

**Council Members**

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



**City of Westlake**

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

**Council Meeting**

**Monday, August 26, 2019**

**Meeting Location**

**Westlake Council Chambers**

**4005 Seminole Pratt-Whitney Road**

**Westlake, FL 33470**

**6:30 p.m.**

*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.*

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4001 Seminole Pratt Whitney Rd.  
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Phone: 561-530-5880  
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Website: [westlakegov.com](http://westlakegov.com)



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August 21, 2019

City Council  
City of Westlake

Dear Mayor and Council:

The City Council of the City of Westlake will hold a special meeting on Monday, August 26, 2019 at 6:30 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 Agenda
4. Audience Comments on Agenda Items (3) Minute Time Limit
5. Resolution 2019-23, Setting the Second Public Hearing to Adopt the Budget and Final Millage Rate
6. Staff Presentation on Ordinance 2019-6, Establishing Mandatory Signage Design

**FIRST READING OF ORDINANCES**

7. Ordinance 2019-6, Establishing Mandatory Signage Design
8. Ordinance 2019-7, Establishing Mandatory Landscaping Design and Buffers
9. Manager's Report
10. Attorney's Report
11. Response Time Report from Palm Beach County Fire Rescue – Informational Only
12. Audience Comments on Other Items (3) Minute Time Limit
13. Council Comments
14. 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

## **Fifth Order of Business**

August 26, 2019

## RESOLUTION 2019-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, SETTING SEPTEMBER 23, 2019 AT 6:30 P.M. AT THE WESTLAKE COUNCIL CHAMBERS, 4005 SEMINOLE PRATT WHITNEY ROAD, WESTLAKE, FLORIDA AS THE DATE TIME AND PLACE FOR THE SECOND PUBLIC HEARING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

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**WHEREAS**, Florida Statute 200.065 (TRIM – Truth in Millage) requires all municipalities, within 35 days of receipt of the City’s certification of taxable value, to advise the Property Appraiser of an estimated millage rate to be included in the TRIM notice sent to each taxpayer; and

**WHEREAS**, an estimate and tentative millage rate should be proposed which would allow the City Council to meet Fiscal Year 2020 budgetary requirements; and

**WHEREAS**, Florida Statute 200.065 requires that a hearing date, other than that scheduled by the Palm Beach County Commission and the Palm Beach County School Board, be set by each municipality and be included in the TRIM Notice sent to each taxpayer; and

**WHEREAS**, on July 22, 2019 the City Council authorized the City Manager to send the Property Appraiser an estimated millage rate of 5.1250 mills for Fiscal Year 2020, and set the first budget public hearing at 6:30 p.m. on September 9, 2019 in the City Council Chambers, 4005 Seminole Pratt Whitney Road, Westlake, Florida 33470; and

**WHEREAS**, the City Council of the City of Westlake, Florida recommends the second public hearing date be set at 6:30 p.m. on September 23, 2019 in the City Council Chambers, 4005 Seminole Pratt Whitney Road, Westlake, Florida 33470; and

**WHEREAS**, the City Council retains full authority and discretion to reduce said millage rates in the adoption process.

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

**SECTION 1.** The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution.

**SECTION 2.** The City Manager was previously authorized to send to the Property Appraiser an estimated millage of 5.1250 mills, this is an estimate and constitutes the maximum millage and the actual rate approved may be lower.

**SECTION 3.** The second public hearing date is set at 6:30 p.m. on September 23, 2019 in the City Council Chambers, 4005 Seminole Pratt Whitney Road, Westlake, Florida 33470.

**SECTION 4.** That this Resolution shall become in full force and effect immediately upon its passage and adoption.

PASSED AND APPROVED BY the City Council for the City of Westlake, Florida, this 26<sup>th</sup> day of August 2019.

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Roger Manning, Mayor  
City of Westlake, Florida

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Sandra Demarco, City Clerk

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Approved as to Form  
Pam E. Booker, City Attorney

## **Sixth Order of Business**



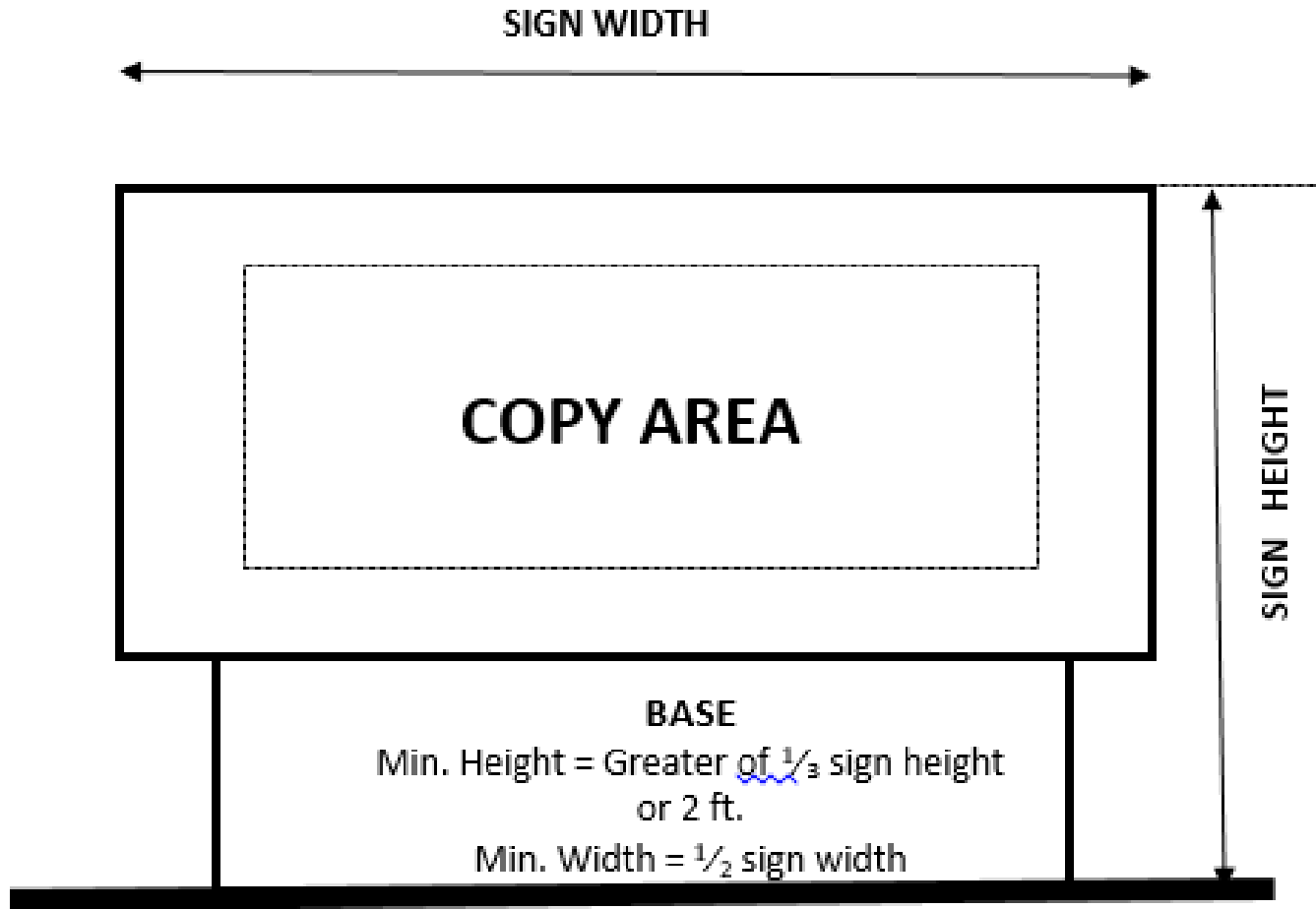
# CITY OF WESTLAKE

## CITY COUNCIL WORKSHOP Sign Code First Reading 8.26.19

# ADOPTION PROCESS

- ▶ Ordinance 2019-6 Establishing Sign Code
- ▶ LPA (Local Planning Agency) Reading - 9.9.19
- ▶ City Council: Two (2) Readings
  - ▶ First Reading - 8.26.19
  - ▶ Second Reading - 9.9.19





Height will be measured from max 12" above the Finish Floor Elevation of Closest Building

# City Entry Monument

Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
City Entry Monument	TBD	60 sq. ft.	1	2 per entrance to City	See Figure 6-2	Permitted only within 500 feet of the City boundaries at access points.



Figure 6-2

# Non-Residential Pod Entry Monument

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



Figure 6-3

# Residential Pod Entry Monument

Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Residential Pod Entry Monument	TBD	60 sq. ft.	1	2 per accessway	See Figure 6-4	For pod name only. Logos & graphics may not be larger than 30% of copy area occupied by text.

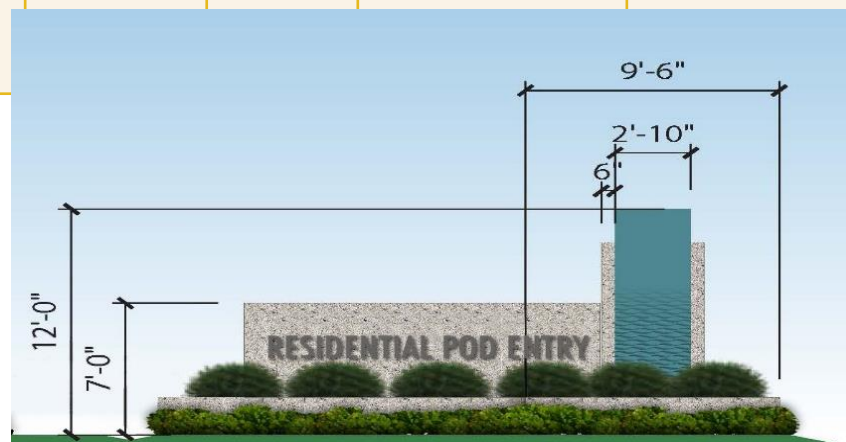


Figure 6-4

# Directional Signs on Private Property

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Additional Requirements
Directional Sign on Private Property	TBD	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.

# Ground Sign for Commercial Buildings

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Ground Sign for Commercial Buildings within Pod <sup>2</sup>	TBD	60 sq. feet	2	1 per access entry for lots with a minimum of 200 lineal feet of ROW. Plus 1 for each additional 700 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 or 2 ft. whichever is greater . Sign copy is prohibited on the base except for information as regulated by Temporary Signs Section. [See Sec. <b>12.B(9)c.</b> ] 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. Min. 10 feet setback from ROW. Min. distance of 60 feet required between ground signs. Address numbers must be a min. of 6 inches in height located above copy area .

# Tenant Specific Directional Signs

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Tenant-Specific Directional Sign	TBD	4 sq. ft.	2	Per approval As needed	Max. height: 4 ft.	Exempt from sign-base requirements. No advertising copy. Logos not more than 50% of copy area permitted by master sign plan only.



# Gas Station Price Signs

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Gas Station Price Signs	TBD	20 square feet	2	1	Maximum height: 8 ft. Maximum area: 80 sq. ft. including decorative elements	May be integrated into another ground sign. May include changeable copy. Electronic changeable copy for fuel pricing information permitted up to 50% of the sign copy area.





Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Menu Board for Drive-Through Facilities	TBD	20 square feet	2	2 per establishment	Height: 6 feet Width: None	<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>



# Ground Floor Permanent Canopy Sign

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions 1	Additional Requirements
Ground Floor Permanent Canopy Sign	TBD	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.



Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Canopy Directional signs for drive-through facilities	Nonresidential	3 square feet	1	1 sign per drive-through lane plus 1 "clearance height sign"		<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>



# Enter and Exit Signs

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Enter and Exit Signs	TBD	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>



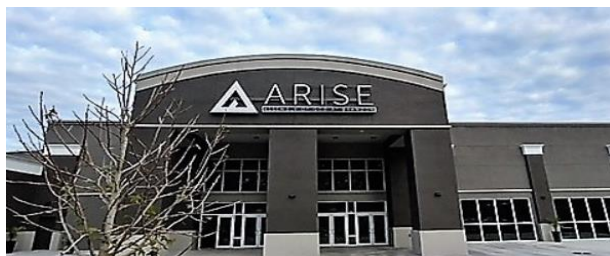
# Projecting ID Signs

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Projecting ID Signs		6 square feet	2	1 per tenant	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>



# Wall Signs for Principal Structures

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Wall Sign for Principal Structure or Building Identification or Principal Tenant		90 square feet	1	One set of 2 signs [Principal Structure or Building name and Principal Tenant name] on façade(s) fronting ROW	N/A	<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 and 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>



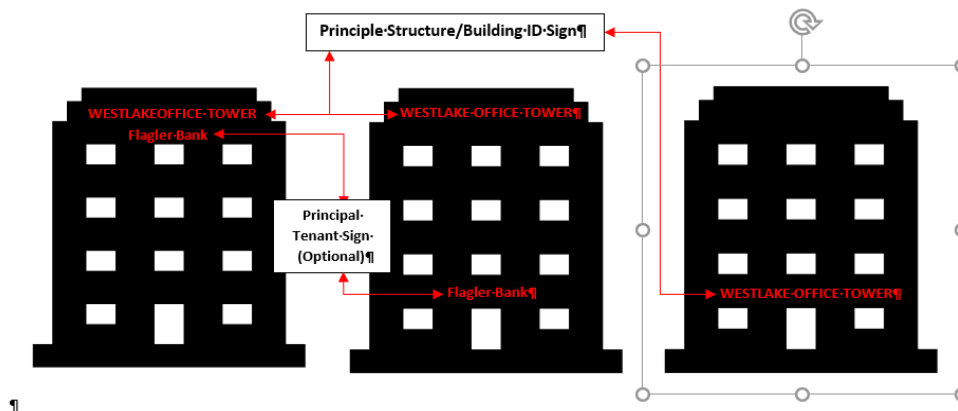
# Wall Signs for Multiple Tenant Office Buildings

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Wall Signs for Multi-Tenant Office Buildings with Common Entrance	None	-	-	-	-	Signage limited to Principal Structure or Building Identification and/or Principal Tenant only. Individual tenant signs prohibited.



# Wall Sign for Ground Floor Uses

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Wall Sign for Ground Floor Uses with Separate Entrances at Ground Level	TBD	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

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Window Signs	TBD	Maximum 20% of each glass window or glass door area.	1	None	None	<p>Signs allowed in ground floor windows/doors only.</p> <p>All sign materials must be permanent: paper, cardboard, cling film, etc., are prohibited except as provided in section 12, temporary signs.</p> <p>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 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>



# Menu Signs (Wall Mounted)

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Menu Sign (Wall-Mounted)	TBD	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

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Building Directory Sign	TBD	18 square feet	1	1 per building	Height: 6 feet Width: None	<p>2 or more buildings on same parcel or development.</p> <p>Internal illumination only.</p> <p>Located within a 25-foot radius of main entry to building.</p> <p>May be a changeable copy sign.</p> <p>Shall be placed in landscaped area.</p> <p>Vehicle pull-off may be required.</p>



# Time and Temperature Sign

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>s1</sup>	Additional Requirements
Time and Temperature Sign	TBD	Not more than 25% of total sign area	1	Permitted only as part of a wall or flat sign.	None	Only time and temperature may be displayed. Size to be included within overall size of principal sign.



# Changeable Copy/Digital Display Sign

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions 1	Additional Requirements
Changeable Copy/Digital Display Ground Sign <sup>2</sup>	Public/Institutional	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.



# Pole Mounted Banner

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Pole-mounted Banner	Commercial and/or Mixed Use and/or Public Institutional	21 square feet	2	1 per light pole and/or pedestrian pole.	3 feet width by 7 feet length	Meet all requirements in section 14.



# Wrap Signs

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sub>1</sub>	Additional Requirements
Wrap Signs	TBD	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	Permitted only on permitted sign types. Wrapping prohibited on ATMs, Gas Pumps, Poles, etc.





**THANK YOU!**



## **Seventh Order of Business**

1<sup>st</sup> Reading August 26, 2019  
2<sup>nd</sup> Reading September 9, 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 "SIGNS", PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

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**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 the same is now the effective and controlling Comprehensive Plan for the City of Westlake ("Comprehensive Plan"); 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

### Section 1: General Provisions

**Section 6.1 Application.** 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.

**Section 6.2 Purpose and Intent.** The purpose of this division is to create the legal framework for a comprehensive and balanced system of signage 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 division to enable the fair and consistent enforcement of these sign regulations and to promote the implementation of the city's comprehensive future land use plan. Additionally, it is the intent of this division 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.
- C. Preservation of community's beauty.** The City of Westlake shall include numerous planned developments with large landscaping buffers consisting of small and large office, retail, residential, and industrial uses, and relies heavily on its natural surroundings and beautification efforts to retain the city's economic viability. This concern is reflected by the active and objective regulation of the appearance and design of signs.
- D. 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 for signage in the City of Westlake in order to preserve and protect the public health, safety, and welfare.
- E. 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 city's regulations. Signs or sign structures erected without a valid permit shall be deemed in violation of this chapter, and it shall be mandatory to obtain the applicable permit or remove the sign or sign structure immediately.
- F. Severability where less speech results.** The city council specifically intends that severability shall be applied to these sign regulations even if the result would be to allow less speech in the city, whether by subjecting currently exempt signs to permitting or by some other means. Severability shall apply to Prohibited Signs and Prohibited Sign Locations so that each of the prohibited signs types listed in that section shall continue to apply to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or

invalid. Severability shall also apply to Off-Premises signs should a court of competent jurisdiction declare any provision of the unconstitutional or invalid.

**Section 6.3 Definitions** For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**A-Frame Sign.** 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.

**Abandoned Sign.** 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.

**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.

**Animated Sign.** 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.

**Awning.** An awning is comprised of a lightweight, rigid or retractable skeleton over which an approved cover is attached.

**Awning Sign, Canopy Sign, Roller Curtain Sign or Umbrella Sign.** Any sign painted, stamped, perforated, or stitched on the surface area of an awning, canopy, roller curtain or umbrella.

**Awning Sign** A sign painted on, printed on or attached flat against the surface of the awning. An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached.

**Banner Sign.** 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.

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

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

**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, 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.

**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.

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

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

**Directional Signage (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.

**Directional Signage (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.

**Electric Sign.** Any sign containing electric wiring.

**Flashing Sign.** 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.

**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 or two feet minimum. 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.

**Harmful to Minors.** With regard to sign content, any description or representation, any non-erotic word or picture, 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.

**Height of a sign.** The height of a sign shall be measured as the vertical distance from the 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.

**Human Sign.** Any sign or any form of commercial message held by, worn or attached to a human or character (animated, costumed, 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.

**Identification Monument(s)** have a solid base that the location identification is installed upon. These monument(s) should be designed so that the style of the monument and its base are consistent with the architecture of the buildings on the site. This definition shall include residential pod entry monuments, non-residential pod entry monuments and City entry monuments. Monuments shall be prohibited as set forth herein (sections 6.12)

**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.

**Interior Sign.** A sign inside a building that is not attached to a window or door and that is not visible from the exterior of the building.

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

**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 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.

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

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

**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, 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). 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.

**Neon Signs.** Electric signs lighted by long luminous gas-discharge tubes that contain rarefied neon, inert gas or other gases and is visible from outside of a building.

**Non-commercial Sign.** Any sign which does not meet the definition of a commercial sign.

**Non-conforming Sign.** A sign existing at the effective date of the adopting of this chapter which could not be built under the terms of this chapter.

**Non-conforming Sign.** 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.

**Off-site Sign.** 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.

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

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

**Off-site or Off-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.

**Parasite Sign.** Any sign which is hung from, attached to, or is 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.

**Permit Board.** A temporary 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 Mounted Banner.** A freestanding sign made of cloth, fabric, paper, non-rigid plastic or similar type of material which is supported by one (1) or more poles, posts, columns, pyramids, street poles, light poles or other extensions from ground level.

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

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

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

**Real Estate Sign.** 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.

**Right-of-way Banner Sign.** 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.

**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.

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

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

**Snipe Sign.** 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.

**Special Event(s) Signs.** A temporary sign used to notify the public that a special occasion, a civic, patriotic, or special event of public interest is taking place.

**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.

**Temporary Sign.** A sign installed for a limited amount of time, intended to advertise community events, civic projects, political candidacy, political issues, real estate for sale or lease or other special events, 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.

**Tiara Sign** 3-D letter sign(s) attached to an awning.



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

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

**Vehicle Signs.** 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.

**Wall Sign (flat wall sign).** A sign installed, attached, or otherwise affixed parallel to the wall or façade of a building.

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

**Section 2: NONCONFORMING SIGNS**

**Section 6.5 (1) Retention of Existing Signs.** Every legal sign existing and lawful as of July 31, 2019, and which is a type of sign not permitted in this chapter or is not consistent with the requirements of this chapter shall conform to the requirements of this chapter within two years.

(2) **Annexation.** Signs on property annexed into the City are subject to the following requirements. Any permanent sign existing on property annexed into the city, that does not conform to the requirements of this chapter, but were lawful at the time of annexation, shall be removed, or otherwise brought into compliance, no later than two (2) years from the date the property is annexed into the city.

(3) **Temporary Non-Conforming Signs.** 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 6.6 Removal of Nonconforming Signs.** All nonconforming signs shall be removed immediately by the property owner.

(1) **Existing Residential Signs.** All existing residential pod entry signs approved by the city council are exempt from these provisions.

(2) **Certain Nonconforming Signs.** Signs made nonconforming by sign regulation revisions are subject to the nonconforming structure provisions of chapter 6, Section 6.7.

**Section 6.7. Amortization.** The time period provided in this chapter is three years 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.

**Section 6.8. Permits Required, Fees, and Revocation**

**A. 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 permit and paying the required fee where a building permit is required.

**B. 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.

**C. 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 enforcement officers shall re-inspect all signs erected within the city as often as deemed necessary.

**D. 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 6.9. Master Sign Plan

**Section 6.9 Master Sign Plan.** The City Council, at the time of development order or site plan approval or amendment, may waive one or more of the requirements of this chapter as part of a master sign plan.

(A) 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.

(B) The Planning and Zoning Director may require any development order application for a PD, Civic, 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.

(C) The master sign plan shall indicate location, number, size, font, color, type of sign, 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 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, dimensions, color, style, material, and copy 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 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 the requirements of this Chapter.

(D) 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.

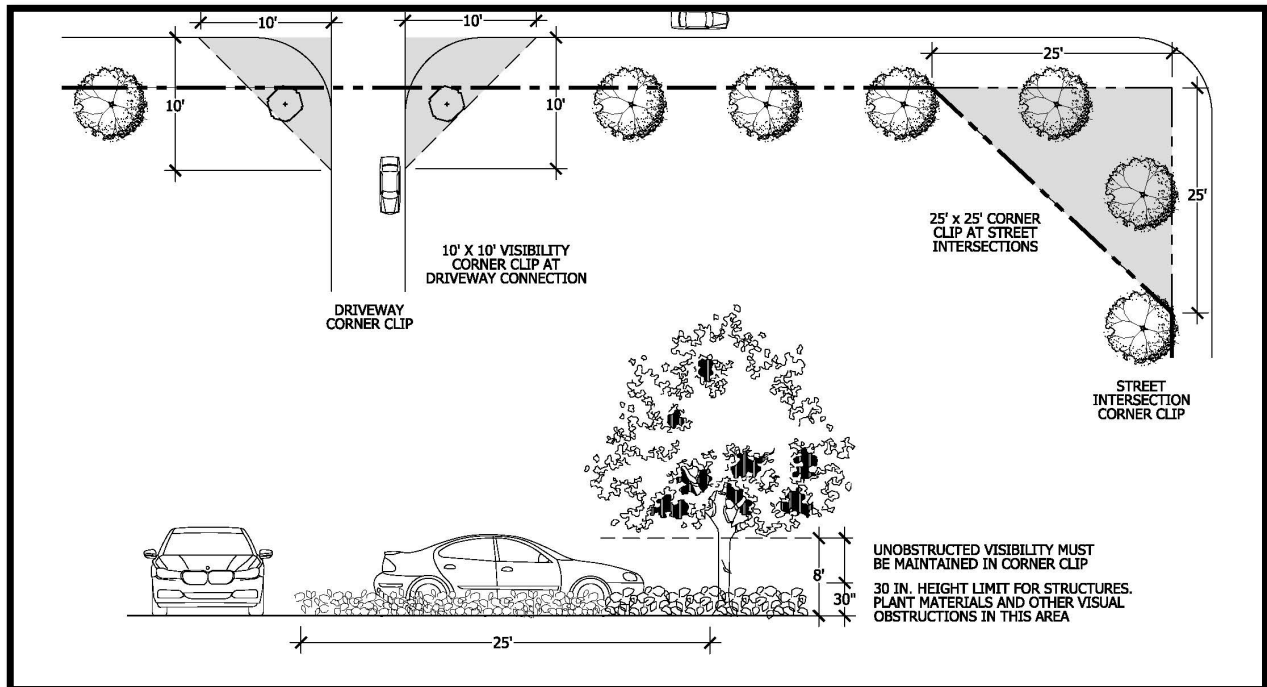
#### **Section 6.10. Removal of Signs**

- A. 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.
- B. 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 chapter. If the sign is not removed, repaired, or otherwise altered to comply, the building official is authorized to cause the necessary removal or improvements 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.
- C. Owner to be charged for cost of removal by city.** When the city has caused or paid for the removal of a sign, any expense associated with the sign 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 6.11. Obstructions** Signs shall not be erected, installed, constructed, attached, or maintained so as to serve as an obstruction as noted below.

- A. 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.
- B. 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.
- C. 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 cost of such removal shall be borne by the parties responsible for the installation.
- D. Other Governmental Agencies.** Other governmental entities which have jurisdiction and 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.
- E. Visibility Triangles (Corner Clips).** A sign shall not be placed in such a manner as to obscure sight lines within a visibility triangle at the intersection of two (2) roads or a road and a private driveway in accordance with the city's intersection regulations in **Section----in the Parking Code.**

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. The visibility triangle at the intersection of



a road and a private driveway shall extend 10 feet by 10 feet, as illustrated in Figure 6-1. The visibility triangle at the intersection of two roads shall be 25 feet, as illustrated in Figure 6-1.

Figure 6-1 Visibility Triangle

**Section 6.12 PROHIBITED SIGNS AND PROHIBITED SIGN LOCATIONS**

**Section 6.12. General.** The signs described below, unless otherwise provided in this section, are prohibited and shall not be installed or constructed within the city.

**Section 6.13. Off-Premise Signs.** Off-site or off-premises signs are prohibited, unless approved for a Master Sign Program which shall be approved by the City Council or unless placement of the sign is authorized by the owner of the property on which the sign will be placed, and the sign is reasonably intended to inform as to the location or existence of a residential community, commercial business, commodity, service, product, or activity not otherwise visible from the road adjacent to the proposed sign. Off-site or off-premises signs are signs that direct attention to a residential community, commercial business, commodity, service, product, or activity not conducted, sold, offered, or available on the premises where such sign is located, the copy of which may be intended to be changed periodically.

**Section 6.14. 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 6.15. 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 6.16. 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 6.17. Prohibited Illumination.** Illumination of signs utilizing flashing, intermittent, rotation, revolving, oscillating techniques is prohibited.

**Section 6.18 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) Murals;
- (4) Painted wall signs;
- (5) Signs created by illumination or shadow casting;
- (6) Changeable copy signs, with the exception of the following, which may be displayed as set forth in this division:
  - a. Gasoline price signs located on pump islands or on monument signs;
  - b. Menu pricing signs;
  - c. Building directory signs; and
  - d. Ground signs for government uses, public/private schools, and colleges/universities located in public/institutional zoning districts;
  - e. Performing Arts and Movie Theater Marquee signs.
- (7) Portable signs;
- (8) Balloons, balloon signs, or inflatable shapes or figures with or without copy;
- (9) Copies or imitations of official signs;
- (10) Beacons or searchlights;
- (11) Signs attached to an accessory structure;
- (12) Signs which emit sounds;

- (13) Exposed neon tubing, neon signs, and LED signs that emulate the general appearance of traditional neon signs, except as provided in Section 9, Illumination.
- (14) Signs which emit visible smoke, vapor particles, or odor;
- (15) Sandwich board, "A"-frame, and pole signs, except as otherwise provided herein;
- (16) Signs which express obscene, pornographic, or illegal messages or material, or signs harmful to minors;
- (17) 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;
- (18) Signs placed upon benches, bus or transit shelters, or waste receptacles, unless specifically approved by the city council;
- (19) Signs and sign structures which are not properly maintained or have been abandoned;
- (20) Parasite signs;
- (21) Roof signs with the exception of parapet signs on permanent ground floor canopies.
- (22) Box Signs
- (23) Cabinet Signs; and
- (24) Any other sign, device, or equipment not specifically permitted by this division.

**Section 6.20 Permitted Signs**

Permanent signs shall be permitted as indicated in **Table 6-1**.

**Table 6-1 Permitted Signs**

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

Figure 6-2: City Entry Monument

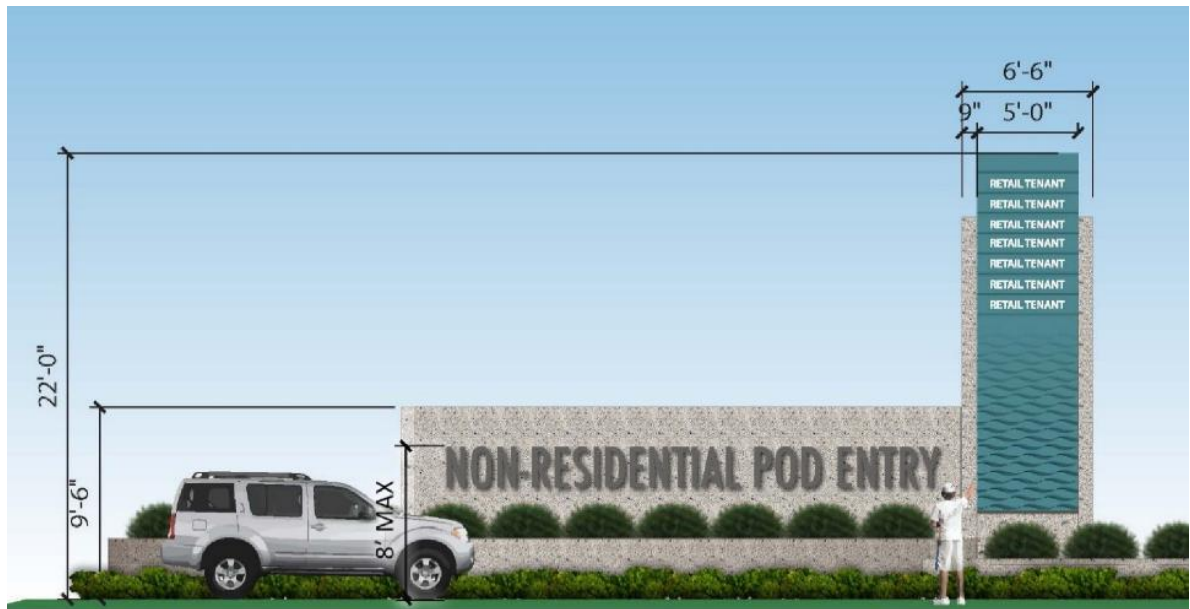


Table 6-1 Continued

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



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 <sup>1</sup>	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 <sup>1</sup>	Additional Requirements
<b>Alternate Residential Pod Entry Monument</b>	60 sq. ft.	1	1 per Pod	See <b>Figure 6-4</b>	By master sign plan application only. Permitted only in lieu of 2 Pod Entry Monuments Minimum 80 ft. setback from nearest property line. May include Pod Name only. Graphics and Logos Prohibited.

Figure 6-4: Alternate Residential Pod Entry Monument Measurements

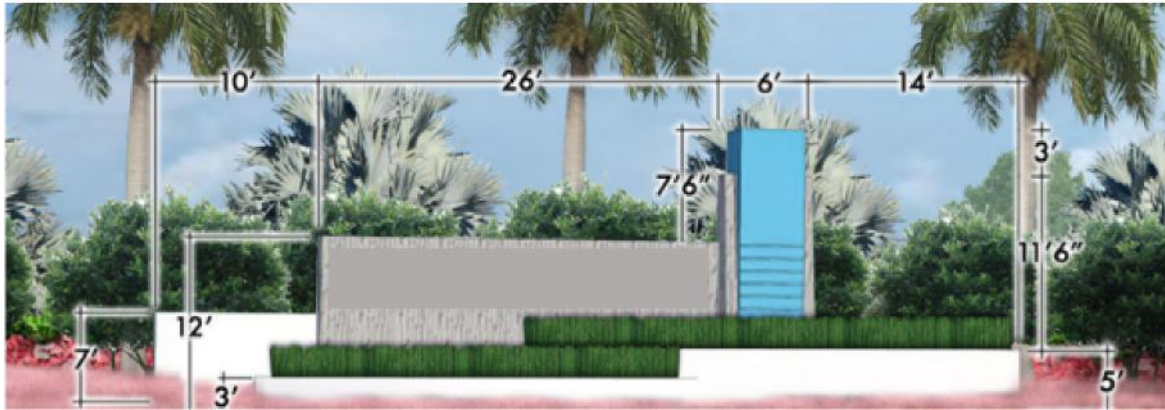


Figure 6-5: Alternate Residential Pod Entry Monument View



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	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 20% of the copy area.

Figure 6-6: Directions Sign in Public ROW



Figure 6-5

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

Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Ground Sign for Commercial Buildings within Pod <sup>2</sup>	60 square feet	2	1 per access entry for lots with a minimum of 200 lineal feet of ROW.	Height: 8 feet Width: 15 ft. (Dimensions include base) Min. sign width must	Requires solid base with a height equal to at least 30% of overall sign height or 2 ft. whichever is greater. Sign copy is prohibited on the base except for information as regulated by

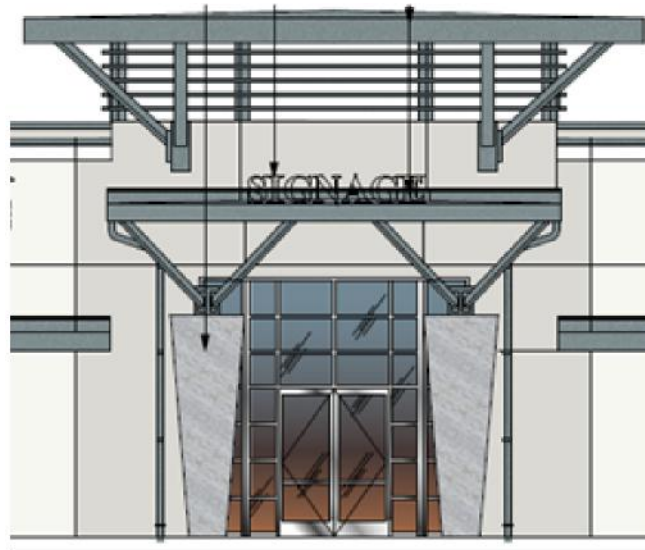
			Plus 1 for each additional 700 lineal feet of ROW.	equal 50% of sign height. Maximum area 120 sq. ft. including decorative elements.	<p>Temporary Signs Section. [See Sec. 12.B(9)c.]</p> <p>Sign copy not to exceed building identification and/or six (6) tenants (not including leasing information) per sign face.</p> <p>Min. 4-inch letter height, including lowercase letters.</p> <p>Min. 10 feet setback from ROW.</p> <p>Min. distance of 60 feet required between ground signs.</p> <p>Address numbers must be a min. of 6 inches in height located above copy area.</p>
<b>Tenant-Specific Directional Sign</b>	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 not more than 50% of copy area permitted by master sign plan only.</p>

Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
<b>Gas Station Price Signs</b>	20 square feet	2	1	Maximum height: 8 ft.	May be integrated into another ground sign.

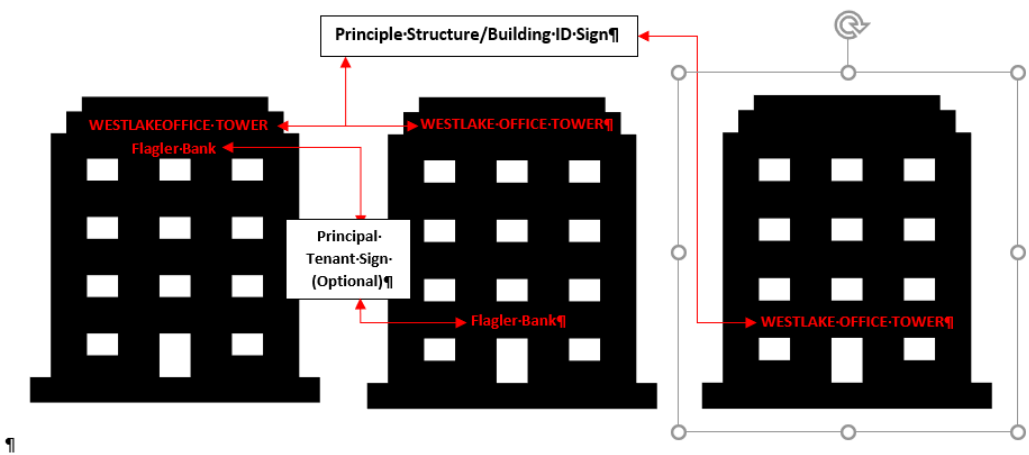
				Maximum area: 80 sq. ft. including decorative elements	May include changeable copy. Electronic changeable copy for fuel pricing information permitted up to 50% of the sign copy area.
<b>Menu Board for Drive-Through Facilities</b>	20 square feet per board	2	2 per establishment	Height: 6 feet Width: None	For menu/price information only. Internal illumination only. May include manual or electronic changeable copy. May have remote or electronic communication service. Exempt from landscaping and irrigation requirements.
<b>Canopy Directional signs for drive-through facilities</b>	3 square feet	1	1 sign per drive-through lane plus 1 "clearance height sign"		Must be located on drive-through canopy. Max. letter height: 8 inches. Uniform type, style, color, material, and shape, etc. Must be compatible with building style.

Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
<b>Ground Floor Permanent Canopy Sign</b>	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: Ground Floor Permanent Canopy Sign



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
<b>Enter and Exit Signs</b>	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>
<b>Projecting ID Signs</b>	6 square feet	2	1 per tenant	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>



<sup>1</sup>



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
<p><b>Wall Sign for Principal Structure or Building Identification or Principal Tenant</b></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 and 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><b>Wall Signs for Multi-Tenant Office Buildings with Common Entrance</b></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><b><i>Individual tenant signs prohibited.</i></b></p>

Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
<b>Wall Sign for Residential Building Identification</b>	16 square feet	1	1 front façade 1 rear facade	N/A	
<b>Wall Sign for Ground Floor Uses with Separate Entrances at Ground Level</b>	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.
<b>Window Signs</b>	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 window/door shall be considered a window sign.  Nonresidential multi-tenant uses shall submit a master sign plan application that includes all window signs and non-advertising window markings.

Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
<b>Menu Sign (Wall-Mounted)</b>	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>
<b>Building Directory Sign</b>	18 square feet	1	1 per building	<p>Height: 6 feet</p> <p>Width: None</p>	<p>2 or more buildings on same parcel or development.</p> <p>Internal illumination only.</p> <p>Located within a 25-foot radius of main entry to building.</p> <p>May be a changeable copy sign.</p> <p>Shall be placed in landscaped area.</p> <p>Vehicle pull-off may be required.</p>
<b>Changeable Copy/Digital Display Ground Sign<sup>2</sup></b>	60 square feet	2	1	<p>Height: 10 feet</p> <p>Width: 15 feet</p> <p>(Dimensions include base)</p> <p>Min. sign width must equal 50% of sign height.</p>	<p>Only allowed for government uses, public/private schools, and colleges/universities in public/institutional zoning districts, and places of worship in permitted districts.</p> <p>Requires solid base not less than three feet high w/out sign copy.</p> <p>Min. 15 feet setback from ROW.</p> <p>Min. 50 feet setback from non-ROW property lines.</p>

Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
<b>Pole-mounted Banner</b>	21 square feet	2	1 per light pole and/or pedestrian pole.	3 feet width by 7 feet length	Meet all requirements in Section 14.
<b>Wrap Signs</b>	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	Permitted only on permitted sign types. Wrapping prohibited on ATMs, Gas Pumps, Poles, etc.

<sup>1</sup>Height measured from average grade unless otherwise noted.

<sup>2</sup>Ground sign must be landscaped as provided below.

- a. Front: minimum width shall be not less than ½ the height of the sign.
- b. Side: minimum width shall be not less than ½ the height of the sign.
- c. Rear: minimum width shall be two feet.

**Abbreviations**

**SPW** = Seminole Pratt Whitney Road

**ROW** = Public road right-of-way

**Section 6.30. Illumination**

**Section 6.31. Permitted Illumination**

(A) **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

Planning and Zoning Director may require photometric or other studies to ensure sign lighting will not adversely affect the public health, safety, and welfare.

(B) **Illumination of temporary signs prohibited.** Illuminated 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 10:00 pm each night.

(C) **Neon Signs.** Neon signs with exposed tubes are permitted within a building, provided such signage is not visible from a public right of way.

(D) **Permitted Neon Signs.** Any 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 areas is three (3) square feet or less.

(E) **Wall Signs:** Only backlighting with opaque lettering and permanently fixed and encased face lighting from below the sign surface shall be permitted in residential zoning districts.

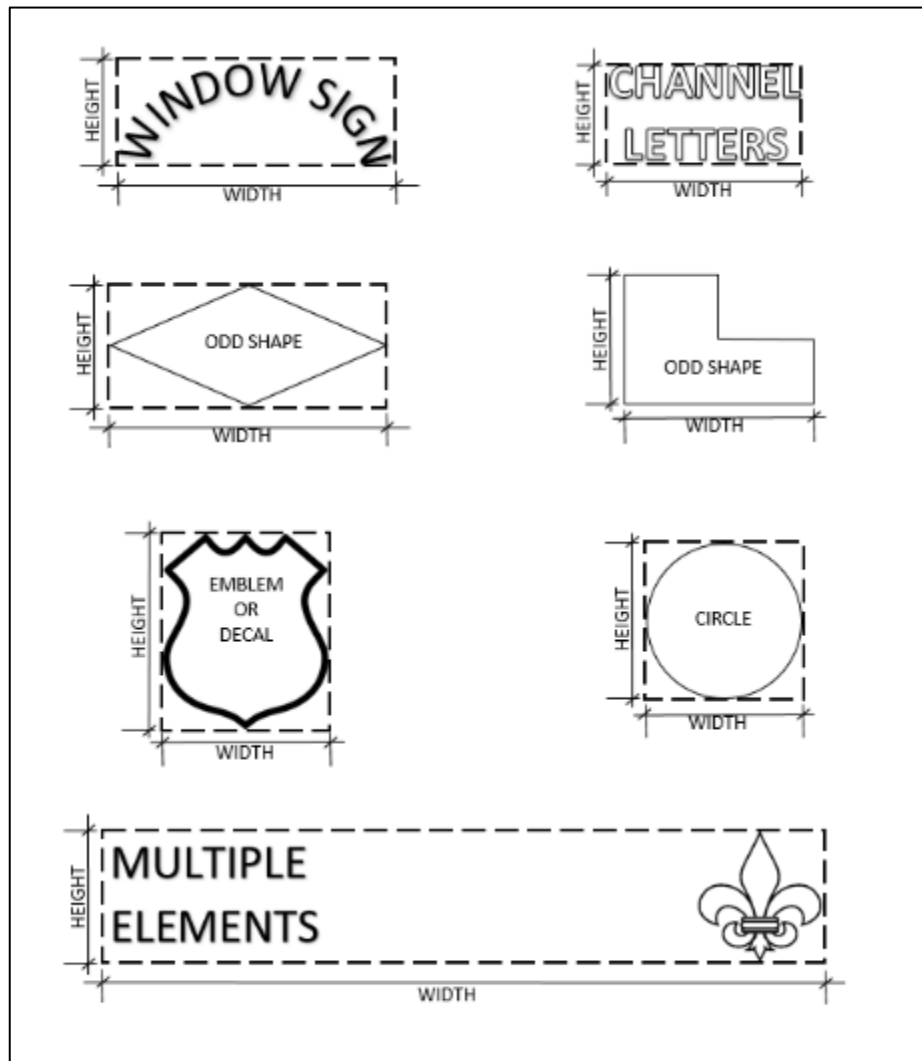
(F) **Flags. Flags.** Not more than two (2) flags and two (2) flag poles shall be located on any single property. Flag poles shall not exceed twenty-five (25) feet in height. One (1) flag per pole is permitted. The area of a flag shall conform to the requirements listed below. The setback for a flag 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.

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 pole, whichever is less
20 to 25 feet	40 square feet	5 feet by 8 feet	Equal to height of pole

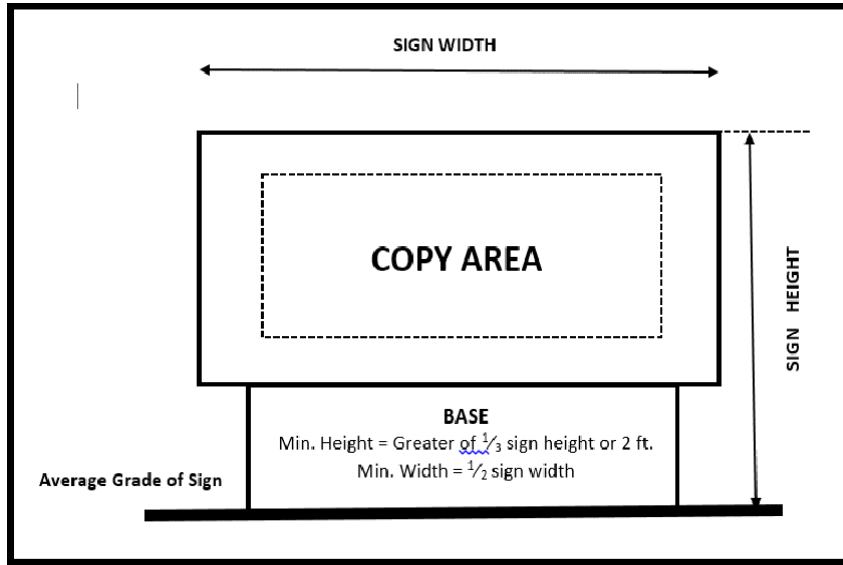
**Section 6.33 Calculation of Sign Copy Area**

(1) **Sign Copy area.** Sign copy area shall be calculated as illustrated in Figure 6-10. 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-\_\_10



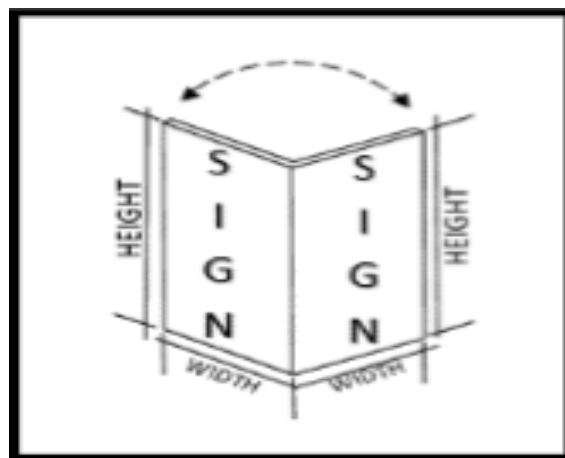
- (2) **Ground Sign Measurement.** Ground signs shall be measured as illustrated in Figure 6-\_\_\_\_\_.



Height will be measured from max 12" above the Finish Floor Elevation of Closest Building

- (3) **Multi-faced signs.** The number of sign faces shall be calculated as indicated below and in Figure 6-\_\_\_\_\_.
- (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 two (2) sign faces.
  - (c) The sign copy area of a multi-faced signs is calculated based upon 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.
- (4) **Height and Width Measurements for Multi-Faced Signs.** The sign area shall be calculated as the combined total of the product of the height x width of each face.  $A = 2(h \times w)$  [See Figure-----]

Figure 6-\_\_\_\_\_



**Section 6.34 Exempt Signs**

- A. The signs listed below are permitted signs and are exempt from the requirements of this chapter.
  - A. **Mailboxes.** Roadside mailboxes.
  - B. **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.
  - C. **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.
  - D. **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.
  - E. **Interior signs.** Signs located within a building and not visible from a public right-of-way.
  - F. **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.
  - G. **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.
    - 1. 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.
    - 2. 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 6.35 Permitted Temporary Signs**

**Section 6.36 Permitted Temporary Signs.** Temporary signs allowed within the city are listed in

Table 5-2.

**Table 5-2 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	None	None	Residential–1 sign per Residential parcel.



	<p><i>Nonresidential</i>– As specified in Table 5-1</p>			<p><i>Nonresidential</i>–1 sign per <i>Nonresidential</i> parcel.</p> <p>Sign may be installed in lieu of any permitted <i>Nonresidential</i> sign.</p> <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>
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Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
<b>Political*</b>	<p><i>Residential</i>: 6 square feet</p> <p><i>Nonresidential</i> al: 32 square feet</p>	<p><i>Residential</i>– Not more than 30 days prior to the election to which it relates.</p> <p><i>Nonresidential</i> –Same as <i>Residential</i>.</p>	<p><i>Residential</i>–7 days after the election</p> <p><i>Nonresidential</i>–7 days after the election</p>	<p><i>Residential</i>–1 sign per candidate or issue per <i>Residential</i> parcel.</p> <p><i>Nonresidential</i>–1 sign per candidate or issue.</p> <p><i>Nonresidential</i>–1 sign per 200 linear feet of street frontage.</p> <p>A minimum of 1 sign per property allowed.</p> <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>
<b>Sale: Residential Open House*</b>	6	Day open house begins	Day open house closes	

<b>Sale: Nonresidential Open House</b>	16	Day open house begins	Day open house closes	
<b>Nonresidential Sale, Rental or Lease of Building or Portion of Building</b>	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>
<b>Type of Sign</b>	<b>Maximum Size (Square Feet)</b>	<b>Earliest Installation Date</b>	<b>Final Removal Date</b>	<b>Notes and Remarks</b>
<b>Development Sign</b>	32'	When complete development order application filed with city	On receipt of first certificate of occupancy	
<b>Project Suppliers/Trades</b>	32	On receipt of building permit	On receipt of final certificate of occupancy	No more than 2 signs shall be permitted at one time.
<b>Signage on Construction Barrier Fence</b>	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
<b>Murals and Other Decorative Elements on</b>	15% of total barrier area	On receipt of construction fence permit	On receipt of Final Certificate of Occupancy	May not contain any rendition of development or element of development

<b>Construction Barrier Fence</b>				
<b>Grand Opening/Project Opening/New Businesses</b>	32	7 days before event	10 days after opening or event	May be permitted as a banner.
<b>Outparcel/Phase Opening</b>	32	7 days before opening	10 days after opening	
<b>Special Event Signage</b>	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. 1 per property allowed. May be permitted as a banner.
<b>Special Event Directional Signage</b>	4	Day before event	1 day after event	May be located off-site. May be located on private property w/ owner's written permission
<b>Special Sale for Profit</b>	16	7 days prior to event	1 day after event	Maximum 4 per calendar year per project.
<b>Type of Sign</b>	<b>Maximum Size (Square Feet)</b>	<b>Earliest Installation Date</b>	<b>Final Removal Date</b>	<b>Notes and Remarks</b>
<b>Right-of-way Banner</b>	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.
<b>Name-Change Ground Sign Covering</b>	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.
<b>School/Day Care/Nursery</b>	32	30 days before registration	14 days after registration	Max. 3 per calendar year. May be permitted as a banner.
<b>Garage Sale*</b>	12	1 day before sale	Close of the day of sale	1 on-site sign
<b>Construction Entrance</b>	16	Issuance of land clearing, land alteration, or building permit.	On receipt of final certificate of occupancy	
<b>Menu Sign (Free-Standing)</b>	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 when restaurant closed.
<b>Valet Parking Signs</b>	6 square feet Height: 4 feet Width: None	2 hours prior to business opening each day.	2 hours after business closing each day.	1 sign per establishment. May be 2-sided. May not be visible from a public right-of-way. Notwithstanding Subsection (b)(4) above, such signs may be affixed to a valet kiosk. Valet sign permits shall not be transferrable.
<b>Human Signs (or Living Signs)</b>	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.

**Section 6.37 Permit.** A City temporary sign permit is required for all temporary signs except those exempt as shown in **Table 5-2**. Applicable application fees shall be paid with each application. Signs not approved by the city are subject to immediate removal by the city, at the expense of the owner.

**Section 6.38** Temporary signs shall comply with the standards listed below.

- (1) **Illumination and/or Animation.** Temporary signs shall not be illuminated nor shall they incorporate any of the characteristics set forth in **Section 7.E**
- (2) **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.
- (3) **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.
- (4) **Permitted Sign Types.** Only pole, sandwich-board or A-frame type signage, or human signs shall be used for temporary signs.
- (5) **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.
- (6) **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.
- (7) **Maintenance.** All signs shall be kept in good condition, present a neat appearance, and be maintained free of debris, stains, mold, discoloration, or deterioration.
- (8) **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.
- (9) **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.
- (10) **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.
- (11) **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 following criteria:
  - i. **Size.** Maximum square footage of the sign face is sixteen (16) square feet, for parcels 2 acres or less. Parcels greater than 2 acres, the maximum square footage is (24) 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 one-half-inch plywood backing. 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.

#### **Section 6.40 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 section. 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 6.41 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 6.42 Pole-Mounted Banner Criteria**

**Section 6.43 Criteria to Permit.** 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:

- (1) **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.
- (2) **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 4. Waivers:** The application of this part may be waived by the City Manager or designee where such waiver would be in the best interests of the City of Westlake.

**Section 5. 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. 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 7. Effective Date:** This ordinance shall be effective upon adoption on second reading.

**PASSED** this 26<sup>th</sup> day August, 2019, on first reading.

**PASSED AND ADOPTED** this 9<sup>th</sup> day September, 2019, on second reading.

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City of Westlake  
Roger Manning, Mayor

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Sandra Demarco, City Clerk

Approved as to form and Sufficiency

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Pam E. Booker, City Attorney

## **Eighth Order of Business**

1<sup>st</sup> Reading August 26, 2019  
2<sup>nd</sup> Reading September 9, 2019

**ORDINANCE NO.2019-7**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING MANDATORY LANDSCAPING DESIGN AND BUFFERS WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR LICENSING AND TRAINING OF APPLICATORS OF FERTILIZING; WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED “LANDSCAPING AND BUFFERS”, PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERALABILITY, AND PROVIDING AN EFFECTIVE DATE.**

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**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 now the effective and controlling Comprehensive Plan for the City of Westlake (“Comprehensive Plan”); and

**WHEREAS**, the purpose of this ordinance is to promote the health, safety, welfare, and well-being of the community establish rules, regulations and guidelines regarding the protection of existing vegetation; the installation of landscaping; and the maintenance and management of all vegetation including, but not limited to, trees, shrubs, plants and ground cover, within the corporate limits of the City of Westlake, and

**WHEREAS**, guidelines are required for landscape materials and buffer requirements for all new development, redevelopment and expansion of existing developments in a manner that will promote the health, safety, welfare, and well-being of the community and,

**WHEREAS**, the City of Westlake recognizes the need for the protection of water as a natural resource through the application of Florida-Friendly Landscaping practices; and

**WHEREAS**, Florida-Friendly Landscaping promotes the conservation of water by the use of site adapted plants and efficient landscape irrigation systems and watering practices, which may, in turn, result in long-term reductions in the use of fertilizers, pesticides, energy, maintenance, and the associated costs; and

**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. Establishment of Landscape and Buffer Code:** The Code of Ordinances for the City of Westlake shall contain an Article entitled “Landscape and Buffer Code” which code shall contain the provisions as specifically set forth herein.

## Article 4

### Article I

**Section 4.1 Purpose:** This ordinance is based on concepts of Florida-Friendly Landscaping and the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries. The purpose of these regulations is to establish minimum standards for the development, installation, and maintenance of Florida-Friendly landscapes without inhibiting creative landscape design, construction or management. To assist in designing the landscape so that plants serve a number of functions, including, but not limited to, cooling, privacy screening, shade, aesthetics, runoff pollution prevention, vegetative buffers for landscape beds, filtration buffers for runoff, and directing traffic flow onto and within the Community. In addition to Florida-Friendly Landscaping design and maintenance practices, this Ordinance regulates the proper installation and maintenance of efficient landscape irrigation systems, the use of fertilizers by any applicator, and establishes training and licensing requirements for Commercial and Institutional Fertilizer Applicators.

**Section 4.2 Applicability.** The requirements of this Article apply to all new development, redevelopment, or expansions of existing development, whether public and private, in the City, unless otherwise exempted.

**Section 4.3 Exemptions.** These requirements of this Article do not apply unless it is explicitly stated that a requirement in this Article applies to single-family dwelling, or single family attached with 3 units or less dwellings.

**Section 4.5 Waivers.** Landscape requirements may be waived by the City Manager or designee if:

- A) A waiver is necessary to implement the design intent and the purpose of the landscape requirement is substantially fulfilled.
- B) A waiver is necessary due to circumstances unique to the property.
- C) A waiver is necessary due to conflicts with utilities and other essential facilities and services, and alternative landscaping is proposed to satisfy the purpose of the requirement to the extent practicable.
- D) The proposed deviation results in an aesthetic enhancement or creative design solution and the intent of the landscape requirement is satisfied by the proposed design.
- E) The proposed deviation provides alternative compatibility techniques, including but not limited to one or a combination of the following: architectural features, building placement, setbacks, berms, and landscaping, that have the same effect as perimeter or right-of-way landscape and promote mixed use and walkability.

**Section 4.6 Graphics.** The graphics in this Article are demonstrative and not regulatory.

### Article II Landscape Plan

**Section 4.10 Landscape Plan.** A landscape plan shall be submitted, reviewed and approved by the City Manager or designee at time of site plan approval or prior to the issuance of a building permit. Landscape plans shall be prepared by a landscape architect or other persons as authorized under Chapter 481, Part II, Florida Statutes.

A) The landscape plan shall consist of:

- (1) Date, scale, north arrow, and the names, addresses, and telephone numbers of the property owner, owner’s agent, and the person preparing the landscape plan;
- (2) Location of existing boundary lines and dimensions of the site, the zoning classification of the site, and the zoning classification of adjacent properties;
- (3) A vicinity map;
- (4) Locations of existing water courses and if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed buildings, streets, driveways, parking, sidewalks, and similar features;
- (5) Location of all existing and proposed easements;
- (6) Location of existing and proposed drainage pipes, structures and utilities, including transformers, water meters, back flow prevention devices and the like;
- (7) Location of all free-standing signs;
- (8) Project name and street address, if available;
- (9) Location, height, and material of proposed screening and fencing (with berms to be delineated by 1-foot contours);
- (10) Location and type of all curbs and or other landscape protection measures;
- (11) Locations and dimensions of proposed compatibility buffers, perimeter landscape, and right-of-way landscape areas. Cross-sections may be requested by the City Manager or designee if unique site conditions exist;
- (12) Description of plant materials shown on the landscape plan, including names (common and botanical name), locations, quantities, container or caliper size at installation, heights, spread, and spacing. The location and type of all existing trees, except exotic vegetation, on the lot over 4 inches in caliper or greater must be specifically indicated;
- (13) An indication of how existing trees proposed to be retained will be protected from damage during construction;
- (14) Size, height, location and material (if applicable) of proposed seating, planters, sculptures, and water features;
- (15) Location of all area and pedestrian lighting;
- (16) Other information as may be required to meet the requirements of these LDRs.

B) **Certification.** Prior to issuance of a Certificate of Occupancy, the landscape architect, landscape contractor, or other authorized landscape professional responsible for the project shall provide written, sealed or notarized, certification to the City that the installation of landscaping has been completed in accordance with the approved landscape plan.

**Standard Landscape Requirements**

**Section 4.12 Applicability.** The following shall apply to all landscape uses throughout the City:

A) **Canopy Trees.**

- 1) Canopy trees shall be used to promote shade and provide screening to objectionable views.
- 2) The use of trees native to the south Florida region shall be encouraged. Trees proposed in excess of the minimum requirement are not required to be native.
- 3) Canopy trees shall be a minimum of 2 inches in caliper with a 12-foot overall height and a 5-foot spread at time of installation.

B) **Small Trees (Ornamental).**

- (1) Small trees (Ornamental) shall be used to provide diversity in size and shape.
- (2) Two ornamental trees may be used in lieu of a required canopy tree. Small trees may not exceed 50 percent of the required number of canopy trees.

- (3) Small trees may be single or multi-trunk and shall have a minimum of 5 feet in overall height and 3 feet in spread at time of installation.
- C) **Palm Trees.**
  - (1) Palm trees shall be used to provide visual diversity.
  - (2) Palms may not be used in excess of 50% of the required number of canopy trees.
  - (3) Palm trees shall have a minimum of 8 feet in clear trunk and 12 feet in overall height at time of installation.
- D) **Palm Trees (Ornamental).**
  - (1) Ornamental palm trees shall be used to provide diversity in size and shape.
  - (2) Ornamental palm trees shall have a minimum of 3 feet in overall height and 3 feet in spread at time of installation.
- E) **Shrubs and Hedges.**
  - (1) All plantings should be spaced in a manner to create a harmonious transition to the land use from the view of adjoining structures within one year from planting.
  - (2) All plants shall be healthy and free of disease and pests at the time of planting.
  - (3) Except where otherwise specified, shrubs and hedges shall be at least 18 inches high from ground elevation to the top of the plant with an 18-inch spread at time of installation.
  - (4) Hedge material shall be planted a maximum of 24 inches on center, or as may be adjusted in the field based upon the type of plants utilized, with a maximum spacing of 36 inches on center.
  - (5) Residential Hedge Height:
    - (a) Hedges shall not exceed four feet in height when located within the required front setback.
    - (b) Hedges shall not exceed eight feet in height when located on or adjacent to the side, side street, or rear property lines.
- F) **Ground Cover.** Vegetative ground covers shall be planted and spaced in a manner that provides 50% vegetative coverage at time of planting and 100% vegetative coverage within 1 year. Low growing shrubs planted as a continuous mass or clusters shall be considered a ground cover.
- G) **Turf (Lawn/Turf Grass).** Lawn/turf grass areas shall be planted with species suitable as permanent lawns and reach 100% coverage within six months of planting. Grass areas may be sodded, plugged or sprigged, provided that sod shall be required between perimeter or right-of-way landscape and swales and in other areas subject to erosion. In areas where grass seed is used, millet or rye shall also be sown for immediate effect, and immediate maintenance shall be provided until coverage is complete. All areas not occupied by buildings, vehicular use areas or other impervious surface, lakes, and landscape planting areas, shall be fully planted with lawn/turf grass. Lawn and turf grasses for large sites may be established by seeding subject to the approval of the City Manager or designee.
- H) **Earth Berms.** Earth Berms may be used as non-living landscape barriers in conjunction with plant materials. Berms may be used in conjunction with fences, walls or hedges. Runoff from berms shall be contained within the parcel of land, as illustrated in Figure 4-3 or in a manner approved by the City Engineer.
  - (1) Maximum Slope. The slope of a berm shall general be four-to-one unless otherwise approved by the Planning and Zoning Director or designee.
  - (2) Height Measurement. Berm height shall be measured from the nearest adjacent top of the curb (parking lot), the nearest adjacent crown of the road, or the nearest adjacent finished floor elevation, whichever is higher.

- I) **Mulch.** A layer of organic mulch to a minimum depth of two inches shall be specified on the landscape plans in plant beds and around individual trees in grass areas. Mulch shall not be required in annual beds.
- J) **Non-living materials.** Synthetic plants, artificial turf, and artificial materials will not satisfy minimum landscaping requirements. Artificial materials used in hardscape areas, plazas, and high use activity areas are permitted provided the intent of these LDRs is satisfied. Pebble, egg rock, or decorative sand may be used up to a maximum of ten percent of ground coverage.
- K) **Planters.** Planters, if planted with live plants, will satisfy the landscape requirements if they meet the following criteria:
  - (1) Shrub planters: Must be at least 18 inches deep and have at least 9 square feet of area and appropriate for the plant species proposed.
  - (2) Tree planters: Must be at least 30 inches deep and have at least 24 square feet of area and appropriate for the plant species proposed.
  - (3) Shrub and tree planters used to satisfy landscape requirements shall be equipped with drainage and fully irrigated.
- L) **Plant Material Quality.** All plant material shall be Florida Grade Number 1 or better as defined by the latest version of “Florida Grades and Standards for Nursery Plants” published by the Florida Department of Agricultural and Consumer Services.
- M) **Native Plant Requirements.** Plantings shall include a variety of tree and shrub species with at least 50% of the required trees and 25% of the required shrubs being plants native to Florida.
- N) **Prohibited Plant Species.** Category 1 invasive plant species as defined by the Florida exotic pest plant council (FLEPPC) are prohibited. All new development must remove all invasive vegetation identified by FLEPPC from the development site.

Figure 4-1

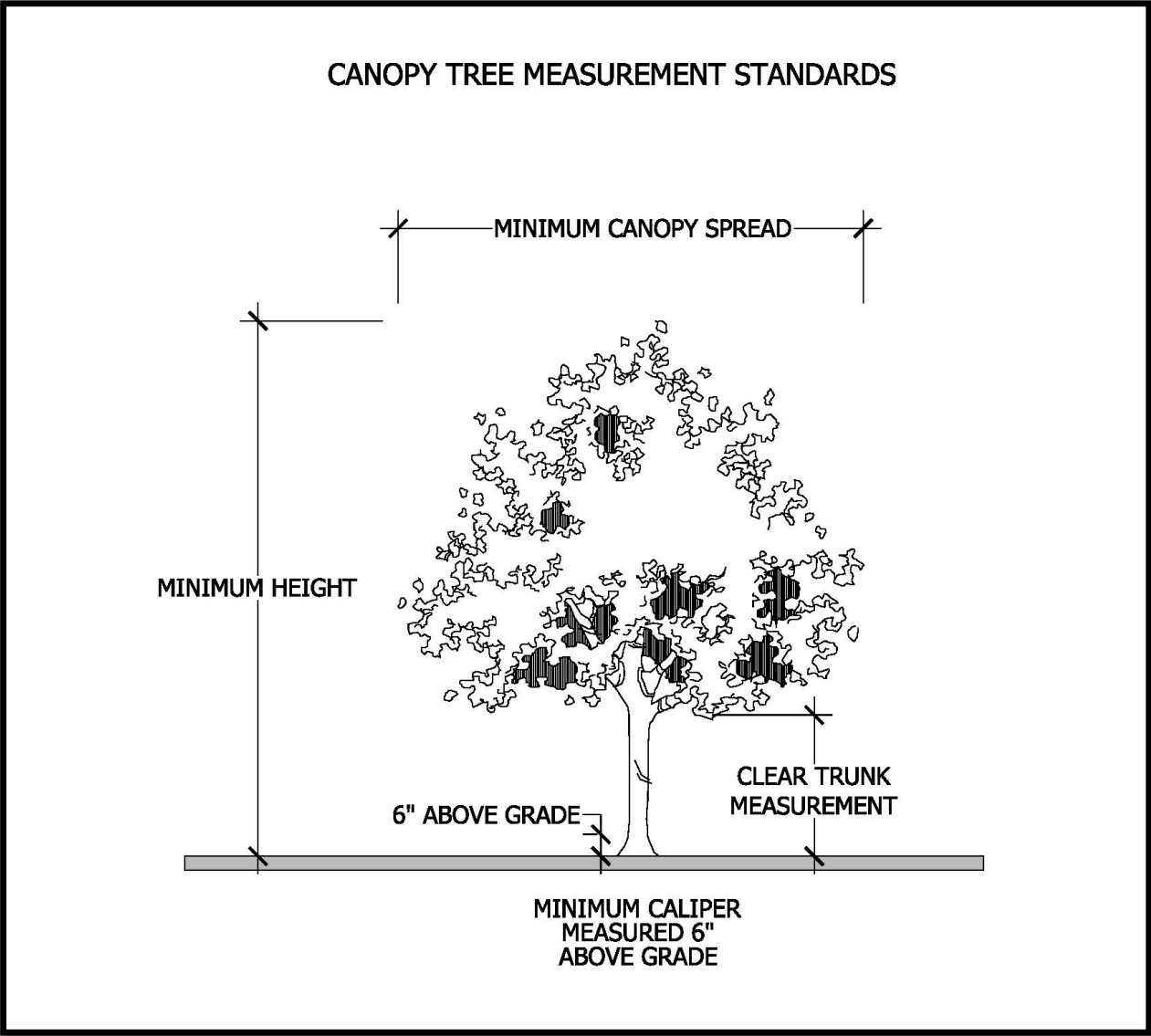




Figure 4-2

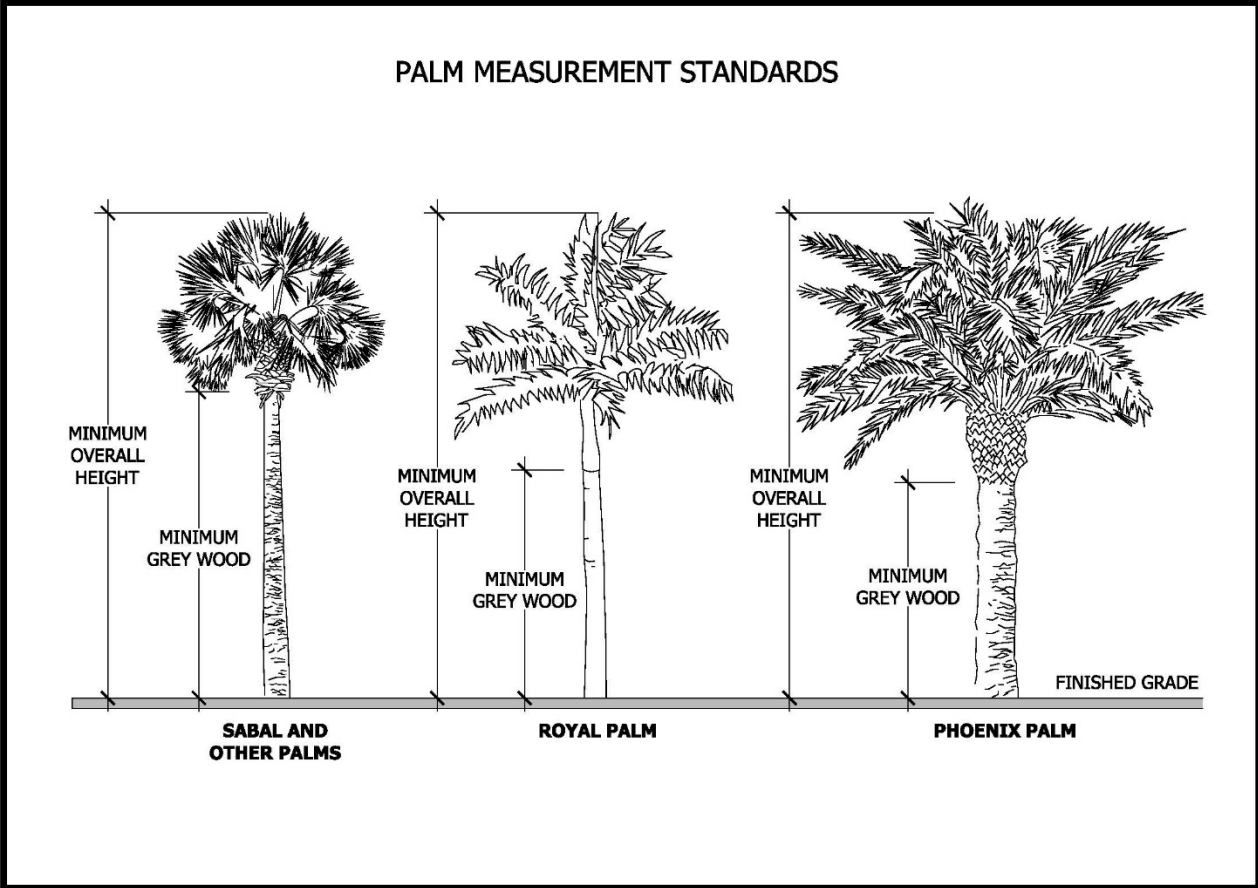


Figure 4-3

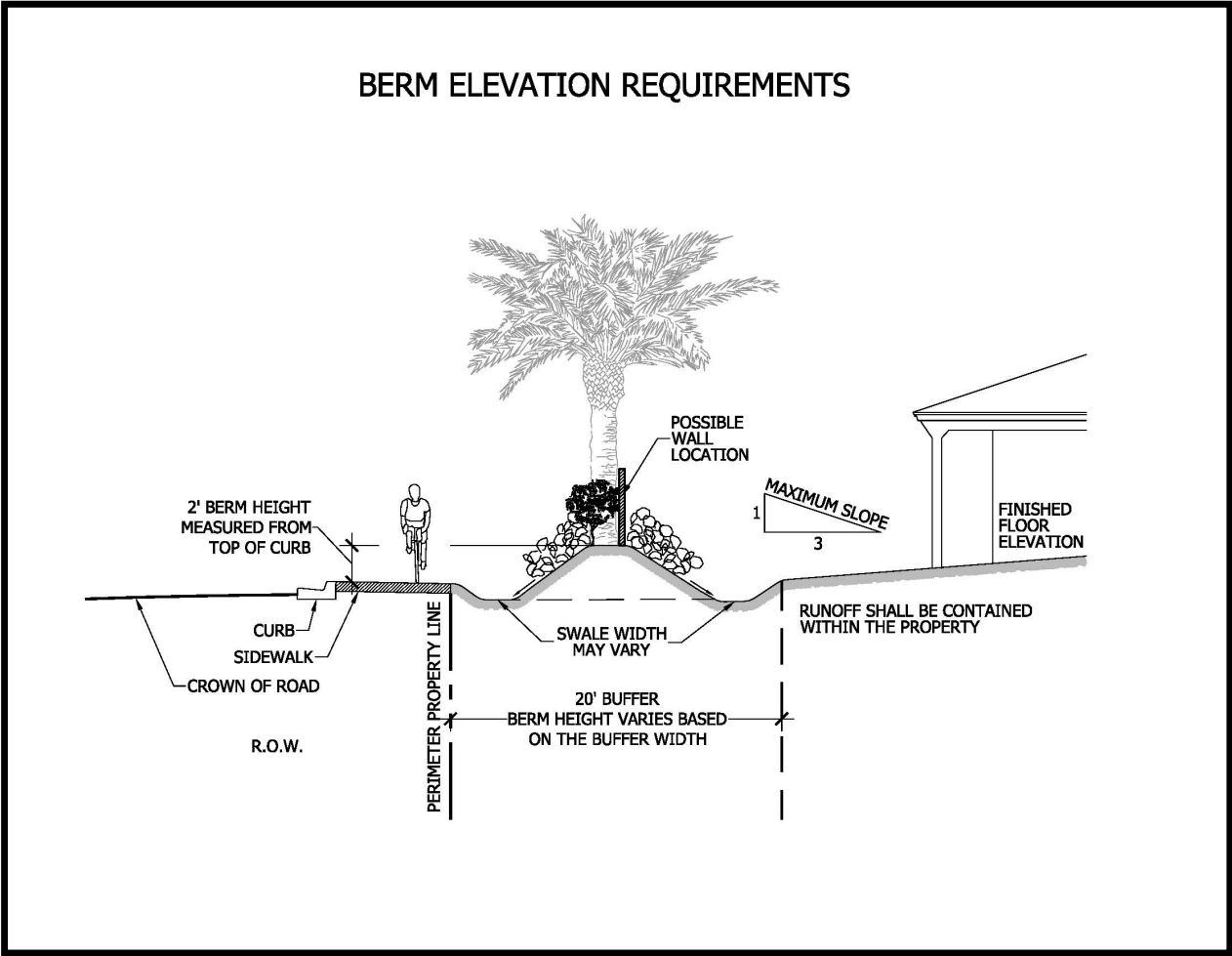


Figure 4-4

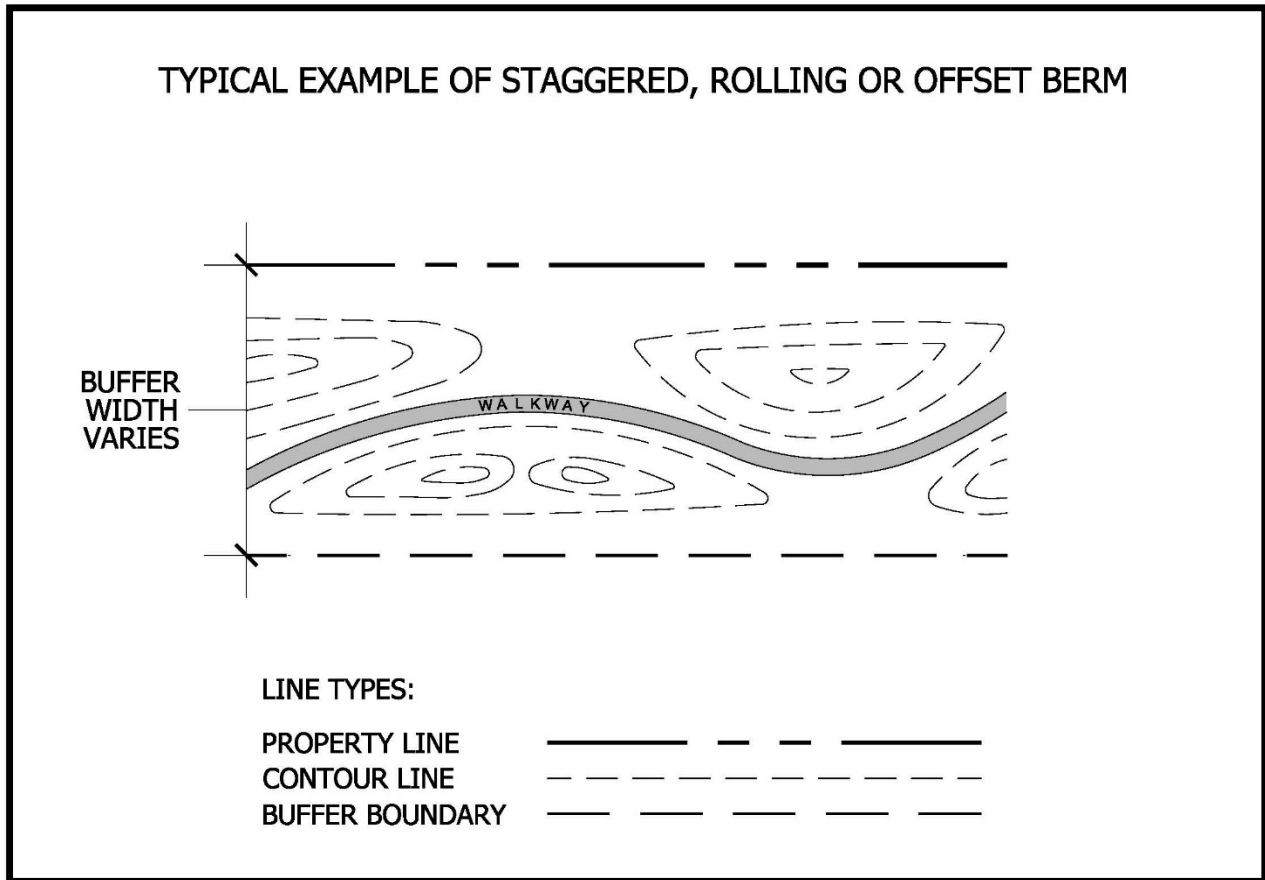
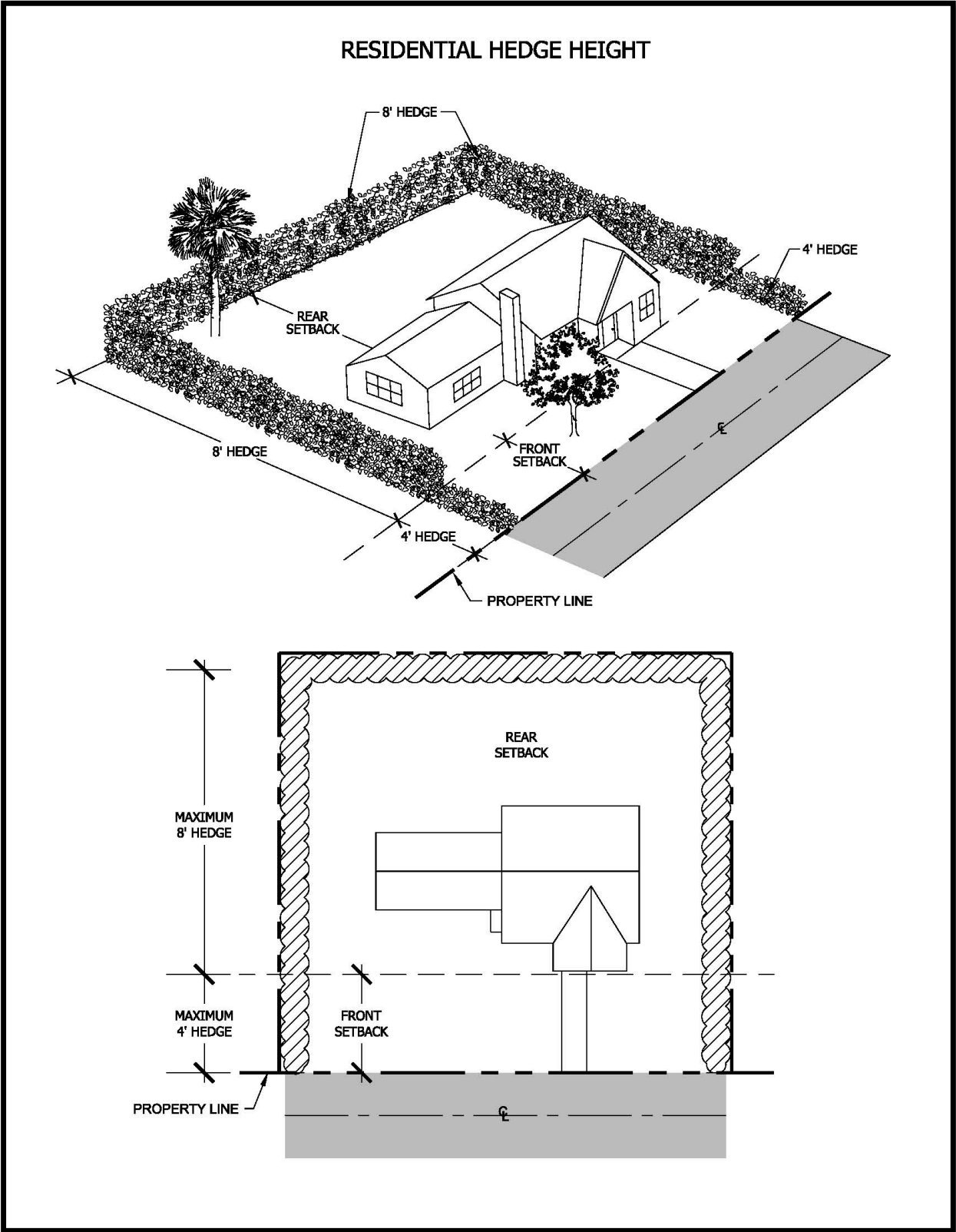


Figure 4-5

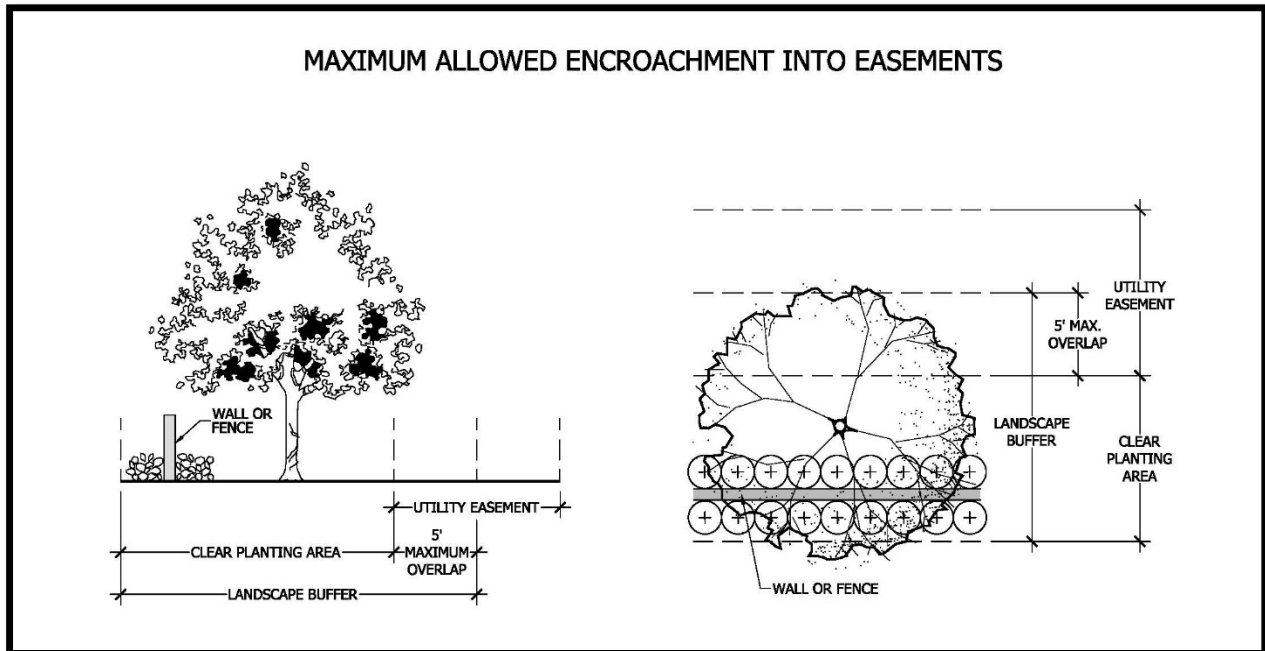


C) BUFFERS AND SCREENING

### Section 4.13 Buffer and Landscape Requirements.

- A) **Compatibility Buffer Requirements.** All development that abuts a different future land use category must comply with the requirements of Comprehensive Plan Future Land Use Policies 1.6.5, 1.6.6, 1.6.7, and/or 1.6.8.
- B) **Required Landscaping.**
- 1) **Perimeter Landscape.** All development parcels shall provide 8 feet of perimeter landscaping to comply with the minimum landscaping requirements found in Subsection 1(B) of this Article. Perimeter landscape shall extend the entire length of the common property line or zoning district boundary except when the boundary is located within a public street or right-of-way. Reductions in the required perimeter landscape may be permitted to allow for vehicular and pedestrian connectivity between parcels of land.
  - 2) **Right-of-Way Landscape.** Right-of-way landscape a minimum of 10-feet wide shall be provided adjacent to all rights-of-way, excluding local roads providing access to single family and single family attached homes. Open space and recreation parcels shall not require right-of-way landscape except as required elsewhere in this Article. Reductions in the required right-of-way landscape may be permitted to allow for vehicular and pedestrian connectivity between parcels of land.
  - 3) **Perimeter and Right-of-Way Landscape Installation.** All perimeter and right-of-way landscape shall be installed prior to the issuance of the last certificate of occupancy. For a phased residential development, the landscaping shall be installed along the entire perimeter of each phase.
  - 4) **Alternatives to Perimeter Landscaping and Right-of-Way Landscape.** Open space, water features, or any combination of these that total at least 30 feet in width can be designated in lieu of perimeter or right-of-way landscape.
  - 5) **Overlap with Utility Easements.** Perimeter landscape and right-of-way landscape may have a maximum of five feet of overlap with utility easements. Landscaping and structures within utility easements and SID rights-of-way are subject to SID requirements and the approval of SID.
  - 6) **Perimeter Landscape Not Required.** Perimeter landscape is not required:
    - a. Within the Downtown Mixed Use Districts.
    - b. Where perimeter landscape that meets the requirements of this section already exists along the common boundary of the abutting property.
  - 7) **Right-of-Way Landscape.** Right-of-way landscape is not required where plazas, building facades, or other features designed to engage pedestrians abut right of way.

Figure 4-6



C) **Minimum Landscaping Requirements.**

- 1) The following minimum landscape requirements shall apply to all required perimeter and right-of-way landscape (excluding utility easements), unless otherwise waived or specified by these LDRs. At a minimum perimeter landscape and right-of-way landscape shall contain:
  - a. Landscape a minimum of 8 feet in width;
  - b. Continuous hedge or shrub planting mass; and
  - c. 1 Canopy tree per 25 linear feet. Trees may be clustered with a maximum of 75 feet between clusters.
    - i. 2 Ornamental trees may be substituted for a canopy tree.
    - ii. 2 Palm trees or 1 specimen palm may be substituted for a canopy tree.
    - iii. Substitutions shall not exceed 50% of the canopy tree requirement unless the requirement waived by the City Manager or designee.

**Section 4.14 Dumpsters and Mechanical Utilities Screening.**

- A) When visible from a public street or adjacent property line, all trash containers, dumpsters, trash compactors, generators, mechanical equipment, loading docks, and utility structures, shall be screened from view. Trash containers, dumpsters and trash compactors must contain a trash enclosure in accordance with Subsection 4.3(2)(E) below.
- B) Screening shall consist of evergreen shrubs, fencing, walls or berms.
- C) All screening of utilities shall comply with the requirements of the utility provider in addition to the requirements of these LDRs.
- D) Shrub species, when utilized, shall be a minimum of 3 feet high at time of installation, spaced at 2 - 3 feet on center and achieve and be maintained at a mature height equal to the height of the element requiring screening with 90% opacity.

- E) Trash enclosures shall be constructed with concrete or materials with similar durability that are compatible with the design and materials of the principal building. Trash enclosures shall be identified on the site plan for all non-residential and multi-family sites. Trash enclosures shall use colors and finishes compatible with the primary structures on the site. Trash enclosures shall be on a solid concrete pad. Where walls are utilized, additional plantings may be required.

## Foundation Plantings

**Section 4.16 Foundation Plantings Required.** Foundation plantings shall be provided along facades of all non-residential, multi-family and single family attached greater than 3 unit structures unless specifically exempted by this Article. Required plant material shall be located within 30 feet of the foundation, and along the front and side facades of drive-through establishments, including Freestanding ATMs. All required foundation plantings shall include a minimum of one canopy tree or palm for each 20 linear feet of building facade and one shrub or ground cover for every 10 square feet of planting area. Ornamental trees and ornamental palm trees may be used in lieu of 50% of the required trees or palms. The relocation of foundation plantings may be approved by the City Manager or designee provided the minimum required square footage of the planting area is maintained.

**Section 4.17 Exemptions.** The following are exempt from foundation planting requirements:

- A) Agricultural or industrial buildings that are not visible from a public street or residential zoning district.
- B) Buildings that are exempt from local building permits or government review pursuant to State or Federal Statutes.
- C) Structures within the Town Center Mixed Use District and Town Core District, where a building is built to the build-to-line is established along the sidewalk or street.
- D) Properties where the required planting area would overlap required perimeter landscape or right of way landscape.
- F) Accessory buildings and structures, subject to the approval of the City Manager or designee.

**Section 4.18 Minimum Width.** The foundation planting areas shall be an average of 5 feet wide with a minimum width of 3 feet.

**Section 4.19 Minimum Length.** The combined length of the required foundation planting shall be 50% of the building façade. The minimum length shall be calculated by the total length of the applicable side of the structure, excluding garage doors and loading bays.

**Section 4.20 Planting Around Signs.** A three foot -wide planting area shall be required around the base of all ground-mounted signs. Continuous shrubs and or groundcovers shall be installed within the planting area and maintained at an average minimum height of 18 inches. Monument signs six feet in height or less may be surrounded by ground cover on all sides instead of shrubs and maintained at an average minimum height of 12 inches. Landscaping and trees that interfere with the visibility of signage may be relocated to the rear or side of the sign subject to the approval of the City Manager or designee, provided the intent of this Article is satisfied.

**Section 4.21 Free Standing ATMs.** Required foundation plantings may be modified as follows:

- A) **Walk Up.** Foundation planting areas may be relocated up to a maximum of 15 feet away from the applicable façade to accommodate pedestrian walkways, access to the ATM; or, as needed to comply with F.S. 655.960, security lighting, or Crime Prevention Through Environmental Design (CPTED) guidelines.

- B) **Drive Through.** Foundation planting areas may be relocated up to a maximum of 30 feet away from the applicable façade.

### Article III

#### Section 4.25 OFF-STREET PARKING, VEHICULAR USE AREA SCREENING, AND STREET TREE PLANTINGS.

**Section 4.26 Applicability.** Off-street parking regulations apply to all parking facilities. Off-street parking facilities and other vehicular use areas shall meet the requirements of this Article.

##### A) Interior Planting Areas.

- 1) Off-street surface parking lots and vehicular use areas shall be required to provide interior landscaping with an area equal to 10 percent of the paved vehicular use area within the lot perimeter. These landscaped areas shall be located within islands interior to the lot or adjacent to the pavement perimeter. Off-street parking and vehicular use areas are to be measured from the edge of parking and/or driveway paving and sidewalks. Required perimeter landscape, right-of-way landscape, and foundation planting areas shall not be included in the calculation for interior landscape area.
- 2) Parking lot landscape interior islands are required every 10 consecutive parking spaces. The number of consecutive spaces may be increased to 15 if a divider median, tree diamonds, and or larger terminal islands are incorporated into the parking lot design. All interior islands shall contain at least one canopy tree, three palm trees, or one specimen palm. On average, each parking space should be within 50 feet of the required canopy tree, specimen palm, or three palm trees.
- 3) Parking and vehicular use areas must be visually screened from rights-of-way and adjacent properties through the use of landscaping or walls and fences in combination with landscaping, with an emphasis on any portions fronting a street. At a minimum, a hedge shall be placed between the parking area and sidewalk. Clear vehicular sight triangles shall be maintained at all driveway and street intersection and throughout the vehicular use area. Right-of-way and perimeter landscape may be used to satisfy the screening requirement when contiguous to parking and vehicular use areas.
- 4) The minimum width of a landscape divider median shall be 5 feet, excluding curbs and vehicle overhang.
- 5) Vehicle overhang shall be measured at a distance of 2.5 feet from the face of the curb or wheel stop.
- 6) For the purpose of this Article, the nominal width of a raised curb shall be 6 inches.
- 7) The minimum width of a tree diamond shall be 5 feet by 5 feet, excluding curbs.
- 8) The minimum width of interior and terminal islands shall be 8 feet excluding curbs. For the purpose of Paragraph 4.5(1)(A)(2) above, the minimum width of larger terminal islands shall be 14 feet, excluding curbs.
- 9) Area lighting is permitted within landscaped areas, provided it does not adversely impact photometric values of parking area.



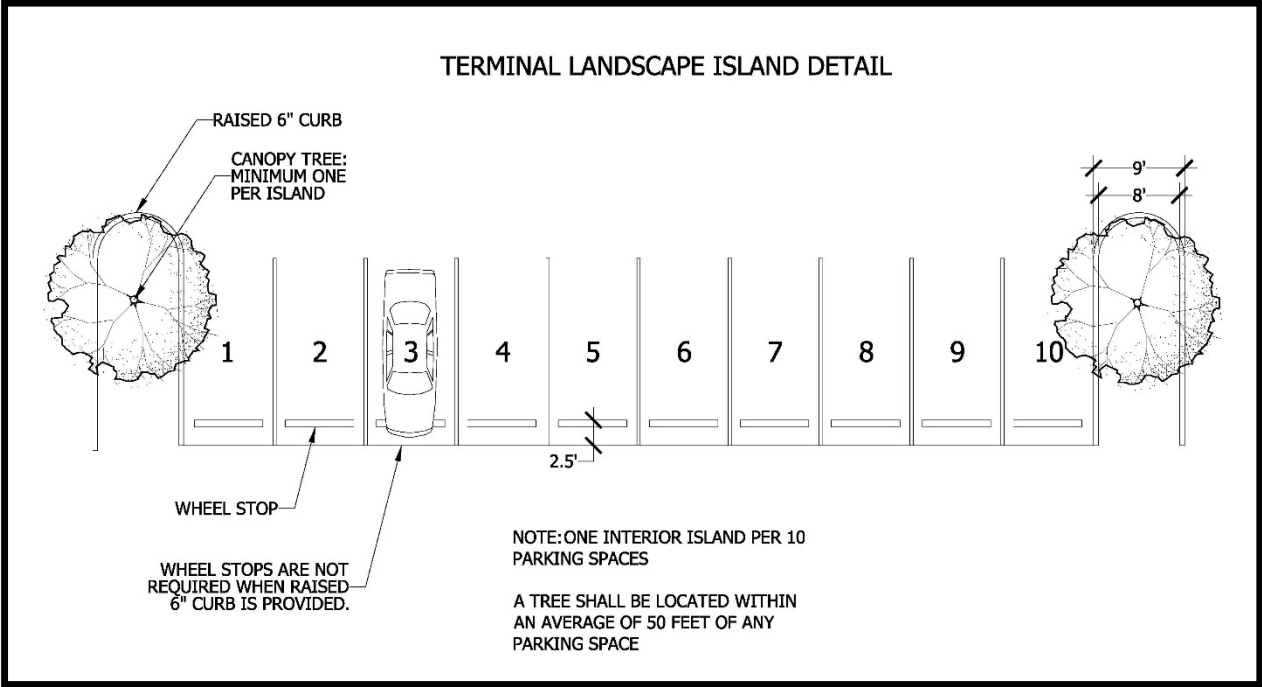


Figure 4-8

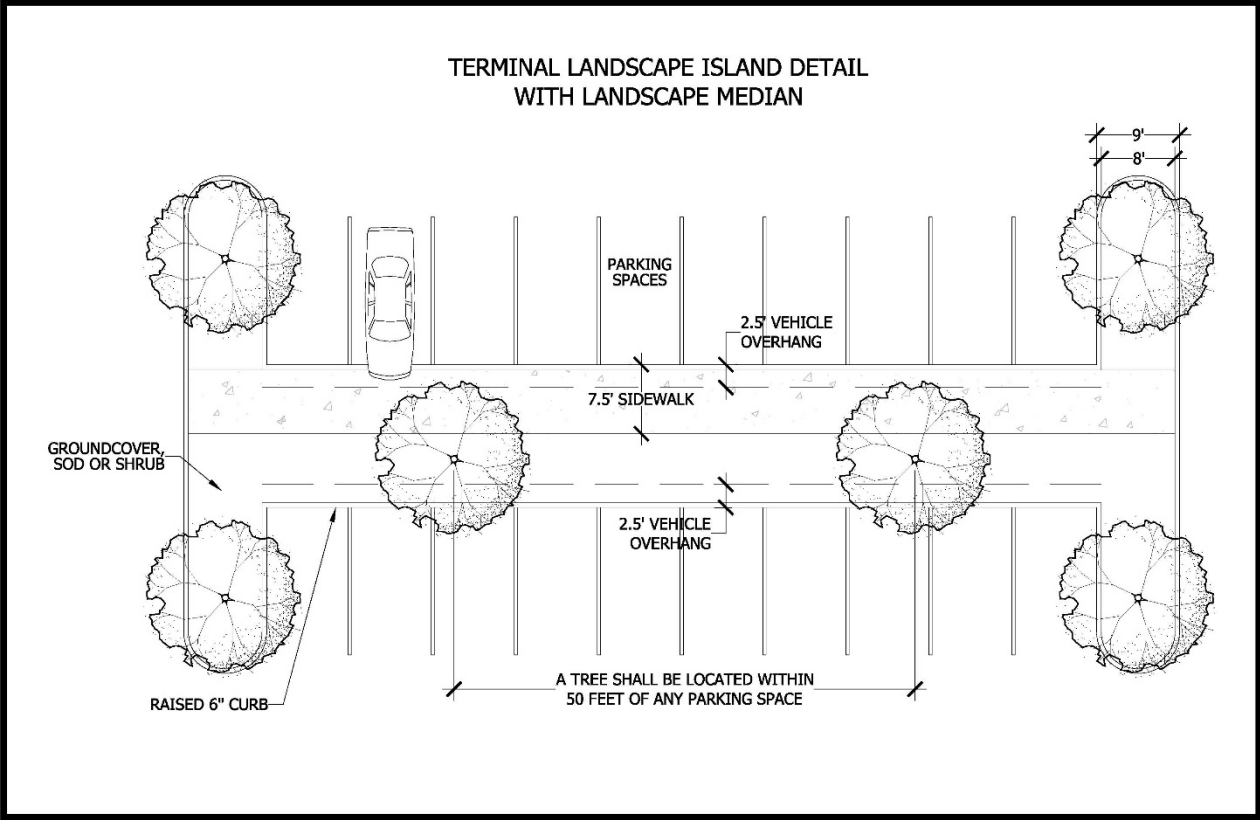


Figure 4-9

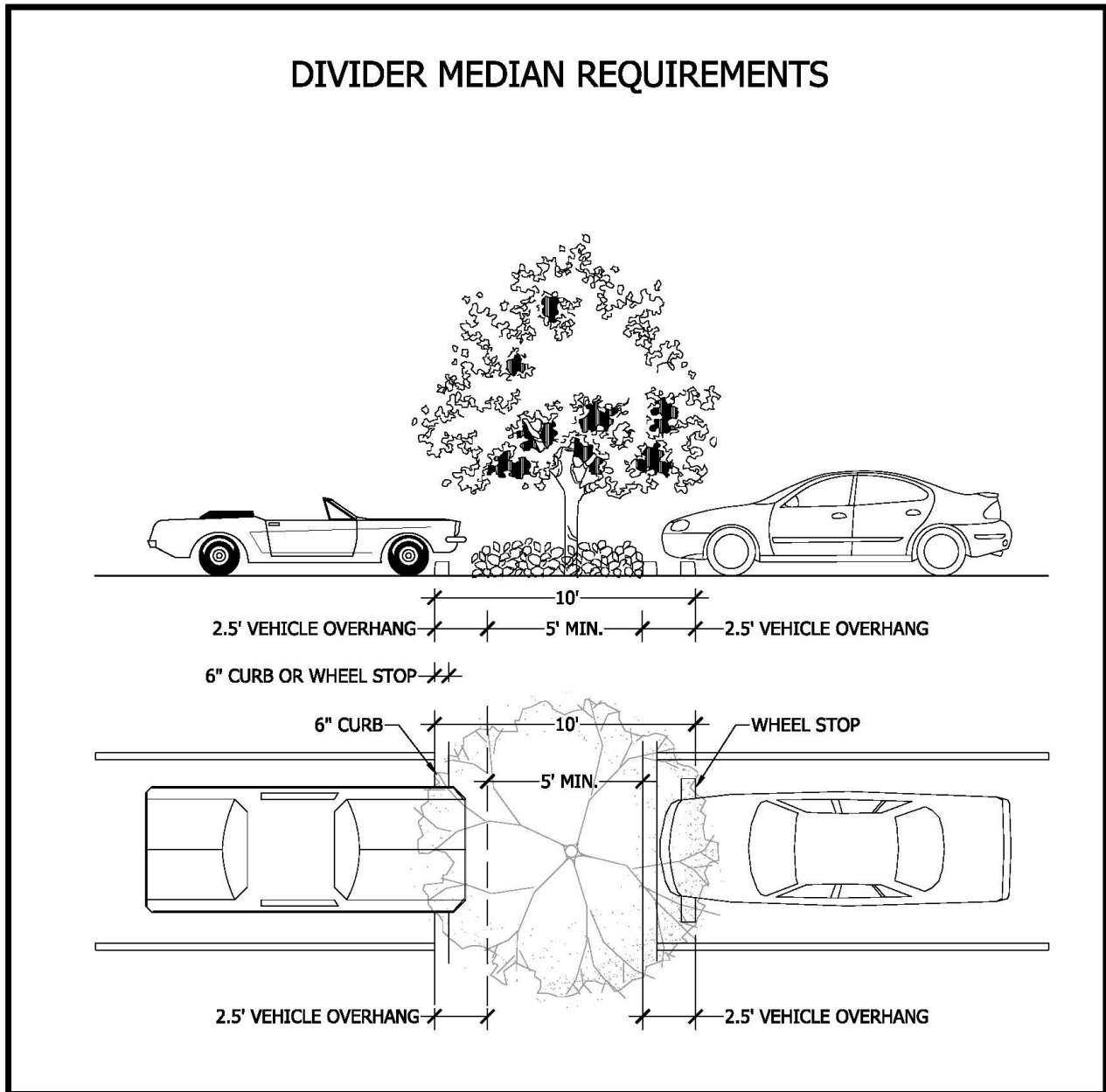


Figure 4-10

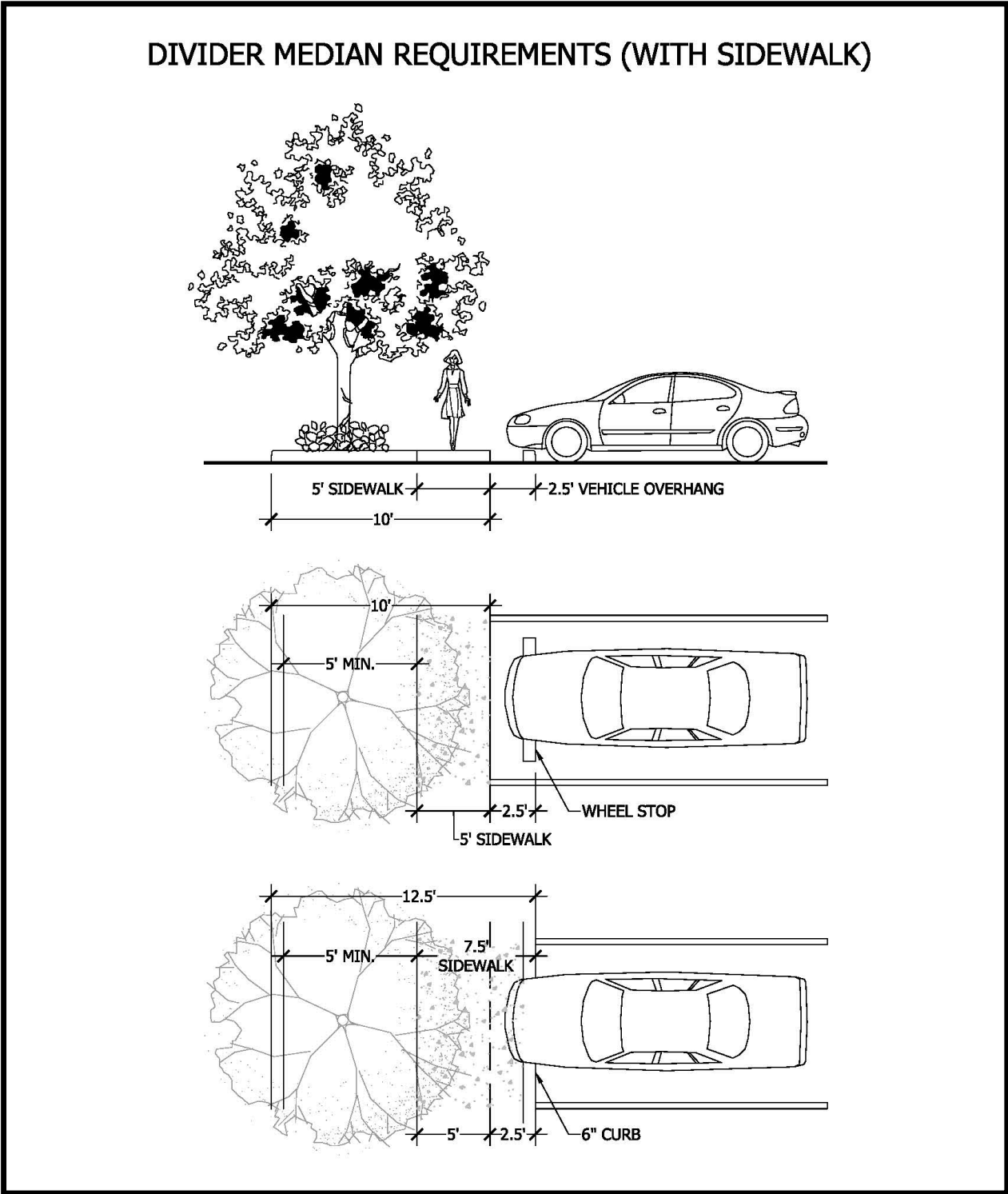


Figure 4-11

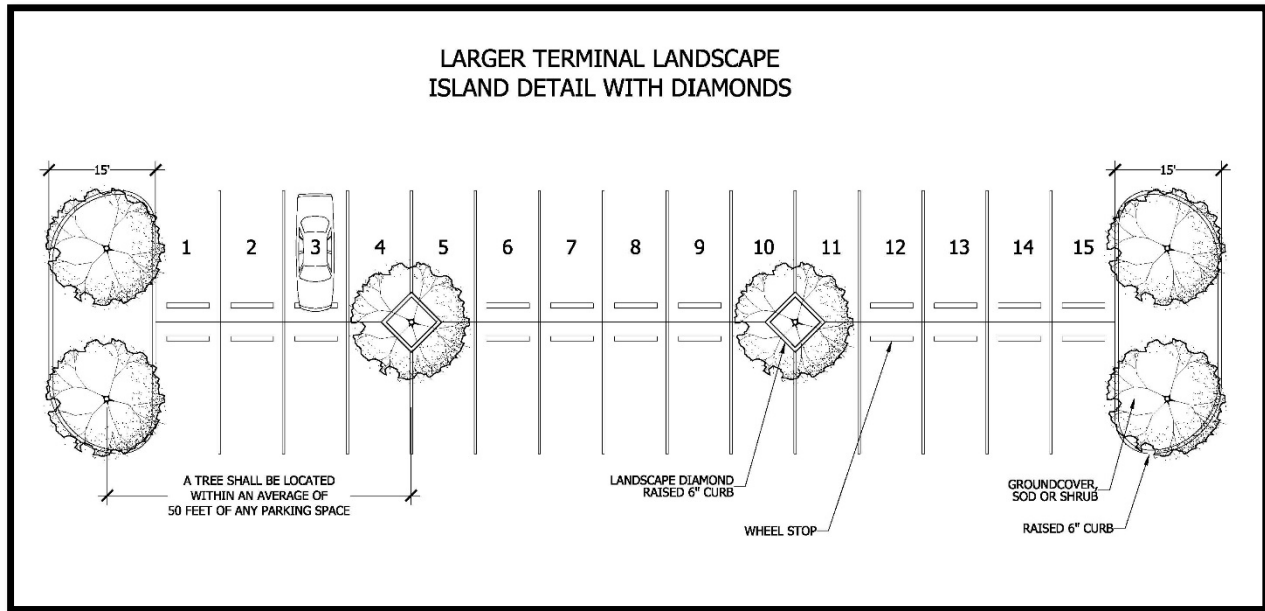


Figure 4-12

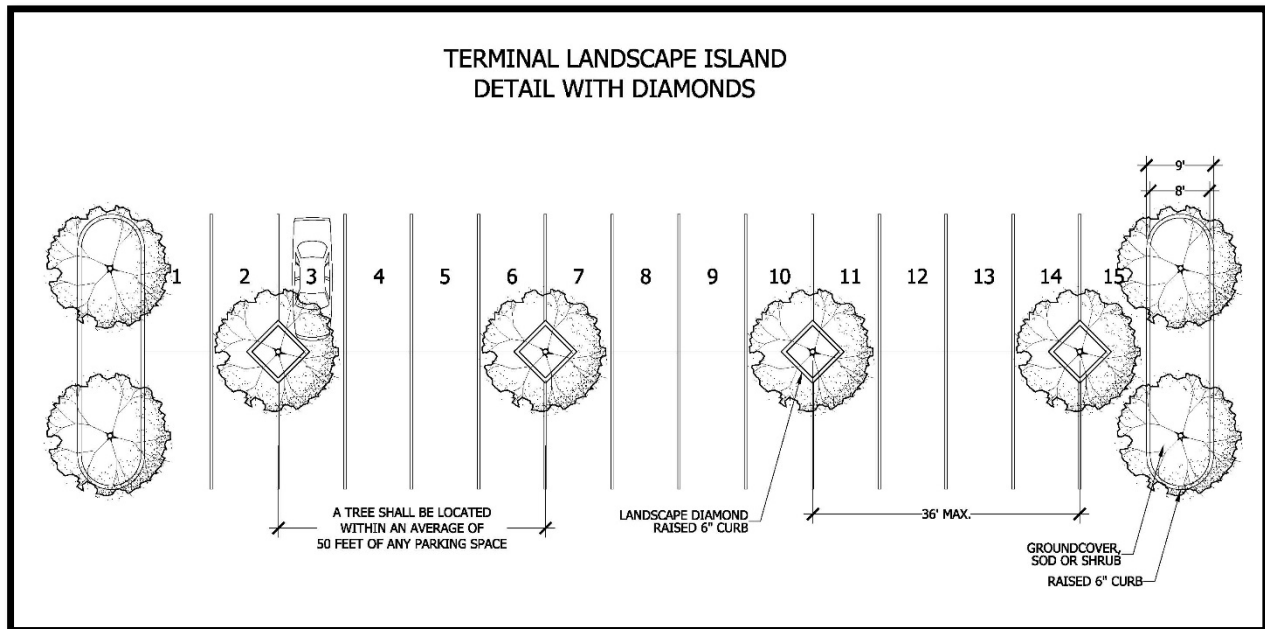
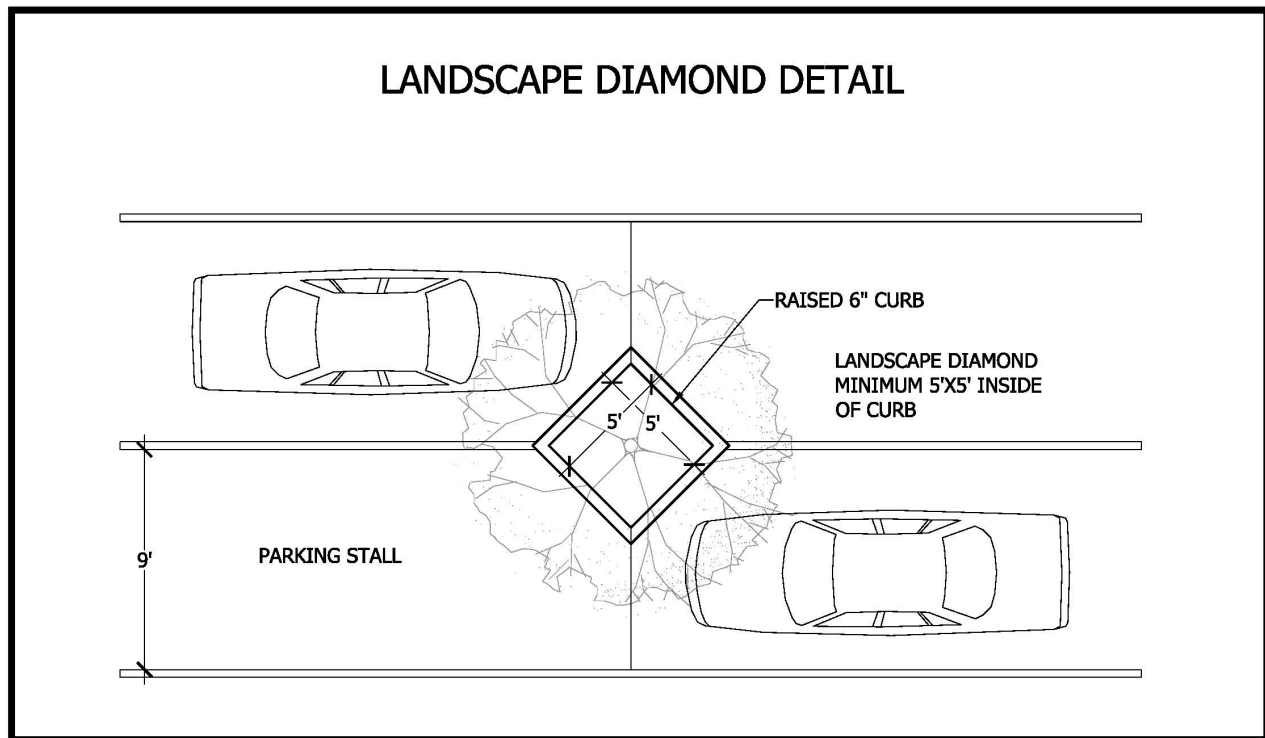


Figure 4-13

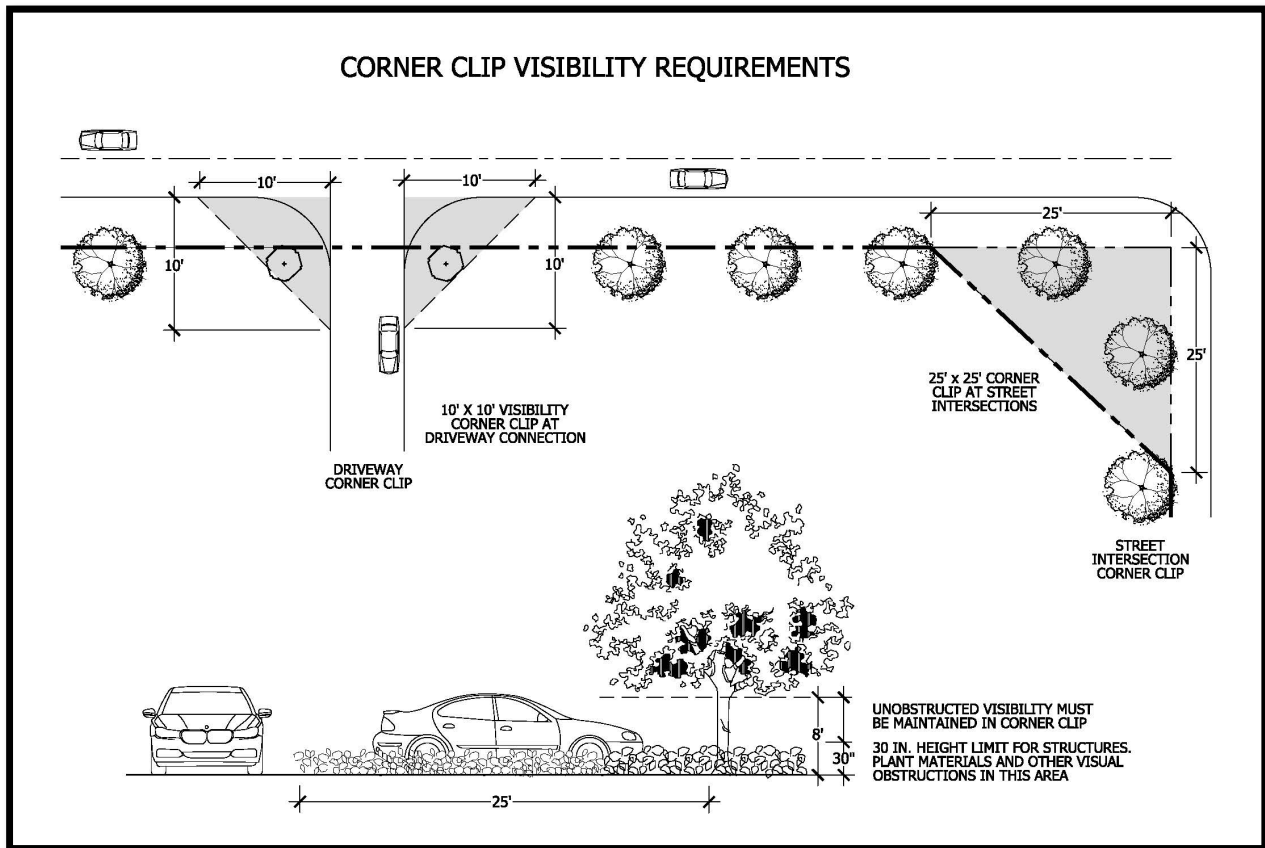


**Section 4.27 Landscape Protection Measures.** Where landscaping is installed in within or adjacent to vehicular use areas, then curbs, wheel stops, raised sidewalks, or other acceptable means of protection shall be provided to prevent injury to the lawn and landscape vegetation.

**Section 4.28 Visibility Triangles (Corner Clips).** Landscaping within corner clip and visibility triangles shall be subject to the following limitations:

- A) An area of unobstructed visibility shall be maintained between 30 inches and eight feet above the pavement of the adjacent roadway.
- B) Vegetation located adjacent to and within corner clip areas shall be trimmed so that limbs or foliage do not extend into the required visibility area.
- C) All landscaping in a corner clip shall be planted and perpetually maintained by the property owner.
- D) Corner clips at street intersections shall be a minimum of 25 feet by 25 feet, as measured from edge of right-of-way to edge of right-of-way unless otherwise determined by the City Engineer.
- E) Visibility triangles at driveway intersections with streets shall be 10 feet by 10 feet, as measured from edge of pavement to edge of pavement.

Figure 4-14



**Street Trees**

**Section 4.30 Location Street.** Trees shall be located between curb and sidewalk but may also be offset behind the sidewalk a maximum of 12 feet from back of sidewalk or a distance of 25 feet from adjacent back of curb.

**Section 4.31 Spacing.** Street trees are required on all public and private streets. Street trees shall maintain an average spacing of 50 feet on center on both sides of the street. Exceptions to this distance are allowable due to conflicts with utilities, lighting, sight distance, etc. Maximum spacing shall not exceed 75 feet unless otherwise determined by the City Manager or designee.

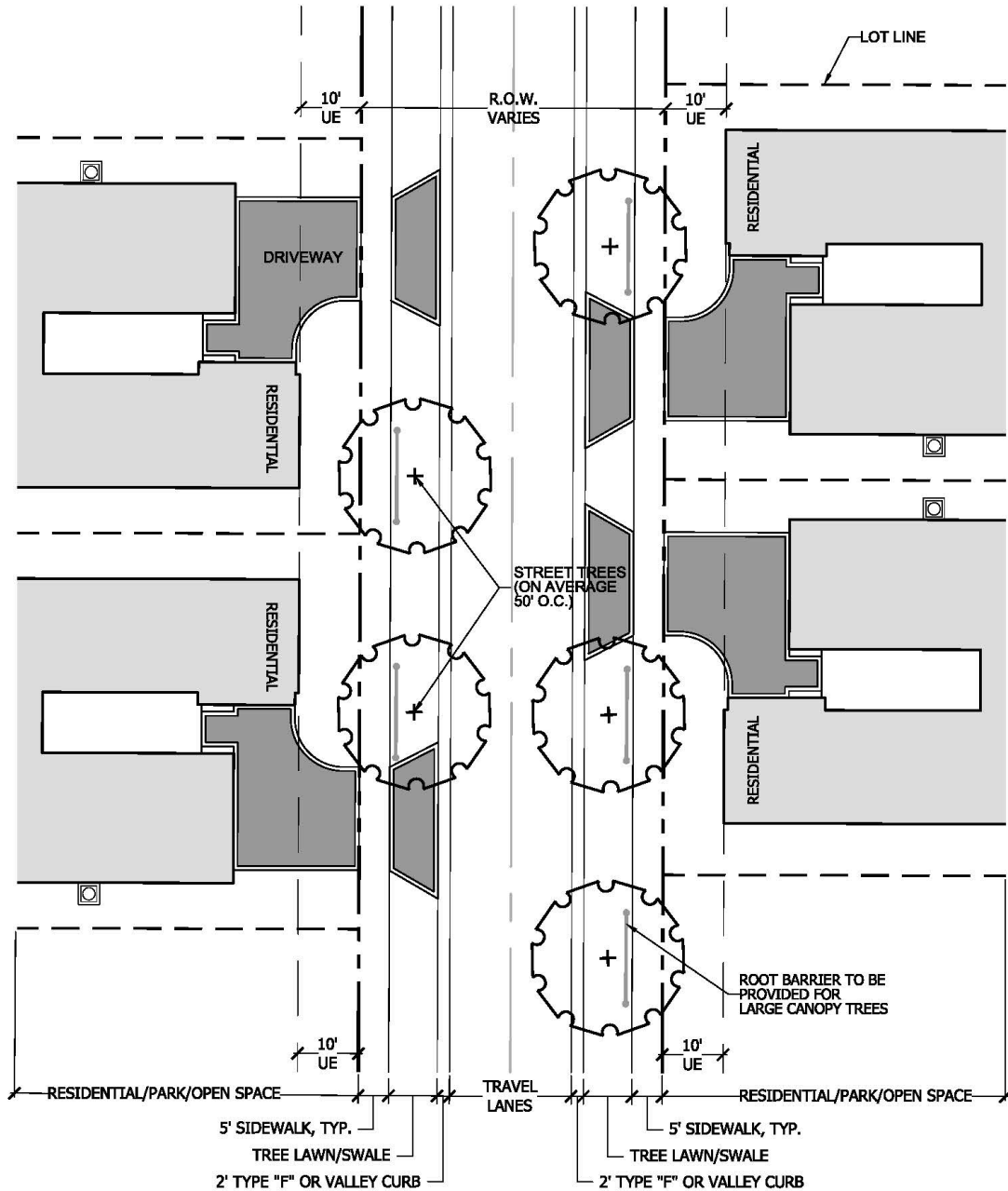
**Section 4.32 Use of Palm Trees.** Palm trees may be used as street trees to provide diversity and special interest. Palm trees shall maintain an average spacing of 30 feet on center on both sides of the street. Exceptions to this distance are allowable due to conflicts with utilities, lighting, sight distance, etc. Maximum spacing shall not exceed 60 feet.

**Section 4.33 Pattern.** The street tree pattern may be interrupted by architectural elements such as overhead arcades, columns, bridge encroachments, and public art. They may also be clustered to allow for views to monuments, features, fountains and other points of interest.

**Section 4.34 Mixed Use District.** Street trees within the Town Center Mixed Use District may be used to satisfy landscape requirements when buildings engage the street without intervening vehicular use areas.

Figure 4-15

TYPICAL DIAGRAM: STREET TREE PLAN



NOTE: STREET TREES MAY BE SET BACK A MAXIMUM OF 12' FROM THE SIDEWALK AND A MAXIMUM OF 25' FROM ADJACENT BACK OF CURB.



**Article IV**

**Section 4.40 ADDITIONAL ZONING DISTRICT LANDSCAPING REQUIREMENTS**

- A) Landscaping associated with parcels of land containing single-family detached residential structures and single family attached residential structures with 3 attached units or less shall include, at a minimum, the following:

**TABLE 4-1: SINGLE FAMILY AND SINGLE FAMILY ATTACHED RESIDENTIAL LANDSCAPING REQUIREMENTS**

Lot Size	Canopy Tree Planting Per Lot	Shrub Planting Per Lot
3,000 sq. ft. – 5,000 sf. ft.	1 per 1000 sq. ft.	3 per 1250 sq. ft. (max 45)
5,001 sq. ft. – 8,000 sq. ft.	1 per 1250 sq. ft.	3 per 1250 sq. ft. (max 45)
8,000 sq. ft. & greater	1 per 1500 sq. ft.	3 per 1250 sq. ft. (max 45)

1. Two palm trees may be substituted for one canopy tree. One specimen palm may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
  2. Two small trees may be substituted for one canopy tree.
  3. Tree and shrub planting requirement calculations for parcels of land shall be based upon gross parcel area minus the building coverage for the principal residential structure.
  4. Parcels of land shall be fully planted with lawn/turf grass.
- B) Landscaping for open space parcels or recreation parcels shall provide a minimum of 1 canopy tree per 2,500 SF of the respective tract or open space area.
    1. One palm trees may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
    2. Two small trees may be substituted for one canopy tree.
    - (2) For the purpose of this Section, open space parcels, recreation parcels, and other common areas interior to a single family or single family attached site or parcel may be aggregated together, so long as the total number of provided trees are provided.
    - (3) Open space parcels, recreation parcels, and other common areas shall be fully planted with lawn/turf grass.
  - G) Single family attached with greater than 3 attached units are required to provide foundation plantings in accordance with **Section 4. 55 of this** Article.

**Section 4.41. Multi-Family Residential Landscaping.**

- H) Landscaping associated with multi-family residential parcels include the following, at a minimum:

**TABLE 4-2: MULTI-FAMILY RESIDENTIAL LANDSCAPING REQUIREMENTS**

Lot Size	Canopy Tree Planting Per Lot	Shrub Planting Per Lot
Gross Parcel Area	1 per 2500 sq. ft	3 per 1250 sq. ft.

- (1) Two palm trees may be substituted for one canopy tree. One specimen palm may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
- (2) Two small trees may be substituted for one canopy tree.
- (3) Open space areas, recreation parcels, and other common areas shall be fully planted with lawn/turf grass.

**I) Foundation planting requirements.**

- (1) Multi-family residential buildings shall provide foundation plantings in accordance with Section 4.4 of this Article.

**Section 4.42 Town Center Mixed Use District.**

- J)** Landscaping associated with non-residential parcels include the following, at a minimum:

**TABLE 4-3: NON-RESIDENTIAL LANDSCAPING REQUIREMENTS**

Lot Size	Canopy Tree Planting Per Lot	Shrub Planting Per Lot
Gross Parcel Area	1 per 3000 sq. ft	3 per 1250 sq. ft.

- (1) Two palm trees may be substituted for one canopy tree. One specimen palm may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
- (2) Two small trees may be substituted for one canopy tree.
- (3) Open space areas and other common areas shall be fully planted with lawn/turf grass.

**K) Foundation planting requirements.**

- (1) Non-residential buildings shall provide foundation plantings in accordance with Article 4.4 of this Article.
- (2) Buildings using patios, arcades, outdoor seating areas, and similar urban forms may be exempted from foundation plantings requirements upon receipt of a waiver from the City Manager or designee.

**Section 4.43 Open Space and Recreation District.** Park plantings should reinforce the design intent of the park, whether open or a shady oasis

**TABLE 4-4: OPEN SPACE AND RECREATION LANDSCAPING REQUIREMENTS**

Lot Size	Canopy Tree Planting Per Lot	Shrub Planting Per Lot
Gross Parcel Area	1 per 5000 sq. ft	3 per 1250 sq. ft.

- L) Two palm trees may be substituted for one canopy tree. One specimen palm may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
- M) Two small trees may be substituted for one canopy tree.
- N) At a minimum, canopy trees shall be provided on an average spacing of 80 feet along any primary pathway.

#### **Section 4.50 Irrigation Systems**

**Section 4.51 Reuse Water Required.** New development, redevelopment, and expansion of existing development shall be required to use reuse water for irrigation where reuse water is available.

#### **Section 4.52 Irrigation plans.**

- A) For a new single-family detached or single family attached with 3 attached units or less, the irrigation plan may be indicated on a plot plan or a separate drawing prepared by the owner or the owner's agent indicating areas to be irrigated, location and specifications of lines, heads, pumps, and water source.
- B) For all other development, where a landscape plan is required, an irrigation plan shall be submitted for permit concurrently with the landscape plan.
  - (1) The irrigation plan shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the state, a person authorized by the Chapter 481, F.S. to prepare landscape plans or drawings, or other person legally permitted to design irrigation systems. The irrigation plan shall:
    - (a) Be drawn on a base plan at the same scale as landscape plans.
    - (b) Delineate landscape areas, major landscape features, and hydro-zones.
    - (c) Delineate existing and proposed structures, parking areas or other vehicular use areas, access aisles, sidewalks, driveways, the location of utilities and easements, and similar features.
    - (d) Include water source and point of connection, rain flow or soil moisture sensors, locations of pipes, controllers, valves, sprinklers, back flow prevention devices, and electrical supply.
    - (e) Include irrigation details.
    - (f) Irrigation plans shall incorporate in the design acceptable industry standards to promote water conservation practices and ensure the health, safety, and welfare of the public consistent with the Florida Building Code Plumbing Appendix F.

**Section 4.53 Irrigation.** Irrigation systems shall be maintained in working order to ensure complete coverage to all landscape areas. Irrigation heads shall be adjusted as required to respond to growth in the landscape and the water needs of the landscape. Irrigation systems shall be regularly maintained and kept in working order. Regular irrigation maintenance shall include but not be limited to, checking, adjusting, and repairing irrigation equipment; and resetting the automatic controller according to the climatic season.

- A) Irrigation systems shall be designed to apply water to shrub and tree areas on a less frequent schedule than lawn areas to the extent practical. A rain-sensor switch shall be installed on systems with automatic controllers. Irrigation systems shall be designed as not to overspray water onto impervious areas.
- B) Irrigation systems shall not be installed or maintained on areas adjacent to a public street which causes water from the system to spray onto the roadway or strike passing pedestrian or vehicular traffic.

- C) Permanent irrigation systems are not required for areas set aside on approved site development plans for future development or intended to be maintained in a natural state.

**Section 4.60 Maintenance**

**Section 4.61 Responsibility.** The property owner shall be responsible for maintaining all landscape, including perimeter and right-of-way landscape.

**Section 4.62 General.** Regular maintenance of all landscaping is required. All landscaping shall be free from disease, pests, weeds, and litter. Maintenance shall include:

- A) Weeding, watering, fertilizing, pruning, mowing, edging, mulching, or any other actions needed, consistent with acceptable horticultural practices.
- B) Regular maintenance, repair, or replacement of landscape barriers and focal points, including landscape structures (e.g., walls, fences, fountains, and benches) in order to keep them in a structurally sound condition.
- C) Perpetual maintenance to prohibit the establishment of prohibited and invasive species within landscape areas.
- D) Periodic maintenance to remove diseased or damaged limbs, or remove limbs or foliage that present a hazard.

**Section 4.63 Growth.** All trees and palms shall be allowed to grow to their natural mature height and to full canopy unless otherwise provided for in accordance with **Subsection 4(C)** of this Article.

**Section 4.64 Screening, fences, walls, and planters.** The maintenance of landscape screens, fences, walls and artificial planters includes, but is not limited to, repairing, replacing damaged or deteriorated portions, and painting.

**Section 4.65 Pruning of Trees.**

- A) Pruning of trees shall be permitted to allow for healthy growth, and to promote safety considerations. Trees which cause a conflict with views, signage or lighting shall not be pruned more than the maximum allowed.
- B) A maximum of one-fourth of tree canopy may be removed from a tree within a one-year period, provided that the removal conforms to the standards of crown reduction, crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration pruning techniques. All pruning shall comply with the American National Standards Institute, ANSI 300 (Tree, Shrub and other Woody Plant Maintenance), as amended.
- C) If other than the mature height and spread is desired for any required tree, the size and shape shall be indicated on an approved landscape plan. Shaping of a tree shall be permitted if the tree is to be used as an accent, focal point, or as part of an overall landscape design. A maintenance commitment shall be clearly outlined on the approved landscape plan to explain the care and upkeep of a shaped tree.
- D) Hatracking (tree topping) and lion-tailing, as defined in this Article, are strictly prohibited.

**Article V Fertilizer**

**Section 4.71 Definitions.** The following definitions apply in this Article V, Fertilizer, only.

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

- B. **Applicator** means any person who applies fertilizer on turf and/or landscape plants in the City of Westlake.
- C. **Approved test** means a soil test from the University of Florida, government, or other commercial licensed laboratory that regularly performs soil testing and recommendations.
- D. **Best management practices (BMPs)** means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practical site-specific means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.
- E. **Commercial fertilizer applicator** except as provided in Section 482.1562(9), Florida Statutes, means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer, or the employer of the applicators.
- F. **Fertilizing or fertilization** means the act of applying fertilizer to turf, specialized turf, or landscape plants.
- G. **Fertilizer** means any substance or mixture of substances that contains one (1) or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.
- H. **Institutional applicator** means any person, other than a private, noncommercial or a commercial applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but shall not be limited to, owners, managers, or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites, and any residential properties maintained in condominium and/or common ownership.
- I. **Landscape plant** means any native or non-native tree, shrub, or groundcover (excluding turf).
- J. **Pasture** means land managed for livestock grazing.
- K. **Prohibited application period** means the time period during which a flood watch or warning, a tropical storm watch or warning, or a hurricane watch or warning is in effect for any portion of the City of Westlake, issued by the National Weather Service, or if heavy rain (two (2) inches or more within a 24-hour period) is likely.
- L. **Saturated soil** means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this division, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.
- M. **Slow-release, controlled release, timed release, slowly available, or water insoluble nitrogen** means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.
- N. **Turf, sod, or lawn** means an area of grass-covered soil held together by the roots of the grass.
- O. **Urban landscape** means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants. For the purposes of this section, agriculture has the same meaning as provided in Section 570.02, Florida Statutes.

#### Section 4.72 Best Management Practices

- A. As a result of the Florida Department of Environmental Protection's determination that certain water bodies within Palm Beach County are impaired by excessive nutrient levels, the City Council of the City of Westlake finds that the best management practices

contained in the most recent edition of the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries", are required and are necessary to implement within the city as set forth herein.

- B. This division regulates the proper use of fertilizers by any applicator; requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing requirements; establishes a prohibited application period; and specifies allowable fertilizer application rates and methods, fertilizer-free zones, and exemptions. This division requires the use of best management practices to minimize negative environmental effects associated with excessive nutrients in our water bodies. These water bodies are an asset important to the environmental, recreational, cultural, and economic well-being of Palm Beach County residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, is anticipated to help improve and maintain water and habitat quality.
- C. The regulations set forth herein shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer to urban landscapes within the area of the City of Westlake, unless such application is specifically exempted by this Article.

#### **Section 4.73 Timing of fertilizer applications.**

- A. No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during any of the following prohibited application periods:
  - 1) The time period during which the National Weather Service has issued a flood watch or warning, or a tropical storm watch or warning, or hurricane watch or warning for any portion of the city.
- B. Heavy rains are expected. Fertilizer containing nitrogen and/or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first thirty (30) days after seeding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the stormwater pollution prevent plan for that site.

#### **Section 4.74 Fertilizer-free zones.**

- A. Fertilizer shall not be applied within ten (10) feet, or three (3) feet if a deflector shield or drop spreader is used, of any pond, stream, water body, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340), Florida Administrative Code, or from the top of a seawall or lake bulkhead. Newly planted turf or landscape plants may be fertilized in this zone only for a sixty-day period beginning thirty (30) days after planting if needed to allow the plants to become well established. Caution shall be used to prevent direct deposition of nutrients into the water.

#### **Section 4.75 Fertilizer content and application rates.**

- A. Fertilizers applied to turf within the City of Westlake shall be formulated and applied in accordance with packaging and labeling directions that meet requirements of rule Rule 5E-1.003(2), Florida Administrative Code, Specialty fertilizer label requirements for urban turf or lawns (packaged in containers or bags such that the net weight is 49 pounds or less and distributed for home and garden).

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

C. Fertilizer used for sports turf at golf courses shall be applied in accordance with the recommendations in "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses", published by the Florida Department of Environmental Protection, dated September 2012, as may be amended. Fertilizer used at park or athletic fields shall be applied in accordance with the packaging and labeling directions that meet requirements of rule Rule 5E-1.003(3), Florida Administrative Code.

**Section 4.76 Fertilizer application practices.**

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

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

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

D. Property owners and managers are encouraged to use an integrated pest management (IPM) strategy as currently recommended by the University of Florida Cooperative Extension Service publications.

**Section 4.77 Management of grass clippings and vegetative matter.**

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

**Section 4.78 Exemptions**

The provisions set forth hereinabove shall not apply to:

A. Bona fide farm operations as defined in the Florida Right-to-Farm Act, Section 823.14, Florida Statutes.

B. Other properties not subject to or covered under the Florida Right-to-Farm Act that have pastures used for grazing livestock.

C. Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

**Section 4.79 Training**

A. All commercial and institutional applicators of fertilizer within Palm Beach County shall abide by and successfully complete the six-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of

Florida/Palm Beach County Cooperative Extension Service "Florida-Friendly Landscapes" program or an approved equivalent program.

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

**Section 4.80 Licensing of commercial applicators**

A. All businesses applying fertilizer to turf or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, and multifamily and condominium properties) must ensure that the business owner or his/her designee holds the appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a local business tax certificate. Owners for any category of occupation which may apply any fertilizer to turf and/or landscape plants shall provide proof of completion of the program to the City of Westlake business tax application process. It is the responsibility of the business owner to maintain the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" certificate in order to receive his/her/its business tax receipt annually. Additionally, commercial applicators of fertilizer who are not required to obtain a business tax receipt from the City of Westlake shall be required to register with the City.

B. All commercial applicators of fertilizer within the City of Westlake shall have and carry in their possession at all times when applying fertilizer evidence of limited certification urban landscape commercial fertilizer by the Florida Department of Agriculture and Consumer Services as a commercial fertilizer applicator per Rule 5E-14.117(11), Florida Administrative Code or other sufficient certification issued by the Florida Department of Agriculture and Consumer Services.

C. All businesses applying fertilizer to turf and/or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, and multifamily and condominium properties) must ensure that at least one (1) employee has an appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a local business tax certificate or prior to registering with the city. Standard Business Tax Receipt (BTR) and/or standard transaction fees shall apply.

**Section 4.81 Enforcement**

A. The provisions of this division shall be enforced by (1) the City of Westlake code enforcement or special magistrate pursuant to the authority granted by Section 162.01 et seq., Florida Statutes, as may be amended, and the City of Westlake Ordinance or (2) the City of Westlake through its authority to enjoin and restrain any person violating the City Code of Ordinances. The City of Westlake may pursue these or any other enforcement remedies available under the law.

B. Any violation of this division is hereby deemed to be irreversible and irreparable in accordance with Section 162.01 et seq., Florida Statutes.

**Section 4.82 Waivers:** The application Article V, Fertilizer may be waived by the City Manager or designee where such waiver would be in the best interests of the City of Westlake.



**Section 4.83 Severability:** Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

**Section 5. 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 6. Effective Date:** This ordinance shall be effective upon adoption on second reading.

**PASSED** this 26th day of August, 2019, on first reading.

**PASSED AND ADOPTED** this 9<sup>th</sup> day of September, 2019, on second reading.

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City of Westlake  
Roger Manning, Mayor

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Sandra Demarco, City Clerk

Approved as to form and Sufficiency

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Pam E. Booker, City Attorney

## **Eleventh Order of Business**



**Fire Rescue**

Chief Reginald K. Duren  
405 Pike Road  
West Palm Beach, FL 33411  
(561) 616-7000  
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

August 21, 2019

Ken Cassel, Village Manager  
City of Westlake  
4001 Seminole Pratt Whitney Rd.  
Westlake, FL 33470

Dear Mr. Cassel:

Enclosed is the Response Time Report for the City of Westlake for the month of July 2019.

If you have any questions of concerns, please contact me at 561-214-3263

Sincerely,

A handwritten signature in blue ink that reads "William Rowley".

William Rowley, District Chief  
Palm Beach County Fire Rescue

*"An Equal Opportunity  
Affirmative Action Employer"*



8/7/2019

# Palm Beach County Fire Rescue

## Westlake Response Time Report

### 20190701 to 20190731

Event #	Station	Location of Event	Date	Received	Entered	Dispatch	Enroute	Oncene	Close	Disp Hand	Turnout	Travel	Resp Time*
<b>Emergency Calls:</b>													
F19121330	22	14 MANDARIN BLVD/60TH ST N WLK	07/18/2019	11:01:58	11:04:24	11:04:46	11:05:44	11:09:20	11:24:55	0:02:48	0:00:58	0:03:36	0:07:22
<b>Average Response Times:</b>										<b>0:02:48</b>	<b>0:00:58</b>	<b>0:03:36</b>	<b>0:07:22</b>
<b>Non Emergency Calls:</b>													
F19118491	22	76 WHIPPORWILL CIR WLK	07/13/2019		09:34:35	09:34:49	09:36:23	09:48:37	10:01:05	0:00:39	0:01:34	0:12:14	0:14:27
F19118898	22	940 PERSIMMON BLVD WLK	07/14/2019	01:04:41	01:04:59	01:05:06	01:07:09	01:08:39	01:48:10	0:00:25	0:02:03	0:01:30	0:03:58
F19128928	22	940 PERSIMMON BLVD WLK	07/31/2019	18:01:56	18:03:04	18:03:36	18:04:29	18:06:53	18:56:36	0:01:40	0:00:53	0:02:24	0:04:57
<b>Staged Calls:</b>													
F19128216	22	930 QUAILBERRY CT WLK	07/30/2019		14:19:40	14:19:51	14:20:14	14:23:22	14:27:29	0:00:36	0:00:23	0:03:08	0:04:07
<b>Corrupt Data:</b>													
F19117471	26	76 140TH AVE N WLK	07/11/2019		14:36:47	14:36:58			14:38:38				
<b>Total number of Events:</b>											<b><u>6</u></b>		

\*Represents call received to arrival. If there is no received time, the County annual average call received to call entered time is used.



8/7/2019

# Palm Beach County Fire Rescue

## Westlake - # of Calls by Type

20190701 to 20190731

<u>Type - Situation Dispatched</u>	<u># of Incidents</u>
Medical Calls:	1
Fires:	1
Alarms:	2
Inter-facility Transports:	2
<b>Total number of Events:</b>	<b>6</b>

### Calls by Situation Dispatched

