Seat 2
Phillip Everett-Seat 3

June 12, 2019

City Council
City of Westlake

Dear Mayor and Council:

The Planning and Zoning Board of the City of Westlake will hold a meeting on Monday, June 17, 2019 at 6:00 p.m. at the Westlake Council Chambers, 4005 Seminole Pratt Whitney Road, Westlake, Florida. Following is the advance agenda for the meeting.

1. Call to Order/ Roll Call
2. Pledge of Allegiance
3. Approval of the Minutes of the May 13, 2019 Planning and Zoning Meeting
4. 7-Eleven Staff Reports and Presentations
 - A. Rezoning
 - B. Requested Use
 - C. Site Plan Review
5. Consideration of Recommendation of Resolution 2019-15, Approving Final Site Plan for 7-Eleven
6. Consideration of Recommendation of Ordinance 2019-6, Establishing Mandatory Signage Design
7. Audience Comments
8. Adjournment

Any additional supporting material for the items listed above, not included in the agenda package, will be distributed at the meeting. Staff will present their reports at the meeting. I look forward to seeing you, but in the meantime if you have any questions, please contact me.

Sincerely,

Kenneth Cassel

Kenneth G. Cassel
City Manager

cc: Pam E. Booker, Esq.
Terry Lewis
John Carter
Kelley Burke

Third Order of Business

**MINUTES OF PLANNING AND ZONING MEETING
CITY OF WESTLAKE**

A Planning and Zoning meeting of the City of Westlake was held on Monday, May 13, 2019 at 7:30 p.m., at the Westlake Community Center, 4005 Seminole-Pratt Whitney Road, Westlake, Florida.

Present and constituting a quorum were:

Roger Manning	Mayor
Katrina Long Robinson	Vice Mayor
John Stanavitch	City Council Seat 1
Kara Crump	City Council Seat 2
Phillip Everett	City Council Seat 3

Also present were:

Kenneth Cassel	City Manager
Pam Booker	City Attorney
John Carter	Minto PBLH
Donaldson Hearing	Cotleur & Hearing
Nilsa Zacarias	NZ Consultants
Kevin Robinson	Kimley-Horn

The following is a summary of the minutes and actions taken during the May 13, 2019 City of Westlake Planning and Zoning Meeting.

FIRST ORDER OF BUSINESS

Call to Order

Mayor Manning called the meeting to order.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was previously recited.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the October 8, 2018 Planning and Zoning Meeting

On MOTION by Councilman Stanavitch seconded by Councilwoman Crump with all in favor the minutes of the October 8, 2018 Planning and Zoning meeting were approved.

FOURTH ORDER OF BUSINESS

7-Eleven Rezoning Staff Report

- Ms. Zacarias reviewed and provided a presentation on the proposed rezoning for 7-Eleven.
- Mr. Hearing addressed the Board on behalf of the applicant and introduced Mr. Robinson of Kimley-Horn.
- Mr. Carter addressed the Board regarding the proposed rezoning.

FIFTH ORDER OF BUSINESS

**Consideration of Ordinance 2019-5,
Approving Rezoning from AR to
MUPD/EDC**

Mr. Cassel read Ordinance 2019-5 by title only.

On MOTION by Vice Mayor Long Robinson seconded by Councilman Everett with all in favor Ordinance 2019-5 was recommended for approval by the City Council.

SIXTH ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Adjournment

The Planning and Zoning meeting adjourned at 7:58 pm.

Kenneth Cassel
City Manager

Roger Manning
Mayor

Fourth Order of Business

4A.



City of Westlake

Planning and Zoning Department

Staff Report –6/17/19

PETITION DESCRIPTION

PETITION NUMBER: REZ-2019-01 7-Eleven Rezoning –SECOND READING

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: The applicant is requesting approval to rezone the subject property from Agricultural Residential (AR) to Multiple Use Planned District / Economic Development Center (MUPD/EDC).

LOCATION: City of Westlake, West of the Packing House on the East side of Seminole Pratt Whitney Road.

PROPERTY CONTROL NUMBERS: 77-40-43-12-00-000-1010

LOCATION MAP



1. PETITION FACTS

- a. **Total Site Acres:** 1.89
- b. **Concurrent Application:** 4,500 square foot convenience store and 16 position fueling station and car wash
- c. **Future Land Use:** Downtown Mixed Use
- d. **Zoning:** Agricultural Residential (AR)

2. BACKGROUND

The City of Westlake received an application to develop a 7-Eleven Gas Station in the subject parcel. The subject property is currently zoned Agricultural (AR). In 2018, the City Council adopted Ordinance 2018-04 amending the City’s Interim Land Development Code to include the use, *Gas and Fuel, Retail* in the MUPD/EDC Zoning District. See below table.

Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD		MUPD					MXPD		PIPD		LCC		NOTE								
	Pods		FLU					FLU		Use Zone		FLU										
	R	C	R	CA	C	C	C	C	E	I	C	C	I		C	I	M	R	C	C	N	
	E	O	E	IG	L	H	L	H	R	M	D	N	H	H	N	O	N	H	V	L	H	O
	S	M	C	VR		O	O		D	C	S		O	D	M	D	P	P				E
				/																		
				P																		
Commercial Uses																						
Adult Entertainment																S	S					2
Auction, Enclosed		R				P			P	D						P					PP	16
Auction, Outdoor						R			R	R						P	P	P				16
Auto Paint Or Body Shop		R				R				R	R					P	P	P				17
Gas and Fuel, Retail		R				R	R				R			R		P	R	P				18
Green Market											D										DD	64
Hotel, Motel, SRO, Rooming And Boarding						R		R	R		R			RR		P					R	72
Kennel, Type II (Commercial)		R				R								R								74-1
Kennel, Type III (Commercial -Enclosed)		R				R	R							R							RR	74-2
Kiosk						P	P	P	P	P				P	P	P	P				P	75
Landscape Service		R				R				P	R			R		P	P	P				77
Laundry Services		R				P	P		P					P	P	P	P		P	P	P	78
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-025]																						
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D Permitted subject to approval by the DRO																						
S Permitted in the district only if approved by Special Permit																						
R Permitted in the district only if approved by the Westlake City Council as a requested use																						



3. ANALYSIS

REZONING STANDARDS OF COMPLIANCE PER ARTICLE 2.B.1.B

A. Consistency with the Plan

The rezoning of the subject parcel from AR to the MUPD/EDC zoning designation is consistent with the future land use of Downtown Mixed Use. Policy FLU 1.1.15 of the Plan lists commercial as an allowable use in this district.

B. Consistency with the Code

The subject rezoning is consistent with the City’s Interim ULDC Code. In 2018, the City Council adopted Ordinance 2018-04 amending the City’s Interim Land Development Code to include the use, *Gas and Fuel, Retail* in the MUPD/EDC Zoning District.

C. Compatibility with Surrounding Uses

As shown on the below Compatibility Table, the subject property is mostly surrounded by Downtown Mixed Use Future Land use designation except on the West area where the FLU designation is Civic (Seminole Ridge High School location).

In terms of zoning designation, the proposed rezoning from AR to MUPD/EDC will provide compatibility with surrounding zoning districts as indicated on the Compatibility Table.

	FUTURE LAND USE	ZONING
SUBJECT PROPERTY	Downtown Mixed Use	(AR) Agricultural Residential
NORTH	Downtown Mixed Use	MUPD/EDC
SOUTH	Downtown Mixed Use	MUPD/EDC
EAST	Downtown Mixed Use	MUPD/EDC
WEST	Civic (Seminole Ridge High School)	Civic

D. Effect on the Natural Environment

Since the purpose of the applicant is to install a 7-Eleven gas station, environmental agencies at the Palm Beach County (DERM) and State Level (DEP) will conduct further reviews prior to the City issuing a building permit. These measures will prevent environmental impacts that could be originated as a result of the underground gas tanks.

E. Adequate Public Facilities

Seminole Pratt Whitney Road has existing drainage, water, sewer and electricity. The Palm Beach County Traffic Division has determined that the propose development meets the Traffic Performance Standard (TPS) of Palm Beach County (Article 12 of the Unified Land Development Code). Please see attached letter.

4. FINAL REMARKS

The subject rezoning application was heard by the Local Planning Agency (LPA) and the City Council (First Reading) on May 13, 2019. The Planning and Zoning staff reviewed this application and find it in compliance with the above presented rezoning standards.

CITY COUNCIL

7-Eleven Rezoning

REZ-2019-01 SECOND READING



7-Eleven



6.17.19

PETITION DESCRIPTION

**LPA HEARING AND FIRST READING WAS ON
MAY 13, 2019**

PETITION NUMBER: REZ-2019-01

APPLICANT: Coteur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: The applicant is requesting approval to rezone the subject property from Agricultural Residential (AR) to Multiple Use Planned District / Economic Development Center (MUPD/EDC).

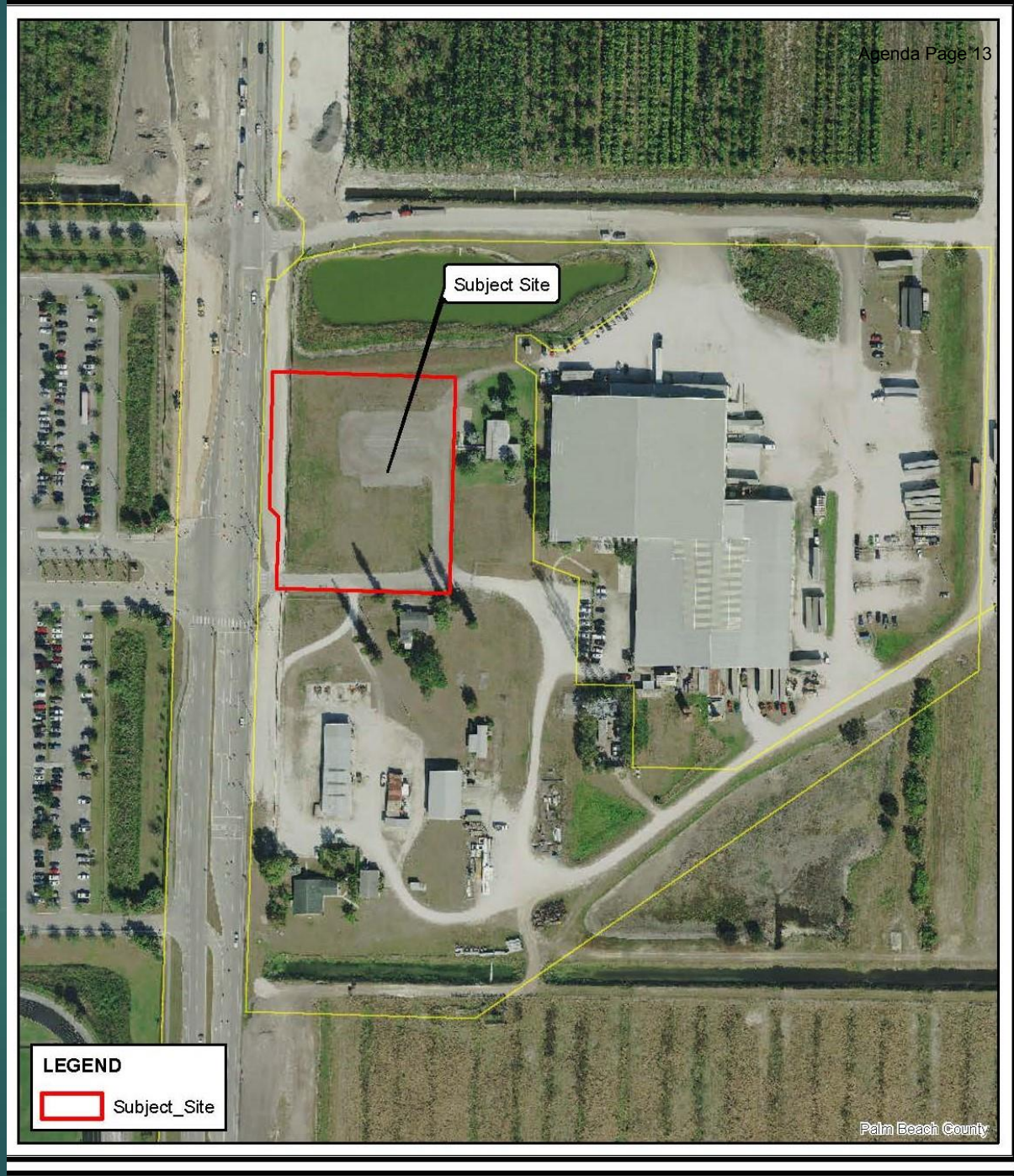
SITE INFORMATION

Total Gross Site Acres:
1.89

Concurrent Application:
4,500 square foot convenience store and 16 position fueling station and car wash

Future Land Use:
Downtown Mixed Use

Zoning:
Agricultural Residential (AR)



REZ-2019-01

In 2018, the City Council adopted Ordinance 2018-04 amending the City's Interim Land Development Code to include the use, *Gas and Fuel, Retail* in the MUPD/EDC Zoning District.

Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD		MUPD				MXP		PIP		LCC		N O T E
	Pods		FLU				FLU		Use Zone		FLU		
	R E S	C M C	C A I G V R /	C L P	C H O	C L O	C H O	C H O	C H O	C H O	C H O	C H O	
Commercial Uses													
Adult Entertainment										S	S		2
Auction, Enclosed		R			P		P	D			P		16
Auction, Outdoor					R		R	R			P	P	16
Auto Paint Or Body Shop		R			R			R	R		P	P	17
Gas and Fuel, Retail		R			R	R				R	P	R	18
Green Market												D	64
Hotel, Motel, SRO, Rooming And Boarding					R		R	R		R	R	P	72
Kennel, Type II (Commercial)		R			R					R			74-1
Kennel, Type III (Commercial -Enclosed)		R			R	R				R			74-2
Kiosk					P	P	P	P	P		P	P	75
Landscape Service		R			R				P	R	R	P	77
Laundry Services		R			P	P	P				P	P	78
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-025]													
Notes:													
P	Permitted by right												
D	Permitted subject to approval by the DRO												
S	Permitted in the district only if approved by Special Permit												
R	Permitted in the district only if approved by the Westlake City Council as a requested use												



REZONING STANDARDS

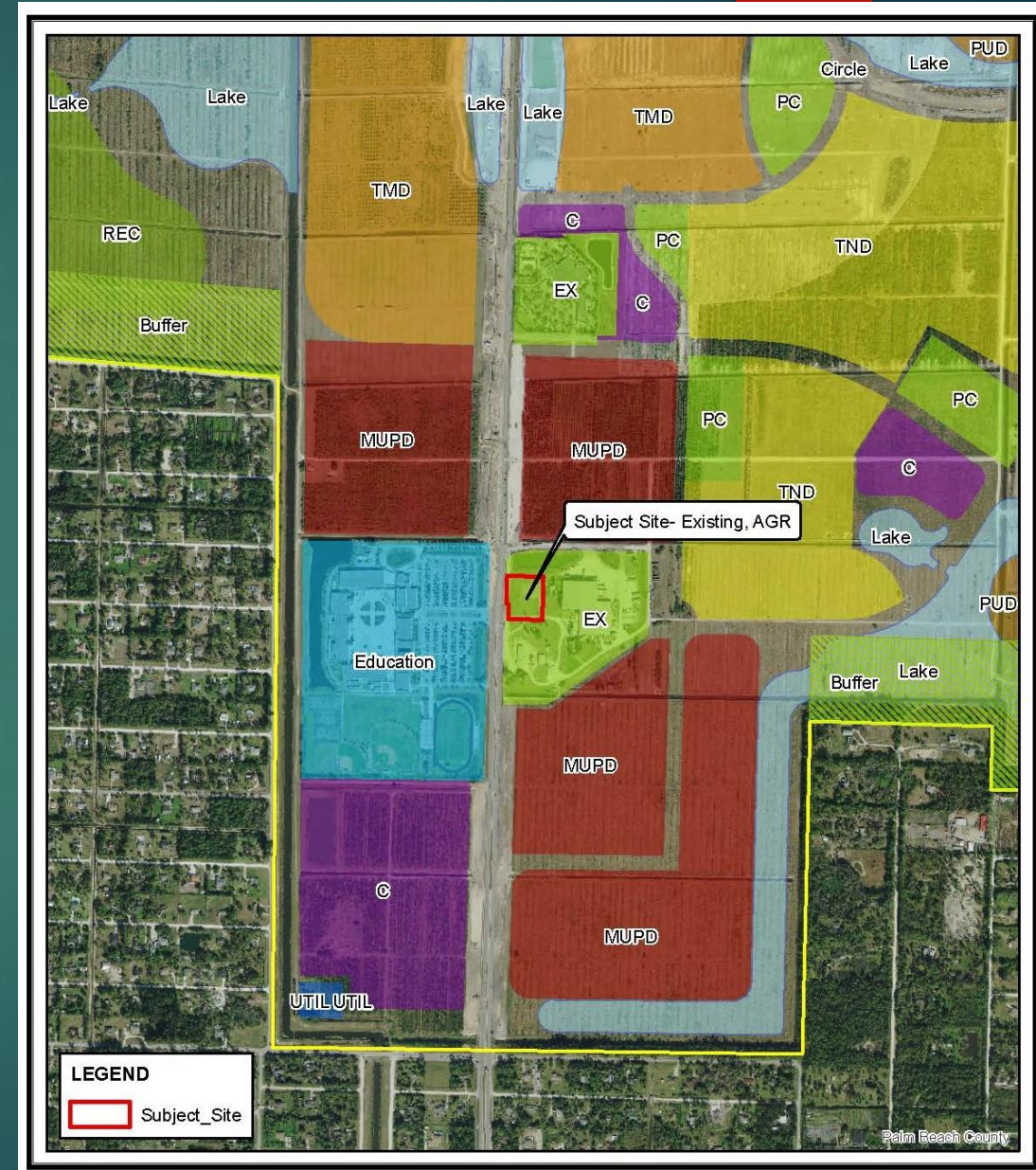
REZONING STANDARDS OF COMPLIANCE PER ARTICLE 2.B.1.B

- ❑ **Consistency with the Plan:** Future Land Use of Downtown Mixed Use. Policy FLU 1.1.15 lists commercial as an allowable use in this district.
- ❑ **Consistency with the Code:** City's Interim ULDC Code adopted in 2018 to include the use, **Gas and Fuel, Retail**, in the MUPD/EDC Zoning District.
- ❑ **Effect on Natural Environment:** Palm Beach County Environmental Resources Management (DERM) and Department Environmental Protection (DEP) will review application prior to the City issuing a building permit to prevent environmental impacts of underground gas tanks.
- ❑ **Adequate Public Facilities:** Existing drainage, water, sewer and electricity. Palm Beach County Traffic Division issued Traffic Performance Standard (TPS) letter.

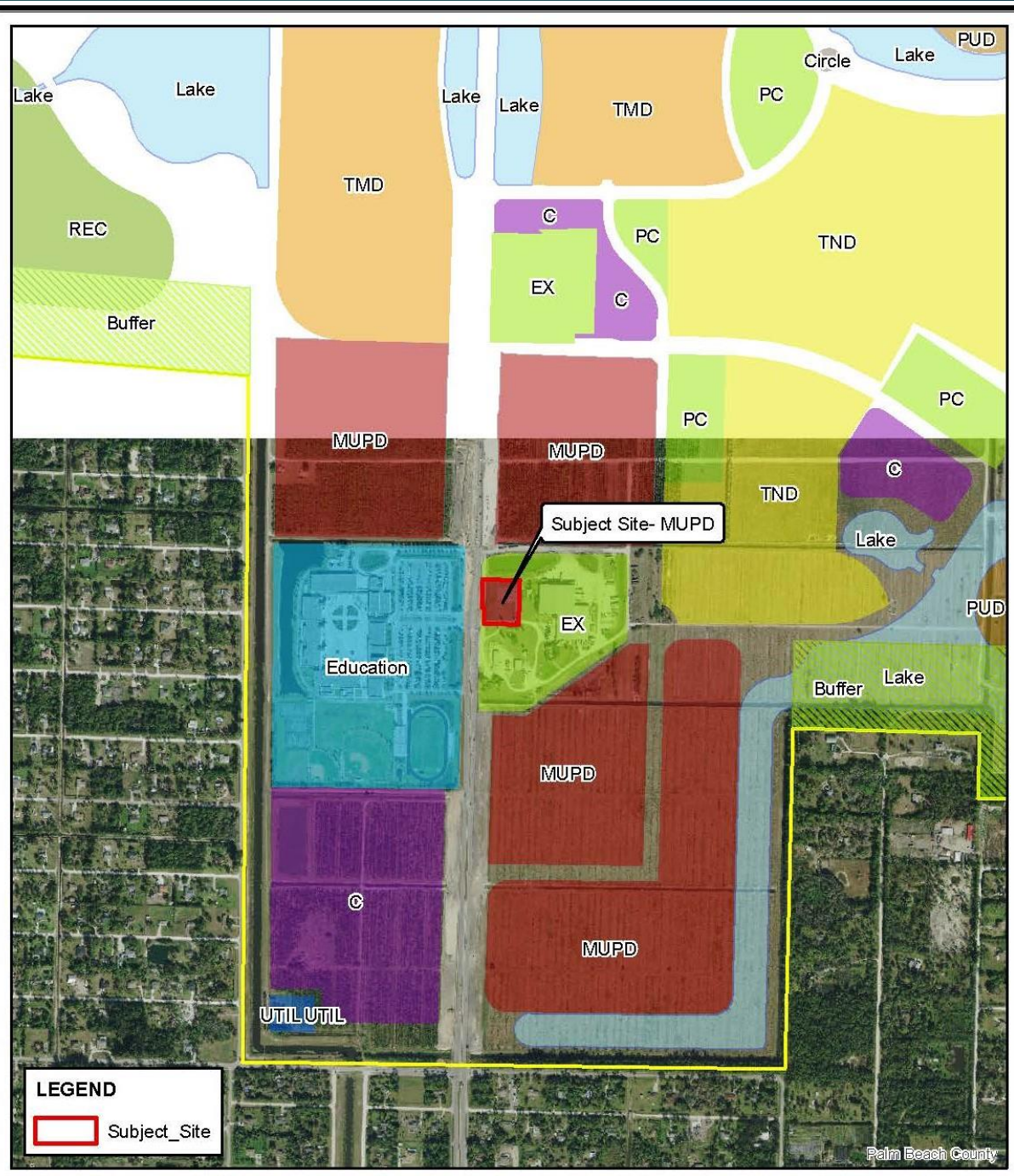
REZONING STANDARDS

Compatibility with Surrounding Uses: Subject property mostly surrounded by Downtown Mixed Use Future Land Use designation and Seminole Ridge High School (Civic Use)


	FUTURE LAND USE	ZONING
SUBJECT PROPERTY	Downtown Mixed Use	(AR) Agricultural Residential
NORTH	Downtown Mixed Use	MUPD/EDC
SOUTH	Downtown Mixed Use	MUPD/EDC
EAST	Downtown Mixed Use	MUPD/EDC
WEST	Civic (Seminole Ridge High School)	Civic



PROPOSED ZONING MAP



LEGEND

 Subject_Site

THANK YOU!



4B



City of Westlake

Planning and Zoning Department

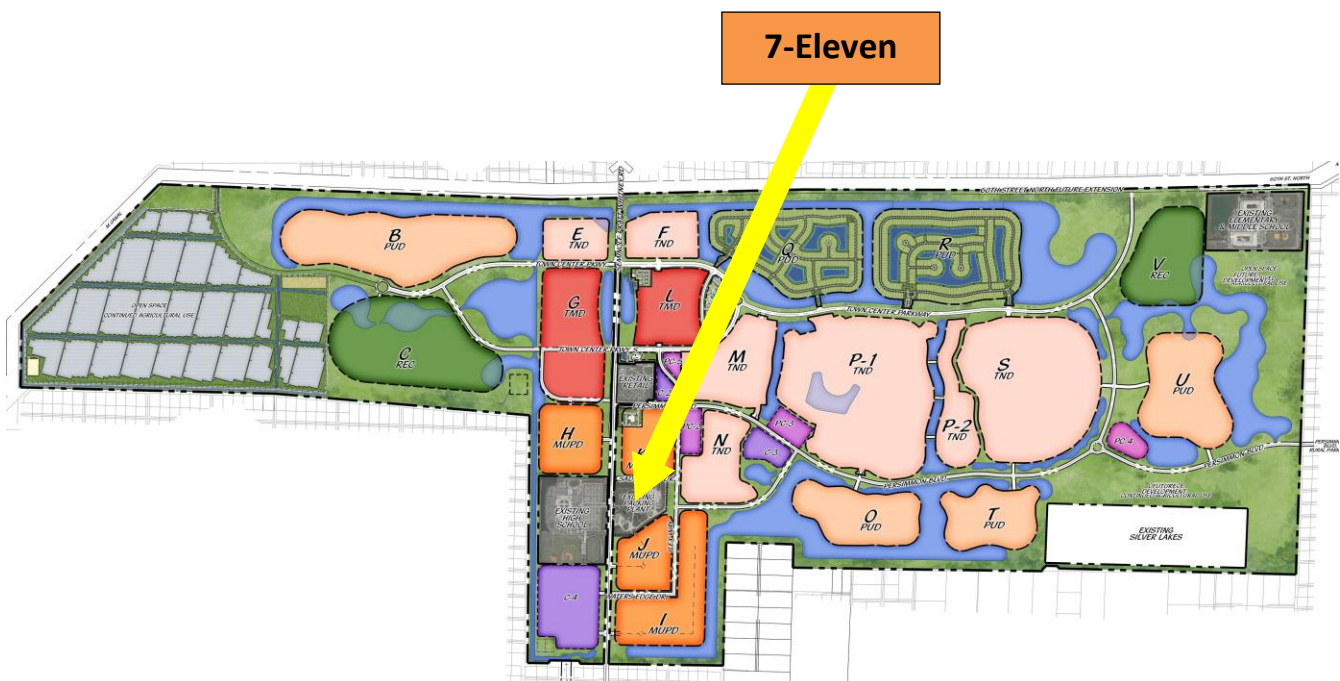
Staff Report – 6/17/19

PETITION DESCRIPTION

- PETITION NUMBER:** REQ-USE-2019-01 7-Eleven Requested Use
- APPLICANT:** Cotleur & Hearing
- OWNER:** Minto PBLH, LLC
- REQUEST:** The applicant is requesting approval to for the proposed use of a gas station and convenience store within the MUPD/EDC District.
- LOCATION:** The subject parcel is located West of the Packing House, on the East side of Seminolen Pratt Whitney Road and across from Seminole Ride High School (South of Pod K).

PROPERTY CONTROL NUMBERS: 77-40-43-12-00-000-1010

LOCATION MAP



1. PETITION FACTS

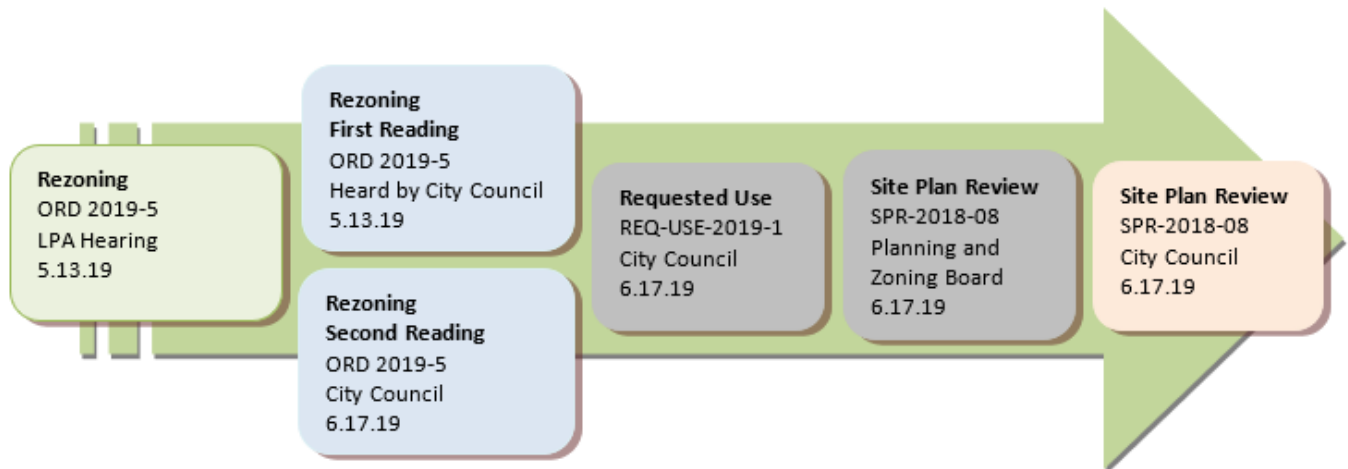
- a. **Total Site Acres:** 1.89 acres
- b. **Subject Application:** 4,500 sq. foot convenience store, a 16 position fueling station and a car wash.
- c. **Future Land Use:** Downtown Mixed Use
- d. **Zoning:** Multiple Use Planned Development/Economic Development Center (MUPD/EDC)

2. BACKGROUND

The City of Westlake received an application to develop a 7-Eleven Gas facility including a 4,500 sq. ft. convenience store, a 16 position fueling station and a car wash. The subject parcel is located in the central portion of the City, east of Seminole Pratt Whitney Road, and south of Pod K. The entrance (also known as Saddle Bay Drive) to the Packing House is north of the site separated by an existing storm water lake.

In 2018, the City Council adopted Ordinance 2018-04 amending the City’s Interim Land Development Code to include the use, *Gas and Fuel, Retail* in the MUPD/EDC Zoning District, as a **Requested Use**. The subject property was zoned Agricultural (AR) and it required a rezoning to accommodate the proposed use.

The below graphic depicts the review and approval process of the subject application:



See below Table 3.E.1.B amended by Ordinance 2018-04 to include the use, *Gas and Fuel, Retail* in the MUPD/EDC Zoning District, as a **Requested Use**.

Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD		MUPD				MXPD		PIPD		LCC		N O T E	
	Pods		FLU				FLU		Use Zone		FLU			
	R E S	C O M	C A V / P	C L	C H O	C H O	C H O	I N D C T	I N H O	C N O D M L	C N O D M L	M H V P D		R C C L H
Commercial Uses														
Adult Entertainment										S	S		2	
Auction, Enclosed	R			P		P	D				P		16	
Auction, Outdoor				R		R	R			P	P	P	16	
Auto Paint Or Body Shop	R			R			R	R		P	P	P	17	
Gas and Fuel, Retail	R			R	R					R		P	R	18
Green Market													D	64
Hotel, Motel, SRO, Rooming And Boarding				R		R	R			R	R	P		72
Kennel, Type II (Commercial)	R			R						R				74-1
Kennel, Type III (Commercial -Enclosed)	R			R	R					R			R	74-2
Kiosk				P	P	P	P	P		P	P	P	P	75
Landscape Service	R			R				P	R	R	P	P	P	77
Laundry Services	R			P	P	P				P	P	P	P	78
<small>[Ord. 2005-002] [Ord. 2004-05*1] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-025]</small>														
Notes:														
P Permitted by right D Permitted subject to approval by the DRO S Permitted in the district only if approved by Special Permit R Permitted in the district only if approved by the Westlake City Council as a requested use														



3. ANALYSIS

REQUESTED USE STANDARDS OF COMPLIANCE PER ARTICLE 2.B.2.B

A. Consistency with the Plan

The Future Land Use designation of Downtown Mixed Use, Policy FLU 1.1.15 includes commercial as an allowable use in this district. The proposed use *Gas and Fuel, Retail* is consistent with the Plan.

B. Consistency with the Code

In 2018, the City Council adopted Ordinance 2018-04 amending the City’s Interim Land Development Code to include the use, *Gas and Fuel, Retail* in the MUPD/EDC Zoning District, as a Requested Use. The proposed use *Gas and Fuel, Retail* is consistent with the Code.

C. Compatibility with Surrounding Uses

As shown on the below Compatibility Table, the subject property is mostly surrounded by Downtown Mixed Use Future Land use designation except on the West area where the FLU designation is Civic (Seminole Ridge High School location).

The proposed *Gas and Fuel, Retail* use is compatible with surrounding zoning uses.

FUTURE LAND USE		ZONING
SUBJECT PROPERTY	Downtown Mixed Use	MUPD/EDC
NORTH	Downtown Mixed Use	MUPD/EDC
SOUTH	Downtown Mixed Use	MUPD/EDC
EAST	Downtown Mixed Use	MUPD/EDC
WEST	Civic (Seminole Ridge High School)	Civic

D. Design Minimizes Adverse Impact

The subject application proposes an architectural and site design consistent with the city’s aesthetics in terms of colors, materials, and connectivity to adjacent parcels.

E. Design Minimizes Environment Impact

Since the purpose of the applicant is to install a 7-Eleven gas station, environmental agencies at the Palm Beach County (*Department of Environmental Resources Management -DERM*) and State Level (*Department of Environmental Protection DEP*) will conduct further reviews prior to the City issuing a building permit. These measures will prevent environmental impacts that could be originated as a result of the underground gas tanks.

F. Development Patterns

The proposed Gas and Fuel, Retail use will be located on the City’s main corridor (Seminole Pratt Whitney Road) consistent with the Comprehensive Plan vision. The subject vision includes a vibrant corridor supporting mixed of uses including commercial, service and residential.

G. Adequate Public Facilities

Seminole Pratt Whitney Road has existing drainage, water, sewer and electricity. The Palm Beach County Traffic Division has determined that the propose development meets the Traffic Performance Standard (TPS) of Palm Beach County (Article 12 of the Unified Land Development Code).

H. Changed Conditions or Circumstances

The City of Westlake was incorporated in 2016. Since then, the City is developing and growing its residential and commercial areas. The subject use will provide services to the city’s residents and surrounding neighborhoods.

4. FINAL REMARKS

The City's Planning and Zoning staff reviewed the subject application and find it in compliance with the above Requested Use standards.

EXISTING SITE CONDITIONS



City Council

7-Eleven Requested Use

REQ-USE-2019-01

7-Eleven



6.17.19



PETITION DESCRIPTION

PETITION NUMBER: REQ-USE-2019-01

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: The applicant is requesting approval for the **proposed use** of a gas station and convenience store within the City of Westlake

SITE INFORMATION

Total Gross Site Acres
1.89 acres

Application

4,500 sq. ft. convenience store and 16-position fueling station and car wash

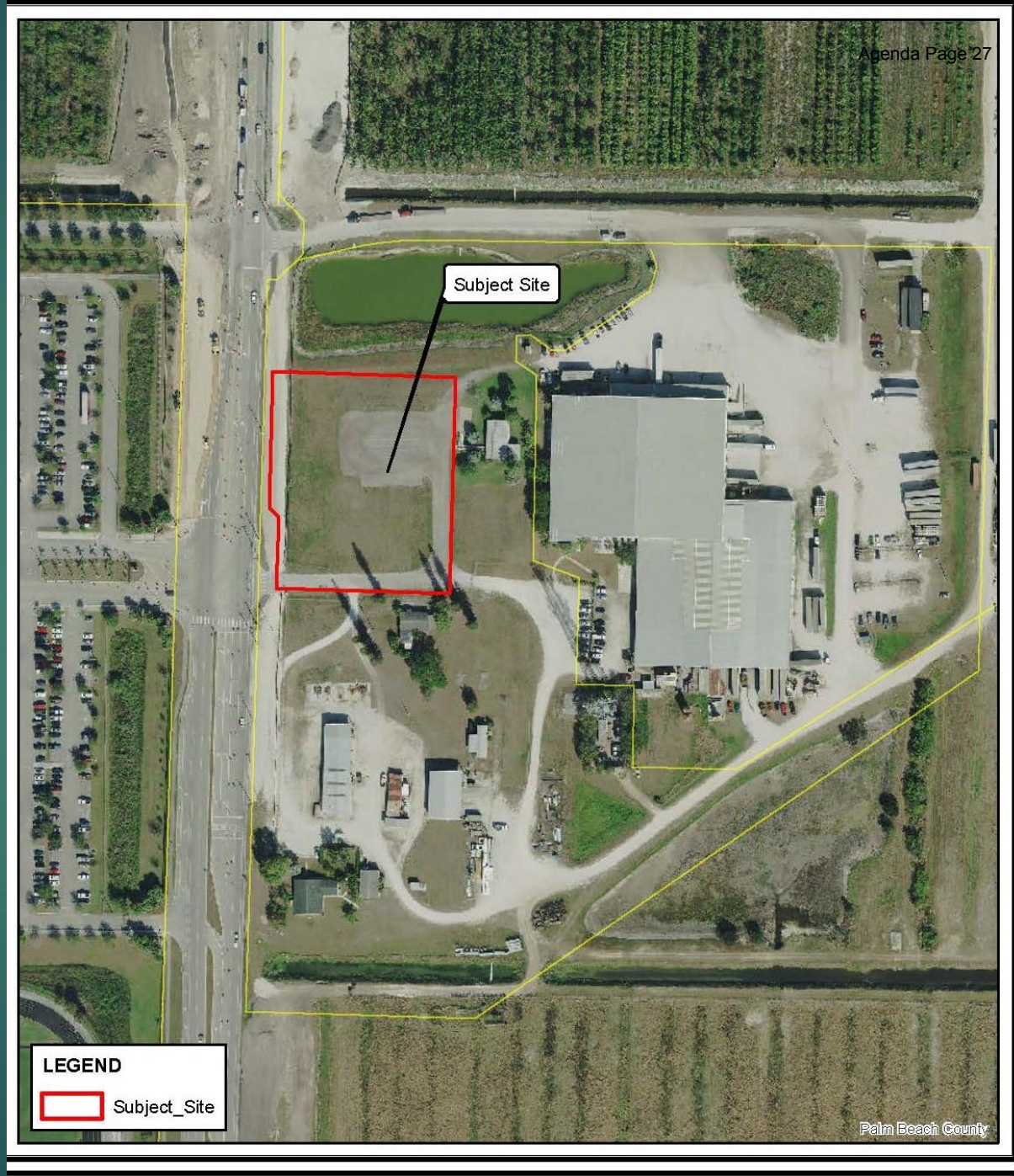
Future Land Use

Downtown Mixed Use

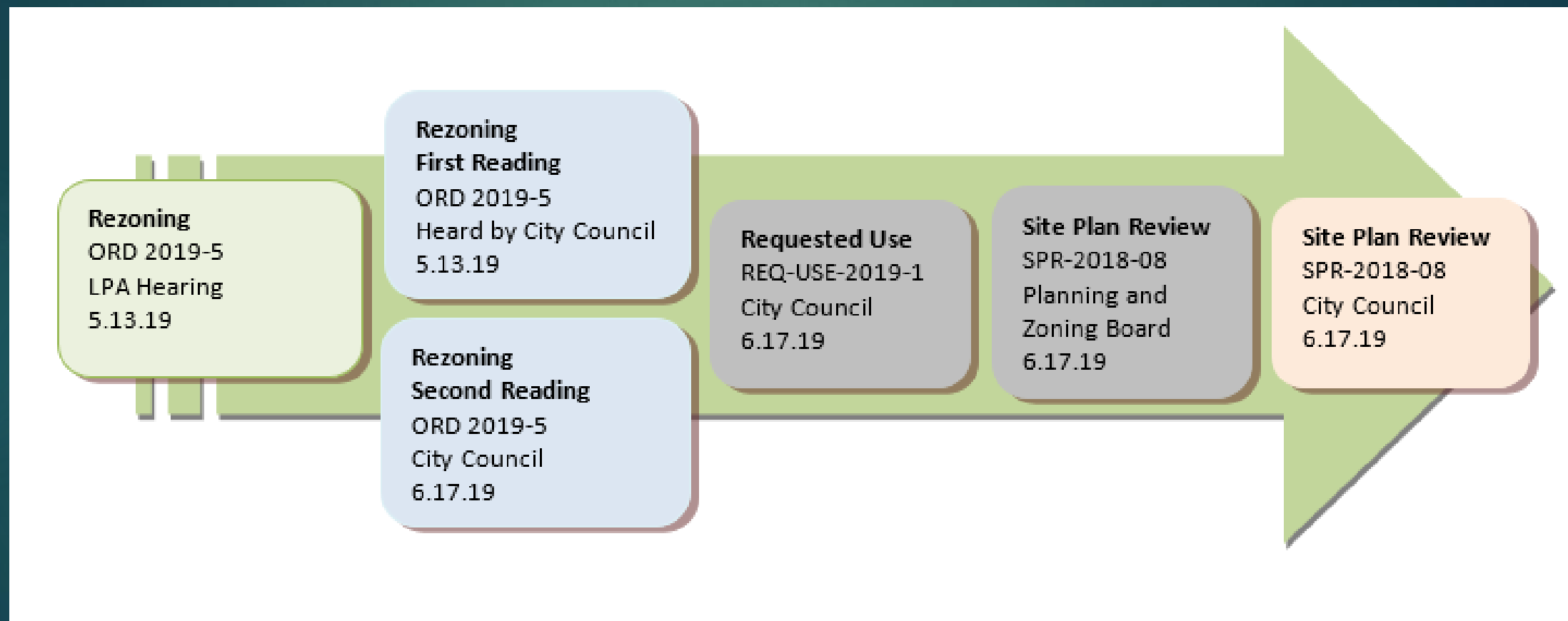
Zoning

MUPD/EDC

Multiple Use Planned Development /Economic Development Center



REVIEW AND APPROVAL PROCESS



REQ-USE-2019-01

In 2018, the City Council adopted Ordinance 2018-04 amending the City's Interim Land Development Code to include the use, *Gas and Fuel, Retail* in the MUPD/EDC Zoning District, as a **requested use** that is **permitted in the district only if approved by the City Council**.

Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD		MUPD				MXPD		PIPD		LCC		N O T E
	Pods		FLU				FLU		Use Zone		FLU		
	R E S	C M C	C A I G V R /	C L H	C L H	C L H	C R O	I E D C S T	I C N H	C H O	C I N O D M D P G	I M H V D	
Commercial Uses													
Adult Entertainment										S	S		2
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Gas and Fuel, Retail	R			R	R					R	P	R	18
Green Market												D	64
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REQUESTED USE STANDARDS

REQUESTED USE STANDARDS OF COMPLIANCE PER ARTICLE 2.B.2.B

Consistency with the Plan

Future Land Use of Downtown Mixed Use. Policy FLU 1.1.15 lists commercial as an allowable use in this district.

Consistency with the Code

The City's Interim ULDC Code amended in 2018 by Ord. 2018-04 to include the use, Gas and Fuel, Retail, in the MUPD/EDC Zoning District as a **requested used**.

Compatibility with Surrounding Uses:

the subject property is mostly surrounded by Downtown Mixed Use Future Land use designation except on the West area where the FLU designation is Civic (Seminole Ridge High School location).

The proposed *Gas and Fuel, Retail* use **is** compatible with surrounding zoning uses.

	FUTURE LAND USE	ZONING
SUBJECT PROPERTY	Downtown Mixed Use	MUPD/EDC
NORTH	Downtown Mixed Use	MUPD/EDC
SOUTH	Downtown Mixed Use	MUPD/EDC
EAST	Downtown Mixed Use	MUPD/EDC
WEST	Civic (Seminoole Ridge High School)	Civic

Design Minimizes Environment Impact:

The subject application proposes an architectural and site design consistent with the city's aesthetics in terms of colors, materials, and connectivity to adjacent parcels.

Development Patterns:

Since the purpose of the applicant is to install a 7-Eleven gas station, environmental agencies at the Palm Beach County (*Department of Environmental Resources Management -DERM*) and State Level (*Department of Environmental Protection DEP*) will conduct further reviews prior to the City issuing a building permit. These measures will prevent environmental impacts that could be originated as a result of the underground gas tanks.

Development Patterns

The proposed Gas and Fuel, Retail use will be located on the City's main corridor (Seminole Pratt Whitney Road) consistent with the Comprehensive Plan vision. The subject vision includes a vibrant corridor supporting mixed of uses including commercial, service and residential.

Adequate Public Facilities

Seminole Pratt Whitney Road has existing drainage, water, sewer and electricity. The Palm Beach County Traffic Division has determined that the propose development meets the Traffic Performance Standard (TPS) of Palm Beach County (Article 12 of the Unified Land Development Code).



Changed Conditions or Circumstances

The City of Westlake was incorporated in 2016. Since then, the City is developing and growing its residential and commercial areas. The subject use will provide services to the city's residents and surrounding neighborhoods.

FINAL REMARKS

The City's Planning and Zoning staff reviewed the subject application and find it in compliance with the above Requested Use standards.

THANK YOU!



4C.



City of Westlake
Planning and Zoning Department
Staff Report – 6/17/19

PETITION DESCRIPTION

PETITION NUMBER: SPR-2019-01 *7-Eleven Site Plan Review*

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: The applicant is requesting approval of the Site Plan for a 7-Eleven facility including a 4,500 sq. ft. convenience store, a 16-position fueling station and a car wash.

LOCATION: The subject parcel is located West of the Packing House, on the East side of Seminole Pratt Whitney Road and across from Seminole Ride High School (South of Pod K).

PCN: 77-40-43-12-00-000-1010

LOCATION MAP



1. PETITION FACTS

- a. **Total Site Acres:** 1.89 acres
- b. **Subject Application:** 4,500 sq. ft. convenience store, a 16 position fueling station and a car wash.
- c. **Future Land Use:** Downtown Mixed Use
- d. **Zoning:** Multiple Use Planned Development/Economic Development Center (MUPD/EDC)

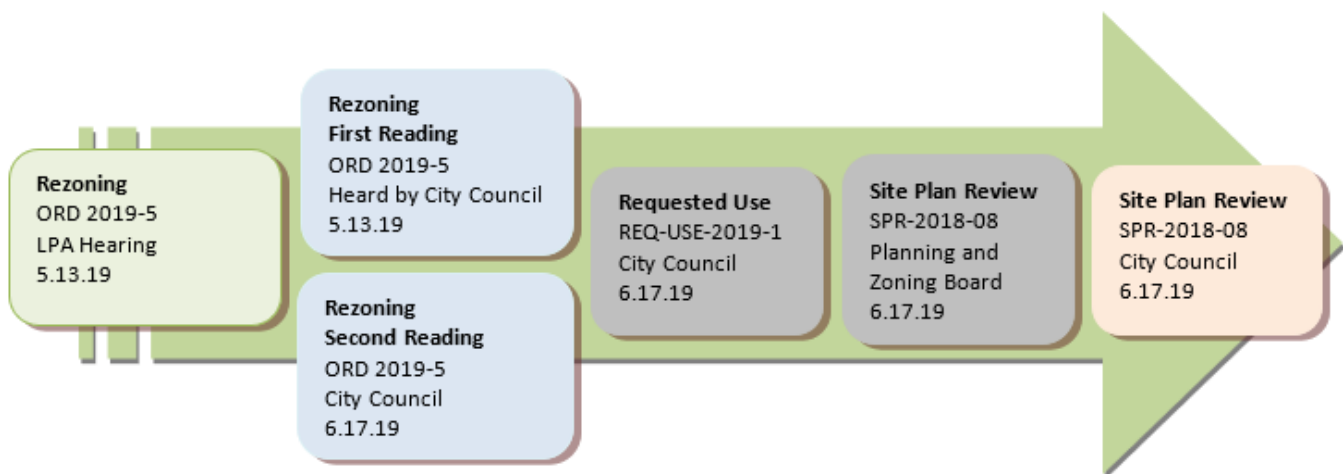
	FUTURE LAND USE	ZONING
SUBJECT PROPERTY	Downtown Mixed Use	MUPD/EDC
NORTH	Downtown Mixed Use	MUPD/EDC
SOUTH	Downtown Mixed Use	MUPD/EDC
EAST	Downtown Mixed Use	MUPD/EDC
WEST	Civic (Seminole Ridge High School)	Civic

2. BACKGROUND

The City of Westlake received an application to develop a 7-Eleven Gas facility including a 4,500 sq. ft. convenience store, a 16 position fueling station and a car wash. The subject parcel is located in the central portion of the City, east of Seminole Pratt Whitney Road, and south of Pod K. The entrance (also known as Saddle Bay Drive) to the Packing House is north of the site separated by an existing storm water lake.

In 2018, the City Council adopted Ordinance 2018-04 amending the City’s Interim Land Development Code to include the use, *Gas and Fuel, Retail* in the MUPD/EDC Zoning District, as a Requested Use. The subject property was zoned Agricultural (AR) and it required a rezoning to accommodate the proposed use; it was also reviewed for compliance with Requested Use standards.

The below graphic depicts the review and approval process of the subject application:



See below Table 3.E.1.B amended by Ordinance 2018-04 to include the use, *Gas and Fuel, Retail* in the MUPD/EDC Zoning District, as a Requested Use.

Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD				MUPD				MXPD				PIPD				LCC		NOTE						
	Pods				FLU				FLU				Use Zone				FLU								
	R E S	C O M	R E C	CA IG VR /P	C L	C H	C L	C H	C R	I D	E D C	I N	C H	C H	I N	C O	I N	C O		I N	M H V D D	R P D	C L	C H	
Commercial Uses																									
Adult Entertainment																									2
Auction, Enclosed	R						P			P	D														16
Auction, Outdoor							R			R	R														16
Auto Paint Or Body Shop	R						R			R	R														17
Gas and Fuel, Retail	R						R	R																	18
Green Market											D														64
Hotel, Motel, SRO, Rooming And Boarding							R			R	R														72
Kennel, Type II (Commercial)	R						R																		74-1
Kennel, Type III (Commercial -Enclosed)	R						R	R																	74-2
Kiosk							P	P	P	P	P														75
Landscape Service	R						R				P	R													77
Laundry Services	R						P	P	P																78
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-025]																									
Notes:																									
P Permitted by right																									
D Permitted subject to approval by the DRO																									
S Permitted in the district only if approved by Special Permit																									
R Permitted in the district only if approved by the Westlake City Council as a requested use																									



3. SITE PLAN REVIEW

The proposed application to develop a 7-Eleven Gas facility (including a 4,500 sq. ft. convenience store, a 16 position fueling station and a car wash) was reviewed by the City’s staff to ensure compliance with codes including zoning, engineering, traffic, and landscaping. The application was also reviewed by the Seminole Improvement District (SID) professional engineering staff.

In terms of zoning, the proposed application was reviewed for compliance with the interim City’s ULDC code; MUPD/EDC zoning standards as follows:

	REQUIRED BY CODE	PROPOSED	COMMENTS
Setbacks			
Front Yard	Main Structure: 25'	161.5'	In compliance
Rear Yard	Main Structure: 20'	53.5'	In compliance
Side Yard - North	Main Structure: 15'	109.8'	In compliance
Side Yard - South	Main Structure: 15'	55.9'	In compliance
Lot Coverage	Max Lot Coverage: 25%	11.6%	In compliance
Building Height	45 ft. max	20'	In compliance
Parking	One space per 250 square feet Required parking: 18 spaces	20 standard 1 Accessible Per ADA	In compliance
Sidewalks	Pedestrian walkways must be a minimum of 5 ft. wide	6'	In compliance

Site Design and Connectivity

The Site Plan proposes access into the site from a 30' access easement running east to west along the southern boundary of the property. This will provide access to the remainder of the undeveloped parcels outside of the Westlake TTD. It is intended that the parcels be interconnected through easements for greater mobility.

In addition, there will be a new, right in, right out access onto Seminole Pratt Whitney Road on the north end of the 7-Eleven property. This new access is halfway between the signalized intersection of Seminole Ridge High School and the signalized intersection at Saddle Bay Drive, which currently provides access to the Packing House on the east, and school bus drop off to the West.



Landscape Review

The proposed landscape was reviewed and find it in compliance with the City's Interim ULDC Code.

Drainage

All drainage and water management systems within the City of Westlake will be owned and operated by Seminole Improvement District (SID). It is proposed that 7-Eleven runoff be directed to on-site inlets and storm sewer and then connected to the Master Drainage System for water quality treatment and attenuation. Legal positive outfall is available via connection to the Master Drainage System which discharges to the S.I.D. canal system.

Traffic

The Palm Beach County Traffic Division has determined that the propose development meets the Traffic Performance Standard (TPS) of Palm Beach County (Article 12 of the Unified Land Development Code). Please see attached letter.

4. FINAL REMARKS

Application SPR-2019-01 7-Eleven Site Plan will be heard by the City Council on June 17, 2019. The subject application was advertised per the City's Interim ULDC code.

Since the purpose of the applicant is to install a 7-Eleven gas station, environmental agencies at the Palm Beach County (*Department of Environmental Resources Management -DERM*) and State Level (*Department of Environmental Protection DEP*) will conduct further reviews prior to the City issuing a building permit. These measures will prevent environmental impacts that could be originated as a result of the underground gas tanks.

The City's Planning and Zoning staff reviewed this application and find it in compliance with the City's Interim ULDC Code.

EXISTING SITE CONDITIONS





May 28, 2019

Adam B. Kerr, P.E.
 Kimley-Horn and Associates, Inc.
 1920 Wekiva Way
 West Palm Beach, FL 33411

**RE: 7-Eleven Westlake
 Project #: 190304
 Traffic Performance Standards Review**

Dear Mr. Kerr:

The Palm Beach County Traffic Division has reviewed the **7-Eleven Westlake** Traffic Impact Statement, revised May 22, 2019, pursuant to the Traffic Performance Standards in Article 12 of the Palm Beach County Unified Land Development Code (ULDC). The project is summarized as follows:

Municipality:	City of Westlake
Location:	East side of Seminole Pratt Whitney Road, about ½ miles north of Sycamore Drive (not part of Minto West)
PCN:	77-40-43-12-00-000-1010
Access:	One full and one right-in/right-out access driveway connections onto Seminole Pratt Whitney Road (As used in the study and is NOT an approval by the County through this letter)
Existing Uses:	Vacant
Proposed Uses:	Gas Station = 16 FP Convenience Store = 4,500 SF Car Wash = 1 Lane
New Daily Trips:	1,655
New Peak Hour Trips:	117 (59/58) AM; 119 (60/59) PM
Build-out:	December 31, 2021

Based on the review, the Traffic Division has determined that the proposed development meets the Traffic Performance Standards of Palm Beach County.

Please note the receipt of a Traffic Performance Standards (TPS) approval letter does not constitute the review and issuance of a Palm Beach County Right-of-Way (R/W) Construction Permit nor does it eliminate any requirements that may be deemed as site related. For work within Palm Beach County R/W, a detailed review of the project will be provided upon submittal for a R/W permit application. The project is required to comply with all Palm Beach County standards and may include R/W dedication.

Department of Engineering and Public Works

P.O. Box 21229
 West Palm Beach, FL 33416-1229
 (561) 684-4000
 FAX: (561) 684-4050
 www.pbcgov.com



Palm Beach County Board of County Commissioners

- Mack Bernard, Mayor
- Dave Kerner, Vice Mayor
- Hal R. Valeche
- Gregg K. Weiss
- Robert S. Weinroth
- Mary Lou Berger
- Melissa McKinlay

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
 Affirmative Action Employer"*



Adam B. Kerr, P.E.
May 28, 2019
Page 2

No building permits are to be issued by the City after the build-out date specified above. The County traffic concurrency approval is subject to the Project Aggregation Rules set forth in the Traffic Performance Standards Ordinance.

The approval letter shall be valid no longer than one year from date of issuance, unless an application for a Site Specific Development Order has been approved, an application for a Site Specific Development Order has been submitted, or the approval letter has been superseded by another approval letter for the same property.

If you have any questions regarding this determination, please contact me at 561-684-4030 or email QBari@pbcgov.org.

Sincerely,

A handwritten signature in black ink that reads "Quazi Bari".

Quazi Bari, P.E.
Senior Professional Engineer
Traffic Division

QB:HA:jc
ec:

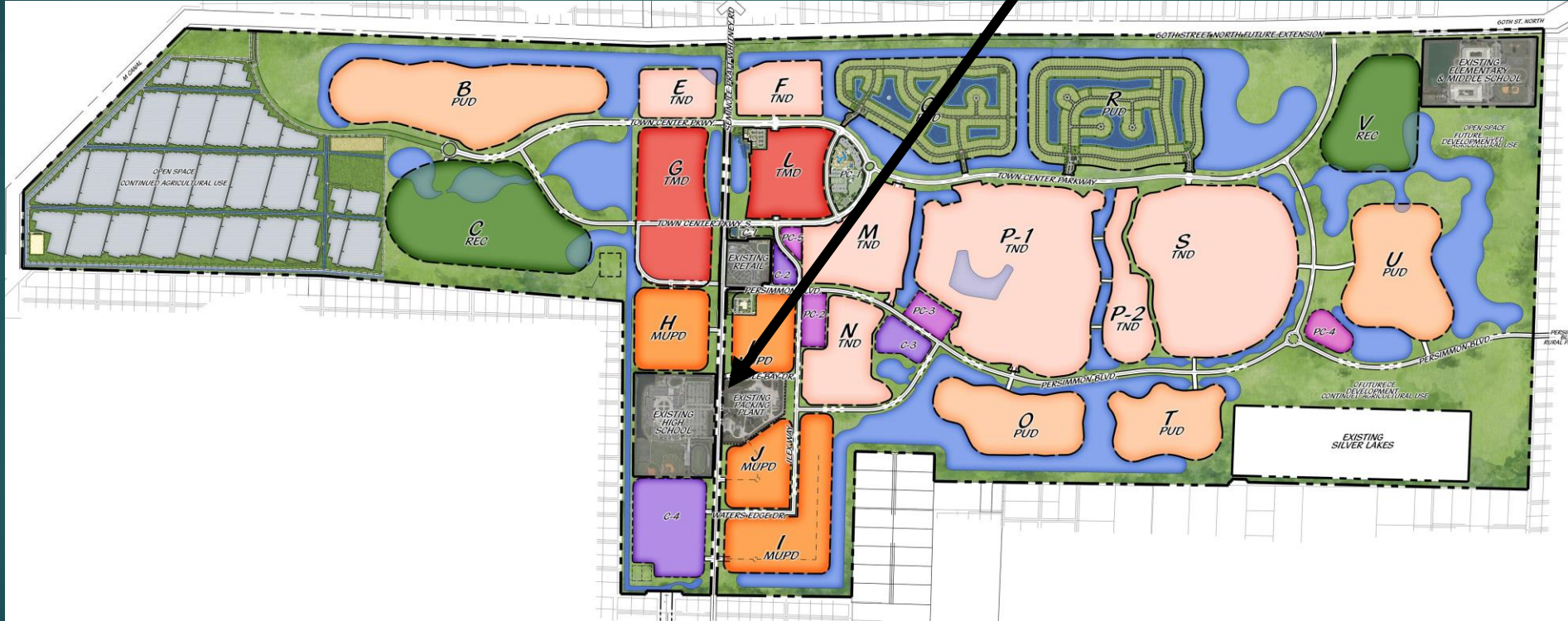
Suzanne Dombrowski, City Engineer, City of Westlake
Hanane Akif, E.I., Project Coordinator II, Traffic Division
Steve Bohovsky, Technical Assistant III, Traffic Division

File: General - TPS - Mun - Traffic Study Review
F:\TRAFFIC\HA\MUNICIPALITIES\APPROVALS\2019\190304 - 7-ELEVEN WESTLAKE.DOCX



CITY COUNCIL

7-Eleven Site Plan Review SPR-2019-01



6.17.19

SPR-2019-01

Per the current City's Interim ULDC Code:

The subject application SPR-2019-01 Site Plan Review for 7-Eleven Gas Station and Retail, was reviewed and approved Administratively by the Development Review Officers (DRO)

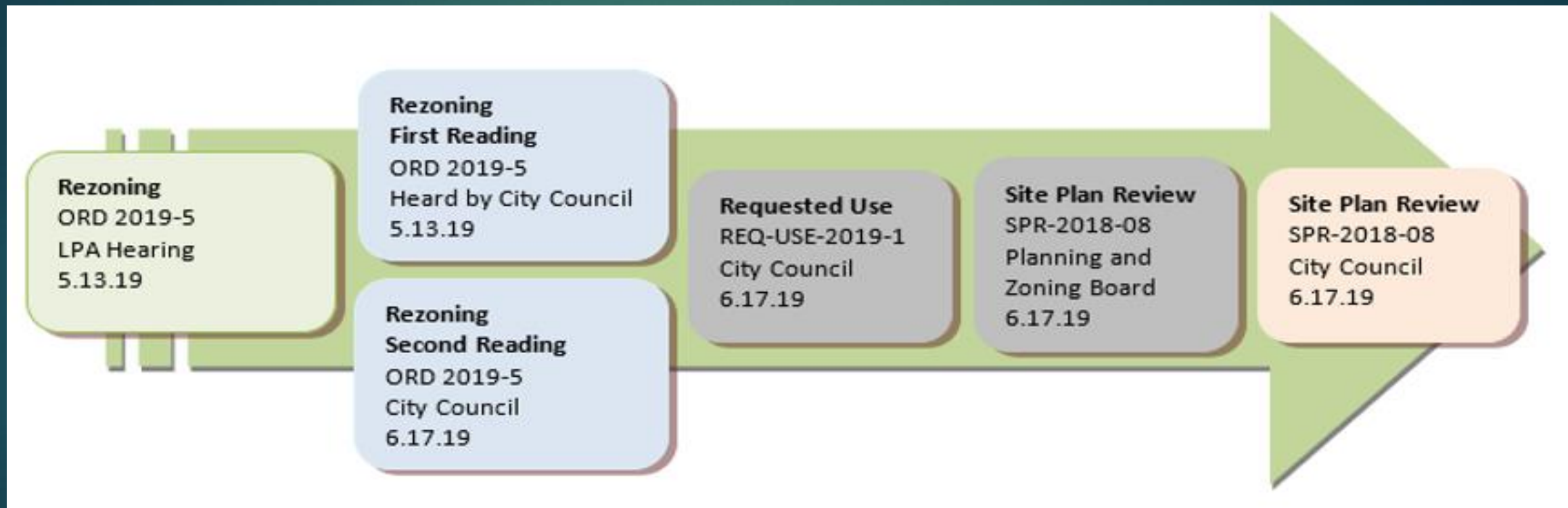
The City of Westlake DRO includes the City's Planning and Zoning and Engineering Departments; and, other applicable agencies.

MUPD Property Development Regulations 3.E.3.D	REQUIRED BY CODE	PROPOSED	COMMENTS
Setbacks			
Front Yard	Main Structure: 25'	161.5'	In compliance
Rear Yard	Main Structure: 20'	53.5'	In compliance
Side Yard - North	Main Structure: 15'	109.8'	In compliance
Side Yard - South	Main Structure: 15'	55.9'	In compliance
Lot Coverage	Max Lot Coverage: 25%	11.6%	In compliance
Building Height	45ft max	20'	In compliance
Parking	One space per 250 square feet Required parking: 18 spaces	20 standard 1 Accessible Per ADA	In compliance
Sidewalks	Pedestrian walkways must be a minimum of 5 ft. wide	6'	In compliance

7-Eleven

- ❑ **FUTURE LAND USE: DOWNTOWN MIXED USE**
- ❑ **ZONING: AGRICULTURAL RESIDENTIAL (AR)**
- ❑ **TOTAL SITE ACRES: 1.89**
- ❑ **CONCURRENT APPLICATION: 4,500 SQUARE FOOT CONVENIENCE STORE AND 16 POSITION FUELING STATION AND CAR WASH**





SITE DESIGN AND CONNECTIVITY

- ❑ ACCESS INTO THE SITE FROM A 30' ACCESS EASEMENT RUNNING EAST TO WEST ALONG THE SOUTHERN BOUNDARY OF THE PROPERTY.
- ❑ IT IS INTENDED THAT THE PARCELS BE INTERCONNECTED THROUGH EASEMENTS FOR GREATER MOBILITY.
- ❑ NEW, RIGHT IN, RIGHT OUT ACCESS ONTO SEMINOLE PRATT WHITNEY ROAD ON THE NORTH END OF THE 7-ELEVEN PROPERTY.



Fifth Order of Business

June 17, 2019

RESOLUTION 2019-15

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE SITE PLAN FOR 7-ELEVEN, A GAS STATION, CAR WASH AND CONVENIENCE STORE, LOCATED 4670 SEMINOLE PRATT WHITNEY ROAD, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City’s Interim Land Development Regulations provides procedures for the review and adoption of site plans by the City Council; and

WHEREAS, the developer Minto PBLH, LLC, submitted an application for site plan review and approval for 7-Eleven, a gas station, car wash and convenience store, located at 4670 Seminole Pratt Whitney Road, Westlake, Florida, 33470, containing approximately 1.89 acres, legally described in the attached Exhibit “A”, (“Gas Station”); and

WHEREAS, staff has reviewed and recommends approval of the proposed site plan provided in the attached Exhibit “B”, (site plan); and

WHEREAS, the site plan is consistent with the previously approved conceptual site plan and all the requirements of the Unified Land Development Regulations; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in Palm Beach County, notifying the public of this proposed resolution and of the public hearing; and

WHEREAS, the City Council for the City of Westlake finds that the adoption an implementation of this resolution is in the best interest and welfare of the residents of the City of Westlake.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, THAT:

Section 1: Recitals: The above recitals are true and correct and are incorporated herein by this reference.

Section 2: Approval of Site Plan: The City Council for the City of Westlake hereby approves the 7-Eleven, a gas station, car wash and convenience store containing approximately 1.89 acres, located at 4670 Seminole Pratt Whitney Road, Westlake, Florida, 33470, as described

in the attached Exhibit "A", which is located in the City of Westlake, and in Palm Beach County, Florida. The site plan approval is subject to the applicant meeting all of the conditions set forth in the development approval, as attached hereto as Exhibit "C", which is incorporated herein and made a part hereof.

Section 3. Implementation: The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of the Resolution.

Section 4: Effective Date: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 17th day of June, 2019.

City of Westlake
Roger Manning, Mayor

Sandra Demarco, City Clerk

Approved as to Form and Sufficiency
Pam E. Booker, City Attorney

Exhibit 'A'
Legal Description
7-Eleven - a gas station, car wash and convenience store

Description:

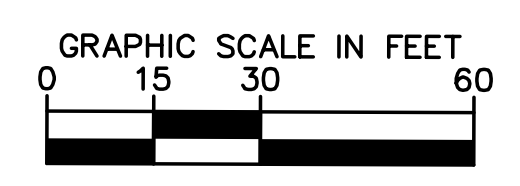
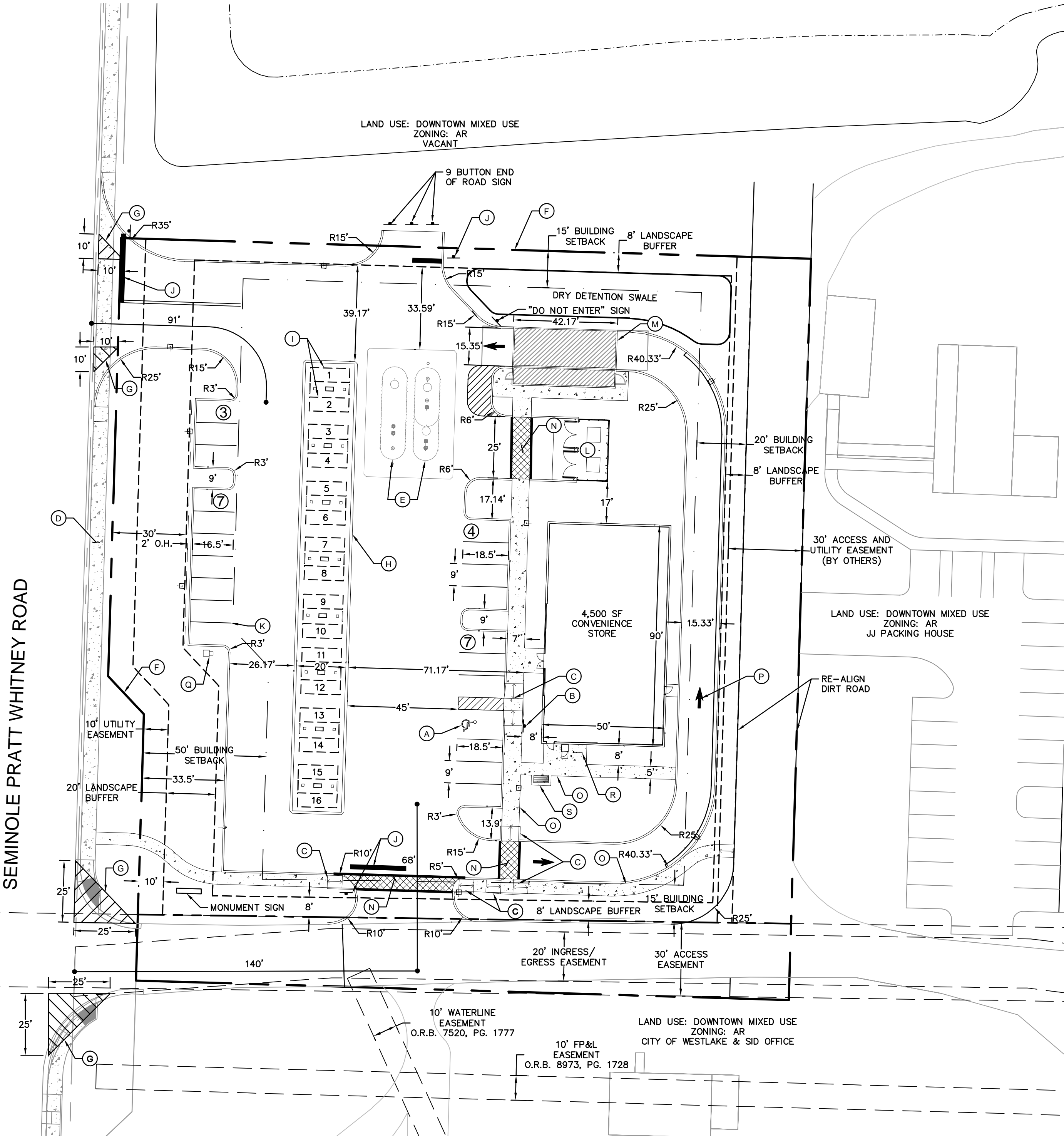
A PARCEL OF LAND LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.88°15'23"1E. ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 1763.62 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1544, PAGE 378 AND ROAD PLAT BOOK 4, PAGE 34, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.01°42'52"E. ALONG SAID EAST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD, A DISTANCE OF 3281.45 FEET TO THE SOUTHERNMOST POINT OF PARCEL 102, AN ADDITIONAL PUBLIC RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORD BOOK 28479, PAGE 822, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.46°42'53"E., ALONG THE EAST RIGHT-OF-WAY LINE OF THE ADDITIONAL PUBLIC RIGHT-OF-WAY, A DISTANCE OF 35.36 FEET; THENCE N.01°42'52"E., ALONG SAID EAST RIGHT-OF-WAY LINE OF THE ADDITIONAL PUBLIC RIGHT-OF-WAY, A DISTANCE OF 53.27 FEET TO THE POINT OF BEGINNING; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE OF THE ADDITIONAL PUBLIC RIGHT-OF-WAY FOR THE FOLLOWING THREE COURSES; (1) N.01°42'52"E., A DISTANCE OF 108.09 FEET; (2) N.43°17'08"W., A DISTANCE OF 21.21 FEET; (3) N.01°42'52"E., A DISTANCE OF 177.05 FEET; THENCE S.88°17'08"1E., A DISTANCE OF 280.00 FEET; THENCE 5.01'42"152"W., A DISTANCE OF 300.14 FEET; THENCE N.88°17'08"W., A DISTANCE OF 265.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 82,305 SQUARE FEET OR 1.890 ACRES, MORE OR LESS.

XREF: xref:14766000-14766000-XREF:14766000-XREF:14766000-XREF:14766000-XREF:14766000
 PLOTTED BY: MEEKS, LIZ 1/18/2019 10:23 AM
 LAST SAVED: 1/18/2019 10:23 AM
 PLOTTED BY: MEEKS, LIZ 1/18/2019 10:23 AM
 THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, IS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED, REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

EXHIBIT "B"



- LEGEND**
- (A) ACCESSIBLE PARKING SPACE
 - (B) ACCESSIBLE PARKING AND PENALTY SIGN (TYP. OF 2 BY DEVELOPER)
 - (C) ADA CURB RAMP
 - (D) EXISTING 6' SIDEWALK
 - (E) IN GROUND FUEL STORAGE TANKS
 - (F) PROPERTY LINE
 - (G) SIGHT TRIANGLE
 - (H) PUMP STATION CANOPY
 - (I) FUELING POSITION (TYP. OF 16)
 - (J) STOP SIGN AND STOP BAR
 - (K) 6' PARKING STRIPE (TYP.)
 - (L) DUMPSTER ENCLOSURE
 - (M) CAR WASH
 - (N) DECORATIVE CROSSWALK
 - (O) PROPOSED CONCRETE SIDEWALK (WIDTH SHOWN ON PLAN)
 - (P) PAVEMENT MARKING (DIRECTIONAL ARROW TYP.)
 - (Q) VACUUM / AIR PUMP
 - (R) BICYCLE RACK
 - (S) BENCH

SITE DATA

ADDRESS: 4001 SEMINOLE PRATT WHITNEY ROAD, WESTLAKE, FL 33470

NAME OF APPLICATION: 7-ELEVEN WESTLAKE, FL
 APPLICATION NUMBER: 14766000-14766000
 PROJECT NUMBER: 14766000-14766000
 LAST BCC APPROVAL DATE: 1/18/2019
 RESOLUTION NUMBERS: 14766000-14766000
 TIER: 14766000-14766000

FUTURE LAND USE DESIGNATION: DOWNTOWN MIXED USE
 EXISTING ZONING DISTRICT: AR
 SECTION / TOWNSHIP / RANGE: SECTION 12, TOWNSHIP 43S, RANGE 40E
 SITE AREA: 82,512 SF 1.89 AC

TOTAL SITE AREA: 82,512 SF
 TOTAL BUILDING AREA: 5,512 SF
 IMPERVIOUS AREA: 561,152 SF
 PERVIOUS AREA: 22,523 SF

PARKING SUMMARY

PARKING CALCULATION: 1 SPACE PER 250 SF = 18 SPACES REQUIRED

	PROVIDED
STANDARD	20
ACCESSIBLE PER ADA	1
TOTAL PARKING	21

SETBACKS	REQUIRED	PROVIDED
FRONT:	50'	41'60"
REAR:	20'	15'3"
SIDE:	15'	11'1"

*WESTLAKE IS A LIMITED URBAN SERVICES AREA (LUSA) THEREFORE SHALL BE REVIEWED IN ACCORDANCE WITH THE REQUIREMENTS OF THE URBAN SUBURBAN TIER CRITERIA.

DATUM

BEARINGS SHOWN HEREON AREA BASE ON THE SOUTH BOUNDARY OF SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, HAVING A GRID BEARING OF S.88°15'23"E. THE GRID BEARINGS, AS SHOWN HEREON, REFER TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICA DATUM OF 1983 (NAD 83-07) FOR THE EAST ZONE OF FLORIDA. SAID BASIS OF BEARING IS THE SAME IN THE NORTH AMERICAN DATUM OF 1983 (NAD 83-90).

FLOOD ZONE

THE SUBJECT PROPERTY LIES IN FLOOD ZONE "X" AND "AE", ACCORDING TO FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 12099C 0531 F, PALM BEACH COUNTY, FLORIDA, DATED OCTOBER 05, 2017, AND ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

PROJECT TEAM

PROPERTY OWNER
 MINTO PBLH LLC
 440 W SAMPLE ROAD, SUITE 200
 POMPANO BEACH, FLORIDA 33073-3473

SURVEYOR
 LUIS ORTIZ
 GEOPPOINT SURVEYING, INC.
 4152 WEST BLUE HERON BLVD., SUITE 105
 RIVIERA BEACH, FL 33404
 (561)444-2720
 LUISO@GEOPOINTSURVEY.COM

CIVIL ENGINEER
 KEVIN M. ROBERSON, P.E.
 KIMLEY-HORN AND ASSOCIATES, INC.
 445 24TH STREET, SUITE 200
 VERO BEACH, FL 32960
 (772) 794-4100
 KEVIN.ROBERSON@KIMLEY-HORN.COM

ENVIRONMENTAL CONSULTANT
 GFA INTERNATIONAL
 1215 WALLACE DRIVE
 DELRAY BEACH, FLORIDA 33444
 (561)347-0070

LANDSCAPE
 DON HEARING
 COTLEUR & HEARING
 1934 COMMERCE LANE, SUITE 1
 JUPITER, FLORIDA 33458
 (561)747-6336

Agenda Page 54
DATE: _____

REVISIONS
BY

No.
DATE

© 2018 KIMLEY-HORN AND ASSOCIATES, INC.
 445 24TH STREET, SUITE 200, VERO BEACH, FL 32960
 PHONE: 772-794-4100
 WWW.KIMLEY-HORN.COM

LICENSED PROFESSIONAL
 KEVIN M. ROBERSON, P.E.
 FLORIDA LICENSE NUMBER
 52074

KHA PROJECT
 14766000

DATE
 1/18/2019

SCALE
 AS SHOWN

DESIGNED BY
 ESM

DRAWN BY
 ESM

CHECKED BY
 KMR

DATE

SITE PLAN

7-ELEVEN WESTLAKE
 PREPARED FOR
 VERTICAL CONSTRUCTION

FLORIDA
 PALM BEACH COUNTY

SHEET NUMBER
C-300

Sixth Order of Business

1st Reading June 17, 2019

2nd Reading July 8, 2019

ORDINANCE NO.2019-6

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING MANDATORY SIGNAGE DESIGN WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED "SIGNAGE", PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Chapter 163, upon incorporation, the County's comprehensive plan shall be deemed controlling, until the City of Westlake adopts its own comprehensive plan; and

WHEREAS, on or about May 3, 2018, the Florida Department of Economic Opportunity provided the City with notice of intent to find the City's initial comprehensive plan in compliance; and

WHEREAS, this ordinance is intended to preserve the residential character of the City of Westlake by controlling size, location and use of signs in all zoning districts within the City. It is 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 within the corporate limits of the City of Westlake; and

WHEREAS, the regulations of this chapter shall apply to all signs within the City except vehicular use signage, which will be governed by the Manual on Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration; and

WHEREAS, all permanent signs shall be designed and constructed in compliance with applicable building codes; and

WHEREAS, it shall be unlawful for any person to erect, repair, alter, relocate, or maintain any permanent sign defined in this division without obtaining a building permit and paying the required fee; and

WHEREAS, all signs for which a permit is required, together with all supports, braces, guys, anchors, sign faces, and other structural and nonstructural members, shall be maintained in good condition and appearance and in compliance with applicable building codes.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE CITY OF WESTLAKE, FLORIDA, as follows:

Section 1. Incorporation: The above recitals are confirmed, adopted and are incorporated herein and made a part hereof by this reference.

Section 2. Signs. The Code of ordinances for the City of Westlake shall contain a chapter entitled "Signs" which code shall contain the provisions as specifically set forth herein.

CHAPTER 6 SIGNS

Article I GENERAL PROVISIONS

Section 6.1. Applicability. The regulations of this chapter shall apply to all signs within the City except vehicular use signage, which will be governed by the Manual on Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration, or unless approved by a Master Sign Program.

Section 6.2 Purpose and Intent. The purpose of this Chapter is to facilitate the effective use of signs as a means of communication in the city and to avoid the visual clutter that reduces traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this Chapter to enable the fair and consistent enforcement of these sign regulations and to promote the implementation of the Comprehensive Plan. This section is not regulatory, but expresses the intent of this chapter to provide regulations which achieve the following:

- A) **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. Signs shall be in harmony and compatible with the buildings, uses, and other conforming signs in the zoning district.
- B) **Communication.** Signs shall not deny other persons the use of sight lines on public rights-of-way, shall not obscure important public messages, and shall not overwhelm or distract the traveling public. Signs should effectively communicate the intended message and location of the sign owner.
- C) **Protection of the public health, safety, and welfare.** It is the specific intent of this division to provide objective, content-neutral regulations of time, place, and manner in order to preserve and protect the public health, safety, and welfare.

Section 6.3 Regulations Strictly Enforced. It shall be unlawful for any persons to post, display, change, or erect a sign or sign structure that requires a permit without first having obtained a permit in accordance with these LDRs. Signs or sign structures erected without a valid permit shall be deemed in violation of this Article, and it shall be mandatory to obtain the applicable permit, or remove the sign or sign structure immediately.

Section 6.4 Definitions

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Accessory sign. A permanent ground or building wall sign that is permitted under this Code as incidental to an existing or proposed use of land.

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, canopy, roller curtain or umbrella sign. Any sign painted, stamped, perforated, or stitched on the surface area of an awning, canopy, roller curtain or umbrella. 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 the awning.

Building principal means the major or primary building or structure on a site, to which all other buildings are accessory.

Building site means a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use such that the customary accessories and open spaces belong to the site.

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 forty-five (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.

Commercial Sign means a sign that directly or indirectly, names or calls attention to a business, product, service, or other commercial activity. For purposes of this article, all signs on non-residential shall be presumed commercial; however, the presumption shall be considered rebuttable and may be overcome if a reasonable person could logically conclude that the presumption is invalid. For purposes of this article, terms such as sale, special, clearance, or other words which relate to commercial activity shall be deemed to be commercial messages. The identification by name of an apartment or condominium development on a residential sign at the apartment or condominium development site shall not be considered a commercial message.

Commercial vehicle. Any motor vehicle having a carrying capacity of more than one (1) ton and/or a towed trailer, regardless of size, which is used for commercial purposes or has an outward appearance of being used in connection with a business, including, but not limited to, openly visible or unconcealed load of equipment, cargo, tools construction materials, mounted accessories that a reasonable person would associate with commercial activity, or the display of a business name, logo, address, telephone number, or business license number. The use of canvas, tarpaulin, or other similar materials or similar covers does not constitute concealment as required herein. Such vehicle must be owned by the resident or be assigned to the resident by the business or entity which the vehicle serves, shall not be used for storage purposes, and is limited to one (1) such vehicle per residence.

Construction sign. A sign on any building site. This includes signs advertising the builder, contractor, developer, architect, engineer, planner, landscape architect, subcontractors, or other persons or artisans associated with construction.

Copy. The linguistic or graphic content of a sign.

Directional sign. An on premises sign designed to guide or direct pedestrians or vehicular traffic.

Electric sign. Any sign containing electric wiring.

Erect a sign. To construct, reconstruct, 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.

Face elevation. The portion of the exterior elevation of a tenant or occupant space which contains the principal entry door and is measured from the grade to the second floor line or top of parapet on one-story structures.

Flagpole. A permanently attached fixture or pole which supports flags.

Front Setback. The lot area extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

Frontage, Building. The dimension (measured in linear feet) of the overall width of the primary side of the building containing one or more units. For purposes of this article, the primary side of a building shall be the side of the building that includes the primary entrance or the side of the building or side of the building that faces the front lot line, at the option of the property owner. If the primary entrance is at an angle, the property owner may choose the building frontage. On a site with multiple buildings, if a building does not directly face a street, the building frontage will be considered the street that other adjacent or contiguous buildings face. In the case of a double frontage site and for the purpose of administration of this article, this dimension shall be based on a single lot front adjacent to the street right-of-way of which the site is addressed.

Frontage right-of-way façade. The portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building wall elevation which fronts on a right-of-way. Only one street façade may be designated as frontage street façade, unless the building shall be located on the corner of two rights-of-way.

Frontage, street. That portion of a parcel or lot abutting a public or private right-of-way.

Grade. A ground elevation established for the purpose of regulating the height of a building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground at each face of the building or as otherwise determined by the building official.

Ground sign. Any sign that is erected on the ground, when no part of the sign is attached to any part of a building or structure. A ground sign shall be supported by a base no greater than three (3) feet in height.

Harmful to minors. With regard to sign content, any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:

1. Predominately appeals to the prurient, shameful, or morbid interest of minors in sex, and
2. Is patently offensive to contemporary 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.

The term "harmful to minors" shall also include any non-erotic word or picture when it:

1. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable for viewing by minors, and
2. 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 the vertical distance from the finished grade, excluding berms, at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

Improvements or site improvements. Any grading, filling, or excavation of unimproved property; additions or alterations to existing buildings or other structures requiring alterations to the ground; the construction of new buildings or other structures, including parking lots; and street pavement, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, signs, landscaping or any other improvement required by these land development regulations.

Install. To erect or apply any kind of sign or advertising device.

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

Logo. Emblem, character, pictograph, trademark, or symbol used to represent a firm, organization, entity, product, or service.

Lot, corner. Either a lot bounded entirely by streets, or a lot which adjoins the point of intersection of two or more streets. For the purpose of this definition, a street may be improved or unimproved with the right-of-way established by a plat or the comprehensive plan of the city or county.

Lot depth. The horizontal length of a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line of the lot.

Lot frontage. See lot lines, front.

Lot improvement. Any building, structure, work of art, or other object situated on a lot.

Lot, interior. A lot other than a corner lot with only one frontage on a street.

Lot lines. The lines creating or forming the boundary of a lot as follows:

Front lot line. The lot line fronting the street right-of-way, except, in the case of a corner or through lots, the lot line adjacent to a street right-of-way on which the building's primary entrance to the building faces.

Lot of record. A lot which is part of a plat recorded in the office of the clerk of the circuit court of the county, and existing as of August 18, 1994.

Lot, through or double frontage lot. Any lot except a corner lot, having both the front and rear property lines adjacent to a public street.

Lot width. The horizontal distance between the side lot lines measured at right angles to the lot depth at the front building setback line.

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.

Memorial Sign. A permanent commemorative or historical sign, plaque, inscription, or similar group of symbols that is engraved on a building or a cemetery tombstone or that is located at a memorial erected

by, or with the approval of, a governmental entity. For purposes of this definition, a memorial includes any particular building, structure, or location intended to honor persons, places, or events.

Mural. Any figures, designs, pictures, characters, etc. which are painted or adhesively applied directly onto the window or wall of a building or other structure. For purposes of this article, figures, designs, pictures, characters, etc. which are nailed, bolted, or otherwise attached to a building wall or window are not “applied directly” onto the wall or window of a building and, therefore, are not murals. For purposes of this article, Murals are not signs, so long as they contain no logo, words, or letters, either foreign or domestic. In the event a figure, design, picture, or character, that contains words or letters either foreign or domestic, is painted or otherwise applied directly onto the window or wall of a building, the entire such figure, design, picture, or character is not a mural, but instead is a SIGN, the area of which shall encompass the entire figure, design, picture, and/or character that is applied directly onto the window or wall and not merely the portion containing the logo(s), word(s), or letter(s).

Neon. Electric signs lighted by long luminous gas-discharge tubes that contain rarefied neon or other gases.

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

Noncommercial sign. Any sign which does not meet the definition of a commercial sign.**sign.** A sign existing at the effective date of the adopting of this article which could not be built under the terms of this article.

Obscene Sign. A sign whose contents meet the judicially established definition of obscenity or that is otherwise considered obscene under Florida Statutes.

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

Off-site/premise sign. A sign advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which said sign is located.

Out Parcel. A building lot separated or separable from a commercial development, the selling of which provides liquidity for the developer.

Parasite Sign. Any sign which is hung from, attached to, or added onto an existing sign.

Painted wall sign. A sign painted on a wall or on any other surface or part of a building or structure.

Parcel. A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of this Code or lead to absurd results, a "parcel" may be as designated for a particular site by the building official.

Permanent. Designed, constructed and intended for more than short term use.

Permit Board. A freestanding device erected on a construction site for the sole purpose of providing a conspicuous display of and shelter for the permits required for construction service(s) being performed on such construction site. A permit board may also display a contractor name or logo.

Pole sign. A freestanding sign attached to a pole or poles erected directly into the ground.

Portable sign. 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.

Principal Tenant. An occupant of either the entire building or a portion of a building, identified specifically at time of sign construction by the developer to the principal tenant.

Portable Sign. A moveable sign not secured or attached to the ground.

Rear lot line. The lot line opposite the front line. In the case of a lot irregularly shaped or pointed at the rear, the rear lot line shall be an imaginary line within the lot, not less than ten (10) feet long, parallel to and at the maximum distance from the front line.

Rear Setback. The area extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

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

Roof sign. A sign placed above the roof line of a building or on or against a roof slope of less than forty-five (45) degrees.

Setback. A required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot upward, except for fences, walls, and other customary yard accessories as provided in these regulations.

Setback, building. The shortest distance between the building or structure and the property line, whether front, side, side corner, or rear, measured from the lot line to the nearest vertical exterior walls.

Setback, required. The minimum lot area as specified in the regulations for front, side, and rear yards, as distinguished from any yard area in excess of the minimum required.

Side lot line. Any lot other than the front lot line or rear lot line. A side lot line located on a street right-of-way is a side corner lot line. A side lot line separating a lot from another lot is an interior side lot line.

Side Setback. The lot area between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building.

Side corner or side facing street setback. The lot area between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between a straight right-of-way and any structure or any projections hereto.

Sign. Any exterior identification, description, illustration or device which directs attention to a product, service, place, activity, person, establishment, institution or business; or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information. Use of merchandise, products, vehicles, equipment, inflated balloons, or the like for directing attention, with or without a printed or written message or advertisement, shall be considered a sign.

Sign, A-Frame. A sign that is self-supporting and portable with steeply angled sides that meet and are adjoined at the top to form the shape of the letter "A." Two individual signs attached at the top that were not manufactured to be an A-Frame sign shall not be considered to meet this definition.

Sign, abandoned. A sign advertising a business, service, or activity that is no longer licensed, no longer has a certificate of occupancy, or is no longer active at that location.

Sign, animated. A sign with action or motion using electrical energy, electronic, or manufactured sources of supply or wind-actuated elements, including rotating, revolving, or flashing signs.

Sign area. The background area upon which the sign or advertising is placed.

Sign, banner. Any permanent or temporary sign made or constructed of fabric, plastic, or similar materials that contain distinctive colors, symbols, or patterns, and normally is freely waving, temporary in nature, displayed outdoors, and containing commercial or noncommercial advertising, information, or lettering.

Sign, Bench/Shelter. Any sign painted on or attached to a bus bench or to a bus waiting or phone booth shelter.

Sign, cabinet. The structure, usually made of wood, plastic, metal, or some combination thereof, which contains one or more sign faces.

Sign, changeable copy. A sign which is characterized by changeable copy of letters or numbers, regardless of method of attachment or display.

Sign, development. A temporary sign advertising the sale or rental of structures under construction and located on the site of the project or development.

Sign, directional, in right-of-way. Any sign permanently or temporarily located within a right-of-way and erected by or with approval of the city or any authorized government agency to denote the following:

1. Signs of routes to any city, town, village, historic place or hospital;
2. Signs directing and regulating traffic;
3. Notices of any railroad, bridge, ferry, or other transportation;
4. Direction of safety of aviators as to locations, direction and landings and conditions affecting safety in aviation; or
5. Signs, notices, or symbols as to the time and place of civic meetings.

Signs, directional, on private property. A sign conveying instructions, with respect to the premises on which it is located, including such information as "exit" and "entrance", "drive-in" teller for banks; gasoline pump island direction; or any other improvement required by land development regulations.

Sign, event signage. Temporary signage used to notify the public that a special occasion and/or a special sale is taking place but does not meet the definition as a special event.

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

Sign, flashing. Any sign used for identification, directional, advertising, or promotional purposes that includes approved lighting fixtures which flash, blink, cut on and off intermittently, and are used as exterior or other signs visible from the public right-of-way.

Sign, general product. A sign which advertises a product commonly available at a variety of commercial or retail establishments, including but not limited to alcoholic or nonalcoholic beverages, tobacco products, food products, candies, auto parts and accessories, clothes, etc.

Sign, ground. A sign supported by and affixed to a base comprised of materials of a permanent nature permanently located on or in the ground with such base not to be in excess of two feet of height of surrounding ground level and wholly independent of any building for support.

Sign, human. Any sign or any form of commercial message held by or attached to a human or character (animated or otherwise) for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, or product. This can also include a person or a live or animated character dressed in costume or wearing a commercial message for the purpose of advertising or drawing attention to an individual, business, commodity, service, or product.

Sign, illuminated. A sign in which a source of light is used in order to make the message readable and shall include signs with internal backlighting or external backlighting.

Sign, interior. A sign inside a building that is not attached to a window or door and that is not visible from a public right-of-way.

Sign, menu board. An outdoor sign, including a speaker, associated with a drive-through window or facility, which provides the list of available foods and food prices.

Sign, menu. An outdoor display of a restaurant's menu or offerings attached to a wall or façade.

Sign, monument. Monument signs have a solid base that the sign face is installed upon. Eighty percent of the solid base shall be on the ground with gap no more than 12 inches from the base to the ground. These signs should be designed so that the style of the sign and its base are consistent with the architecture of the buildings on the site. Signs supported by poles that are built and/or designed to look like solid base as in monument signs are considered to be in compliance with this definition.

Sign, nonconforming. A sign which does not conform to the height, type, setback, size, location, use, operating characteristics, or structural support established as of the effective date of this chapter.

Sign, off-site. A sign which advertises or announces merchandise, products, business, goods, entertainment, or services which are not available on the site on which the sign is located. A sign containing a non-commercial message shall not be considered to be an off-site sign.

Sign, on-site. A sign which advertises only goods, services, facilities, events, or attractions on the premises where the sign is located.

Sign, pole-mounted banner. Signage that has letters, illustrations, or drawings that are applied to fabric, vinyl or similar material and is attached to a street pole or light pole.

Sign, political. A sign designed and used for the purpose of soliciting support for or opposition to a candidate, proposition, or referendum at a public election.

Sign, real estate. Any sign installed by a property owner or agent on a temporary basis, advertising the real property upon which the sign is located to be for rent, lease, or sale.

Sign, right-of-way banner. Signage that has letters, illustrations, or drawings that are applied to fabric or vinyl and are attached to a street pole or light pole in the public right-of-way, the placement of which has been properly permitted by the government agency that owns the right-of-way.

Sign, snipe. An off-premise sign made of any material, including but not limited to wood, paper, cardboard, plastic, and metal, which is tacked, nail, posted, pasted, glued, or otherwise attached to trees, poles, fences, or other similar objects.

Sign, special events. A temporary sign advertising or announcing any civic, patriotic, or special event of public interest.

Sign, temporary. A sign installed for a limited amount of time, and may include banners, flags, streamers, and pennants as approved by the city, or is attached to a wooden, plastic, or similar pole that is stuck into the ground.

Sign structure. Any construction used or designed to support a sign.

Sign, time and temperature sign. A display containing numerals alternately showing the time or temperature.

Sign, traffic control. A sign or signal for the control of vehicular, railroad, pedestrian, boat, or bicycle traffic, as authorized by the state or the city.

Sign, vehicle. Any sign that is attached or painted or wrapped on a vehicle and/or trailer, parked so as to be visible from and so as to clearly provide advertising visible from the public right-of-way or parked on public property so as to clearly provide a commercial message close to the public right-of-way, unless said vehicle is used by a proprietor or employee of the business for the purpose of commuting between the business location and home or is used in the usual course or operation of a business. Factors to be considered in determining whether a vehicle is used in the usual course or operation of a business shall include, but not limited to, whether the vehicle is operable, whether the vehicle has a current registration in the State of Florida, the vehicle plays in the business, and the frequency with which the vehicle is used in the course or the operation of the business. In addition, any sign that is composed of fabric, paper, or other lightweight material, or wood (unless the wood is an integral part of the vehicle itself), or that is physically supported by a motor vehicle, but not applied directly to the surface of the motor vehicle, or that is attached to the vehicle in such a manner as to constitute a safety hazard if the vehicle were to be driven with the sign in place, such as signs located so as to impair the vision of the driver of the vehicle or insecurely mounted so as to present a danger of falling off the vehicles while it is being driven, shall be presumed to be a vehicle sign. Further, any sign bearing a commercial message that is attached to or painted on a vehicle and/or trailer which is routinely parked or otherwise located on a site or sites other than that at which the firm, product, or services advertised on such sign is offered shall be presumed to be a vehicle sign.

Sign, wall (flat wall sign). A sign installed, attached, or otherwise affixed parallel to the wall or façade of a building, and may include murals if approved by city council.

Sign, window. A sign painted, etched, or wrapped on a window. Includes inside signs adjacent to a window and intended to be viewed from the outside.

Sign, window area. The area of window upon which a sign message is placed, which shall include framing with interchangeable or painted letters. If a logo or figures are used in lieu of letters, the measurements thereof shall be made on a rectangular basis using the most outer point thereof for determination of gross sign space utilized.

Special event. A temporary meeting, activity, gathering, or group of persons, animals, or vehicles (including mobile food vending vehicles), or a combination thereof, having a common purpose, design or goal that will affect or impact the ordinary and normal use by the general public upon any public or private facility, street, sidewalk, alley, public or private area, or building where the event substantially inhibits the usual flow of pedestrian or vehicular traffic, and is not the type approved for, or customarily associated with, the site upon which the event is located. A special event is not a normal business sale event or similar activity for commercial and/or office establishments.

Story (floor). That portion of a building included between the surface of any finished floor and the surface of the next floor above it or, if there is no floor above it, the space between the floor and the roof above it.

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

Structure. Anything constructed, assembled, or erected, the use of which requires location on the ground and attached to something having location on or in the ground; this shall include, among other things, buildings, swimming pools, mobile homes, fences, walls, tanks, signs, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels or other supports used for living, business, or storage purposes. The term includes any structure equipped with a roof, permanent or temporary, such as porches, awnings, canopies, screened enclosures, arbors, balconies and similar elements, but does not include unroofed surfaces such as paving, sidewalks, or those used for sports.

Visibility triangle (aka safe-site distance triangle). The area at the corner of two (2) intersecting roadways or a roadway and driveway where placement of visual obstructions, such as landscaping or signs, shall be limited.

Temporary sign. A sign which is intended to advertise community events, civic projects, political candidacy, political issues, real estate for sale or lease or other special events on a short-term basis.

Unit. That part of a multiple occupancy complex housing one occupant.

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

Window. An opening in an exterior wall or a building covered with glass or a building material which is transparent.

ARTICLE II NONCONFORMING SIGNS

Section 6.7 Retention of Existing Signs. Every legal sign existing as of June 20, 2016, and which is a type of sign not permitted in this chapter or is not consistent with the requirements of this chapter shall conform in accordance with chapter 6, article II, nonconformities.

Section 6.8 Expiration, Removal, and Exempt Signs. All nonconforming signs shall be removed immediately by the property owner. Signs exempt from this requirement are listed below.

- (1) **PD signs.** Signs which have been specifically approved as part of a PD.

- (2) **Residential development signs.** Signs located within residential zoning districts which indicate the name of a residential subdivision or development.
- (3) **Certain nonconforming signs.** Signs made nonconforming by sign regulation revisions are subject to the nonconforming structure provisions of chapter 6, article II.
- (4) **Annexation.**
 - (a) Any permanent sign existing on property annexed into the city, not permitted under this division but lawful at the time of annexation, shall be removed, or otherwise brought into compliance, no later than two (2) years from the date the city comprehensive land use plan change affecting the property is adopted by the city council.
 - (b) Temporary signs which are not permitted by this chapter shall be removed within sixty (60) days from the date of adoption of the comprehensive land use plan amendment which pertains to such property.

Section 6.9. Amortization. The time period provided in this chapter is for the purpose of amortizing the costs of a sign created or existing on or prior to adoption of the ordinance from which this section originally derived by virtue of lease of location or sign space, or through annexation into the city.

ARTICLE III PERMITS REQUIRED, MASTER SIGN PROGRAM, REMOVAL

Section 6.12 Building Permit Required. It shall be unlawful for any person to erect, repair, alter, relocate, or maintain any permanent sign defined in this division without obtaining a building and/or sign permit as applicable and paying the required fee.

Section 6.13 Revocation. The building official is authorized to revoke any building permit if a sign is erected or installed that does not comply with the requirements of this section.

Section 6.14 Maintenance and Inspection.

(1) **Maintenance.** All signs for which a permit is required, together with all supports, braces, guys, anchors, sign faces, and other structural and nonstructural members, shall be maintained in good condition and appearance and in compliance with applicable building codes. The city may order the removal of any sign that is not maintained in accordance with this section. The removal shall be at the expense of the owner or lessee. Examples of unacceptable maintenance and repair include the following:

- (a) Cracked, ripped, or peeling paint present on more than ten (10) percent of the surface area of a sign;
- (b) Bent, broken, loose, or otherwise insufficiently attached supports, struts, or other appendages;
- (c) Partial illumination for more than fourteen (14) days;
- (d) Obstruction of sign face by weeds, vines, tree branches, or other vegetative matter; and

(e) Maintaining a position that is more than fifteen degrees (15°) from vertical for more than ten (10) successive days.

(2) **Inspection.** The building official and/or code compliance officers shall re-inspect all signs erected within the city as often as deemed necessary.

(3) **Design Requirements.** All permanent signs shall be designed and constructed in compliance with applicable building codes. All electric wiring shall be installed underground, within building walls, or otherwise located so as not to be visible.

Section 6.15 Master Sign Plan. The City Council, at the time of development order or site plan approval or amendment, grant one or more exceptions to the requirements of this chapter as part of a master sign plan provided community benefits such as architectural design, pedestrian amenities, preservation of environmentally sensitive lands, provisions of public parks and open space, or mixed uses which reduce impacts on city services are demonstrated.

(1) The city council may vary the size, setback requirements, number, and type of signs as part of a master sign plan application, provided the city council determines an application complies with the general intent and purpose of this chapter.

(2) The planning and zoning department may require any development order application for a MUPD, Civic, planned development or conditional use application to include an overall Master Sign Plan. It shall not be a requirement to know all tenants at the time of submittal of the Master Sign Plan.

(3) The master sign plan shall indicate location, number, size, font, color, type of sign, window markings, landscaping, and illumination of proposed sign(s). The Master Sign Plan shall be guided by the purpose and intent section of this chapter. Application for a master sign plan shall include the following:

1. An overall plan identifying location of all proposed signs on the parcel, except window signs. The location of window signs may be included, but it is not mandatory.
2. The layout of all proposed signs including:
 - a. Elevations plans drawn to scale and depicting all permanent signs placed or to be placed on the building on the parcel.
 - b. A site plan, drawn to scale, indicating the location of all permanent freestanding signs erected or to be erected on the parcel, including setbacks; depicting the sign type, height, dimensions, color, style, material, and sign area; and the method of supporting the signs;
 - c. For signs providing for more than one (1) occupant, the amount of sign area allocated for each occupant shall be indicated.
 - d. The types of illumination and the luminance level to be used for each type of sign.
 - e. Method of attachment for all signs placed or to be placed on the building or the parcel.
3. A calculation of copy area for each individual sign.
4. The placement of signs on the building(s).

5. A deviation table on drawing identifying deviations from these LDRs.

(4) Once the Master Sign Plan has been approved for a parcel, the criteria shall apply to the entire parcel shown on the master sign plan, as well as to each individual owner or occupant, and shall remain as long as the building(s) exist, regardless of change of ownership, management, or occupancy. No permanent sign permit shall be issued contrary to the master sign plan, unless a new master sign plan has been submitted and approved by the Planning and Zoning department and/or city council as applicable. When renovations to existing buildings include changes to an existing master site plan, all signage must meet the requirements of the amended master plan within one (1) year after the issuance of the first certificate of occupancy for the renovations.

Section 6.20 REMOVAL OF SIGNS

(1) **Removal of Abandoned Signs.** Any sign which no longer is used to advertise a licensed business or a product sold on premises shall be removed by the owner of the property, building, or structure upon which the sign is located within ten (10) days after written notification from the building official. Upon failure to comply with the notice within the time specified in the order, the building official is authorized to cause removal of the sign. Any expense associated with the sign removal shall be paid by the owner of the property, building, structure, or premises to which the sign is attached or on which the sign is located.

(2) **Removal of Unsafe Signs:** If the building official determines any sign regulated in this division is unsafe, insecure, a menace to the public health, or constructed, erected, or maintained in violation of this division, a written notice of such determination shall be provided to the property owner. The owner of the property has ten (10) days following receipt of the written notice to remove, repair, or otherwise alter the sign to comply with this division. If the sign is not removed, repaired, or otherwise altered to comply, the necessary removal or improvements shall be carried out by the building division at the expense of the owner of the property. The building division shall cause any sign that is an immediate peril to persons or property to be removed summarily and without notice.

(3) **Owner to be charged for cost of removal by city.** When the city has caused or paid for the removal of a sign, the actual cost of the removal shall be paid by the owner of property on which the sign is located. The cost of removal shall include accrued interest at the rate of ten percent (10%) per annum from the date of the completion of the work.

Section 6.21 OBSTRUCTIONS

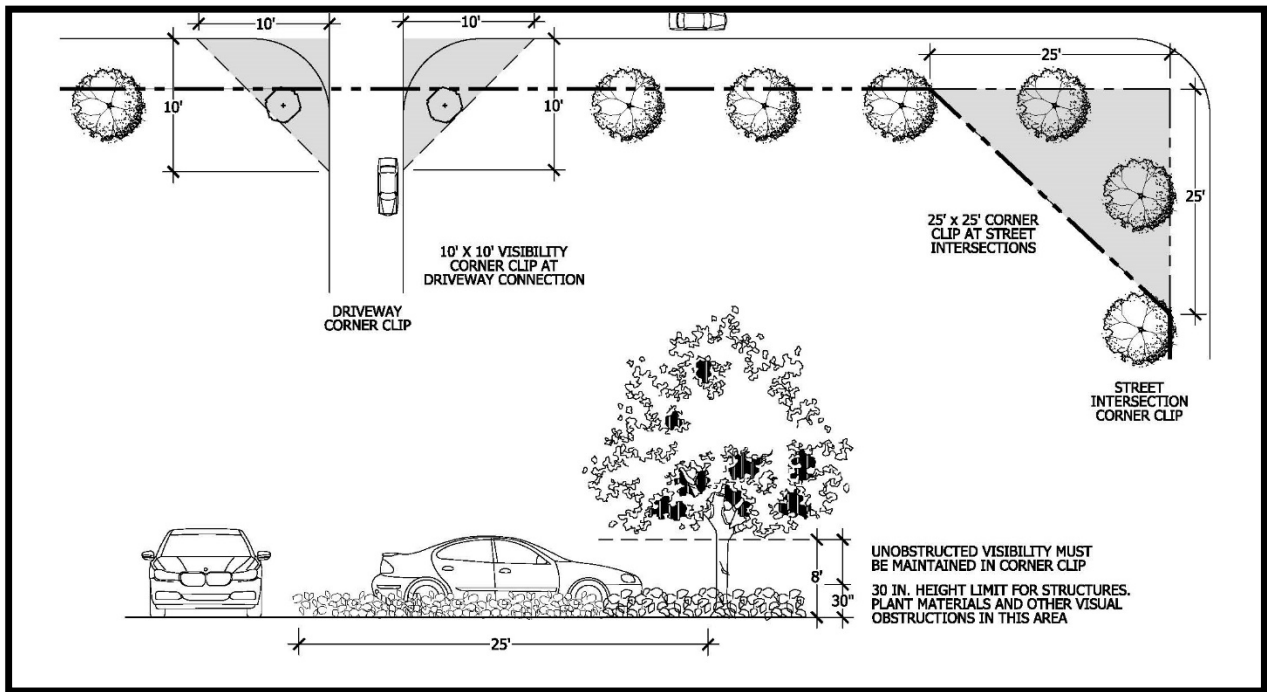
(1) **General.** Signs shall not be erected, installed, constructed, attached, or maintained so as to serve as an obstruction as noted below.

(2) **Ingress and Egress.** A sign shall not block any fire escape, or any window, door, or opening used as a means of ingress or egress.

(3) **Fire Escapes and Ventilation.** A sign shall not be attached to a fire escape or be placed in such manner as to interfere with any opening required by the building code for ventilation.

(4) **Visibility Triangles.** A sign shall not be placed in such a manner as to obscure sightlines within the visibility triangle at the intersection of two (2) roads or a road and a private driveway in accordance with the city's intersections regulations in **section----**). No sign located within a visibility triangle shall exceed thirty (30) inches in height as measured from the surface of the nearest vehicular traffic area.

Figure 6-1: Visibility Triangles



(5) **City Property:** Permanent signs shall not be allowed on city property or rights-of-way within the city unless specifically authorized by the city council. Temporary signs may be placed on City property or rights-of way with permission from the Planning and Zoning Director or designee. Any signs not authorized on city property or rights-of-way shall be immediately removed by the city, and the costs of such removal shall be borne by the parties responsible for the installation.

(6) **Other Governmental Agencies.** Other governmental entities which have jurisdiction or control of public rights-of-way may install signs within such rights-of-way. Any signs that are not authorized on such rights-of-way shall be immediately removed by the city or governing agency, and the costs of such removal shall be borne by the parties responsible for the installation.

ARTICLE IV PROHIBITED SIGNS AND PROHIBITED SIGN LOCATIONS

Section 6.25 General. The signs described below, unless otherwise provided in this section, are prohibited and shall not be installed or constructed within the city.

Section 6.26 Off-Premises Signs. Off-site or off-premises signs are prohibited unless placement of the sign is authorized by the owner of the property on which the sign will be placed and the City Council, and the sign is reasonably intended to inform as to the location or existence of a commercial business, commodity, service, product, or activity not otherwise visible from the road adjacent to the proposed sign. All permanent off-site signs within a development parcel are prohibited unless the signs are part of a master sign plan.

Section 6.27 Traffic Regulation Signs. Any sign which resembles, is similar to, or may be confused with any sign or device to control vehicular, bicycle, or pedestrian traffic is prohibited.

Section 6.28 Obstruction of Vision. Any sign installed or erected in a location, or at a street intersection, or in any street right-of-way so as to obstruct free and clear vision is prohibited.

Section 6.29 Prohibited Sign Characteristics. Only passive-type signage shall be permitted. Unless otherwise permitted in section 8, permitted signs, signs which incorporate animation or flashing lights, movement or motions caused by the wind, electrical, or mechanical means, flashing messages, or other real or apparent forms of motion are prohibited.

Section 6.30 Prohibited Illumination. Illumination of signs utilizing flashing, intermittent, rotating, revolving, oscillating techniques is prohibited.

Section 6.31 Other Prohibited Signs. In addition to the prohibited signs listed hereinabove, the following signs are also prohibited in the City:

- 1). Awning signs, unless otherwise provided herein;
- 2). Bunting, pennants, streamers, and other similar signs or devices normally but not always installed in a series, designed to move with the wind, and usually attached to buildings, trees, ropes, poles, and similar structures; provided, however, the use of pole-mounted banners may be permitted in accordance with section 14, pole-mounted banner criteria;
- 3). Painted wall signs;
- 4). Signs created by illumination or shadow casting;
- 5). Changeable copy signs, with the exception of the following, which may be displayed as set forth in this division:
- 6). Gasoline price signs located on pump islands or on monument signs;
- 7). Menu pricing signs;

- 8). Building directory signs; and
- 9). Ground signs for government uses, public/private schools, and colleges/universities located in public/institutional zoning districts;
- 10). Performing Arts and Movie Theater Marquee signs.
- 11). Portable signs not otherwise addressed by this chapter;
- 12). Balloons, balloon signs, or inflatable shapes or figures with or without copy;
- 13). Copies or imitations of official signs;
- 14). Beacons or searchlights;
- 15). Signs attached to an accessory structure;
- 16). Signs which emit sounds;
- 17). Exposed neon tubing, neon signs, and LED signs that emulate the general appearance of traditional neon signs, except as provided in **section 9**, illumination.
- 18). Signs which emit visible smoke, vapor particles, or odor;
- 19). Sandwich board, "A"-frame, and pole signs, except as otherwise provided herein
- 20). Signs which express obscene, pornographic, or illegal messages or material;
- 21). Snipe signs attached, posted, located on or to or posted on, any tree, light pole, utility pole, light, sidewalk, curb, fire hydrant, bridge, on public property, except for public utility, convenience, and warning signs;
- 22). Signs placed upon benches, bus or transit shelters, or waste receptacles, unless specifically approved by the city council;
- 23). Signs and sign structures which are not properly maintained or have been abandoned;
- 24). Parasite signs;
- 25). Roof signs with the exception of parapet signs on permanent ground floor canopies;
- 26). Box Signs
- 27). Any other sign, device, or equipment not specifically permitted by this division

ARTICLE V PERMITTED SIGNS

Section 6.35 Murals. Murals are permitted upon approval from City Council.

Section 6.36 Permanent signs. Permanent signs shall be permitted as indicated in Table 5-1.

Table 6-1: Permitted Signs

Figure 6-2: City Entry Monument

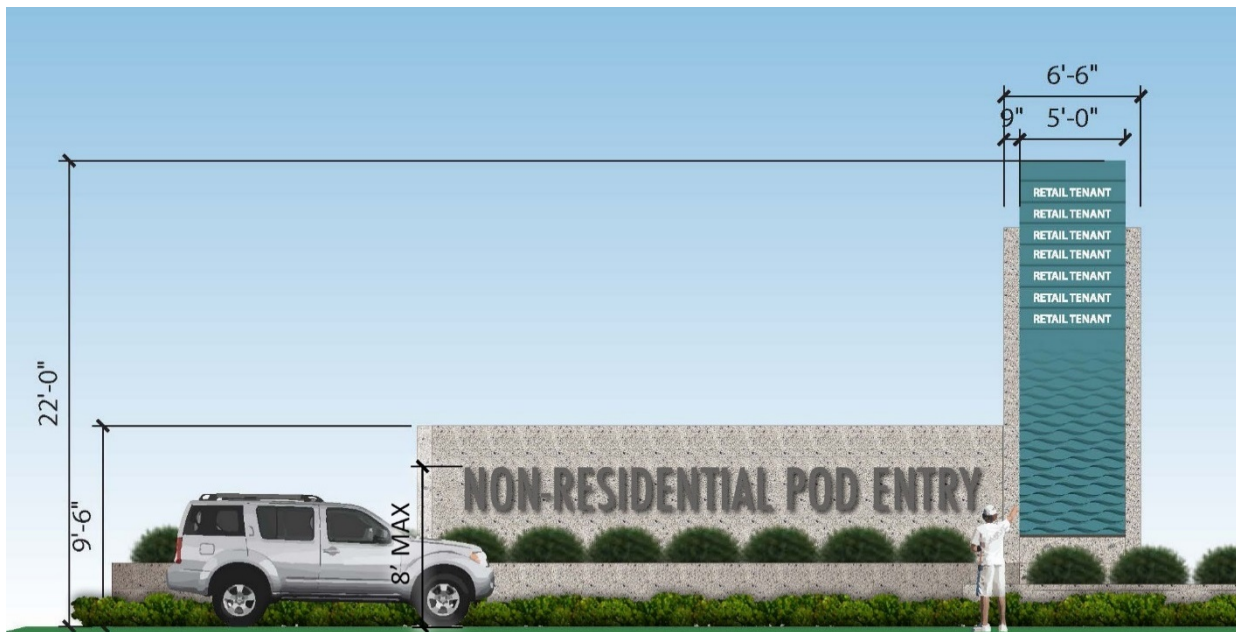


Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
City Entry Monument	60 sq. ft.	1	2 per access point	See Figure 6-2	Permitted only within 500 feet of the City boundaries at access points.

Table 6-1 Continued

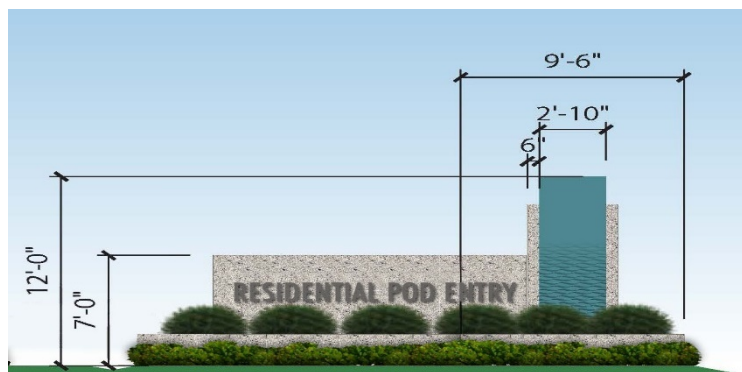
Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Non-Residential Pod Entry Monument	60 sq. ft.	1	2 per access-way	See Figure 6-3	<p>Two 60-sq. ft. copy areas permitted per sign:</p> <ol style="list-style-type: none"> one for pod identification on horizontal structure, and one for tenant names on the vertical totem. Graphics and logos are prohibited on the vertical totem.

Figure 6-3: Non-Residential Pod Entry Monument



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Residential Pod Entry Monument	60 sq. ft.	1	2 per access-way	See Figure 6-4	For pod name only. Logos and graphics may not be larger than 30% of copy area occupied by text.

Figure 6-4: Residential Pod Entry Monument



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Alternate Residential Pod Entry Monument	60 sq. ft.	1	1 per Pod	See Figure 6-4	<p>By master sign plan application only.</p> <p>Permitted only in lieu of 2 Pod Entry Monuments</p> <p>Minimum 80 ft. setback from nearest property line.</p> <p>May include Pod Name only.</p>

Figure 6-4: Alternate Residential Pod Entry Monument Measurements

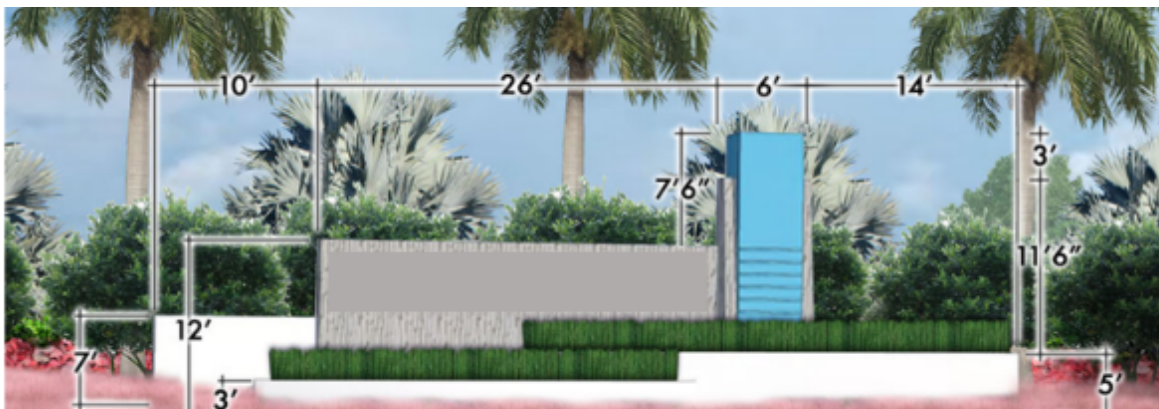


Figure 6-5: Alternate Residential Pod Entry Monument View



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Directional Sign in Public ROW	24 sq. ft.	2	As approved by SID	See Figure 6-6	Text shall be uniform color. Graphics and Logos are limited to x% of the copy area.

Figure 6-6: Directions Sign in Public ROW



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Ground Sign for Commercial Buildings within Pod²	60 square feet	2	1 per access entry for lots with a minimum of 200 lineal feet of ROW for each frontage. Plus 1 for each additional 500 lineal feet of ROW.	Height: 8 feet Width: 15 ft. (Dimensions include base) Min. sign width must equal 50% of sign height. Maximum area 120 sq. ft. including decorative elements	Requires solid base with a height equal to at least 30% of overall sign height <u>or 2 ft. whichever is greater.</u> Sign copy is prohibited on the base except for information as regulated by Temporary Signs Section. [See Sec. 12.B(9)c.] Sign copy not to exceed building identification and/or six (6) tenants (not including leasing information) per sign face. Min. 4-inch letter height, including lowercase letters.

Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Additional Requirements
<u>Directional Sign on Private Property</u>	16 sq. ft.	2	Two (2) per access entry	Min. 4-inch letter height, including lowercase letters. Min. 10 feet setback from ROW. Graphics and Logos permitted.

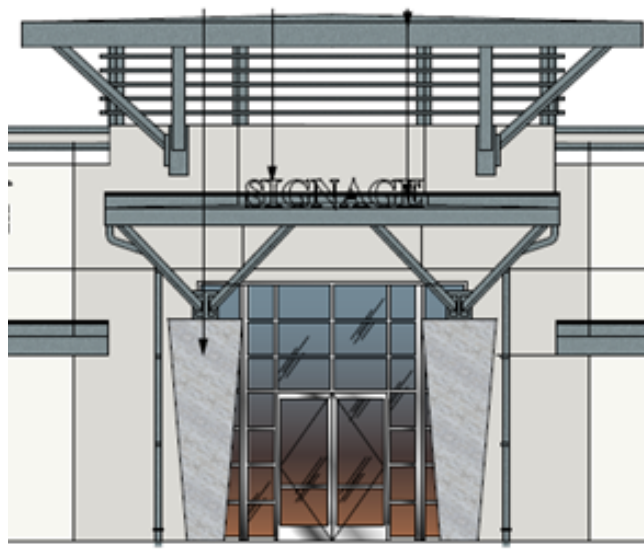
					<p>Min. 10 feet setback from ROW of a collector or arterial road.</p> <p>Min. distance of 60 feet required between ground signs.</p> <p>Address numbers must be a min. of 6 inches in height and at least 4 feet above grade or located above copy area.</p>
Tenant-Specific Directional Sign	4 sq. ft.	2	Per approval As needed	Max. height: 4 ft.	<p>Exempt from sign-base requirements.</p> <p>No advertising copy.</p> <p>Logos may not exceed 50% of copy area and are permitted by master sign plan only.</p>

Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions¹	Additional Requirements
Gas Station Price Signs	20 square feet	2	1	<p>Maximum height: 8 ft.</p> <p>Maximum area: 80 sq. ft. including decorative elements</p>	<p>May be integrated into another ground sign.</p> <p>May include changeable copy.</p> <p>Electronic changeable copy for fuel pricing information permitted up to 50% of the sign copy area.</p>
Menu Board for Drive-Through Facilities	20 square feet	2	2 per establishment	<p>Height: 5 feet</p> <p>Width: None</p>	<p>For menu/price information only.</p> <p>Internal illumination only.</p>

					<p>May include manual or electronic changeable copy.</p> <p>May have remote or electronic communication service.</p> <p>Exempt from landscaping and irrigation requirements.</p>
<p>Canopy Directional signs for drive-through facilities</p>	<p>3 square feet</p>	<p>1</p>	<p>1 sign per drive-through lane plus 1 "clearance height sign"</p>		<p>Must be located on drive-through canopy.</p> <p>Max. letter height: 8 inches.</p> <p>Uniform type, style, color, material, and shape, etc.</p> <p>Must be compatible with building style.</p>

Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Ground Floor Permanent Canopy Sign	Max. 80% of width of façade of canopy. Max. letter height: 24 in. Max. 24 square feet	1	1	24 sq. ft.	By master sign plan application only. May project above canopy roof line.

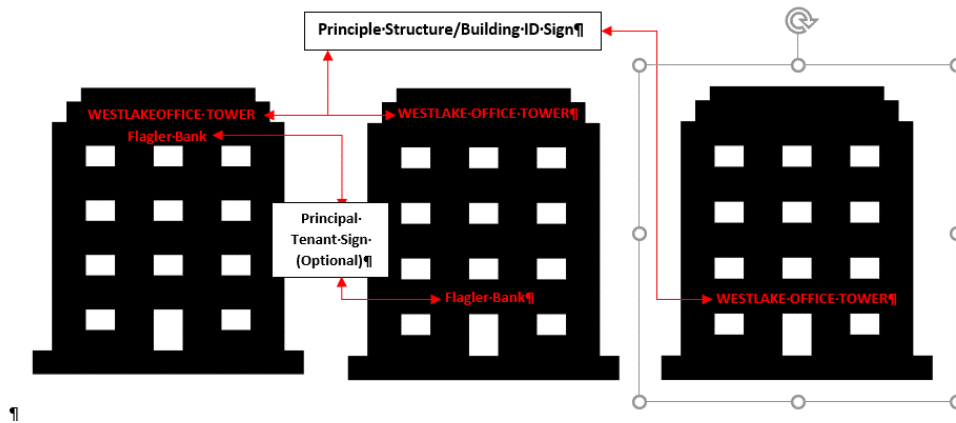
Figure 6-7: Canopy Sign



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Enter and Exit Signs	4 square feet	2	1 per approved entry or exit.	Height: 3 feet	<p>Max. 3 feet above crown of paving or road.</p> <p>Signs located within a visibility triangle shall not exceed 30 inches in height measured from the surface of the nearest vehicular traffic area.</p> <p>Min. 2 feet from property line.</p> <p>Copy limited to EXIT, ENTRANCE, EXIT ONLY, etc.</p> <p>Internal illumination only.</p> <p>Shall be located in landscaped area [including grass or mulch].</p>
Projecting ID Signs	6 square feet	2	1	N/A	<p>May be suspended from soffit or eave.</p> <p>Must be perpendicular to the building facade.</p> <p>Shall not project more than 36 inches from building façade or into a vehicular use area.</p> <p>Min. clearance of 8 feet from bottom of sign to top of walkway.</p> <p>Located at main or secondary entrance.</p> <p>May be externally illuminated.</p> <p>Permitted in addition to wall sign.</p>

Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
<p>Wall Sign for Principal Structure or Building Identification or Principal Tenant</p>	<p>90 square feet</p>	<p>1</p>	<p>One set of 2 signs [Principal Structure <i>or</i> Building name <i>and</i> Principal Tenant name] on façade(s) fronting ROW</p>	<p>N/A</p>	<p>Sign(s) must be located at top of building, and/or below second floor line.</p> <p>Sign letters shall not exceed 36 inches in height including lowercase letters.</p> <p>Sign for building <u>and</u> tenant identification purposes.</p> <p>Each building is allowed a principal tenant wall sign.</p> <p>Maximum 1 name or message per sign.</p> <p>Sign(s) shall not exceed 80 percent of the width of the building, with a minimum of 10 percent clear area on each outer edge of the building.</p>
<p>Wall Signs for Multi-Tenant Office Buildings with Common Entrance</p>	<p>–</p>	<p>–</p>	<p>–</p>	<p>–</p>	<p>Signage limited to Principal Structure <i>or</i> Building Identification and/or Principal Tenant only.</p> <p><i>Individual tenant signs prohibited.</i></p>

Figure 6-8: Building Identification or Principal Tenant Sign



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Wall Sign for Ground Floor Uses with Separate Entrances at Ground Level	Max. 80% of width of façade of the tenant space or bay. Max. 70 square feet.	1	1 per tenant space or bay. Except a tenant space or bay with double frontage shall be permitted 1 additional wall sign.	None	Sign must face ROW or be over the primary entrance. Maximum letter height 24 inches. Maximum 2 lines of copy. Signs shall not be located above second floor line or above building parapet.
Window Signs	Maximum 20% of each glass window or glass door area.	1	None	None	Signs allowed in ground floor windows/doors only. All sign materials must be permanent: paper, cardboard, cling film, etc., are prohibited except as provided in section 12, temporary signs. Any interior sign either hung within two feet of a window/door or attached to a display or other structure within two feet of a

					<p>window/door shall be considered a window sign.</p> <p>Nonresidential multi-tenant uses shall submit a master sign plan application that includes all window signs and non-advertising window markings.</p>
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Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Menu Sign (Wall-Mounted)	4 square feet	1	1 per restaurant	None	<p>Must be attached to wall.</p> <p>Must be framed or matted.</p> <p>Not included in area for window signs.</p> <p>Enclosed in frame or casing compatible with building design and color.</p> <p>Casing shall not project more than 2 inches from wall.</p>
Building Directory Sign	18 square feet	1	1 per building	Height: 6 feet Width: None	<p>2 or more buildings on same parcel or development.</p> <p>Located within a 25-foot radius of main entry to building.</p> <p>May be a changeable copy sign.</p> <p>Vehicle pull-off may be required.</p>
Time and Temperature Sign	Not more than 25% of total sign area	1	Permitted only as part of a wall or flat sign.	None	<p>Only time and temperature may be displayed.</p> <p>Size to be included within overall size of principal sign.</p>

Changeable Copy/Digital Display Ground Sign²	60 square feet	2	1	Height: 10 feet Width: 15 feet (Dimensions include base) Min. sign width must equal 50% of sign height.	Only allowed for government uses, public/private schools, and colleges/universities in public/institutional zoning districts, and places of worship in permitted districts. Requires solid base not less than three feet high w/out sign copy. Min. 15 feet setback from ROW. Min. 50 feet setback from non-ROW property lines.

Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Pole-mounted Banner	30 square feet	2	1 per light pole and/or pedestrian pole.	3 feet width by 10 feet length	Meet all requirements in section 14.
Wrap Signs	Same as sign type to be wrapped	Same as sign type to be wrapped	Same as sign type to be wrapped	Same as sign type to be wrapped	Advertising text and commercial logos are prohibited. Wrapping prohibited on ATMs, Gas Pumps, and Poles.

¹Height measured from average grade of ground in which sign is placed unless otherwise noted.

Abbreviations

SPW = Seminole Pratt Whitney Road

ROW = Public road right-of-way

Section 6.38 ILLUMINATION

Section 6.38 General. Permanent ground signs shall be illuminated and wall signs may be illuminated utilizing the following: backlighting, internal lighting, or permanently fixed and encased lighting from below, and external to, the sign surface. Lighting shall be properly shielded to prevent glare upon adjacent public rights-of-way or adjacent property. The department may require photometric or other studies to ensure sign lighting will not adversely affect the public health, safety, and welfare.

Section 6.39 Illumination of temporary signs. Illuminated temporary signs located within five hundred (500) feet of a residential zone, and which are visible from such residential zone, shall be turned off not later than 11:00 PM each night.

Section 6.40 Neon Signs. Neon signs with exposed tubes are permitted within a building, provided such signage is not visible from a public right-of-way, except as otherwise provided herein.

Section 6.41 Permitted Neon Signs. An exposed neon sign or LED design which emulates the appearance of a neon sign may be displayed and be visible from a public right-of-way so long as the total sign area is three (3) square feet or less.

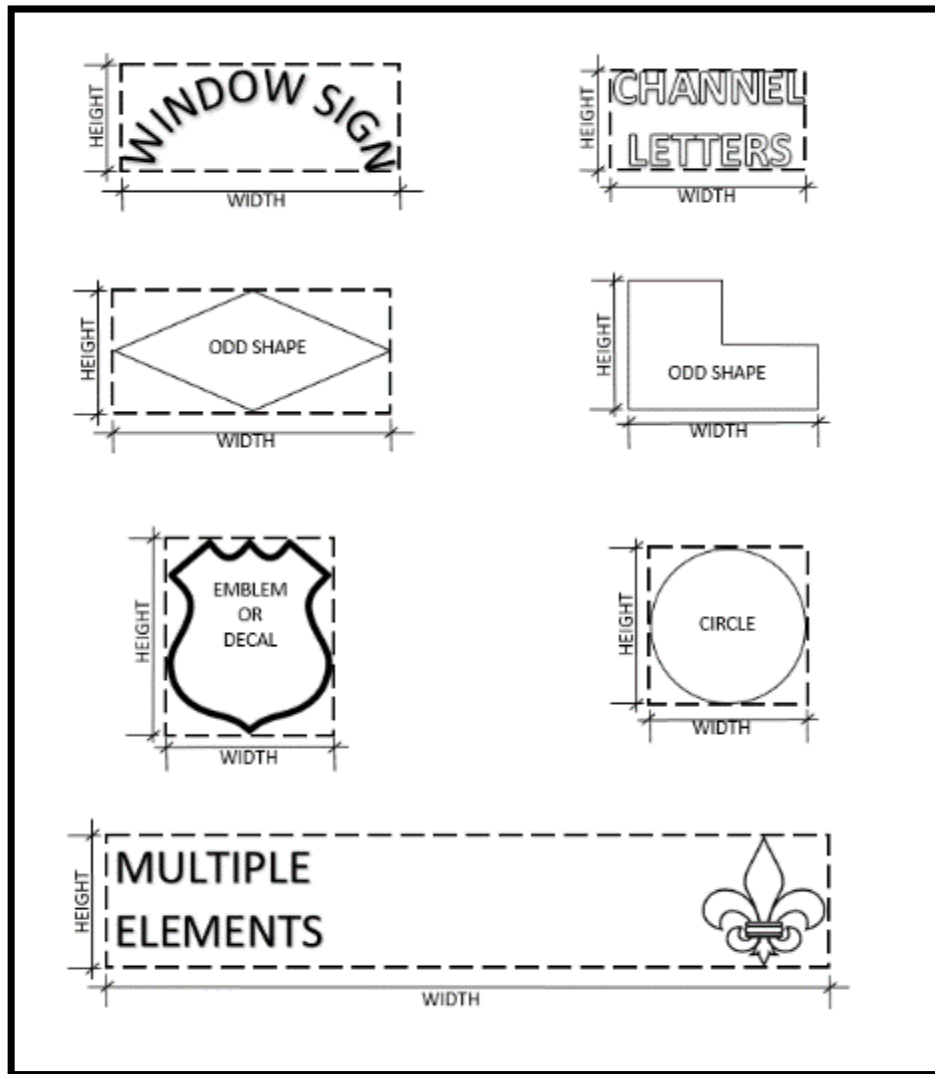
Section 6.42 Flags. Not more than two (2) flags and two (2) flag poles shall be located on any single non-residential property. Flag poles shall not exceed twenty-five (25) feet in height. One (1) flag per pole is permitted. The area of a flag shall conform to the requirements listed below. The setback for a flag pole shall be equal to the height of the flag pole as installed. The number, size, and height of flags and flag poles may be increased with city council approval. This section does not apply to residential properties.

Height of Flag Pole	Maximum Flag Area	Maximum Dimensions	Minimum Setback
Less than 20 feet	24 square feet	4 feet by 6 feet	Equal to 15 'or the height of the pole, whichever is less
20 to 25 feet	40 square feet	5 feet by 8 feet	Equal to height of pole

Section 6.43 Calculation of Sign Copy Area; Sign Measurements.

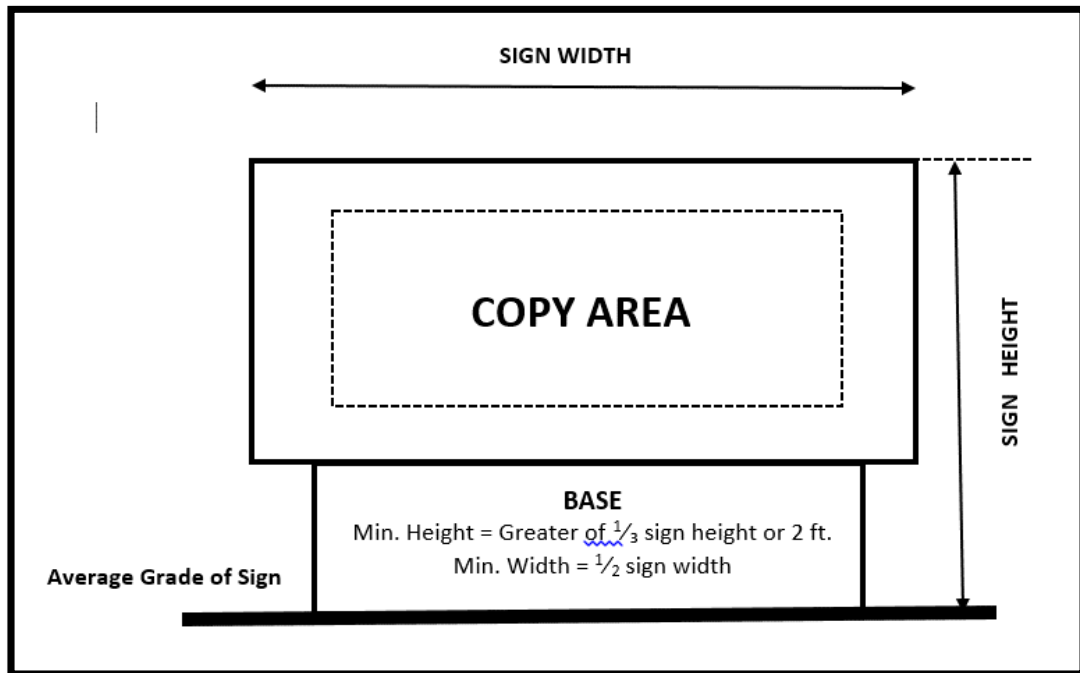
(1) Copy Area. Copy area shall be calculated as illustrated in Figure 6-9. The copy area of a sign face shall be calculated by means of the smallest rectangle that will encompass all letters, numbers, characters, logos, emblems, information, or other display. The sign copy area shall include any materials or colors utilized to differentiate the sign from the backdrop or structure on which it is placed. Sign copy area shall not include any supporting framework or bracing.

Figure 6-9: Copy Area Measurements



- (2) **Ground Sign Measurement.** Ground signs shall be measured as illustrated in Figure 6-10.

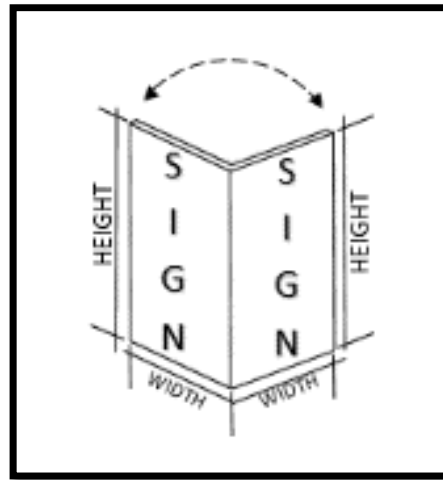
Figure 6-10: Ground Sign Measurements



- (3) **Multi-faced signs.** The number of sign faces shall be calculated as indicated below and in Figure 6-11.

- (a) A double-faced sign with sign faces that are parallel or the interior angle of the two (2) faces is fifteen degrees (15°) or fewer shall be considered as only one (1) sign face.
- (b) The area of a double-faced sign with sign faces having an interior angle of more than fifteen degrees (15°) shall be considered as (2) sign faces.
- (c) The sign copy area of multi-faced signs is calculated based on the principle that all sign elements that can be seen at one (1) time or from one (1) vantage point should be considered in measuring that particular sign face.

Figure 6-10: Height and Width Measurements for Multi-Faced Signs



Section 6.50 EXEMPT SIGNS. The signs listed below are permitted signs and are exempt from the requirements of this chapter.

- (1). **Mailboxes.** Roadside mailboxes.
- (2). **Residential identification signs.** Residential building identification, displaying the name or property occupant or street address, provided such sign is less than four (4) square feet.
- (3). **Warning signs.** Signs prohibiting peddlers or solicitors, indicating security such as burglar alarms, "no trespassing" or "beware of animal" signs. Signs of this nature shall be located at the entrance of the building or residence, or adjacent to fenced areas.
- (5). **Traffic control/traffic information.** Traffic control, directional, and public information/warning signs placed in public rights-of-way by federal, state, county, city, and other public agencies or at the direction of or as required by same.
- (6). **Interior signs.** Signs located within a building and not visible from a public right-of-way.
- (7). **Courtyard signs.** Signs located on the exterior elevation of an interior courtyard, provided such signs are not visible from a public right-of-way or abutting Residential zoning district.
- (8). **Vehicle advertising.** Motor vehicles with business names, business addresses, telephone numbers, contractor certification numbers, logos, and similar information painted, embossed, or wrapped on vehicle surfaces, when otherwise permitted or required by law. Parking of such vehicles shall be limited as provided below.

- (9). Motor vehicles, including, but not limited to, trucks, vans, and automobiles, and any trailer towed by such vehicles, with business signage shall not be parked in any location for the primary purpose of advertising a business or service.
- (10). The owners of commercial or industrial properties, or their legal tenants, whose vehicles are registered, licensed, and fully operational for company use are exempt from the above subsection a. for the purpose of parking such vehicles on site in the normal course of business.

Section 6.52 PERMITTED TEMPORARY SIGNS

(1) **Permitted Temporary Signs.** Temporary signs allowed within the City are listed in Table 6-2.

Table 6-2 Permitted Temporary Signs

Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
Free Speech Sign *	Residential–6 square feet Nonresidential–As permitted by sign regulations	None	None	Residential–1 sign per Residential parcel. Nonresidential–1 sign per Nonresidential parcel. Sign may be installed in lieu of any permitted Nonresidential sign. Signs may not be placed on public property. Signs may not be placed in public rights-of-way. Signs may not obstruct vision at corners, intersections, etc.

Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
Political *	Residential: 6 square feet Nonresidential: 32 square feet	Residential–Not more than 30 days prior to the election to which it relates. Nonresidential–Not more than 30 days prior to the election to which it relates.	Residential–7 days after the election Nonresidential–7 days after the election	Residential–1 sign per candidate or issue per Residential parcel. Nonresidential–1 sign per candidate or issue. Nonresidential–1 sign per 200 linear feet of street frontage. A minimum of 1 sign per property allowed.

				<p>Signs may not be placed on public property.</p> <p>Signs may not be placed in public rights-of-way.</p> <p>Signs may not obstruct vision at corners, intersections, etc.</p> <p>Applicable to federal, state, county, and local elections.</p>
Sale: Residential Open House*	6	Day open house begins	Day open house closes	
Sale: Nonresidential Open House	16	Day open house begins	Day open house closes	
Nonresidential Sale, Rental or Lease of Building or Portion of Building	16	Upon issuance of Certificate of Occupancy	Until one hundred percent (100%) of the building is sold, rented, or leased	<p><i>Sign post.</i> Post shall be a four (4) by four (4) treated-wood post or other functional material. The minimum number of posts shall be two (2). The posts shall be directly buried into the ground at a minimum of two (2) feet. Use of concrete is prohibited.</p> <p><i>Backing.</i> Sign shall be installed on one-half-inch plywood. Plywood shall be attached with weather-resistant screws.</p> <p><i>Color.</i> The entire sign must be painted or wrapped.</p>
Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
Development Sign	64	When complete development order application filed with city	On receipt of last certificate of occupancy	
Project Suppliers/Tra des	32	On receipt of building permit	On receipt of final certificate of occupancy	No more than 2 signs shall be permitted at one time.

Signage on Construction Barrier Fence	10% of total barrier area	On receipt of construction fence permit	On receipt of final certificate of occupancy	Limited to signage identifying the nature of the development, contractor's information, leasing information, corporate logos and renditions of development
Murals and Other Decorative Elements on Construction Barrier Fence		On receipt of construction fence permit	On receipt of Final Certificate of Occupancy	
Grand Opening/Project Opening/New Businesses	32	7 days before event	10 days after opening or event	May be permitted as a banner.
Outparcel/Phase Opening	32	7 days before opening	10 days after opening	
Special Event Signage	32	7 days prior to event	1 day after event	One on-site sign may be permitted for each side of the property that fronts a public right-of-way, up to 4 signs. Minimum 1 per property allowed. May be permitted as a banner.
Special Sale for Profit	16	7 days prior to event	1 day after event	Maximum 4 per calendar year per project.

Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
Right-of-way Banner	24	30 days prior to event	2 days after event	For regional, national, city, or city co-sponsored special event. Must have authorization from applicable agency.

Name-Change Ground Sign Covering	60 square feet of copy	Issuance of permit	60 days from issuance of permanent sign permit application **	Only canvas coverings of ground signs allowed. Office and retail uses only. May be submitted when sign permit for new permanent sign is submitted.
School/Day Care/Nursery	32	30 days before registration	14 days after registration	Max. 3 per calendar year. May be permitted as a banner.
Garage Sale *	12	1 day before sale	Close of the day of sale	1 on-site sign
Special Event Directional Signage	8	1 day before event	1 day after event	May be located off-site and in right of way. May be located on private property w/ owner's written permission
Construction Entrance	16	Issuance of land clearing, land alteration, or building permit.	On receipt of final certificate of occupancy	
Menu Sign (Free-Standing)	15 square feet	At opening	At closing	1 per restaurant. Additional signs permitted if outdoor seating areas are either separated by 6 feet high wall or not visible to each other. Constructed of durable materials. May be pole-mounted, "A"-frame, or sandwich board. May include name, hours, credit card, menu, and price information. Must be stored inside restaurant when closed.
Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
Valet Parking Signs	6 square feet Height: 4 feet	2 hours prior to business opening each day.	2 hours after business closing each day.	1 sign per establishment.

	Width: None			<p>May be 2-sided.</p> <p>May not be visible from a public right-of-way.</p> <p>Notwithstanding subsection (b)(4) above, such signs may be affixed to a valet kiosk.</p> <p>Valet sign permits shall not be transferrable.</p> <p>Valet parking signs that are temporary sandwich boards shall be exempt from fee and permit requirements.</p>
Human Signs (or Living Signs)	3 square feet	Date indicated on the permit	Maximum 2 days	Maximum of 6 times per calendar year

*Exempt from fees and permit registration provided the sign complies with the requirements set forth in Table 5-2 and the Florida Building Code, as applicable.

**A written request for a 30-day extension may be granted administratively provided the permanent sign is not completed but is in the process of completion.

(2) Permit. A City temporary sign permit is required for all temporary signs except those exempt as shown in **Table 5-2**. Application fees and requirements are found in **Article 1, Table 2-1**.

- A) **Illumination and/or Animation.** Temporary signs shall not be illuminated nor shall they incorporate any of the characteristics set forth in section **7.E**
- B) **Setbacks.** Temporary signs shall be setback at least two (2) feet from the right-of-way line and side property lines, and must comply with **section 7**, prohibited signs and prohibited sign locations.
- C) **Maximum Height.** A temporary sign shall not be higher than five (5) feet above the average grade at the property line nearest the sign, except for "human signs", which shall not exceed eight (8) feet in height above the grade upon which any such sign is located.
- D) **Permitted Sign Types.** Only pole, sandwich-board or A-frame type signage, or human signs shall be used for temporary signs.
- E) **Human Signs (living signs).** Upon the issuance of a permit, a living or human sign may be allowed on the premises of the property that is being advertised or within eight (8) feet of the right-of-way immediately adjacent to the property that is being advertised for a maximum of six (6) times per

calendar year for no more than two (2) consecutive days. The sign area shall not exceed three (3) square feet in size, and the living or human sign shall not be permitted off site, within the right-of-way, or closer than eight (8) feet from the right-of-way immediately adjacent to the property being advertised. Any failure to comply with these regulations will result in the administrative suspension or revocation of the sign permit and/or enforcement proceedings pursuant to Chapter 162, Florida Statutes. Notwithstanding the foregoing, the city may also pursue any remedy available under the law.

- F) **Maximum Sign Faces.** A maximum of two (2) faces will be allowed for each temporary sign. Maximum size as set forth in Table 5-2 applies to each sign face individually.
- G) **Maintenance.** All signs shall be kept in good condition, present a neat appearance, and be maintained free of debris, stains, mold, discoloration, or deterioration.
- H) **Hazard.** A sign shall not directly or indirectly create a traffic or fire hazard or interfere with the free and unobstructed use of streets or sidewalks.
- I) **Number.** Each side of a property facing a right-of-way is allowed one (1) temporary sign as permitted in Table 5-2. Notwithstanding the foregoing Table 5-2, only one (1) human sign (or living sign) shall be permitted per property.

Prohibited materials. Paper, cardboard, or other such material subject to rapid deterioration shall not be used for any sign that is to be displayed for more than thirty (30) consecutive days.

- J) **Non-residential sale sign.** For a temporary sign displaying information concerning nonresidential sale of portion of building, rental, or lease permit:
 1. If approved, a permit will be issued for a period of no longer than one (1) year, or until one hundred (100) percent of the building is sold, rented, or leased.
 2. A renewal permit may be submitted annually if the applicant is in compliance with the City's standards.
 3. Standards. Signage must be in compliance with all temporary signage standards and meet the criteria below.
 - i. **Size.** Maximum square footage of the sign is sixteen (16) square feet for parcels 1 acre or less. Parcels greater than 1 acre, the maximum square footage of the sign 32 square feet.
 - ii. **Sign post.** Post shall be a four (4) by four (4) treated-wood post or other acceptable material. The minimum number of posts shall be two (2). The posts shall be directly buried into the ground at a minimum of two (2) feet. Use of concrete is prohibited.
 - iii. **Backing.** Sign shall be installed on a one-half-inch plywood. Plywood shall be attached with weather-resistant screws.
 - iv. **Color.** The entire sign must be painted or wrapped.

v. *Number.* One shall be permitted for each road frontage and every 600 lineal feet.

- (3) *Additional Leasing Sign.* An additional leasing sign not exceeding twelve (12) square feet may be incorporated into the project's monument sign within the two-foot required base, if provided. Letter size shall be no less than six (6) inches for ground signs and must be compatible with the general design of the monument sign. A sign permit must be submitted and approved by the city. A leasing sign on a monument sign does not require annual renewal and may remain even if one hundred (100) percent of the property is leased.
- (4) *Removal.*
 - A) **Hurricane Watch.** Any temporary sign installed within the city shall be removed by the owner or city if a hurricane watch is posted. The city shall not be responsible for the replacement of such signage after a hurricane watch is discontinued.
 - B) **Violations.** The city shall have the right to remove any temporary signage in violation of this article. Any failure to comply with these regulations will result in the administrative suspension or revocation of the sign permit and/or enforcement proceedings pursuant to Chapter 162, Florida Statutes. Notwithstanding the foregoing, the city may also pursue any remedy available under the law.

SECTION 6.60 NONCOMMERCIAL MESSAGES

- (1) **Noncommercial Messages.** Notwithstanding anything in this article to the contrary, any sign erected pursuant to the provisions of this article may, at the option of the applicant, contain either a noncommercial message unrelated to the business located on the premises where the sign is erected or a commercial message related to the business and located on the business premises pursuant to the following regulations:
 - (a) **Message size.** The noncommercial message may occupy the entire sign face or portion thereof.
 - (b) **Change in Messages.** The sign face may be changed from commercial to noncommercial messages as frequently as desired by the owner of the sign, provided that the following is true:
 - (i) The size and design criteria conform to the applicable portions of this article;
 - (ii) The sign is allowed by this article;
 - (iii) The sign conforms to the requirements of the applicable zoning designation; and
 - (iv) The appropriate permits are obtained.
 - (c) **Location.** For the purpose of this sign code, noncommercial messages shall never be deemed off-premises signs.

SECTION 6.61 POLE-MOUNTED BANNER CRITERIA

(1) **When permitted.** Pole-mounted banners shall only be permitted in civic, commercial, or mixed-use zoned areas for the limited purpose of brand identification or as a holiday decoration, provided the following conditions are met:

(2) **Master Sign Plan Required.** A master sign plan approved by city council is required for all pole-mounted banner programs, except those installed on city property by the city. Any additional pole-mounted banners, graphics, locations, or increase of sign square footage other than what has been previously approved by city council requires a new miscellaneous plan review approval. As part of the application process, the applicant must complete a detailed sign program to include:

- (a) A copy of a current site plan showing all the proposed locations where the pole-mounted banners are to be placed;
- (b) The light pole detail upon which the pole-mounted banner is to be located;
- (c) The pole-mounted banner's copy shall be limited to the name of the development, the development's logo, and the development's branding, which does not include any individual business name, tenant, or individual business' logo.
- (d) All graphic designs, variations, and/or seasonal sets of the banners must be provided for city council review and approval in accordance with the criteria set forth herein. City council may prescribe specific time periods during which a particular seasonal set of banners may be displayed if approval of more than one (1) set of banners is sought by the applicant.

(3) **Requirements.** The program must satisfy the following requirements:

- 1). Pole-mounted banners must be located on an existing light pole;
- 2). One (1) pole-mounted banner per light pole may be permitted;
- 3). Pole-mounted banners on light poles shall be two-sided with the identical design on each side;
- 4). Trees, palms, or shrubs shall not be pruned beyond the limits of the city codes or accepted maintenance standards in order to facilitate the placement of any banners;
- 5). Banners shall not interfere or block any existing or future traffic or pedestrian controls or signage;
- 6). Within twenty-four (24) hours of announcement of a tropical storm or hurricane watch by the National Hurricane Center, which places the city within the "3-day cone of probability" all pole-mounted banners shall be removed;
- 7). The city may require the removal of any pole-mounted banner should the city find that the pole-mounted banner is in a state of disrepair or is not being maintained appropriately with respect to

accepted maintenance standards (e.g., not faded, free from rips and tears, properly attached, un-tattered, and generally in a state of good repair). The applicant shall either remove or replace the banner within ten (10) calendar days of being noticed;

- 8). All poles holding or supporting pole-mounted banners shall require a building permit in order to verify the safety and wind loads of the banners;
- 9). Pole-mounted banners shall only be interior to a particular site or development and shall not be placed in an area immediately adjacent to a public right-of-way;
- 10). Light poles with pole-mounted banners shall be a minimum of fifteen (15) feet from the property line, and no portion of the pole-mounted banner shall extend into or be visible from a public right-of-way immediately adjacent to the property or development upon which such pole-mounted banners are located;
- 11). The minimum clearance of banners above the finished grade shall be eight (8) feet;
- 12). Non-rectangular pole-mounted banners shall conform only to the maximum banner area criteria providing that a minimum clearance of eight (8) feet above the finished grade is maintained;
- 13). Height limitation. A banner's highest point shall not exceed the highest point of the pole upon which it is mounted;
- 14). Banner size:

Height of Light Pole	Maximum Banner Area	Maximum Dimensions
20 to 25 feet	21 square feet	3 feet width by 7 feet length
Less than 20 feet	4.5 square feet	1.5 feet width by 3 feet length

SECTION 7. Codification: It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Westlake, Florida, and the sections of this ordinance may be re-numbered or re-lettered to accomplish such intentions, and the word “ordinance” shall be changed to “section” or other appropriate word.

SECTION 8. Effective Date: This ordinance shall be effective upon adoption on second reading.

PASSED this 17th day June, 2019, on first reading.

PASSED AND ADOPTED this 8th day July, 2019, on second reading.

City of Westlake
Roger Manning, Mayor

Sandra Demarco, City Clerk

Approved as to form and Sufficiency

Pam E. Booker, City Attorney