

**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, September 9, 2019**

**Meeting Location**  
**Westlake Council Chambers**  
**4005 Seminole Pratt-Whitney Road**  
**Westlake, FL 33470**

**Immediately Following LPA Meeting Scheduled for 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.*

**City of Westlake**

4001 Seminole Pratt Whitney Rd.  
Westlake, Florida 33470  
Phone: 561-530-5880  
Fax: 561-790-5466  
Website: [westlakegov.com](http://westlakegov.com)



**Council Members**

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

September 5, 2019

City Council  
City of Westlake

Dear Mayor and Council:

The City Council of the City of Westlake will hold a regular meeting and public hearing on Monday, September 9, 2019 immediately following the LPA meeting 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. Approval of Agenda
3. Audience Comments on Agenda Items (3) Minute Time Limit
4. Approval of the Minutes of the August 12, 2019 Workshop and Regular Meeting
5. Approval of the July 2019 Financial Statements

**BUDGET PUBLIC HEARING**

6. Proposed Budget for Fiscal Year Ending September 30, 2020
  - A. Resolution 2019-24, Adopting Tentative Budget
  - B. Resolution 2019-25, Adopting Proposed Millage Rate

**FIRST READING OF ORDINANCES**

7. Staff Presentation for Ordinance 2019-9, Establishing Chapter 3 and Adopting Zoning Map
8. First Reading of Ordinance 2019-9, Establishing Chapter 3 and Adopting Zoning Map

**SECOND READING OF ORDINANCES**

9. Staff Presentation for Ordinance 2019-6, Establishing Mandatory Signage Design
10. Second Reading of Ordinance 2019-6, Establishing Mandatory Signage Design
11. Staff Presentation for Ordinance 2019-7, Establishing Mandatory Landscaping Design and Buffers
12. Second Reading of Ordinance 2019-7, Establishing Mandatory Landscaping Design and Buffers
13. Manager's Report
14. Attorney's Report
15. Audience Comments on Other Items (3) Minute Time Limit
16. Council Comments
17. 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

## **Fourth Order of Business**

**MINUTES OF WORKSHOP  
CITY OF WESTLAKE**

A workshop of the City Council of the City of Westlake was held on Tuesday, August 12, 2019 at 6:15 p.m., at the Westlake Community Center, 4005 Seminole-Pratt Whitney Road, Westlake, Florida.

Present and constituting a quorum were:

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

Also present were:

Kenneth Cassel	City Manager
Pam E. Booker, Esq.	City Attorney
Nilsa Zacarias	NZ Consultants
Donaldson Hearing	Cotleur & Hearing
Tara W. Duh	Lewis, Longman and Walker
John Carter	Minto PBLH, LLC
Residents	

*The following is a summary of the minutes taken during the August 12, 2019 City of Westlake Council Workshop.*

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mayor Manning called the meeting to order and Mr. Cassel called the roll.

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

The Pledge of Allegiance was recited.

**THIRD ORDER OF BUSINESS**

**Presentation and Discussion of Proposed Article3 – Zoning Districts**

- A. Staff Presentation**
- B. Updated Article 3 Draft**

Ms. Zacarias provided the Council with a presentation on Article 3, Zoning Districts. She noted all staff members met to discuss and come to agreement on a compromise for Article 3.

- Mr. Carter addressed the Council regarding the proposed Bonus Density Program. He wants the City to be mindful of not repeating the County’s failed program. The restrictions will hamper marketability. There is a need for affordable housing within the community; however, the City needs to be mindful of what is already known not to work.

- Vice Mayor Long Robinson asked what the square footage would be on the 40 foot lots and if it is an open floor plan.
- Mr. Cassel responded that coverage would be restricted to a certain percentage of total footprint for the building; however, that footprint would allow for a good size home.
- Mr. Hearing stated there are 40 foot lots in Sky Cove, which is in the R2. The lots are almost too big for this product. The starter home is approximately 1,450 square feet, with a one car garage. There is also a two car garage option. There are two story homes in the 2,300 to 2,400 square foot range. The two story homes take up only a third of the lot, leaving a lot of space. There will be a variety of styles.
- Mr. Carter reminded the Council that the entire success the City has enjoyed to this point has been entirely driven by affordability. It has been Minto's focus to launch a community and have something in the marketplace, which is unique and different. This has been accomplished in the absence of any government mandate. Because of the HAPPY Program and 3% civil servant discount Minto provides, over half of their sales have been to civil servants. Everything Minto is doing is with the mindset of affordability. He further noted there is a new Statute in place, which requires local governments to not impose affordable housing obligations without dealing with the complete offset of the cost to deliver the program.
- Ms. Duhay reviewed Chapter 2019-165, Laws of Florida. Municipalities must provide incentives to fully offset all costs, to the developer, of its affordable housing contribution.
- Mr. Carter stated because of the amount of committed development pattern Minto has, not having the ability to do 40 foot lots in R1 puts the City in a distinct disadvantage in the marketplace. He expressed concern that if he does not have the ability to do 40 foot lots in R1, the community will have an affordability disadvantage, as well as a product disadvantage.

**FOURTH ORDER OF BUSINESS****Audience Comments on Agenda Items (3)  
Minute Time Limit**

The floor was opened to audience comments.

**FIFTH ORDER OF BUSINESS**

**Adjournment**

There being no further business, the meeting adjourned at approximately 7:42 p.m.

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Kenneth Cassel  
City Manager

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Roger Manning  
Mayor

**MINUTES OF MEETING  
CITY OF WESTLAKE**

A meeting of the City Council of the City of Westlake was held on Monday, August 12, 2019 at 7:45 p.m., at the Westlake Community Center, 4005 Seminole-Pratt Whitney Road, Westlake, Florida.

Present and constituting a quorum were:

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

Also present were:

Kenneth Cassel	City Manager
Pam E. Booker, Esq.	City Attorney
Nilsa Zacarias	NZ Consultants
Donaldson Hearing	Cotleur & Hearing
Major Eric Coleman	PBSO
John Carter	Minto PBLH, LLC
Residents	

*The following is a summary of the minutes and actions taken during the August 12, 2019 City of Westlake Council Meeting.*

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mayor Manning called the meeting to order and Mr. Cassel called the roll.

**SECOND ORDER OF BUSINESS**

**Approval of Agenda**

On MOTION by Councilman Everett seconded by Councilwoman Crump with all in favor the agenda was approved.

**THIRD ORDER OF BUSINESS**

**Audience Comments on Agenda Items (3)  
Minute Time Limit**

Mr. Justin Dunlap addressed the Council regarding the implementation of urban agricultural technology.

**FOURTH ORDER OF BUSINESS**

**Approval of the Minutes of the July 8 and July 22, 2019 Meetings**

On MOTION by Councilman Stanavitch seconded by Vice Mayor Long Robinson with all in favor the minutes of the July 8 and July 22, 2019 meetings were approved.

**FIFTH ORDER OF BUSINESS**

**Approval of the June 2019 Financial Statements**

On MOTION by Councilwoman Crump seconded by Councilman Stanavitch with all in favor the financials for June 2019 were approved.

**SIXTH ORDER OF BUSINESS**

**POD K (Hospital) Plat, Resolution 2019-18**

Mr. Hearing addressed the Council on behalf of UHS and provided an overview of the final plat for POD K.

Mr. Cassel read Resolution 2019-18 by title only.

On MOTION by Vice Mayor Long Robinson seconded by Councilman Everett with all in favor Resolution 2019-18, approving the POD K Plat, was adopted.

**SEVENTH ORDER OF BUSINESS**

**POD R (Meadows Phase 2) Plat, Resolution 2019-19**

Mr. Hearing addressed the Council on behalf of Minto PBLH, LLC and provided an overview of the modifications to the POD R plat for Meadows Phase 2.

Mr. Cassel read Resolution 2019-19 by title only.

On MOTION by Councilman Stanavitch seconded by Councilwoman Crump with all in favor Resolution 2019-19, approving the POD R Plat, was adopted.

**EIGHTH ORDER OF BUSINESS**

**Kingfisher Plat, Resolution 2019-20**

Mr. Hearing addressed the Council on behalf of Minto PBLH, LLC and provided an overview of the Kingfisher Boulevard Plat.

Mr. Cassel read Resolution 2019-20 by title only.

On MOTION by Vice Mayor Long Robinson seconded by Councilwoman Crump with all in favor Resolution 2019-20, approving the Kingfisher Boulevard Plat, was adopted.

**NINTH ORDER OF BUSINESS**

**Consideration of Solid Waste Contract with Advanced Disposal Services, Resolution 2019-21**

Ms. Booker reviewed the solid waste contract with Advanced Disposal Services and the rate schedules.

Mr. Cassel read Resolution 2019-21 by title only.



On MOTION by Councilman Stanavitch seconded by Councilman Everett with all in favor Resolution 2019-21, approving the solid waste contract with Advanced Disposal Services with the rate schedules attached, was adopted.

**TENTH ORDER OF BUSINESS** **Consideration of PBSO Contract, Resolution 2019-22**

Mr. Cassel reviewed the PBSO contract.

Major Coleman provided an overview of services provided under the contract and addressed questions from the Council.

Mr. Cassel read Resolution 2019-22 by title only.

On MOTION by Councilman Stanavitch seconded by Councilwoman Crump with Councilman Stanavitch, Councilwoman Crump, Vice Mayor Long Robinson and Mayor Manning voting aye and Councilman Everett voting nay, Resolution 2019-22, approving the PBSO contract, was adopted.

**ELEVENTH ORDER OF BUSINESS** **Manager's Report**

**A. Consideration of Meeting Schedule for Fiscal Year 2020**

Mr. Cassel reviewed the proposed meeting schedule for Fiscal Year 2020.

On MOTION by Councilwoman Crump seconded by Vice Mayor Long Robinson with all in favor the meeting schedule was approved changing the November meeting date to November 4, 2019.

Mr. Cassel also reported the following:

- Mr. Campbell, Principal of Seminole Ridge High, responded appreciatively to Mr. Cassel's correspondence regarding additional PBSO presence during school drop off and pick up times.
- Starting next week, SID's contractor will begin construction at the Waters Edge Drive and Seminole Pratt Whitney Road intersection. It will take approximately 220 days to complete.

**TWELFTH ORDER OF BUSINESS** **Attorney's Report**

Ms. Booker reported they will continue to work on the code to bring back before the Council in order to wrap it up by November.

**THIRTEENTH ORDER OF BUSINESS** **PBSO Monthly Report – Informational Only**

This item is for informational purposes only.

**FOURTEENTH ORDER OF BUSINESS**

**Response Time Report from Palm Beach  
County Fire Rescue – Informational Only**

This item is for informational purposes only.

**FIFTEENTH ORDER OF BUSINESS**

**Audience Comments on Other Items (3)  
Minute Time Limit**

There being none, the next item followed.

**SIXTEENTH ORDER OF BUSINESS**

**Council Comments**

There being none, the next item followed.

**SEVENTEENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business, the meeting adjourned at 8:18 p.m.

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Kenneth Cassel  
City Manager

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Roger Manning  
Mayor

## **Fifth Order of Business**



## MEMORANDUM

**TO: Members of the City Council, City of Westlake**  
**FROM: Steven Fowler, Accountant; Alan Baldwin, Accounting Manager**  
**CC: Ken Cassel, City Manager**  
**DATE: August 26, 2019**  
**SUBJECT: July Financial Report**

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Please find attached the July 2019 financial report. During your review, please keep in mind that the goal is for revenue to meet or exceed the year-to-date budget and for expenditures to be at or below the year-to-date budget. An overview of the City is provided below. Should you have any questions or require additional information, please contact me at [Steven.Fowler@inframark.com](mailto:Steven.Fowler@inframark.com).

### **General Fund**

- Total Revenues through July were approximately 68% of the annual budget. During this time approximately 92% of the FY2019 Ad Valorem Tax had been collected. The annual budget includes revenue from a funding agreement with Minto Community, LLC, actual receipts under which were less than anticipated as of the end of July.
- Total Expenditures through July were approximately 69% of the annual budget. During this time actual expenditures for Public Safety and Special Events were less than anticipated.

### **Special Revenue Fund – Housing Assistance Program**

- Total Revenues through July were approximately 171% of the annual budget. \$1,500 per SFR building permit is paid into the Housing Assistance Program as a donation. The City received donations for the FPL Solar Site, UHS ER Site and 7-Eleven Site of \$50,000, \$9,905 and \$13,703, respectively.

# City of Westlake

## Financial Report

*July 31, 2019*



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# **City of Westlake**

## **Financial Statements**

**July 31, 2019**

**Balance Sheet**  
 July 31, 2019

ACCOUNT DESCRIPTION	GENERAL FUND	SPECIAL REVENUE FUND - HOUSING ASSISTANCE PROGRAM	TOTAL
<b><u>ASSETS</u></b>			
Cash - Checking Account	\$ 837,642	\$ -	\$ 837,642
Assessments Receivable	6,710	-	6,710
Due From Other Districts	1,886	-	1,886
Investments:			
Money Market Account	3,446	522,048	525,494
Prepaid Items	30,572	-	30,572
Deposits	641	-	641
Mortgages Receivable	-	71,408	71,408
<b>TOTAL ASSETS</b>	<b>\$ 880,897</b>	<b>\$ 593,456</b>	<b>\$ 1,474,353</b>
<b><u>LIABILITIES</u></b>			
Accounts Payable	\$ 138,539	\$ -	\$ 138,539
Accrued Expenses	15,000	-	15,000
DBPR surcharge	420	-	420
DCA surcharge	624	-	624
Deferred Revenue-Developer Submittals (Minto)	93,794	-	93,794
<b>TOTAL LIABILITIES</b>	<b>248,377</b>	<b>-</b>	<b>248,377</b>
<b><u>FUND BALANCES</u></b>			
<b>Nonspendable:</b>			
Prepaid Items	31,213	-	31,213
<b>Restricted for:</b>			
Special Revenue	-	593,456	593,456
<b>Unassigned:</b>	<b>601,307</b>	<b>-</b>	<b>601,307</b>
<b>TOTAL FUND BALANCES</b>	<b>\$ 632,520</b>	<b>\$ 593,456</b>	<b>\$ 1,225,976</b>
<b>TOTAL LIABILITIES &amp; FUND BALANCES</b>	<b>\$ 880,897</b>	<b>\$ 593,456</b>	<b>\$ 1,474,353</b>



**Statement of Revenues, Expenditures and Changes in Fund Balances**  
For the Period Ending July 31, 2019

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<b>REVENUES</b>				
Interest - Investments	\$ 2,000	\$ 1,667	\$ 1,151	\$ (516)
Ad Valorem Taxes	248,894	248,894	229,541	(19,353)
Ad Valorem Taxes - Discounts	(9,994)	(9,994)	(7,573)	2,421
Local Option Gas Tax	100	100	42	(58)
Discretionary Sales Surtaxes	800	667	-	(667)
FPL Franchise	33,300	27,750	69,066	41,316
Electricity	18,000	15,000	21,985	6,985
Water	76,800	64,000	4,603	(59,397)
Gas	-	-	5,215	5,215
Communication Services Taxes	27,100	22,583	14,977	(7,606)
Occupational Licenses	5,000	4,167	4,422	255
Building Permits	600,000	500,000	506,955	6,955
Building Permits - Surcharge	-	-	1,103	1,103
Other Building Permit Fees	-	-	12,600	12,600
Building Permits - Admin Fee	-	-	48,029	48,029
Engineering Permits	75,000	62,500	193,132	130,632
Planning & Zoning Permits	250,000	208,333	60,004	(148,329)
Other Licenses, Fees & Permits	4,700	3,917	4,700	783
Local Govt .05c Sales Tax	400	333	-	(333)
Penalties	-	-	60	60
Admin Fee	-	-	5,382	5,382
Other Operating Revenues	-	-	500	500
Judgements and Fines	-	-	45	45
Interest - Tax Collector	-	-	73	73
Other Impact Fees	1,500	1,500	-	(1,500)
Developer Contribution	1,806,400	1,204,267	950,000	(254,267)
Lien Search Fee	-	-	475	475
Inspection Fees	1,000	833	11,250	10,417
<b>TOTAL REVENUES</b>	<b>3,141,000</b>	<b>2,356,517</b>	<b>2,137,737</b>	<b>(218,780)</b>

**EXPENDITURES****Administration**

Mayor/Council Stipend	204,000	170,000	170,000	-
FICA Taxes	15,600	13,000	13,005	(5)
ProfServ-Engineering	75,000	62,500	146,187	(83,687)
ProfServ-Info Technology	148,000	123,333	170,018	(46,685)
ProfServ-Legal Services	356,300	296,917	307,955	(11,038)
ProfServ-Legislative Expense	24,000	20,000	-	20,000

**Statement of Revenues, Expenditures and Changes in Fund Balances**  
For the Period Ending July 31, 2019

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
ProfServ-Planning/Zoning Board	250,000	208,333	201,431	6,902
ProfServ-Consultants	40,000	33,333	12,025	21,308
ProfServ-Building Permits	600,000	500,000	604,541	(104,541)
Management Services	410,000	341,667	345,623	(3,956)
ProfServ-Web Site Maintenance	6,100	5,083	5,170	(87)
Auditing Services	7,000	3,500	3,225	275
Communication - Telephone	7,500	6,250	15,667	(9,417)
Postage and Freight	1,500	1,250	674	576
Lease - Building	500	500	500	-
Liability/Property Insurance	16,500	16,500	7,120	9,380
Printing	1,000	833	1,560	(727)
Legal Advertising	12,000	10,000	12,684	(2,684)
Miscellaneous Services	-	-	460	(460)
General Government	100,000	83,333	39,899	43,434
Misc-Late Fees	-	-	348	(348)
Council Expenses	20,000	16,667	3,470	13,197
Misc-Contingency	90,000	75,000	19,669	55,331
Office Supplies	5,000	4,167	7,120	(2,953)
Dues, Licenses, Subscriptions	10,000	8,333	3,877	4,456
<b>Total Administration</b>	<b>2,400,000</b>	<b>2,000,499</b>	<b>2,092,228</b>	<b>(91,729)</b>
<b><u>Other Public Safety</u></b>				
Contracts-Sheriff	550,000	458,333	60,394	397,939
<b>Total Other Public Safety</b>	<b>550,000</b>	<b>458,333</b>	<b>60,394</b>	<b>397,939</b>
<b><u>Capital Expenditures &amp; Projects</u></b>				
Cap Outlay - Office Computers	6,000	5,000	-	5,000
<b>Total Capital Expenditures &amp; Projects</b>	<b>6,000</b>	<b>5,000</b>	<b>-</b>	<b>5,000</b>
<b><u>Road and Street Facilities</u></b>				
Electricity - General	10,000	8,333	3,257	5,076
<b>Total Road and Street Facilities</b>	<b>10,000</b>	<b>8,333</b>	<b>3,257</b>	<b>5,076</b>
<b><u>Park &amp; Grounds</u></b>				
R&M-Parks	50,000	41,667	-	41,667
<b>Total Park &amp; Grounds</b>	<b>50,000</b>	<b>41,667</b>	<b>-</b>	<b>41,667</b>
<b><u>Special Events</u></b>				
Misc-Event Expense	75,000	62,500	-	62,500
<b>Total Special Events</b>	<b>75,000</b>	<b>62,500</b>	<b>-</b>	<b>62,500</b>

**Statement of Revenues, Expenditures and Changes in Fund Balances**  
For the Period Ending July 31, 2019

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<b>Reserves</b>				
Reserve - Buildings	50,000	50,000	-	50,000
<b>Total Reserves</b>	<u>50,000</u>	<u>50,000</u>	<u>-</u>	<u>50,000</u>
<b>TOTAL EXPENDITURES &amp; RESERVES</b>	<b>3,141,000</b>	<b>2,626,332</b>	<b>2,155,879</b>	<b>470,453</b>
Excess (deficiency) of revenues				
Over (under) expenditures	-	(269,815)	(18,142)	251,673
Net change in fund balance	<u>\$ -</u>	<u>\$ (269,815)</u>	<u>\$ (18,142)</u>	<u>\$ 251,673</u>
<b>FUND BALANCE, BEGINNING (OCT 1, 2018)</b>	<b>650,662</b>	<b>650,662</b>	<b>650,662</b>	
<b>FUND BALANCE, ENDING</b>	<u><b>\$ 650,662</b></u>	<u><b>\$ 380,847</b></u>	<u><b>\$ 632,520</b></u>	

**Statement of Revenues, Expenditures and Changes in Fund Balances**  
For the Period Ending July 31, 2019

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<b>REVENUES</b>				
Interest - Investments	\$ -	\$ -	\$ 6,122	\$ 6,122
Donations	150,000	125,000	250,405	125,405
<b>TOTAL REVENUES</b>	<b>150,000</b>	<b>125,000</b>	<b>256,527</b>	<b>131,527</b>
<b>EXPENDITURES</b>				
<b>Administration</b>				
Misc-Bank Charges	-	-	24	(24)
<b>Total Administration</b>	<b>-</b>	<b>-</b>	<b>24</b>	<b>(24)</b>
<b>Public Assistance</b>				
Misc-Admin Fee (%)	11,300	9,417	-	9,417
Assistance Program	138,700	115,583	-	115,583
<b>Total Public Assistance</b>	<b>150,000</b>	<b>125,000</b>	<b>-</b>	<b>125,000</b>
<b>TOTAL EXPENDITURES</b>	<b>150,000</b>	<b>125,000</b>	<b>24</b>	<b>124,976</b>
Excess (deficiency) of revenues Over (under) expenditures	-	-	256,503	256,503
Net change in fund balance	\$ -	\$ -	\$ 256,503	\$ 256,503
<b>FUND BALANCE, BEGINNING (OCT 1, 2018)</b>	<b>336,953</b>	<b>336,953</b>	<b>336,953</b>	
<b>FUND BALANCE, ENDING</b>	<b>\$ 336,953</b>	<b>\$ 336,953</b>	<b>\$ 593,456</b>	

# **City of Westlake**

**Supporting Schedules**

**July 31, 2019**

Cash and Investment Report

July 31, 2019

<b>GENERAL FUND</b>
---------------------

<u>Account Name</u>	<u>Bank Name</u>	<u>Investment Type</u>	<u>Maturity</u>	<u>Yield</u>	<u>Balance</u>
Checking Account - Operating	BankUnited	Checking Account	n/a	n/a	\$837,642
Money Market	BankUnited	MMA	n/a	1.00%	\$3,446
				<b>Subtotal</b>	<u>\$841,088</u>

<b>SPECIAL REVENUE FUND</b>
-----------------------------

Money Market	BankUnited	MMA	n/a	1.00%	\$522,048
				<b>Subtotal</b>	<u>\$522,048</u>
				<b>Total</b>	<u><u>\$1,363,136</u></u>

**City of Westlake**

Bank Reconciliation

Bank Account No. 0300 Bank United - GF  
 Statement No. 0719  
 Statement Date 7/31/2019

<b>G/L Balance (LCY)</b>	837,641.56	<b>Statement Balance</b>	875,784.61
<b>G/L Balance</b>	837,641.56	<b>Outstanding Deposits</b>	201.43
<b>Positive Adjustments</b>	0.00		
	<hr/>		
<b>Subtotal</b>	837,641.56	<b>Subtotal</b>	875,986.04
<b>Negative Adjustments</b>	0.00	<b>Outstanding Checks</b>	38,344.48
	<hr/>	<b>Differences</b>	0.00
<b>Ending G/L Balance</b>	837,641.56	<b>Ending Balance</b>	837,641.56
<b>Difference</b>	0.00		

Posting Date	Document Type	Document No.	Description	Amount	Cleared Amount	Difference
<b>Outstanding Checks</b>						
11/30/2018	Payment	7635	CROWN CASTLE-STA PROPERTY	202.88	0.00	202.88
5/17/2019	Payment	7818	GOLDEN GROVE ELEMENTARY SCHOOL	2,000.00	0.00	2,000.00
6/26/2019	Payment	7857	MARK L. DUBOIS	375.00	0.00	375.00
7/18/2019	Payment	7892	MARK L. DUBOIS	400.00	0.00	400.00
7/24/2019	Payment	7895	OFFICE DEPOT	522.47	0.00	522.47
7/29/2019	Payment	7900	INFRAMARK, LLC	34,696.49	0.00	34,696.49
7/29/2019	Payment	7901	OFFICE DEPOT	147.64	0.00	147.64
<b>Total Outstanding Checks.....</b>				<b>38,344.48</b>		<b>38,344.48</b>
<b>Outstanding Deposits</b>						
7/31/2019		DEP00720	PERMIT/BUSINESS TAX RECEIPT	G/L Acc 201.43	0.00	201.43
<b>Total Outstanding Deposits.....</b>				<b>201.43</b>		<b>201.43</b>

## **City of Westlake**

**Check Register**

**July 1-31, 2019**



**CITY OF WESTLAKE**

**Payment Register by Fund  
For the Period from 7/1/2019 to 7/31/2019  
(Sorted by Check / ACH No.)**

Fund No.	Check / ACH No.	Date	Payee	Invoice No.	Payment Description	Invoice / GL Description	G/L Account #	Amount Paid
<b>GENERAL FUND - 001</b>								
001	7862	07/01/19	LAW OFFICES OF PAM E. BOOKER, ESQ	137	7/19 LEGAL SERVICES	ProfServ-Legal Services	531023-51401	\$30,572.39
001	7863	07/01/19	OFFICE DEPOT	332245856001	PAPER/PENS/TONER	Office Supplies	551002-51301	\$183.07
001	7864	07/01/19	AVATARA PARTNERS LLC	7906	COMPLETE CLOUD SERVICE JULY	ProServ-Info Technology	531020-51301	\$4,729.50
001	7864	07/01/19	AVATARA PARTNERS LLC	7906	COMPLETE CLOUD SERVICE JULY	Due from Other Districts	133500	\$1,576.50
001	7865	07/01/19	NETONE TECHNOLOGIES, INC	7786	7/19 PREPAID BLOCK OF TIME	ProServ-Info Technology	531020-51301	\$843.75
001	7865	07/01/19	NETONE TECHNOLOGIES, INC	7786	7/19 PREPAID BLOCK OF TIME	Due from Other Districts	133500-51301	\$281.25
001	7866	07/02/19	FPL	02039-062019	51575-02039 5/21-6/20/19	Electricity-General	543006-54101	\$87.39
001	7868	07/08/19	PBC FINANCE DEPARTMENT	TLAKE-063019	IMPACT FEES 6/19	Other Current Liabilities	229000	\$52,051.06
001	7869	07/08/19	SOLID WASTE AUTHORITY	SWA-063019C	SOLID WASTE AUTHORITY FEES 6/19	Solid Waste fees	202130	\$1,851.35
001	7870	07/08/19	SOLID WASTE AUTHORITY	SWA-063019A	SOLID WASTE AUTHORITY FEES 6/19	Solid Waste fees	202130	\$2,994.53
001	7871	07/09/19	T-MOBILE USA, INC.	63851-062119	955763851 5/21-6/20/19	Communication - Telephone	541003-51301	\$199.29
001	7872	07/09/19	CHEN MOORE & ASSOCIATES, INC.	0000136919	SERVICE FOR 6/1-6/30/19	ProfServ-Engineering	531013-51501	\$11,531.99
001	7873	07/09/19	NZ CONSULTANTS, INC.	WES-32	PLANNING & ZONING SVCS 5/1-5/31/19	ProfServ-Planning/Zoning Board	531032-51501	\$19,206.25
001	7874	07/09/19	MARK L. DUBOIS	18235	SERVICE 6/19	ProfServ-Consultants	531075-51301	\$375.00
001	7875	07/09/19	LYNN LOBRUTTO	062719	COSTCO MEMBERSHIP/OFFICE SUPPLIES	Office Supplies	551002-51301	\$242.33
001	7875	07/09/19	LYNN LOBRUTTO	062719	COSTCO MEMBERSHIP/OFFICE SUPPLIES	Dues, Licenses, Subscriptions	554020-51301	\$120.00
001	7876	07/09/19	FLORIDA VENDORS ASSOCIATION	1081	CLEANING REAR OFFICE & CHAMBERS 6/7-6/28	General Government	549109-51301	\$2,340.00
001	7876	07/09/19	FLORIDA VENDORS ASSOCIATION	1080	MAIN OFFICE 6/7-6/21	General Government	549109-51301	\$600.00
001	7877	07/09/19	MILNER INC LEASE	64110040	COPIER LEASE W/INS. 6/15-7/14	Miscellaneous Services	549001-51301	\$28.14
001	7877	07/09/19	MILNER INC LEASE	64110040	COPIER LEASE W/INS. 6/15-7/14	Due from Other Districts	133500-51301	\$475.73
001	7877	07/09/19	MILNER INC LEASE	64110040	COPIER LEASE W/INS. 6/15-7/14	ProServ-Info Technology	531020-51301	\$1,902.90
001	7878	07/09/19	MILNER INC SERVICE	115219	MOVED AND SET UP MFP	ProServ-Info Technology	531020-51301	\$180.00
001	7879	07/11/19	NOVA ENGINEERING AND	0197059	PROFESSIONAL SERVICES 5/26-6/29	ProfServ-Building Permits	531091-51501	\$64,143.75
001	7880	07/11/19	OFFICE DEPOT	335121380001	COPIER PAPER	Office Supplies	551002-51301	\$56.26
001	7881	07/11/19	PBC SHERIFF'S OFFICE	64013	OFF DUTY DEPUTY SHERIFF 6/3-6/28	Contracts-Sheriff	534100-52901	\$5,459.00
001	7882	07/11/19	SUN BOLT, INC.	9917-19	SHIRTS	Misc-Contingency	549900-51301	\$52.96
001	7883	07/11/19	BERGER, TOOMBS, ELAM, GAINES & FRANK	346131	AUDIT FOR FY 9/30/18	Auditing Services	532002-51301	\$3,225.00
001	7884	07/11/19	FLORIDA TECHNICAL CONSULTANTS	684	07-WA07 GIS SUPPORT 5/30-6/3	ProServ-Info Technology	531020-51301	\$668.50
001	7884	07/11/19	FLORIDA TECHNICAL CONSULTANTS	684	07-WA07 GIS SUPPORT 5/30-6/3	Due from Other Districts	133500	\$286.50
001	7884	07/11/19	FLORIDA TECHNICAL CONSULTANTS	685	WA08 SERVICE FOR 6/4-6/28/19	ProfServ-Engineering	531013-51301	\$6,545.00
001	7884	07/11/19	FLORIDA TECHNICAL CONSULTANTS	685	WA08 SERVICE FOR 6/4-6/28/19	Due from Other Districts	133500	\$2,805.00
001	7885	07/11/19	ANNE M. GANNON-TAX COLLECTOR	070819	PROPERTY PAYMENT CANCELLATIONS DISTR# 10	Misc-Contingency	549900-51301	\$540.28
001	7886	07/11/19	MILNER INC SERVICE	50513D	DOCUWARE CONFIGURATION	ProServ-Info Technology	531020-51301	\$312.00
001	7886	07/11/19	MILNER INC SERVICE	50513D	DOCUWARE CONFIGURATION	Due from Other Districts	133500	\$78.00
001	7887	07/12/19	DBPR/BCAIB	TLAKE-063019	Q4 4/1-6/30/19	DCA Surcharge	202117-51301	\$2,020.24
001	7888	07/16/19	ECKLER ENGINEERING, INC.	19139	FIRE STATION #22 PLAN REVIEW	ProfServ-Engineering	531013-51301	\$150.00
001	7889	07/16/19	MILNER INC LEASE	64110176	SOFTWARE LEASE 6/15-7/14	ProServ-Info Technology	531020-51301	\$851.20
001	7889	07/16/19	MILNER INC LEASE	64110176	SOFTWARE LEASE 6/15-7/14	Due from Other Districts	133500-51301	\$212.80
001	7890	07/18/19	CMG-PB REMITTANCE ADDRESS	100493189-06282019	public notice 6/28/19	Legal Advertising	548002-51301	\$700.00
001	7890	07/18/19	CMG-PB REMITTANCE ADDRESS	100493194-06282019	PUBLIC NOTICE 6/28/19	Legal Advertising	548002-51301	\$700.00
001	7890	07/18/19	CMG-PB REMITTANCE ADDRESS	100493188-06282019	PUBLIC NOTICE 6/28/19	Legal Advertising	548002-51301	\$700.00
001	7891	07/18/19	CMG-PB REMITTANCE ADDRESS	100493185-06282019	CITY PLANNING & ZONING PUBLIC HEARING	Legal Advertising	548002-51301	\$700.00
001	7891	07/18/19	CMG-PB REMITTANCE ADDRESS	100493183-06282019	CITY PLANNING & ZONING 6/28/19	Legal Advertising	548002-51301	\$700.00
001	7891	07/18/19	CMG-PB REMITTANCE ADDRESS	100493182-06282019	CITY PLANNING & ZONING 6/28/19	Legal Advertising	548002-51301	\$700.00
001	7892	07/18/19	MARK L. DUBOIS	18237	SERVICE 7/1 to 7/11	ProfServ-Consultants	531075-51301	\$400.00

**CITY OF WESTLAKE**

**Payment Register by Fund  
For the Period from 7/1/2019 to 7/31/2019  
(Sorted by Check / ACH No.)**

Fund No.	Check / ACH No.	Date	Payee	Invoice No.	Payment Description	Invoice / GL Description	G/L Account #	Amount Paid
001	7893	07/18/19	FED EX	6-607-25967	SERVICE FOR 7/2/19	Postage and Freight	541006-51301	\$54.83
001	7894	07/24/19	LAW OFFICES OF PAM E. BOOKER, ESQ	138	LEGAL SERVICE 8/19	ProfServ-Legal Services	531023-51401	\$30,572.39
001	7895	07/24/19	OFFICE DEPOT	339789546001	FILING TABS,PAPER CLIPS	Office Supplies	551002-51301	\$5.92
001	7895	07/24/19	OFFICE DEPOT	339788633001	BOOKCASE	Office Supplies	551002-51301	\$339.99
001	7895	07/24/19	OFFICE DEPOT	339610372001	MISC OFFICE SUPPLIES	Office Supplies	551002-51301	\$168.24
001	7895	07/24/19	OFFICE DEPOT	339612159001	ORIGINAL	Office Supplies	551002-51301	\$8.32
001	7896	07/24/19	AVATARA PARTNERS LLC	8049	COMPLETE CLOUD SERVICES 8/19	ProServ-Info Technology	531020-51301	\$4,729.50
001	7896	07/24/19	AVATARA PARTNERS LLC	8049	COMPLETE CLOUD SERVICES 8/19	Due from Other Districts	133500	\$1,576.50
001	7897	07/24/19	GREATAMERICA FINANCIAL SERVICES CORP	25172715	7/19 COPIER RENTAL	ProServ-Info Technology	531020-51301	\$315.13
001	7898	07/25/19	CMG-PB REMITTANCE ADDRESS	35857-071519	NOTICE OF ORDINANCE 2019-3 7/12-7/22/19	Legal Advertising	548002-51301	\$123.84
001	7899	07/25/19	FPL	072219-02039-CASH	51575-02039 6/20-7/22/19	Electricity-General	543006-54101	\$86.78
001	7900	07/29/19	INFRAMARK, LLC	42864		Management Services	531093-51201	\$34,166.67
001	7900	07/29/19	INFRAMARK, LLC	42864		Postage and Freight	541006-51301	\$17.15
001	7900	07/29/19	INFRAMARK, LLC	42864		Printing	547006-51301	\$146.00
001	7900	07/29/19	INFRAMARK, LLC	42864		ProfServ-Web Site Maintenance	531094-51301	\$366.67
001	7901	07/29/19	OFFICE DEPOT	343509518001	LABEL TAPES	Office Supplies	551002-51301	\$52.06
001	7901	07/29/19	OFFICE DEPOT	343509517001	BATTERY BACKUP	Office Supplies	551002-51301	\$79.99
001	7901	07/29/19	OFFICE DEPOT	343508376001	DOCUMENT HOLDER	Office Supplies	551002-51301	\$15.59
001	DD258	07/04/19	CARD SERVICES CENTER	0935-060919	PURCHASES FOR 5/13-6/9/19	PALM BEACH COUNTY LEAG	549170-51101	\$77.78
001	DD258	07/04/19	CARD SERVICES CENTER	0935-060919	PURCHASES FOR 5/13-6/9/19	TRANSCRIPTION FOOT PEDAL	551002-51301	\$64.95
001	DD258	07/04/19	CARD SERVICES CENTER	0935-060919	PURCHASES FOR 5/13-6/9/19	AMAZON PRIME	554020-51301	\$13.14
001	DD258	07/04/19	CARD SERVICES CENTER	0935-060919	PURCHASES FOR 5/13-6/9/19	PALM BEACH POST CIRC	554020-51301	\$56.43
001	DD258	07/04/19	CARD SERVICES CENTER	0935-060919	PURCHASES FOR 5/13-6/9/19	PAPER (4)	551002-51301	\$63.12
001	DD258	07/04/19	CARD SERVICES CENTER	0935-060919	PURCHASES FOR 5/13-6/9/19	GAS FCCMA ANNUAL CONF.	549109-51301	\$46.25
001	DD258	07/04/19	CARD SERVICES CENTER	0935-060919	PURCHASES FOR 5/13-6/9/19	HILTON DISNEY WORLD FCCMA ANNUAL CONF.	549109-51301	\$253.24
001	DD258	07/04/19	CARD SERVICES CENTER	0935-060919	PURCHASES FOR 5/13-6/9/19	ENTERPRISE RENT A CAR FCCMA ANNUAL CONF.	549109-51301	\$411.68
001	DD261	07/13/19	COMCAST	062219-3484 ACH	8535 11 407 0673484 6/26-7/25	Communication - Telephone	541003-51301	\$501.29
001	DD262	07/01/19	COMCAST	76842-060619 ACH	8535 11 407 0676842 6/10-7/9/19	Communication - Telephone	541003-51301	\$379.57
001	DD263	07/01/19	FPL	061919-00227 ACH	78436-00227 5/20-6/19/19	Electricity-General	543006-54101	\$79.66
001	DD271	07/17/19	COMCAST	74953-062619 ACH	0674953 6/30-7/29	Communication - Telephone	541003-51301	\$248.62
001	DD272	07/17/19	COMCAST	74961-062619 ACH	0674961 6/30-7/29	Communication - Telephone	541003-51301	\$399.04
001	DD273	07/19/19	FPL	99121-070619 ACH	09796-99121 6/6-7/8/19	Electricity-General	543006-54101	\$77.86
001	DD274	07/19/19	FPL	89127-070819 ACH	61367-89127 6/6-7/8/19	Electricity-General	543006-54101	\$55.54
001	DD275	07/09/19	FBC'S BUILDING CODE	DCA-SUR-001	Q4 FY19 ENDING 6/30/19	DBPR Surcharge	202115	\$1,372.44
001	DD276	07/27/19	COMCAST	76842-070619 ACH	TV/PHINTRNT 7/10-8/9	Communication - Telephone	541003-51301	\$379.57
001	DD277	07/30/19	FPL	071919-00227 ACH	78436-00227 6/19-7/19/19	Electricity-General	543006-54101	\$81.37
001	7867	07/08/19	PHILLIP D EVERETT	PAYROLL	July 08, 2019 Payroll Posting			\$2,909.27
001	DD266	07/08/19	KARA S. CRUMP	PAYROLL	July 08, 2019 Payroll Posting			\$2,784.77
001	DD267	07/08/19	KATRINA L. LONG	PAYROLL	July 08, 2019 Payroll Posting			\$2,784.77
001	DD268	07/08/19	ROGER B MANNING	PAYROLL	July 08, 2019 Payroll Posting			\$2,826.27
001	DD269	07/08/19	JOHN A. STANAVITCH	PAYROLL	July 08, 2019 Payroll Posting			\$2,867.77
							<b>Fund Total</b>	<b>\$315,938.88</b>

**Total Checks Paid \$315,938.88**

## **Sixth Order of Business**

# CITY OF WESTLAKE



## ***Annual Operating Budget*** **Fiscal Year 2020**

Tentative Approved Budget  
9/9/19 6:30 PM

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# CITY OF WESTLAKE

## Public Officials

### **Mayor**

*Roger Manning*

### **Vice Mayor**

*Katrina Long Robinson*

### **Councilmann**

*Philip Everett*

### **Councilman**

*John Stanavitch*

### **Councilwoman**

*Kara Crump*

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## Administrative Staff

Ken Cassel, City Manager

Pam Booker, City Attorney

Inframark Infrastructure Management Services, Financial Services

**FY2020 Summary Budget - General Fund**

ACCOUNT DESCRIPTION	ACTUAL	ACTUAL	ADOPTED	ACTUAL	PROJECTED	TOTAL	ANNUAL
	FY 2017	FY 2018	BUDGET	THRU	AUG -	PROJECTED	BUDGET
			FY 2019	JUL-2019	SEP-2019	FY 2019	FY 2020
<b>REVENUES</b>							
Interest - Investments	\$ 1,294	\$ 970	\$ 2,000	\$ 1,224	\$ 230	\$ 1,454	\$ -
Ad Valorem Taxes (5.125 millage)	-	140,208	248,894	229,541	19,353	248,894	557,948
Ad Valorem Taxes - Discounts	-	(5,463)	(9,994)	(7,573)	(194)	(7,767)	(22,318)
Other Taxes	-	31,155	123,200	46,822	14,401	61,223	162,301
Building/Engineering/Planning & Zoning	230,173	1,095,289	925,000	760,091	152,018	912,109	1,142,500
Other Licenses, Permits & Fees	12,412	91,479	45,500	157,632	30,414	188,046	308,000
Developer Contribution	1,117,965	1,019,568	1,806,400	950,000	240,025	1,190,025	1,958,269
<b>TOTAL REVENUES</b>	<b>1,361,844</b>	<b>2,373,206</b>	<b>3,141,000</b>	<b>2,137,737</b>	<b>456,247</b>	<b>2,593,984</b>	<b>4,106,700</b>
<b>EXPENDITURES</b>							
Total Legislative	219,606	235,606	263,600	186,475	37,295	223,770	325,100
Total City Manager	-	-	-	-	-	-	354,600
Total City Clerk	-	-	-	-	-	-	149,200
Total Finance	-	-	-	-	-	-	96,100
Total General & Administrative	790,858	537,053	861,100	645,639	136,057	781,696	642,100
Total Legal Counsel	296,300	291,387	356,300	307,955	61,591	369,546	404,600
Total Comprehensive Planning	-	1,000,276	925,000	952,159	190,432	1,142,591	1,142,500
Total Maintenance	-	-	50,000	-	-	-	-
Total Law Enforcement	6,820	36,199	550,000	60,394	12,079	72,473	677,000
Total Community Services	-	-	-	-	-	-	164,500
Total Capital Expenditures & Projects	-	-	-	-	-	-	6,000
Total Road and Street Facilities	-	-	10,000	3,257	651	3,908	45,000
Total Special Events	-	-	75,000	-	-	-	-
<b>TOTAL EXPENDITURES</b>	<b>1,313,584</b>	<b>2,100,521</b>	<b>3,091,000</b>	<b>2,155,879</b>	<b>438,105</b>	<b>2,593,984</b>	<b>4,006,700</b>
Total Reserves	-	-	50,000	-	-	-	100,000
<b>TOTAL EXPENDITURES &amp; RESERVES</b>	<b>1,313,584</b>	<b>2,100,521</b>	<b>3,141,000</b>	<b>2,155,879</b>	<b>438,105</b>	<b>2,593,984</b>	<b>4,106,700</b>
Excess (deficiency) of revenues over (under) expenditures	48,260	272,685	-	(18,142)	18,142	-	-
<b>FUND BALANCE, BEGINNING</b>	<b>329,684</b>	<b>377,944</b>	<b>-</b>	<b>650,629</b>	<b>632,487</b>	<b>650,629</b>	<b>650,629</b>
<b>FUND BALANCE, ENDING</b>	<b>\$ 377,944</b>	<b>\$ 650,629</b>	<b>\$ -</b>	<b>\$ 632,487</b>	<b>\$ 650,629</b>	<b>\$ 650,629</b>	<b>\$ 650,629</b>

## FY2020 Detail Budget - General Fund

ACCOUNT DESCRIPTION	ACTUAL	ACTUAL	ADOPTED	ACTUAL	PROJECTED	TOTAL	ANNUAL
	FY 2017	FY 2018	BUDGET	THRU	AUG -	PROJECTED	BUDGET
			FY 2019	JUL-2019	SEP-2019	FY 2019	FY 2020
<b>REVENUES</b>							
Interest - Investments	\$ 1,294	\$ 961	\$ 2,000	\$ 1,151	230	\$ 1,381	\$ -
Ad Valorem Taxes	-	140,208	248,894	229,541	19,353	248,894	557,948
Ad Valorem Taxes - Discounts	-	(5,463)	(9,994)	(7,573)	(194)	(7,767)	(22,318)
Local Option Fuel Tax	-	85	100	42	8	50	100
Local Discretionary Sales Tax	-	-	800	-	-	-	-
FPL Franchise Fee	-	16,538	33,300	69,066	13,813	82,879	138,100
Public Service Tax-Electricity	-	5,578	18,000	21,985	8,000	29,985	50,000
Public Service Tax-Water	-	13,874	76,800	4,603	2,397	7,000	69,400
Public Service Tax-Gas	-	-	-	5,215	1,000	6,215	10,400
Communications Service Tax	-	11,618	27,100	14,977	2,995	17,972	30,000
Occupational Licenses	7,575	5,910	5,000	4,422	884	5,306	5,300
Building Permits	230,173	665,690	600,000	506,955	101,391	608,346	725,400
Reinspection Fees	-	-	-	-	-	-	10,000
Building Permits-Surcharge	821	1,666	-	1,103	300	1,403	1,800
Other Building Permit Fees	-	-	-	12,600	3,150	15,750	15,000
Building Permits-Admin Fee	-	52,370	-	48,029	8,000	56,029	57,100
Engineering Permits	-	314,204	75,000	193,132	38,626	231,758	175,400
Planning/Zoning Permits	-	115,395	250,000	60,004	12,001	72,005	241,700
Other Licenses, Fees and Permits	-	4,143	4,700	4,700	940	5,640	4,100
Municipal Revenue Sharing	-	-	1	-	-	-	1
Local Govt Half Cent Sales Tax	-	-	400	-	-	-	2,400
Recording Fees	-	93	-	-	-	-	-
Administrative Fees	-	33	-	-	-	-	-
Garbage/Solid Waste Revenue	-	-	-	-	-	-	76,600
Penalties	-	-	-	60	-	60	-
Admin Fees	-	1,773	-	5,382	1,076	6,458	-
Other Operating Revenues	-	-	-	500	-	500	-
Judgements and Fines	-	53	-	45	-	45	-
Interest-Tax Collector	-	9	-	73	-	73	-
Other Impact Fees	2,456	-	1,500	-	-	-	-
Developer Contribution	1,117,965	1,019,568	1,806,400	950,000	240,025	1,190,025	1,958,269
Lien Search Fees	-	333	-	475	-	475	-
Inspection Fees	1,560	8,600	1,000	11,250	2,250	13,500	-
<b>TOTAL REVENUES</b>	<b>1,361,844</b>	<b>2,373,239</b>	<b>3,141,000</b>	<b>2,137,737</b>	<b>456,247</b>	<b>2,593,984</b>	<b>4,106,700</b>
<b>EXPENDITURES</b>							
<i>Legislative</i>							
Mayor/Council Stipend	204,000	204,000	204,000	170,000	34,000	204,000	210,100
FICA Taxes	15,606	15,606	15,600	13,005	2,601	15,606	16,100
ProfServ-Legislative Expense	-	16,000	24,000	-	-	-	-
Public Officials Insurance	-	-	-	-	-	-	3,900
Misc-Event Expense	-	-	-	-	-	-	75,000
Council Expenses	-	-	20,000	3,470	694	4,164	20,000
<b>Total Legislative</b>	<b>219,606</b>	<b>235,606</b>	<b>263,600</b>	<b>186,475</b>	<b>37,295</b>	<b>223,770</b>	<b>325,100</b>



**FY2020 Detail Budget - General Fund**

ACCOUNT DESCRIPTION	ACTUAL	ACTUAL	ADOPTED	ACTUAL	PROJECTED	TOTAL	ANNUAL
	FY 2017	FY 2018	BUDGET	THRU	AUG -	PROJECTED	BUDGET
			FY 2019	JUL-2019	SEP-2019	FY 2019	FY 2020
<b>City Manager</b>							
Contracts-City Manager	-	-	-	-	-	-	254,600
ProfServ-Compliance Service	-	-	-	-	-	-	50,000
Misc-Public Relations	-	-	-	-	-	-	50,000
<b>Total City Manager</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>354,600</b>
<b>City Clerk</b>							
Contracts-City Clerk	-	-	-	-	-	-	125,100
Legal Advertising	-	-	-	-	-	-	24,100
<b>Total City Clerk</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>149,200</b>
<b>Finance</b>							
Auditing Services	-	-	-	-	-	-	3,400
Contracts-Finance	-	-	-	-	-	-	92,700
<b>Total Finance</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>96,100</b>
<b>General &amp; Administrative</b>							
ProfServ-Information Technology	-	-	148,000	170,018	32,400	202,418	165,600
ProfServ-Consultants	-	18,825	40,000	12,025	2,405	14,430	88,800
Management Services	249,101	350,149	410,000	345,623	69,125	414,748	-
ProfServ-Web Site Maintenance	-	5,025	6,100	5,170	1,034	6,204	18,200
ProfServ-Planning/Zoning Eng.Services	475,949	-	-	-	-	-	-
Auditing Services	3,085	3,085	7,000	3,225	-	3,225	-
Contracts-Admin. Service	-	-	-	-	-	-	158,700
Communication - Telephone	2,789	3,720	7,500	15,667	2,405	18,072	-
Postage and Freight	415	1,416	1,500	674	135	809	1,400
Telephone, Cable and Internet Service	-	-	-	-	-	-	23,100
Lease - Building	500	500	500	500	-	500	500
Lease - Copier	-	-	-	-	-	-	36,800
Liability/Property Insurance	5,000	6,000	16,500	7,120	-	7,120	-
Insurance(Liab,Auto,Property)	-	-	-	-	-	-	4,000
Printing	-	100	1,000	1,560	312	1,872	14,300
Legal Advertising	11,884	33,718	12,000	12,684	2,537	15,221	-
Miscellaneous Services	2,452	-	-	460	-	460	-
Misc-Bank Charges	52	-	-	-	-	-	-
General Government	28,219	50,097	100,000	39,899	7,980	47,879	47,900
Misc. Late Fees	-	-	-	348	-	348	-
Misc-Contingency	1,858	51,732	90,000	19,669	6,970	26,639	22,000
Office Supplies	9,554	7,365	5,000	7,120	9,980	17,100	17,100
Cleaning Services	-	-	-	-	-	-	38,400
Dues, Licenses, Subscriptions	-	5,321	10,000	3,877	775	4,652	5,300
Cap Outlay - Computers	-	-	6,000	-	-	-	-
<b>Total General &amp; Administrative</b>	<b>790,858</b>	<b>537,053</b>	<b>861,100</b>	<b>645,639</b>	<b>136,057</b>	<b>781,696</b>	<b>642,100</b>
<b>Legal Counsel</b>							
ProfServ-Legal Services	296,300	291,387	356,300	307,955	61,591	369,546	380,600
ProfServ-Legislative Expense	-	-	-	-	-	-	24,000
<b>Total Legal Counsel</b>	<b>296,300</b>	<b>291,387</b>	<b>356,300</b>	<b>307,955</b>	<b>61,591</b>	<b>369,546</b>	<b>404,600</b>
<b>Comprehensive Planning</b>							
ProfServ-Engineering	-	156,719	75,000	146,187	29,237	175,424	175,400
ProfServ-Building Permits	-	622,366	600,000	604,541	120,908	725,449	725,400

## FY2020 Detail Budget - General Fund

ACCOUNT DESCRIPTION	ACTUAL	ACTUAL	ADOPTED	ACTUAL	PROJECTED	TOTAL	ANNUAL
	FY 2017	FY 2018	BUDGET FY 2019	THRU JUL-2019	AUG - SEP-2019	PROJECTED FY 2019	BUDGET FY 2020
ProfServ-Planning/Zoning Board	-	221,191	250,000	201,431	40,286	241,717	241,700
<b>Total Comprehensive Planning</b>	<b>-</b>	<b>1,000,276</b>	<b>925,000</b>	<b>952,159</b>	<b>190,432</b>	<b>1,142,591</b>	<b>1,142,500</b>
<b>Maintenance</b>							
R&M-Parks	-	-	50,000	-	-	-	-
<b>Total Maintenance</b>	<b>-</b>	<b>-</b>	<b>50,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Law Enforcement</b>							
Contracts-Sheriff	6,820	36,199	550,000	60,394	12,079	72,473	677,000
<b>Total Law Enforcement</b>	<b>6,820</b>	<b>36,199</b>	<b>550,000</b>	<b>60,394</b>	<b>12,079</b>	<b>72,473</b>	<b>677,000</b>
<b>Community Services</b>							
Contracts-Solid Waste	-	-	-	-	-	-	72,800
R&M-Parks	-	-	-	-	-	-	50,000
R&M-Community Maintenance	-	-	-	-	-	-	26,700
Operating Supplies	-	-	-	-	-	-	15,000
<b>Total Community Services</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>164,500</b>
<b>Capital Expenditures &amp; Projects</b>							
Cap Outlay-Office Compters	-	-	-	-	-	-	6,000
<b>Total Capital Expenditures &amp; Projects</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>6,000</b>
<b>Road and Street Facilities</b>							
Electricity-General	-	-	10,000	3,257	651	3,908	45,000
<b>Total Road and Street Facilities</b>	<b>-</b>	<b>-</b>	<b>10,000</b>	<b>3,257</b>	<b>651</b>	<b>3,908</b>	<b>45,000</b>
<b>Special Events</b>							
Misc-Event Expense	-	-	75,000	-	-	-	-
<b>Total Special Events</b>	<b>-</b>	<b>-</b>	<b>75,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Reserves</b>							
Building-Future City Hall (yr.1 and 2 of 5)	-	-	50,000	-	-	-	100,000
<b>Total Reserves</b>	<b>-</b>	<b>-</b>	<b>50,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>100,000</b>
<b>TOTAL EXPENDITURES</b>	<b>1,313,584</b>	<b>2,100,521</b>	<b>3,141,000</b>	<b>2,155,879</b>	<b>438,105</b>	<b>2,593,984</b>	<b>4,106,700</b>
Excess (deficiency) of revenues over (under) expenditures	48,260	272,718	-	(18,142)	18,142	-	-
<b>FUND BALANCE, BEGINNING</b>	<b>329,684</b>	<b>377,944</b>	<b>-</b>	<b>650,662</b>	<b>632,520</b>	<b>650,662</b>	<b>650,662</b>
<b>FUND BALANCE, ENDING</b>	<b>\$ 377,944</b>	<b>\$ 650,662</b>	<b>\$ -</b>	<b>\$ 632,520</b>	<b>\$ 650,662</b>	<b>\$ 650,662</b>	<b>\$ 650,662</b>

Budget Narrative  
Fiscal Year 2020

Revenue

**Ad Valorem Taxes**

The City levies an Ad Valorem tax on all parcels within its borders to pay for the operating expenditures during the Fiscal Year. The Palm Beach County Property Appraiser provides an estimate of next year's total taxable value. Dividing this number by 1,000 yields the number of mills, and the number of mills multiplied by a millage rate yields the total tax revenue.

**Ad Valorem Taxes - Discounts**

In accordance with applicable Florida Statutes, property owners within the City limits are entitled to a discount providing their Ad Valorem taxes are paid by specific dates. The discount is calculated as if all residents took full advantage of the early pay process.

**Local Option Fuel Tax**

Florida statutes allow a municipality to levy a tax on the sale of fuel. The State of Florida administers the tax and remits receipts to the municipality.

**FPL Franchise Fee**

Florida statutes allow municipalities to collect a fee from utilities companies for their use of public facilities necessary to provide service to customers. The fee is collected by the utility from its customers and remitted to the municipality.

**Public Service Tax-Electricity**

Florida statutes allow municipalities to levy a tax on the value of electrical service provided within its borders. The tax is collected by the utility from its customers and remitted to the municipality.

**Public Service Tax-Water**

Florida statutes allow municipalities to levy a tax on the value of water service provided within its borders. The tax is collected by the utility from its customers and remitted to the municipality.

**Public Service Tax-Gas**

Florida statutes allow municipalities to levy a tax on the value of gas service provided within its borders. The tax is collected by the utility from its customers and remitted to the municipality.

**Communication Services Tax**

The State of Florida levies a tax on the sale of communication services. This revenue is shared with its counties and municipalities.

**Occupational Licenses**

The City collects a business tax on all businesses operating within the City limits. This is an annual fee and is collected October 1<sup>st</sup> each year or when a new business opens within the City limits.

**Building Permits**

The City collects fees to cover the costs of operating the Building Department. This revenue will vary from year to year depending upon the volume of permit activity.

**Reinspection Fees**

The City collects fees from property owners or businesses for re-inspections conducted in connection with building permits.

**Building Permit-Surcharges**

The City collects fees with each building permit that are reported and remitted to the State of Florida to fund related programs. The City is allowed to retain a portion of these amounts to cover its administrative costs.

**Other Building Permit Fees**

The City processes applications to Florida Power & Light for temporary electric service to construction sites. It is allowed a fee to cover its administrative costs.

**Budget Narrative  
Fiscal Year 2020**

**General Fund-Revenue (continued)**

**Building Permits – Admin Fee**

The City collects Impact Fees with each permit for construction of a single-family residence that are reported and remitted to Palm Beach County. The City is allowed to retain a portion of these amounts to cover its administrative costs.

**Engineering Permits**

The City collects fees to cover the cost of operating the Engineering Department. This revenue will vary from year to year depending upon the volume of permit activity.

**Planning & Zoning Permits**

The City collects fees to cover the cost operating the Planning and Zoning Department. This revenue will vary from year to year depending upon the volume of permit activity.

**Other Licenses, Fees and Permits**

The City collects fees from vendors to do work within its borders, as well as fees for various other licenses and permits.

**Local Govt. Half Cent Sales Tax**

The Half-Cent Sales Tax is a state authorized tax, approved by residents of a city, for funding certain well-defined community projects.

**Garbage/Solid Waste Revenue**

The City anticipates contracting with a company to dispose of its solid waste. Residents will be charged a fee to cover the cost of the contract

**Developer Contribution**

The City has a funding agreement in place with Minto PBLH, LLC.

Budget Narrative  
Fiscal Year 2020

Expenditures

Expenditures – Legislative

**Mayor/Council Stipend**

The City Charter specifies the Mayor and City Council receive compensation for their service to the community.

**FICA Taxes**

Payroll taxes on City Council stipend. The budgeted amount for the fiscal year is calculated at 7.65% of the total payroll expenditure.

**Public Officials Insurance**

The City’s Public Officials Liability Insurance policy is currently with Public Risk Insurance. Public Risk Insurance specializes in providing insurance coverage to governmental agencies. This amount for the fiscal year is based on prior year premiums plus any anticipated market adjustments.

**Misc-Event Expense**

This amount is for the cost of city-wide social events that City may wish to sponsor.

**Council Expense**

The amount is to cover the cost of the city council attending various meetings and trainings throughout the year.

Expenditures – City Manager

**Contracts-City Manager**

The City receives City Manager services as part of a Management Agreement with Inframark Infrastructure Management Services. This amount for the fiscal year is based on the current and projected staffing needs for the City in the coming year.

**ProfServ-Compliance Service**

The City anticipates providing code enforcement services, either through additional staffing or a third-party contract.

**Misc-Public Relations**

The City anticipates providing public relations services, either through additional staffing or a third-party contract.

Expenditures – City Clerk

**Contracts-City Clerk**

The City receives City Clerk services as part of a Management Agreement with Inframark Infrastructure Management Services. This amount for the fiscal year is based on the current and projected staffing needs for the City in the coming year.

**Legal Advertising**

The City’s is required to advertise various notices for monthly council meetings, planning & zoning meetings and other public hearings in a newspaper of general circulation.

Expenditures – Finance

**Contracts-Finance**

The City receives financial services as part of a Management Agreement with Inframark Infrastructure Management Services. This amount for the fiscal year is based on the current and projected staffing needs for the City in the coming year.

**Auditing Services**

The City is required to conduct an annual audit of its financial records by an Independent Certified Public Accounting Firm. This amount is a projection based on prior years’ expenditures.

Budget Narrative  
Fiscal Year 2020

Expenditures – Administrative

**ProfServ – Information Technology**

This represents costs for the development and maintenance of the City’s information technology infrastructure. This amount is net of expected reimbursements from Seminole Improvement District for its share of the costs.

**ProfServ – Consultants**

This represents fees paid for compiling, organizing and maintaining permitting and other files.

**ProfServ - Web Site Maintenance**

This represents the cost of website hosting and posting of information to meet current Florida Statutes, as well as the annual domain name fees and the cost of any modifications to the web site.

**Contracts-Admin. Service**

The City receives administrative services as part of a Management Agreement with Inframark Infrastructure Management Services. This amount for the fiscal year is based on the current and projected staffing needs for the City in the coming year.

**Postage and Freight**

This represents the cost of postage and/or freight for City mailings, vendor checks and other correspondence.

**Telephone, Cable & Internet Service**

Services are provided by COMCAST and T-Mobile USA Inc.

**Lease – Building**

The City leases from Minto PBLH, LLC two structures and associated parking spaces to hold meetings of the City Council and to conduct other City business

**Lease - Copier**

The City makes monthly lease payments for the use of its copier and related software.

**Insurance (Liab,Auto,Property)**

The City’s General Liability, Auto, & Property Liability Insurance policy is currently with Public Risk Insurance. Public Risk Insurance specializes in providing insurance coverage to governmental agencies. This amount for the fiscal year is based on prior year premiums plus any anticipated market adjustments.

**Printing**

This represents the cost of copies used in the preparation of agenda packages, required mailings, newsletters and other special projects.

**General Government**

This represents the cost of recurring expenditures not covered in specific line items within the budget.

**Misc-Contingency**

This represents the cost of nonrecurring expenditures not covered in specific line items within the budget.

**Office Supplies**

This represents the cost of supplies used in the preparation of required mailings, and other special projects, as well as the cost of supplies in the City’s office.

**Cleaning Services**

The City makes monthly payments to have its offices and Council Chambers cleaned.

**Dues, Licenses, Subscriptions**

This represents the cost of required licenses, membership fees and dues to organizations such as the Chamber of Commerce, Florida League of Cities, Florida League of Mayors, Florida City & County Managers Association and Western Communities Counsel.

Budget Narrative  
Fiscal Year 2020

Expenditures – Legal Counsel

**ProfServ - Legal Services**

The City’s legal counsel will provide general legal services to the City in accordance with the contract between the City and the Attorney.

**ProfServ - Legislative Expense**

This represents the cost to represent the City before legislators and agency representatives during the legislative session.

Expenditures – Comprehensive Planning

**ProfServ – Engineering**

The City’s contracts with a third party to provide services to the City in accordance with their respective contracts. i.e. Plan review, attendance at meetings, and other services within their scope. These services are covered by the permit fees of the applicant as part of the building permit process.

**ProfServ – Building**

The City contracts with a third party to provide plan review permit issuance and inspections services. The service is funded by the permit fees of the applicant as part of the building permit process.

**ProfServ – Planning/Zoning Board**

The City contracts with a third party to provide site plan review, comprehensive master planning, zoning review for permit issuance. These services are funded by the permit fees of the applicant as part of the building permit review process.

Expenditures – Law Enforcement

**Contracts-Sheriff**

The City contracts for police services through the Palm Beach County Sheriff within the City limits.

Expenditures – Community Services

**Contracts-Solid Waste**

The City anticipates contracting with a company to dispose of its solid waste.

**R&M-Parks**

This represents the cost to maintain the City’s park facilities.

**R&M-Community Maintenance**

The City reimburses Seminole Improvement District for the cost of time spent serving its maintenance needs.

**Operating Supplies**

This represents the cost of trash bins as well as other expenses related to solid waste collection.

Expenditures – Capital Expenditures & Projects

**Cap Outlay-Office Computers**

This represents the cost to acquire or replace IT equipment.

**Budget Narrative  
Fiscal Year 2020**

*Expenditures – Road and Street Facilities*

**Electricity-General**

This represents the cost of electric service for the City's traffic signals and streetlights.

*Reserves*

**Building-Future City Hall**

Funds will be set aside for the construction of additional meeting, office and storage space.



## FY2020 Budget - Special Revenue Fund (Housing Assistance Program)

ACCOUNT DESCRIPTION	ACTUAL FY 2018	ADOPTED BUDGET FY 2019	ACTUAL THRU JUL-2019	PROJECTED AUG - SEP-2019	TOTAL PROJECTED FY 2019	ANNUAL BUDGET FY 2020
<b>REVENUES</b>						
Interest - Investments	\$ 2,348	\$ -	\$ 6,122	\$ 1,224	\$ 7,346	\$ -
Developer Contribution	316,500	-	-	-	-	-
Housing Assistance Fee	21,000	150,000	250,405	33,000	283,405	150,000
<b>TOTAL REVENUES</b>	<b>339,848</b>	<b>150,000</b>	<b>256,527</b>	<b>34,224</b>	<b>290,751</b>	<b>150,000</b>
<b>EXPENDITURES</b>						
<i>Administrative</i>						
Administration Fee	-	11,300	-	-	-	11,300
Assistance Program	2,837	138,700	-	34,220	34,220	138,700
Misc-Bank Charges	-	-	24	5	28	-
Bank Fees	58	-	-	-	-	-
<b>Total Administrative</b>	<b>2,895</b>	<b>150,000</b>	<b>24</b>	<b>34,224</b>	<b>34,248</b>	<b>150,000</b>
<b>TOTAL EXPENDITURES</b>	<b>2,895</b>	<b>150,000</b>	<b>24</b>	<b>34,224</b>	<b>34,248</b>	<b>150,000</b>
Excess (deficiency) of revenues Over (under) expenditures	336,953	-	256,503	-	256,503	-
<b>FUND BALANCE, BEGINNING</b>	-	336,953	336,953	-	336,953	593,456
<b>FUND BALANCE, ENDING</b>	<b>\$ 336,953</b>	<b>\$ 336,953</b>	<b>\$ 593,456</b>	<b>\$ -</b>	<b>\$ 593,456</b>	<b>\$ 593,456</b>

**Budget Narrative  
Fiscal Year 2020**

**Housing Assistance Revenue**

**Housing Assistance Fee**

A portion of the building permit fee for new construction will go toward funding the housing assistance Program.

**Expenditures**

**Assistance Program**

This represents the cost of down payment assistance provided to homeowners.

**Administration Fee**

This represents the cost of administering the housing program up to 7.5% of funding.

**6A.**

September 9, 2019

## RESOLUTION 2019-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR THE CITY OF WESTLAKE, FLORIDA, AND MAKING AN APPROPRIATION FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2019, AND ENDING ON SEPTEMBER 30, 2020.

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WHEREAS, in accordance with applicable provision of the law, the City Council for the City of Westlake has prepared a tentative budget for the City of Westlake for the fiscal period beginning on October 1, 2019 and ending on September 30, 2020, and determined the amount of available funds on hand, the estimated revenues, and appropriated amounts for the support of various operations of the City for the fiscal period; and

WHEREAS, a "Notice of Proposed Tax Increase" advising the public that the public hearing on the proposed millage rate and the tentative budget would be held on September 9, 2019, at 6:30 pm, at the Westlake Community Center, located at 4005 Seminole Pratt Whitney Road, Westlake, Florida 33470, has been mailed as required by Florida Statute 200.065; and

WHEREAS, said public hearing has been held as stated above and comments from the public concerning said proposed millage rates and tentative budget have been heard and considered; and

WHEREAS, as set forth during the tentative budget hearing the City Council acknowledges that said tentative budgets reflect the following revenue and expenditure estimates for the fiscal year beginning on October 1, 2019 and ending September 30, 2020 for all funds total \$4,256,700; and

WHEREAS, it is the desire of the City Council for the City of Westlake, to adopt a tentative budget for the fiscal year beginning October 1, 2019 and ending on September 30, 2020;

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

SECTION 1. There is hereby approved and adopted the tentative budget for the City of Westlake, Florida, as reflected in Exhibit "A", which is attached hereto and made a part hereof, for the fiscal period beginning on October 1, 2019 and ending on September 30, 2020.

SECTION 2. There is hereby appropriated for all the funds of the City of Westlake, Florida, the sum of \$4,256,700 as the appropriation for the fiscal year, October 1, 2019 through September 30, 2020.

SECTION 3. That the adopted tentative operation budget for Fiscal Year 2020 established limitations on expenditures/expenses by fund total. Said limitation meaning that the total sum allocated to each fund for total expenditures/expenses may not be increased without specific authorization by a duly enacted resolution effecting such amendment or transfer.

SECTION 4. That during the course of the 2020 fiscal year the City Council may transfer budgeted amounts from one fund or project to another fund or project and otherwise amend the budget by resolution, in accordance with laws of this state and the City Charter.

SECTION 5. This resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED BY the City Council for the City of Westlake, Florida, this 9<sup>th</sup> day of September 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

**6B.**

September 9, 2019

RESOLUTION 2019-25

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ADOPTING THE PROPOSED AD VALOREM MILLAGE RATE TO BE LEVIED FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2019, ENDING ON SEPTEMBER 30, 2020.

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WHEREAS, pursuant to applicable provisions of law, the City of Westlake has computed a proposed millage rate and prepared a tentative budget for the fiscal year beginning October 1, 2019 and ending on September 30, 2020; and

WHEREAS, a “Notice of Proposed Millage Rate and Tentative Budget Hearings” advising the public that a public hearing on the proposed millage rate and tentative budget would be held on September 9, 2019, at 6:30 pm in the Westlake Community Center, located at 4005 Seminole Pratt Whitney Road, in Westlake, Florida, has been published as required by Florida Statute 200.065; and

WHEREAS, said public hearing has been held as stated above and comments from the public concerning said proposed millage rate and tentative budget have been heard and considered; and

WHEREAS, the gross taxable value for operation purposed not exempt from taxation within Palm Beach County, has been certified by the Palm Beach County Appraiser to the City of Westlake is \$108,867,972; and

WHEREAS, it is the desire of the City Council for the City of Westlake to adopt a Proposed millage rate for the fiscal year beginning October 1, 2019 and ending on September 30, 2020;

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

- Section 1: That the proposed ad valorem millage rate of \$1,000.00 of assessed value for real and personal property value as established by the Palm Beach County Property Appraiser for the October 1, 2019 to September 30, 2020, fiscal year is hereby set at 5.125 mills.
- Section 2: The operating millage rate for the fiscal year 2019/2020 is set at 5.125 mills, which is 144.24% of the “rolled-back rate” of 3.553.
- Section 3: The City of Westlake does not have voted debt fiscal year 2019/2020.

Section 4: That a public hearing to adopt a final millage rate and budget shall be held on September 23, 2019, in accordance with Section 200.065, of the Florida Statutes.

Section 5: That this resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 9th day of September 2019.

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Roger Manning, Mayor  
City of Westlake

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Sandra Demarco, City Clerk

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



## **Seventh Order of Business**



**CITY OF WESTLAKE**

**CITY COUNCIL**

**Land Development Regulations**

**Chapter 3 - FIRST READING**

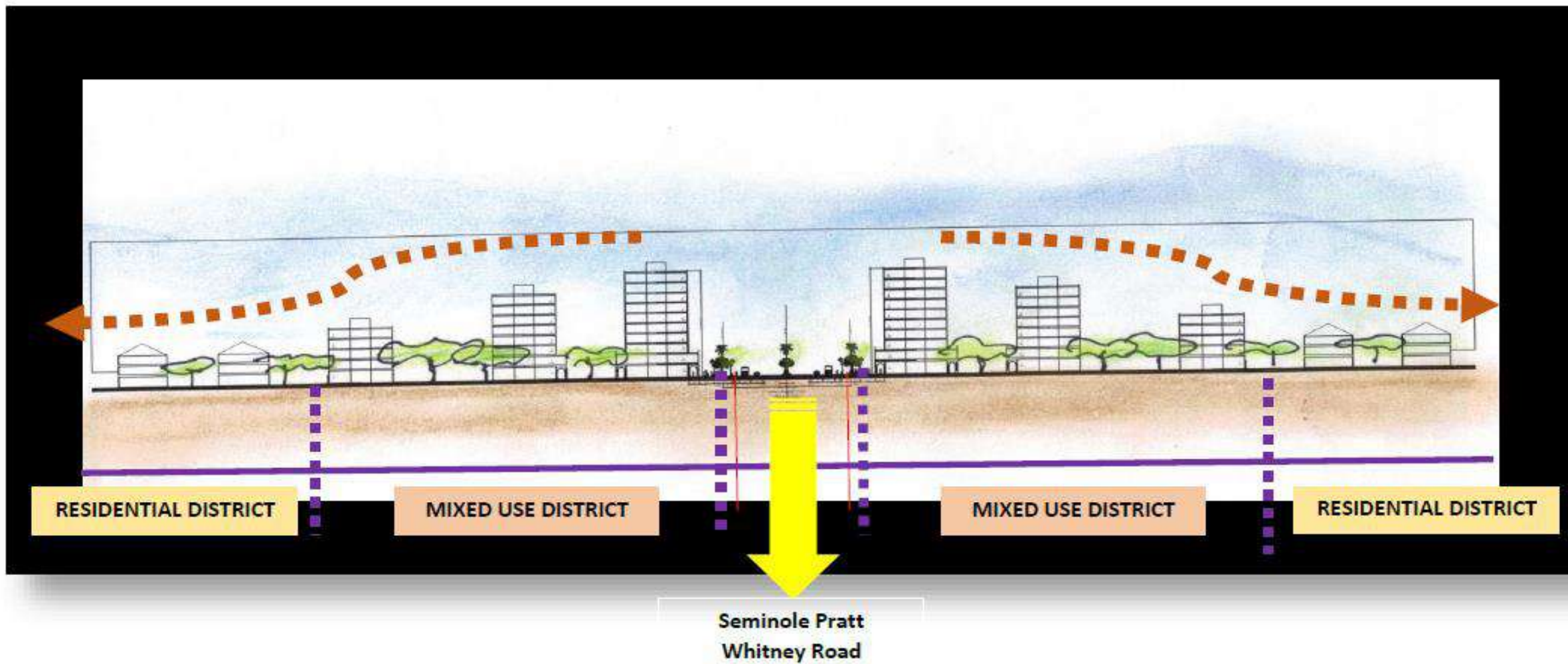
**9.9.19**

# VISION

1. Protect Residential Neighborhoods
2. Provide Diversity of Housing
3. Promote a Vibrant Mixed Use District
4. Support Employment Hubs
5. Embrace Parks and Open Spaces

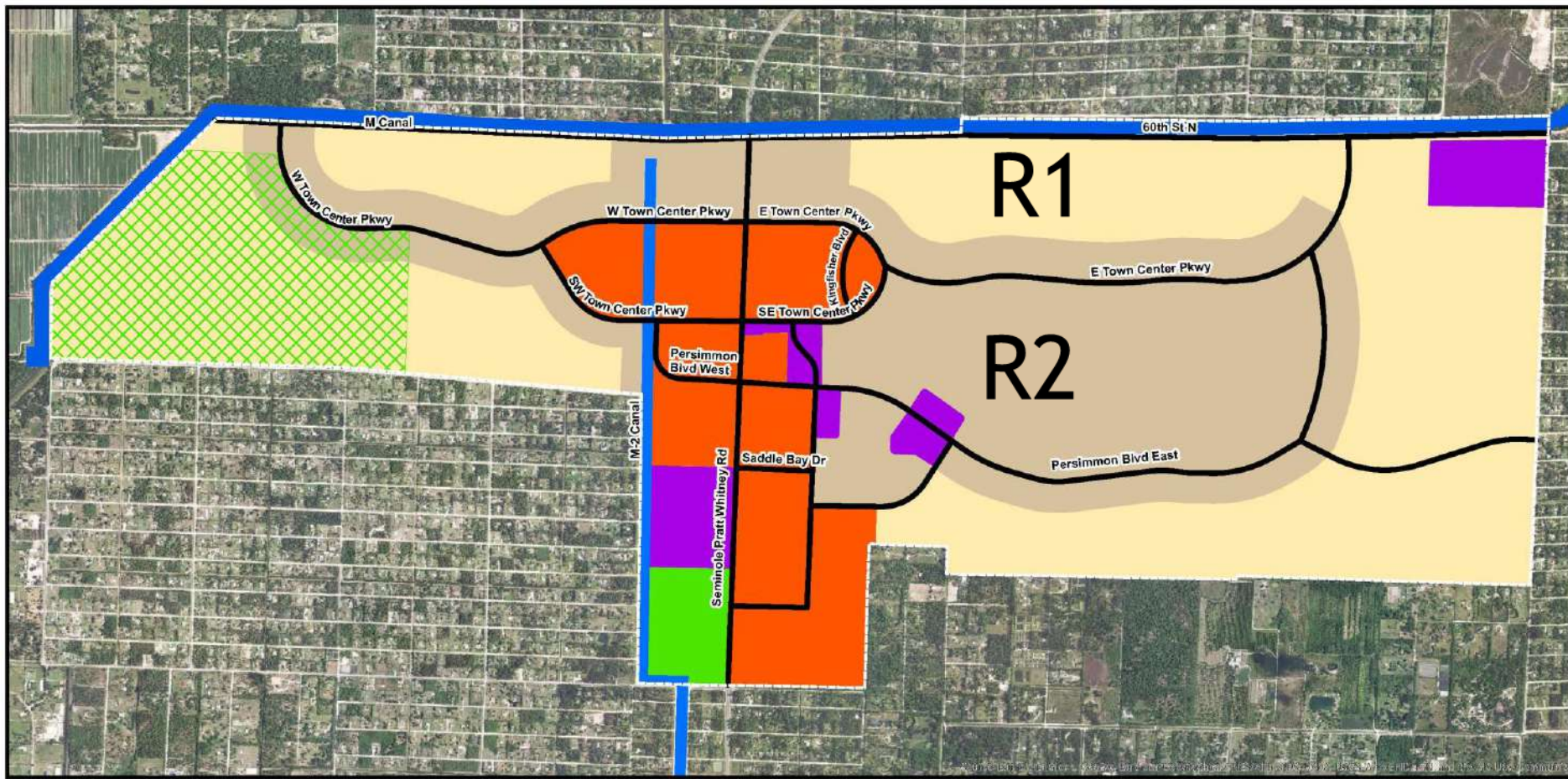
Comply with the City's  
Comprehensive Plan Vision

# CONCEPTUAL SECTION – CITY URBAN FORM





# Future Land Use Map



<b>FUTURE LAND USE</b>		<b>OTHER</b>		
Residential 1	Civic	Roads	City Boundary	<p><b>City of Westlake Comprehensive Plan</b></p> <p>Note 1: The illustration of roads shows preliminary alignments.                  Note 2: The City maintains the GIS data used to create this map.                  Data available upon request.</p> <p>Revision Date: March 12, 2018</p>
Residential 2	Open Space & Recreation	Major Canal and ROW		
Downtown Mixed Use	Solar Energy Overlay			

N

0 0.25 0.5 1  
Miles

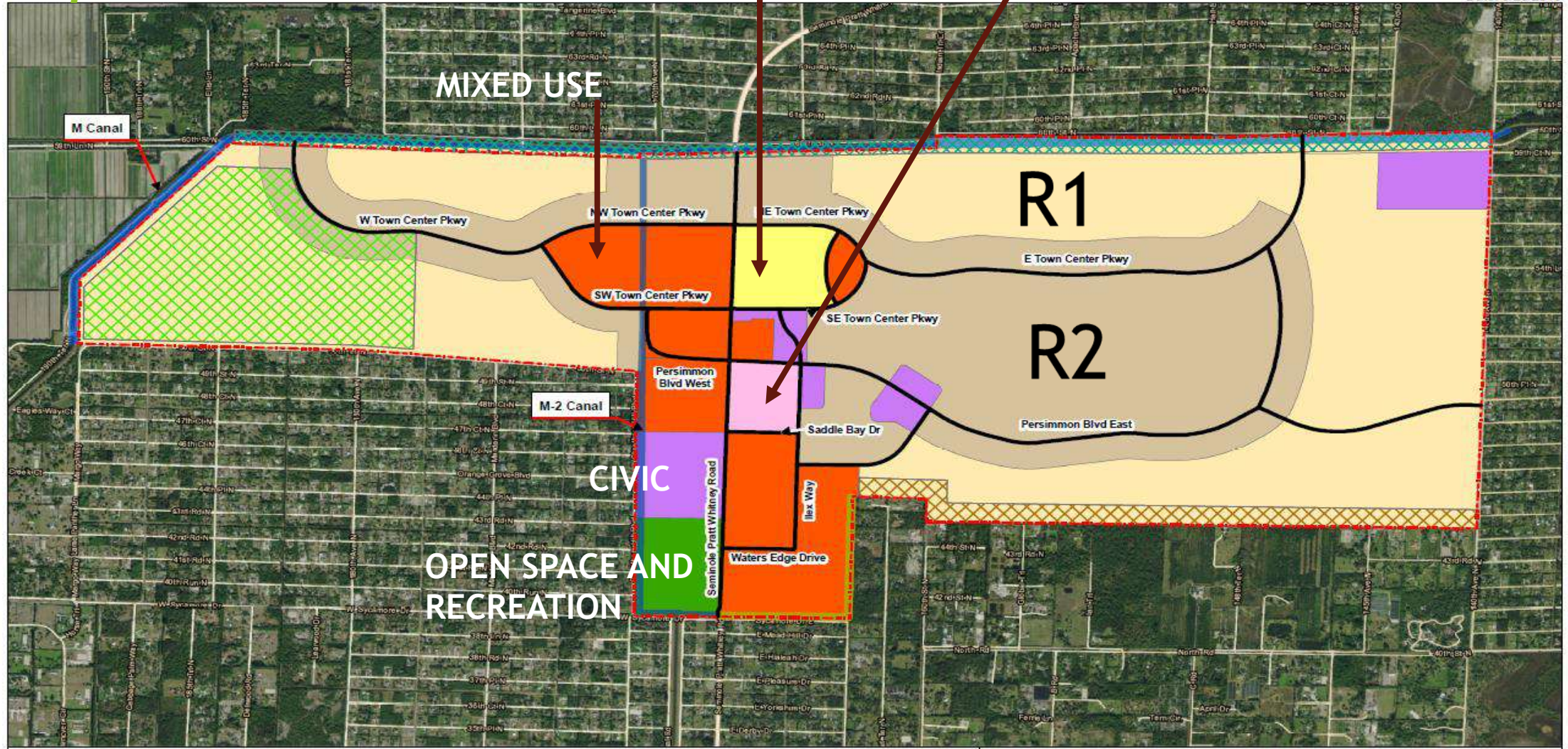
FLU Map 2.1: 2038 Future Land Use Map



# Proposed ZONING MAP

TOWN CENTER MEDICAL

Date: 8/28/2019



Legend	
<b>Zoning Districts</b>	<b>Overlays</b>
Residential - 1	Solar Energy Overlay
Residential - 2	M Canal Overlay
Mixed Use	Single Family Overlay
Civic/Education	Southeast Buffer Overlay
Open Space & Recreation	City of Westlake Boundary
Medical District	
Town Center	

City of Westlake  
Zoning Map

**TABLE 3-1: FUTURE LAND USE CONSISTENCY TABLE**

Future Land Use Category	Consistent Zoning Districts
Residential – 1	Residential-1 (R-1) Open Space and Recreation (OSR) Planned Development (PD)
Residential – 2	Residential-2 (R-2) Open Space and Recreation (OSR) Planned Development (PD)
Civic	Civic (C) Open Space and Recreation (OSR) Planned Development (PD)
Downtown Mixed Use	Mixed Use (MU) Town Center (TC) Medical District (M) Civic (C) Open Space and Recreation (OSR) Planned Development (PD)
Open Space and Recreation	Open Space and Recreation (OSR) Planned Development (PD)

# Residential 1 District



# WHAT ARE THE DIFFERENCES BETWEEN R1 AND R2 DISTRICTS?

## DENSITY

R1- 5 dwelling units per acre

R2- 12 dwelling units per acre

## MIX OF LOT SIZE

For any residential parcel **within R-1**, no more than  
 49% of the lots may be less than 50 feet in width.

# LOT SIZE

**TABLE 3-2 R-1**

Minimum Lot Size (Square Feet)
4,400 <b>40 X 110</b>
5,500 <b>50 X 110</b>
7,700 <b>70 X 110</b>

**TABLE 3-2 R-2**

Minimum Lot Size (Square Feet)
3,600 <b>40 X 90</b>
4,500 <b>50 X 90</b>
6,300 <b>70 X 90</b>

## Section 1: Residential Districts.

### Residential-1 (R-1)

(1) **Permitted Uses, Density and Intensity.** Uses permitted within the R-1 District are identified in **Table 3-20: Permitted Uses.**

(a) Density for all residential uses.

(i) Maximum gross density is **5 dwelling units per gross acre**. Accessory dwelling units are not counted towards the maximum gross density.

(ii) **Bonus densities** may be permitted up to **4 dwelling units per gross acre** pursuant to Section 3.3.2: Bonus Density.

(b) Accessory dwelling units.

(i) Each single family dwelling unit may have one accessory dwelling unit.

(ii) Mobile homes are not permitted as accessory dwelling units except in mobile home subdivisions.

(c) Intensity for all non-residential uses.

(i) Maximum FAR is 0.25.

(ii) Neighborhood Centers shall not exceed 10 acres and shall be governed by the requirements of Section 3.3.1: Neighborhood Centers.

## (2) Requirements.

(a) **Forty feet is the minimum lot width** for a lot containing a single family detached dwelling.

 (b) For any residential parcel within R-1, no more than **49% of the lots may be less than 50 feet in width.**

(c) Development in R-1 is subject to the standards found in Tables 3-2, 3-3, 3-4, and 3-5, below.

**TABLE 3-2 R-1 DISTRICT RESIDENTIAL STANDARDS FOR SINGLE FAMILY DETACHED  
(EXCLUDING ZERO LOT LINE DEVELOPMENT)**

Residential Use Type	Lot Width (Feet)	Minimum Lot Size (Square Feet)	Minimum Front Setback <sup>1</sup> (Feet)	Minimum Side Road Setback <sup>2</sup> (Feet)	Minimum Side Yard Setback <sup>2</sup> (Feet)	Minimum Rear Yard Setback (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Single family detached dwelling	40 <sup>3</sup>	4,400 <del>40 X 110</del>	BLDG: 10	BLDG: 10	BLDG: 5	10	36	55%	25%
			FLG: 20	SLG: 15	SLG: 15				
	50 <sup>4</sup>	5,500 <del>50 X 110</del>	BLDG: 10	BLDG: 10	BLDG: 5	10	36	55%	25%
			FLG: 20	SLG: 15	SLG: 15				
	More than 70 <sup>5</sup>	7,700 <del>70 X 110</del>	BLDG: 10	BLDG: 10	BLDG: 7.5	15	36	45%	25%
			FLG: 20	SLG: 15	SLG: 15				

1. BLDG = Building without front-loading garage, or portion of a building without a front-loading garage. FLG = Front Loading Garage.

2. BLDG = Building without side-loading garage, or portion of a building without a side-loading garage. SLG = Side Loading Garage.

3. If a lot is at least 40 feet wide but less than 50 feet wide, the standards in this row apply.

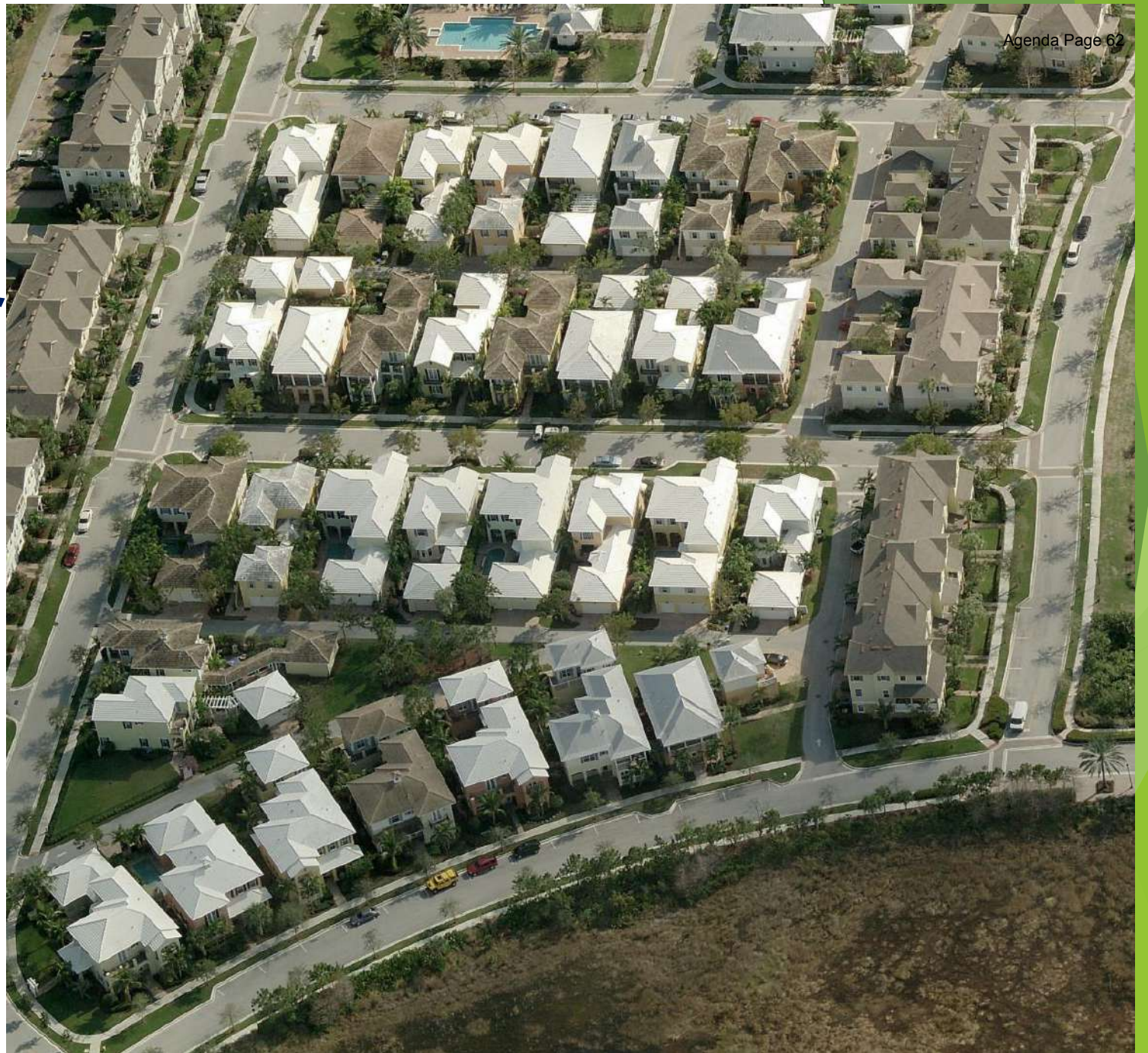
4. If a lot at least 50 feet wide but not more than 70 feet wide, the standards in this row apply.

5. If a lot is greater than 70 feet in width, the standards in this row apply unless the lot is part of a residential parcel developed under a common plan of development intended to provide 70 foot (or less) lots.



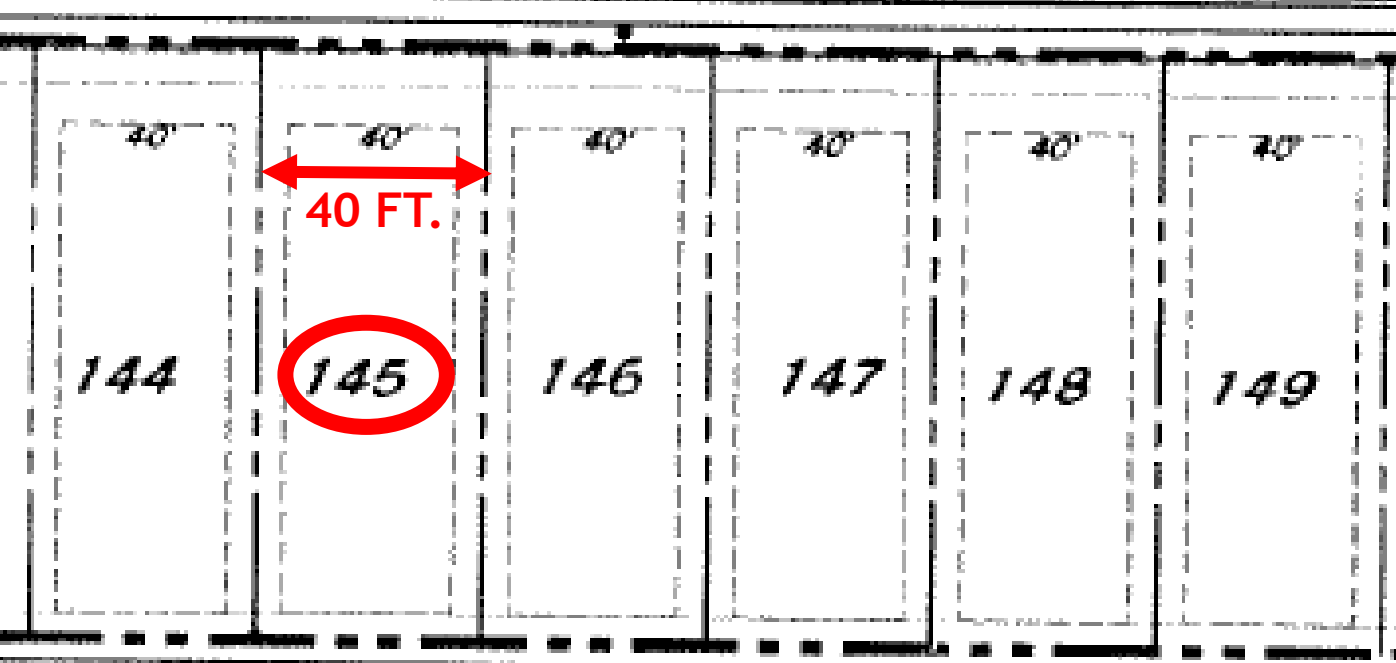
# Botanica Town of Jupiter

40' & 50'  
Lots Mixed.



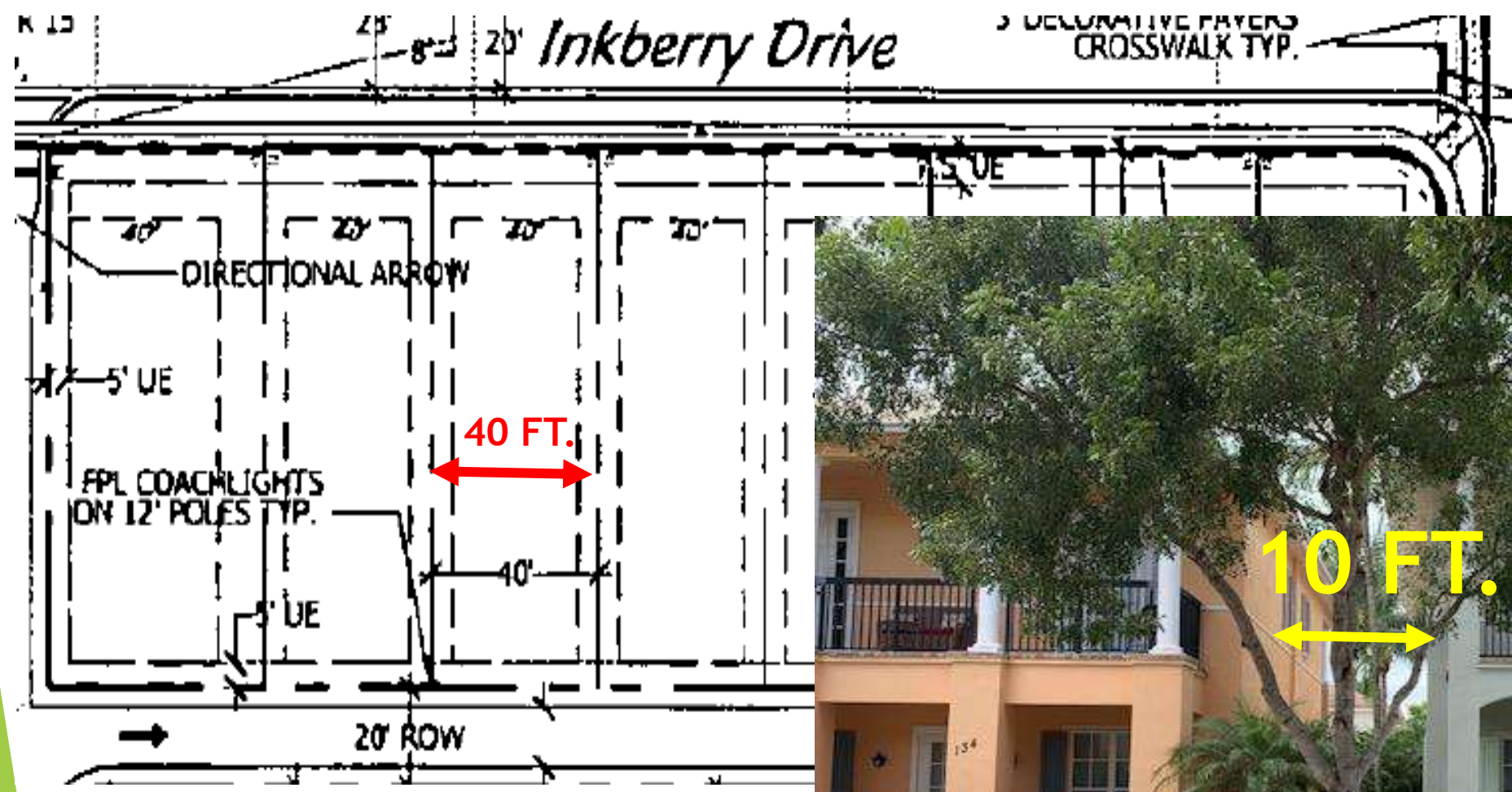


*Inkberry Drive*



**5' Side Yard Setbacks**





# 5' Side Yard Setbacks













# GARAGES TOWARD ALLEY

**TABLE 3-3 R-1 DISTRICT RESIDENTIAL STANDARDS  
FOR DETACHED ZERO LOT LINE DEVELOPMENT**

Residential Use Type	Lot Width (Feet)	Minimum Lot Size (Square Feet)	Minimum Front Setback <sup>1</sup> (Feet)	Minimum Side Road Setback <sup>2</sup> (Feet)	Minimum Rear Yard Setback (Feet)	Minimum Building Separation (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Single family detached dwelling <sup>3</sup>	40 <sup>4</sup>	4,400 <b>40 X 110</b>	BLDG: 10	BLDG: 10	10	10	36	55%	25%
			FLG: 20	SLG: 15					
	50 <sup>5</sup>	5,500 <b>50 X 110</b>	BLDG: 10	BLDG: 10	10	10	36	55%	25%
			FLG: 20	SLG: 15					
	More than 70 <sup>6</sup>	7,700 <b>70 X 110</b>	BLDG: 10	BLDG: 10	15	15	36	45%	25%
			FLG: 20	SLG: 15					

1. BLDG = Building without front-loading garage, or portion of a building without a front-loading garage. FLG = Front Loading Garage.

2. BLDG = Building without side-loading garage, or portion of a building without a side-loading garage. SLG = Side Loading Garage.

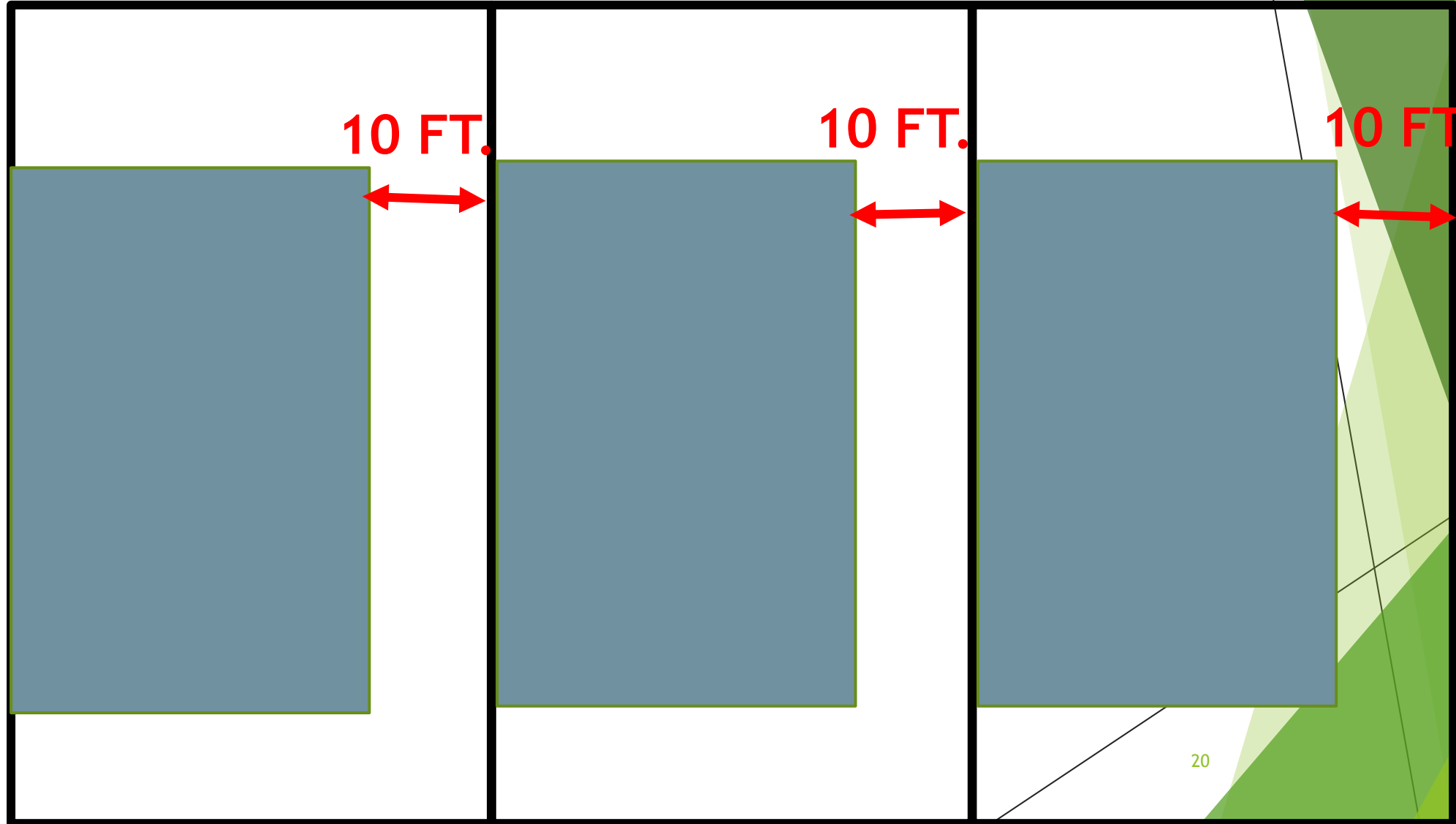
3. No setback is required (i.e. a 0-foot setback is permitted) for zero lot line development on the zero lot line side.

4. If a lot at least 40 feet wide but less than 50 feet wide, the standards in this row apply.

5. If a lot at least 50 feet wide but not more than 70 feet wide, the standards in this row apply.

6. If a lot is greater than 70 feet in width, the standards in this row apply unless the lot is part of a residential parcel developed under a common plan of development intended to provide 70 foot (or less) lots.

# DETACHED ZERO LOT LINES DWELLING UNITS



**TABLE 3-4: R-1 DISTRICT RESIDENTIAL STANDARDS  
FOR ATTACHED DWELLING UNITS AND MOBILE HOMES**

Residential Use Type	Minimum Lot Width Per Dwelling Unit (Feet)	Minimum Lot Square Footage Per Dwelling Unit	Minimum Front Setback <sup>1</sup> (Feet)	Minimum Side Road Setback <sup>2</sup> (Feet)	Minimum Side Yard Setback <sup>2,3</sup> (Feet)	Minimum Building Separation (Feet)	Minimum Rear Yard Setback (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Single family attached dwellings <sup>4</sup>	25	2,500 <b>25X100</b>	BLDG:10	BLDG: 10	BLDG: 5	10	10	36	60%	25%
			FLG: 20	SLG: 10	SLG: 15					
Mobile homes	-	-	-	-	-	-	-	-	60%	25%

1. BLDG = Building without front-loading garage, or portion of a building without a front-loading garage. FLG = Front Loading Garage.

2. BLDG = Building without side-loading garage, or portion of a building without a side-loading garage. SLG = Side Loading Garage.

3. No setback is required (i.e. a 0-foot setback is permitted) for zero lot line development on the zero lot line side.

4. Single family attached dwellings may be zero lot line. No more than 8 single family dwelling units may be attached without a separation.

**TABLE 3-5 R-1 DISTRICT NON-RESIDENTIAL STANDARDS**

<b>Non-Residential Use Type</b>	<b>Minimum Parcel Size (Square Feet)</b>	<b>Minimum Parcel Width (Feet)</b>	<b>Minimum Front Setback (Feet)</b>	<b>Minimum Side Road Setback (Feet)</b>	<b>Minimum Side Yard Setback (Feet)</b>	<b>Minimum Rear Setback (Feet)</b>	<b>Maximum Building Height (Feet)</b>	<b>Maximum Lot Coverage</b>	<b>Minimum Pervious Percentage of Parcel</b>
Religious uses	43,560	100	30	20	30	30 <sup>1</sup>	50	35%	25%
Pre-schools and Child Nursery Schools	43,560	100	30 <sup>1</sup>	20	30	30 <sup>1</sup>	36	35%	25%
Neighborhood Parks	-	-	15	15	15	15	36	30%	40%
Residential Amenity Center	20,000		20	30	30	30	30	40%	25%
Conservation uses	-	-	-	-	-	-	-	-	-

1. Where the rear of a neighborhood park abuts a lake or open space tract, a 5 foot setback is required.

# CONDITIONAL USES - criteria on Art. 22



## Accessory Structures.

below:

Accessory structures shall be permitted pursuant to the requirements

(a) Unless otherwise specified below, accessory structures shall not exceed 25 feet in height, and shall meet all setback requirements of the principal structure.

(b) The following structures are subject to the following requirements:

### (i) Fences and walls.

1. Setbacks. The minimum front setback for fences and walls is 10 feet. Except for decorative edge treatments permitted below, fences and walls shall be set back at least three (3) feet from the nearest face of the structure.

(a) Decorative edge treatments, which may include decorative fencing or walls, are permitted for a group of residences developed under a common plan of development, but will not be permitted on a lot-by-lot basis. Decorative edge treatments permitted under this section may be located in front of a residence, shall not encroach on any right of way, and shall not exceed 3 feet in height.

(b) Fences and walls are not subject to any other setback requirements.

2. The maximum height of a wall or fence shall be 6 feet.

### (ii) Swimming pools, screen enclosures, pool decks, spas, cabanas, saunas, and patios.

1. For single family detached dwelling units, these structures are not permitted in the front yard.

2. The minimum side road, side yard, and rear setbacks are 3 feet.

### (iii) Detached Garages.

1. For detached garages on lots developed under a common plan of development, the minimum rear setback is 5 feet.

2. For all other detached garages, the minimum rear setback is 10 feet.

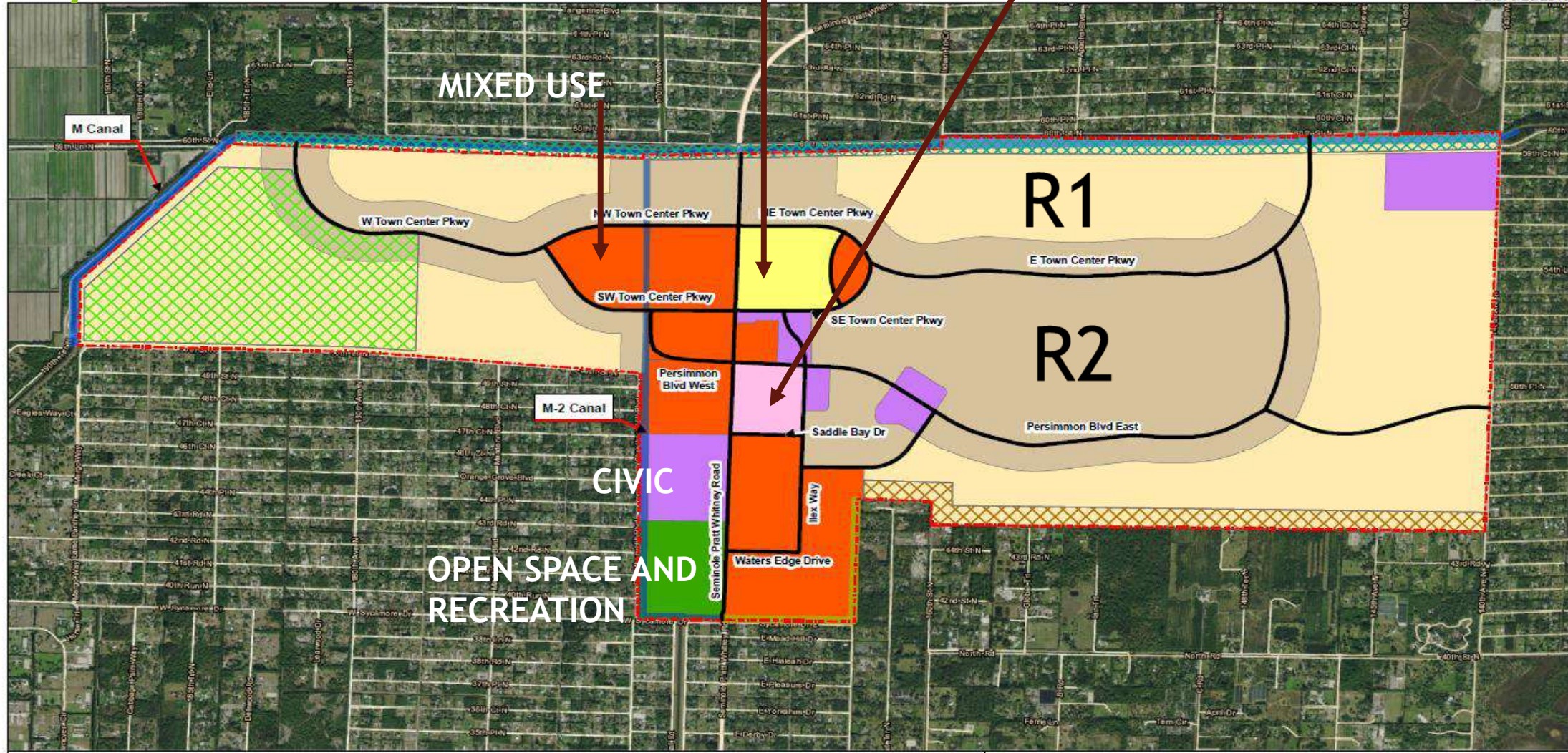


# Residential 2 District

# Proposed ZONING MAP

TOWN CENTER MEDICAL

Date: 8/28/2019



Legend	
<b>Zoning Districts</b>	<b>Overlays</b>
Residential - 1	Solar Energy Overlay
Residential - 2	M Canal Overlay
Mixed Use	Single Family Overlay
Civic/Education	Southeast Buffer Overlay
Open Space & Recreation	City of Westlake Boundary
Medical District	
Town Center	

City of Westlake  
Zoning Map



**(1) Permitted Uses, Density and Intensity.** Uses permitted within the R-2 District are identified in Table 3-20: Permitted Uses.

**(a) Density for all residential uses.**

(i) The maximum gross density is **12 dwelling units per gross acre.**

1. Accessory dwelling units are not counted towards the maximum gross density.

2. The maximum gross density for Continuing Care and Assisted Living Facilities may be calculated as follows: 25 beds per acre.

(ii) **Bonus densities** may be permitted up to **8 dwelling units per gross acre** pursuant to Section 3.3.2: Bonus Density.

**(b) Accessory Dwelling Units.**

(i) Each single family dwelling unit may have one accessory dwelling unit.

(ii) Mobile homes are not permitted as accessory dwelling units.

**(c) Intensity for all non-residential uses.**

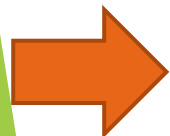
(i) Maximum FAR is .35

(ii) Neighborhood centers shall not exceed 15 acres and shall be governed by the requirements of Section 3.3.1: Neighborhood Centers.

**(2) Requirements**

(a) Development in R-2 is subject to the standards found in Tables 3-6, 3-7, 3-8, and 3-9, below.

(b) **Forty feet is the minimum lot width** for a lot containing a single family detached dwelling.



**TABLE 3-6: R-2 DISTRICT RESIDENTIAL STANDARDS FOR SINGLE FAMILY DETACHED (EXCLUDING ZERO LOT LINE)**

Residential Use Type	Lot Width	Minimum Lot Size (Square Feet)	Minimum Front Setback <sup>1</sup> (Feet)	Minimum Side Road Setback <sup>2</sup> (Feet)	Minimum Side Yard Setback <sup>2</sup> (Feet)	Minimum Rear Yard Setback (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel	
Single family detached dwellings	40 <sup>3</sup>	3,600 <b>40 X 90</b>	BLDG: 10	BLDG: 10	BLDG: 5	10	40	60%	25%	
			FLG: 20	SLG: 10	SLG: 10					
	50 <sup>4</sup>	4,500 <b>50 X 90</b>	BLDG: 10	BLDG: 10	BLDG: 5	10	40	60%	25%	
			FLG: 20	SLG: 10	SLG: 10					
	More than 70 <sup>5</sup>		6,300 <b>70 X 90</b>	BLDG: 10	BLDG: 10	BLDG: 5	10	40	55%	25%
				FLG: 20	SLG: 10	SLG: 10				

1. BLDG = Building without front-loading garage, or portion of building without front-loading garage. FLG = Front Loading Garage.

2. BLDG = Building without side-loading garage, or portion of building without side-loading garage. SLG = Side Loading Garage.

3. If a lot is at least 40 feet wide but less than 50 feet wide, the standards in this row apply.

4. If a lot is at least 50 feet wide but not more than 70 feet wide, the standards in this row apply.

5. If a lot is greater than 70 feet in width, the standards in this row apply unless the lot is part of a residential parcel developed under a common plan of development intended to provide 70 foot (or less) lots.

**TABLE 3-7: R-2 DISTRICT RESIDENTIAL STANDARDS  
FOR DETACHED ZERO LOT LINE DEVELOPMENT**

Residential Use Type	Minimum Lot Width (Feet)	Minimum Lot Size (Square Feet)	Minimum Front Setback <sup>1</sup> (Feet)	Minimum Side Road Setback on non-zero-lot-line <sup>2, 3</sup> (Feet)	Minimum Building Separation (Feet)	Minimum Rear Yard Setback (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Zero lot line single family detached dwellings	40	3,600	BLDG:10	BLDG: 10	10	10	40	60%	25%
		<b>40 X 90</b>	FLG: 20	SLG: 15					

1. BLDG = Building without front-loading garage, or portion of building without front-loading garage. FLG = Front Loading Garage.

2. No setback is required (i.e. a 0-foot setback is permitted) for zero lot line development on the zero lot line side.

3. BLDG = Building without side-loading garage, or portion of building without side-loading garage. SLG = Side Loading Garage.

**TABLE 3-3: R-2 DISTRICT OTHER RESIDENTIAL STANDARDS**

Residential Use Type	Minimum Lot or Parcel Width (Feet)	Minimum Lot or Parcel Size (Square Feet)	Minimum Front Road Setback <sup>1</sup> (Feet)	Minimum Side Road Setback <sup>2</sup> (Feet)	Minimum Side Yard Setback <sup>2</sup> (Feet)	Minimum Rear Yard Setback (Feet)	Maximum Building Height <sup>3</sup> (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Single family attached	20	1,600	BLDG: 10	BLDG: 10	BLDG: 10	10	40	65%	20%
			FLG: 20	SLG: 10	FLG: 20				
Multi-family dwellings <sup>4</sup>	-	10,000	15	10	10	20	60	50%	25%
Assisted living facilities	-	-	20	20	20	20	75	50%	25%
Foster care facilities and group homes	50	3500	BLDG: 10	BLDG: 10	BLDG: 10	10	40	60%	25%
			FLG: 20	SLG: 10	FLG: 20				



1. BLDG = Building without front-loading garage, or portion of building without front-loading garage. FLG = Front Loading Garage.

2. BLDG = Building without side-loading garage, or portion of building without side-loading garage. SLG = Side Loading Garage. No setback is required for single family attached dwelling units along the shared wall.

3. The maximum building height for buildings abutting lots containing single family detached dwellings shall be 40 feet, regardless of the number in this column.

4. For multi-family developments, setbacks shall be measured from the boundary of the parcel. No other setbacks apply to buildings within the parcel, except buildings are subject to building separation requirements in the Florida Building Code and fire safety codes.

**TABLE 3-9. R-2 DISTRICT NON-RESIDENTIAL STANDARDS**

Non-Residential Use Type	Minimum Parcel Size (Square Feet)	Minimum Parcel Width (Feet)	Minimum Front Setback (Feet)	Minimum Side Road Setback (Feet)	Minimum Side Yard Setback (Feet)	Minimum Rear Setback (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Religious uses	43,560	100	20	20	30	30	50	35%	25%
Educational uses	43,560	100	20	20	30	30	40	35%	25%
Recreational	N/A	-	15	15	15	15 <sup>1</sup>	40	30%	40%
Residential Amenity Center	20,000	-	20	30	30	30 <sup>1</sup>	30	40%	25%
Conservation uses	-	-	-	-	-	-	-	-	-

1. No setback required if abutting a lake or open space tract.

**(3) Accessory Structures.** Unless otherwise specified below, accessory structures shall not exceed 25 feet in height, and shall meet all setback requirements of the principal structure.

(4) The following structures are subject to the following requirements:

### (i) Fences and walls.

1. Setbacks. The minimum front setback for fences and walls is 10 feet. Except for decorative edge treatments permitted below, fences and walls shall be set back at least three (3) feet from the nearest face of the structure.
  - a. Decorative edge treatments, which may include decorative fencing or walls, are permitted for a group of residences developed under a common plan of development, but will not be permitted on a lot-by-lot basis. Decorative edge treatments permitted under this section may be located in front of a residence, shall not encroach on any right of way, and shall not exceed 3 feet in height.
  - b. Fences and walls are not subject to any other setback requirements.
2. The maximum height of a wall or fence shall be 6 feet.

### (ii) Swimming pools, screen enclosures, pool decks, spas, cabanas, saunas, and patios.

1. For single family detached dwelling units, these structures are only permitted in the rear yard.
2. The minimum side road, side yard, and rear setbacks are 3 feet, except:
  - a. Screen enclosures are permitted along the attached side of attached dwelling units, .

### (iii) Detached Garages.

1. Detached garages shall only be permitted as part of a common plan of development. The minimum setback is 10 feet.

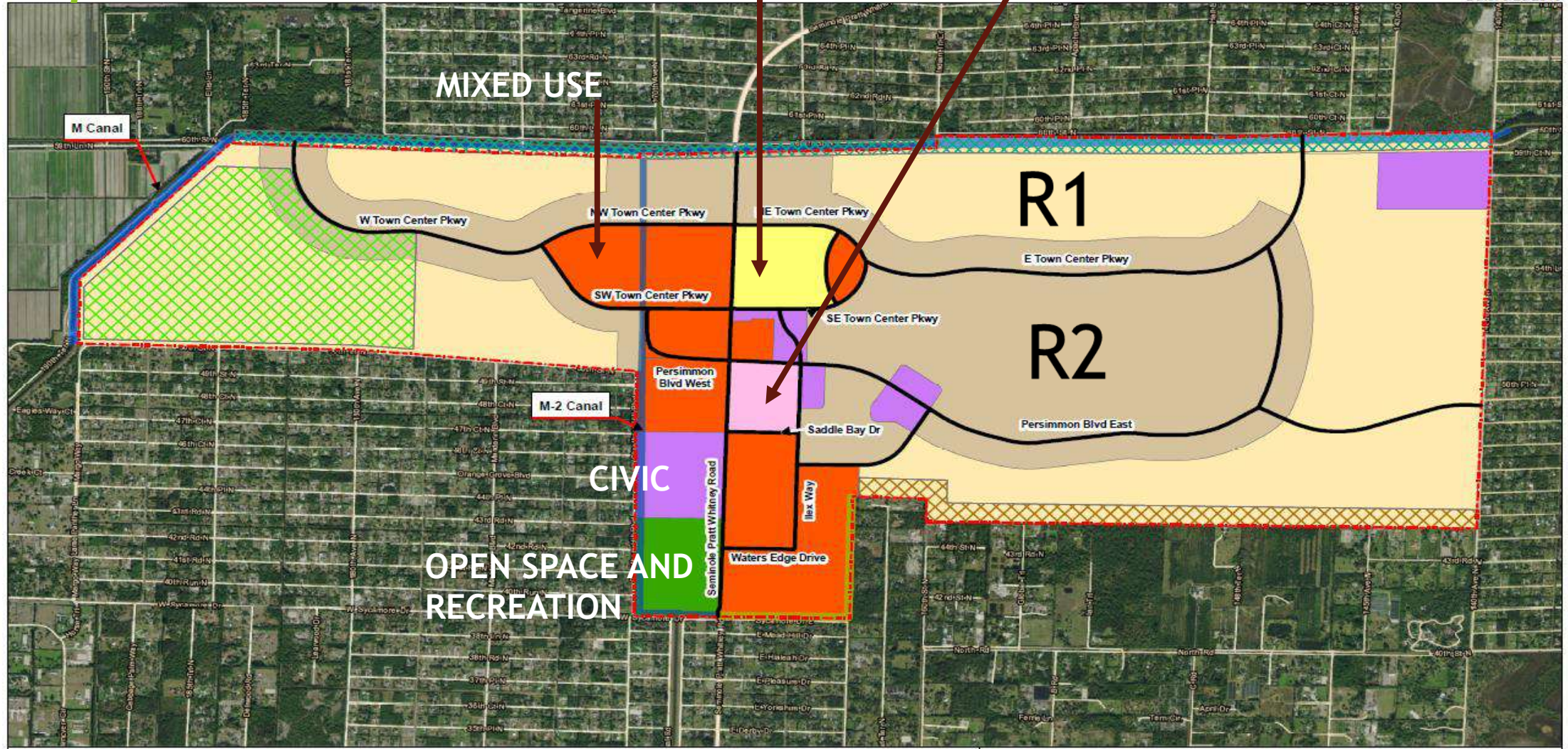


# Civic District

# Proposed ZONING MAP

TOWN CENTER MEDICAL

Date: 8/28/2019



Legend	
<b>Zoning Districts</b>	<b>Overlays</b>
Residential - 1	Solar Energy Overlay
Residential - 2	M Canal Overlay
Mixed Use	Single Family Overlay
Civic/Education	Southeast Buffer Overlay
Open Space & Recreation	City of Westlake Boundary
Medical District	
Town Center	

City of Westlake  
Zoning Map



## Section 2: Civic District (CV)

**A. Permitted Uses.** Uses permitted within the CV District are identified in Table 3-20: Permitted Uses.

**B. Intensity.** Intensity for all non-residential uses: maximum FAR is 1.5.

**C. Requirements.** Development in CV is subject to the standards found in Table 3-10

**TABLE 3-10: CV DISTRICT STANDARDS**

Use Type	Minimum Front Setback (Feet)	Minimum Side Road Setback (Feet)	Minimum Side Yard Setback (Feet)	Minimum Rear Setback (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Religious uses	15	15	15	10	50	35%	25%
Educational uses	15	15	15	10	50	35%	25%
Recreational uses	15	15	10	10	50	30%	50%
Conservation uses	-	-	-	-	-	-	-
Civic Uses	20	15	15	10, or if abutting residential, 25	50	30%	25%

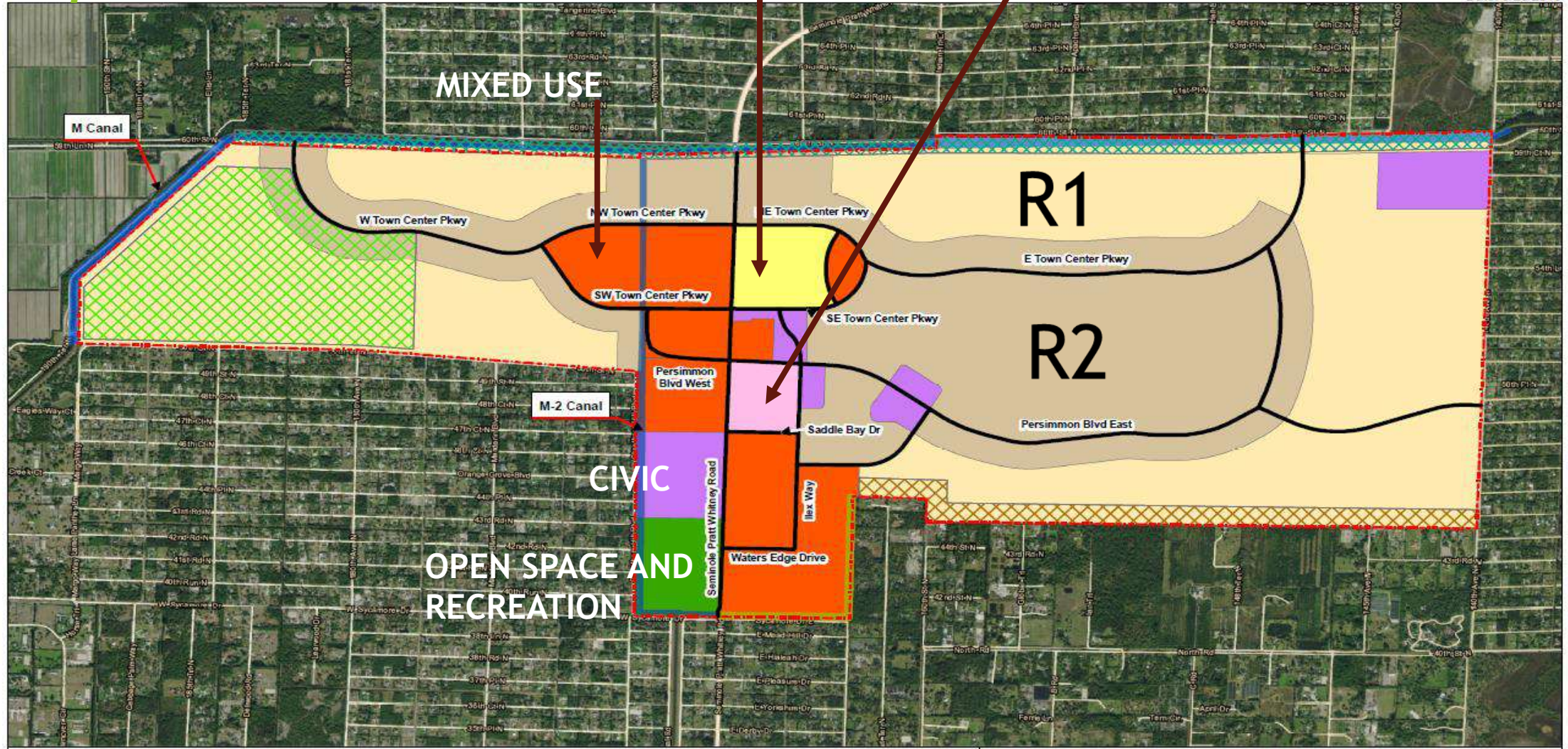
# Mixed Use District



# Proposed ZONING MAP

TOWN CENTER MEDICAL

Date: 8/28/2019



Legend	
<b>Zoning Districts</b>	<b>Overlays</b>
Residential - 1	Solar Energy Overlay
Residential - 2	M Canal Overlay
Mixed Use	Single Family Overlay
Civic/Education	Southeast Buffer Overlay
Open Space & Recreation	City of Westlake Boundary
Medical District	
Town Center	

City of Westlake  
Zoning Map



## Section 3: **Mixed Use (MU)**

A) Permitted Uses, Density and Intensity. Uses permitted within the MU District are identified in Table 3-20: Permitted Uses.

### (1) Density for all residential uses.

(a) Minimum gross density is **4 units per gross acre**, and the maximum gross density is **16 dwelling units per gross acre**, excluding accessory dwelling units.

(i) Accessory dwelling units are not counted towards the maximum gross density.

(ii) The maximum gross density for Continuing Care and Assisted Living Facilities may be calculated as follows: 34 beds per acre.

(b) **Bonus densities may be permitted up to 8 dwelling units** per acre pursuant to Section 3.3.2: Bonus Density.

### (2) Accessory dwelling units.

(a) Each single family dwelling unit may have one accessory dwelling unit.

(b) Mobile homes are not permitted as accessory dwelling units except in mobile home subdivisions.

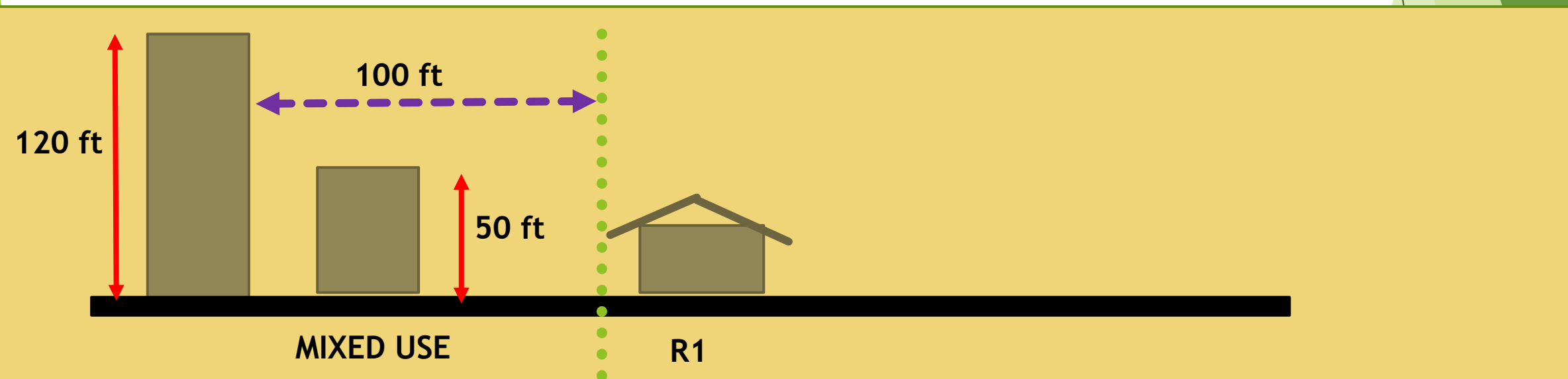
## B) Requirements.

(1) General Requirements. Development in MU is subject to the standards found in Tables 3-11 and 3-12 below.

### (a) Building Height.

(i) The maximum building height in the **MU District is 120 feet**, except:

1. The maximum building height in the MU District within **100 feet of the R-1 District is 50 feet.**
2. The maximum building height for development in the MU District within **100 feet of R-2 District is 70 feet.**



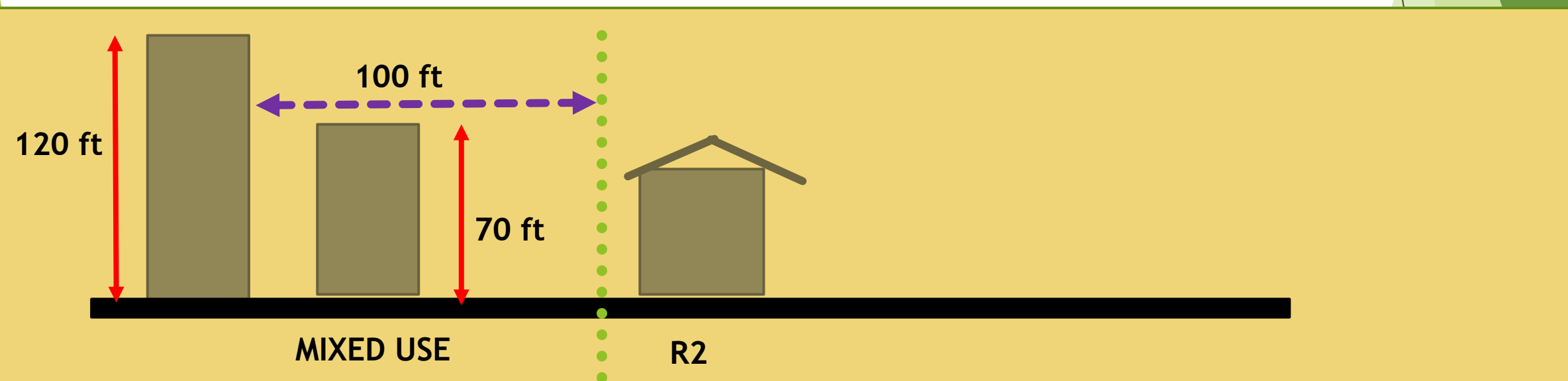
## B) Requirements.

(1) General Requirements. Development in MU is subject to the standards found in Tables 3-11 and 3-12 below.

### (a) Building Height.

(i) The maximum building height in the **MU District is 120 feet**, except:

1. The maximum building height in the MU District within **100 feet of the R-1 District is 50 feet.**
2. The maximum building height for development in the MU District within **100 feet of R-2 District is 70 feet.**





**TABLE 3-11: MU DISTRICT RESIDENTIAL STANDARDS**

Residential Use Type	Minimum Lot Width Per Dwelling Unit (Feet)	Minimum Front Setback <sup>1, 2</sup> (Feet)	Minimum Side Road Setback <sup>2, 3</sup> (Feet)	Minimum Side Yard Setback <sup>2, 3</sup> (Feet)	Minimum Rear Yard Setback <sup>2</sup> (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Single family attached dwellings	20	BLDG: 5	BLDG: 5	BLDG: 5	10	50	70%	20%
		FLG: 20	SLG: 20	SLG: 20				
Multi-family dwellings	-	5	20	10	20	100	50%	25%
Assisted living facilities	-	5	20	10	20	100	50%	25%

1. BLDG = Building without front-loading garage, or portion of building without front-loading garage. FLG = Front Loading Garage.

2. For multi-family developments, setbacks shall be measured from the boundary of the parcel. No other setbacks apply to buildings within the parcel, except buildings are subject to building separation requirements in the Florida Building Code and fire safety codes.

3. BLDG = Building without side-loading garage, or portion of building without side-loading garage. SLG = Side Loading Garage. No setback is required for single family attached dwelling units along the shared wall.

**TABLE 3-12: MU DISTRICT NON-RESIDENTIAL STANDARDS**

Non-Residential Use Type	Minimum Parcel Size (Square Feet)	Minimum Front Setback (Feet)	Minimum Side Setback (Feet)	Minimum Rear Setback (Feet)	Minimum Building Separation (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Religious uses	43,560	20	10	10	20	35%	25%
Educational Uses	43,560	20	10	10	20	35%	25%
Recreational Uses	-	20	10	10	20	30%	60%
Conservation uses	-	-	-	-	-	-	-
Commercial Uses	-	20	10	10	20	45%	25%
Sexually oriented business	-	30	10	10	20	35%	25%
Civic Uses	-	20	10	10	20	30%	25%
Light industrial uses	-	30	10	10	20	50%	25%
Institutional uses	-	10	10	10	20	35%	25%
Commercial recreation uses	-	20	10	10	20	35%	25%
Agricultural uses	-	-	-	-	-	-	-
Essential facilities and services	-	-	-	-	-	-	-
Utilities	-	-	-	-	-	-	-

1. Buildings separated from residential zoning districts by a road or canal are not considered adjacent to residential zoning districts.

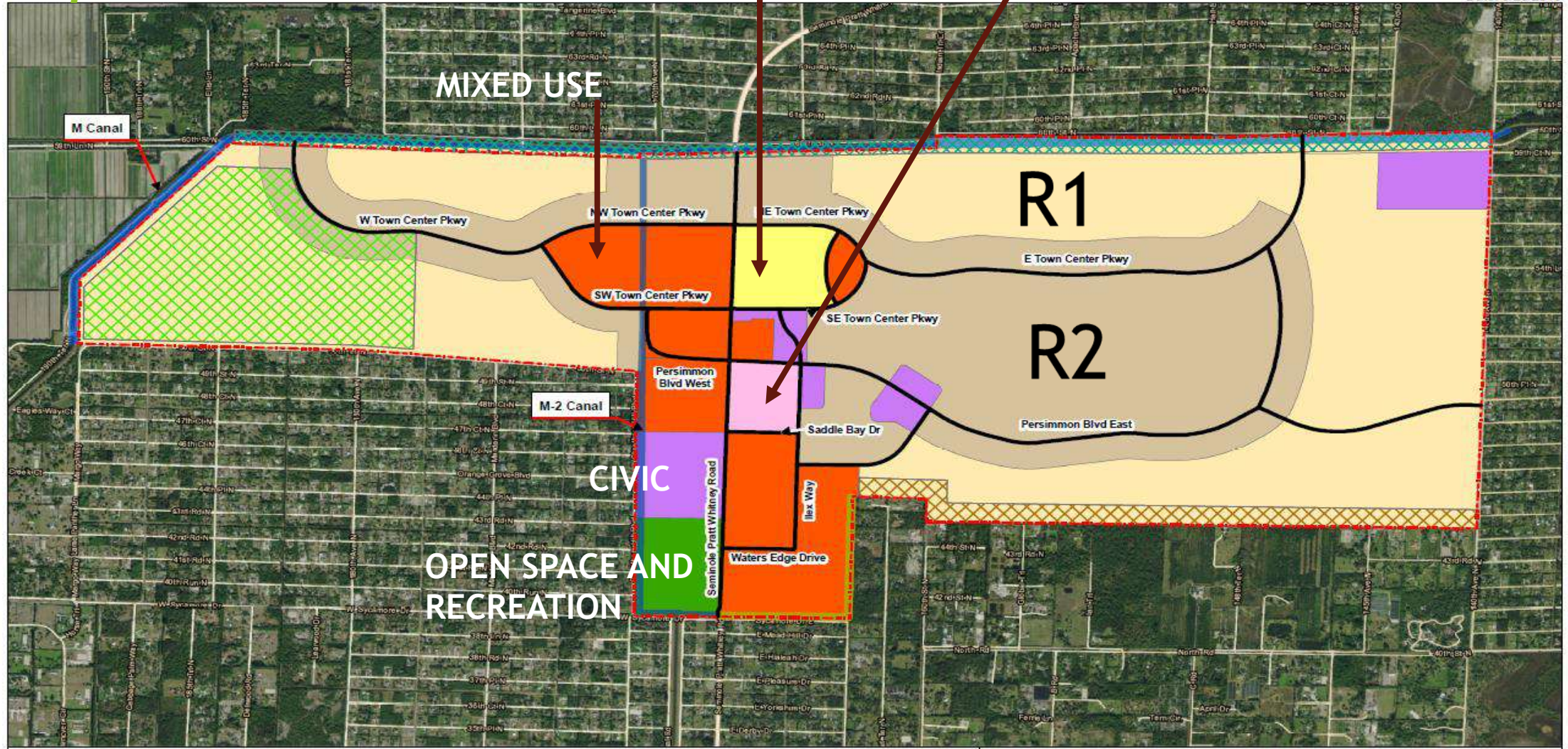
# Town Center District



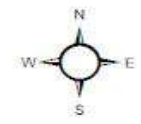
# Proposed ZONING MAP

TOWN CENTER MEDICAL

Date: 8/28/2019



Legend	
<b>Zoning Districts</b>	<b>Overlays</b>
Residential - 1	Solar Energy Overlay
Residential - 2	M Canal Overlay
Mixed Use	Single Family Overlay
Civic/Education	Southeast Buffer Overlay
Open Space & Recreation	City of Westlake Boundary
Medical District	
Town Center	



City of Westlake  
Zoning Map





**INTENT**



**GENERATE A SUCCESSFUL  
VIBRANT DOWNTOWN  
FOR THE CITY OF  
WESTLAKE**









- ▶ TEAM EXPLORED EXAMPLES OF TOWN CENTERS IN THE US
- ▶ SELECTED A FEW AND THE REGULATIONS THAT ALLOWED THEM TO BE SUCCESSFUL AND USED EXAMPLES TO TAYLOR REGULATIONS FOR OUR CITY





- ▶ TOWN CENTER LOCATIONS EXPLORED:
- ▶ Inspirada, Nevada; Lakewood Ranch, FL; Butler TC, Gainesville; Lakeside Village, Lakeland; Delray Market Place, SR7 Palm Bch Co; Midtown Miami; SODO, Orlando; Mount Pleasant, S Carolina; and a few others.























## Section 4: Town Center District (TC)

### B) Permitted Uses Density and Intensity.

(1) Uses permitted within the TC District are identified in Table 3-20: Permitted Uses.

### (2) Density for all residential uses.

(a) The minimum gross density is **4 units per gross acre**, and the **maximum gross density is 16 dwelling units per gross acre**.

(i) Accessory dwelling units are not counted towards the maximum gross density.

(ii) The maximum gross density for Continuing Care and Assisted Living Facilities may be calculated as follows: 34 beds per acre.

(b) **Bonus densities may be permitted up to 8 dwelling units per acre** pursuant to Section 3.3.2: Bonus Density.

(3) Intensity for all non-residential uses: maximum FAR is 3.0.



## Requirements.

(1) General Requirements. Development in TC is subject to the standards found in Tables 3-13 and 3-14 below.

### (a) Building Height.

- (i) The maximum building height in the **TC District is 150 feet**, except:
1. The maximum building height for development in the **TC District within 120 feet of the R-1 District is 50 feet.**
  2. The maximum building height for development in the **TC District within 100 feet of R-2 District is 70 feet.**

### (b) Building Separation.

(i) For every **400 feet of continuous building frontage there must be 40 feet of separation.** The building separation requirement is a total footage requirement and may be broken into smaller increments. All development is subject to building separation requirements in the Florida Building Code and fire safety codes.

**TABLE 3-13: TOWN CENTER RESIDENTIAL STANDARDS**

Residential Use Type	Minimum Lot Square Footage Per Dwelling Unit	Minimum Lot Width Per Dwelling Unit (Feet)	Minimum Front Setback <sup>1, 2</sup> (Feet)	Minimum Side Road Setback <sup>2, 3</sup> (Feet)	Minimum Side Yard Setback <sup>2, 3</sup> (Feet)	Minimum Rear Yard Setback <sup>2</sup> (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Single family attached dwellings	1,600	16	BLDG: 5	BLDG: 5	BLDG: 5	10	50	60%	25%
			FLG: 20	SLG: 20	SLG 20				
Multi-family dwellings	-	-	5	20	10	20	100	50%	25%
Assisted living facilities	-	-	5	20	10	20	100	50%	25%

1. BLDG = Building without front-loading garage, or portion of building without front-loading garage. FLG = Front Loading Garage.

2. For multi-family developments, setbacks shall be measured from the boundary of the parcel. No other setbacks apply to buildings within the parcel, except buildings are subject to building separation requirements in the Florida Building Code and fire safety codes.

3. BLDG = Building without side-loading garage, or portion of building without side-loading garage. SLG = Side Loading Garage. No setback is required for single family attached dwelling units along the shared wall.

**TABLE 3-14: TOWN CENTER NON-RESIDENTIAL STANDARDS**

<b>Non-Residential Use Type</b>	<b>Minimum Front Setback for Buildings (Feet)</b>	<b>Minimum Side Setback (Feet)</b>	<b>Minimum Rear Setback (Feet)</b>	<b>Maximum Lot Coverage<sup>2</sup></b>	<b>Minimum Pervious Percentage of Parcel<sup>2</sup></b>
Religious uses	10	10	10	50%	25%
Educational Uses	10	10	10	50%	25%
Recreational Uses	10	10	10	50%	60%
Conservation Uses	-	-	-	-	-
Commercial Uses	5	10	10	55%	25%
Civic Uses	5	10	10	35%	25%

**TABLE 3-14: TOWN CENTER NON-RESIDENTIAL STANDARDS**

Non-Residential Use Type	Minimum Front Setback for Buildings (Feet)	Minimum Side Setback (Feet)	Minimum Rear Setback (Feet)	Maximum Lot Coverage <sup>2</sup>	Minimum Pervious Percentage of Parcel <sup>2</sup>
Sexually oriented business	35	10	10	50%	25%
Light industrial uses	30	10	10	50%	25%
Institutional uses	10	10	10	50%	25%
Commercial recreation uses	10	10	10	50%	25%
Agricultural uses	-	-	-	-	-
Essential facilities and services	-	-	-	-	-
Utilities	-	-	-	-	-

1. For multi-family developments, setbacks shall be measured from the boundary of the parcel. No other setbacks apply to buildings within the parcel, except buildings are subject to building separation requirements in the Florida Building Code and fire safety codes.

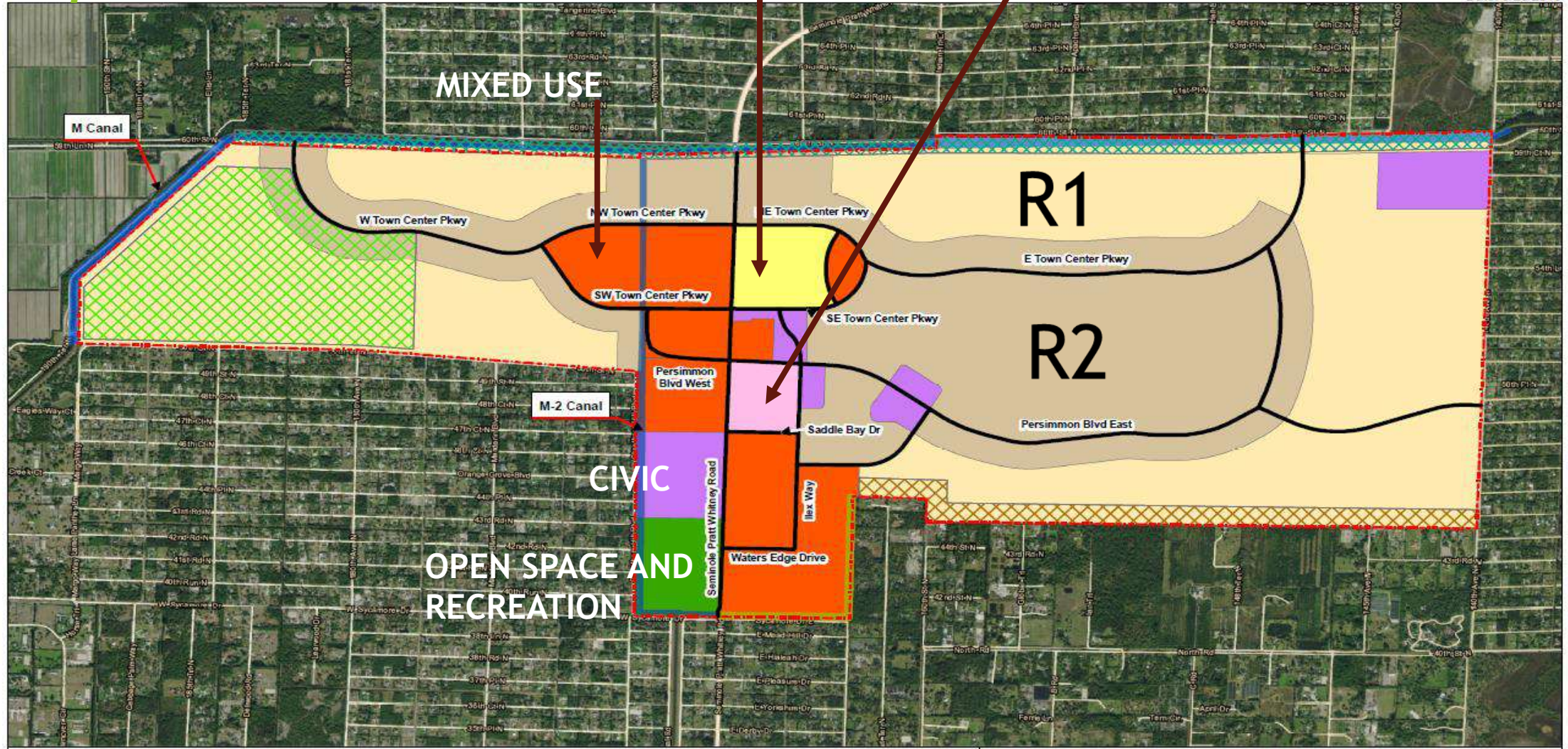
# Open Space and Recreation



# Proposed ZONING MAP

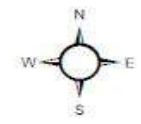
TOWN CENTER MEDICAL

Date: 8/28/2019



- Legend**
- Zoning Districts**
- Residential - 1
  - Residential - 2
  - Mixed Use
  - Civic/Education
  - Open Space & Recreation
  - Town Center
  - Medical District

- Overlays**
- Solar Energy Overlay
  - M Canal Overlay
  - Single Family Overlay
  - Southeast Buffer Overlay
  - City of Westlake Boundary



City of Westlake  
Zoning Map





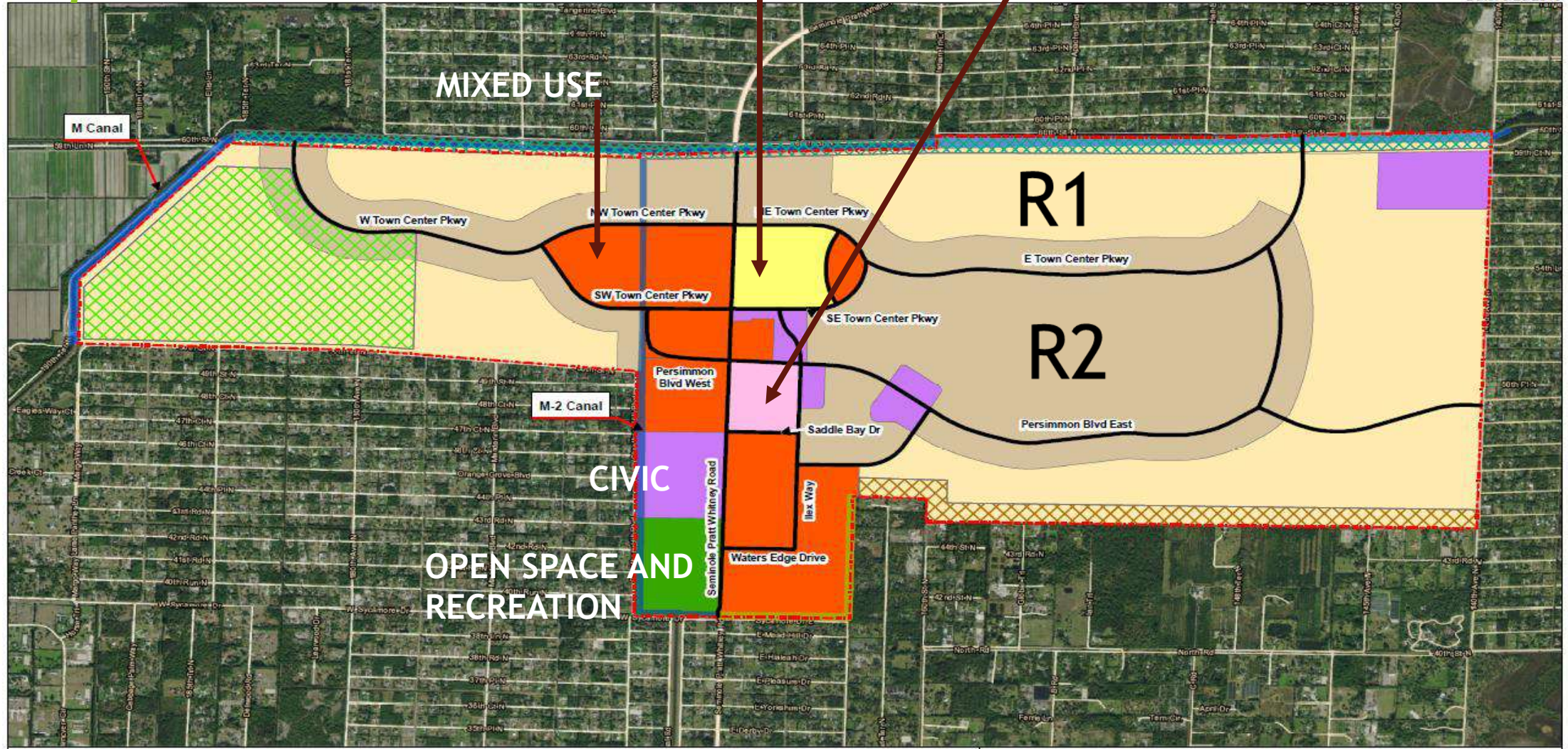


# Medical District

# Proposed ZONING MAP

TOWN CENTER MEDICAL

Date: 8/28/2019



Legend	
<b>Zoning Districts</b>	<b>Overlays</b>
Residential - 1	Solar Energy Overlay
Residential - 2	M Canal Overlay
Mixed Use	Single Family Overlay
Civic/Education	Southeast Buffer Overlay
Open Space & Recreation	City of Westlake Boundary
Medical District	
Town Center	

City of Westlake  
Zoning Map



## Section 6: Medical District (MD)

**D) Permitted Uses, Density, and Intensity.** Uses permitted within the MD District are identified in Table 3-20: Permitted Uses.

**(1) Minimum gross density is 4 units per gross acre, and the maximum gross density is 16 dwelling units per gross acre.** Accessory dwelling units are not counted towards the maximum gross density.

**(2) Intensity for all non-residential uses types: Maximum FAR is 3.0.**

**(3) Accessory uses to a hospital or medical use include, but are not limited to:**

- (a) Newstand
- (b) Giftshop
- (c) Cafeteria
- (d) Religious Use or Place of Worship

**E) Conflict.** If this section conflicts with another section of these LDRs, the provisions within this section shall apply to the extent of the conflict.

**F) Limitation on certain uses.** Hospitality Houses for patients (and/or patients' families); food service, restaurants, and cafes, including those with live entertainment (but excluding those with drive through service); and restaurants and cafes with drive through service are permitted within the MD District but may not exceed 10,000 total square feet within the district.

**G) Requirements.** Development in MD District is subject to the standards found in Tables 3-17, below.

**TABLE 3-17: MD DISTRICT STANDARDS**

Use Type	Minimum Parcel Size <sup>1</sup> (Acres)	Minimum Parcel Width (Feet)	Minimum Front Setback (Feet)	Minimum Side Setback - Collector or Arterial Road (Feet)	Minimum Side Setback - Local Road (Feet)	Minimum Rear Setback (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Hospital	1	200	35	25	10	20	200	60%	25%
All Other Uses in MD District	1	200	35	25	10	20	<del>120</del> [KR2]	60%	25%

1. There is no minimum size requirement for development parcels created by metes and bounds, provided there is unity of control with parent development parcel.

**2. For any portion of a hospital within 200 feet of the R-2 District, the maximum height is 150 feet.**

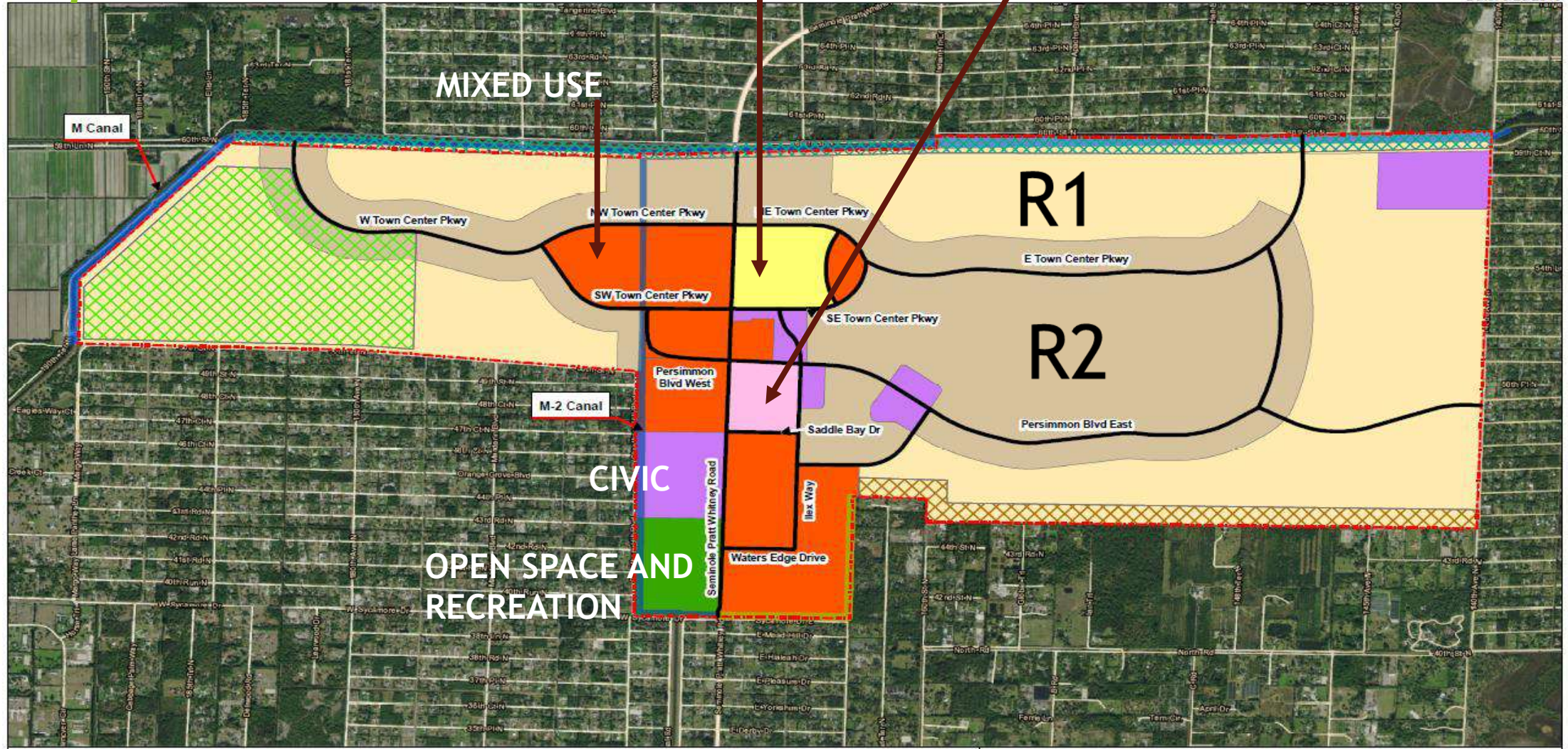


# Overlays

# Proposed ZONING MAP

TOWN CENTER MEDICAL

Date: 8/28/2019



Legend	
<b>Zoning Districts</b>	<b>Overlays</b>
Residential - 1	Solar Energy Overlay
Residential - 2	M Canal Overlay
Mixed Use	Single Family Overlay
Civic/Education	Southeast Buffer Overlay
Open Space & Recreation	City of Westlake Boundary
Medical District	
Town Center	

City of Westlake  
Zoning Map



## ARTICLE 3.2 Overlays

**Section 1: Solar Energy Overlay.** Primary Solar Facilities and accessory solar facilities shall be allowed within the Solar Energy Overlay pursuant to the requirements of the Comprehensive Plan.

**Section 2: M Canal Overlay.** Vertical development is prohibited within the M Canal right of way. Further, vertical development is prohibited north of the M Canal right of way and within 80 feet to the south of the M Canal right of way. This does not prohibit vertical development in M Canal right of way related to the operation and maintenance of the M Canal.

**Section 3: Single Family Overlay.** Multi-family dwellings shall be prohibited within 400 feet of the southern boundary of the City from its eastern boundary to the eastern edge of the MU District as depicted on the City of Westlake Official Zoning Map. Only single family attached and single family detached dwelling units shall be allowed in this area.

**Section 4: Southeast Buffer Overlay.** Only buffers may be constructed within the Southeast Buffer Overlay.

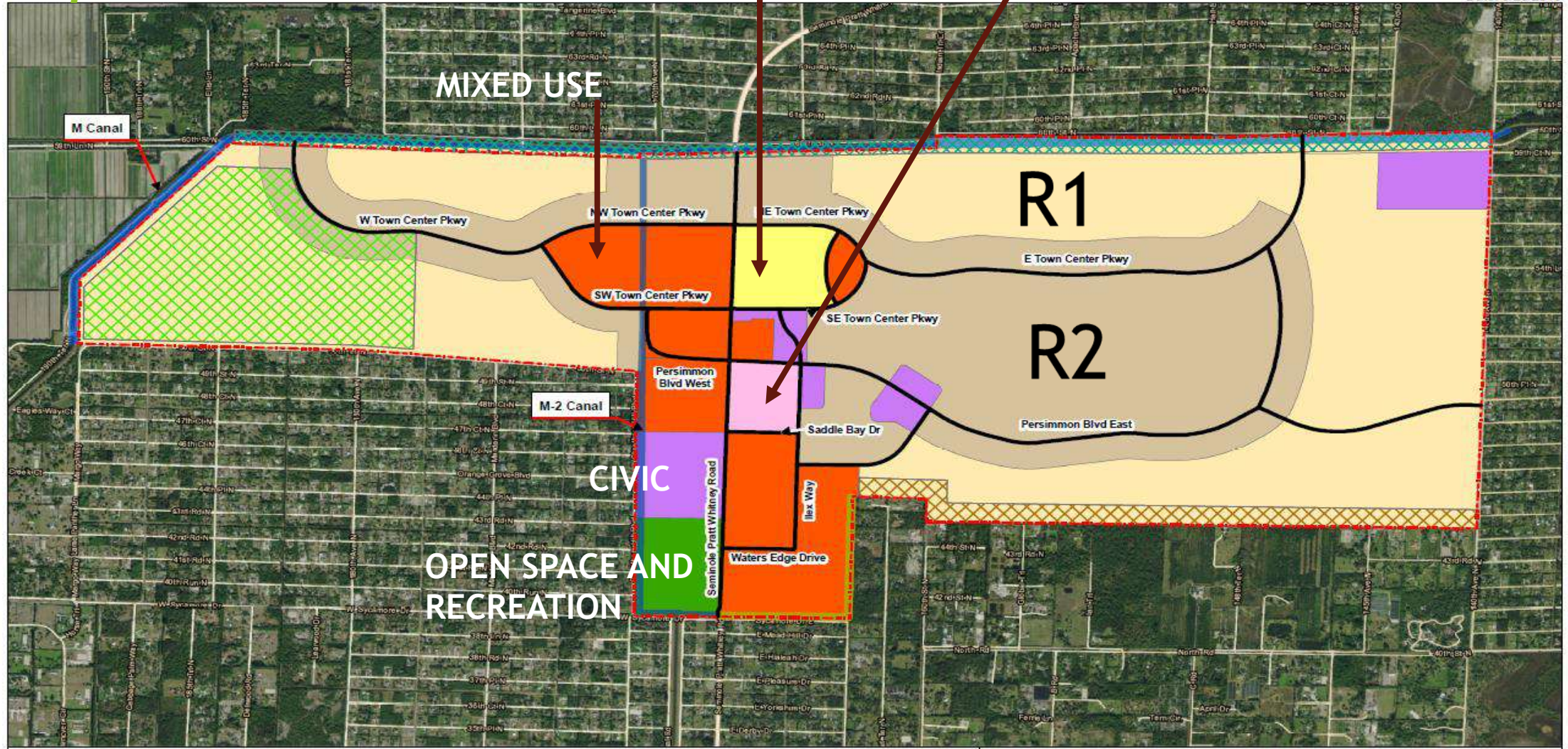
# Special Use Standards



# Proposed ZONING MAP

TOWN CENTER MEDICAL

Date: 8/28/2019



Legend	
<b>Zoning Districts</b>	<b>Overlays</b>
Residential - 1	Solar Energy Overlay
Residential - 2	M Canal Overlay
Mixed Use	Single Family Overlay
Civic/Education	Southeast Buffer Overlay
Open Space & Recreation	City of Westlake Boundary
Medical District	
Town Center	

City of Westlake  
Zoning Map



## **Section 1: Neighborhood Centers.** Neighborhood Centers are permitted in **R-1 and R-2 zoning districts** as part of site plan approval consistent with the requirements below.

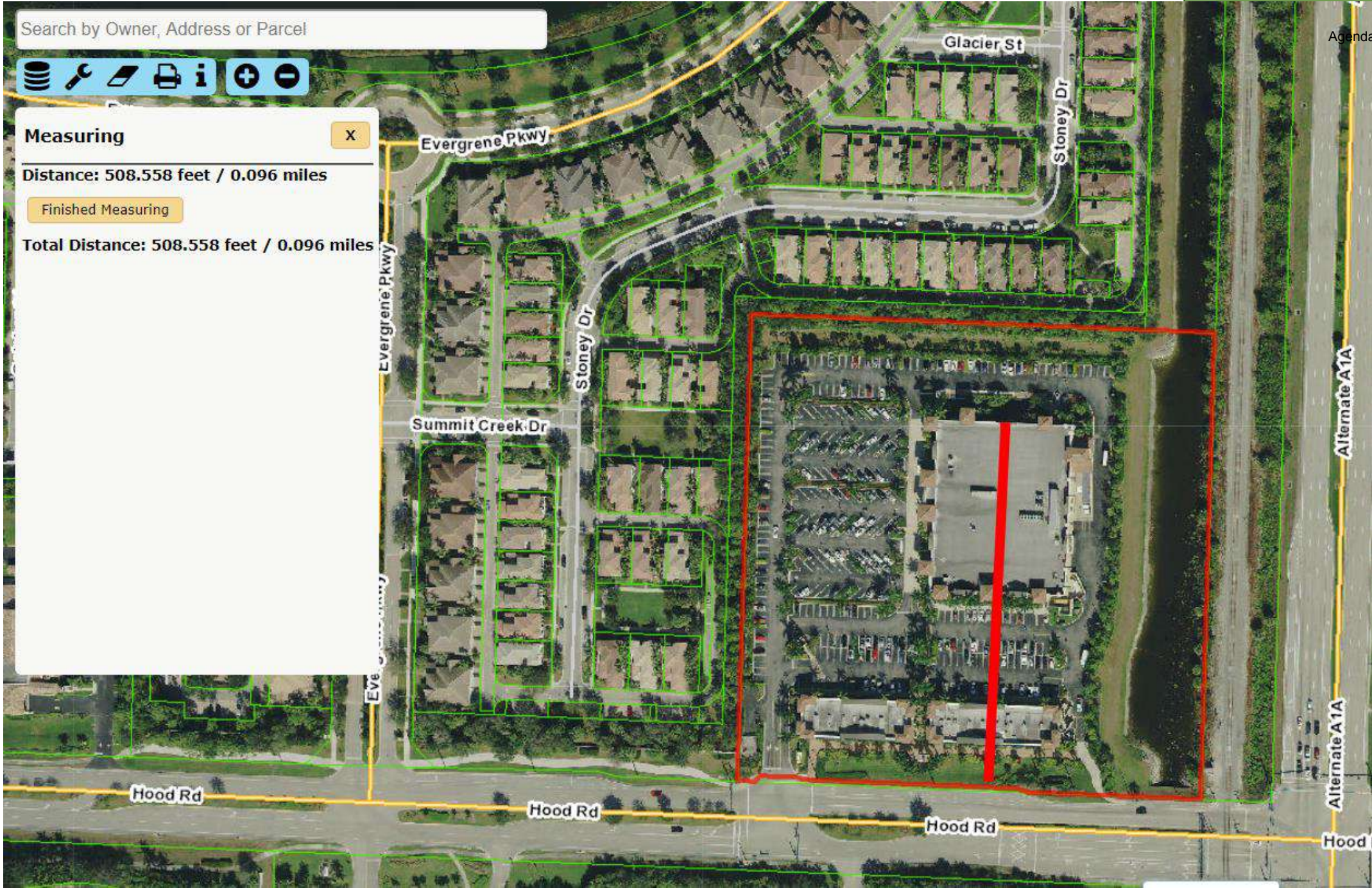
A) Uses within a Neighborhood Center are limited to:

- (1) Religious Uses
- (2) Vocational or Technical Schools
- (3) Pre-schools and Child Nursery Schools
- (4) Small-Scale Civic Uses
- (5) Retail Sales or Service.
- (6) Motor Vehicle Repair and/or service establishments, gasoline stations, and car washes
- (7) Office
- (8) Food Service, Restaurants, and Cafes, including those with live entertainment (but excluding those with drive through service Restaurants and cafes with drive through service)
- (9) Microbreweries
- (10) Medical office
- (11) Essential Facilities and Services
- (12) Uses accessory to permitted uses
- (13) Clubhouses and amenity centers









Search by Owner, Address or Parcel



**Measuring** X

---

Distance: 508.558 feet / 0.096 miles

Finished Measuring

---

Total Distance: 508.558 feet / 0.096 miles

Hood Rd

Hood Rd

Hood Rd

Hood



b) Any use not listed may be permitted as a conditional use subject to Comprehensive Plan compatibility requirements.

**C) Stand-alone** religious and educational uses (including vocational and technical schools, preschools, and child nursery schools) **cannot be neighborhood centers unless accompanied by at least one other use.**

**D) Requirements.** - Neighborhood Centers are subject to the standards found in Table 3-18 below. In addition Neighborhood Centers **in R-1 must be a minimum of 3 acres and a maximum of 10 acres. Neighborhood Centers in R-2 must be a minimum of 3 acres**



**TABLE 3-18: NEIGHBORHOOD CENTER STANDARDS**

Uses <sup>1</sup>	Minimum Front Setback (Feet)	Minimum Side Setback (Feet)	Minimum Rear Setback (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Religious uses	15	30	30	50	35%	30%
Educational uses	15	20	25	40	35%	30%
Small Scale Civic Uses	15	20	25	35	35%	30%
<b>Retail sales or service</b>	15	20	25	35	35%	30%
<b>Food Service except as follows:</b>	15	15	25	35	35%	30%
Restaurants and cafes with drive through service	25	30	30	35	35%	30%

1. Accessory uses shall adhere to the same height and setback requirements as the primary use.

# Voluntary Density Program

## Section 2: Voluntary Bonus Density Program.

A) Developers may elect to use the Voluntary Bonus Density Program. Developers that meet the criteria in this section will be granted density bonuses over the maximum gross densities in accordance with the following limits set forth in Table 3-19, below:

**TABLE 3-19: AVAILABLE BONUS DENSITIES**

District	Available Bonus Density
R-1 <b>Max 5 Dus/Acre</b>	4 Dwelling Units/Acre
R-2 <b>Max 12 Dus/Acre</b>	8 Dwelling Units/Acre
MU <b>Max 16 Dus/Acre</b>	8 Dwelling Units/Acre
Town Center <b>Max 16 Dus/Acre</b>	8 Dwelling Units/Acre



**TOTAL MAX 9 Dus/Acre**

**TOTAL MAX 20 Dus/Acre**

**TOTAL MAX 24 Dus/Acre**

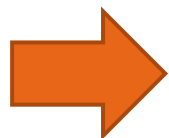
**TOTAL MAX 24 Dus/Acre**

In order to be granted bonus densities, developers will guarantee Affordable or Workforce Housing, or Senior Housing be provided consistent with the following requirements:

Affordable or Workforce Housing .

## Required percentage of bonus housing units.

At the time of initial sale or rental:



25% of all bonus housing units will be affordable to moderate-income households of 4 persons, or



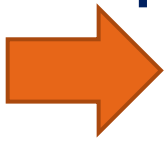
50% of all bonus housing units will be affordable to middle-income households of 4 persons.

**Phased Development. Affordable and workforce housing units must be provided in the same phase as the bonus density housing.**



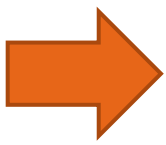
Developers shall demonstrate that the initial sale or rental is affordable to the appropriate income category (moderate-income or middle-income) based on professionally acceptable methodologies and the following parameters:

### **For purchase:**



- A down payment not exceeding 10% of the total unit value;
- A household size of 4 persons (or less)
- A 30-year fixed rate mortgage based on the most recent six-month period as provided by the Federal Housing Finance Agency
- Estimates of tax, utility, and insurance costs.

### **For Rental:**



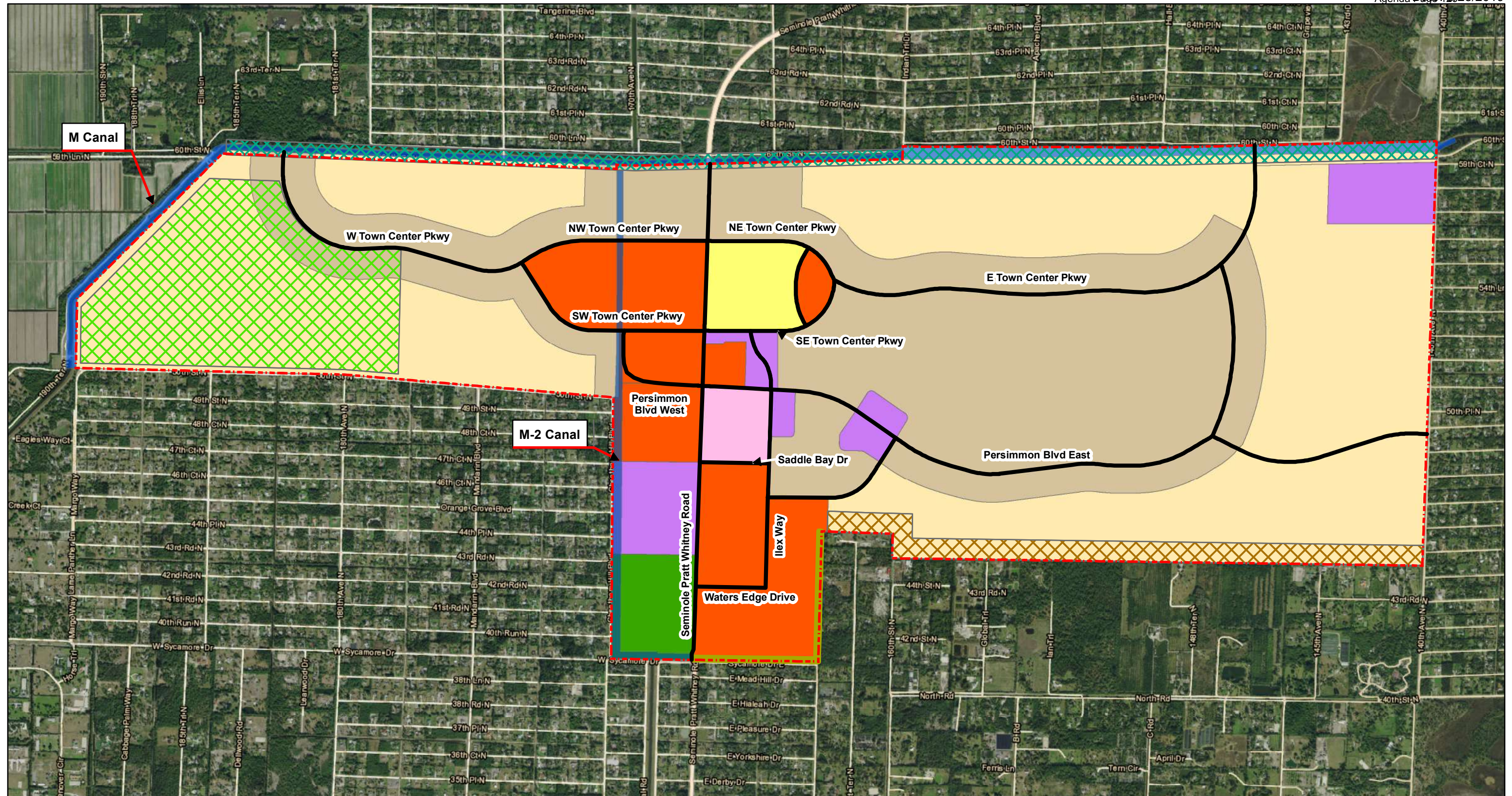
- A household size of 4 persons (or less)
- Rental prices based on the annual Florida Housing Finance Corporation Multi-Family Rental Figures, adjusted for the number of bedrooms.
- Estimates of utility and insurance costs.
- Rental price to remain affordable for at least 5 years.

**Affordability Requirements:** All required Work Force Housing units (WFH) shall be offered for sale at an attainable housing cost for each of the targeted income ranges. The sale prices shall be updated annually by -----or his or her designee, **with the sales prices based on the AMI (AREA MEDIAN INCOME)**, and the household income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) for a family of four, which pricing shall not be adjusted based on the number of occupants, as published annually by HUD (**sale price:** household income figure multiplied by three and priced at the middle of each of the four WFH income categories)

- (1) Prior to final approval by-----, at the time of site plan for each residential parcel containing Work Force Housing units (WFH), the property owner shall identify each required WFH unit within that residential parcel.
- (2) **The deed for each Work Force Housing units (WFH) sold shall include restrictions requiring**
  - A. that all identified WFH units be sold or resold only to qualified households in the applicable targeted income range at an attainable housing cost for each of the targeted income ranges;
  - b. that these restrictions remain in effect for a total of 10 years from the date of the certificate of occupancy for each unit; and,
  - c. that in the event a unit is resold before the 10-year period concludes, the covenant remains in place until the expiration of the original 10-year period.

**THANK YOU!**





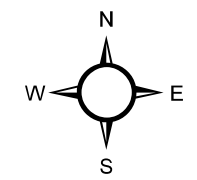
**Legend**

**Zoning Districts**

- Residential - 1
- Residential - 2
- Mixed Use
- Civic/Education
- Open Space & Recreation
- Medical District
- Town Center

**Overlays**

- Solar Energy Overlay
- M Canal Overlay
- Single Family Overlay
- Southeast Buffer Overlay
- City of Westlake Boundary



City of Westlake  
Zoning Map





## **Eighth Order of Business**

1st Reading September 9, 2019  
2nd Reading September 23, 2019

**ORDINANCE NO. 2019-9**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING ZONING DISTRICTS WITHIN THE CITY OF WESTLAKE; PROVIDING FOR DEVELOPMENT STANDARDS FOR SUCH ZONING DISTRICTS WITHIN THE CITY OF WESTLAKE; WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED 'ZONING DISTRICTS AND STANDARDS', PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

---

**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**, the City's adopted comprehensive plan contains a future land use element which provides directions and requirements for the establishment of zoning districts and certain standards therefor; and

**WHEREAS**, the City desires to adopt provisions concerning the establishment and maintenance of an Official Zoning Map; and

**WHEREAS**, adoption of this chapter, entitled "Zoning Districts and Standards" will assist the City in carrying out the goals, objectives and policies of the adopted comprehensive plan; and

**WHEREAS**, the purpose of this ordinance is to establish zoning districts within the City of Westlake and further to provide standards for residential and nonresidential development within each zoning district; and

**WHEREAS**, the City seeks to promote quality development within the City of Westlake in the short and long term; and

**WHEREAS**, Section 163.3202, Florida Statutes, requires that the City regulate the use of land and water for those land use categories included in the land use element of the City's adopted comprehensive plan and ensure the compatibility of adjacent uses and provide for open space; and

**WHEREAS**, Section 163.3202, Florida Statutes encourages the use of innovative land development regulations; and

**WHEREAS**, the City Council finds it is in the public's interest to establish policies and procedures to allow for consistent, flexible, creative, and economically beneficial development within the City of Westlake while protecting health, safety, and general welfare of individuals and the community at large.

**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 by reference.

**Section 2. Zoning Districts and Standards.** The code of ordinances for the City of Westlake shall contain a chapter entitled "Zoning Districts and Standards" which code shall contain the provisions as specifically set forth herein.

**CHAPTER 3: ZONING DISTRICTS AND STANDARDS**

**ARTICLE 3.1 OFFICIAL ZONING MAP**

**Section 1: Adoption of Zoning Map.** The zoning map dated \_\_\_\_ is hereby adopted as the first official zoning map as a part of these Land Development Regulations. The official zoning map may be amended from time to time without updating this section.

**Section 2: Zoning Map.** The boundaries of each zoning district and overlay are shown on a map entitled “City of Westlake Official Zoning Map,” which is hereby made a part of these LDRs. The City shall maintain the digital GIS files that comprise the City of Westlake Official Zoning Map, and all amendments thereto.

**Section 3: Administration and Maintenance of Zoning Map.** The Official Zoning Map, as the same may be amended from time to time, shall be maintained by the City in GIS data format and shall be kept on file with the City Clerk. A physical copy of the zoning map may be printed upon request, and shall contain the number and date of the latest ordinance amending the Official Zoning Map.

**Section 4: Determination of Zoning District and Overlay Boundaries.** The official GIS data maintained by the City shall be used to determine zoning district and overlay boundaries.

**ARTICLE 3.2 FUTURE LAND USE CONSISTENCY TABLE**

**Section 1: Consistency Table.** The City shall use the following table when assigning a zoning district designation to ensure compatibility with the parcel’s Future Land Use category.

**TABLE 3-1: FUTURE LAND USE CONSISTENCY TABLE**

Future Land Use Category	Consistent Zoning Districts
Residential – 1	Residential-1 (R-1) Open Space and Recreation (OSR) Planned Development (PD)
Residential – 2	Residential-2 (R-2) Open Space and Recreation (OSR) Planned Development (PD)
Civic	Civic (C) Open Space and Recreation (OSR) Planned Development (PD)
Downtown Mixed Use	Mixed Use (MU) Town Center (TC) Medical District (M) Civic (C) Open Space and Recreation (OSR) Planned Development (PD)
Open Space and Recreation	Open Space and Recreation (OSR) Planned Development (PD)

**ARTICLE 3.3 ZONING DISTRICTS AND STANDARDS**

**Section 1: Residential Districts.**

**(A) Residential-1 (R-1)**

**(1) Permitted Uses, Density and Intensity.** Uses permitted within the R-1 District are identified in Table 3-20: Permitted Uses.

(a) Density for all residential uses.

- (i) Maximum gross density is 5 dwelling units per gross acre. Accessory dwelling units are not counted towards the maximum gross density.
- (ii) Bonus densities may be permitted up to 4 dwelling units per gross acre pursuant to Section 3.3.2: Bonus Density.

(b) Accessory dwelling units.

- (i) Each single family dwelling unit may have one accessory dwelling unit.
- (ii) Mobile homes are not permitted as accessory dwelling units except in mobile home subdivisions.

(c) Intensity for all non-residential uses.

- (i) Maximum FAR is 0.25.
- (ii) Neighborhood Centers shall not exceed 10 acres and shall be governed by the requirements of Section 3.3.1: Neighborhood Centers.

**(2) Requirements.**

- (a) Forty feet is the minimum lot width for a lot containing a single family detached dwelling.
- (b) For any residential parcel within R-1, no more than 49% of the lots may be less than 50 feet in width.
- (c) Development in R-1 is subject to the standards found in Tables 3-2, 3-3, 3-4, and 3-5, below.



**TABLE 3-2: R-1 DISTRICT RESIDENTIAL STANDARDS FOR SINGLE FAMILY DETACHED  
(EXCLUDING ZERO LOT LINE DEVELOPMENT)**

Residential Use Type	Lot Width (Feet)	Minimum Lot Size (Square Feet)	Minimum Front Setback <sup>1</sup> (Feet)	Minimum Side Road Setback <sup>2</sup> (Feet)	Minimum Side Yard Setback <sup>2</sup> (Feet)	Minimum Rear Yard Setback (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Single family detached dwelling	40 <sup>3</sup>	4,400	BLDG: 10	BLDG: 10	BLDG: 5	10	36	55%	25%
			FLG: 20	SLG: 15	SLG: 15				
	50 <sup>4</sup>	5,500	BLDG: 10	BLDG: 10	BLDG: 5	10	36	55%	25%
			FLG: 20	SLG: 15	SLG: 15				
	More than 70 <sup>5</sup>	7,700	BLDG: 10	BLDG: 10	BLDG: 7.5	15	36	45%	25%
			FLG: 20	SLG: 15	SLG: 15				

1. BLDG = Building without front-loading garage, or portion of a building without a front-loading garage. FLG = Front Loading Garage.

2. BLDG = Building without side-loading garage, or portion of a building without a side-loading garage. SLG = Side Loading Garage.

3. If a lot is at least 40 feet wide but less than 50 feet wide, the standards in this row apply.

4. If a lot at least 50 feet wide but not more than 70 feet wide, the standards in this row apply.

5. If a lot is greater than 70 feet in width, the standards in this row apply unless the lot is part of a residential parcel developed under a common plan of development intended to provide 70 foot (or less) lots.

**TABLE 3-3: R-1 DISTRICT RESIDENTIAL STANDARDS  
FOR DETACHED ZERO LOT LINE DEVELOPMENT**

Residential Use Type	Lot Width (Feet)	Minimum Lot Size (Square Feet)	Minimum Front Setback <sup>1</sup> (Feet)	Minimum Side Road Setback <sup>2</sup> (Feet)	Minimum Rear Yard Setback (Feet)	Minimum Building Separation (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Single family detached dwelling <sup>3</sup>	40 <sup>4</sup>	4,400	BLDG: 10	BLDG: 10	10	10	36	55%	25%
			FLG: 20	SLG: 15					
	50 <sup>5</sup>	5,500	BLDG: 10	BLDG: 10	10	10	36	55%	25%
			FLG: 20	SLG: 15					
	More than 70 <sup>6</sup>	7,700	BLDG: 10	BLDG: 10	15	15	36	45%	25%
			FLG: 20	SLG: 15					

1. BLDG = Building without front-loading garage, or portion of a building without a front-loading garage. FLG = Front Loading Garage.

2. BLDG = Building without side-loading garage, or portion of a building without a side-loading garage. SLG = Side Loading Garage.

3. No setback is required (i.e. a 0-foot setback is permitted) for zero lot line development on the zero lot line side.

4. If a lot at least 40 feet wide but less than 50 feet wide, the standards in this row apply.

5. If a lot at least 50 feet wide but not more than 70 feet wide, the standards in this row apply.

6. If a lot is greater than 70 feet in width, the standards in this row apply unless the lot is part of a residential parcel developed under a common plan of development intended to provide 70 foot (or less) lots.

**TABLE 3-4: R-1 DISTRICT RESIDENTIAL STANDARDS FOR ATTACHED DWELLING UNITS AND MOBILE HOMES**

Residential Use Type	Minimum Lot Width Per Dwelling Unit (Feet)	Minimum Lot Square Footage Per Dwelling Unit	Minimum Front Setback <sup>1</sup> (Feet)	Minimum Side Road Setback <sup>2</sup> (Feet)	Minimum Side Yard Setback <sup>2,3</sup> (Feet)	Minimum Building Separation (Feet)	Minimum Rear Yard Setback (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Single family attached dwellings <sup>4</sup>	25	2,500	BLDG:10	BLDG: 10	BLDG: 5	10	10	36	60%	25%
			FLG: 20	SLG: 10	SLG: 15					
Mobile homes	-	-	-	-	-	-	-	-	60%	25%

1. BLDG = Building without front-loading garage, or portion of a building without a front-loading garage. FLG = Front Loading Garage.

2. BLDG = Building without side-loading garage, or portion of a building without a side-loading garage. SLG = Side Loading Garage.

3. No setback is required (i.e. a 0-foot setback is permitted) for zero lot line development on the zero lot line side.

4. Single family attached dwellings may be zero lot line. No more than 8 single family dwelling units may be attached without a separation.

**TABLE 3-5: R-1 DISTRICT NON-RESIDENTIAL STANDARDS**

Non-Residential Use Type	Minimum Parcel Size (Square Feet)	Minimum Parcel Width (Feet)	Minimum Front Setback (Feet)	Minimum Side Road Setback (Feet)	Minimum Side Yard Setback (Feet)	Minimum Rear Setback (Feet)	Maximum Building Height <sup>2</sup> (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Religious uses	43,560	100	30	20	30	30 <sup>1</sup>	50	35%	25%
Child or Adult Care Centers	43,560	100	30 <sup>1</sup>	20	30	30 <sup>1</sup>	36	35%	25%
Neighborhood Parks	-	-	15	15	15	15	36	30%	40%
Residential Amenity Center	20,000		20	30	30	30	30	40%	25%
Conservation uses	-	-	-	-	-	-	-	-	-

1. Where the rear of a neighborhood park abuts a lake or open space tract, a 5 foot setback is required.

2. All mechanical equipment located on rooftops must be screened by parapets or other architectural features.

**(3) Accessory Structures.** Accessory structures shall be permitted pursuant to the requirements below:

- (a) Unless otherwise specified below, accessory structures shall not exceed 25 feet in height, and shall meet all setback requirements of the principal structure.
- (b) The following structures are subject to the following requirements:
  - (i) Fences and walls.
    - 1. Setbacks. The minimum front setback for fences and walls is 10 feet. Except for decorative edge treatments permitted below, fences and walls shall be set back at least three (3) feet from the nearest face of the structure.
      - a. Decorative edge treatments, which may include decorative fencing or walls, are permitted for a group of residences developed under a common plan of development, but will not be permitted on a lot-by-lot basis. Decorative edge treatments permitted under this section may be located in front of a residence, shall not encroach on any right of way, and shall not exceed 3 feet in height.
      - b. Fences and walls are not subject to any other setback requirements.
    - 2. The maximum height of a wall or fence shall be 6 feet.
  - (ii) Swimming pools, screen enclosures, pool decks, spas, cabanas, saunas, and patios.
    - 1. For single family detached dwelling units, these structures are not permitted in the front yard.
    - 2. The minimum side road, side yard, and rear setbacks are 3 feet.
  - (iii) Detached Garages.
    - 1. For detached garages on lots developed under a common plan of development, the minimum rear setback is 5 feet.
    - 2. For all other detached garages, the minimum rear setback is 10 feet.

**B) Residential-2 (R-2)**

- (1) Permitted Uses, Density and Intensity.** Uses permitted within the R-2 District are identified in Table 3-20: Permitted Uses.
  - (a) Density for all residential uses.
    - (i) The maximum gross density is 12 dwelling units per gross acre.
      - 1. Accessory dwelling units are not counted towards the maximum gross density.
      - 2. The maximum gross density for Continuing Care and Assisted Living Facilities may be calculated as follows: 25 beds per acre.
    - (ii) Bonus densities may be permitted up to 8 dwelling units per gross acre pursuant to Section 3.3.2: Bonus Density.
  - (b) Accessory Dwelling Units.
    - (i) Each single family dwelling unit may have one accessory dwelling unit.
    - (ii) Mobile homes are not permitted as accessory dwelling units.
  - (c) Intensity for all non-residential uses.
    - (i) Maximum FAR is .35



(ii) Neighborhood centers shall not exceed 15 acres and shall be governed by the requirements of Section 3.3.1: Neighborhood Centers.

**(2) Requirements**

- (a) Development in R-2 is subject to the standards found in Tables 3-6, 3-7, 3-8, and 3-9, below.
- (b) Forty feet is the minimum lot width for a lot containing a single family detached dwelling.

**TABLE 3-6: R-2 DISTRICT RESIDENTIAL STANDARDS FOR SINGLE FAMILY DETACHED (EXCLUDING ZERO LOT LINE)**

Residential Use Type	Lot Width	Minimum Lot Size (Square Feet)	Minimum Front Setback <sup>1</sup> (Feet)	Minimum Side Road Setback <sup>2</sup> (Feet)	Minimum Side Yard Setback <sup>2</sup> (Feet)	Minimum Rear Yard Setback (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Single family detached dwellings	40 <sup>3</sup>	3,600	BLDG: 10	BLDG: 10	BLDG: 5	10	40	60%	25%
			FLG: 20	SLG: 10	SLG: 10				
	50 <sup>4</sup>	4,500	BLDG: 10	BLDG: 10	BLDG: 5	10	40	60%	25%
			FLG: 20	SLG: 10	SLG: 10				
	More than 70 <sup>5</sup>	6,300	BLDG: 10	BLDG: 10	BLDG: 5	10	40	55%	25%
			FLG: 20	SLG: 10	SLG: 10				

1. BLDG = Building without front-loading garage, or portion of building without front-loading garage. FLG = Front Loading Garage.

2. BLDG = Building without side-loading garage, or portion of building without side-loading garage. SLG = Side Loading Garage.

3. If a lot is at least 40 feet wide but less than 50 feet wide, the standards in this row apply.

4. If a lot is at least 50 feet wide but not more than 70 feet wide, the standards in this row apply.

5. If a lot is greater than 70 feet in width, the standards in this row apply unless the lot is part of a residential parcel developed under a common plan of development intended to provide 70 foot (or less) lots.

**TABLE 3-7: R-2 DISTRICT RESIDENTIAL STANDARDS  
FOR DETACHED ZERO LOT LINE DEVELOPMENT**

Residential Use Type	Minimum Lot Width (Feet)	Minimum Lot Size (Square Feet)	Minimum Front Setback <sup>1</sup> (Feet)	Minimum Side Road Setback on non-zero-lot-line <sup>2, 3</sup> (Feet)	Minimum Building Separation (Feet)	Minimum Rear Yard Setback (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Zero lot line single family detached dwellings	40	3,600	BLDG:10	BLDG: 10	10	10	40	60%	25%
			FLG: 20	SLG: 15					
1. BLDG = Building without front-loading garage, or portion of building without front-loading garage. FLG = Front Loading Garage.									
2. No setback is required (i.e. a 0-foot setback is permitted) for zero lot line development on the zero lot line side.									
3. BLDG = Building without side-loading garage, or portion of building without side-loading garage. SLG = Side Loading Garage.									

**TABLE 3-8: R-2 DISTRICT OTHER RESIDENTIAL STANDARDS**

<b>Residential Use Type</b>	<b>Minimum Lot or Parcel Width (Feet)</b>	<b>Minimum Lot or Parcel Size (Square Feet)</b>	<b>Minimum Front Road Setback<sup>1</sup> (Feet)</b>	<b>Minimum Side Road Setback<sup>2</sup> (Feet)</b>	<b>Minimum Side Yard Setback<sup>2</sup> (Feet)</b>	<b>Minimum Rear Yard Setback (Feet)</b>	<b>Maximum Building Height<sup>3</sup> (Feet)</b>	<b>Maximum Lot Coverage</b>	<b>Minimum Pervious Percentage of Parcel</b>
Single family attached	20	1,600	BLDG: 10	BLDG: 10	BLDG: 10	10	40	65%	20%
			FLG: 20	SLG: 10	FLG: 20				
Multi-family dwellings <sup>4</sup>	-	10,000	15	10	10	20	60	50%	25%
Assisted living facilities	-	-	20	20	20	20	75	50%	25%
Foster care facilities and group homes	50	3,500	BLDG: 10	BLDG: 10	BLDG: 10	10	40	60%	25%
			FLG: 20	SLG: 10	FLG: 20				
1. BLDG = Building without front-loading garage, or portion of building without front-loading garage. FLG = Front Loading Garage.									
2. BLDG = Building without side-loading garage, or portion of building without side-loading garage. SLG = Side Loading Garage. No setback is required for single family attached dwelling units along the shared wall.									
3. The maximum building height for buildings abutting lots containing single family detached dwellings shall be 40 feet, regardless of the number in this column.									
4. For multi-family developments, setbacks shall be measured from the boundary of the parcel. No other setbacks apply to buildings within the parcel, except buildings are subject to building separation requirements in the Florida Building Code and fire safety codes.									

**TABLE 3-9: R-2 DISTRICT NON-RESIDENTIAL STANDARDS**

<b>Non-Residential Use Type</b>	<b>Minimum Parcel Size (Square Feet)</b>	<b>Minimum Parcel Width (Feet)</b>	<b>Minimum Front Setback (Feet)</b>	<b>Minimum Side Road Setback (Feet)</b>	<b>Minimum Side Yard Setback (Feet)</b>	<b>Minimum Rear Setback (Feet)</b>	<b>Maximum Building Height<sup>2</sup> (Feet)</b>	<b>Maximum Lot Coverage</b>	<b>Minimum Pervious Percentage of Parcel</b>
Religious uses	43,560	100	20	20	30	30	50	35%	25%
Educational uses	43,560	100	20	20	30	30	40	35%	25%
Recreational	N/A	-	15	15	15	15 <sup>1</sup>	40	30%	40%
Residential Amenity Center	20,000	-	20	30	30	30 <sup>1</sup>	30	40%	25%
Conservation uses	-	-	-	-	-	-	-	-	-

1. No setback required if abutting a lake or open space tract.

2. All mechanical equipment located on rooftops must be screened by parapets or other architectural features.

**(3) Accessory Structures.** Unless otherwise specified below, accessory structures shall not exceed 25 feet in height, and shall meet all setback requirements of the principal structure.

**(4)** The following structures are subject to the following requirements:

(i) Fences and walls.

1. Setbacks. The minimum front setback for fences and walls is 10 feet. Except for decorative edge treatments permitted below, fences and walls shall be set back at least three (3) feet from the nearest face of the structure.
  - a. Decorative edge treatments, which may include decorative fencing or walls, are permitted for a group of residences developed under a common plan of development, but will not be permitted on a lot-by-lot basis. Decorative edge treatments permitted under this section may be located in front of a residence, shall not encroach on any right of way, and shall not exceed 3 feet in height.
  - b. Fences and walls are not subject to any other setback requirements.
2. The maximum height of a wall or fence shall be 6 feet.

(ii) Swimming pools, screen enclosures, pool decks, spas, cabanas, saunas, and patios.

1. For single family detached dwelling units, these structures are only permitted in the rear yard.
2. The minimum side road, side yard, and rear setbacks are 3 feet, except:
  - a. Screen enclosures are permitted along the attached side of attached dwelling units.

(iii) Detached Garages.



1. Detached garages shall only be permitted as part of a common plan of development. The minimum setback is 10 feet.

**Section 2: Civic District (CV)**

- A) Permitted Uses.** Uses permitted within the CV District are identified in Table 3-20: Permitted Uses.
- B) Intensity.** Intensity for all non-residential uses: maximum FAR is 1.5.
- C) Requirements.** Development in CV is subject to the standards found in Table 3-10 below.

**TABLE 3-10: CV DISTRICT STANDARDS**

Use Type	Minimum Front Setback (Feet)	Minimum Side Road Setback (Feet)	Minimum Side Yard Setback (Feet)	Minimum Rear Setback (Feet)	Maximum Building Height <sup>1</sup> (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Religious uses	15	15	15	10	50	35%	25%
Educational uses	15	15	15	10	50	35%	25%
Recreational uses	15	15	10	10	50	30%	50%
Conservation uses	-	-	-	-	-	-	-
Civic Uses	20	15	15	10, or if abutting residential, 25	50	30%	25%
Conservation uses	-	-	-	-	-	-	-

1. All mechanical equipment located on rooftops must be screened by parapets or other architectural features.

**D) Accessory Structures.** Accessory structures shall be permitted pursuant to the requirements below:

- (a) Unless otherwise specified below, accessory structures shall not exceed 30 feet in height, and shall meet all setback requirements of the principal structure.
- (b) The following structures are subject to the following additional requirements:
  - (i) Fences and walls.
    1. The minimum front setback for fences and walls is 10 feet. Fences and walls are not subject to any other setback requirements.
    2. The maximum height of a wall or fence shall be 6 feet.

### Section 3: Mixed Use (MU)

**A) Permitted Uses, Density and Intensity.** Uses permitted within the MU District are identified in Table 3-20: Permitted Uses.

**(1) Density for all residential uses.**

(a) Minimum gross density is 4 units per gross acre, and the maximum gross density is 16 dwelling units per gross acre, excluding accessory dwelling units.

(i) Accessory dwelling units are not counted towards the maximum gross density.

(ii) The maximum gross density for Continuing Care and Assisted Living Facilities may be calculated as follows: 34 beds per acre.

(b) Bonus densities may be permitted up to 8 dwelling units per acre pursuant to Section 3.3.2: Bonus Density.

**(2) Accessory dwelling units.**

(a) Each single family dwelling unit may have one accessory dwelling unit.

(b) Mobile homes are not permitted as accessory dwelling units except in mobile home subdivisions.

**(3) Intensity for all non-residential uses: maximum FAR is 3.0.**

**(4) A mix of non-residential and residential uses may be developed on the same parcel, and may be integrated vertically or horizontally. On a parcel with mixed use, both density and intensity shall be calculated based upon the gross acreage. The maximum amount of allowed non-residential development is not affected by the amount of allowed residential development on a parcel; the maximum amount of allowed residential development is not affected by the amount of allowed non-residential development on a parcel.**

**B) Requirements.**

**(1) General Requirements.** Development in MU is subject to the standards found in Tables 3-11 and 3-12 below.

(a) Building Height.

(i) The maximum building height in the MU District is 120 feet, except:

1. The maximum building height in the MU District within 100 feet of the R-1 District is 50 feet.
2. The maximum building height for development in the MU District within 100 feet of R-2 District is 70 feet.

(ii) All mechanical equipment located on rooftops must be screened by parapets or other architectural features.

(b) The minimum rear setback for development abutting residential zoning districts is 25 feet. All other development shall have a minimum setback of 10 feet.

**(2) Non-residential.** Non-residential development in the MU District is subject to the following requirements.

- (a) Standards for uses under 20,000 square feet.
  - (i) Front setback:
    - 1. Minimum 20 foot from lot line.
    - 2. Minimum 20 foot building separation.
  - (ii) Side Setback.
    - 1. Minimum 10 foot from lot line.
    - 2. Minimum 20 foot building separation.
  - (iii) Rear Setback:
    - 1. Minimum 10 foot from lot line.
- (b) Standards for uses 20,000 square feet or more are in Table 3-12.
- (c) Setbacks shall be measured from the boundary of the parcel. No other setback standards apply to buildings within the parcel, except buildings are subject to building separation requirements in the Florida Building Code and the fire safety code.

**TABLE 3-11: MU DISTRICT RESIDENTIAL STANDARDS**

<b>Residential Use Type</b>	<b>Minimum Lot Width Per Dwelling Unit (Feet)</b>	<b>Minimum Front Setback<sup>1</sup>,<sup>2</sup> (Feet)</b>	<b>Minimum Side Road Setback<sup>2</sup>,<sup>3</sup> (Feet)</b>	<b>Minimum Side Yard Setback<sup>2,3</sup> (Feet)</b>	<b>Minimum Rear Yard Setback<sup>2</sup> (Feet)</b>	<b>Maximum Building Height (Feet)</b>	<b>Maximum Lot Coverage</b>	<b>Minimum Pervious Percentage of Parcel</b>
Single family attached dwellings	20	BLDG: 5	BLDG: 5	BLDG: 5	10	50	70%	20%
		FLG: 20	SLG: 20	SLG: 20				
Multi-family dwellings	-	5	20	10	20	100	50%	25%
Assisted living facilities	-	5	20	10	20	100	50%	25%
<p>1. BLDG = Building without front-loading garage, or portion of building without front-loading garage. FLG = Front Loading Garage.</p>								
<p>2. For multi-family developments, setbacks shall be measured from the boundary of the parcel. No other setbacks apply to buildings within the parcel, except buildings are subject to building separation requirements in the Florida Building Code and fire safety codes.</p>								
<p>3. BLDG = Building without side-loading garage, or portion of building without side-loading garage. SLG = Side Loading Garage. No setback is required for single family attached dwelling units along the shared wall.</p>								



**TABLE 3-12: MU DISTRICT NON-RESIDENTIAL STANDARDS**

<b>Non-Residential Use Type</b>	<b>Minimum Parcel Size (Square Feet)</b>	<b>Minimum Front Setback (Feet)</b>	<b>Minimum Side Setback (Feet)</b>	<b>Minimum Rear Setback (Feet)</b>	<b>Minimum Building Separation (Feet)</b>	<b>Maximum Lot Coverage</b>	<b>Minimum Pervious Percentage of Parcel</b>
Religious uses	43,560	20	10	10	20	35%	25%
Educational Uses	43,560	20	10	10	20	35%	25%
Recreational Uses	-	20	10	10	20	30%	60%
Conservation uses	-	-	-	-	-	-	-
Commercial Uses	-	20	10	10	20	45%	25%
Medical Uses	-	20	10	10	20	45%	25%
Sexually oriented business	-	30	10	10	20	35%	25%
Civic Uses	-	20	10	10	20	30%	25%
Light industrial uses	-	30	10	10	20	50%	25%
Institutional uses	-	10	10	10	20	35%	25%
Commercial recreation uses	-	20	10	10	20	35%	25%
Agricultural uses	-	-	-	-	-	-	-
Essential facilities and services	-	-	-	-	-	-	-
Utilities	-	-	-	-	-	-	-
1. Buildings separated from residential zoning districts by a road or canal are not considered adjacent to residential zoning districts.							

- (1) Accessory Structures.** Accessory structures shall be permitted pursuant to the requirements below:
- (a) Unless otherwise specified below, accessory structures are subject to the same setback and height requirements as the principle structure.
  - (b) The following structures are subject to the following additional requirements:
    - (i) Fences and walls.
      - a. The minimum front setback for fences and walls is 10 feet. Fences and walls are not subject to any other setback requirements.
      - b. The maximum height of a wall or fence shall be 6 feet.
    - (ii) Swimming pools, screen enclosures, pool decks, spas, cabanas, saunas, and patios.
      - a. For single family attached residential uses, these structures are only permitted in the rear yard.

- b. The minimum side road, side yard, and rear setbacks for a screen enclosure are 5 feet, unless the screen enclosure is adjacent to a lake or open space tract, in which case the minimum side road, side yard, and rear yard setbacks are 3 feet from the lake or open space tract.
  - c. Except for screen enclosures, the minimum side road, side yard, and rear setback is 3 feet.
- (iii) Detached Garages.
- 1. Detached garages shall have minimum side road, side yard, and rear setbacks of 10 feet.

**Section 4: Town Center District (TC)**

**B) Permitted Uses Density and Intensity.**

- (1) Uses permitted within the TC District are identified in Table 3-20: Permitted Uses.
- (2) Density for all residential uses.
  - (a) The minimum gross density is 4 units per gross acre, and the maximum gross density is 16 dwelling units per gross acre.
    - (i) Accessory dwelling units are not counted towards the maximum gross density.
    - (ii) The maximum gross density for Continuing Care and Assisted Living Facilities may be calculated as follows: 34 beds per acre.
  - (b) Bonus densities may be permitted up to 8 dwelling units per acre pursuant to Section 3.3.2: Bonus Density.
- (3) Intensity for all non-residential uses: maximum FAR is 3.0.

**C) Requirements.**

- (1) General Requirements. Development in TC is subject to the standards found in Tables 3-13 and 3-14 below.
  - (a) Building Height.
    - (i) The maximum building height in the TC District is 150 feet, except:
      - 1. The maximum building height for development in the TC District within 120 feet of the R-1 District is 50 feet.
      - 2. The maximum building height for development in the TC District within 100 feet of R-2 District is 70 feet.
    - (ii) All mechanical equipment located on rooftops must be screened by parapets or other architectural features.
  - (b) Building Separation.
    - (i) For every 400 feet of continuous building frontage there must be 40 feet of separation. The building separation requirement is a total footage requirement and may be broken into smaller

increments. All development is subject to building separation requirements in the Florida Building Code and fire safety codes.

**TABLE 3-13: TOWN CENTER RESIDENTIAL STANDARDS**

<b>Residential Use Type</b>	Minimum Lot Square Footage Per Dwelling Unit	Minimum Lot Width Per Dwelling Unit (Feet)	Minimum Front Setback <sup>1, 2</sup> (Feet)	Minimum Side Road Setback <sup>2, 3</sup> (Feet)	Minimum Side Yard Setback <sup>2, 3</sup> (Feet)	Minimum Rear Yard Setback <sup>2</sup> (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Single family attached dwellings	1,600	16	BLDG: 5	BLDG: 5	BLDG: 5	10	50	60%	25%
			FLG: 20	SLG: 20	SLG: 20				
Multi-family dwellings	-	-	5	20	10	20	100	50%	25%
Assisted living facilities	-	-	5	20	10	20	100	50%	25%

1. BLDG = Building without front-loading garage, or portion of building without front-loading garage. FLG = Front Loading Garage.

2. For multi-family developments, setbacks shall be measured from the boundary of the parcel. No other setbacks apply to buildings within the parcel, except buildings are subject to building separation requirements in the Florida Building Code and fire safety codes.

3. BLDG = Building without side-loading garage, or portion of building without side-loading garage. SLG = Side Loading Garage. No setback is required for single family attached dwelling units along the shared wall.

**TABLE 3-14: TOWN CENTER NON-RESIDENTIAL STANDARDS**

<b>Non-Residential Use Type</b>	Minimum Front Setback for Buildings (Feet)	Minimum Side Setback (Feet)	Minimum Rear Setback (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Recreational Uses	10	10	10	50%	60%
Conservation Uses	-	-	-	-	-
Commercial Uses	5	10	10	55%	25%
Medical Uses	5	10	10	55%	25%

**TABLE 3-14: TOWN CENTER NON-RESIDENTIAL STANDARDS**

<b>Non-Residential Use Type</b>	<b>Minimum Front Setback for Buildings (Feet)</b>	<b>Minimum Side Setback (Feet)</b>	<b>Minimum Rear Setback (Feet)</b>	<b>Maximum Lot Coverage</b>	<b>Minimum Pervious Percentage of Parcel</b>
Civic Uses	5	10	10	35%	25%
Sexually oriented business	35	10	10	50%	25%
Light industrial uses	30	10	10	50%	25%
Institutional uses	10	10	10	50%	25%
Commercial recreation uses	10	10	10	50%	25%
Agricultural uses	-	-	-	-	-
Essential facilities and services	-	-	-	-	-
Utilities	-	-	-	-	-

**Section 5: Open Space and Recreation (OSR)**

**A) Permitted Uses Density and Intensity.**

- (1) Uses permitted within the OSR District are identified in Table 3-20: Permitted Uses.
- (2) Intensity for all non-residential uses: maximum FAR is 0.25.

**B) Requirements.** Development in OSR is subject to the standards found in Table 3-16, below.

**TABLE 3-16: OPEN SPACE AND RECREATION STANDARDS**



Use Type	Minimum Parcel Size (Square Feet)	Minimum Parcel Width (Feet)	Minimum Front Setback	Minimum Side Road Setback	Minimum Side Yard Setback	Minimum Rear Setback	Maximum Building Height
Recreational uses							
Neighborhood Parks	-	-	15	15/15	15	15	40
Conservation uses	-	-	-	-	-	-	-
Civic uses	-	-	5	10	10	35%	25%

**Section 6: Medical District (MD)**

**D) Permitted Uses, Density, and Intensity.** Uses permitted within the MD District are identified in Table 3-20: Permitted Uses.

(1) Minimum gross density is 4 units per gross acre, and the maximum gross density is 16 dwelling units per gross acre. Accessory dwelling units are not counted towards the maximum gross density.

(2) Intensity for all non-residential uses types: Maximum FAR is 3.0.

(3) Accessory uses to a hospital or medical use include, but are not limited to:

- (a) Newstand
- (b) Giftshop
- (c) Cafeteria
- (d) Religious Use or Place of Worship

**E) Conflict.** If this section conflicts with another section of these LDRs, the provisions within this section shall apply to the extent of the conflict.

**F) Limitation on certain uses.** Hospitality Houses for patients (and/or patients’ families); food service, restaurants, and cafes, including those with live entertainment (but excluding those with drive through service); and restaurants and cafes with drive through service are permitted within the MD District but may not exceed 10,000 total square feet within the district.

**G) Requirements.** Development in MD District is subject to the standards found in Tables 3-17, below.

**TABLE 3-17: MD DISTRICT STANDARDS**

Use Type	Minimum Parcel Size <sup>1</sup> (Acres)	Minimum Parcel Width	Minimum Front Setback	Minimum Side Setback - Collector	Minimum Side Setback -	Minimum Rear Setback (Feet)	Maximum Building Height <sup>3</sup> (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
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		(Feet)	(Feet)	or Arterial Road (Feet)	Local Road (Feet)				
<b>Hospital</b>	1	200	35	25	10	20	200 <sup>2</sup>	60%	25%
<b>All Other Uses in MD District</b>	1	200	35	25	10	20	120	60%	25%

1. There is no minimum size requirement for development parcels created by metes and bounds, provided there is unity of control with parent development parcel.
2. For any portion of a hospital within 200 feet of the R-2 District, the maximum height is 150 feet.
3. All mechanical equipment located on rooftops must be screened by parapets or other architectural features.

**Section 7: Planned Development (PD)**

- A)** In lieu of proceeding under the standards above, a parcel or property owner may propose project-specific standards as a Planned Development (PD). PDs must be consistent with the land use types and densities and intensities of the underlying future land use category consistent with the Comprehensive Plan and other Articles of these LDRs. PDs shall be allowed in all Future Land Use Categories as Zoning Districts, and may allow for all uses. PDs shall be processed as Rezoning, subject to City Council Approval.
- B)** Requirements:
  - (1)** Design Guidelines. Developer must submit design guidelines that will govern development within the PD and address any standards that differ from the standards in these LDRs.

**ARTICLE 3.2 Overlays**

**Section 1: Solar Energy Overlay.** Primary Solar Facilities and accessory solar facilities shall be allowed within the Solar Energy Overlay pursuant to the requirements of the Comprehensive Plan.

**Section 2: M Canal Overlay.** Vertical development is prohibited within the M Canal right of way. Further, vertical development is prohibited north of the M Canal right of way and within 80 feet to the south of the M Canal right of way. This does not prohibit vertical development in M Canal right of way related to the operation and maintenance of the M Canal.

**Section 3: Single Family Overlay.** Multi-family dwellings shall be prohibited within 400 feet of the southern boundary of the City from its eastern boundary to the eastern edge of the Downtown Mixed Use Future Land Use category as depicted on the City of Westlake Official Zoning Map. Only single family attached and single family detached dwelling units shall be allowed in this area.

**Section 4: Southeast Buffer Overlay.** Only buffers may be constructed within the Southeast Buffer Overlay.

**ARTICLE 3.3 Special Use Standards**

**Section 1: Neighborhood Centers.** Neighborhood Centers are permitted in R-1 and R-2 zoning districts as part of site plan approval consistent with the requirements below.

- A) Uses within a Neighborhood Center are limited to:**
  - (1) Religious Uses
  - (2) Vocational or Technical Schools
  - (3) Child or Adult Care Centers
  - (4) Small-Scale Civic Uses
  - (5) Retail Sales or Service.
  - (6) Motor Vehicle Repair and/or service establishments, gasoline stations, and car washes
  - (7) Office
  - (8) Food Service, Restaurants, and Cafes, including those with live entertainment (but excluding those with drive through service Restaurants and cafes with drive through service)
  - (9) Microbreweries
  - (10) Medical office
  - (11) Essential Facilities and Services
  - (12) Uses accessory to permitted uses
  - (13) Clubhouses and amenity centers
- B) Any use not listed may be permitted as a conditional use subject to Comprehensive Plan compatibility requirements.**
- C) Stand-alone religious and educational uses (including vocational and technical schools, and child or adult care centers) cannot be neighborhood centers unless accompanied by at least one other use.**
- D) Requirements.** – Neighborhood Centers are subject to the standards found in Table 3-18 below. In addition Neighborhood Centers in R-1 must be a minimum of 3 acres and a maximum of 10 acres. Neighborhood Centers in R-2 must be a minimum of 3 acres and a maximum of 15 acres.

**TABLE 3-18: NEIGHBORHOOD CENTER STANDARDS**

<b>Uses<sup>1</sup></b>	<b>Minimum Front Setback (Feet)</b>	<b>Minimum Side Setback (Feet)</b>	<b>Minimum Rear Setback (Feet)</b>	<b>Maximum Building Height<sup>2</sup> (Feet)</b>	<b>Maximum Lot Coverage</b>	<b>Minimum Pervious Percentage of Parcel</b>
Religious uses	15	30	30	50	35%	30%
Educational uses	15	20	25	40	35%	30%
Small Scale Civic Uses	15	20	25	35	35%	30%
<b>Retail sales or service</b>	15	20	25	35	35%	30%

<b>Food Service except as follows:</b>	15	15	25	35	35%	30%
Restaurants and cafes with drive through service	25	30	30	35	35%	30%
1. Accessory uses shall adhere to the same height and setback requirements as the primary use. 2. All mechanical equipment located on rooftops must be screened by parapets or other architectural features.						

**Section 2: Voluntary Bonus Density Program.**

- A)** Developers may elect to use the Voluntary Bonus Density Program. Developers that meet the criteria in this section will be granted density bonuses over the maximum gross densities in accordance with the following limits set forth in Table 3-19, below:

**TABLE 3-19: AVAILABLE BONUS DENSITIES**

District	Available Bonus Density
R-1	4 Dwelling Units/Acre
R-2	8 Dwelling Units/Acre
MU	8 Dwelling Units/Acre
Town Center	8 Dwelling Units/Acre

- B)** In order to be granted bonus densities, developers will guarantee Affordable or Workforce Housing, or Senior Housing be provided consistent with the following requirements:

(1) Affordable or Workforce Housing.

(a) Required percentage of bonus housing units.

(i) At the time of initial sale or rental:

1. 25% of all bonus housing units will be affordable to moderate-income households of 4 persons, or
2. 50% of all bonus housing units will be affordable to middle-income households of 4 persons.

(ii) Phased Development. Affordable and workforce housing units must be provided in the same phase as the bonus density housing.

(b) Developers shall demonstrate that the initial sale or rental is affordable to the appropriate income category (moderate-income or middle-income) based on professionally acceptable methodologies and the following parameters:

(i) For purchase:

1. A down payment not exceeding 10% of the total unit value;
2. A household size of 4 persons (or less)



3. A 30-year fixed rate mortgage based on the most recent six-month period as provided by the Federal Housing Finance Agency
4. Estimates of tax, utility, and insurance costs.

(ii) For Rental:

1. A household size of 4 persons (or less)
2. Rental prices based on the annual Florida Housing Finance Corporation Multi-Family Rental Figures, adjusted for the number of bedrooms.
3. Estimates of utility and insurance costs.
4. Rental price to remain affordable for at least 5 years.

(c) The timing for construction of affordable or workforce bonus housing units would be such that the maximum gross density for the project, unadjusted for the density bonus units, would not be exceeded until the affordable or workforce units have been constructed.

(2) Senior Housing. Development must demonstrate at least 50% of the housing will be age-restricted to persons aged 55 and older.

**C)** Workforce and affordable bonus housing units shall be marketed in the same manner as the market-rate units within a development.

**D)** Affordability Requirements: All required Work Force Housing units (WFH) shall be offered for sale at an attainable housing cost for each of the targeted income ranges. The sale prices shall be updated annually by the Planning and Zoning Director or his or her designee, with the sales prices based on the AMI, and the household income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) for a family of four, which pricing shall not be adjusted based on the number of occupants, as published annually by HUD (sale price: household income figure multiplied by three and priced at the middle of each of the four WFH income categories).

(1) Prior to final approval by the Planning and Zoning Director, at the time of site plan for each residential parcel containing Work Force Housing units (WFH), the property owner shall identify each required WFH unit within that residential parcel.

(2) The deed for each Work Force Housing units (WFH) sold shall include restrictions requiring

- (a) that all identified WFH units be sold or resold only to qualified households in the applicable targeted income range at an attainable housing cost for each of the targeted income ranges;
- (b) that these restrictions remain in effect for a total of 10 years from the date of the certificate of occupancy for each unit; and,
- (c) that in the event a unit is resold before the 10-year period concludes, the covenant remains in place until the expiration of the original 10-year period.

(3) Release of Obligation to Construct Work Force Housing units (WFH) For-Sale Units It is not the intent of the WFH provisions to require a developer to commence construction on a WFH for sale unit for which a valid and binding contract for purchase between developer and buyer has not been executed. It is intended that all WFH units will be marketed in the same manner as the market-rate units within the

development. In the event a WFH unit eligible for contract has been available for purchase for a period not less than 180 days and no contract to purchase that unit has been executed during the 180 day period, and is located within a residential parcel or Phase in which not less than 80% of the market rate units have binding purchase contracts, then that specific WFH unit shall be eligible to be released from the WFH obligations indicated in the Applicable Site Plan. When a WFH unit is not purchased in accordance with the provision above, the developer shall make an in lieu payment to the City pursuant to the following:

- (a) An amount equal to one half of the differential between the WFH unit cost and the contract price not to exceed \$40, 000 per unit.
  - (b) "Available for purchase" shall be defined as:
  - (c) Written notice is provided to the Planning and Zoning Director that developer has a project approved which requires the construction of WFH units and the developer is ready to commence sales of the required WFH unit within the development. The written notice shall include the location of the subject property, the location of the sales office, the hours of the sales office, the floor plan and construction specifications for the WFH unit available for contract; and the pricing of the WFH unit available for contract;
    - (i) Developer shall include in the sales office displays and WFH unit promotional brochures produced as of and during the entire duration of the build-out of the project until all WFH units required have been sold and/or released according to this condition;
    - (ii) The inclusion of informational packets in the sales center for those interested in purchasing a WFH unit which provides the qualification standards, where to go to get qualified, and other relevant information regarding the WFH units. This packet shall be provided by or approved by the City prior to placement on the sales floor;
    - (iii) At the time the WFH units become available for purchase the developer shall provide to the Planning and Zoning Director proof of out-reach to local housing advocacy groups and others on the interested parties list; and,
    - (iv) The developer acts in good faith to market and sell the unit during the term of the project until such time as all WFH units are sold or released pursuant to this condition.
  - (d) In the event of default by the purchaser of a for sale Work Force Housing units (WFH), after execution of a binding contract, the subject WFH shall return as available for sale for the remainder of the applicable 180-day sale period.
  - (e) Nothing in these conditions requires the developer to provide and/or guarantee financing for any applicant for a Work Force Housing units (WFH). The Developer is not required to aid in the purchase and/or financing of the WFH unit.
- (4) On an annual basis, beginning November 1, 2018, or as otherwise stipulated, the owner of the Work Force Housing units (WFH) shall submit to the Planning Director, or designee, on a form provided by the City, an annual report containing information and documentation to demonstrate continued compliance with the WFH and a copy of any monitoring information provided to and received from the appropriate funding agency/source.

- E) Development incorporating bonus density housing units will meet all applicable Comprehensive Plan requirements.
- F) Design flexibility.
  - (1) The City may deviate from parcel size, setback, landscaping, parking, height, and other standards to encourage developers to engage in the voluntary density bonus program. The City will not authorize deviations from standard LDR requirements that would result in detrimental effects to the public’s health, safety, or welfare.
- G) The developer shall have the obligation to demonstrate compliance with the density bonus program and shall provide documentation to the City evidencing such compliance pursuant to any requirements in the development order.

**ARTICLE 3.4 Uses**

**A) Interpretation of Use Tables.**

- (1) **Materially Similar Uses.** The City Manager or designee may determine that a use is materially similar if a permitted use is sufficiently similar to a use classified below, and may rely on:
  - (a) American Planning Association Land-Based Classification Standards (LBCS)
  - (b) North American Industrial Classification System (NAICS)
  - (c) Institute of Transportation Engineers (ITS) Trip Generation Guide

**B) Permitted Uses.** The uses permitted in each zoning district are shown below in Table 3-20: Permitted Uses. Table 3-20: Permitted Uses does not apply to PDs.

**TABLE 3-20: PERMITTED USES**

**(Excludes PDs)**

	R-1	R-2	CV	MU	TC	OSR	MD
<b>Residential Use Types:</b>							
Single family attached dwellings	P	P		P	P		
Single family detached dwellings	P	P					

**TABLE 3-20: PERMITTED USES**  
(Excludes PDs)

	R-1	R-2	CV	MU	TC	OSR	MD
Mobile homes	P						
Accessory dwelling units	P	P		P			
Multi-family dwellings		P		P	P		
Assisted living facilities		C		P	P		P
Foster care facilities and group homes		C					
<b>Religious Uses:</b>							
Religious Uses	C	C	P	P			P
<b>Educational Uses:</b>							
Public or Private Primary and Secondary Schools			P	P			
Vocational and Technical Schools			P	P			P
Colleges and Universities			P	P			
Child or Adult Care Center	C	C	P	P			P
<b>Recreational Uses:</b>							
Neighborhood Parks	C	P	P	P		P	
Community Parks			P	P		P	
Amenity Center	P	P		P			
Commercial recreation uses				P		P	
Outdoor amphitheaters				P	P		



**TABLE 3-20: PERMITTED USES**  
(Excludes PDs)

	R-1	R-2	CV	MU	TC	OSR	MD
Stadiums, Arenas, and Sports Complexes			P	P		P	
Golf Courses	C	C				P	
<b>Conservation Uses:</b>							
Conservation uses	P	P	P	P		P	
<b>Civic Uses:</b>							
Civic uses (see definition in Chapter 1)			P	P		P	
<b>Commercial Uses:</b>							
Retail Sales or Service				P	P		
Athletic Training Facility				P			
Neighborhood Center	P	P					
Hotels, motels, other accommodation services				P	P		
Motor vehicle repair and/or service establishments, gasoline stations, and car washes.				P			
Bars and Night Clubs include those with live entertainment open to the general public				P	P		
Bowling Alleys, Billiards, Miniature Golf, and similar				P	P		

**TABLE 3-20: PERMITTED USES**  
**(Excludes PDs)**

	R-1	R-2	CV	MU	TC	OSR	MD
indoor or outdoor recreational facilities							
Museums, Art Gallery, Auditorium, theatres including open air theaters and cinemas, and similar cultural uses.				P	P		
Funeral Homes, Crematorium, Mausoleum, Death care services				P			
Office				P	P		P
Veterinary (including indoor overnight stays only for patients that require overnight care as a result of a medical procedure)				P	P		
Overnight Kennel, including kennels ancillary to veterinary services				C			
Food Service, Restaurants, and cafes, including those with live entertainment (but excluding those with drive through service)				P	P		P
Restaurants and cafes with drive through service				P	P		

**TABLE 3-20: PERMITTED USES**  
(Excludes PDs)

	R-1	R-2	CV	MU	TC	OSR	MD
Mobile food services				P	P		P
Microbreweries or Craft Brewery (Beer & Cider)				P	P		
Craft Distillery (Spirits)				P	P		
Self-Storage Facility				P			
Sexually oriented business				C			
<b>Medical Uses:<sup>1</sup></b>							
Hospital							P
Pharmacy and Dispensary				P	P		P
Medical or Dental Office				P	P		P
Behavioral Health Center							P
Inpatient Rehabilitation Center							P
Free Standing Emergency Department							P
Medical marijuana dispensary							P
Emergency Department (Linked to Hospital)							P
Child Birth Center							P
Surgical Facilities (excluding in-office dental and eye surgical facilities)							P

**TABLE 3-20: PERMITTED USES**  
(Excludes PDs)

	R-1	R-2	CV	MU	TC	OSR	MD
Cardiac Catheterization Laboratory							P
Chemotherapy and Radiation/Cancer Center Treatment							P
Medical Infusion Center							P
Hyperbaric Oxygen and Wound Care Treatment Facility							P
Imaging, Diagnostic, Therapeutic, and Laboratory Services							P
Proton Center							P
Urgent Care Center							P
Hospitality House for Patients (and/or Patients' Families)				P	P		P
<b>Light Industrial Uses</b>							
Light industrial uses				P			
<b>Other Uses:</b>							
Institutional uses not otherwise listed in this table or prohibited uses table				P			P
Agricultural uses (FLU Policy 1.2.2)			C			C	
Essential facilities and services	P	P	P	P	P	P	P
Utilities	P	P	P	P	P	P	P



**TABLE 3-20: PERMITTED USES**  
(Excludes PDs)

	R-1	R-2	CV	MU	TC	OSR	MD
Wireless communication facility			C	C	C	C	
Helipad and Helistop				P			P
Parking Structures		P	P	P	P	P	P
Accessory Uses	P	P	P	P	P	P	P
<b>Key:</b> <b>P = Permitted Use</b> <b>C = Conditional Use</b>  1. Services such as x-ray and laboratory services that are incidental and ancillary services to the primary medical services,							

**C) Prohibited Uses.** The following uses are prohibited within the zoning districts denoted by “x” in the table below. In the case of any ambiguity between this table and Table 3-20: Permitted Uses above, this table shall control.

**TABLE 3-21: Prohibited Uses**

USE	R-1	R-2	C	MU	TC	OSR	MD
Jail or Detention Center Not Owned by Westlake.	X	X	X	X	X	X	X
Outdoor Shooting Range	X	X	X	X	X	X	X
Sexually Oriented Uses							X
Tattoo Shop							X
Pawn Shop							X

Liquor Store							X
Auto Sales							X

**Section 3 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 4. 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 5. Effective Date:** This ordinance shall be effective upon adoption on second reading.

PASSED this 9th day of September, 2019, on first reading.

PASSED AND ADOPTED this 23rd day of September, 2019, on second reading.

\_\_\_\_\_  
 City of Westlake  
 Roger Manning, Mayor

\_\_\_\_\_  
 Sandra Demarco, City Clerk

Approved as to Form and Sufficiency

\_\_\_\_\_  
 Pam E. Booker, City Attorney

## **Ninth Order of Business**



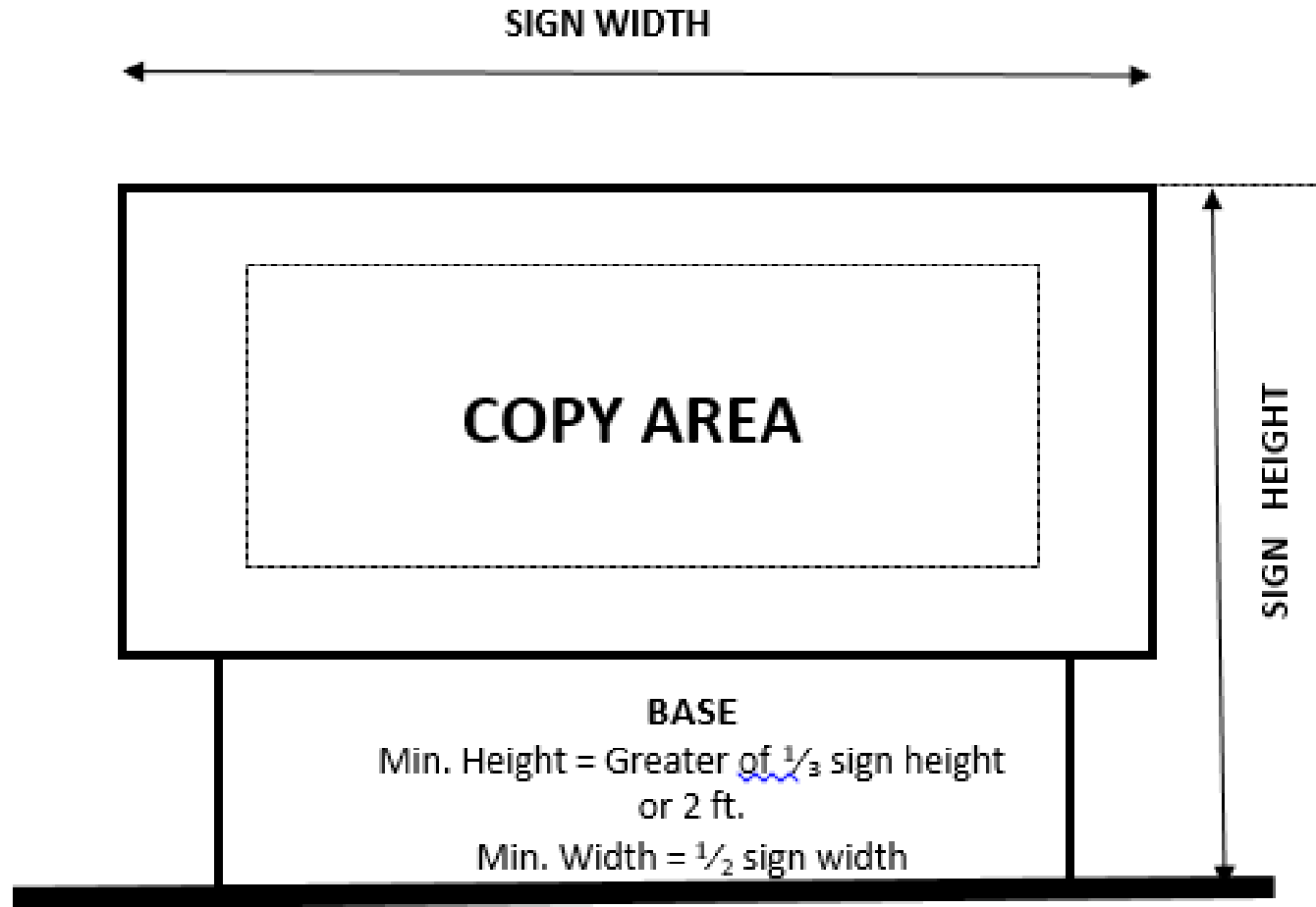
# CITY OF WESTLAKE

## **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.

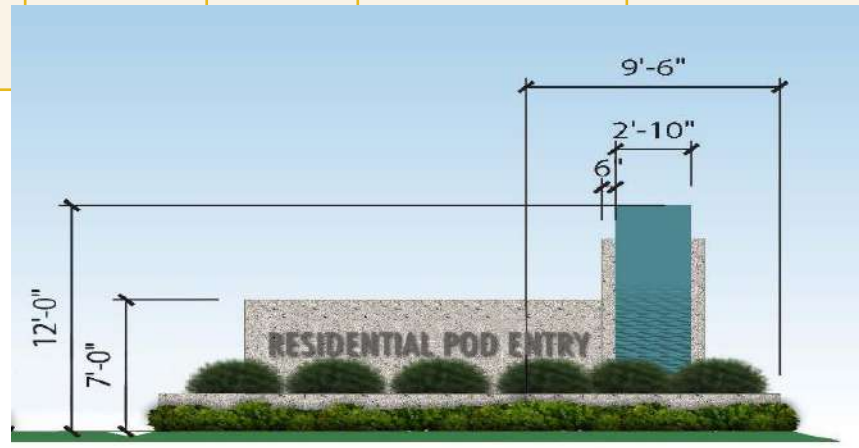


Figure 6-4



# 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. 12.B(9)c.] Sign copy not to exceed building identification and/or six (6) tenants (not including leasing information) per sign face. Min. 4-inch letter height, including lowercase letters. 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.



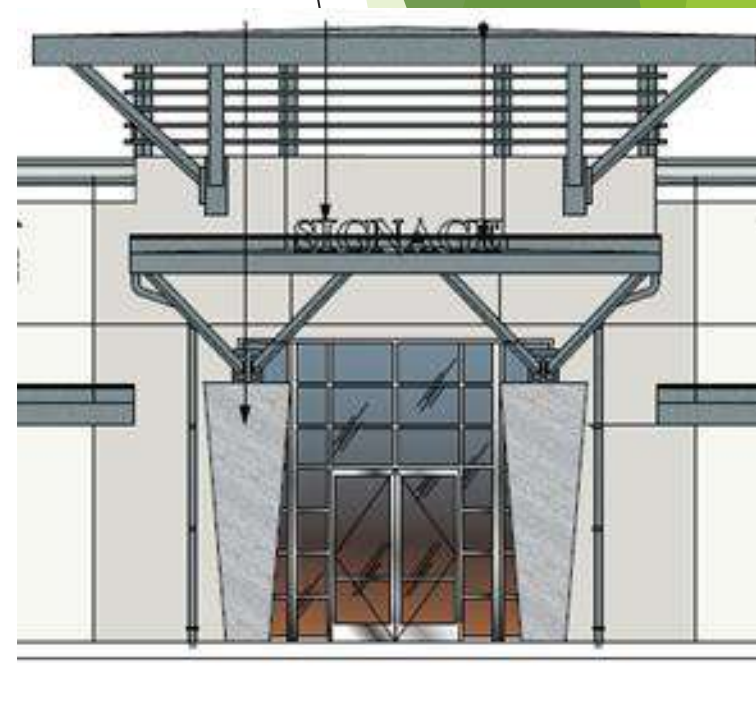
Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
Menu Board for Drive-Through Facilities	TBD	20 square feet	2	2 per establishment	Height: 6 feet Width: None	<p>For menu/price information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





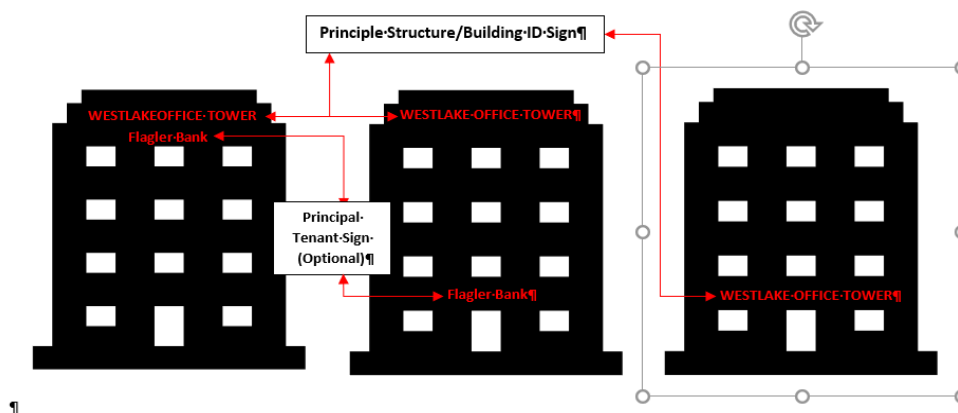
# Wall Signs for Multiple Tenant Office Buildings

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>1</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!**



## **Tenth Order of Business**

**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 (2) 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, these entry monuments are not signs. ~~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.

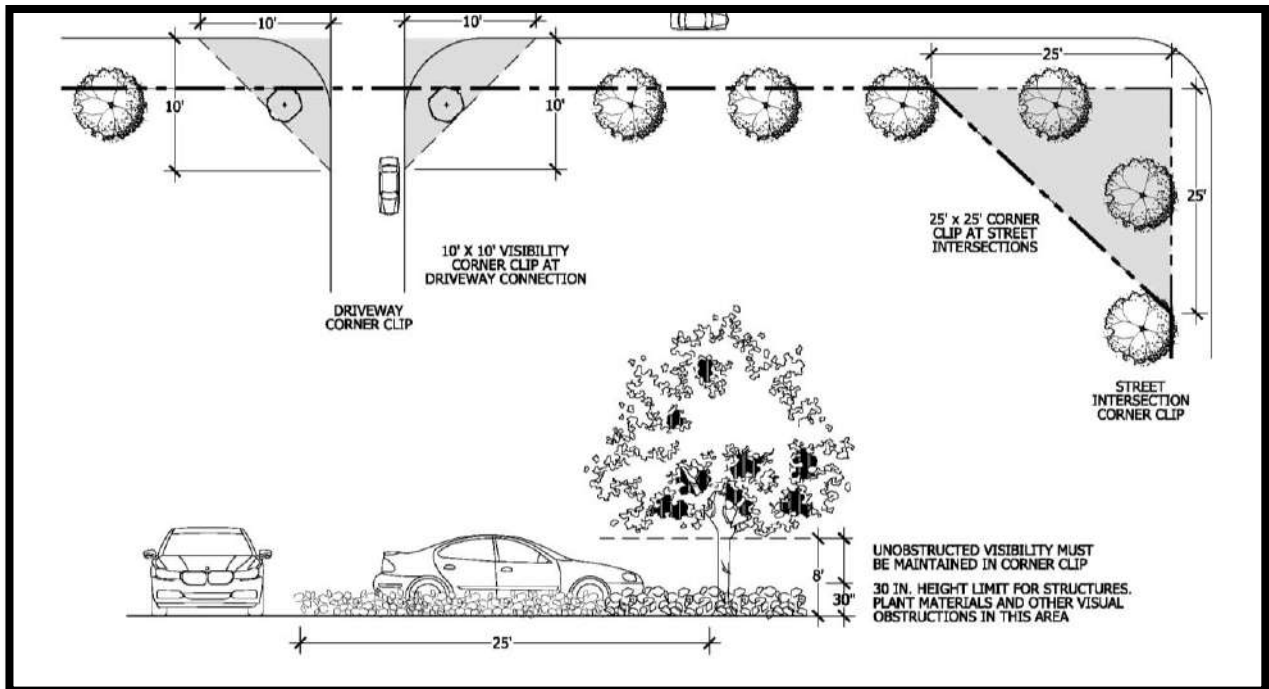
**Section 6.11. Obstructions** Signs shall not be erected, installed, constructed, attached, or maintained so as to serve as an obstruction as noted below.

- 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. 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, 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 6.30, 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**

<b>Sign Type</b>	<b>Max. Size of Copy Area</b>	<b>Max. Sign Faces</b>	<b>Max. Number of Signs</b>	<b>Max. Sign Structure Dimensions<sup>1</sup></b>	<b>Additional Requirements</b>
<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
Non-Residential Pod Entry Monument	60 sq. ft.	1	2 per access-way	See Figure 6-3	Two 60-sq. ft. copy areas permitted per sign: 1. one for pod identification on horizontal structure, and 2. one for tenant names on the vertical totem. Graphics and logos are prohibited on the vertical totem.



Figure 6-3: Non-Residential Pod Entry Monument



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <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 Figure 6-5	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 6-5: Alternate Residential Pod Entry Monument Measurements

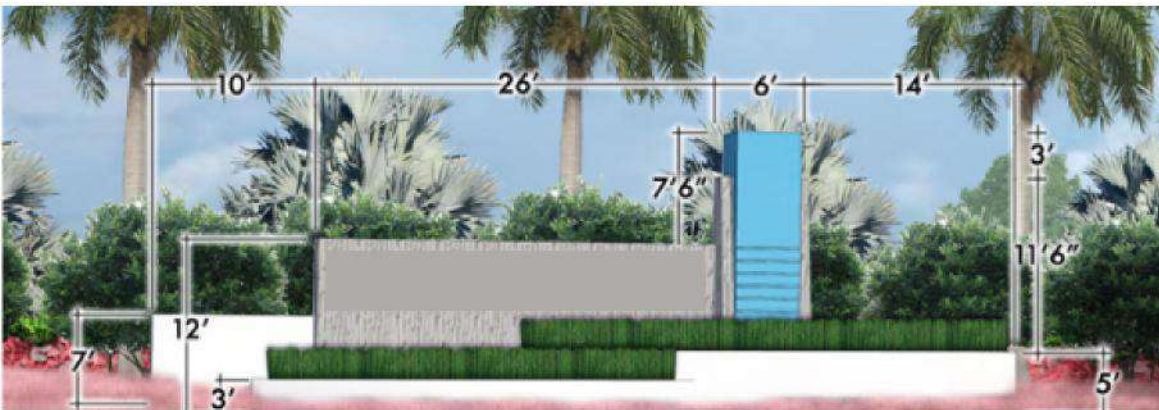


Figure 6-5: Alternate Residential Pod Entry Monument View



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions <sup>1</sup>	Additional Requirements
<b>Directional Sign in Public ROW</b>	24 sq. ft.	2	2	See Figure 6-6	Text shall be uniform color. Graphics and Logos are limited to 20% of the copy area. Maximum 1 for 500 feet of lineal of right-of-way.

**Figure 6-6: Directions Sign in Public ROW**



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Additional Requirements
<b>Directional Sign on Private Property</b>	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
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<p><b>Ground Sign for Commercial Buildings within Pod<sup>2</sup></b></p>	<p>60 square feet</p>	<p>2</p>	<p>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.</p>	<p>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.</p>	<p>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. 12.B(9)c.] Sign copy not to exceed building identification and/or six (6) tenants (not including leasing information) per sign face. Min. 4-inch letter height, including lowercase letters. 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.</p>
<p><b>Tenant-Specific Directional Sign</b></p>	<p>4 sq. ft.</p>	<p>2</p>	<p>Per approval as needed</p>	<p>Max. height: 4 ft.</p>	<p>Exempt from sign-base requirements. No advertising copy. 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. 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.
<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.

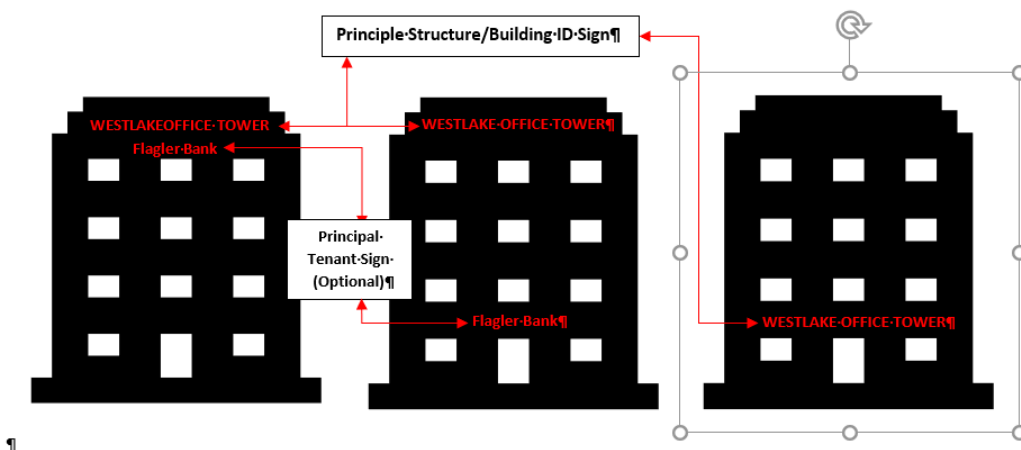
Figure 6-7: Ground Floor Permanent Canopy Sign



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>

Sign Type	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 Multi-Tenant Office Buildings with Common Entrance	–	–	–	–	<p>Signage limited to Principal Structure or Building Identification and/or Principal Tenant only.</p> <p><b>Individual tenant signs prohibited.</b></p>

Figure 6.8



<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
<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.

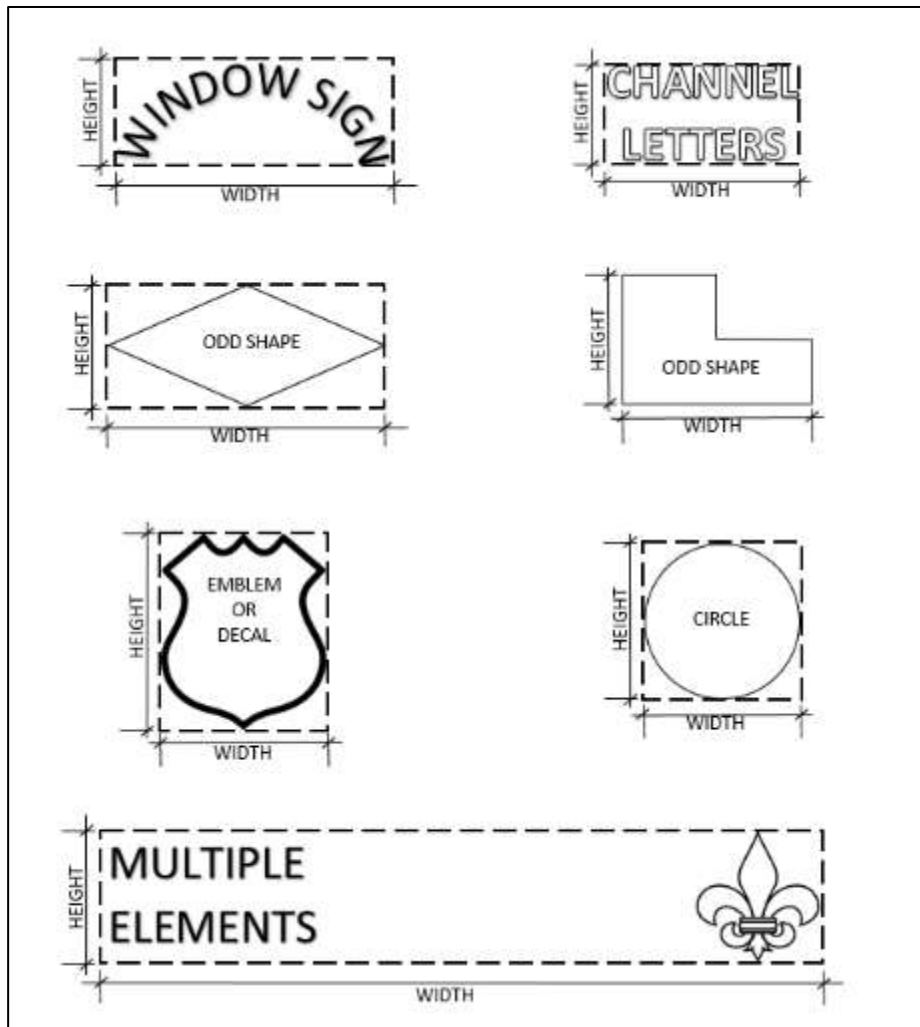
(F) **Flags. Flags.** Not more than two (2) flags and two (2) flag poles shall be located on any single property. Flag poles shall not exceed twenty-five (25) feet in height. One (1) flag per pole is permitted. The area of a flag shall conform to the requirements listed below. The setback for a flag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

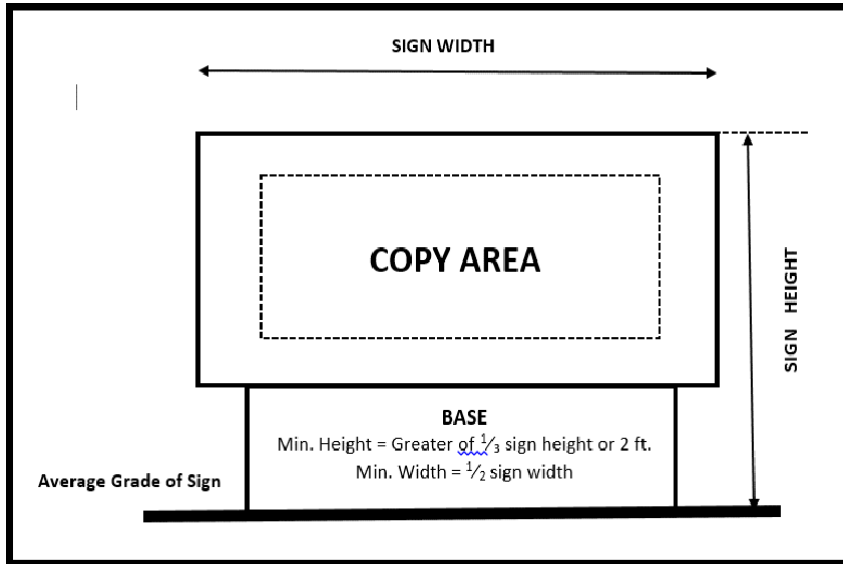
(1) **Sign Copy area.** Sign copy area shall be calculated as illustrated in Figure 6-9. The copy area of a sign face shall be calculated by means of the smallest rectangle that will encompass all letters, numbers, characters, logos, emblems, information, or other display. The sign copy area shall include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

Figure 6-9



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

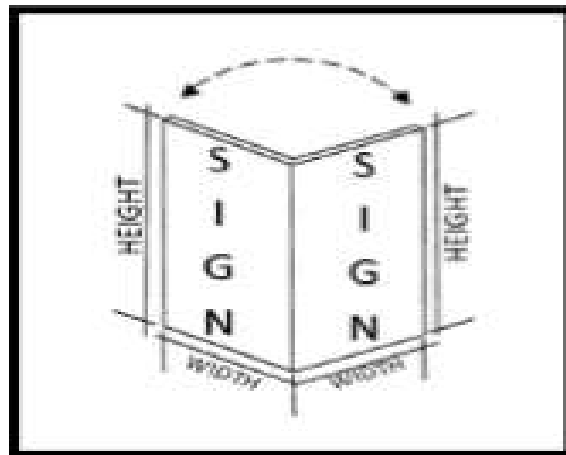
Figure 6-10



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

- (3) A multi-faced sign having an angle greater than zero degrees (See figure 6-6) shall be treated as one double-faced sign. The maximum number of sign faces shall be limited to two-faces.
- (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 6-11).

Figure 6-11



**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 6-2.

**Table 6-2 Permitted Temporary Signs**

Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
Free Speech Sign*	Residential–6 square feet Nonresidential– As specified in Table 5-1	None	None	Residential–1 sign per Residential parcel. Nonresidential–1 sign per Nonresidential parcel. Sign may be installed in lieu of any permitted Nonresidential sign. Signs may not be placed on public property. Signs may not be placed in public rights-of-way. Signs may not obstruct vision at corners, intersections, etc.

Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
<b>Political*</b>	<p><i>Residential:</i> 6 square feet</p> <p><i>Nonresidential:</i> 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>



Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
				<i>Color.</i> The entire sign must be painted or wrapped.
<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 Construction Barrier Fence</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>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 6-2. 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 6.36
- (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 6.36, 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 6-2 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.

\_\_\_\_\_  
 City of Westlake  
 Roger Manning, Mayor

\_\_\_\_\_  
 Sandra Demarco, City Clerk

Approved as to form and Sufficiency

\_\_\_\_\_  
 Pam E. Booker, City Attorney

## **Eleventh Order of Business**

# CITY OF WESTLAKE

LAND DEVELOPMENT REGULATIONS

CITY COUNCIL WORKSHOP

Landscape Code - 2<sup>nd</sup> Reading

09.09.19

# Applicability

- ▶ The requirements of the Landscape Code applies to all new development, redevelopment, and expansions of existing development, whether it is public or private.
- ▶ Exemptions:
  - ▶ Single Family Detached
  - ▶ Single Family Attached (w/ 3 Units or Less)

\*These exemptions apply to requirements for a Landscape Plan. Single Family Detached and Single Family Attached w/ 3 Units or Less are not exempt from providing landscaping.



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- ~~▶ Single Family Attached (w/ 3 Units or Less)~~

\*These exemptions apply to requirements for a Landscape Plan. Single Family Detached and Single Family Attached w/ 3 Units or Less are not exempt from providing landscaping.

# Process for Residential Districts

- ▶ A separate Landscape Plan and Landscape Permit for each Single-family detached home or Single-family attached home (3 units or less) within a development pod is *not* required.
- ▶ Within the building permit application for each residence, Code minimum requirements shall be provided and confirmed per Article 4.8, Section 1 Residential districts.

# Residential Landscape Requirements

## Single Family and Single Family Attached

- ▶ Two palm trees may be substituted for one canopy tree.
- ▶ 60% of the required trees may consist of palm trees.
- ▶ Parcels shall be fully planted with lawn/turf grass.

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)

\*Landscape requirements for parcels of land shall be based upon gross parcel area minus the building coverage for the principal residential structure.

## Multi-Family

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

- ▶ Multi-Family Residential buildings shall provide foundation plantings

## Non-Residential

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

- ▶ Non-Residential buildings shall provide foundation plantings

# CITY OF WESTLAKE

LAND DEVELOPMENT REGULATIONS

CITY COUNCIL WORKSHOP

Landscape Code - 2<sup>nd</sup> Reading

Questions or Discussion

## **Twelfth Order of Business**



**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 Chapter entitled “Landscape and Buffer Code” which code shall contain the provisions as specifically set forth herein.

**Chapter 4**

**Chapter 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 Chapter apply to all new development, redevelopment, or expansions of existing development, whether public and private, in the City, unless otherwise exempted.

**Section 4.3 Definitions.** The following words have the following meanings, and shall apply to both the single and plural forms of the words, whether or not such words are capitalized:

**ANSI A300 STANDARDS:** the American National Standard for Tree Care Operations published by the National Arborist Association and approved by the American National Standards Institute.

**AUTOMATIC CONTROLLER:** A mechanical or electronic device, capable of automated operation of valve stations to set the time, duration and frequency of a water application.

**BUFFER, PERIMETER:** a continuous area of land which is required to be set aside along the perimeter of a lot in which landscaping is used to provide a transition between and to reduce the environmental and other impacts of one type of land use upon another.

**BUFFER, RIGHT OF WAY LANDSCAPE:** a continuous area of land which is required to be set aside contiguous to public and private rights of way in which landscaping is used to provide a transition between and to reduce the environmental and other impacts of one type of land use upon another.

**BUFFER, VEGETATED:** A natural or planted vegetated area used to mitigate potential impacts of unsightly views, lights, noises, and/or dust.

**CALIPER:** the quantity in inches of the diameter trees measured at six inches above the ground for trees up to four inches and twelve inches above the grade for trees greater than 4 inches in Caliper.

**CANOPY SPREAD:** a measurement taken from leaf tip to leaf tip, in their natural state, at the widest point.

**CLEAR TRUNK:** at portion of the trunk maintained free of branches. Clear trunk is the lower portion of the trunk measured from the soil line up to the first major branch. Small temporary branches may exist on a clear trunk

**CONIFER TREE:** any tree with needle leaves and a woody cone fruit, including, but not limited to, those representative species.

**DECIDUOUS:** those trees that shed their leaves in the fall or winter.

**DETENTION/RETENTION AREA:** an area, typically basin-shaped, which is designed to capture substantial quantities of stormwater and to gradually release the same at a sufficiently slow rate to avert flooding.

**DRIP LINE:** a vertical line extending from the outermost branches of a tree to the ground, provided, however, that the same shall be not less than a ten-foot diameter circle which is drawn through the center of the trunk of a tree.

**EARTH BERM:** the mounding of earth or soil varying in heights above the normal grade as established by the crown of adjacent road or roadways. Earth berms can meander or form a continuous line; however, the slope of the berm shall not exceed a one-foot to four-foot slope.

**ECOSYSTEM:** a characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between species and their environment.

**EVERGREEN:** those trees, including broad-leaf and conifer evergreens, that maintain their leaves year round.

**FAÇADE:** Any face, side, or rear of a building.

**FERTILIZE, FERTILIZING, OR FERTILIZATION:** the act of applying Fertilizer to turn specialized turf or landscape plant.

**FLORIDA-FRIENDLY LANDSCAPE:** the principles of Florida-friendly landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protections. Additional components of Florida-friendly landscape include planning and design, soil analysis, the uses of solid waste compost, practical use of turf, and proper maintenance.

**GROUND COVER:** plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.

**GREY WOOD:** a measurement from the top of rootball to the highest point on the trunk free of persistent leaf bases. On palms with a crownshaft, the measurement is from the top of rootball to the base of the crownshaft. Palms with very persistent leaf bases may not have clear wood.

**HARDSCAPE:** areas such as patios, decks, driveways, paths and sidewalks that do not require irrigation.

**HATRACKING OR TREE TOPPING:** the cutting back of limbs larger than one inch in diameter within the tree's crown between branch collars/buds. Topping is the indiscriminate cutting of tree branches to stubs or to lateral branches that are not large enough to assume the terminal role. Other names for topping include "heading," "tipping," "hat-racking," and "rounding over."

**HEDGE:** a linear landscape barrier consisting of a continuous, dense planting of shrubs, with a growth habit to achieve a maintained height between 2 and 8 feet and which will form a compact visually opaque living barrier.

**HYDROZONES:** an area with less need for irrigation, with either a lower elevation or closer proximity to ground water which causes moisture to hold in the soil for longer periods.

**IMPERVIOUS SURFACE:** those surfaces which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks and any areas of concrete or asphalt.

**INDIGENOUS:** having originated in and being produced, growing, living or occurring naturally within a particular region or environment.

**IRRIGATION SYSTEM:** a permanent, artificial watering system designed to transport and distribute water to plants.

**LANDSCAPE ARCHITECT:** an individual engaged in the professional practice of landscape architecture. Such individual shall be licensed and currently registered within the State to practice under the bylaws as established by F.S. ch. 481, part II.

**LANDSCAPING:** any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and nonliving landscape material (such as rocks, pebbles, sand or mulch. Swimming pools, decking, pedestrian paths and sidewalks are not considered landscaping.

**LANDSCAPE PLAN:** plans and drawings showing the location of buildings, structures, pedestrian, transportation, or environmental systems, and the detail for placement of site amenities, accessibility components, plantings and other tangible objects. Plans shall include installation details for plant materials, soil amendments, mulches, edging and other similar materials. Plans shall be numbered, dated, North arrow indicated, scaled, and sealed by an appropriately licensed professional where required by F.S. ch. 481, pt. II.

**LANDSCAPED AREA:** the entire parcel; less the building footprint, driveways, hardscapes such as decks and patios, and non-porous areas. Water features are included in the calculation of the landscaped area. This landscaped area includes Xeriscape as defined in F.S. ch. 373.185(1)(b).

**LAWN:** an area maintained through the use of grasses or turf.

**LION-TAILING:** the over-pruning of a tree by removing the majority of the interior branches leaving only the terminal leaves (like the tuff of the lion's tail.) the over pruning causes a stress reaction called "epicormic sprouting," "water sprouts" or "suckers", causing a flush of branches along the trunk and limbs.

**MULCH:** nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

**NATIVE PLANT MATERIAL:** indigenous plant material recognized as such by the Florida Department of Agriculture. For the purpose of this code cultivars of native plants will be considered native.

**NATIVE VEGETATION:** any plant species with a geographic distribution indigenous to all, or part, of the State of Florida as identified in: Guide to Vascular Plants of Florida, R.P. Wunderlin, 1998, University Press of Florida, Gainesville or the Atlas of Florida Vascular Plants (<http://www.florida.plantsatlas.usf.edu/>). Native vegetation shall consist of those plant species indigenous to the ecological communities of South Florida.

**PERVIOUS SURFACE:** any area of land that is landscaped or planted, allows natural passage of water, and is not covered by impervious materials or structures. Pervious surfaces include pervious paving materials.

**PERVIOUS PAVING MATERIALS:** a porous asphaltic, concrete or other surface and a high-void aggregate base which allows for rapid infiltration and temporary storage of rain on, or runoff delivered to, paved surfaces.

**PLANT BED:** a grouping of trees, shrubs, ground covers, perennials or annuals growing together in a defined area devoid of turfgrass, normally using mulch around the plants

**PALM TREE:** a monocotyledonous trees from the family (Palmae synonym Arecaceae) usually containing a simple stem and a terminal crown of large pinnate or fan-shaped leaves. Palm trees may contain a single or multi trunk and shall be a minimum of 8' of clear trunk at the time of planting.

**PALM TREE (SPECIMEN):** a feature palm often utilized as a focal or sculptural element in the landscape. Specimen palm trees may contain a single or multi trunk and shall be a minimum of 8' of clear trunk at the time of planting. For the purpose of this code the following species shall be considered specimen palm trees: Phoenix dactylifera, Phoenix sylvestris, Phoenix reclinata, Acoelorrhaphe wrightii Bismarkia nobilis. The zoning administrator may make a determination that other palm species qualify as a specimen palm tree.

**PALM TREE (ORNAMENTAL):** a feature palm of pedestrian scale often utilized as a small focal or accent element in the landscape. Ornamental palm trees may contain a single or multi-trunk and have a growth habit to achieve a mature height of 6-10 feet.

**PERIMETER LANDSCAPE AREA:** a continuous area of land which is required to be set aside along with perimeter of a lot in which landscaping is used to provide a transition and to reduce the environmental and other impacts of one type of land use upon another.

**PLANT COMMUNITY:** a natural association of plants that is dominated by one or more prominent species, or a characteristic physical attribute.

**PLANT SPECIES, PROHIBITED:** those plant species which are defined by the Florida Exotic Pest Plant Council as Category 1.

**PRUNING:** the removal of limbs, branches, and/or suckers in accordance with the National Arborist's Standards.

**RELOCATION PLANTING:** the relocation and installation of existing landscape material from one portion of a site to another.

**REMOVAL:** the physical removal of vegetation and/or trees.

**RIGHT OF WAY LANDSCAPE AREA:** a continuous area of land which is required to be set aside contiguous to public and private rights of way in which landscaping is used to provide a transition between and to reduce the environmental and other impacts of one type of land use upon another.

**SCREENING:** the use of landscape shrubs trees and palms or combination as a buffer screen to reduce the environmental and other impacts of trash disposal areas, above ground utilities and mechanical equipment and similar elements.

**SHRUB:** a self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base. Shrubs shall be a minimum of 18" in height with and 18" spread.

**SIGHT TRIANGLE:** a point of measurement whereby an individual in a vehicle has the ability to sight a prescribed distance without pulling onto a vehicular thoroughfare.

**TRAFFIC PERFORMANCE STANDARDS:** the Traffic Performance Standards found in Article 12 of the Palm Beach County Unified Land Development Code.

**TREE (CANOPY):** any living, self-supporting woody or fibrous plant which is a conifer, evergreen or deciduous. Canopy trees shall be of a species achieving a mature spread of at least fifteen feet. Canopy trees used as street trees shall maintain eight feet clear over any sidewalk. or ornamental.

**TREE (SMALL/ORNAMENTAL):** any living, self-supporting woody or fibrous plant which is a conifer, evergreen or deciduous. Ornamental Trees may be single or multi-trunked Small trees shall be of a species achieving a mature height of ten feet spread of at least four feet.

**TREE HEIGHT:** the distance from the ground to the top most portion of the tree on ornamental, multi-trunked trees such as crape- myrtle, Japanese ligustrum and wax-myrtle, tree height is measured to the top of the main body of the crown.

**TREE SURVEY:** a drawing certified by a land surveyor, engineer, or landscape architect registered in the State as to the location and size of trees.

**TURF:** continuous plant coverage consisting of grass species suited to growth. A mat layer of monocotyledonous plants such as Bahia, Bermuda, Centipede, Seaside, Paspalum, St. Augustine, and Zoysia.



**UNDERSTORY:** assemblages of natural or planted low-level woody, herbaceous, and ground cover species which exist in the area below the canopy of the trees.

**VEGETATIVE COVERAGE:** the percentage soil which is covered by shrubs and groundcover growth.

**VEGETATION, NATIVE:** any plant species with a geographic distribution indigenous to all or part of the State.

**VEHICULAR USE AREA (VUA):** any area used by vehicles, except public rights-of-way and thoroughfares, to include, but not be limited to areas of parking or vehicle storage areas

**VIABLE:** capable of sustaining its own life processes, unaided by man, for a reasonable period of time.

**VINE:** plant whose natural growth characteristic produces climbing, meandering stems.

**WEED:** those trees, shrubs, or groundcover that are listed as such by the Florida Exotic Pest Plant Council, as well as any undesired, uncultivated plant that grows in profusion so as to crowd out a desired plant.

**XERISCAPE:** the planting of native and other drought tolerant vegetation or plants through the use of:

- (1) Appropriate planning and design,
- (2) Limitation of turf areas to only where it provides functional benefits,
- (3) Efficient use of irrigation systems,
- (4) The use of soil amendments to improve water holding capacity of the soil,
- (5) Use of mulches where appropriate,
- (6) Use of drought tolerant plants, and
- (7) Appropriate timely maintenance of all plant material.

**YARD AREA:** the front, side, and rear yard areas as established and required under Section 3.

- Section 4.4 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 4.5 Graphics.** The graphics in this Chapters 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.

**Section 4.11 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

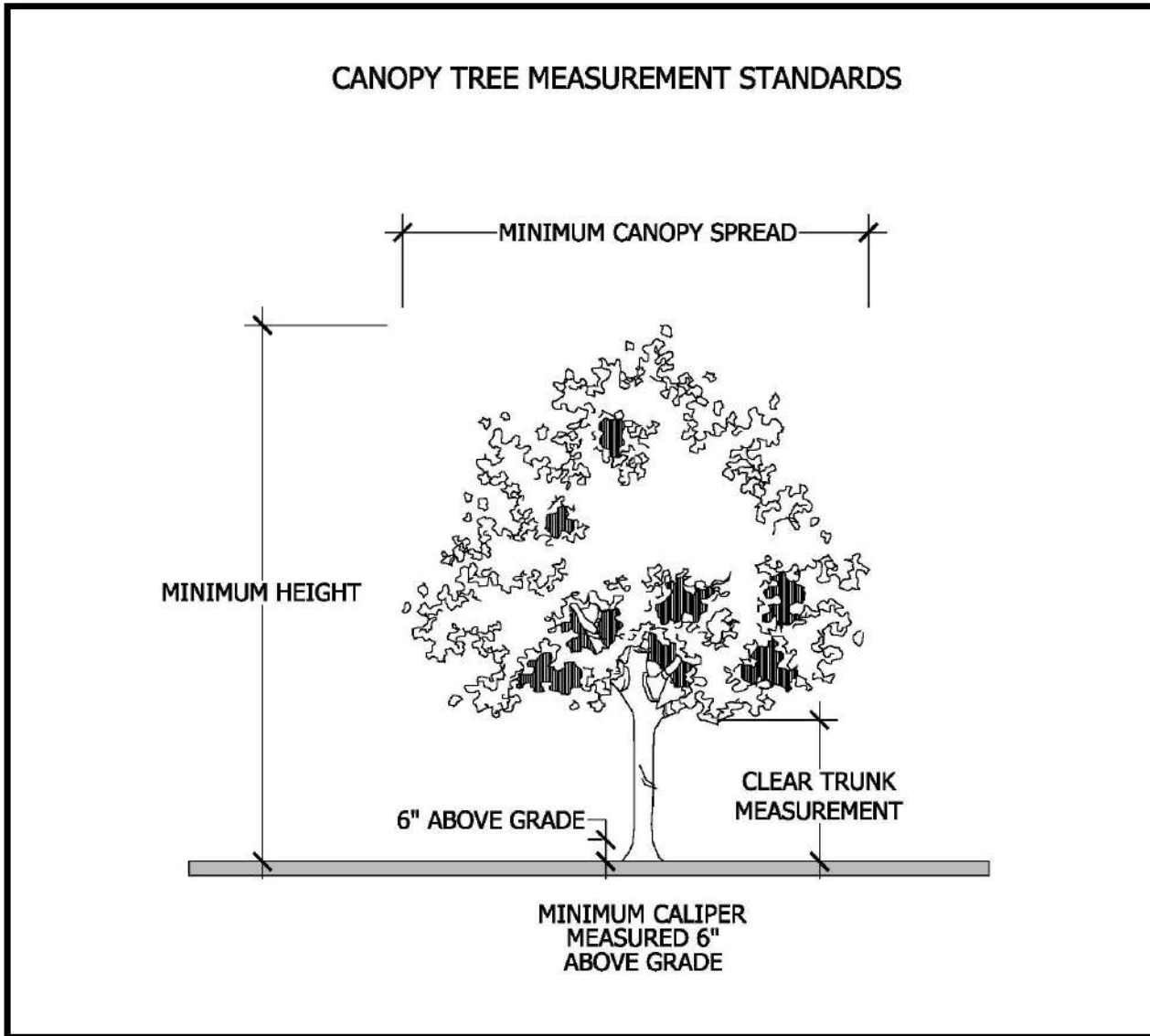




Figure 4-2

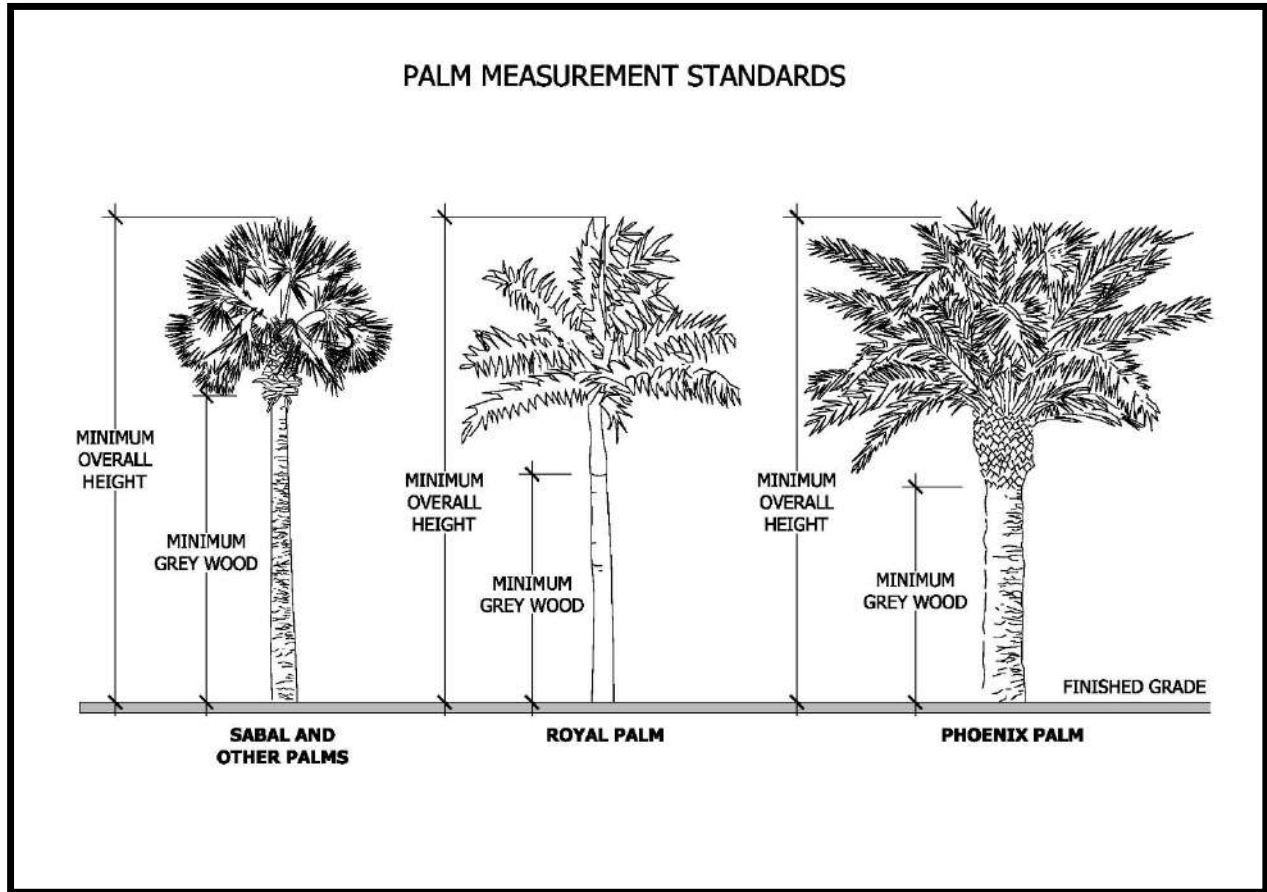


Figure 4-3

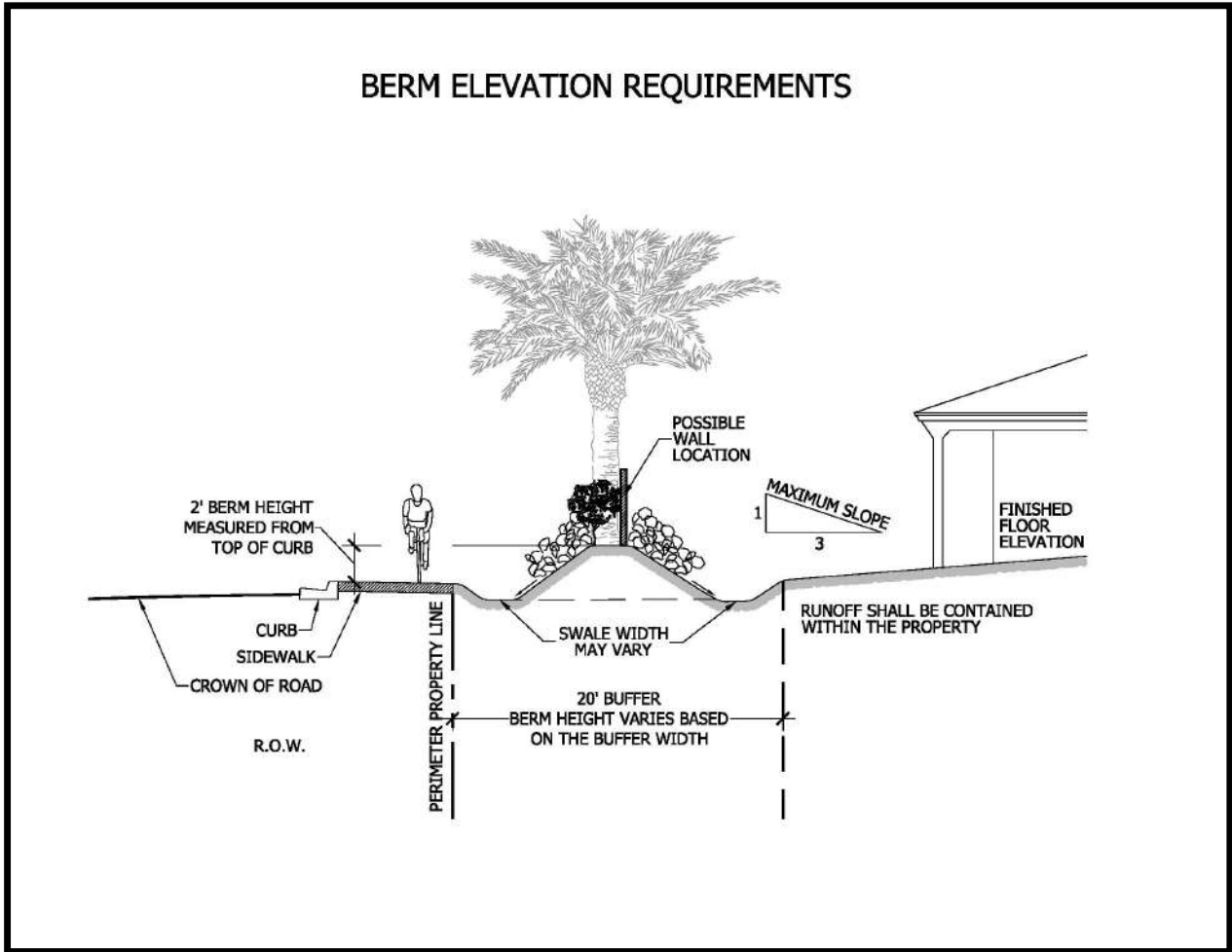


Figure 4-4

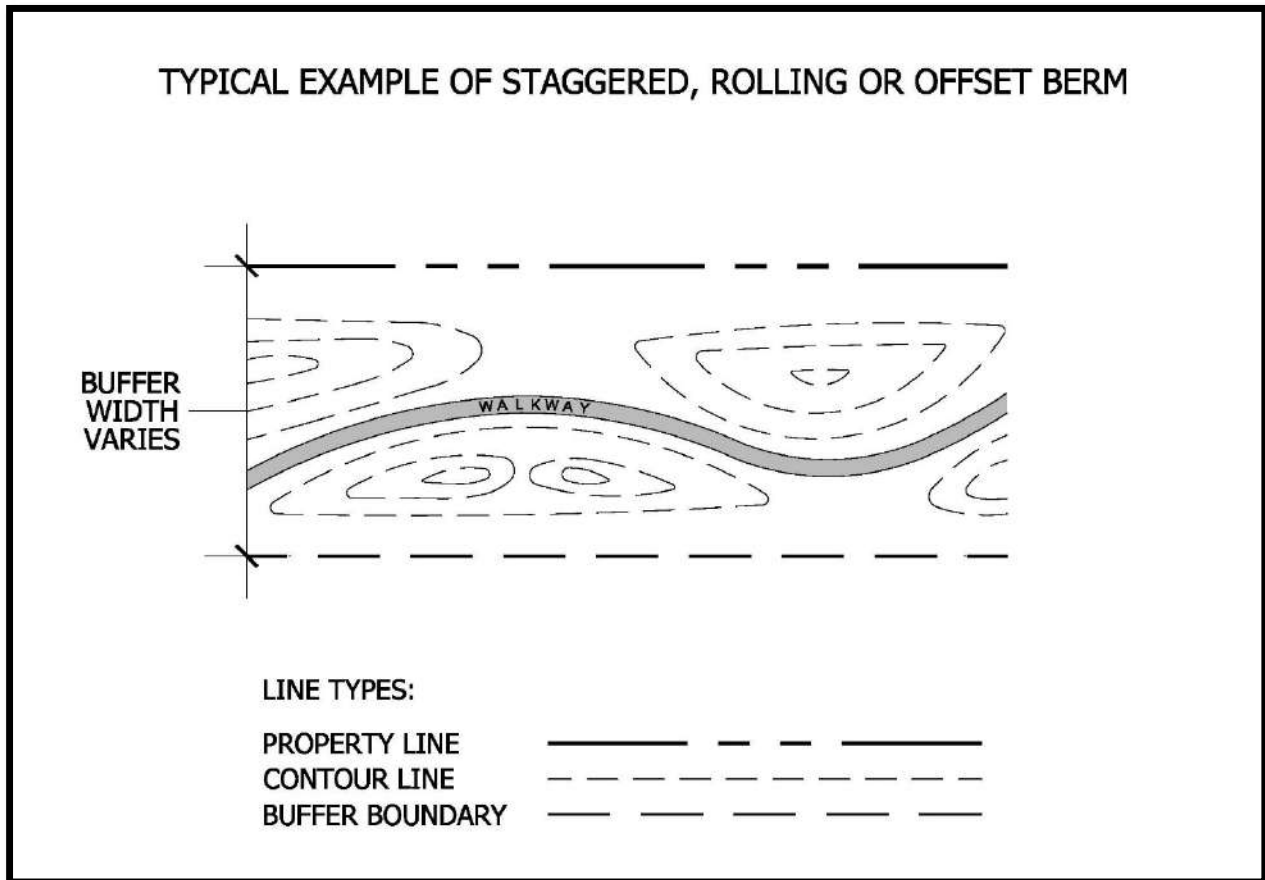
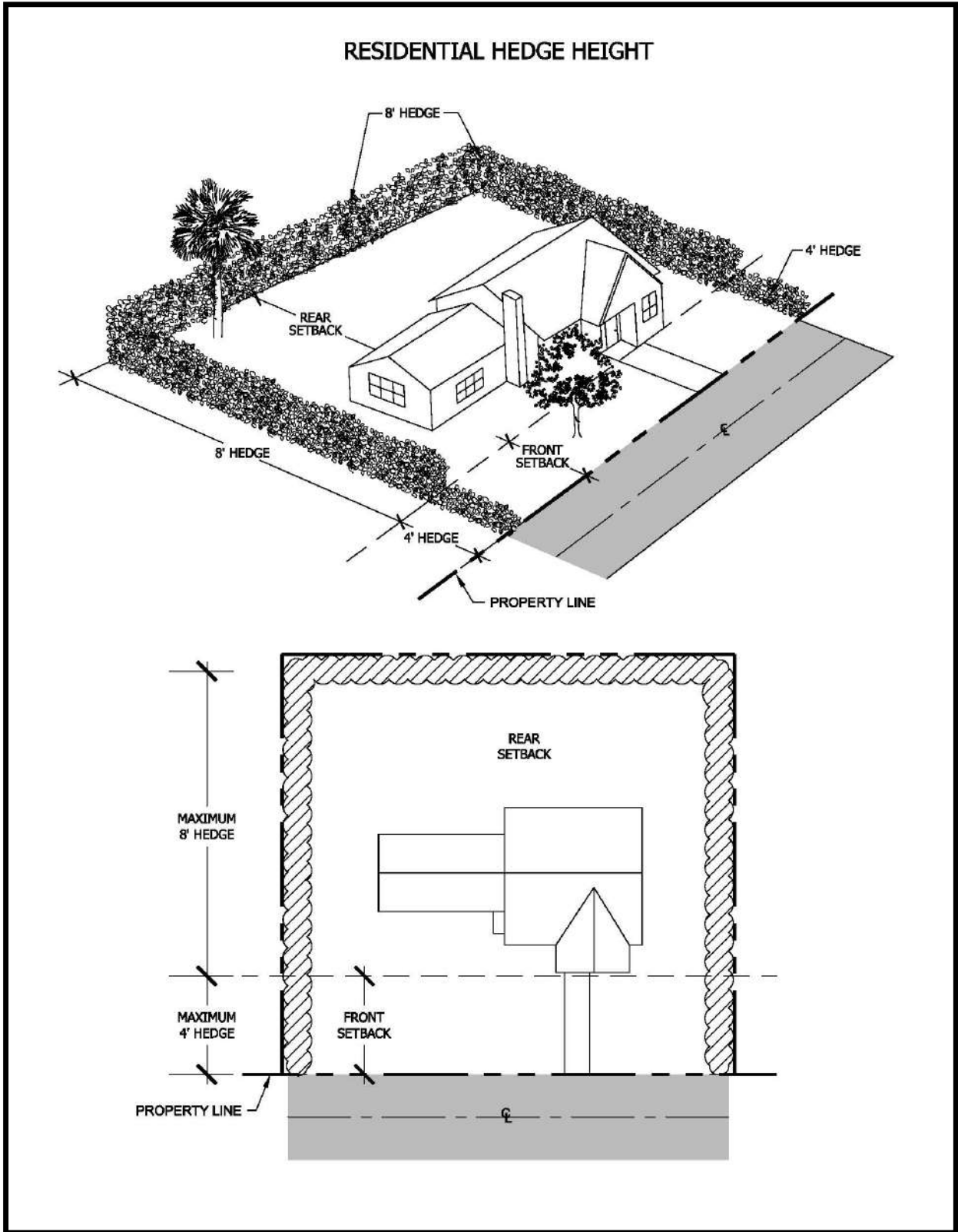


Figure 4-5



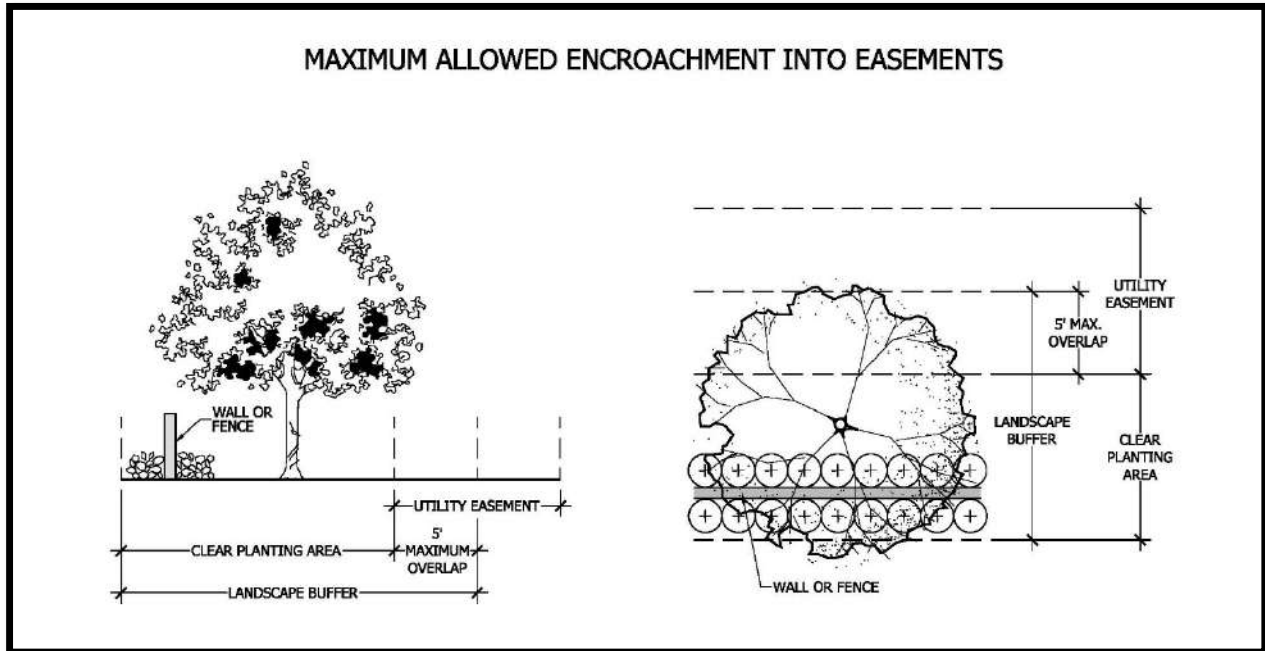
## C) BUFFERS AND SCREENING

### 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 Chapter. 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 Chapter. 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 Land Development Regulations. 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 Land Development Regulations.
- 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.

#### **Section 4.15 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 Chapter. 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 Chapter 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 Chapter.

#### 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 Chapter, 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 4-7

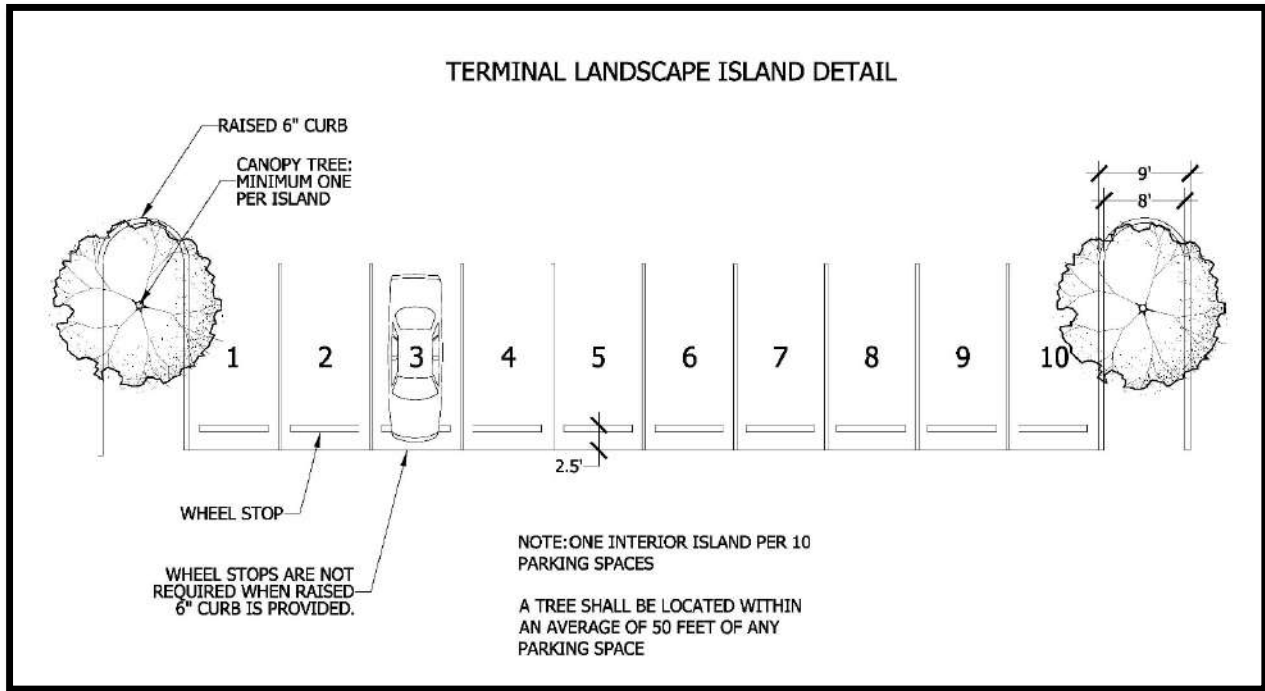


Figure 4-8

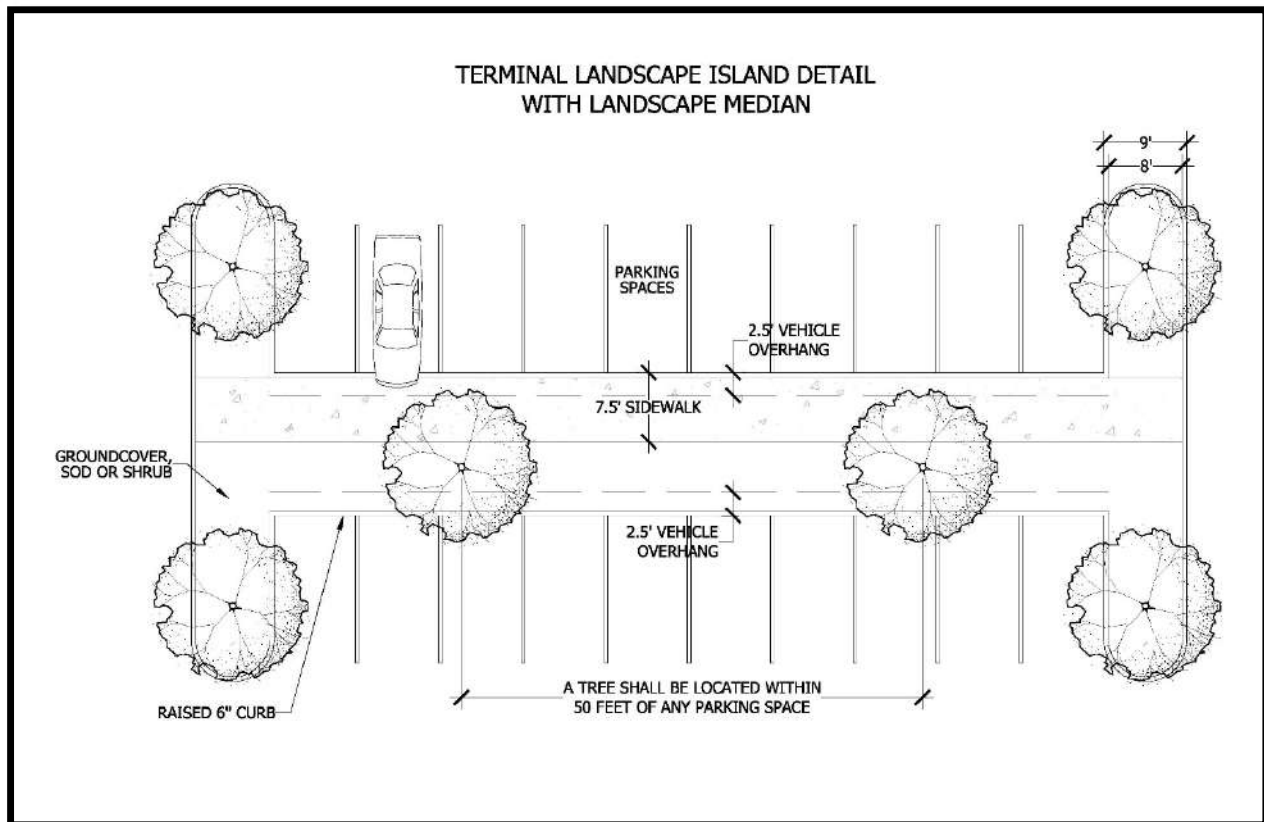


Figure 4-9

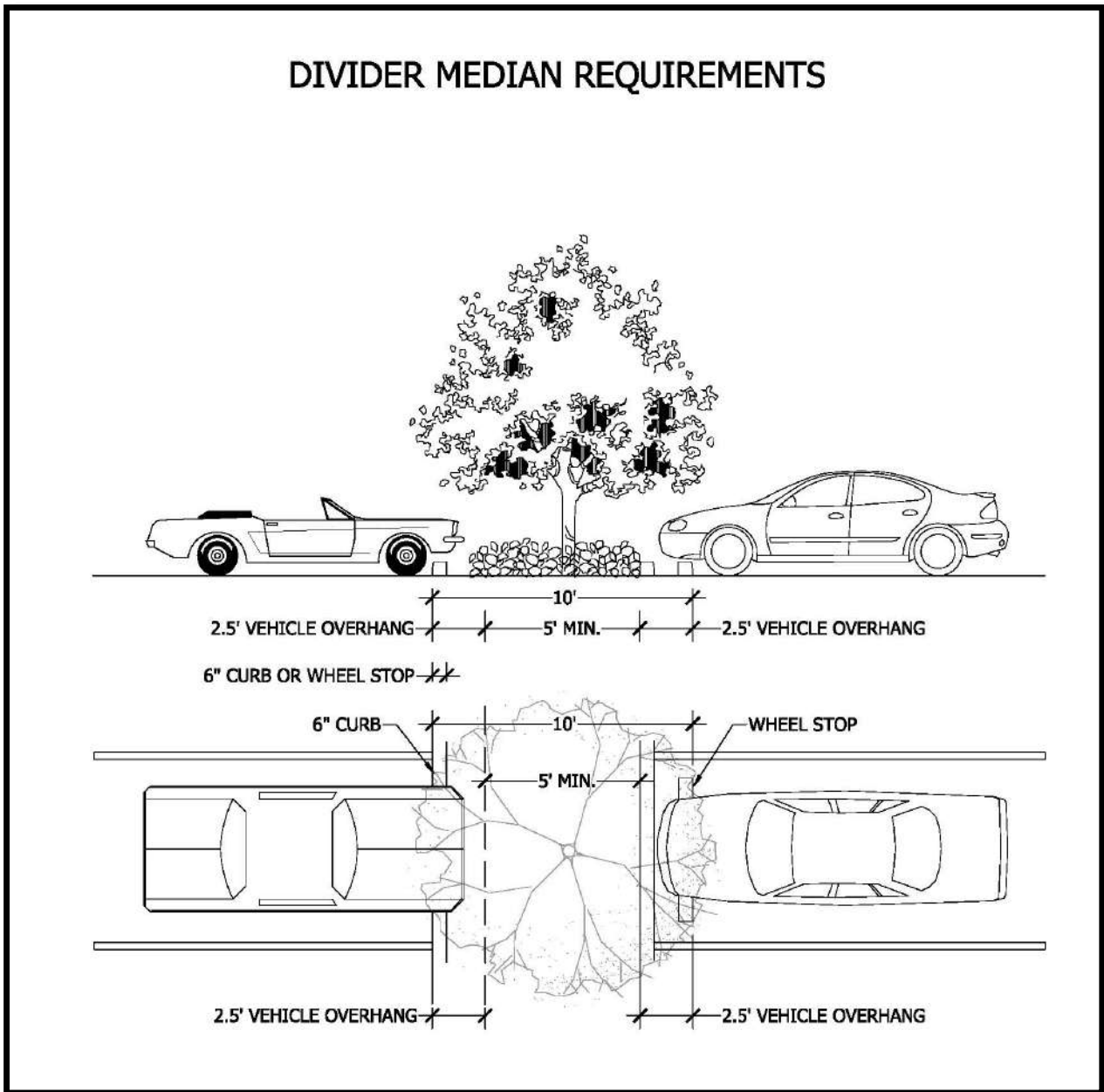




Figure 4-10

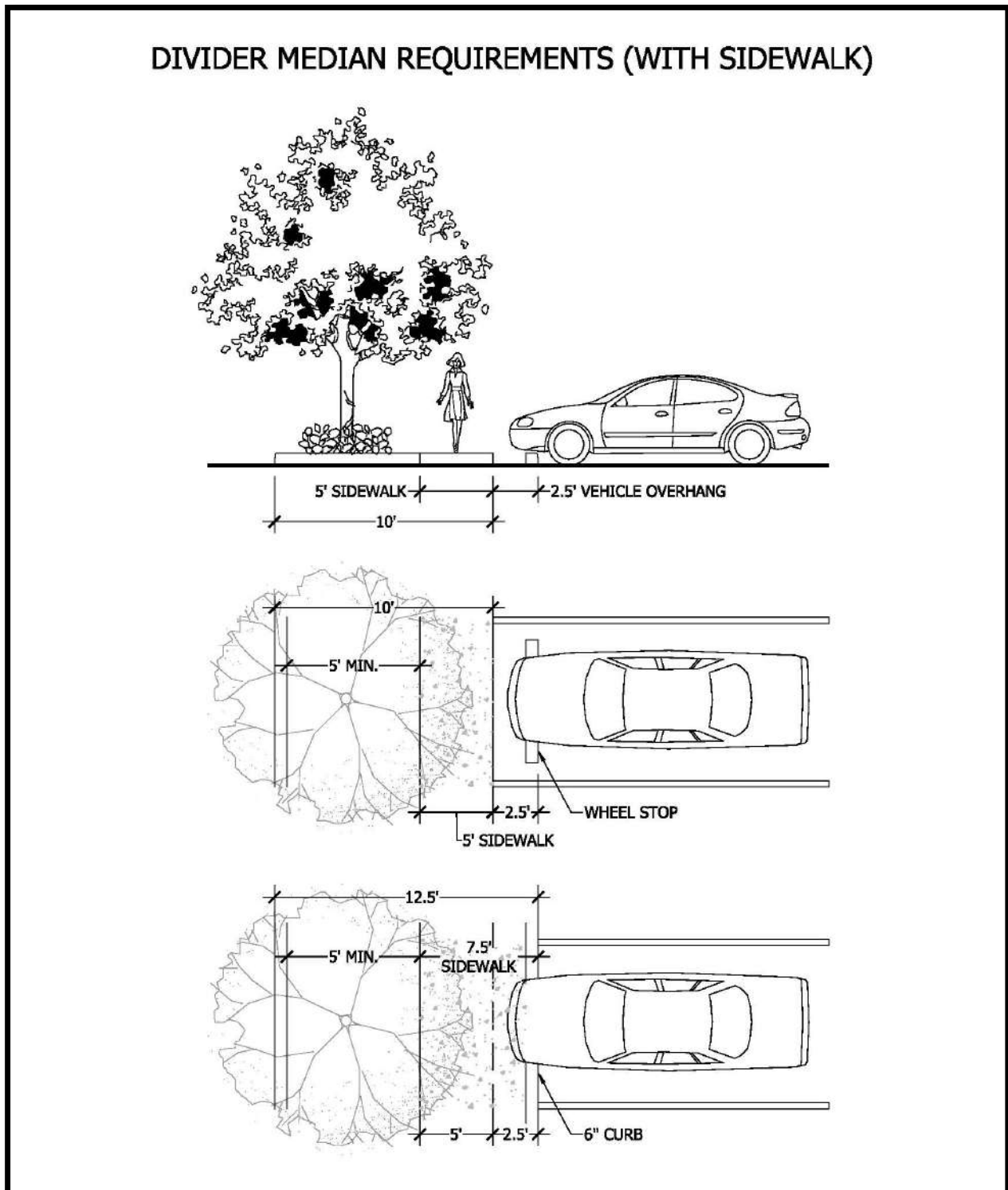


Figure 4-11

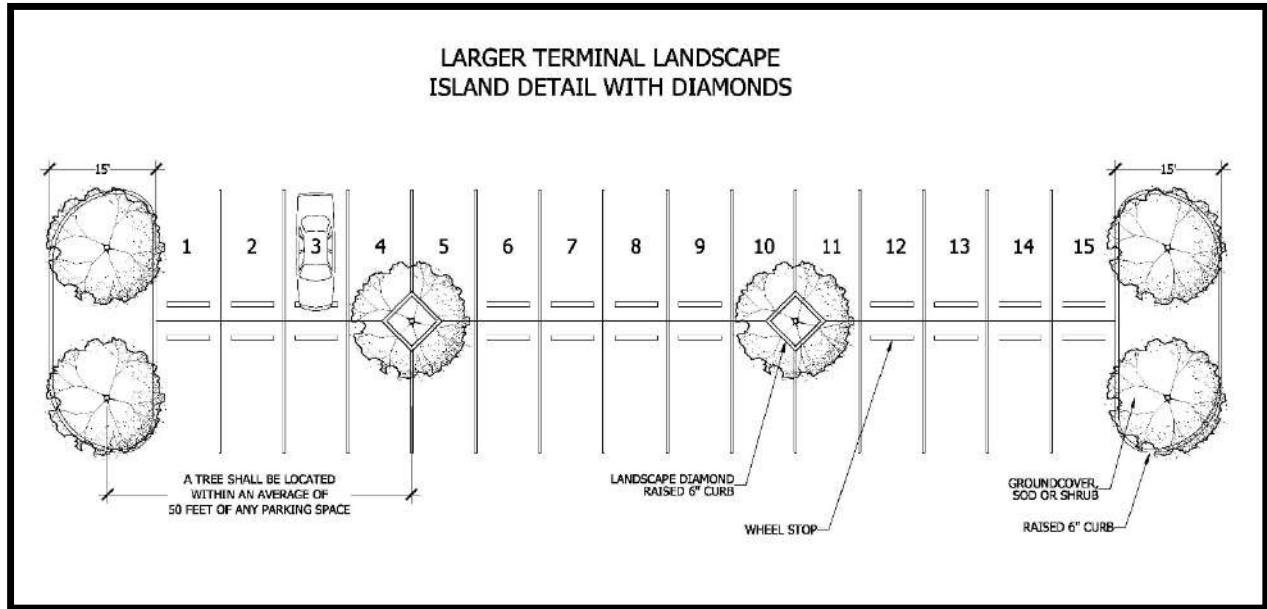


Figure 4-12

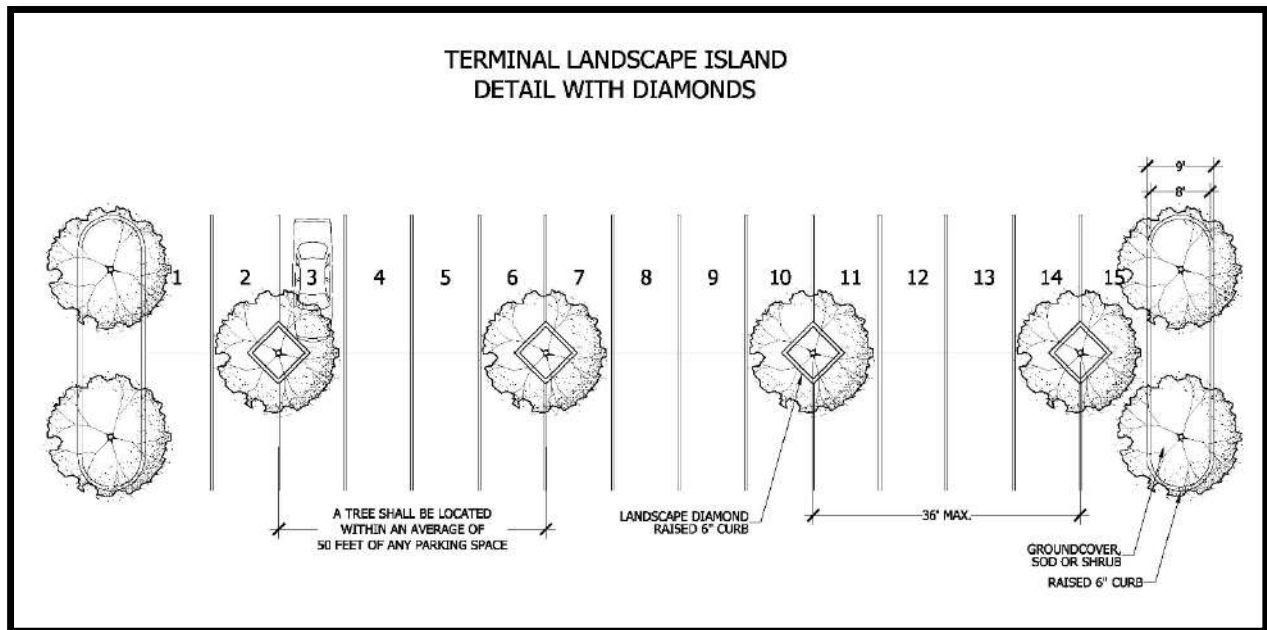
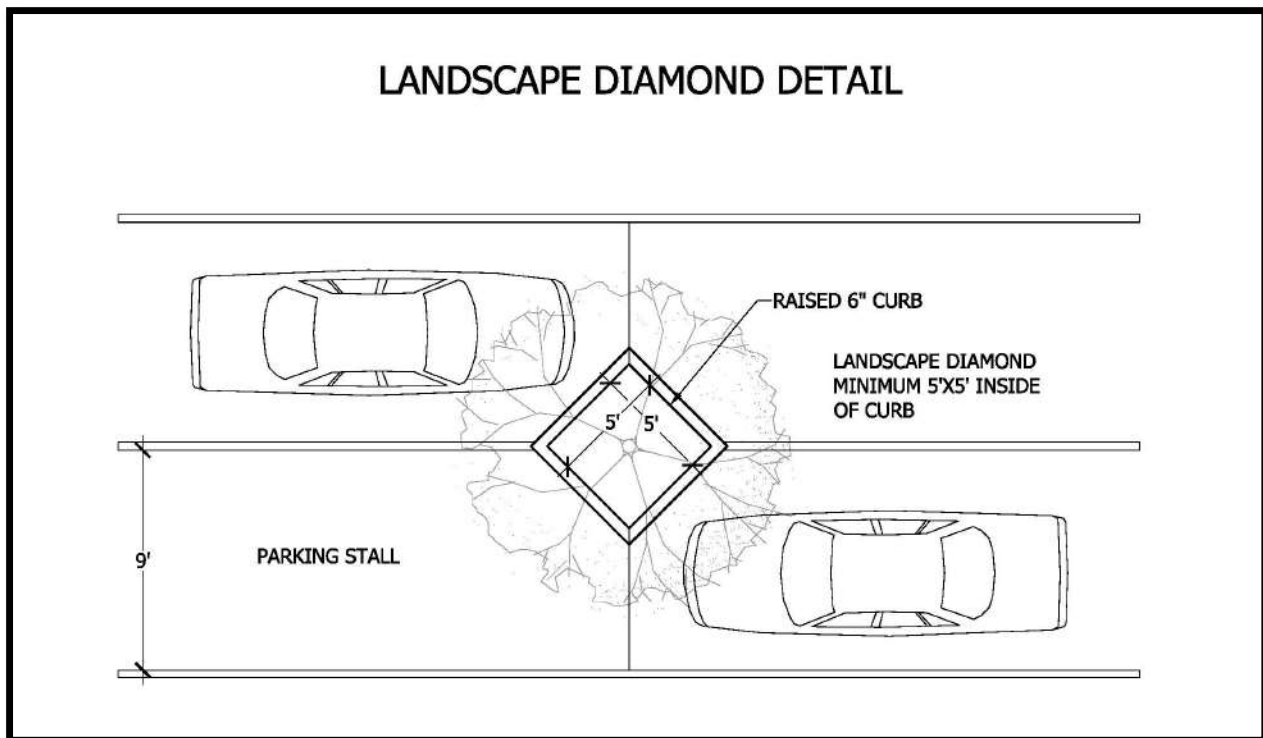


Figure 4-13

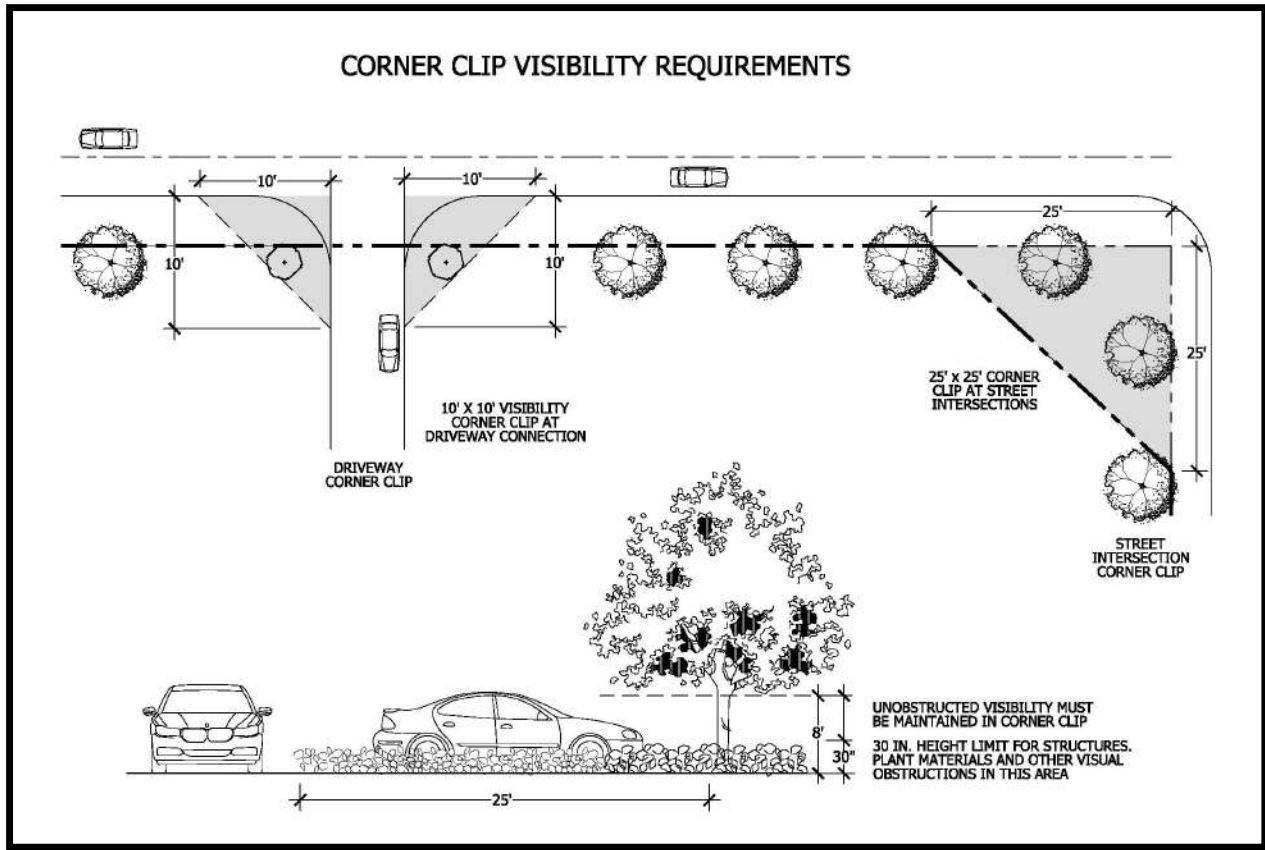


**Section 4.27 Landscape Protection Measures.** Where landscaping is installed in within or adjacent to vehicular use areas, then curbs, wheel stops, raised sidewalks, or other acceptable means of protection shall be provided to prevent injury to the lawn and landscape vegetation.

**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



**Section 4.29 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.

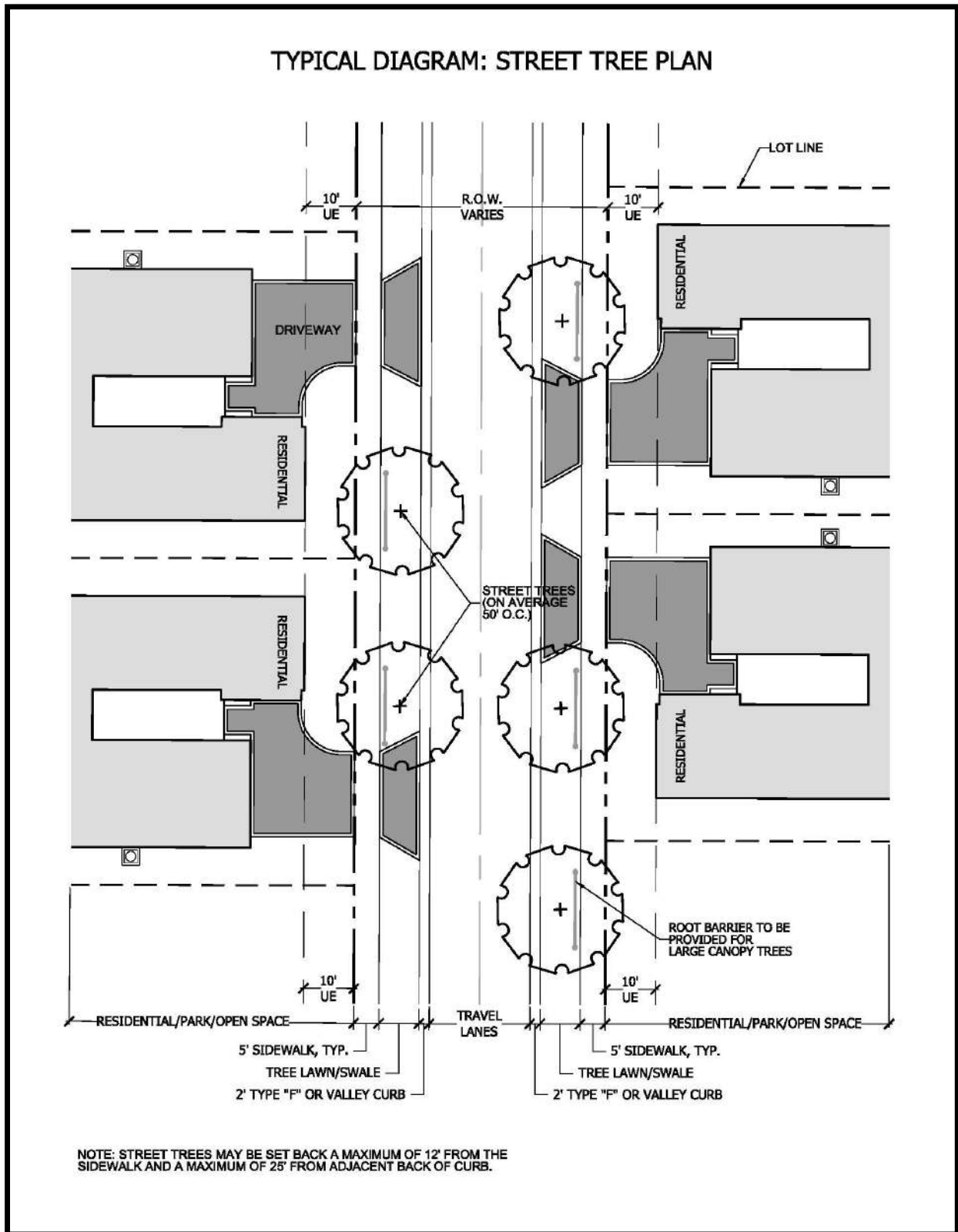
**Section 4.31 Spacing.** Street trees are required on all public and private streets. Street trees shall maintain an average spacing of 50 feet on center on both sides of the street. Exceptions to this distance are allowable due to conflicts with utilities, lighting, sight distance, etc. Maximum spacing 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



**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 Chapter.

**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 4.16 of this Chapter.

**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 Section 4.16 of this Chapter.
- (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 Chapter.

**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 Chapter, are strictly prohibited.

**Article V**

**Section 4.70 Fertilizer**

**Section 4.71 Definitions.** The following definitions apply in this Chapter 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 Chapter.

**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.**

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.**

A. 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 accidentally 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 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 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 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