

CITY OF WESTLAKE



AGENDA

City Council Regular Meeting

Tuesday, December 06, 2022 at 6:00 PM

Westlake Council Chambers
4005 Seminole Pratt Whitney Road
Westlake, Florida 33470

CITY COUNCIL:

JohnPaul O'Connor, Mayor
Greg Langowski, Vice Mayor
Pilar Valle Ron, Council Member – Seat 1
Julian Martinez, Council Member – Seat 2
Charlotte Leonard, Council Member – Seat 3

CITY STAFF:

Ken Cassel, City Manager
Zoie P. Burgess, CMC, City Clerk
Donald J. Doody, Esq., City Attorney
Nilsa Zacarias, AICP, Planning and Zoning Director
Suzanne Dombrowski, P.E., ENV SP, City Engineer

[TENTATIVE: SUBJECT TO REVISION]

This is a Public Meeting and members of the public may attend in-person; however, the option to attend and participate via Communications Media Technology is available via the Cisco WebEx Platform and may be accessed as follows:

1. Join the Webex meeting from your computer, tablet or smartphone at the following link:
<https://cityofwestlake.my.webex.com/>

Meeting ID: 2633 230 6347

Password: hello

2. Participants may also dial in using your phone with any of the following number(s):

United States Toll: +1-408-418-9388

Meeting ID: 2633 230 6347

For participants attending the meeting via WebEx, public comments will be accepted via an electronic comment card, at least 24 hours prior to the public meeting and also acknowledged during the meeting when participants utilize the “raise your hand” feature during the designated time.

Procedures for Public Comment are also provided via the City website:
<https://www.westlakegov.com/cityclerk/page/covid-19-public-meetings>

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

PUBLIC COMMENTS AND REQUESTS

This section of the agenda allows for comments from the public to speak. Each speaker will be given a total of three (3) minutes to comment. A public comment card should be completed and returned to the City Clerk. When you are called to speak, please go to the podium or unmute your device, and prior to addressing Council, state your name and address for the record.

CONSENT AGENDA

This section of the agenda consists of routine or administrative items that require final approval by the City Council and may be approved in its entirety by a single motion. There will be no discussion of these items unless a Council Member, requests such, in which event, the item will be removed from the Consent Agenda and considered on a future agenda.

- [A.](#) Financial Report - October 2022
- [B.](#) Minutes_Regular City Council Meeting - 11.01.2022 DRAFT

PUBLIC HEARING - QUASI JUDICIAL

- [A.](#) **QUASI JUDICIAL** - A Resolution for the Plat of Pod PC-2
Submitted By: Engineering

RESOLUTION 2022-33

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING A REPLAT OF OPEN SPACE TRACT #1, PERSIMMON BOULEVARD EAST-PLAT 2, PLAT BOOK 128, PAGES 16 THROUGH 19, INCLUSIVE, AND A REPLAT OF OPEN SPACE TRACT #1, ILEX WAY-PHASE II, PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA. PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

PUBLIC HEARING

- [A.](#) **SECOND READING:** Ordinance 2022-14 – Chapter 6 Sign Code Amendment
Submitted By: Planning and Zoning

ORDINANCE NO.2022-14

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S SIGN CODE; PROVIDING FOR A MANDATORY SIGNAGE DESIGN WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS;

PROVIDING FOR AN AMENDMENT TO MAX SIGN FACES AS IDENTIFIED IN TABLE 6-1 ENTITLED RESIDENTIAL POD ENTRY MONUMENT; PROVIDING FOR AN AMENDMENT TO ADDITIONAL REQUIREMENTS AS IDENTIFIED IN TABLE 6-1 PUBLIC ROW SIGN LOCATION; PROVIDING FOR AN AMENDMENT TO MAX SIZE OF COPY AREA AS IDENTIFIED IN TABLE 6-1 ENTITLED WALL SIGN FOR GROUND FLOOR USES WITH SEPARATE ENTRANCES AT GROUND LEVEL; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

NEW BUSINESS

- A.** **FIRST READING:** Ordinance 2022-15 – Temporary Structures and Uses.

Submitted By: Planning and Zoning

ORDINANCE NO. 2022-15

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY’S CODE OF ORDINANCES BY CREATING ARTICLE _____ ENTITLED “TEMPORARY STRUCTURES AND USES”; PROVIDING FOR THE REGULATION OF TEMPORARY STRUCTURES AND USES; PROVIDING FOR THE ESTABLISHMENT OF A MATRIX FOR TEMPORARY STRUCTURES AND TEMPORARY USES; PROVIDING FOR THE REGULATION OF SALE MODELS; PROVIDING FOR THE REGULATION OF TEMPORARY CONSTRUCTION TRAILERS AND PORTABLE STORAGE UNITS; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- B.** **FIRST READING:** Ordinance 2022-16 – Sexually Oriented Businesses

Submitted By: Planning and Zoning

ORDINANCE NO. 2022-16

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING _____ ENTITLED “SEXUALLY ORIENTED BUSINESSES”; PROVIDING FOR DEFINITIONS OF SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR LICENSING AND REGULATION OF SUCH BUSINESSES AND THEIR EMPLOYEES; PROVIDING FOR A DISTANCE SEPARATION BETWEEN ENTERTAINERS AND PATRONS IN SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- C.** Resolution 2022-34 – Development Fee Schedule

Submitted By: Planning and Zoning

RESOLUTION NO. 2022-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, ADOPTING AND APPROVING THE PROPOSED DEVELOPMENT FEE SCHEDULE; THE COPY OF THE FEE SCHEDULE IS ATTACHED HERETO AS EXHIBIT “A”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- D.** Education and Youth Advisory Board - 1 Board Vacancy - Alternate Board Appointment - 2-Year Term

Submitted By: City Clerk

- E.** Holiday Pop Up Market- Consideration and Approval of Land Use Agreement between the City and Minto PBLH, LLC

Submitted By: Administration

- F.** Transportation – 2023 Funding Programs

Submitted By: Administration

CITY COUNCIL COMMENTS

- A. Councilwoman Charlotte Leonard
- B. Councilman Julian Martinez
- C. Councilwoman Pilar Valle Ron
- D. Vice Mayor Greg Langowski
- E. Mayor JohnPaul O'Connor

REPORT - STAFF

REPORT - CITY ATTORNEY

REPORT - CITY MANAGER

PUBLIC COMMENTS AND REQUESTS

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ADJOURNMENT

Next Meeting (Subject to Change or be Cancelled): Tuesday, January 3, 2023

NOTICE: If a person, firm or corporation decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, you will need a record of the proceedings, and you 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 above notice is required by State Law. Anyone desiring a verbatim transcript shall have the responsibility, at his own cost, to arrange for the transcript). The City of Westlake does not prepare or provide such verbatim record.

In accordance with the Americans with Disabilities Act, persons who need an accommodation in order to attend or participate in this meeting should contact the City Clerk at (561) 530-5880 at least three (3) business days prior to the meeting in order to request such assistance.

AGENDA POSTED: December 2, 2022

File Attachments for Item:

A. Financial Report - October 2022



MEMORANDUM

TO: Members of the City Council, City of Westlake
FROM: Steven Fowler, Accountant; Kadem Ramirez, Accounting Supervisor
CC: Ken Cassel, City Manager
DATE: November 14, 2022
SUBJECT: October Financial Report

Please find attached the October 2022 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's funds is provided below. Should you have any questions or require additional information, please contact me at Steven.Fowler@inframark.com.

General Fund

- Total Revenues in October were approximately 2% of the annual budget. There were no collections of the FY2022 Ad Valorem Tax. The annual budget includes revenue from a funding agreement with the Developer. The Developer is invoiced quarterly for any year-to-date excess of actual expenditures over actual revenue.
- Total Expenditures in October were approximately 5% of the annual budget.

Special Revenue Fund – Housing Assistance Program

- Total Revenues in October were approximately 46% of the annual budget, which was a result of a higher than anticipated rate of construction. A donation of \$1,500 per Single Family Residence building permit is paid into the Housing Assistance Program.

Special Revenue Fund – Comprehensive Planning Services

- Total Revenues in October were approximately 6% of the annual budget.
- Total Expenditures in October were approximately 9% of the annual budget.

City of Westlake

Financial Report

October 31, 2022



Table of Contents

<u>FINANCIAL STATEMENTS</u>	Page #
Balance Sheet	1 - 2
Statement of Revenues, Expenditures and Changes in Fund Balance	
General Fund	3 - 5
Special Revenue Fund (Housing Assistance Program)	6
Special Revenue Fund (Comprehensive Planning Services)	7
 <u>SUPPORTING SCHEDULES</u>	
Cash and Investment Report	8

City of Westlake

Financial Statements

October 31, 2022

Balance Sheet
October 31, 2022

ACCOUNT DESCRIPTION	GENERAL FUND	SPECIAL REVENUE FUND - HOUSING ASSISTANCE PROGRAM	SPECIAL REVENUE FUND - COMPREHENSIVE PLANNING SVCS	TOTAL
<u>ASSETS</u>				
Current Assets				
Cash - Checking Account	\$ 2,014,482	\$ -	\$ -	\$ 2,014,482
Accounts Receivable	50	-	209	259
Taxes Receivable	13,590	-	-	13,590
Assessments Receivable	43,506	-	-	43,506
Due From Other Gov'tl Units	1,240	-	-	1,240
Due From Other Funds	-	-	2,044,797	2,044,797
Investments:				
Money Market Account	1,853,069	3,038,463	-	4,891,532
Deposits	666	-	-	666
Total Current Assets	3,926,603	3,038,463	2,045,006	9,010,072
Noncurrent Assets				
Mortgages Receivable	-	626,297	-	626,297
Total Noncurrent Assets	-	626,297	-	626,297
TOTAL ASSETS	\$ 3,926,603	\$ 3,664,760	\$ 2,045,006	\$ 9,636,369

LIABILITIES

Current Liabilities

Accounts Payable	\$ 135,404	\$ -	\$ 192,362	\$ 327,766
Accrued Expenses	13,028	-	218,421	231,449
DBPR surcharge	3,020	-	-	3,020
DCA surcharge	4,449	-	-	4,449
BRA surcharge	165	-	-	165
Impact Fees	585,246	-	-	585,246
Unearned Revenue	62,835	-	-	62,835
Due To Other Districts	7,978	-	-	7,978
Deferred Revenue-Developer Submittals (Minto)	-	-	12,736	12,736
Due To Other Funds	2,043,297	1,500	-	2,044,797
Total Current Liabilities	2,855,422	1,500	423,519	3,280,441

Balance Sheet
October 31, 2022

<u>ACCOUNT DESCRIPTION</u>	<u>GENERAL FUND</u>	<u>SPECIAL REVENUE FUND - HOUSING ASSISTANCE PROGRAM</u>	<u>SPECIAL REVENUE FUND - COMPREHENSIVE PLANNING SVCS</u>	<u>TOTAL</u>
Long-Term Liabilities				
Deferred Inflow of Resources	43,506	-	-	43,506
Total Long-Term Liabilities	43,506	-	-	43,506
TOTAL LIABILITIES	2,898,928	1,500	423,519	3,323,947
FUND BALANCES				
Nonspendable:				
Deposits	666	-	-	666
Restricted for:				
Special Revenue	-	3,663,260	1,621,487	5,284,747
Unassigned:	1,027,009	-	-	1,027,009
TOTAL FUND BALANCES	\$ 1,027,675	\$ 3,663,260	\$ 1,621,487	\$ 6,312,422
TOTAL LIABILITIES & FUND BALANCES	\$ 3,926,603	\$ 3,664,760	\$ 2,045,006	\$ 9,636,369

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending October 31, 2022

<u>ACCOUNT DESCRIPTION</u>	<u>ANNUAL ADOPTED BUDGET</u>	<u>YEAR TO DATE BUDGET</u>	<u>YEAR TO DATE ACTUAL</u>	<u>VARIANCE (\$) FAV(UNFAV)</u>
REVENUES				
Interest - Investments	\$ -	\$ -	\$ 3,293	\$ 3,293
Ad Valorem Taxes	3,126,601	-	-	-
Ad Valorem Taxes - Discounts	(125,064)	-	-	-
FPL Franchise	119,700	9,975	27,997	18,022
Solid Waste	15,200	1,267	1,147	(120)
Electricity	116,000	9,667	-	(9,667)
Water	58,700	4,892	-	(4,892)
Gas	75,200	6,267	-	(6,267)
Communication Services Taxes	53,200	4,433	7,098	2,665
Occupational Licenses	6,100	508	10,206	9,698
Building Permits - Admin Fee	77,100	6,425	13,379	6,954
Licenses, Fees & Permits	-	-	3,600	3,600
State Revenue Sharing Proceeds	24,200	2,017	2,008	(9)
Alcoholic Beverage License	1,900	-	-	-
Shared Rev - Other Local Units	1,000	-	-	-
Administrative Fees	13,000	-	-	-
Other Public Safety Chrgs/Fees	2,400	200	-	(200)
Garbage/Solid Waste Revenue	250,600	20,883	5,709	(15,174)
Other Operating Revenues	5,400	450	1,480	1,030
Special Events	-	-	2,050	2,050
Special Assmnts- Tax Collector	358,326	-	-	-
Special Assmnts- Discounts	(14,300)	-	-	-
Developer Contribution	776,737	-	-	-
Lien Search Fee	1,300	108	1,663	1,555
TOTAL REVENUES	4,943,300	67,092	79,630	12,538
EXPENDITURES				
Legislative				
Mayor/Council Stipend	60,000	5,000	5,000	-
FICA Taxes	4,600	383	383	-
ProfServ-Legislative Expense	24,000	2,000	-	2,000
Telephone, Cable & Internet Service	1,900	158	-	158
Public Officials Insurance	3,800	3,800	3,500	300
Misc-Event Expense	193,300	-	1,141	(1,141)
Council Expenses	30,000	2,500	-	2,500
Dues, Licenses, Subscriptions	3,000	-	923	(923)
Total Legislative	320,600	13,841	10,947	2,894
City Manager				
Contracts-City Manager	213,600	17,800	17,800	-
Office Supplies	14,900	1,242	176	1,066
Dues, Licenses, Subscriptions	2,700	962	951	11
Total City Manager	231,200	20,004	18,927	1,077

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending October 31, 2022

<u>ACCOUNT DESCRIPTION</u>	<u>ANNUAL ADOPTED BUDGET</u>	<u>YEAR TO DATE BUDGET</u>	<u>YEAR TO DATE ACTUAL</u>	<u>VARIANCE (\$) FAV(UNFAV)</u>
<u>City Clerk</u>				
ProfServ-Web Site Maintenance	8,200	683	383	300
Contracts-City Clerk	212,200	17,683	17,683	-
Postage and Freight	1,500	125	19	106
Printing	14,800	1,233	-	1,233
Legal Advertising	31,200	2,600	-	2,600
Miscellaneous Services	1,300	108	-	108
Office Supplies	1,100	92	-	92
Dues, Licenses, Subscriptions	15,500	1,062	7,630	(6,568)
Total City Clerk	285,800	23,586	25,715	(2,129)
<u>Finance</u>				
Auditing Services	5,300	-	-	-
Contracts-Finance	83,100	6,925	6,925	-
Total Finance	88,400	6,925	6,925	-
<u>Legal Counsel</u>				
ProfServ-Legal Services	85,400	7,117	4,439	2,678
Total Legal Counsel	85,400	7,117	4,439	2,678
<u>Other Administrative Services</u>				
ProfServ-Info Technology	202,000	16,833	7,539	9,294
Contracts-Admin. Service	280,900	23,408	23,408	-
Misc-Public Relations	60,000	5,000	-	5,000
Misc-Assessment Collection Cost	3,600	-	-	-
General Government	90,000	7,500	-	7,500
Total Other Administrative Services	636,500	52,741	30,947	21,794
<u>Facility Services</u>				
Telephone, Cable & Internet Service	15,900	1,325	1,071	254
Lease - Copier	32,600	2,717	720	1,997
Lease - Building	86,700	7,225	-	7,225
Insurance (Liab,Auto,Property)	6,900	6,900	6,781	119
Miscellaneous Services	1,700	142	250	(108)
Cleaning Services	24,200	2,017	1,905	112
Principal-Capital Lease	9,500	751	750	1
Interest-Capital Lease	700	97	101	(4)
Total Facility Services	178,200	21,174	11,578	9,596
<u>Community Services</u>				
Contracts-Solid Waste	578,500	48,208	54,905	(6,697)
Contracts-Sheriff	954,900	69,384	69,384	-
Electricity	134,800	11,233	9,744	1,489
R&M-Community Maintenance	28,300	2,358	2,358	-
Operating Supplies	30,800	-	-	-
Roadway Services	22,400	-	-	-
Total Community Services	1,749,700	131,183	136,391	(5,208)

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending October 31, 2022

<u>ACCOUNT DESCRIPTION</u>	<u>ANNUAL ADOPTED BUDGET</u>	<u>YEAR TO DATE BUDGET</u>	<u>YEAR TO DATE ACTUAL</u>	<u>VARIANCE (\$) FAV(UNFAV)</u>
<u>Capital Expenditures & Projects</u>				
Capital Improvements	50,000	10,000	-	10,000
Total Capital Expenditures & Projects	50,000	10,000	-	10,000
<u>Reserves</u>				
Misc-Contingency	178,800	14,900	1,194	13,706
1st Quarter Operating Reserves	938,700	78,225	-	78,225
Reserve - Buildings	200,000	16,667	-	16,667
Total Reserves	1,317,500	109,792	1,194	108,598
TOTAL EXPENDITURES & RESERVES	4,943,300	396,363	247,063	149,300
Excess (deficiency) of revenues				
Over (under) expenditures	-	(329,271)	(167,433)	161,838
Net change in fund balance	\$ -	\$ (329,271)	\$ (167,433)	\$ 161,838
FUND BALANCE, BEGINNING (OCT 1, 2022)	1,195,108	1,195,108	1,195,108	
FUND BALANCE, ENDING	\$ 1,195,108	\$ 865,837	\$ 1,027,675	

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending October 31, 2022

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<u>REVENUES</u>				
Interest - Investments	\$ 4,800	\$ 400	\$ 4,789	\$ 4,389
Donations	300,000	25,000	135,000	110,000
TOTAL REVENUES	304,800	25,400	139,789	114,389
<u>EXPENDITURES</u>				
<u>Public Assistance</u>				
Misc-Admin Fee (%)	21,000	1,750	-	1,750
Assistance Program	283,800	23,650	-	23,650
Total Public Assistance	304,800	25,400	-	25,400
TOTAL EXPENDITURES	304,800	25,400	-	25,400
Excess (deficiency) of revenues Over (under) expenditures	-	-	139,789	139,789
Net change in fund balance	\$ -	\$ -	\$ 139,789	\$ 139,789
FUND BALANCE, BEGINNING (OCT 1, 2022)	3,523,471	3,523,471	3,523,471	
FUND BALANCE, ENDING	\$ 3,523,471	\$ 3,523,471	\$ 3,663,260	

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending October 31, 2022

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
REVENUES				
Building Permits	\$ 1,820,900	\$ 151,742	\$ 141,883	\$ (9,859)
Building Permits - Surcharge	16,700	1,392	2,824	1,432
Other Building Permit Fees	30,000	2,500	4,950	2,450
Building Permits - Admin Fee	109,100	9,092	18,932	9,840
Engineering Permits	374,600	31,217	1,950	(29,267)
Planning & Zoning Permits	299,600	24,967	-	(24,967)
TOTAL REVENUES	2,650,900	220,910	170,539	(50,371)
EXPENDITURES				
Comprehensive Planning				
ProfServ-Engineering	352,600	29,383	29,400	(17)
ProfServ-Info Technology	170,900	14,242	14,200	42
ProfServ-Legal Services	118,700	9,892	3,650	6,242
ProfServ-Planning/Zoning Board	299,600	24,967	25,000	(33)
ProfServ-Compliance Service	100,000	8,333	14,400	(6,067)
ProfServ-Consultants	22,000	1,833	-	1,833
ProfServ-Building Permits	1,395,700	116,308	147,411	(31,103)
Outside Legal Services	1,800	150	-	150
Telephone, Cable & Internet Service	4,700	392	305	87
Lease - Copier	5,800	483	487	(4)
Lease - Building	43,400	3,617	-	3,617
Printing	2,200	183	-	183
Misc-Admin Fee (%)	113,200	9,433	9,433	-
Office Supplies	4,500	375	-	375
Cleaning Services	15,800	1,317	1,200	117
Total Comprehensive Planning	2,650,900	220,908	245,486	(24,578)
TOTAL EXPENDITURES	2,650,900	220,908	245,486	(24,578)
Excess (deficiency) of revenues				
Over (under) expenditures	-	2	(74,947)	(74,949)
Net change in fund balance	\$ -	\$ 2	\$ (74,947)	\$ (74,949)
FUND BALANCE, BEGINNING (OCT 1, 2022)	1,696,434	1,696,434	1,696,434	
FUND BALANCE, ENDING	\$ 1,696,434	\$ 1,696,436	\$ 1,621,487	

City of Westlake

Supporting Schedules

October 31, 2022

Cash and Investment Report

October 31, 2022

GENERAL FUND

<u>Account Name</u>	<u>Bank Name</u>	<u>Investment Type</u>	<u>Yield</u>	<u>Balance</u>
Checking Account - Operating	BankUnited	Checking Account	n/a	\$2,014,482
Money Market	BankUnited	MMA	0.40%	\$1,853,069
		Subtotal		\$3,867,551

SPECIAL REVENUE FUND

Money Market	BankUnited	MMA	0.40%	\$2,788,463
Money Market	Valley Bank			\$250,000
		Subtotal		\$3,038,463
		Total		\$6,906,014

File Attachments for Item:

B. Minutes_Regular City Council Meeting - 11.01.2022 DRAFT

CITY OF WESTLAKE



MINUTES

City Council Regular Meeting

Tuesday, November 01, 2022 at 6:00 PM

Westlake Council Chambers
4005 Seminole Pratt Whitney Road
Westlake, Florida 33470

CITY COUNCIL:

JohnPaul O'Connor, Mayor
Greg Langowski, Vice Mayor
Pilar Valle Ron, Council Member – Seat 1
Julian Martinez, Council Member – Seat 2
Charlotte Leonard, Council Member – Seat 3

CITY STAFF:

Ken Cassel, City Manager
Zoie P. Burgess, CMC, City Clerk
Donald J. Doody, Esq., City Attorney
Nilsa Zacarias, Planning and Zoning Director
Suzanne Dombrowski, City Engineer

A regular meeting of the City Council of the City of Westlake was held on Tuesday, November 1, 2022, at 6:00 PM., at the Westlake Community Center, 4005 Seminole Pratt Whitney Road. Members of the public also participated in the meeting through electronic means and accessed as follows:

1. Webex meeting from a computer, tablet or smartphone at the following link:
<https://cityofwestlake.my.webex.com/>

Meeting ID: 2632 295 3645

Password: hello

2. Participants also dialed in using phone with the following number:

United States Toll: +1-408-418-9388

Meeting ID: 2632 295 3645

As a preliminary matter, Ms. Burgess noted that council members are present physically constituting a quorum.

Ms. Burgess provided further instruction regarding public comments, noting that comments will be acknowledged by the mayor and accepted at the appropriate times as indicated in the agenda and those who wish to speak may use the "virtual" hand raise feature.

Ms. Burgess provided the disclaimer that the meeting is being recorded by both voice and video, reminding the audience microphones are live. Ms. Burgess further explained that microphones will be muted; audience members can unmute themselves and anyone that has called in should mute their device.

Ms. Burgess noted that anyone causing a disruption or being inappropriate will be removed from the meeting. Ms. Burgess reminded Council Members physically present to utilize microphones.

CALL TO ORDER

Mayor O'Connor called the City of Westlake Regular City Council meeting of Tuesday November 1, 2022, to order at 6:01 p.m.

ROLL CALL

Present and constituting a quorum:

Councilwoman Charlotte Leonard
Councilman Julian Martinez
Councilwoman Pilar Valle Ron
Vice Mayor Greg Langowski
Mayor John Paul O'Connor

Also present:

Kenneth Cassel, City Manager
Donald J. Doody, Esq., City Attorney
Zoie P. Burgess, CMC City Clerk
Nilsa Zacarias, Planning and Zoning Director

PLEDGE OF ALLEGIANCE

Mayor O'Connor led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor O'Connor called for any additions, deletions, or modifications to the agenda. Mayor O'Connor noted there is a deletion under item A. Presentations/Proclamations as Mr. Abruzzo will not be making his presentation. An addition of item B under new Business for discussion of a safety event has been added.

Mayor O'Connor called for a Motion to amend the agenda.

Motion by Councilwoman Leonard to accept the agenda with stated corrections, deletions, and additions, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

Councilwoman Leonard	YES
Councilman Martinez	YES
Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES

With all in favor, motion carried without dissent (5-0).

PUBLIC COMMENTS AND REQUESTS

This section of the agenda allows for comments from the public to speak. Each speaker will be given a total of three (3) minutes to comment. A public comment card should be completed and returned to the City Clerk. When you are called to speak, please go to the podium or unmute your device, and prior to addressing Council, state your name and address for the record.

Mayor O'Connor called for public comments. Mayor O'Connor called for Ms. Ferrer who submitted a comment prior to meeting.

A. Marjorie Ferrer - 4930 Glenn Pine Lane - America 250

Ms. Ferrer, representing, Daughters of the American Revolution, presented a speech highlighting the upcoming 250th anniversary of the United States. She explained the focus on the graduating class of 2026, currently high school freshman, and providing them each with the DAR constitution book. The students are to hold on to these books for the next four years as a passport for a trip to Washington DC their senior year. She provided special thanks to City Manager Kenneth Cassel for his support in providing books to students. Ms. Ferrer presented a certificate of appreciation to the city. Mayor O'Connor accepted certificate on behalf of the city.

Mayor O'Connor thanked Ms. Ferrer.

CONSENT AGENDA

This section of the agenda consists of routine or administrative items that require final approval by the City Council and may be approved in its entirety by a single motion. There will be no discussion of these items unless a Council Member, requests such, in which event, the item will be removed from the Consent Agenda and considered on a future agenda.

- A. Minutes_Regular City Council Meeting 09.06.2022 DRAFT
- B. Minutes_City Council Final Budget Hearing - 09.19.2022 DRAFT
- C. Minutes_City Council Regular Meeting - 10.04.2022 DRAFT
- D. Minutes_City Council Workshop Meeting 10.11.2022 - DRAFT
- E. Monthly Financial Report - September

Mayor O'Connor identified consent agenda and called for a motion to approve.

Motion by Councilwoman Valle Ron to approve consent Agenda, seconded by Councilwoman Leonard.

UPON ROLL CALL:

Councilman Martinez	YES
Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES

With all in favor, motion carried without dissent (5-0).

PRESENTATIONS/PROCLAMATIONS

- A. Presentation - Joseph Abruzzo, Clerk of the Circuit Court & Comptroller for Palm Beach County
Item removed from agenda.
- B. Proclamation - Veterans Day 2022

Sponsored By: Vice Mayor Langowski

Mayor O'Connor identified Proclamation for Veterans Day 2022 sponsored by Vice Mayor Langowski and read the proclamation into record.

PUBLIC HEARING

- A. **SECOND READING:** Ordinance 2022-12 – Pedestrian Safety and Public Lodging
Submitted By: Planning and Zoning

ORDINANCE NO.2022-12

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, CREATING CHAPTER _____ OF THE CITY'S CODE OF ORDINANCES ENTITLED "PEDESTRIAN SAFETY AND PUBLIC LODGING" BY SPECIFICALLY CREATING SECTIONS _____ THROUGH _____ DESIGNED TO PROTECT PEDESTRIANS, PANHANDLERS, SOLICITERS, AND BEGGARS IN PUBLIC STREETS AND RIGHTS OF WAY AND PROHIBITING CERTAIN PUBLIC LODGING SUBJECT TO OUTREACH EFFORTS; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mr. Doody read item, by title only, into the record.

Mr. Leon discussed Ordinance 2022-12, prepared by the city attorney. Mr. Leon stated the Ordinance was approved by City Council on first reading and is requesting approval and adoption of second reading.

Mayor O'Connor opened for Council comments, there being none, Mayor O'Connor called for public comments.

Ms. Burgess noted there were no public comment cards received prior to the meeting and gave the virtual audience a moment to comment. There being no comments, the next item followed.

Ms. Kathryn Rossmell, from Lewis, Longman and Walker, on behalf of Minto PBLH, LLC, approached the stand and declared her appreciation to the approval of the minor changes that were made.

Mayor O'Connor closed the public hearing section and called for a motion to approve on second reading.

Motion by Councilman Martinez to approve second reading of Ordinance 2022-12, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES
Councilman Martinez	YES

With all in favor, motion carried without dissent (5-0).

B. FIRST READING: Ordinance 2022-14 – Chapter 6 Sign Code Amendment

Submitted By: Planning and Zoning

ORDINANCE NO. 2022 - 14

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S SIGN CODE; PROVIDING FOR A MANDATORY SIGNAGE DESIGN WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR AN AMENDMENT TO MAX SIGN FACES AS IDENTIFIED IN TABLE 6-1 ENTITLED RESIDENTIAL POD ENTRY MONUMENT; PROVIDING FOR AN AMENDMENT TO ADDITIONAL REQUIREMENTS AS IDENTIFIED IN TABLE 6-1 PUBLIC ROW SIGN LOCATION; PROVIDING FOR AN AMENDMENT TO MAX SIZE OF COPY AREA AS IDENTIFIED IN TABLE 6-1 ENTITLED WALL SIGN FOR GROUND FLOOR USES WITH SEPARATE ENTRANCES AT GROUND LEVEL; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mr. Doody read item, by title only, into record.

Mr. Leon discussed Ordinance 2022-14. Mr. Leon stated Ordinance was presented and recommended for approval at the previous Local Planning Agency Board Meeting. Mr. Leon asked if Council wanted him to display the presentation regarding Ordinance 2022-14.

Mayor O'Connor stated it was not necessary.

Mayor O'Connor called for Council comments. There being none, Mayor O'Connor called for a motion to approve first reading of Ordinance 2022-14.

Motion by Councilwoman Valle Ron to approve first reading of Ordinance 2022-14, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES
Councilman Martinez	YES
Councilwoman Valle Ron	YES

With all in favor, motion carried without dissent (5-0).

NEW BUSINESS

- A. Resolution 2022-32 – Amendment to the Fiscal Year 2022 Budget

Submitted By: Finance

RESOLUTION 2022-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, AMENDING THE SPECIAL REVENUE FUND-COMPREHENSIVE PLANNING SERVICES BUDGET FOR FISCAL YEAR 2022; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mr. Doody read item, by title only, into the record.

Mayor O'Connor called for Mr. Cassel to discuss Resolution.

Mr. Cassel informed council the amendment is made by the auditors cleaning up and adjusting the underestimated revenues, it was amended to balance the expense and revenue reports.

Mayor O'Connor called for Council comments. There being none, Mayor O'Connor called for a motion to approve Resolution 2022-32.

Motion by Councilman Martinez to approve Resolution 2022-32, seconded by Councilwoman Leonard.

UPON ROLL CALL:

Mayor O'Connor	YES
Councilwoman Leonard	YES
Councilman Martinez	YES
Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES

With all in favor, motion carried without dissent (5-0).

- B. Safety Event – Westlake National Night Out

Mayor O'Connor stated Councilwoman Valle Ron will spearhead the event and Councilman Martinez will assist in the background.

Vice Mayor Langowski asked if two councilmembers were allowed to run an event.

Mr. Cassel clarified Councilwoman Valle Ron will coordinate the event with the City Manager and staff. Councilman Martinez will communicate with staff and City Manager to avoid any conflict.

CITY COUNCIL COMMENTS

- A. Councilwoman Charlotte Leonard – Councilwoman Leonard had no comments.
- B. Councilman Julian Martinez - Councilman Martinez had no comments.
- C. Councilwoman Pilar Valle Ron - Councilwoman Valle Ron had no comments.
- D. Vice Mayor Greg Langowski – Vice Mayor Langowski had no comments.
- E. Mayor JohnPaul O'Connor – Mayor O'Connor acknowledged Halloween, noting no incidents being reported.

REPORT – STAFF

Reports from Palm Beach County Fire Rescue were placed on dais for council's review.

REPORT - CITY ATTORNEY

Mr. Doody had no comments.

REPORT - CITY MANAGER

Mr. Cassel discussed issues with Seminole Improvement District and residents not paying their utility bills. Mr. Cassel also stated some residents are using property beyond their property lines and additional action will be necessary. Mayor O'Connor asked if this was being dealt with aggressively. Mr. Cassel stated they are educating residents and reminding them of their property lines.

PUBLIC COMMENTS AND REQUESTS

This section of the agenda allows for comments from the public to speak. Each speaker will be given a total of three (3) minutes to comment. A public comment card should be completed and returned to the City Clerk. When you are called to speak, please go to the podium or unmute your device, and prior to addressing Council, state your name and address for the record.

Mayor O'Connor called for public comments. Ms. Burgess noted there were no public comment cards received prior to the meeting and gave the virtual audience a moment to comment. There being no comments, the next item followed.

ADJOURNMENT

There being no further business, Mayor O'Connor adjourned the meeting at 6:26 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor

File Attachments for Item:

A. QUASI JUDICIAL - A Resolution for the Plat of Pod PC-2

Submitted By: Engineering

RESOLUTION 2022-33

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING A REPLAT OF OPEN SPACE TRACT #1, PERSIMMON BOULEVARD EAST- PLAT 2, PLAT BOOK 128, PAGES 16 THROUGH 19, INCLUSIVE, AND A REPLAT OF OPEN SPACE TRACT #1, ILEX WAY-PHASE II, PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA. PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		December 6, 2022	Submitted By: Engineering	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		A Resolution for the Plat of Pod PC-2		
STAFF RECOMMENDATION: (MOTION READY)		Motion to Approve		
SUMMARY and/or JUSTIFICATION:		The City of Westlake has the exclusive jurisdiction to approve the plat pursuant to Florida Statutes, §177.071. The application has been reviewed and approved by a Professional Surveyor and Mapper for the City of Westlake, and said Surveyor and Mapper has found the application to be consistent with the requirement under Florida Statutes, Chapter 177. The plat includes 9.137 acres of land. The plat has been reviewed and approved by the City Engineer, SID, and the City Attorney.		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:	X	PROCLAMATION:	
	EXHIBIT(S):	X	OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>	Agenda Item Cover Sheet Staff Report Resolution Legal Description Plat Boundary Survey Approval Letter(s)			
SELECT, if applicable	RESOLUTION:	X	ORDINANCE:	
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i>	A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING A REPLAT OF OPEN SPACE TRACT #1, PERSIMMON BOULEVARD EAST-PLAT 2, PLAT BOOK 128, PAGES 16 THROUGH 19, INCLUSIVE, AND A REPLAT OF OPEN SPACE TRACT #1, ILEX WAY-PHASE II, PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA. PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.			
FISCAL IMPACT (if any):				\$

RESOLUTION 2022-33

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING A REPLAT OF OPEN SPACE TRACT #1, PERSIMMON BOULEVARD EAST-PLAT 2, PLAT BOOK 128, PAGES 16 THROUGH 19, INCLUSIVE, AND A REPLAT OF OPEN SPACE TRACT #1, ILEX WAY-PHASE II, PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA. PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Minto PBLH, LLC, a Florida Limited Liability Company, as the Owner has requested approval for the Replat of Open Space Tract #1, Persimmon Boulevard East – Plat 2, plat book 128, pages 16 through 19, inclusive, and a replat of Open Space Tract #1, Ilex Way – Phase II, plat book 128, pages 22 through 25, inclusive, public records of Palm Beach County, Florida. Lying in Section 12, Township 43 South, Range 40 East, City of Westlake, Palm Beach County, Florida, containing approximately 9.137 acres as described in Exhibit "A", attached hereto; and

WHEREAS, the City of Westlake has the exclusive jurisdiction to approve the plat and boundary survey pursuant to Florida Statutes, §177.071; and

WHEREAS, the application has been reviewed and approved by a Professional Surveyor and Mapper for the City of Westlake, and said Surveyor and Mapper has found the application to be consistent with the requirements under Florida Statutes, Chapter 177; and

WHEREAS, the Building staff, Engineering staff and Planning staff for the City of Westlake have reviewed the application, the final plat, attached hereto as "Exhibit B", and the boundary survey, attached hereto as "Exhibit C", and the collective staff has recommended approval; and

WHEREAS, after careful review and consideration, the collective staff has determined that this application has complied with the City's Land Development Regulations and Florida law.

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

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

Section 2: **CITY COUNCIL APPROVALS.** The City Council for the City of Westlake hereby approves the final plat, "Exhibit B" and boundary survey, "Exhibit C" for the Pod PC-2 Plat, as described in the attached Exhibit "A", containing approximately 9.137 acres, which is located in the City of Westlake, and in Palm Beach County, Florida.

Section 3. **RECORDATION.** The applicant shall provide a certified copy of the recorded plat and the applicant shall cover the costs of recording the plat in the public records in and for Palm Beach County Florida.

Section 4: **SCRIVENER'S ERRORS.** This Resolution can be renumbered or re-lettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the City Manager and City Attorney without the need for public hearing.

Section 5: **EFFECTIVE DATE.** This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 6th day of December 2022.

PUBLISHED on this 24th day of November in the Palm Beach Post.

City of Westlake
JohnPaul O' Connor, Mayor

Zoie Burgess, City Clerk

Approved as to Form and Sufficiency
_____, City Attorney
(PRINT NAME)



CITY OF WESTLAKE
Engineering Department
 4001 Seminole Pratt Whitney Road
 Westlake, Florida 33470
 Phone: (561) 530-5880
 www.westlakegov.com

STAFF MEMORANDUM

DATE: 11/22/2022
PETITION NO.: ENG-2022-16
DESCRIPTION: Review of Pod PC-2 Plat
APPLICANT: Cotleur and Hearing
OWNER: Minto PBLH, LLC
REQUEST: Owner is requesting approval of the Pod PC-2 Plat

Final Recommendation

The Office of the City Engineer has reviewed the documents associated with the application referenced above and recommends approval by the Council. The Seminole Improvement District’s Engineering Department approval is scheduled for December 5, 2022, and the approval by the Board of Supervisors for the subject referenced plat is scheduled for December 6, 2022.

Discussion

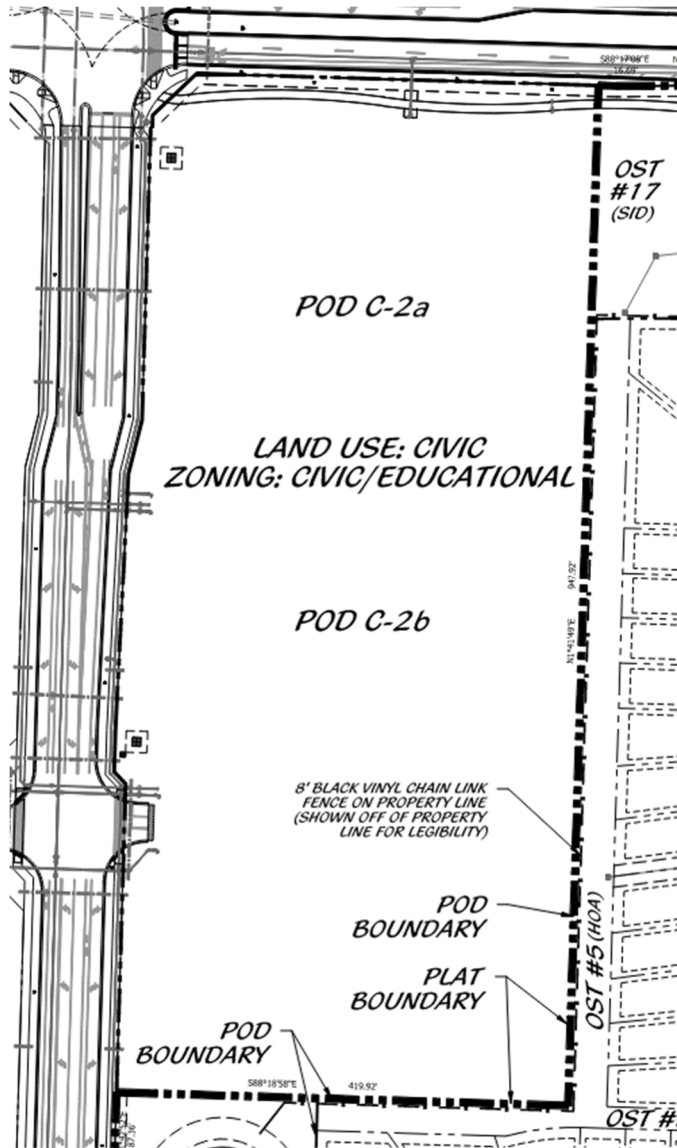
This submittal is for Pod PC-2 Plat, which will contain 9.137 acres. Pod PC-2 is located in the central portion of Westlake, south of Persimmon Boulevard, west of Ilex Way, and northwest of Pod N (Sky Cove South) of Westlake, as shown in the graphics below.

Location Maps



WESTLAKE MASTER PLAN





The Owner (Minto PBLH, LLC) is requesting the approval of Pod PC-2 Plat, which entails the replat of Open Space Tract #1, Persimmon Boulevard East – Plat 2, Plat Book 128, pages 16 through 19, inclusive, and a replat of Open Space Tract #1, Ilex Way – Phase II, Plat Book 128, pages 22 through 25, inclusive, public records of Palm Beach County, Florida. Pod PC-2 has a Civic land use designation with its categorization of plat being a commercial or industrial subdivision.

The Legal Description of the Plat can be found in Exhibit A, and replications of the plat topographical survey and plat can be found in Exhibits B and C.

Review Criteria

Plats shall be prepared in accordance with the provisions of Chapter 177 F.S., as amended, and the City of Westlake Land Development Regulations. The plat was reviewed for clarity, legibility, and conformance with this statute and City requirements. The plat provides a graphic depiction of the legal description through geometric data. The data includes but is not limited to parcel, block, tract, right-of-way, street and associated names, easement, permanent reference monuments and permanent control points, and interior excepted parcels. Other requirements such as paper size, line work, layout of sheet and required content including the subdivision name, title, legal description, key map, vicinity map, north arrow, scale, and legend are verified in the Engineering Department review.

Conclusion

Two (2) reviews of the revised plat occurred, which resulted in an acceptable plat. The review was done for compliance with Chapters 177, 5J-17, Florida Statutes, and the City of Westlake's codes and ordinances. All comments have been adequately addressed and the plat is in compliance. We therefore recommend that the plat be approved for recording.

Exhibit 'A'
LEGAL DESCRIPTION
Pod PC-2 Plat

DESCRIPTION: POD PC-2

BEING A REPLAT OF OPEN SPACE TRACT #1, PERSIMMON BOULEVARD EAST-PLAT 2, PLAT BOOK 128, PAGES 16 THROUGH 19, INCLUSIVE, AND A REPLAT OF OPEN SPACE TRACT #1, ILEX WAY-PHASE II, PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.01°33'05"W. ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 250.33 FEET TO A POINT ON THE NORTH LINE OF THE 80 FOOT M-CANAL ROAD EASEMENT AS RECORDED IN DEED BOOK 1156, PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND AS SHOWN IN ROAD PLAT BOOK 6, PAGE 136 OF SAID PUBLIC RECORDS, AND AS MONUMENTED; THENCE S.88°36'57"W. ALONG SAID NORTH LINE OF THE 80 FOOT M-CANAL ROAD EASEMENT, A DISTANCE OF 3776.52 FEET TO A POINT ON THE ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1544, PAGE 378 AND OFFICIAL RECORD BOOK 1640, PAGE 1626 BOTH OF SAID PUBLIC RECORDS; THENCE S.01°42'52"W. ALONG SAID ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT WHITNEY ROAD, A DISTANCE OF 4364.18 FEET TO THE NORTHWEST CORNER OF THE EXISTING RIGHT-OF-WAY OF SEMINOLE PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 28479, PAGE 822 OF SAID PUBLIC RECORDS, ALSO A POINT ON THE SOUTH LINE OF PERSIMMON BOULEVARD AS RECORDED IN OFFICIAL RECORD BOOK 10202, PAGE 430, OF SAID PUBLIC RECORDS; THENCE S.88°17'08"E., ALONG SAID SOUTH LINE OF PERSIMMON BOULEVARD, A DISTANCE OF 646.56 FEET TO A POINT ON THE EAST LINE OF SAID EXISTING RIGHT-OF-WAY OF SEMINOLE PRATT WHITNEY ROAD; THENCE S.01°42'52"W., ALONG SAID EAST LINE OF EXISTING RIGHT-OF-WAY, A DISTANCE OF 77.00 FEET TO THE SOUTHEAST CORNER OF SAID EXISTING RIGHT-OF-WAY; THENCE CONTINUE S.01°42'52"W., ALONG THE SOUTHERLY EXTENSION OF SAID EAST LINE OF EXISTING RIGHT-OF-WAY, A DISTANCE OF 3.00 FEET TO A POINT ON THE ADDITIONAL RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD, AS SHOWN ON PERSIMMON BOULEVARD EAST-PLAT 1, AS RECORDED IN PLAT BOOK 125, PAGES 106 AND 107, OF SAID PUBLIC RECORDS; THENCE BY THE FOLLOWING THREE (3) COURSES BEING ALONG SAID ADDITIONAL SOUTHERLY RIGHT-OF-WAY LINE: 1) S.88°17'08"E., A DISTANCE OF 573.95 FEET; 2) THENCE S.43°17'08"E., A DISTANCE OF 53.74 FEET; 3) THENCE S.88°17'08"E., A DISTANCE OF 114.00 FEET TO THE SOUTHEAST CORNER OF PERSIMMON BOULEVARD EAST, AS SHOWN ON PERSIMMON BOULEVARD EAST - PLAT 1, RECORDED IN PLAT BOOK 125, PAGES 106 AND 107, OF SAID PUBLIC RECORDS, ALSO THE POINT OF BEGINNING; THENCE N.01°42'52"E., ALONG THE EAST BOUNDARY OF SAID PERSIMMON BOULEVARD EAST - PLAT 1, A DISTANCE OF 12.00 FEET; THENCE N.46°42'53"E., ALONG SAID EAST BOUNDARY, A DISTANCE OF 56.57 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD EAST, AS SHOWN ON PERSIMMON BOULEVARD EAST - PLAT 2, RECORDED IN PLAT BOOK 128, PAGES 16 THROUGH 19, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE S.88°17'08"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 373.13 FEET TO THE NORTHWEST CORNER OF OPEN SPACE TRACT #17, AS SHOWN ON SKY COVE SOUTH - PHASE 1A PLAT, RECORDED IN PLAT BOOK 131, PAGES 170 THROUGH 178, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE S.01°41'49"W., ALONG THE WESTERLY LINE OF SAID OPEN SPACE

TRACT #17 AND THE WESTERLY LINE OF OPEN SPACE TRACT #5, BOTH OF SAID PLAT, A DISTANCE OF 947.92 FEET; THENCE N.88°18'58"W., ALONG THE NORTHERLY LINE OF SAID OPEN SPACE TRACT #5 AND THE NORTHERLY LINE OF WATER MANAGEMENT TRACT #4, OF SAID PLAT, A DISTANCE OF 419.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILEX WAY, AS SHOWN ON ILEX WAY - PHASE II, RECORDED IN PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE BY THE FOLLOWING SIX (6) COURSES BEING ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF ILEX WAY: 1) THENCE N.01°42'52"E., A DISTANCE OF 286.41 FEET; 2) THENCE N.43°17'08"W., A DISTANCE OF 15.56 FEET; 3) THENCE N.01°42'52"E., A DISTANCE OF 38.40 FEET; 4) THENCE N.02°54'08"E., A DISTANCE OF 239.24 FEET; 5) THENCE N.14°07'19"E., A DISTANCE OF 51.38 FEET; 6) THENCE N.01°42'52"E., A DISTANCE OF 270.96 FEET TO A POINT ON THE SAID ADDITIONAL RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD, AS SHOWN ON SAID PLAT OF PERSIMMON BOULEVARD EAST-PLAT 1; THENCE S.88°17'08"E., ALONG SAID ADDITIONAL RIGHT-OF-WAY LINE, A DISTANCE OF 1.50 FEET TO THE POINT OF BEGINNING.

CONTAINING: 398,017 SQUARE FEET OR 9.137 ACRES, MORE OR LESS.

Exhibit 'B'
TOPOGRAPHICAL SURVEY
Pod PC-2 Plat

THIS PAGE WAS LEFT BLANK ON PURPOSE

POD PC-2

BEING A REPLAT OF OPEN SPACE TRACT #1, PERSIMMON BOULEVARD EAST-PLAT 2, PLAT BOOK 128, PAGES 16 THROUGH 19, INCLUSIVE, AND A REPLAT OF OPEN SPACE TRACT #1, ILEX WAY-PHASE II, PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA.

STATE OF FLORIDA }
COUNTY OF PALM BEACH } S.S.

THIS INSTRUMENT WAS FILED FOR RECORD AT _____ THIS ____ DAY OF _____ 2022 AND DULY RECORDED IN PLAT BOOK NO. _____ ON PAGE _____

JOSEPH ABRUZZO,
CLERK AND COMPTROLLER

BY: _____, D.C.

CLERK'S SEAL

DEDICATION AND RESERVATIONS

KNOW ALL MEN BY THESE PRESENTS THAT MINTO PBLH, LLC, A FLORIDA LIMITED LIABILITY COMPANY, OWNER OF THE LAND SHOWN AND DESCRIBED HEREON AS BEING A REPLAT OF OPEN SPACE TRACT #1, PERSIMMON BOULEVARD EAST-PLAT 2, PLAT BOOK 128, PAGES 16 THROUGH 19, INCLUSIVE, AND A REPLAT OF OPEN SPACE TRACT #1, ILEX WAY-PHASE II, PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION:

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

COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.01°33'05"W. ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 250.33 FEET TO A POINT ON THE NORTH LINE OF THE 80 FOOT M-CANAL ROAD EASEMENT AS RECORDED IN DEED BOOK 1156, PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND AS SHOWN IN ROAD PLAT BOOK 6, PAGE 136 OF SAID PUBLIC RECORDS, AND AS MONUMENTED; THENCE S.88°36'57"W. ALONG SAID NORTH LINE OF THE 80 FOOT M-CANAL ROAD EASEMENT, A DISTANCE OF 376.52 FEET TO A POINT ON THE ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1544, PAGE 37; AND OFFICIAL RECORD BOOK 1640, PAGE 1626 BOTH OF SAID PUBLIC RECORDS; THENCE S.01°42'52"W. ALONG SAID ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT WHITNEY ROAD, A DISTANCE OF 4364.18 FEET TO THE NORTHWEST CORNER OF THE EXISTING RIGHT-OF-WAY OF SEMINOLE PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 28479, PAGE 822 OF SAID PUBLIC RECORDS, ALSO A POINT ON THE SOUTH LINE OF PERSIMMON BOULEVARD AS RECORDED IN OFFICIAL RECORD BOOK 10202, PAGE 436, OF SAID PUBLIC RECORDS; THENCE S.88°17'08"E., ALONG SAID SOUTH LINE OF PERSIMMON BOULEVARD, A DISTANCE OF 646.56 FEET TO A POINT ON THE EAST LINE OF SAID EXISTING RIGHT-OF-WAY OF SEMINOLE PRATT WHITNEY ROAD; THENCE S.01°42'52"W., ALONG SAID EAST LINE OF EXISTING RIGHT-OF-WAY, A DISTANCE OF 77.00 FEET TO THE SOUTHEAST CORNER OF SAID EXISTING RIGHT-OF-WAY; THENCE CONTINUE S.01°42'52"W., ALONG THE SOUTHERLY EXTENSION OF SAID EAST LINE OF EXISTING RIGHT-OF-WAY, A DISTANCE OF 3.00 FEET TO A POINT ON THE ADDITIONAL RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD, AS SHOWN ON PERSIMMON BOULEVARD EAST-PLAT 1, AS RECORDED IN PLAT BOOK 125, PAGES 106 AND 107, OF SAID PUBLIC RECORDS; THENCE BY THE FOLLOWING THREE (3) COURSES BEING ALONG SAID ADDITIONAL SOUTHERLY RIGHT-OF-WAY LINE: 1) S.88°17'08"E., A DISTANCE OF 573.95 FEET; 2) THENCE S.43°17'08"E., A DISTANCE OF 53.74 FEET; 3) THENCE S.88°17'08"E., A DISTANCE OF 114.00 FEET TO THE SOUTHEAST CORNER OF PERSIMMON BOULEVARD EAST, AS SHOWN ON PERSIMMON BOULEVARD EAST - PLAT 1, RECORDED IN PLAT BOOK 125, PAGES 106 AND 107, OF SAID PUBLIC RECORDS, ALSO THE POINT OF BEGINNING; THENCE N.01°42'52"E., ALONG THE EAST BOUNDARY OF SAID PERSIMMON BOULEVARD EAST - PLAT 1, A DISTANCE OF 12.00 FEET; THENCE N.46°42'52"E., ALONG SAID EAST BOUNDARY, A DISTANCE OF 56.57 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD EAST, AS SHOWN ON PERSIMMON BOULEVARD EAST-PLAT 2, RECORDED IN PLAT BOOK 128, PAGES 16 THROUGH 19, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE S.88°17'08"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 373.13 FEET TO THE NORTHWEST CORNER OF OPEN SPACE TRACT #17, AS SHOWN ON SKY COVE SOUTH - PHASE 1A PLAT, RECORDED IN PLAT BOOK 131, PAGES 170 THROUGH 178, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE S.01°41'49"W., ALONG THE WESTERLY LINE OF SAID OPEN SPACE TRACT #17 AND THE WESTERLY LINE OF OPEN SPACE TRACT #5, BOTH OF SAID PLAT, A DISTANCE OF 947.92 FEET; THENCE N.88°18'58"W., ALONG THE NORTHERLY LINE OF SAID OPEN SPACE TRACT #5 AND THE NORTHERLY LINE OF WATER MANAGEMENT TRACT #4, OF SAID PLAT, A DISTANCE OF 419.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILEX WAY, AS SHOWN ON ILEX WAY - PHASE II, RECORDED IN PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE BY THE FOLLOWING SIX (6) COURSES BEING ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF ILEX WAY: 1) THENCE N.01°42'52"E., A DISTANCE OF 286.41 FEET; 2) THENCE N.43°17'08"W., A DISTANCE OF 15.56 FEET; 3) THENCE N.01°42'52"E., A DISTANCE OF 38.40 FEET; 4) THENCE N.02°54'08"E., A DISTANCE OF 239.24 FEET; 5) THENCE N.14°07'19"E., A DISTANCE OF 51.38 FEET; 6) THENCE N.01°42'52"E., A DISTANCE OF 270.96 FEET TO A POINT ON SAID ADDITIONAL RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD, AS SHOWN ON SAID PLAT OF PERSIMMON BOULEVARD EAST-PLAT 1; THENCE S.88°17'08"E., ALONG SAID ADDITIONAL RIGHT-OF-WAY LINE, A DISTANCE OF 1.50 FEET TO THE POINT OF BEGINNING.

CONTAINING: 398,017 SQUARE FEET OR 9.137 ACRES, MORE OR LESS.

HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DO HEREBY DEDICATE AND RESERVE AS FOLLOWS:

TRACT "PC-2"

TRACT "PC-2", AS SHOWN HEREON, IS HEREBY RESERVED FOR MINTO PBLH, LLC, ITS SUCCESSORS AND ASSIGNS, FOR FUTURE DEVELOPMENT AND PURPOSES CONSISTENT WITH THE ZONING REGULATIONS OF THE CITY OF WESTLAKE, FLORIDA, AND IS THE PERPETUAL MAINTENANCE OBLIGATION OF SAID LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO THE CITY OF WESTLAKE.

UTILITY EASEMENTS

ALL UTILITY EASEMENTS DESCRIBED ON THIS PLAT ARE PRIVATE NON-EXCLUSIVE EASEMENTS UNLESS EXPRESSLY STATED OTHERWISE THEREIN. ALL UTILITY RIGHTS AND EASEMENTS ESTABLISHED BY OR RESERVED BY THIS PLAT ARE HEREBY DEDICATED IN PERPETUITY TO THE SEMINOLE IMPROVEMENT DISTRICT, (A LOCAL UNIT OF SPECIAL PURPOSE GOVERNMENT ESTABLISHED PURSUANT TO CHAPTERS 189 AND 298, FLORIDA STATUTES, AS A PUBLIC UTILITY PROVIDER OF WATER, SEWER AND RECLAIMED WATER), ITS SUCCESSORS AND ASSIGNS, SUBJECT TO THOSE CERTAIN RESTRICTIONS OF RIGHTS, COVENANTS AND DEDICATIONS AS MAY HEREAFTER BE IMPOSED BY GRANTOR. PROVIDED FURTHER SAID GRANTS OR ASSIGNMENTS SHALL NOT BE DEEMED A PUBLIC DEDICATION OF SAID RIGHTS OR EASEMENTS. THE SEMINOLE IMPROVEMENT DISTRICT SHALL HAVE THE RIGHT TO GRANT OTHER UTILITY PROVIDERS THE ABILITY TO USE THE EASEMENT, IN ITS SOLE DISCRETION.

IN FURTHERANCE OF THE FOREGOING, THERE IS HEREBY GRANTED TO FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, ITS AFFILIATES, LICENSEES, AGENTS, SUCCESSORS, AND ASSIGNS ("FPL"), A NON-EXCLUSIVE EASEMENT FOREVER OVER, UNDER, IN, ON, UPON AND ACROSS THE UTILITY EASEMENTS DESCRIBED ON THE PLAT, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND ELECTRIC UTILITY FACILITIES (INCLUDING CABLES, CONDUITS, APPURTENANT EQUIPMENT, AND APPURTENANT ABOVE-GROUND EQUIPMENT) TO BE INSTALLED FROM TIME TO TIME; TOGETHER WITH THE RIGHT TO PERMIT FLORIDA POWER & LIGHT TO ATTACH OR PLACE WIRES TO OR WITHIN ANY FACILITIES HEREOF AND LAY CABLE AND CONDUIT WITHIN THE EASEMENT AREA AND TO OPERATE THE SAME FOR FLORIDA POWER & LIGHT'S COMMUNICATIONS PURPOSES IN CONNECTION WITH ELECTRIC SERVICE AND THE RIGHT OF INGRESS AND EGRESS TO THE UTILITY EASEMENTS AT ALL TIMES.

OPEN SPACE EASEMENT

THE 30.00 FOOT OPEN SPACE EASEMENT, AS SHOWN HEREON, IS HEREBY DEDICATED TO THE SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, ITS SUCCESSORS AND ASSIGNS, AND IS THE PERPETUAL MAINTENANCE OBLIGATION OF SAID DISTRICT, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO THE CITY OF WESTLAKE.

IN WITNESS WHEREOF, MINTO PBLH, LLC, A FLORIDA LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER AND ITS COMPANY SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS MEMBERS THIS ____ DAY OF _____, 2022.

WITNESS: _____ MINTO PBLH, LLC
A FLORIDA LIMITED LIABILITY COMPANY

PRINT NAME: _____ BY: _____
JOHN F. CARTER, MANAGER

WITNESS: _____

PRINT NAME: _____

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF PHYSICAL PRESENCE OR ONLINE NOTARIZATION, THIS ____ DAY OF _____, 20____, BY JOHN F. CARTER, AS MANAGER FOR MINTO PBLH, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ON BEHALF OF THE COMPANY, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.

MY COMMISSION EXPIRES: _____ SIGNATURE

(PRINT NAME) - NOTARY PUBLIC

(SEAL)

ACCEPTANCE OF DEDICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, HEREBY ACCEPTS THE DEDICATIONS AND RESERVATIONS TO SAID DISTRICT AS STATED AND SHOWN HEREON, AND ITS MAINTENANCE OBLIGATIONS FOR SAME, AND HEREBY JOINS IN AND CONSENTS TO THE UTILITY EASEMENTS DEDICATION, DATED THIS ____ DAY OF _____, 2022.

WITNESS: _____ SEMINOLE IMPROVEMENT DISTRICT
AN INDEPENDENT SPECIAL DISTRICT
OF THE STATE OF FLORIDA

PRINT NAME: _____ BY: _____
SCOTT MASSEY, PRESIDENT

PRINT NAME: _____

WITNESS: _____

PRINT NAME: _____

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF PHYSICAL PRESENCE OR ONLINE NOTARIZATION, THIS ____ DAY OF _____, 20____, BY SCOTT MASSEY AS PRESIDENT FOR SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, ON BEHALF OF THE DISTRICT, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.

MY COMMISSION EXPIRES: _____ SIGNATURE

(PRINT NAME) - NOTARY PUBLIC

(SEAL)

TITLE CERTIFICATION

STATE OF FLORIDA
COUNTY OF _____

WE, FOUNDERS TITLE, A TITLE INSURANCE COMPANY, AS DULY AUTHORIZED TO DO BUSINESS IN THE STATE OF FLORIDA DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY; THAT WE FIND THE TITLE TO THE PROPERTY IS VESTED IN MINTO PBLH, LLC; THAT THE CURRENT TAXES HAVE BEEN PAID; AND THAT ALL PALM BEACH COUNTY SPECIAL ASSESSMENT ITEMS, AND ALL OTHER ITEMS HELD AGAINST SAID LANDS HAVE BEEN SATISFIED; THAT ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD NOR OTHERWISE TERMINATED BY LAW ARE SHOWN HEREON; AND THAT THERE ARE ENCUMBRANCES OF RECORD BUT THOSE ENCUMBRANCES DO NOT PROHIBIT THE CREATION OF THE SUBDIVISION DEPICTED BY THIS PLAT.

DATED: _____

HARRY BINNIE, PRESIDENT, FOUNDERS TITLE

CITY OF WESTLAKE'S APPROVAL

THIS CERTIFIES THAT THIS PLAT HAS BEEN ACCEPTED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE BY A RESOLUTION DULY ADOPTED BY THE CITY COUNCIL THIS ____ DAY OF _____, 2022, IN ACCORDANCE WITH SEC. 177.071(2), F.S., AND HAS BEEN REVIEWED BY A PROFESSIONAL SURVEYOR & MAPPER EMPLOYED BY THE CITY OF WESTLAKE IN ACCORDANCE WITH SEC. 177.081(1), F.S.

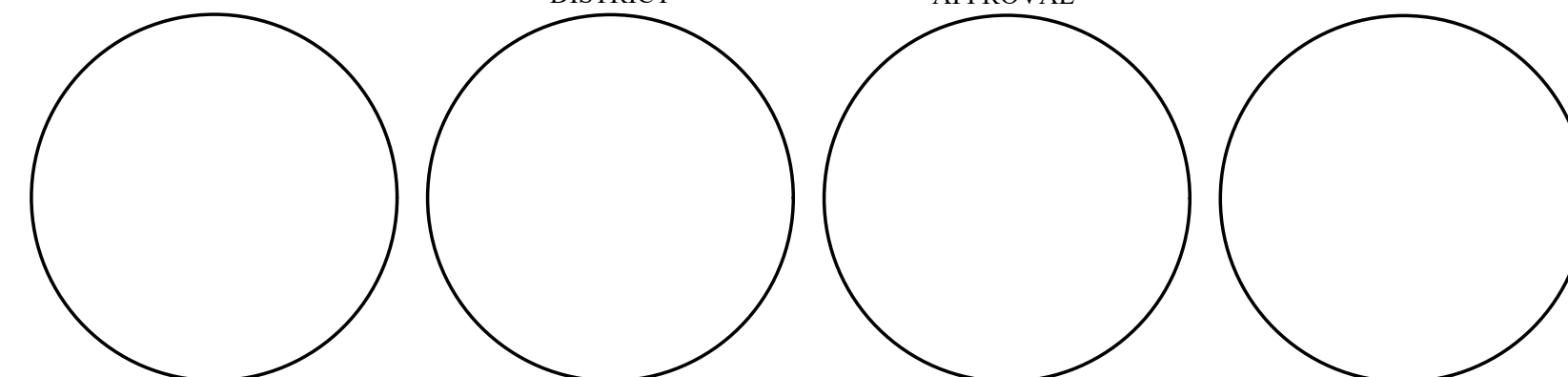
ATTEST: _____ CITY MANAGER, KEN CASSEL

BY: _____ CITY MAYOR, JOHN PAUL O'CONNOR

AREA TABULATION (IN ACRES)

TRACT "PC-2": 9.137
TOTAL ACRES, MORE OR LESS: 9.137

MINTO PBLH, LLC SEMINOLE IMPROVEMENT DISTRICT CITY OF WESTLAKE APPROVAL SURVEYOR'S SEAL



SURVEYORS NOTES

- PERMANENT REFERENCE MONUMENTS ARE SHOWN THUS: ■ "A 1 1/2" BRASS DISK STAMPED "PRM LB7768" SET IN A 4"x4"x24" CONCRETE MONUMENT. (UNLESS OTHERWISE NOTED)
- BEARINGS SHOWN HEREON ARE BASED ON THE NORTH BOUNDARY OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, HAVING A GRID BEARING OF S.89°48'53"E. BEARINGS SHOWN HEREON, REFER TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83 / 07) FOR THE EAST ZONE OF FLORIDA. SAID BASIS OF BEARING IS THE SAME IN THE NORTH AMERICAN DATUM OF 1983 (NAD 83 / 90).
- NO BUILDING OR ANY KIND OF CONSTRUCTION OR TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT PRIOR WRITTEN CONSENT OF ALL EASEMENT BENEFICIARIES AND ALL APPLICABLE CITY OR SEMINOLE IMPROVEMENT DISTRICT APPROVALS OR PERMITS AS REQUIRED FOR SUCH ENCROACHMENTS. THERE WILL BE NO ABOVE GROUND ENCROACHMENTS WHERE LAKE MAINTENANCE EASEMENTS AND UTILITY EASEMENTS OVERLAP.
- THE BUILDING SETBACKS SHALL BE AS REQUIRED BY THE CITY OF WESTLAKE ZONING REGULATIONS.
- NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY.
- IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE COINCIDE, DRAINAGE EASEMENTS SHALL HAVE FIRST PRIORITY, UTILITY EASEMENTS SHALL HAVE SECOND PRIORITY, ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL BE SUBORDINATE TO THESE WITH THEIR PRIORITIES BEING DETERMINED BY USE RIGHTS GRANTED.
- ALL LINES INTERSECTING CIRCULAR CURVES ARE RADIAL UNLESS OTHERWISE NOTED.
- COORDINATES SHOWN HEREON ARE FLORIDA STATE PLANE GRID DATUM = NAD83 2007 ADJUSTMENT ZONE = FLORIDA EAST LINEAR UNITS = US SURVEY FEET COORDINATE SYSTEM = 1983 STATE PLANE PROJECTION = TRANSVERSE MERCATOR ALL DISTANCES ARE GROUND SCALE FACTOR: 1.0000 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE PLAT BEARING = GRID BEARING NO ROTATION ALL TIES TO SECTION CORNERS AND QUARTER CORNERS ARE GENERATED FROM MEASURED VALUES

SURVEYOR & MAPPER'S CERTIFICATE

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT PERMANENT REFERENCE MONUMENTS ("P.R.M.S.") HAVE BEEN PLACED AS REQUIRED BY LAW, AND, FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF CITY OF WESTLAKE, FLORIDA.

DATE: _____ GARY A. RAGER, P.S.M.
LICENSE NO. LS4828
STATE OF FLORIDA

THIS INSTRUMENT PREPARED BY
GARY A. RAGER, P.S.M.
LS4828 STATE OF FLORIDA.
GEOPOINT SURVEYING, INC.
4152 WEST BLUE HERON BOULEVARD, SUITE 105,
RIVIERA BEACH, FLORIDA 33404.
CERTIFICATE OF AUTHORIZATION NO. LB7768



4152 W. Blue Heron Blvd. Phone: (561) 444-2720
Suite 105 www.geopointsurvey.com
Riviera Beach, FL 33404 Licensed Business Number LB 7768

POD PC-2

BEING A REPLAT OF OPEN SPACE TRACT #1, PERSIMMON BOULEVARD EAST-PLAT 2, PLAT BOOK 128, PAGES 16 THROUGH 19, INCLUSIVE, AND A REPLAT OF OPEN SPACE TRACT #1, ILEX WAY-PHASE II, PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA.

LEGEND

P.O.B. ----- POINT OF BEGINNING	CL ----- CENTERLINE
P.B. ----- PLAT BOOK	U.E. ----- UTILITY EASEMENT
D.B. ----- DEED BOOK	F.P. & L. ----- FLORIDA POWER & LIGHT
O.R./O.R.B. ----- OFFICIAL RECORDS BOOK	R/W ----- RIGHT-OF-WAY
PG./PG(S) ----- PAGE(S)	12-43-40 ----- SECTION-TOWNSHIP-RANGE
O.S.T. ----- OPEN SPACE TRACT	W.M.T. ----- WATER MANAGEMENT TRACT
P.B.C. ----- PALM BEACH COUNTY	□ ----- FOUND PERMANENT REFERENCE MONUMENT
R.P.B. ----- ROAD PLAT BOOK	■ ----- SET 4"x4" CONCRETE MONUMENT WITH 2" ALUMINUM DISK STAMPED "PRM LB 7768"
S.I.D. ----- SEMINOLE IMPROVEMENT DISTRICT	
NAD ----- NORTH AMERICAN DATUM	
LB ----- LICENSED BUSINESS	

NORTHWEST CORNER SECTION 1-43-40
FOUND BRASS DISK IN CONCRETE "P.B.C."
N:884612.3299, E:880484.6585
NAD83 (2007 ADJUSTMENT)
CERTIFIED CORNER RECORD #107585

POINT OF COMMENCEMENT
NORTHEAST CORNER OF
SECTION 1, TOWNSHIP 43 S., RANGE 40 E.
SET 3.5" IRON PIPE "PUBLIC LAND SURVEY
CORNER-TALLAHASSEE MERIDIAN"
BRASS DISK "10' EAST" SET IN CONCRETE
FOUND 10' EAST ON SECTION LINE
N: 884626.7147
E: 886137.1629
NAD83 (2007 ADJUSTMENT)
CERTIFIED CORNER RECORD #107597

SOUTH LINE OF SECTION 31,
TOWNSHIP 42 S., RANGE 41 E.

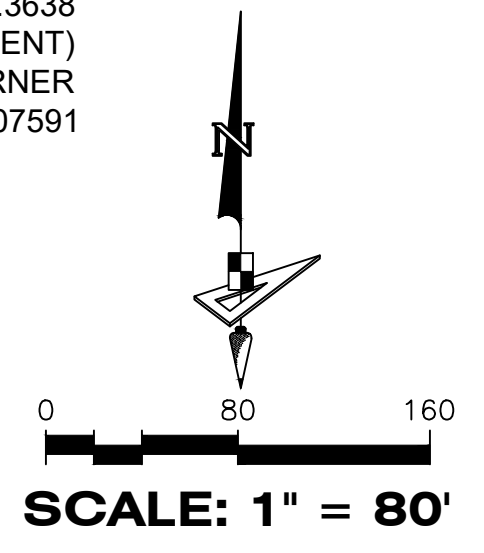
BASIS OF BEARING
NORTH BOUNDARY
OF SECTION 6,
TOWNSHIP 43 S., RANGE 41 E.
S.89°48'53"E, 5270.23'
(MEASURED)
S.89°48'52"E, 5270.39'
(COUNTY)

NORTHEAST CORNER
SECTION 6-43-41
FOUND BRASS DISK IN
CONCRETE "P.B.C."
N:884609.6818 E:891407.3638
NAD83 (2007 ADJUSTMENT)
CERTIFIED CORNER
RECORD #107591

EAST 1/4 CORNER SECTION 1-43-40
BRASS DISK IN CONCRETE "P.B.C."
CERTIFIED CORNER RECORD # 107599
N:881943.9584 (83/07)
E:886064.5056 (83/07)

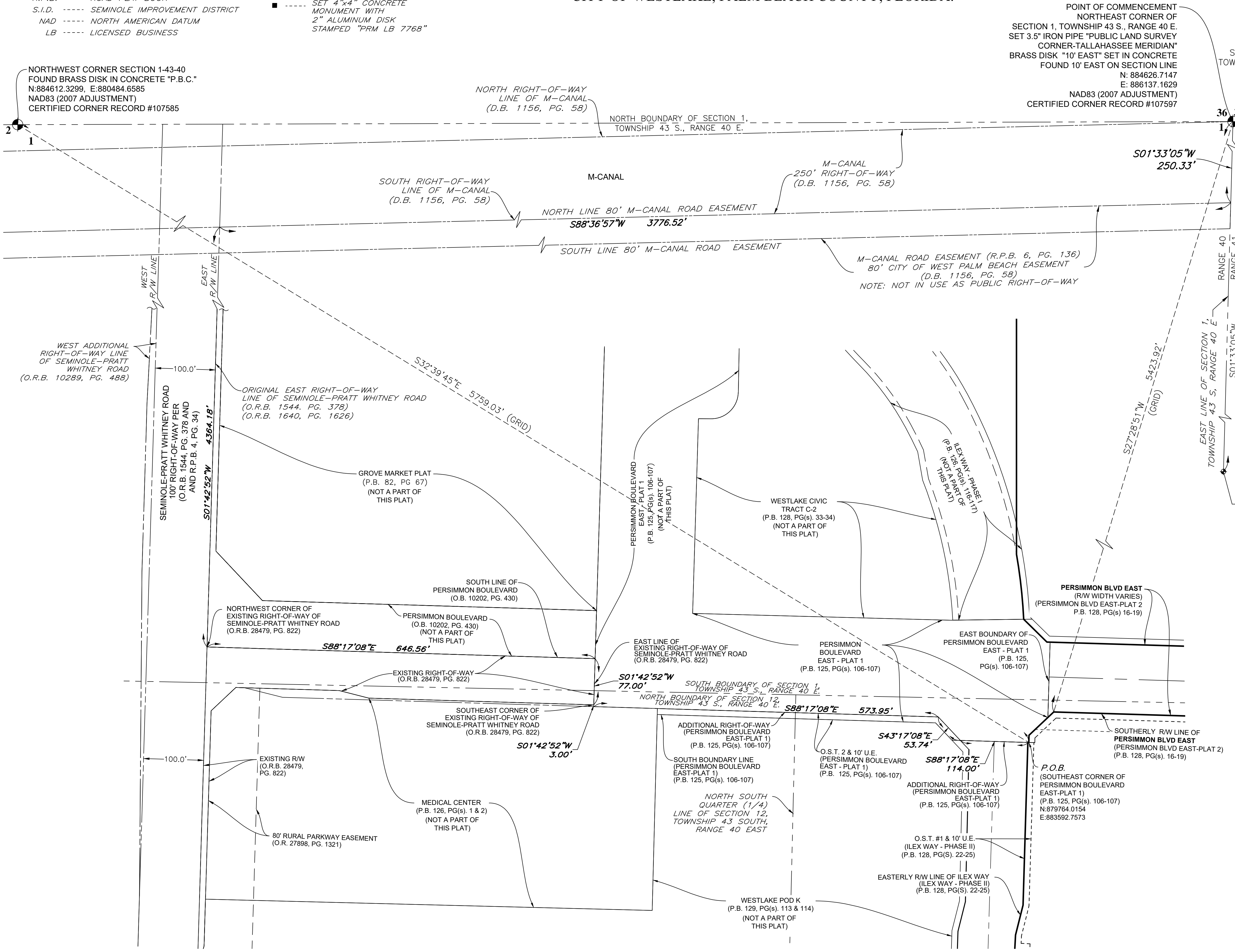
NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

COORDINATES SHOWN HEREON ARE
FLORIDA STATE PLANE GRID
DATUM = NAD83 2007 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FEET
COORDINATE SYSTEM = 1983 STATE PLANE
PROJECTION = TRANSVERSE MERCATOR
ALL DISTANCES ARE GROUND
SCALE FACTOR: 1.0000
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
PLAT BEARING = GRID BEARING
NO ROTATION
ALL TIES TO SECTION CORNERS AND QUARTER CORNERS
ARE GENERATED FROM MEASURED VALUES



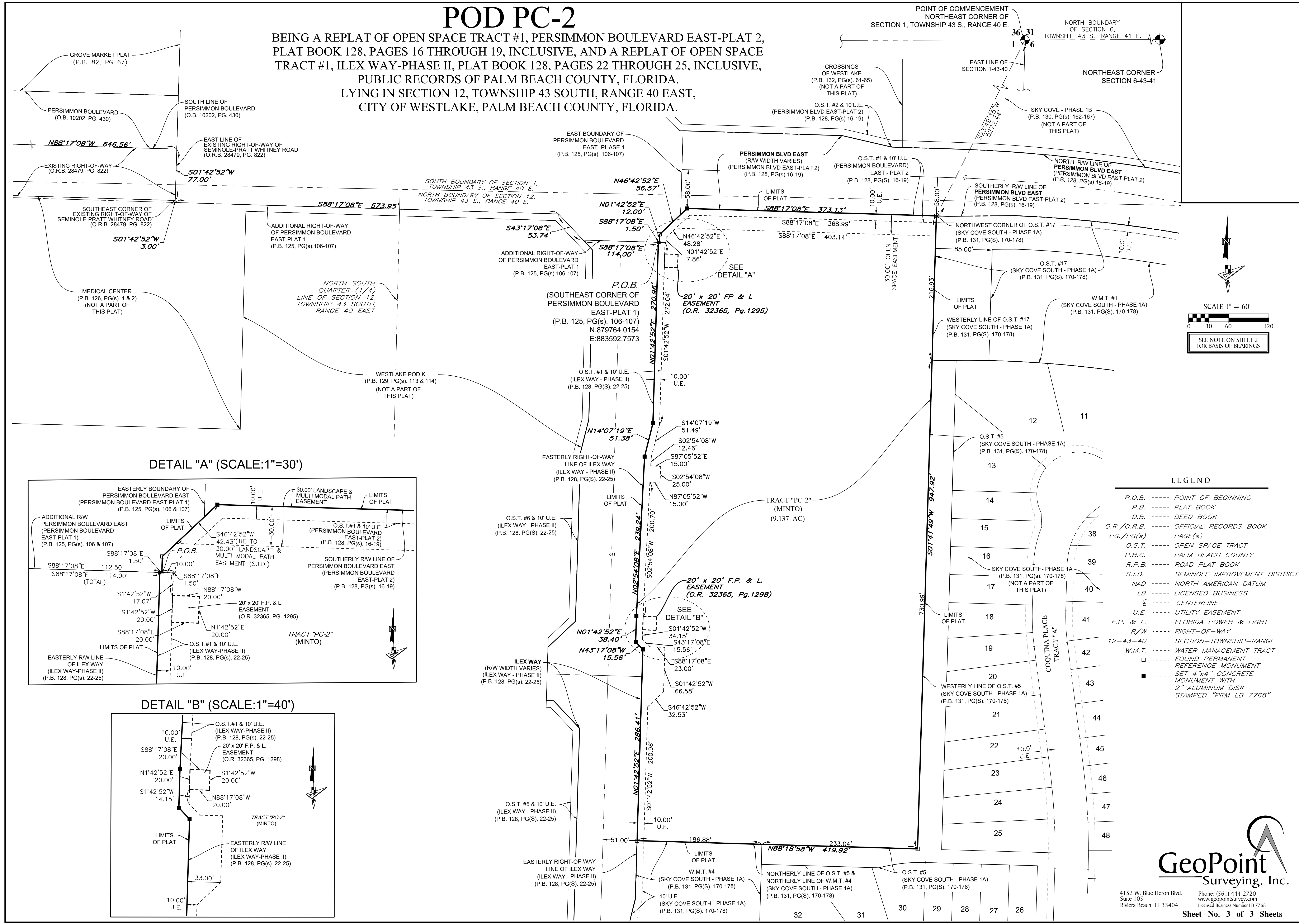
BASIS OF BEARINGS

BEARINGS SHOWN HEREON ARE BASED ON THE NORTH BOUNDARY OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, HAVING A GRID BEARING OF S.89°48'53"E. (MEASURED), BEARINGS SHOWN HEREON, REFER TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICA DATUM OF 1983 (NAD 83 - 07) FOR THE EAST ZONE OF FLORIDA. SAID BASIS OF BEARING IS THE SAME IN THE NORTH AMERICAN DATUM OF 1983 (NAD 83 - 90).

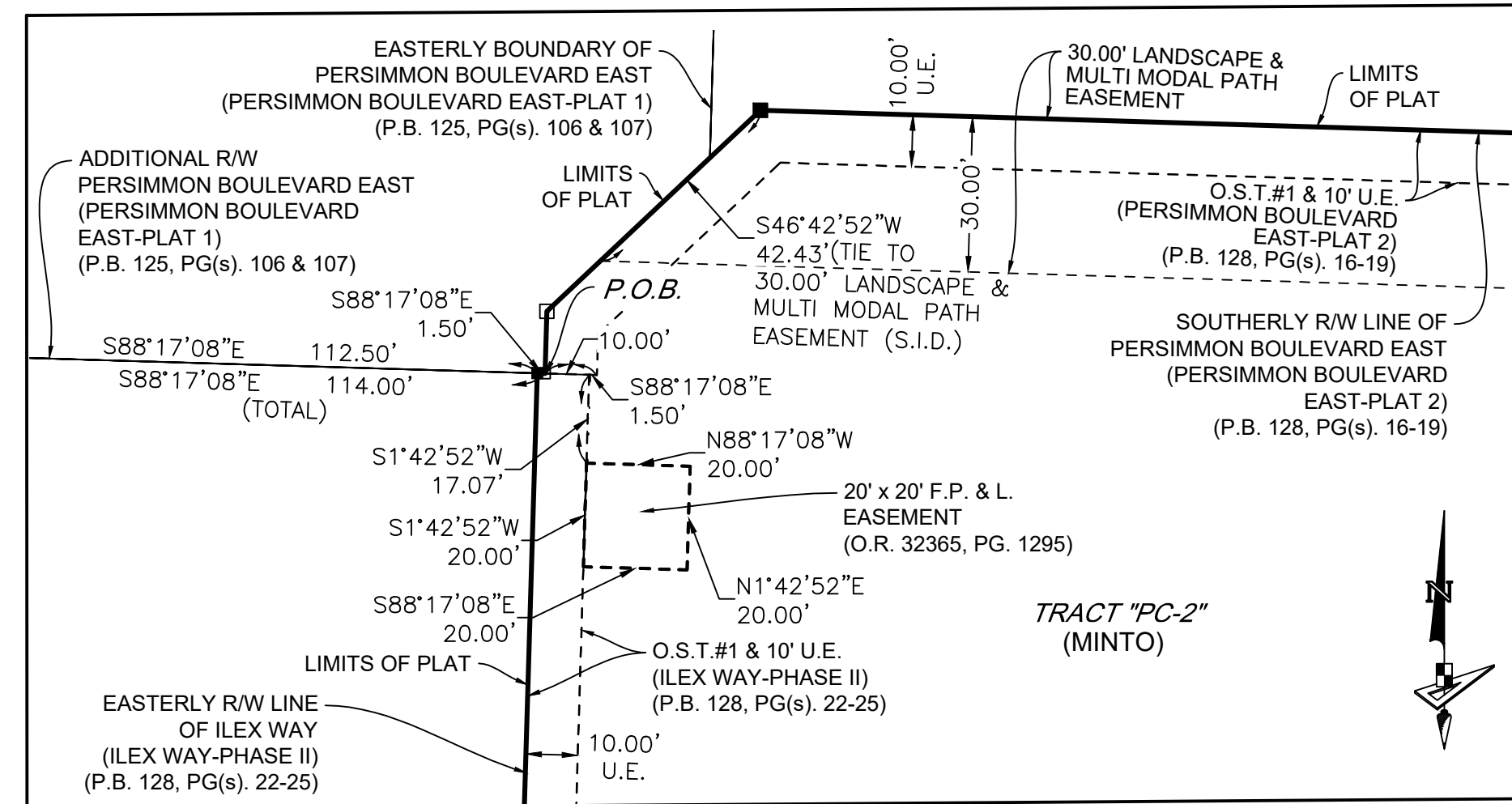


POD PC-2

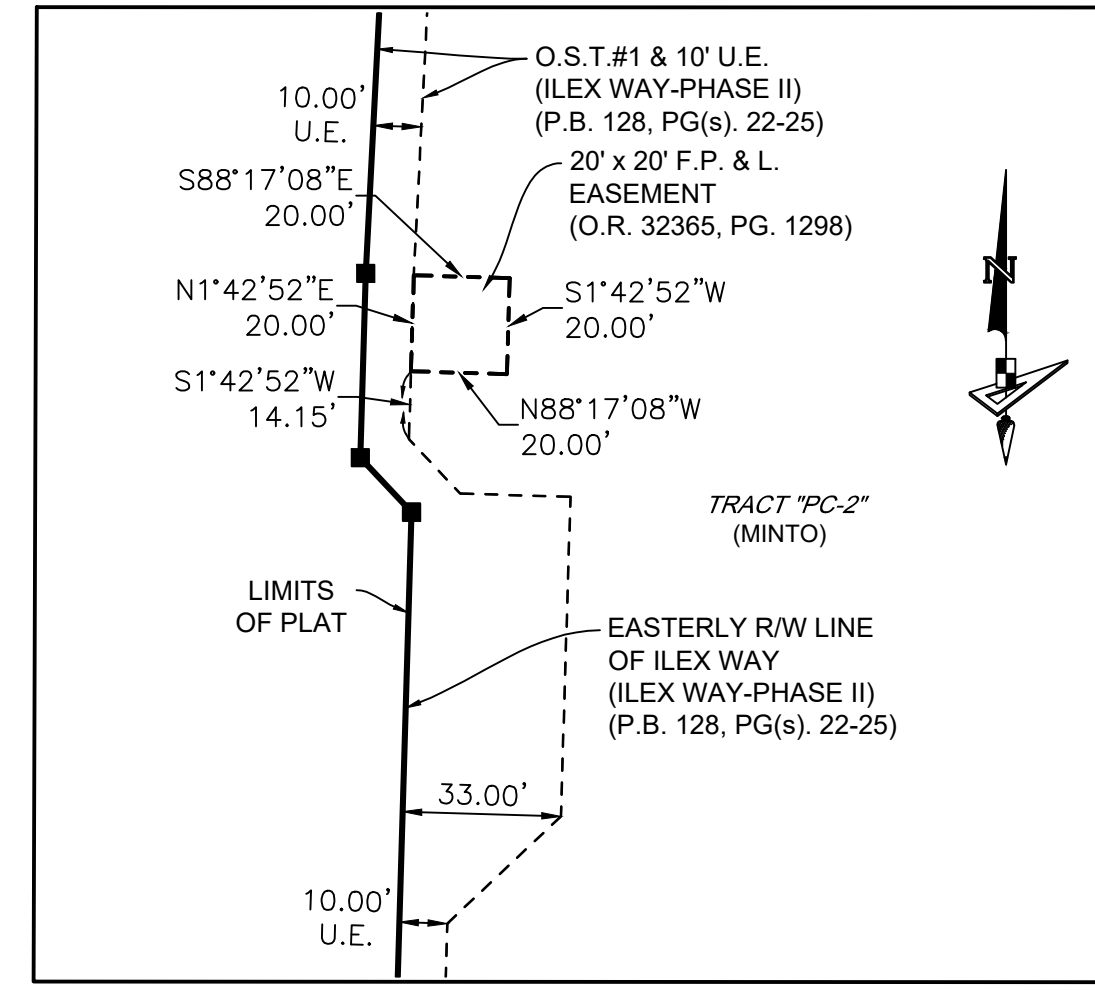
BEING A REPLAT OF OPEN SPACE TRACT #1, PERSIMMON BOULEVARD EAST-PLAT 2, PLAT BOOK 128, PAGES 16 THROUGH 19, INCLUSIVE, AND A REPLAT OF OPEN SPACE TRACT #1, ILEX WAY-PHASE II, PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA.



DETAIL "A" (SCALE:1"=30')



DETAIL "B" (SCALE:1"=40')



LEGEND

- P.O.B. ----- POINT OF BEGINNING
- P.B. ----- PLAT BOOK
- D.B. ----- DEED BOOK
- O.R./O.R.B. ----- OFFICIAL RECORDS BOOK
- PG./PG(s) ----- PAGE(S)
- O.S.T. ----- OPEN SPACE TRACT
- P.B.C. ----- PALM BEACH COUNTY
- R.P.B. ----- ROAD PLAT BOOK
- S.I.D. ----- SEMINOLE IMPROVEMENT DISTRICT
- NAD ----- NORTH AMERICAN DATUM
- LB ----- LICENSED BUSINESS
- U.E. ----- UTILITY EASEMENT
- F.P. & L. ----- FLORIDA POWER & LIGHT
- R/W ----- RIGHT-OF-WAY
- 12-43-40 ----- SECTION-TOWNSHIP-RANGE
- W.M.T. ----- WATER MANAGEMENT TRACT
- ----- FOUND PERMANENT REFERENCE MONUMENT
- ----- SET 4"x4" CONCRETE MONUMENT WITH 2" ALUMINUM DISK STAMPED "PRM LB 7768"

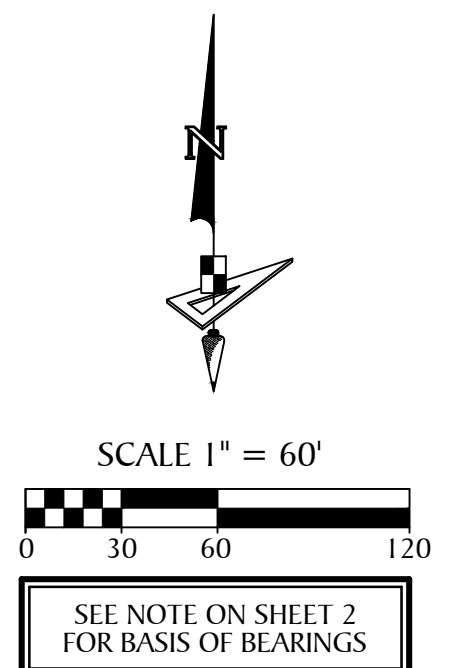
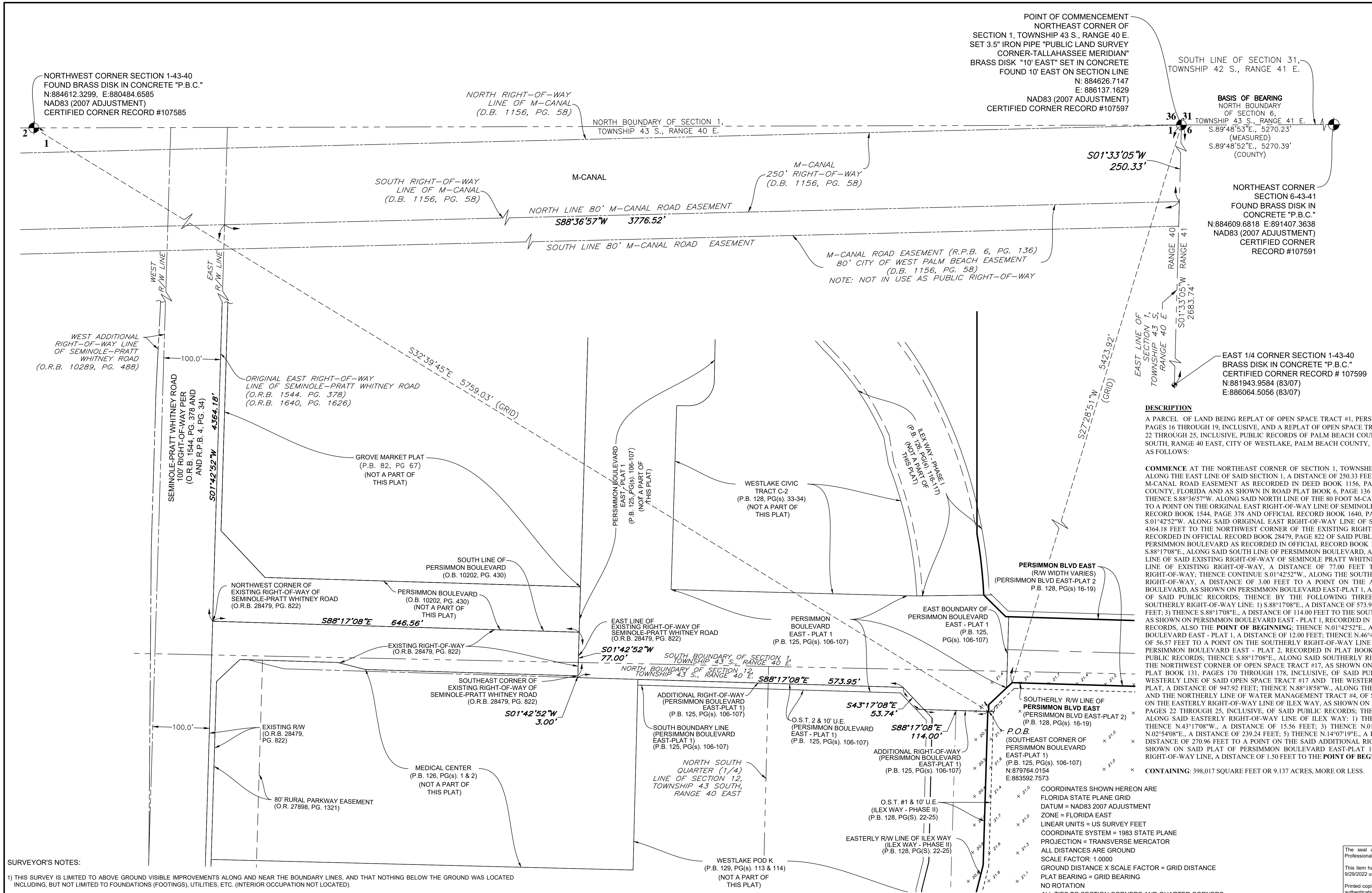
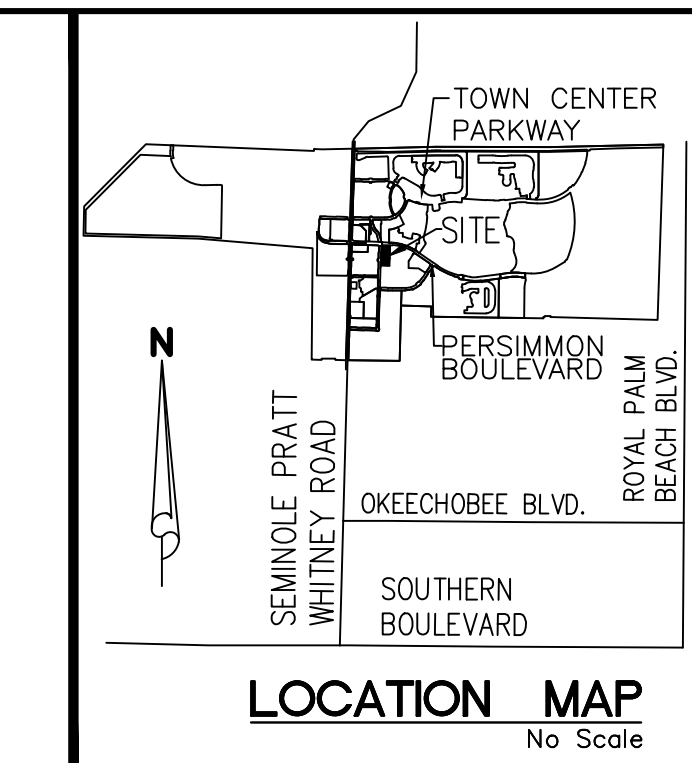


Exhibit 'B'
TOPOGRAPHICAL SURVEY
Pod PC-2 Plat

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DESCRIPTION
 A PARCEL OF LAND BEING REPLAT OF OPEN SPACE TRACT #1, PERSIMMON BOULEVARD EAST-PLAT 2, PLAT BOOK 128, PAGES 16 THROUGH 19, INCLUSIVE, AND A REPLAT OF OPEN SPACE TRACT #1, ILEX WAY-PHASE II, PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.01°33'05"W, ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 250.33 FEET TO A POINT ON THE NORTH LINE OF THE 80 FOOT M-CANAL ROAD EASEMENT AS RECORDED IN DEED BOOK 1156, PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND AS SHOWN IN ROAD PLAT BOOK 6, PAGE 136 OF SAID PUBLIC RECORDS, AND AS MONUMENTED; THENCE S.88°36'57"W, ALONG SAID NORTH LINE OF THE 80 FOOT M-CANAL ROAD EASEMENT, A DISTANCE OF 3776.52 FEET TO A POINT ON THE ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1544, PAGE 378 AND OFFICIAL RECORD BOOK 1640, PAGE 1626 BOTH OF SAID PUBLIC RECORDS; THENCE S.01°42'52"W, ALONG SAID ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT WHITNEY ROAD, A DISTANCE OF 4364.18 FEET TO THE NORTHWEST CORNER OF THE EXISTING RIGHT-OF-WAY OF SEMINOLE PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 28479, PAGE 822 OF SAID PUBLIC RECORDS, ALSO A POINT ON THE SOUTH LINE OF PERSIMMON BOULEVARD AS RECORDED IN OFFICIAL RECORD BOOK 10202, PAGE 430, OF SAID PUBLIC RECORDS; THENCE S.88°17'08"E, ALONG SAID SOUTH LINE OF PERSIMMON BOULEVARD, A DISTANCE OF 646.56 FEET TO A POINT ON THE EAST LINE OF SAID EXISTING RIGHT-OF-WAY OF SEMINOLE PRATT WHITNEY ROAD; THENCE S.01°42'52"W, ALONG SAID EAST LINE OF EXISTING RIGHT-OF-WAY, A DISTANCE OF 77.00 FEET TO THE SOUTHEAST CORNER OF SAID EXISTING RIGHT-OF-WAY; THENCE CONTINUE S.01°42'52"W, ALONG THE SOUTHERLY EXTENSION OF SAID EAST LINE OF EXISTING RIGHT-OF-WAY, A DISTANCE OF 3.00 FEET TO A POINT ON THE ADDITIONAL RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD, AS SHOWN ON PERSIMMON BOULEVARD EAST-PLAT 1, AS RECORDED IN PLAT BOOK 125, PAGES 106 AND 107, OF SAID PUBLIC RECORDS; THENCE BY THE FOLLOWING THREE (3) COURSES BEING ALONG SAID ADDITIONAL SOUTHERLY RIGHT-OF-WAY LINE: 1) S.88°17'08"E, A DISTANCE OF 573.95 FEET; 2) THENCE S.43°17'08"E, A DISTANCE OF 53.74 FEET; 3) THENCE S.88°17'08"E, A DISTANCE OF 114.00 FEET TO THE SOUTHEAST CORNER OF PERSIMMON BOULEVARD EAST, AS SHOWN ON PERSIMMON BOULEVARD EAST - PLAT 1, RECORDED IN PLAT BOOK 125, PAGES 106 AND 107, OF SAID PUBLIC RECORDS, ALSO THE POINT OF BEGINNING; THENCE N.01°42'52"E, ALONG THE EAST BOUNDARY OF SAID PERSIMMON BOULEVARD EAST - PLAT 1, A DISTANCE OF 12.00 FEET; THENCE N.46°42'53"E, ALONG SAID EAST BOUNDARY, A DISTANCE OF 56.57 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD EAST, AS SHOWN ON PERSIMMON BOULEVARD EAST - PLAT 2, RECORDED IN PLAT BOOK 128, PAGES 16 THROUGH 19, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE S.88°17'08"E, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 373.13 FEET TO THE NORTHWEST CORNER OF OPEN SPACE TRACT #17, AS SHOWN ON SKY COVE SOUTH - PHASE IA PLAT, RECORDED IN PLAT BOOK 131, PAGES 170 THROUGH 178, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE S.01°41'49"W, ALONG THE WESTERLY LINE OF SAID OPEN SPACE TRACT #17 AND THE WESTERLY LINE OF OPEN SPACE TRACT #5, BOTH OF SAID PLAT, A DISTANCE OF 947.92 FEET; THENCE N.88°18'58"W, ALONG THE NORTHERLY LINE OF SAID OPEN SPACE TRACT #5 AND THE NORTHERLY LINE OF WATER MANAGEMENT TRACT #4, OF SAID PLAT, A DISTANCE OF 419.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILEX WAY, AS SHOWN ON ILEX WAY - PHASE II, RECORDED IN PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE BY THE FOLLOWING SIX (6) COURSES BEING ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF ILEX WAY: 1) THENCE N.01°42'52"E, A DISTANCE OF 28.41 FEET; 2) THENCE N.43°17'08"W, A DISTANCE OF 15.56 FEET; 3) THENCE N.01°42'52"E, A DISTANCE OF 38.40 FEET; 4) THENCE N.02°54'08"E, A DISTANCE OF 239.24 FEET; 5) THENCE N.14°07'19"E, A DISTANCE OF 51.38 FEET; 6) THENCE N.01°42'52"E, A DISTANCE OF 270.96 FEET TO A POINT ON THE SAID ADDITIONAL RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD, AS SHOWN ON SAID PLAT OF PERSIMMON BOULEVARD EAST-PLAT 1; THENCE S.88°17'08"E, ALONG SAID ADDITIONAL RIGHT-OF-WAY LINE, A DISTANCE OF 1.50 FEET TO THE POINT OF BEGINNING.

CONTAINING: 398,017 SQUARE FEET OR 9.137 ACRES, MORE OR LESS.

COORDINATES SHOWN HEREON ARE FLORIDA STATE PLANE GRID DATUM = NAD83 2007 ADJUSTMENT ZONE = FLORIDA EAST LINEAR UNITS = US SURVEY FEET COORDINATE SYSTEM = 1983 STATE PLANE PROJECTION = TRANSVERSE MERCATOR ALL DISTANCES ARE GROUND SCALE FACTOR: 1.0000 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE PLAT BEARING = GRID BEARING NO ROTATION ALL TIES TO SECTION CORNERS AND QUARTER CORNERS ARE GENERATED FROM MEASURED VALUES

- SURVEYOR'S NOTES:**
- THIS SURVEY IS LIMITED TO ABOVE GROUND VISIBLE IMPROVEMENTS ALONG AND NEAR THE BOUNDARY LINES, AND THAT NOTHING BELOW THE GROUND WAS LOCATED INCLUDING, BUT NOT LIMITED TO FOUNDATIONS (FOOTINGS), UTILITIES, ETC. (INTERIOR OCCUPATION NOT LOCATED).
 - BEARINGS SHOWN HEREON ARE GRID BEARINGS BASED ON THE NORTH BOUNDARY OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, HAVING A GRID BEARING OF S.89°48'53"E. THE GRID BEARINGS, AS SHOWN HEREON, REFER TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICA DATUM OF 1983 (NAD 83 - 07) FOR THE EAST ZONE OF FLORIDA. SAID BASIS OF BEARING IS THE SAME IN THE NORTH AMERICAN DATUM OF 1983 (NAD 83 - 90).
 - THE SUBJECT PROPERTY LIES WITHIN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, WHERE IT APPEARS TO LIE IN ZONE "AE" AND ZONE "X", ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP PANEL NUMBER 12099C 0345 F DATED 10/05/2017. (HTTPS://MSC.FEMA.GOV)
 - THIS SURVEY IS BASED ON PREVIOUS FIELD SURVEYS, DOCUMENTS OF RECORD, FOUND MONUMENTS, EXHIBITS, AND HISTORICALLY USED CORNERS, AS WELL AS THE LEGAL DESCRIPTION SHOWN HEREON. IMPROVEMENTS LIKE UTILITIES UNDER CONSTRUCTION ARE NOT LOCATED FOR THE PURPOSE OF SHOWING THE BOUNDARY OF A PROPOSED PLAT.
 - THE FOLLOWING ARE REFERENCE SURVEYS USED IN DETERMINING THE BOUNDARY LOCATION FOR CALLERY JUDGE GROVES:
 - THE "M" CANAL ROAD RIGHT OF WAY MAP, RECORDED IN ROAD PLAT BOOK 6, PAGE 136.
 - BOUNDARY SURVEY OF RESIDENTIAL AT CALLERY JUDGE GROVES, PREPARED BY LIDBERG LAND SURVEYING, INC. (JOB NO.: 04-106-101C), DATED OCTOBER 5, 2007.
 - SKETCH OF SURVEY, PREPARED BY S.P. MUSICK, DATED MARCH 5, 1965.
 - ALL BEARINGS AND DISTANCES (UNITED STATES SURVEY FEET) AS SHOWN HEREON ARE AS DESCRIBED AND MEASURED UNLESS OTHERWISE NOTED. MEASUREMENTS MADE ARE TO THE ACCURACY STANDARD OF SUBURBAN OR 1 FOOT IN 7500 FEET.
 - ELEVATIONS SHOWN HERE ON ARE REFERENCED IN NAVD88 (NORTH AMERICAN VERTICAL DATUM OF 1988).

- LEGEND**
- P.O.B. ----- POINT OF BEGINNING
 - P.B. ----- PLAT BOOK
 - D.B. ----- DEED BOOK
 - O.R./O.R.B. ----- OFFICIAL RECORDS BOOK
 - PG./PG(S) ----- PAGE(S)
 - O.S.T. ----- OPEN SPACE TRACT
 - P.B.C. ----- PALM BEACH COUNTY
 - R.P.B. ----- ROAD PLAT BOOK
 - NAD ----- NORTH AMERICAN DATUM
 - LB ----- LICENSED BUSINESS
 - ☑ ----- SWITCH CABINET
 - ⊠ ----- TRANSFORMER
 - ⊕ ----- CENTERLINE
 - U.E. ----- UTILITY EASEMENT
 - F.P. & L. ----- FLORIDA POWER & LIGHT
 - R/W ----- RIGHT-OF-WAY
 - 12-43-40 ----- SECTION-TOWNSHIP-RANGE
 - W.M.T. ----- WATER MANAGEMENT TRACT
 - ----- FOUND PERMANENT REFERENCE MONUMENT
 - ----- INDICATES (S.I.R.) SET IRON ROD LB7768
 - Ⓢ ----- SANITARY SEWER ARV
 - Ⓜ ----- RECLAIM ARV

REVISIONS			Prepared For: MINTO PBLH,LLC
No.	Date	Description	Last Date of Field Survey: 04/08/2022

WESTLAKE - POD PC-2 BOUNDARY AND TOPOGRAPHIC SURVEY

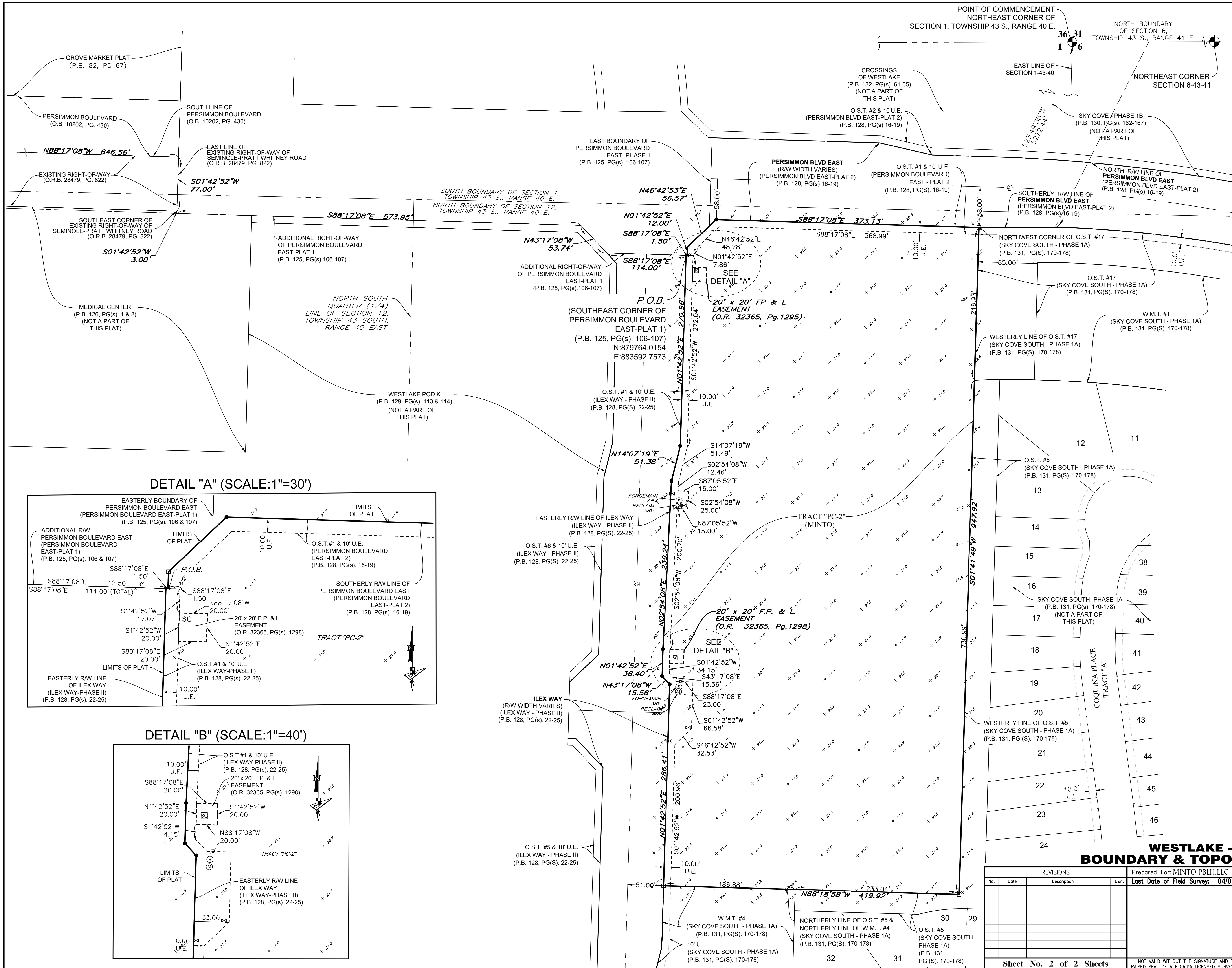
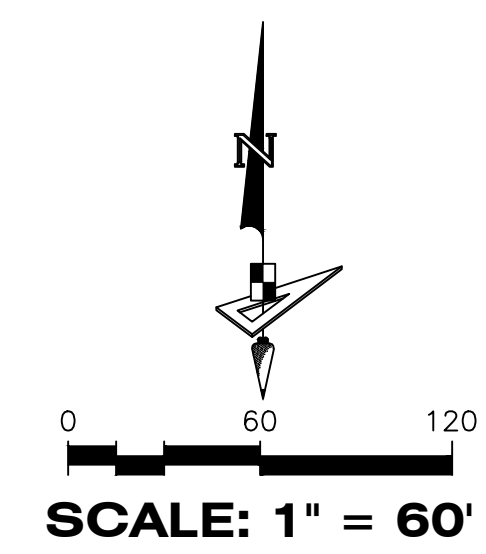
SURVEYOR'S CERTIFICATE
 This certifies that a Boundary & Topographic survey of the herein described property was made under my supervision and meets the Standards of Practice set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17.050, Florida Administrative Code, pursuant to Sections 222.07, 222.075, and 222.076, Florida Statutes.

Gary Rager
 Florida Professional Surveyor & Mapper No. LS4828

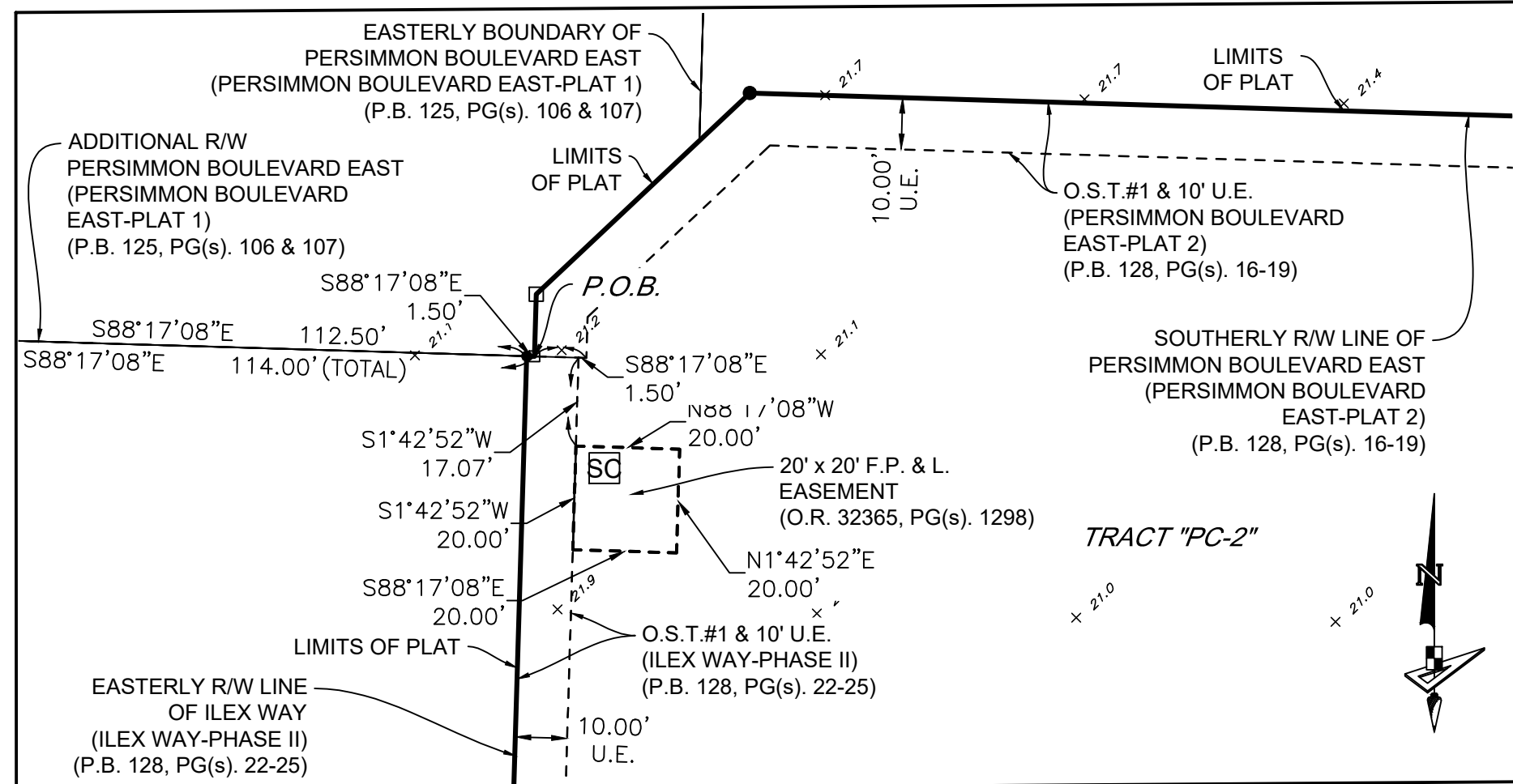
4152 W. Blue Heron Blvd. Phone: (561) 444-2720
 Suite 105 www.geopointsurveying.com
 Riviera Beach, FL 33404 Licensed Business Number LB 7768

Drawn: SAB Date: 04/20/22 Data File: --
 Check: GAR P.C.: BC Field Book: 2021-02UAS/
 Section: 12 Twn. 43S Rng. 40E Job #: WL_PC2_BS-TS

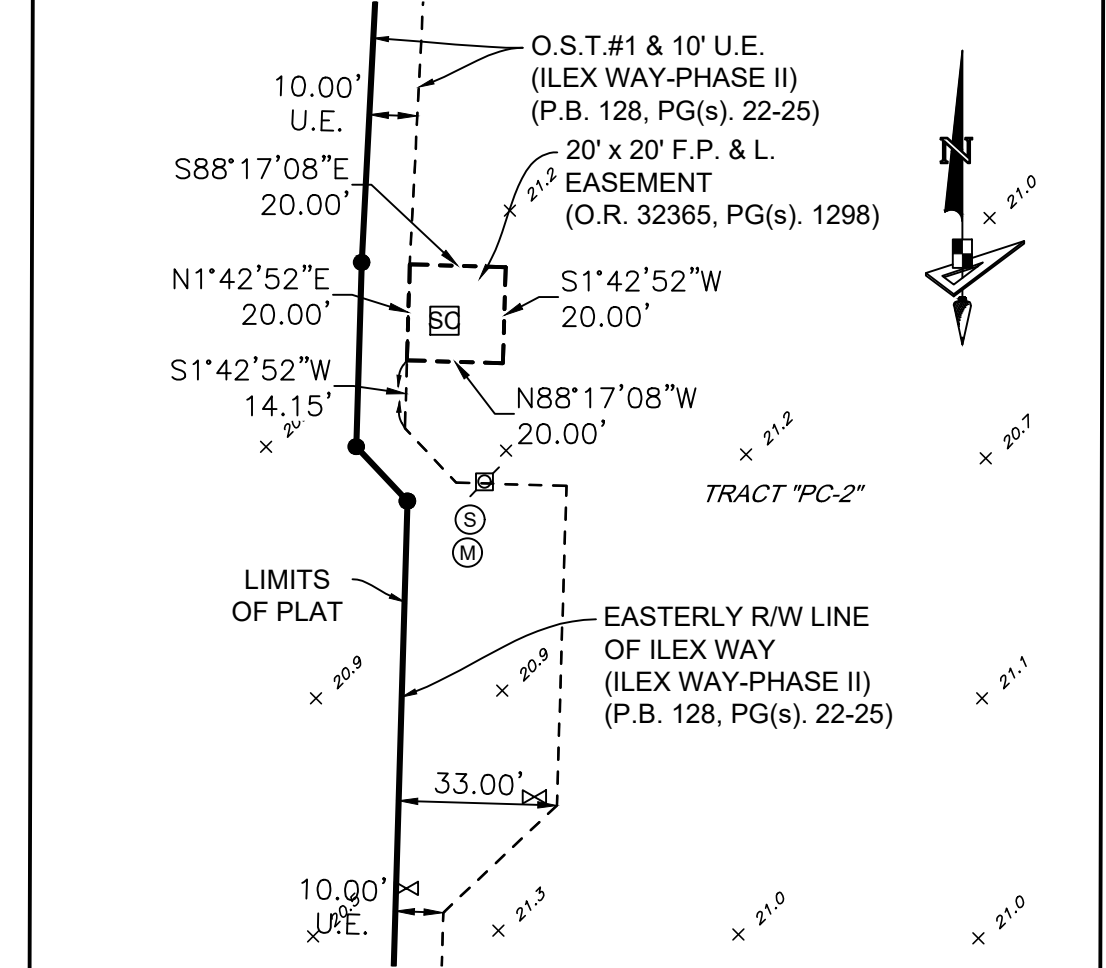
Sheet No. 1 of 2 Sheets



DETAIL "A" (SCALE:1"=30')



DETAIL "B" (SCALE:1"=40')



LEGEND

- P.O.B. ----- POINT OF BEGINNING
- P.B. ----- PLAT BOOK
- D.B. ----- DEED BOOK
- O.R./O.R.B. ----- OFFICIAL RECORDS BOOK
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- R/W ----- RIGHT-OF-WAY
- 12-43-40 ----- SECTION-TOWNSHIP-RANGE
- W.M.T. ----- WATER MANAGEMENT TRACT
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- ⊙ ----- SANITARY SEWER ARV
- ⊗ ----- RECLAIM ARV
- ⊠ ----- SWITCH CABINET
- ⊞ ----- TRANSFORMER

**WESTLAKE - POD PC-2
BOUNDARY & TOPOGRAPHIC SURVEY**

REVISIONS			Prepared For: MINTO PBLH, LLC	
No.	Date	Description	Dwn.	Last Date of Field Survey: 04/08/2022

**GeoPoint
Surveying, Inc.**

4152 W. Blue Heron Blvd.
Suite 105
Riviera Beach, FL 33404
Phone: (561) 444-2720
www.geopointsurveying.com
Licensed Business Number LB 7768

Drawn: SAB Date: 04/20/22 Data File: --
Check: GAR P.C.: BC Field Book: 2021-02UAS/
Section: 12 Twn. 43S Rng. 40E Job #: WL_PC2_BS-TS



CITY OF WESTLAKE
Engineering Department
4001 Seminole Pratt Whitney Road
Westlake, Florida 33470
Phone: (561) 530-5880
www.westlakegov.com

DATE: 11/14/2022
PETITION NUMBER: ENG-2022-16
DESCRIPTION: Pod PC-2 Plat
APPLICANT: Cotleur & Hearing
OWNER: Minto PBLH, LLC
REQUEST: Plat & Boundary Survey Review
LOCATION: Westlake, Florida
STAFF REVIEW: **RECOMMENDED APPROVAL**

This is the second review of this plat. This review is done for compliance with Chapters 177, Florida Statutes, and the City of Westlake's codes and ordinances. All previous comments have been adequately addressed. This plat is now in compliance with Chapter 177 Florida Statutes. We therefore recommend that the plat be approved by City Council.

This letter has been prepared by the following individual, in association with their consultants and subconsultants:

A handwritten signature in blue ink, appearing to read "S. Dombrowski".

Suzanne Dombrowski, P.E.
Chen Moore and Associates
Tel: 561.746.6900 x 1035
Email: sdombrowski@chenmoore.com

File Attachments for Item:

A. SECOND READING: Ordinance 2022-14 – Chapter 6 Sign Code Amendment

Submitted By: Planning and Zoning

ORDINANCE NO.2022-14

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S SIGN CODE; PROVIDING FOR A MANDATORY SIGNAGE DESIGN WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR AN AMENDMENT TO MAX SIGN FACES AS IDENTIFIED IN TABLE 6-1 ENTITLED RESIDENTIAL POD ENTRY MONUMENT; PROVIDING FOR AN AMENDMENT TO ADDITIONAL REQUIREMENTS AS IDENTIFIED IN TABLE 6-1 PUBLIC ROW SIGN LOCATION; PROVIDING FOR AN AMENDMENT TO MAX SIZE OF COPY AREA AS IDENTIFIED IN TABLE 6-1 ENTITLED WALL SIGN FOR GROUND FLOOR USES WITH SEPARATE ENTRANCES AT GROUND LEVEL; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO 2022-14

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S SIGN CODE; PROVIDING FOR A MANDATORY SIGNAGE DESIGN WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR AN AMENDMENT TO MAX SIGN FACES AS IDENTIFIED IN TABLE 6-1 ENTITLED RESIDENTIAL POD ENTRY MONUMENT; PROVIDING FOR AN AMENDMENT TO ADDITIONAL REQUIREMENTS AS IDENTIFIED IN TABLE 6-1 PUBLIC ROW SIGN LOCATION; PROVIDING FOR AN AMENDMENT TO MAX SIZE OF COPY AREA AS IDENTIFIED IN TABLE 6-1 ENTITLED WALL SIGN FOR GROUND FLOOR USES WITH SEPARATE ENTRANCES AT GROUND LEVEL; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

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 address the maximum number of sign faces allowed for residential pod entry monument sign, the maximum size of copy area for wall sign for ground floor uses with separate entrances at ground level, additional requirements for monument sign location 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.

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.

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.

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 master sign plan may be considered for two or more signs.

- (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.
- I 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;
 - I 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.
 - I 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.

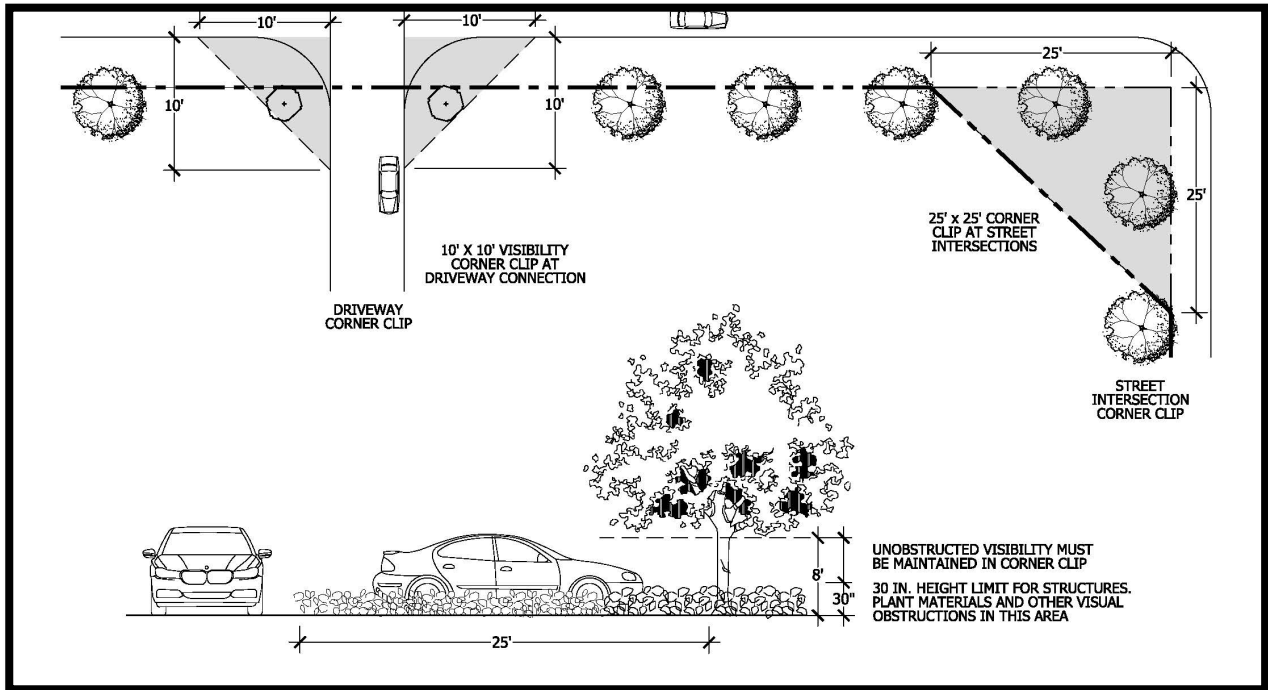
Section 6.10. Removal of Signs

- 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 9, Illumination.
- (14) Signs which emit visible smoke, vapor particles, or odor;
- (15) Sandwich board, "A"-frame, and pole signs, except as otherwise provided herein;

- (16) Signs which express obscene, pornographic, or illegal messages or material, or signs harmful to minors;
- (17) Signs attached, posted, located on or to or posted on, any tree, light pole, utility pole, light, sidewalk, curb, fire hydrant, bridge, on public property, except for public utility, convenience, and warning signs;
- (18) Signs placed upon benches, bus or transit shelters, or waste receptacles, unless specifically approved by the city council;
- (19) Signs and sign structures which are not properly maintained or have been abandoned;
- (20) Parasite signs;
- (21) Roof signs with the exception of parapet signs on permanent ground floor canopies.
- (22) Box Signs
- (23) Cabinet Signs; and
- (24) Any other sign, device, or equipment not specifically permitted by this division.

Section 6.20 Permitted Signs

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

Table 6-1 Permitted Signs

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

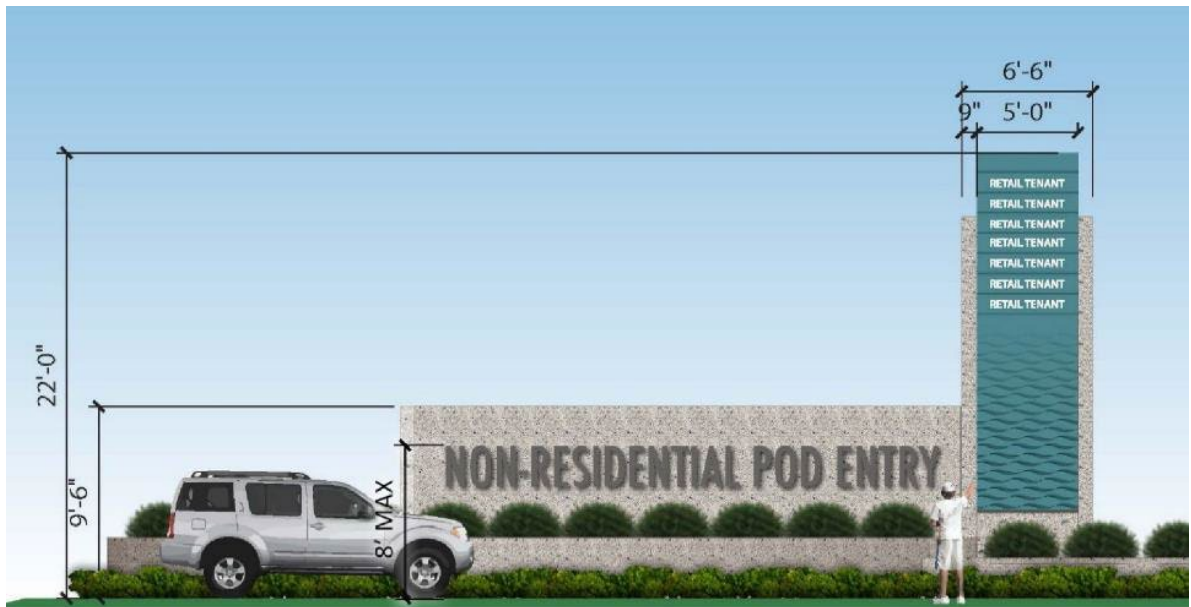
Figure 6-2: City Entry Monument



Table 6-1 Continued

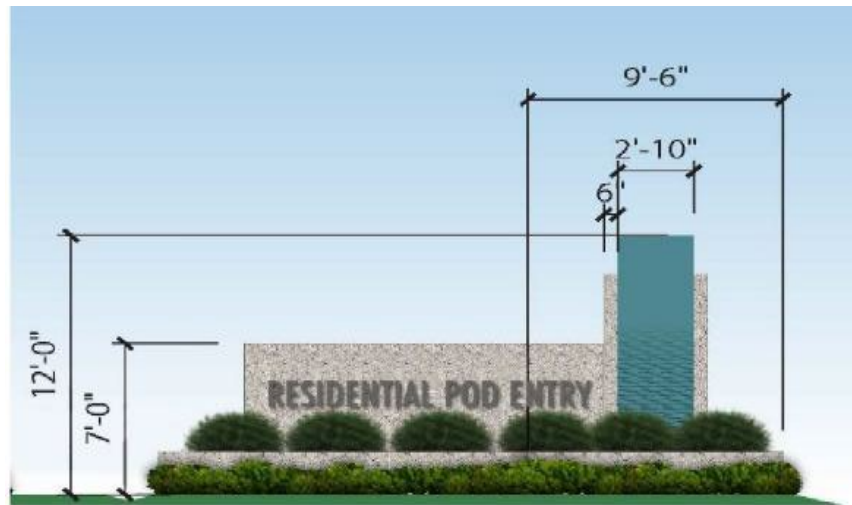
Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ³
Non-Residential Pod Entry Monument	60 sq. ft.	1	2 per access-way	See Figure 6-3	<p>Two 60-sq. ft. copy areas permitted per sign:</p> <ol style="list-style-type: none"> one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

Figure 6-3: Non-Residential Pod Entry Monument



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ³
Residential Pod Entry Monument	60 sq. ft.	± 2	2 per access-way	See Figure 6-4	<p>For pod name only.</p> <p>Logos and graphics may not be larger than 30% of copy area occupied by text.</p> <p>Developments with a shared entrance may have one (1) monument sign with two (2) sign faces V-Shaped monument signs.</p>

Figure 6-4: Residential Pod Entry Monument



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ³
Alternate Residential Pod Entry Monument	60 sq. ft.	1	1 per Pod	See Figure 6-5	<p>By master sign plan application only.</p> <p>Permitted only in lieu of 2 Pod Entry Monuments</p> <p>Minimum 80 ft. setback from nearest property line.</p> <p>May include Pod Name only.</p> <p>Logos and graphics may not be larger than 30% of copy area occupied by text.</p>

Figure 6-5: Alternate Residential Pod Entry Monument Measurements

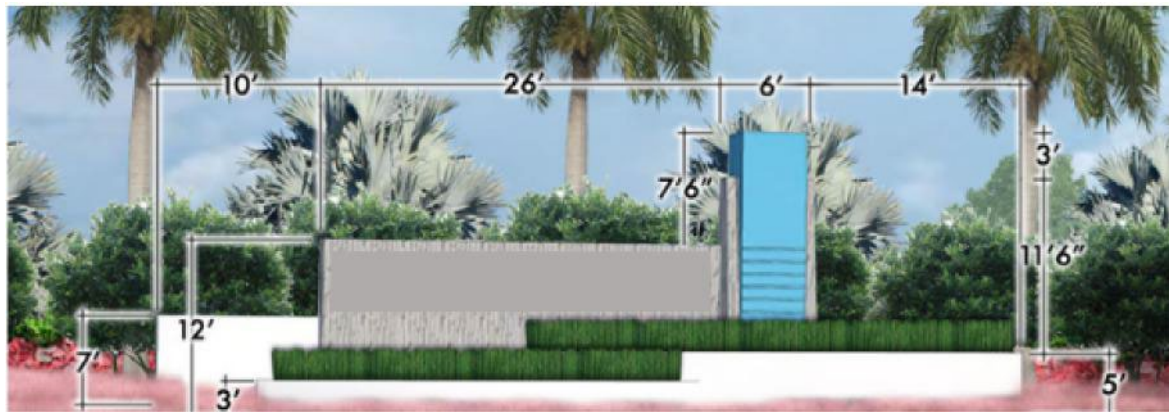


Figure 6-5: Alternate Residential Pod Entry Monument View



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ³
Directional Sign in Public ROW	24 sq. ft.	2	As approved by Master Sign Plan	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 ^{3a}
Directional Sign on Private Property	16 sq. ft.	2	Two (2) per access entry	Min. 4-inch letter height, including lowercase letters. Min. 10 feet setback from property line. Graphics and Logos permitted.

Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ³
Ground Sign for Commercial Buildings within Pod²	60 square feet	2	1 per access entry for lots with a minimum of 200 lineal feet of ROW. 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.

						<p>Min. distance of 60 feet required between ground signs.</p> <p>Address numbers must be a min. of 6 inches in height located above copy area.</p>
Tenant-Specific Directional Sign	4 sq. ft.	2	Per approval as needed	Max. height: 4 ft.	<p>Exempt from sign-base requirements.</p> <p>No advertising copy.</p> <p>Logos 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 Dimensions¹	Additional Requirements³
Gas Station Price Signs	20 square feet	2	1	<p>Maximum height: 8 ft.</p> <p>Maximum area: 80 sq. ft. including decorative elements</p>	<p>May be integrated into another ground sign.</p> <p>May include changeable copy.</p> <p>Electronic changeable copy for fuel pricing information permitted up to 50% of the sign copy area.</p>
Menu Board for Drive-Through Facilities	20 square feet per board	2	2 per establishment	<p>Height: 6 feet</p> <p>Width: None</p>	<p>For menu/price information only.</p> <p>Internal illumination only.</p> <p>May include manual or electronic changeable copy.</p> <p>May have remote or electronic communication service.</p> <p>Exempt from landscaping and irrigation requirements.</p>

Canopy Directional signs for drive-through facilities	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>
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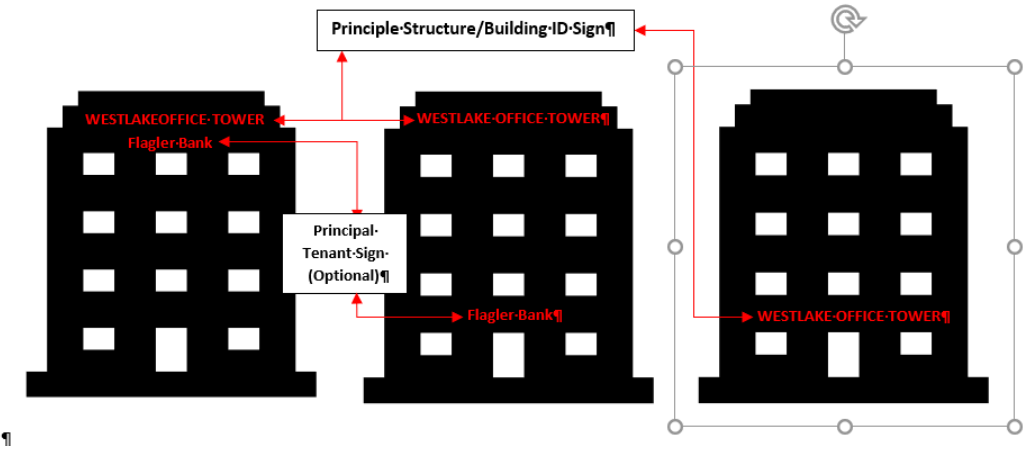
Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ²
Ground Floor Permanent Canopy Sign	<p>Max. 80% of width of façade of canopy.</p> <p>Max. letter height: 24 in.</p> <p>Max. 24 square feet</p>	1	1	24 sq. ft.	

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 ¹	Additional Requirements ²
Enter and Exit Signs	4 square feet	2	1 per approved entry or exit.	Height: 3 feet	<p>Max. 3 feet above crown of paving or road.</p> <p>Signs located within a visibility triangle shall not exceed 30 inches in height measured from the surface of the nearest vehicular traffic area.</p> <p>Min. 2 feet from property line.</p> <p>Copy limited to EXIT, ENTRANCE, EXIT ONLY, etc.</p> <p>Internal illumination only.</p> <p>Shall be located in landscaped area [including grass or mulch].</p>
Projecting ID Signs	6 square feet	2	1 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 ¹	Additional Requirements ³
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>Individual tenant signs prohibited.</p>



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ²
Wall Sign for Residential Building Identification	16 square feet	1	1 front façade 1 rear facade	N/A	
Wall Sign for Ground Floor Uses with Separate Entrances at Ground Level	<p>Max. 80% of width of 1.5 sq.ft. per linear foot of façade of the tenant space or bay.</p> <p>Max. 70 square feet.</p>	1	1 per tenant space or bay. Except a tenant space or bay with double frontage shall be permitted 1 additional wall sign.	None	<p>Sign must face ROW or be over the primary entrance.</p> <p>Maximum letter height 24 inches.</p> <p>Maximum 2 lines of copy.</p> <p>Signs shall not be located above second floor line or above building parapet.</p>
Window Signs	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>

Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ³
Menu Sign (Wall-Mounted)	4 square feet	1	1 per restaurant	None	<p>Must be attached to wall.</p> <p>Must be framed or matted.</p> <p>Not included in area for window signs.</p> <p>Enclosed in frame or casing compatible with building design and color.</p> <p>Casing shall not project more than 2 inches from wall.</p>
Building Directory Sign	18 square feet	1	1 per building	Height: 6 feet Width: None	<p>2 or more buildings on same parcel or development.</p> <p>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>
Changeable Copy/Digital Display Ground Sign²	60 square feet	2	1	Height: 10 feet Width: 15 feet (Dimensions include base) Min. sign width must equal 50% of sign height.	<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 ¹	Additional Requirements ³
Pole-mounted Banner	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	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.

¹Height measured from average grade unless otherwise noted.

²Ground 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.

³**All signs are subject to criteria of Sec. 6.12**

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.

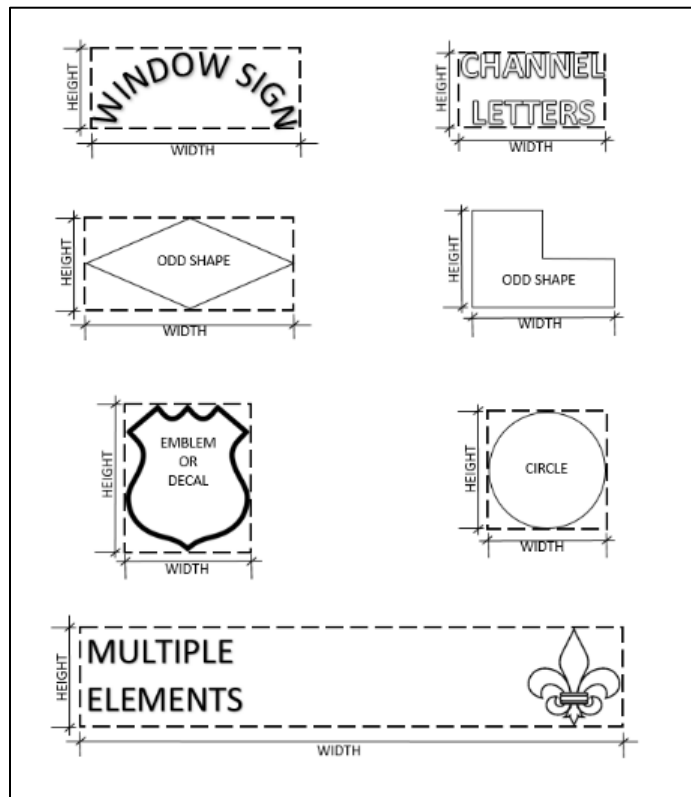
(F) **Flags. Flags.** Not more than two (2) flags and two (2) flag poles shall be located on any single property. Flag poles shall not exceed twenty-five (25) feet in height. One (1) flag per pole is permitted. The area of a flag shall conform to the requirements listed below. The setback for a flag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

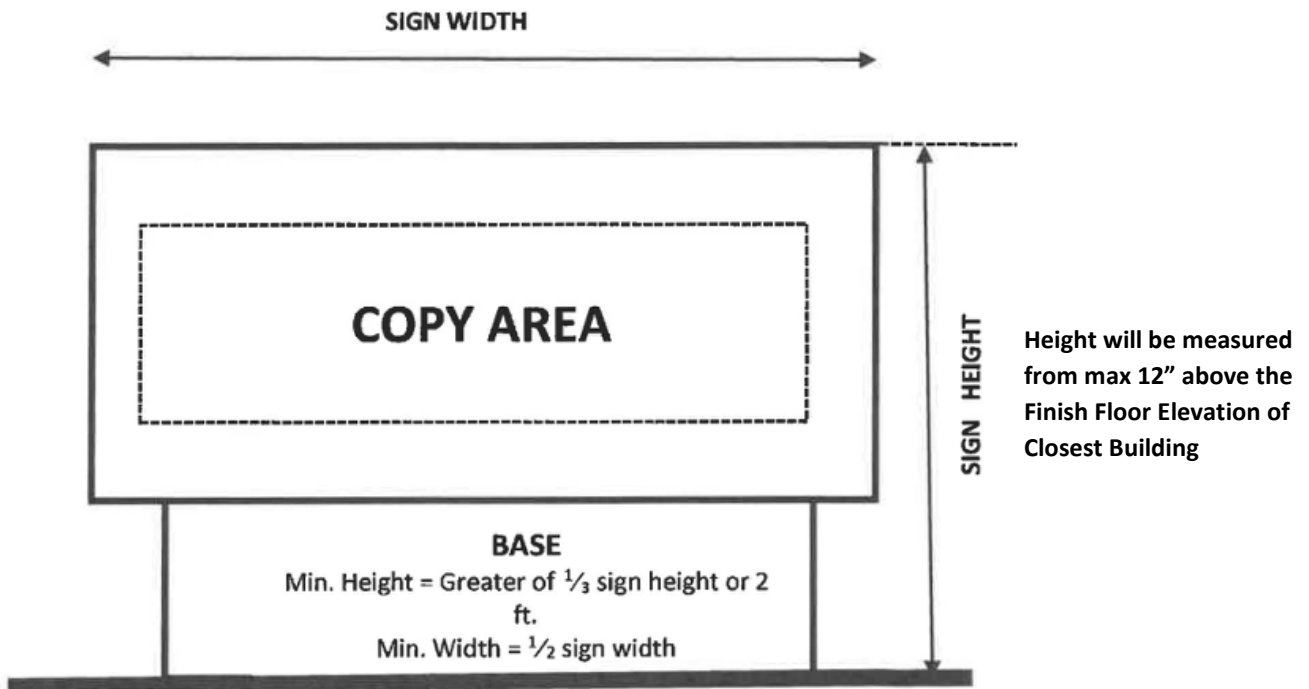
(1) **Sign Copy area.** Sign copy area shall be calculated as illustrated in Figure 6-9. The copy area of a sign face shall be calculated by means of the smallest rectangle that will encompass all letters, numbers, characters, logos, emblems, information, or other display. The sign copy area shall include 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



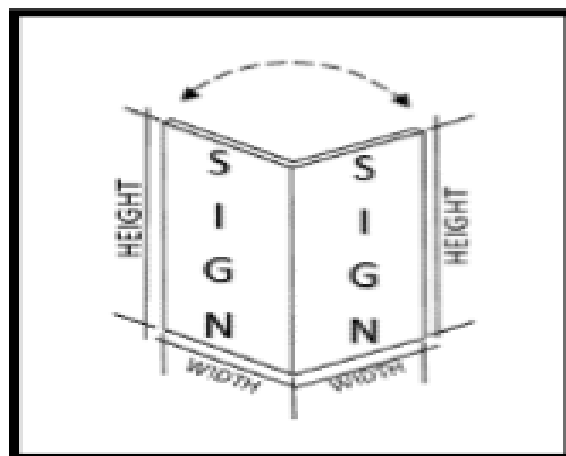
(2) **Ground Sign Measurement.** Ground signs shall be measured as illustrated in Figure 6-10.

Figure 6-10



- (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. 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*	<i>Residential</i> –6 square feet <i>Nonresidential</i> –As specified in Table 5-1	None	None	<i>Residential</i> –1 sign per Residential parcel. <i>Nonresidential</i> –1 sign per Nonresidential parcel. Sign may be installed in lieu of any permitted Nonresidential sign. Signs may not be placed on public property. Signs may not be placed in public rights-of-way. Signs may not obstruct vision at corners, intersections, etc.

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

Sale: Residential Open House*	6	Day open house begins	Day open house closes	
Sale: Nonresidential Open House	16	Day open house begins	Day open house closes	
Nonresidential Sale, Rental or Lease of Building or Portion of Building	16	Upon issuance of Certificate of Occupancy	Until one hundred percent (100%) of the building is sold, rented, or leased	<p><i>Sign post.</i> Post shall be a four (4) by four (4) treated-wood post or other functional material. The minimum number of posts shall be two (2). The posts shall be directly buried into the ground at a minimum of two (2) feet. Use of concrete is prohibited.</p> <p><i>Backing.</i> Sign shall be installed on one-half-inch plywood. Plywood shall be attached with weather-resistant screws.</p> <p><i>Color.</i> The entire sign must be painted or wrapped.</p>
Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
Development Sign	32'	When complete development order application filed with city	On receipt of first certificate of occupancy	
Project Suppliers/Trades	32	On receipt of building permit	On receipt of final certificate of occupancy	No more than 2 signs shall be permitted at one time.
Signage on Construction Barrier Fence	10% of total barrier area	On receipt of construction fence permit	On receipt of final certificate of occupancy	Limited to signage identifying the nature of the development, contractor's information, leasing information, corporate logos and renditions of development
Murals and Other Decorative Elements on	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

Construction Barrier Fence				
Grand Opening/Project Opening/New Businesses	32	7 days before event	10 days after opening or event	May be permitted as a banner.
Outparcel/Phase Opening	32	7 days before opening	10 days after opening	
Special Event Signage	32	7 days prior to event	1 day after event	One on-site sign may be permitted for each side of the property that fronts a public right-of-way, up to 4 signs. 1 per property allowed. May be permitted as a banner.
Special Event Directional Signage	4	Day before event	1 day after event	May be located off-site. May be located on private property w/ owner's written permission
Special Sale for Profit	16	7 days prior to event	1 day after event	Maximum 4 per calendar year per project.
Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
Right-of-way Banner	24	30 days prior to event	2 days after event	For regional, national, city, or city co-sponsored special event. Must have authorization from applicable agency.
Name-Change Ground Sign Covering	60 square feet of copy	Issuance of permit	60 days from issuance of permanent sign permit application**	Only canvas coverings of ground signs allowed. Office and retail uses only. May be submitted when sign permit for new

				permanent sign is submitted.
School/Day Care/Nursery	32	30 days before registration	14 days after registration	Max. 3 per calendar year. May be permitted as a banner.
Garage Sale*	12	1 day before sale	Close of the day of sale	1 on-site sign
Construction Entrance	16	Issuance of land clearing, land alteration, or building permit.	On receipt of final certificate of occupancy	
Menu Sign (Free-Standing)	15 square feet	At opening	At closing	1 per restaurant. Additional signs permitted if outdoor seating areas are either separated by 6 feet high wall or not visible to each other. Constructed of durable materials. May be pole-mounted, "A"-frame, or sandwich board. May include name, hours, credit card, menu, and price information. Must be stored inside when restaurant closed.
Valet Parking Signs	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.
Human Signs (or Living Signs)	3 square feet	Date indicated on the permit	Maximum 2 days	Maximum of 6 times per calendar year

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

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

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 ___ day of _____, 2022, on first reading.

PUBLISHED on this ___ day of _____, 2022 in the Palm Beach Post

PASSED AND ADOPTED this ___ day of _____, 2022, on second reading.

City of Westlake
JohnPaul O'Connor, Mayor

Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM

OFFICE OF THE CITY ATTORNEY

ORDINANCE NO 2022-14

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S SIGN CODE; PROVIDING FOR A MANDATORY SIGNAGE DESIGN WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR AN AMENDMENT TO MAX SIGN FACES AS IDENTIFIED IN TABLE 6-1 ENTITLED RESIDENTIAL POD ENTRY MONUMENT; PROVIDING FOR AN AMENDMENT TO ADDITIONAL REQUIREMENTS AS IDENTIFIED IN TABLE 6-1 PUBLIC ROW SIGN LOCATION; PROVIDING FOR AN AMENDMENT TO MAX SIZE OF COPY AREA AS IDENTIFIED IN TABLE 6-1 ENTITLED WALL SIGN FOR GROUND FLOOR USES WITH SEPARATE ENTRANCES AT GROUND LEVEL; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

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 address the maximum number of sign faces allowed for residential pod entry monument sign, the maximum size of copy area for wall sign for ground floor uses with separate entrances at ground level, additional requirements for monument sign location 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.

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.

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 master sign plan may be considered for two or more signs.

- (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.
- I 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;
 - I 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.
 - I 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

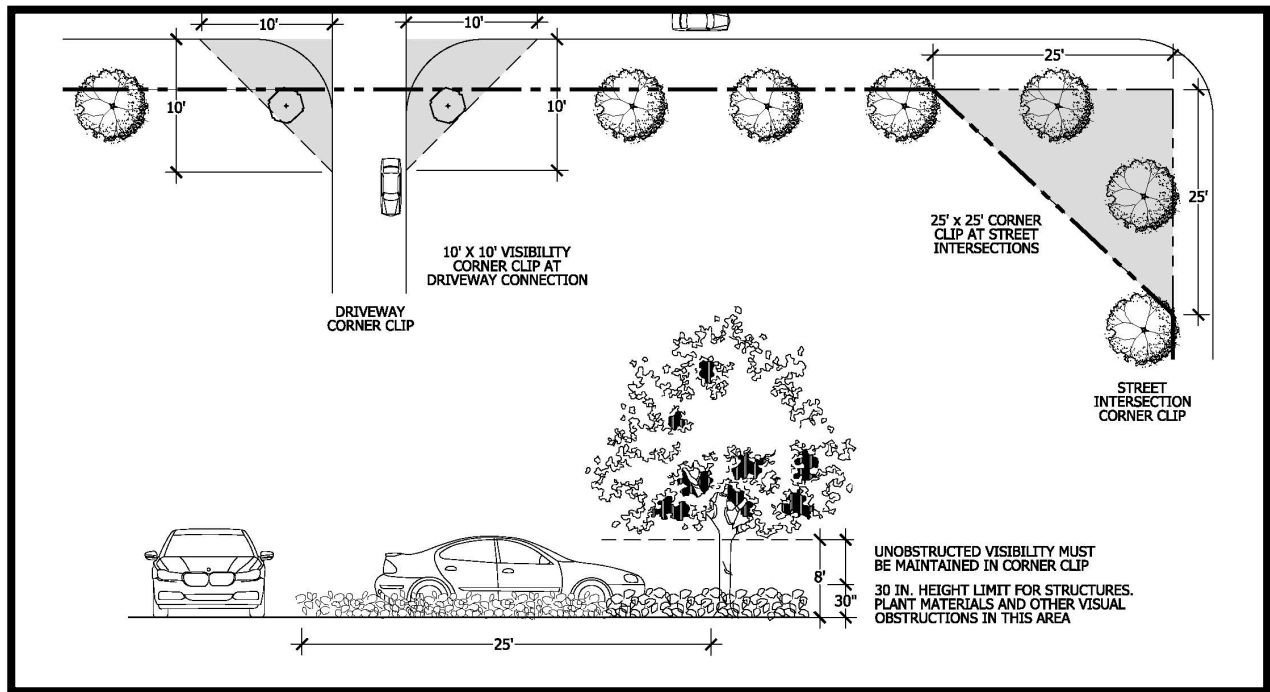
- A. Removal of Abandoned Signs.** Any sign which no longer is used to advertise a licensed business or a product sold on premises shall be removed by the owner of the property, building, or structure upon which the sign is located within ten (10) days after written notification from the building official. 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 9, Illumination.
- (14) Signs which emit visible smoke, vapor particles, or odor;
- (15) Sandwich board, "A"-frame, and pole signs, except as otherwise provided herein;

- (16) Signs which express obscene, pornographic, or illegal messages or material, or signs harmful to minors;
- (17) Signs attached, posted, located on or to or posted on, any tree, light pole, utility pole, light, sidewalk, curb, fire hydrant, bridge, on public property, except for public utility, convenience, and warning signs;
- (18) Signs placed upon benches, bus or transit shelters, or waste receptacles, unless specifically approved by the city council;
- (19) Signs and sign structures which are not properly maintained or have been abandoned;
- (20) Parasite signs;
- (21) Roof signs with the exception of parapet signs on permanent ground floor canopies.
- (22) Box Signs
- (23) Cabinet Signs; and
- (24) Any other sign, device, or equipment not specifically permitted by this division.

Section 6.20 Permitted Signs

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

Table 6-1 Permitted Signs

Sign Type	Max. Size of Copy	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ³
City Entry Identification Monument	60 sq. ft.	1	2 per access point	See Figure 6-2	Permitted only within 500 feet of the City boundaries at access points.

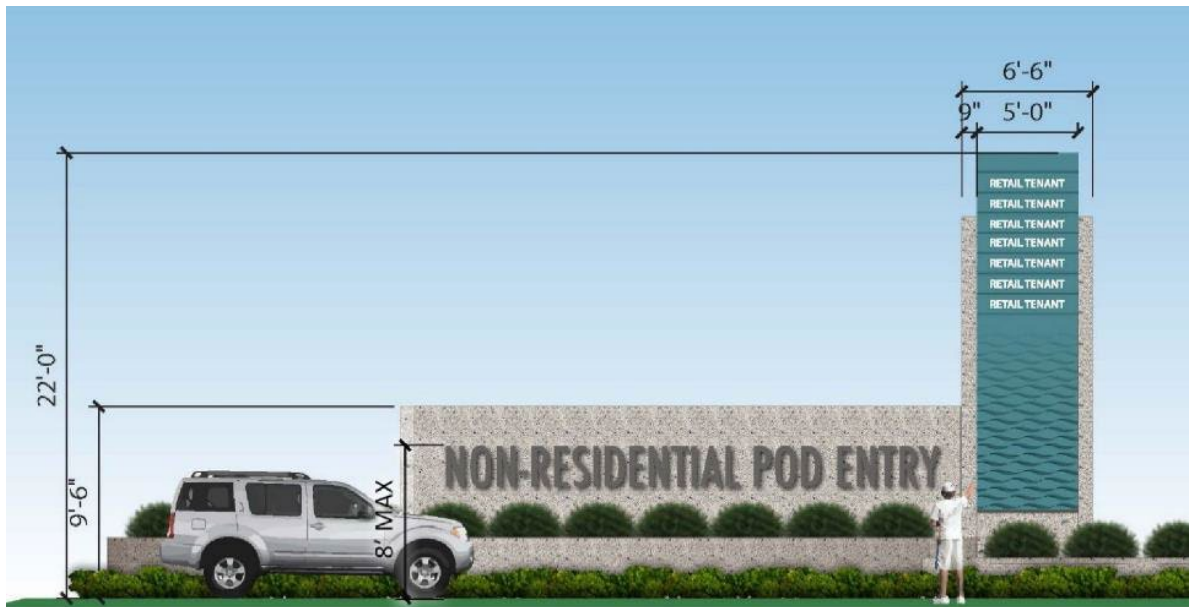
Figure 6-2: City Entry Monument



Table 6-1 Continued

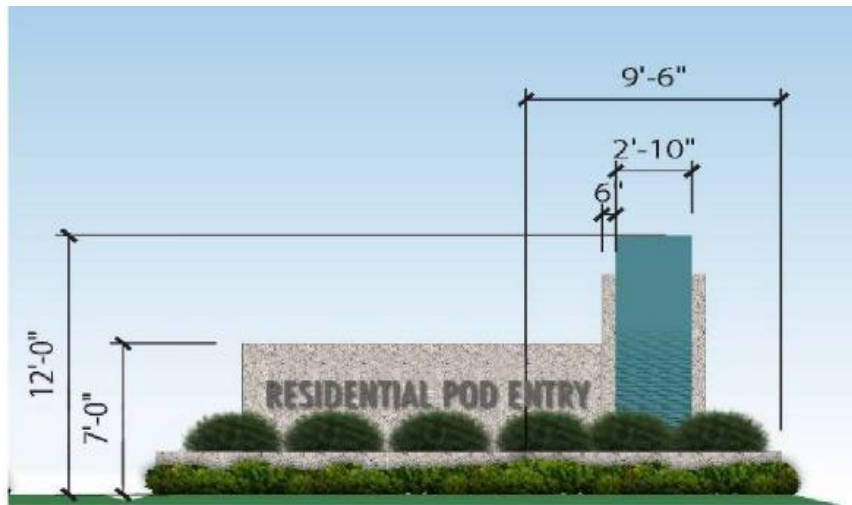
Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ³
Non-Residential Pod Entry Monument	60 sq. ft.	1	2 per access-way	See Figure 6-3	Two 60-sq. ft. copy areas permitted per sign: <ol style="list-style-type: none"> one for pod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

Figure 6-3: Non-Residential Pod Entry Monument



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ³
Residential Pod Entry Monument	60 sq. ft.	2	2 per access-way	See Figure 6-4	<p>For pod name only.</p> <p>Logos and graphics may not be larger than 30% of copy area occupied by text.</p> <p>Developments with a shared entrance may have V-Shaped monument signs.</p>

Figure 6-4: Residential Pod Entry Monument



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ³
Alternate Residential Pod Entry Monument	60 sq. ft.	1	1 per Pod	See Figure 6-5	<p>By master sign plan application only.</p> <p>Permitted only in lieu of 2 Pod Entry Monuments</p> <p>Minimum 80 ft. setback from nearest property line.</p> <p>May include Pod Name only.</p> <p>Logos and graphics may not be larger than 30% of copy area occupied by text.</p>

Figure 6-5: Alternate Residential Pod Entry Monument Measurements

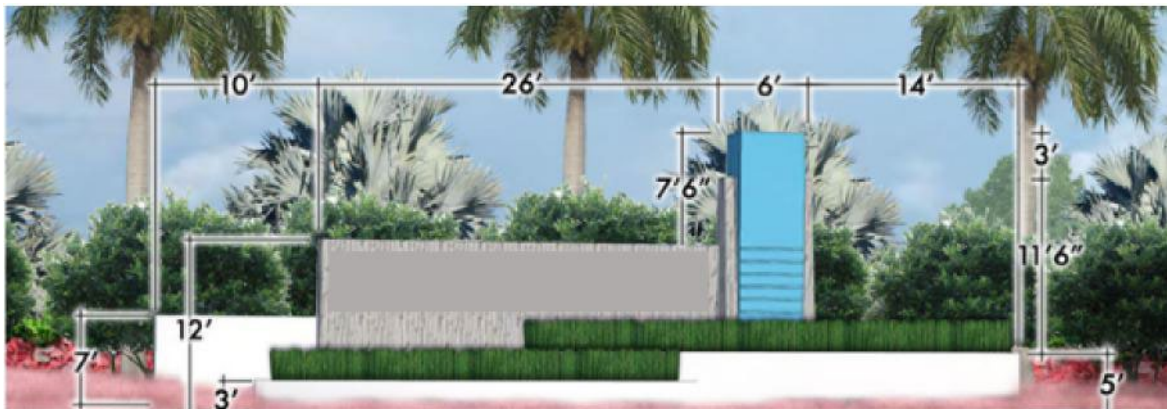


Figure 6-5: Alternate Residential Pod Entry Monument View



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ³
Directional Sign in Public ROW	24 sq. ft.	2	As approved by Master Sign Plan	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 ³
Directional Sign on Private Property	16 sq. ft.	2	Two (2) per access entry	Min. 4-inch letter height, including lowercase letters. Min. 10 feet setback from property line. Graphics and Logos permitted.

Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ³
<p align="center">Ground Sign for Commercial Buildings within Pod²</p>	<p align="center">60 square feet</p>	<p align="center">2</p>	<p align="center">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>

Tenant-Specific Directional Sign	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.
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Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions¹	Additional Requirements³
Gas Station Price Signs	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.
Menu Board for Drive-Through Facilities	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.
Canopy Directional signs for drive-through facilities	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.

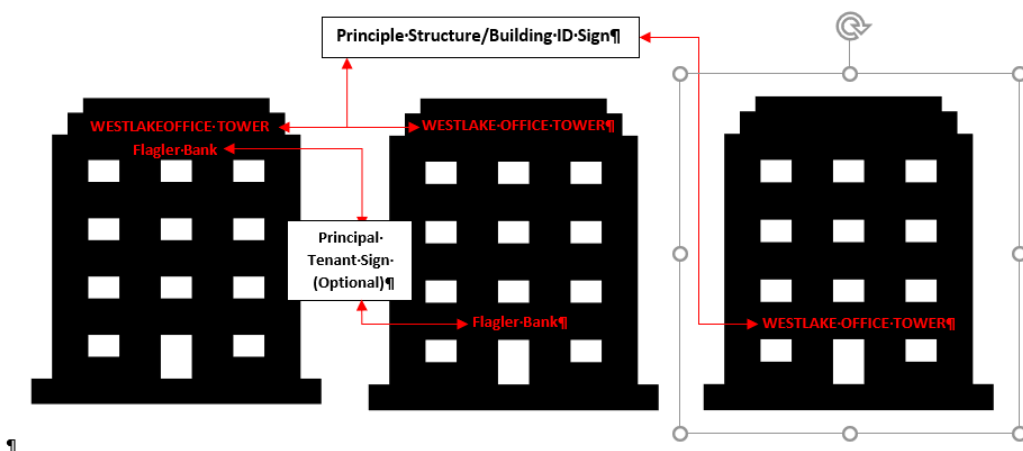
Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ³
Ground Floor Permanent Canopy Sign	Max. 80% of width of façade of canopy. Max. letter height: 24 in. Max. 24 square feet	1	1	24 sq. ft.	

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 ¹	Additional Requirements ³
Enter and Exit Signs	4 square feet	2	1 per approved entry or exit.	Height: 3 feet	<p>Max. 3 feet above crown of paving or road.</p> <p>Signs located within a visibility triangle shall not exceed 30 inches in height measured from the surface of the nearest vehicular traffic area.</p> <p>Min. 2 feet from property line.</p> <p>Copy limited to EXIT, ENTRANCE, EXIT ONLY, etc.</p> <p>Internal illumination only.</p> <p>Shall be located in landscaped area [including grass or mulch].</p>
Projecting ID Signs	6 square feet	2	1 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 ¹	Additional Requirements ³
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>Individual tenant signs prohibited.</p>



Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ³
Wall Sign for Residential Building Identification	16 square feet	1	1 front façade 1 rear facade	N/A	
Wall Sign for Ground Floor Uses with Separate Entrances at Ground Level	Max. 1.5 sq.ft. per linear foot of façade of the tenant space or bay. Max. 70 square feet.	1	1 per tenant space or bay. Except a tenant space or bay with double frontage shall be permitted 1 additional wall sign.	None	Sign must face ROW or be over the primary entrance. Maximum letter height 24 inches. Maximum 2 lines of copy. Signs shall not be located above second floor line or above building parapet.
Window Signs	Maximum 20% of each glass window or glass door area.	1	None	None	Signs allowed in ground floor windows/doors only. All sign materials must be permanent: paper, cardboard, cling film, etc., are prohibited except as provided in Section 12, temporary signs. Any interior sign either hung within two feet of a window/door or attached to a display or other structure within two feet of a 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 ¹	Additional Requirements ³
Menu Sign (Wall-Mounted)	4 square feet	1	1 per restaurant	None	<p>Must be attached to wall.</p> <p>Must be framed or matted.</p> <p>Not included in area for window signs.</p> <p>Enclosed in frame or casing compatible with building design and color.</p> <p>Casing shall not project more than 2 inches from wall.</p>
Building Directory Sign	18 square feet	1	1 per building	<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>
Changeable Copy/Digital Display Ground Sign²	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 ¹	Additional Requirements ³
Pole-mounted Banner	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	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.

¹Height measured from average grade unless otherwise noted.

²Ground 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.

³All signs are subject to criteria of Sec. 6.12

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.

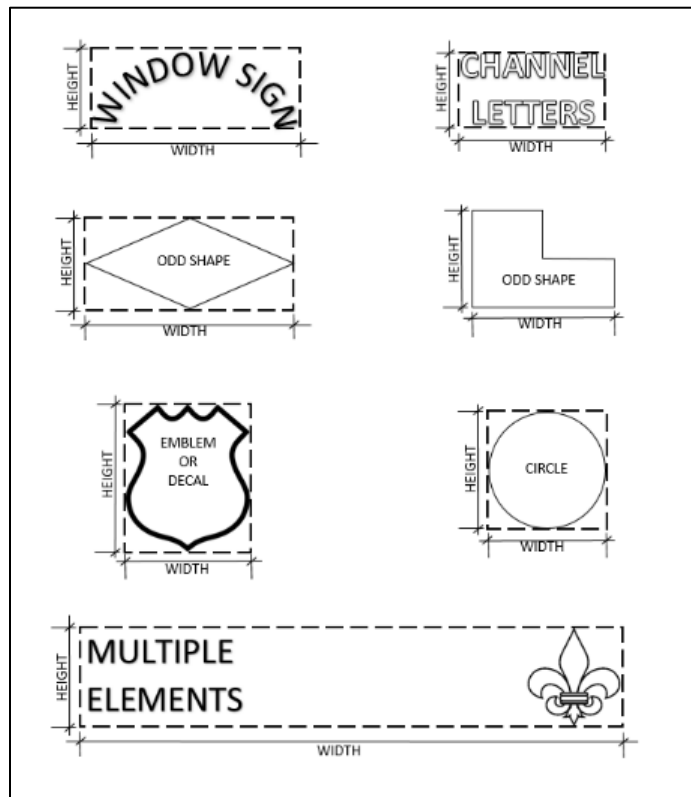
(F) **Flags. Flags.** Not more than two (2) flags and two (2) flag poles shall be located on any single property. Flag poles shall not exceed twenty-five (25) feet in height. One (1) flag per pole is permitted. The area of a flag shall conform to the requirements listed below. The setback for a flag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

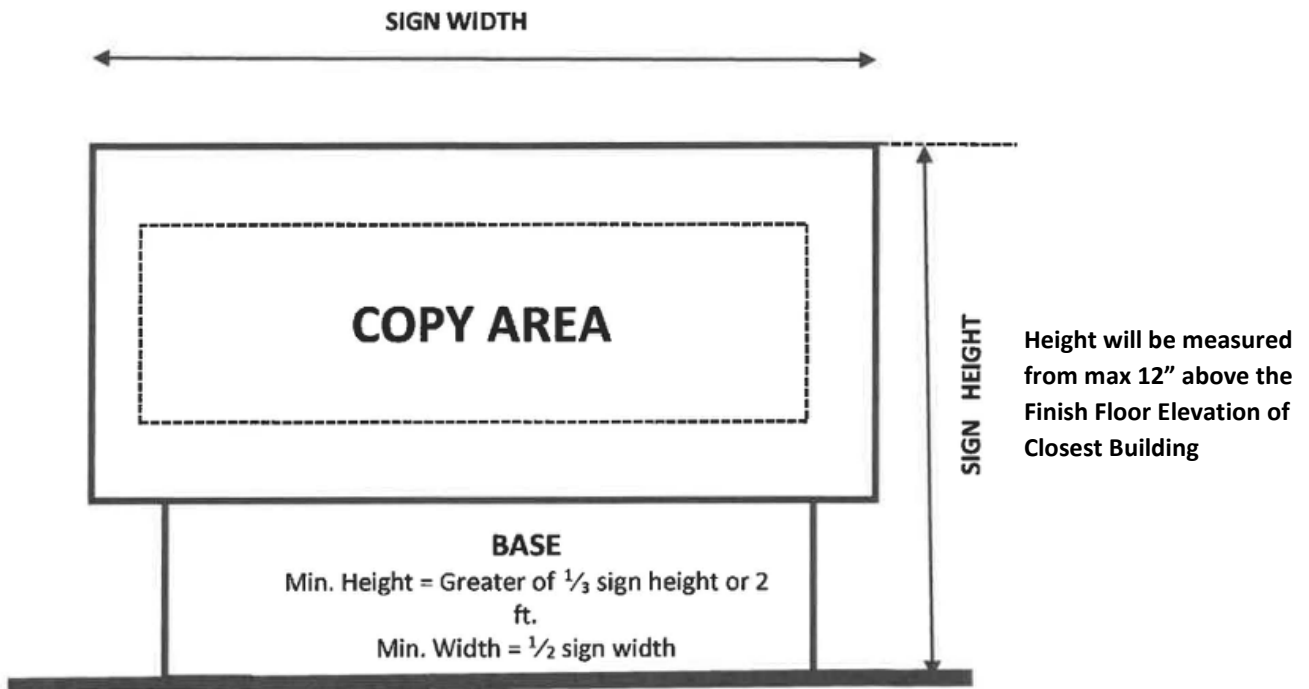
(1) **Sign Copy area.** Sign copy area shall be calculated as illustrated in Figure 6-9. The copy area of a sign face shall be calculated by means of the smallest rectangle that will encompass all letters, numbers, characters, logos, emblems, information, or other display. The sign copy area shall include 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



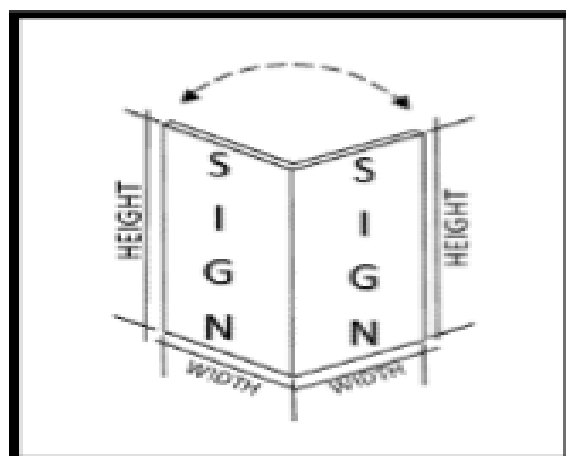
(2) **Ground Sign Measurement.** Ground signs shall be measured as illustrated in Figure 6-10.

Figure 6-10



- (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. 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*	<i>Residential</i> –6 square feet <i>Nonresidential</i> –As specified in Table 5-1	None	None	<i>Residential</i> –1 sign per Residential parcel. <i>Nonresidential</i> –1 sign per Nonresidential parcel. Sign may be installed in lieu of any permitted Nonresidential sign. Signs may not be placed on public property. Signs may not be placed in public rights-of-way. Signs may not obstruct vision at corners, intersections, etc.

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

Sale: Residential Open House*	6	Day open house begins	Day open house closes	
Sale: Nonresidential Open House	16	Day open house begins	Day open house closes	
Nonresidential Sale, Rental or Lease of Building or Portion of Building	16	Upon issuance of Certificate of Occupancy	Until one hundred percent (100%) of the building is sold, rented, or leased	<p><i>Sign post.</i> Post shall be a four (4) by four (4) treated-wood post or other functional material. The minimum number of posts shall be two (2). The posts shall be directly buried into the ground at a minimum of two (2) feet. Use of concrete is prohibited.</p> <p><i>Backing.</i> Sign shall be installed on one-half-inch plywood. Plywood shall be attached with weather-resistant screws.</p> <p><i>Color.</i> The entire sign must be painted or wrapped.</p>
Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
Development Sign	32'	When complete development order application filed with city	On receipt of first certificate of occupancy	
Project Suppliers/Trades	32	On receipt of building permit	On receipt of final certificate of occupancy	No more than 2 signs shall be permitted at one time.
Signage on Construction Barrier Fence	10% of total barrier area	On receipt of construction fence permit	On receipt of final certificate of occupancy	Limited to signage identifying the nature of the development, contractor's information, leasing information, corporate logos and renditions of development
Murals and Other Decorative Elements on	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

Construction Barrier Fence				
Grand Opening/Project Opening/New Businesses	32	7 days before event	10 days after opening or event	May be permitted as a banner.
Outparcel/Phase Opening	32	7 days before opening	10 days after opening	
Special Event Signage	32	7 days prior to event	1 day after event	One on-site sign may be permitted for each side of the property that fronts a public right-of-way, up to 4 signs. 1 per property allowed. May be permitted as a banner.
Special Event Directional Signage	4	Day before event	1 day after event	May be located off-site. May be located on private property w/ owner's written permission
Special Sale for Profit	16	7 days prior to event	1 day after event	Maximum 4 per calendar year per project.
Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
Right-of-way Banner	24	30 days prior to event	2 days after event	For regional, national, city, or city co-sponsored special event. Must have authorization from applicable agency.
Name-Change Ground Sign Covering	60 square feet of copy	Issuance of permit	60 days from issuance of permanent sign permit application**	Only canvas coverings of ground signs allowed. Office and retail uses only. May be submitted when sign permit for new

				permanent sign is submitted.
School/Day Care/Nursery	32	30 days before registration	14 days after registration	Max. 3 per calendar year. May be permitted as a banner.
Garage Sale*	12	1 day before sale	Close of the day of sale	1 on-site sign
Construction Entrance	16	Issuance of land clearing, land alteration, or building permit.	On receipt of final certificate of occupancy	
Menu Sign (Free-Standing)	15 square feet	At opening	At closing	1 per restaurant. Additional signs permitted if outdoor seating areas are either separated by 6 feet high wall or not visible to each other. Constructed of durable materials. May be pole-mounted, "A"-frame, or sandwich board. May include name, hours, credit card, menu, and price information. Must be stored inside when restaurant closed.
Valet Parking Signs	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.
Human Signs (or Living Signs)	3 square feet	Date indicated on the permit	Maximum 2 days	Maximum of 6 times per calendar year

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

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

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 ___ day of _____, 2022, on first reading.

PUBLISHED on this ___ day of _____, 2022 in the Palm Beach Post

PASSED AND ADOPTED this ___ day of _____, 2022, on second reading.

City of Westlake
JohnPaul O'Connor, Mayor

Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM

OFFICE OF THE CITY ATTORNEY



Meeting Agenda Item Coversheet

MEETING DATE:		12/6/22	Submitted By: Planning and Zoning	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		SECOND READING: Ordinance 2022-14 – Chapter 6 Sign Code Amendment		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve second reading of Ordinance 2022-14 “Chapter 6 Sign Code Amendment”.		
SUMMARY and/or JUSTIFICATION:		This Ordinance amending the City’s Sign Code for max sign faces to residential pod entry monument signs; amends the maximum size of copy area for wall sign for ground floor uses with separate entrances at ground level and adding additional requirements for monument sign locations.		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:		PROCLAMATION:	
	EXHIBIT(S):	X	OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>	Exhibit A: Ordinance 2022-14: Chapter 6 Sign Code Amendment			
SELECT, if applicable	RESOLUTION:		ORDINANCE: 2022-14	X
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field’s textbox and leave blank)</i> <u>Please keep text indented.</u>	<p style="text-align: center;">ORDINANCE NO. _____</p> <p>AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY’S SIGN CODE; PROVIDING FOR A MANDATORY SIGNAGE DESIGN WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR AN AMENDMENT TO MAX SIGN FACES AS IDENTIFIED IN TABLE 6-1 ENTITLED RESIDENTIAL POD ENTRY MONUMENT; PROVIDING FOR AN AMENDMENT TO ADDITIONAL REQUIREMENTS AS IDENTIFIED IN TABLE 6-1 PUBLIC ROW SIGN LOCATION; PROVIDING FOR AN AMENDMENT TO MAX SIZE OF COPY AREA AS IDENTIFIED IN TABLE 6-1 ENTITLED WALL SIGN FOR GROUND FLOOR USES WITH SEPARATE ENTRANCES AT GROUND LEVEL; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.</p>			
FISCAL IMPACT (if any):				\$

File Attachments for Item:

A. FIRST READING: Ordinance 2022-15 – Temporary Structures and Uses.

Submitted By: Planning and Zoning

ORDINANCE NO. 2022-15

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY’S CODE OF ORDINANCES BY CREATING ARTICLE _____ ENTITLED “TEMPORARY STRUCTURES AND USES”; PROVIDING FOR THE REGULATION OF TEMPORARY STRUCTURES AND USES; PROVIDING FOR THE ESTABLISHMENT OF A MATRIX FOR TEMPORARY STRUCTURES AND TEMPORARY USES; PROVIDING FOR THE REGULATION OF SALE MODELS; PROVIDING FOR THE REGULATION OF TEMPORARY CONSTRUCTION TRAILERS AND PORTABLE STORAGE UNITS; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		12/6/22	Submitted By: Planning and Zoning	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		FIRST READING: Ordinance 2022-XX – Temporary Structures and Uses.		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approved first reading of Ordinance 2022-XX “Temporary Structures and Uses”.		
SUMMARY and/or JUSTIFICATION:		This Ordinance establishes provisions for temporary structures and uses. Provides regulations of sale models, temporary constructions trailers and portable storage units. Establishes a matrix for temporary structures and temporary uses.		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:		PROCLAMATION:	
	EXHIBIT(S):	X	OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>	Exhibit A: Ordinance 2022-xx: Temporary Structures and Uses.			
SELECT, if applicable	RESOLUTION:		ORDINANCE: 2022-XX	X
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field’s textbox and leave blank)</i> <u>Please keep text indented.</u>	<p style="text-align: center;">ORDINANCE NO. 2022-_____</p> <p>AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY’S CODE OF ORDINANCES BY CREATING ARTICLE _____ ENTITLED “TEMPORARY STRUCTURES AND USES”; PROVIDING FOR THE REGULATION OF TEMPORARY STRUCTURES AND USES; PROVIDING FOR THE ESTABLISHMENT OF A MATRIX FOR TEMPORARY STRUCTURES AND TEMPORARY USES; PROVIDING FOR THE REGULATION OF SALE MODELS; PROVIDING FOR THE REGULATION OF TEMPORARY CONSTRUCTION TRAILERS AND PORTABLE STORAGE UNITS; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.</p>			
FISCAL IMPACT (if any):				\$

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ORDINANCE NO. 2022-15

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY CREATING ARTICLE _____ ENTITLED "TEMPORARY STRUCTURES AND USES"; PROVIDING FOR THE REGULATION OF TEMPORARY STRUCTURES AND USES; PROVIDING FOR THE ESTABLISHMENT OF A MATRIX FOR TEMPORARY STRUCTURES AND TEMPORARY USES; PROVIDING FOR THE REGULATION OF SALE MODELS; PROVIDING FOR THE REGULATION OF TEMPORARY CONSTRUCTION TRAILERS AND PORTABLE STORAGE UNITS; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council finds it 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. Recitals. The foregoing recitals are confirmed, adopted and incorporated herein and made a part hereof by this reference.

SECTION 2. The City Council hereby creates Article _____ as follows:

ARTICLE _____ . TEMPORARY STRUCTURES AND USES

Section 1. Temporary structures and uses. All temporary uses and/or structures which are not otherwise treated by these LDRs as a permitted use or conditional use in a particular zoning district, which are not otherwise subject to a special event permit, and which are not otherwise prohibited under the terms of these LDRs may be conducted or erected after obtaining a temporary permit. This section shall not override, and shall not substitute for, any other section of these LDRs which requires another type of permit, certificate, or approval.

(a) **Authorization.** The City Manager is authorized to issue a permit for temporary structures and temporary uses. The City Manager may impose reasonable conditions upon the Temporary Permit.

1 (b) **Application Review and Approval.** An application for temporary use shall
2 be submitted and reviewed in conformance with the procedures contained
3 in these LDRs. Notice and public hearing requirements shall not apply to
4 Temporary Permits. Temporary Permits application forms, along with all
5 established and required fees, documents, and plans, shall be submitted to
6 the Planning and Zoning department and Building department. All tax-
7 exempt organizations who qualify under section 501 of the Internal
8 Revenue Code are exempt from payment of the Temporary Permit fee.

9 (c) **Duration.** Unless otherwise provided below, permits for temporary
10 structures shall be limited as to time of service, but generally shall not be
11 permitted for more than six (6) months. The City Manager is authorized to
12 grant extensions for demonstrated cause.

13 (d) **Construction and Site Requirements.**

14 a. Temporary structures shall conform to the applicable structural
15 strength, fire safety, means of egress, accessibility, light, ventilation,
16 electrical, and sanitary requirements of the Florida Building Code
17 provisions governing temporary structures. A building permit or
18 temporary certificate of occupancy may be required, as determined
19 by the Building Official, before any structure used in conjunction with
20 the temporary use is constructed or modified. Adequate on-site solid
21 waste containers may be required.

22 b. The City Manager is authorized to give permission to temporarily
23 permit the supply and use of power for the construction and function
24 of temporary structures and uses, consistent with any requirements
25 specified for temporary lighting, heat or power in Chapter 27 of the
26 Florida Building Code, as reasonably interpreted by the Building
27 Official.

28 (e) **Use Compatibility:** The temporary use must be compatible with the
29 purpose and intent of the LDRs and the zoning district in which it will be
30 located. The temporary use shall not impair the normal, safe, and effective
31 operation of a permanent use on the same site. The temporary use shall not
32 endanger or be materially detrimental to the public health, safety, or welfare
33 or injurious to property or improvements in the immediate vicinity of the
34 temporary use, given the nature of the activity, its location on the site, and
35 its relationship to parking and access points.

36 (f) **Cessation.** Upon cessation of the temporary use, any structure associated
37 with the temporary use shall be promptly removed and the site shall be

1 returned to its previous condition, including the removal of all trash, debris,
 2 signage, or other evidence of the temporary use.

3 **(g) Traffic Circulation:** The temporary use shall not cause undue traffic
 4 congestion or accident potential as determined by the City Engineer, given
 5 anticipated attendance and the design of adjacent streets, intersections and
 6 traffic controls. If off-site parking is to be utilized, permission must be in
 7 writing from the subject property owner who must demonstrate that the
 8 parking requirement of the temporary use does not cause the permanent
 9 loss of legally required parking spaces for the site.

10 **(h) Nuisance and Revocation.** Any temporary structure or use that becomes a
 11 nuisance, violates the conditions of the permit, endangers the public health
 12 or safety, is not maintained in accordance with this Chapter, poses an
 13 immediate threat to public health, safety, or welfare shall be immediately
 14 subject to revocation by the City Manager. The City Manager may revoke a
 15 temporary use permit if it is determined that the applicant has
 16 misrepresented any material fact on the application or any supporting
 17 materials, or the operation of the temporary use violates any statute, law,
 18 ordinance or regulation.

19 **Section 2. Permitted Temporary Uses and Structures.**

20 **Table X.X Temporary Structures and Use Permit Matrix**

<u>Table X.X</u>				
<u>Temporary Uses and Structures:</u>	<u>Permit</u>	<u>Review Dept.</u>	<u>Duration¹</u>	<u>Number of Permits/Year²</u>
<u>Sales Models</u>	<u>Y</u>	<u>Planning & Zoning and Building</u>	<u>See Note 5</u>	<u>N/A</u>
<u>Sales and Management office</u>	<u>Y</u>	<u>Planning & Zoning and Building</u>	<u>See Note 5</u>	<u>N/A</u>
<u>Temporary Emergency Structure</u>	<u>N</u>	<u>Planning & Zoning and Building</u>	<u>N/A</u>	<u>N/A</u>
<u>Tents Accessory to Non-residential uses⁶</u>	<u>Y</u>	<u>Planning & Zoning and Building</u>	<u>90 Days</u>	<u>4/year</u>
<u>Temporary Construction trailer</u>	<u>Y</u>	<u>Planning & Zoning and Building</u>	<u>See Note 3</u>	<u>N/A</u>

<u>Portable Storage Units (PSUs)</u>	<u>Y</u>	<u>Planning & Zoning and Building</u>	<u>14 calendar days</u>	<u>2/year</u>
<u>Temporary Signs</u>	<u>Y</u>	<u>Planning & Zoning and Building</u>	<u>See Note 4</u>	<u>2/year</u>
Notes:				
<u>1. Duration is defined as consecutive calendar days.</u>				
<u>2. Each permit or extension requires a separate payment.</u>				
<u>3. Construction and sales trailers may be permitted for the duration of construction activities.</u>				
<u>4. Temporary Signs are defined in the LDRs and are regulated by Section 6.35.</u>				
<u>5. Use shall be temporary and shall expire upon the issuance of the last Certificate of Occupancy of any developments using the models within City boundaries.</u>				
<u>6. These requirements do not apply to tents permitted under the Special Events Ordinance (2022-03).</u>				

1

2 (a) **Sales Models.** A builder, contractor, or developer may use any
3 building within any zoning district as a sales model. Sales models shall be clearly
4 depicted on the development site plan. Use of a building as a sales model is
5 contingent upon issuance of a certificate of occupancy and compliance with this
6 section. A building shall be used as a sales model primarily for the purpose of the
7 sale of similar buildings and land sites by the builder, contractor, or developer. The
8 sales model may be used as a construction office or general office. Construction
9 equipment or maintenance equipment shall not be parked or stored temporarily in
10 a location outside the Sales Model that is visible from the public rights of way or
11 adjacent properties unless appropriately screened. The City Manager may review
12 periodically and in the event of non-compliance with this Chapter or expiration,
13 shall provide a 30 day notice to applicant if permit is subject to closure. The permit
14 holder may submit information to the City Manager within that 30 days after
15 receipt of such notice to show evidence of compliance and that use is consistent
16 with this section and may appeal a decision to close a permit to the City Council.
17 Residential sales models may be sold as residences after their temporary use as a
18 sales model has expired.

19 (b) **Sales and Management Office.** Use of a sales and/or management
20 office shall be limited to on-site office work with no overnight habitation.

21 (c) **Temporary Emergency Structure.** This section is intended to allow
22 placement or erection of temporary structures that address immediate public

1 needs including but not limited to temporary fire stations, hurricane shelters, utility
2 facilities and other similar public facilities.

3 a. **Determination of Public Emergency.** The City Manager may
4 authorize in any district the issuance of a building permit for a
5 temporary structure upon determination that a public emergency
6 exists or an overwhelming public purpose is served by the
7 temporary permit.

8 (d) **Tents accessory to non-residential use.** A tent not part of a Special
9 Event Permit, may be used as a temporary structure for non-residential purposes
10 accessory to the principal use subject to the Planning and Zoning Director’s
11 approval as a special use and the standards contained in this subsection.

12 a. **Frequency.** The use of the tent and the proposed non-residential use
13 or event shall not exceed four times per calendar year, at any given
14 parcel.

15 b. **Duration.** The tent may be used for a maximum period of ninety (90)
16 days provided that an additional thirty-day administrative
17 extension may be approved subject to the Planning and Zoning
18 Director’s finding that the tent and use continue to meet all the
19 applicable requirements of these LDRs and the Building Code, and
20 the tent and use is in harmony with the surrounding area.

21 c. **On-Site Location.** The tent shall be located on the lot so that it does
22 not adversely interfere with on-site circulation and shall not be
23 located in any required parking space(s). All setback requirements
24 of the underlying district shall be met.

25 d. **Access.** The primary access for the use shall not cause traffic to flow
26 through nearby residential areas. Back-out parking directly onto a
27 public street shall be prohibited.

28 (e) **Temporary Construction Trailer.** Temporary construction trailers,
29 temporary structures, vehicles and attendant parking and storage areas are
30 permitted subject to the requirements below.

31 1. Use of this facility shall be limited to storage and on-site office work
32 with no overnight habitation.

33 2. Condition. Trailers, temporary structures, or vehicles used for
34 construction offices on a construction site or in a subdivision shall only
35 be permitted during the period of construction and only after a building
36 permit for the construction job has been issued.

- 1 3. Duration. The construction trailer, temporary structures, or vehicles
2 used for construction offices remain on site only for the duration of the
3 permitting and building of the construction project.
- 4 4. Location. The construction trailer, temporary structures, vehicles and
5 attendant parking and storage areas be located on site so as not to
6 interfere with safe ingress and egress to developed areas or areas under
7 construction. All temporary structures and construction trailers shall be
8 located on the site adhering to the setback requirements as required by
9 the applicable zoning district, unless such setbacks cannot be met due to
10 special conditions or circumstances.
- 11 5. Removal. The construction trailer, temporary structures, vehicles and
12 attendant parking and storage areas be removed if construction ceases
13 for more than five (5) months unless it can be demonstrated that
14 construction will proceed within thirty (30) days from notice from the
15 City.
- 16 6. Certificate of occupancy. The construction trailer, temporary
17 structures, vehicles and attendant parking and storage areas be removed
18 no later than thirty (30) days after the final certificate of occupancy for
19 the construction project is issued.
- 20 7. Abandonment. Abandoned trailers, temporary structures, vehicles
21 and attendant parking and storage areas shall not be permitted on
22 the site.
- 23 8. Unsafe structure. If all building permits for the construction project
24 have expired, and no further permits have been issued for six (6)
25 months, the trailer shall be removed from the property immediately.
26 Upon notice from the City any trailers, temporary structures, vehicles
27 and attendant parking and storage areas which have been abandoned
28 under these provisions shall be considered an unsafe structure and shall
29 be abated pursuant to the City Building Code.

30 (f) **Portable storage units (PSUs)** shall be allowed in all residential zoning
31 **districts and in residential areas in mixed use zoning districts so long as the**
32 **following conditions are met:**

- 33 1. PSUs must be placed on driveways or approved parking areas;
34 and
- 35 2. PSUs are allowed at a location for no more than 14 calendar
36 days per placement with no more than two placements per year.
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38 (g) **Permit not required.** A permit for temporary structures or uses are
39 **not required:**

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- a. When such use or structure is part of a construction project by or for the City or SID; provided however a building permit shall be required.
- b. When such use or structure shall be at a site that has been approved for or is customarily associated with special events.
- c. When a special events permit has been obtained.

SECTION 3. Codification. It is the intention of the City Council of the City of Westlake that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Westlake, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

SECTION 4. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions which are in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 5. 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 6. Effective Date. This ordinance shall be effective upon adoption on second reading.

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PASSED this ____ day of _____, 2022, on first reading.
PUBLISHED on this ____ day of _____, 2022 in the Palm Beach Post.
PASSED AND ADOPTED this ____ day of _____, 2022, on second reading.

City of Westlake
JohnPaul O'Connor, Mayor

ATTEST:

Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY

File Attachments for Item:

B. FIRST READING: Ordinance 2022-16 – Sexually Oriented Businesses

Submitted By: Planning and Zoning

ORDINANCE NO. 2022-16

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING _____ ENTITLED “SEXUALLY ORIENTED BUSINESSES”; PROVIDING FOR DEFINITIONS OF SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR LICENSING AND REGULATION OF SUCH BUSINESSES AND THEIR EMPLOYEES; PROVIDING FOR A DISTANCE SEPARATION BETWEEN ENTERTAINERS AND PATRONS IN SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		12/6/22	Submitted By: Planning and Zoning	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		FIRST READING: Ordinance 2022-XX – Sexually Oriented Businesses		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approved first reading of Ordinance 2022-XX “Sexually Oriented Businesses”.		
SUMMARY and/or JUSTIFICATION:		This Ordinance establishes provisions for licensing and regulations of such business and their employees. Provides distance separation between entertainers and patrons in sexually oriented business.		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:		PROCLAMATION:	
	EXHIBIT(S):	X	OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>		Exhibit A: Ordinance 2022-xx: Sexually Oriented Businesses		
SELECT, if applicable		RESOLUTION:		ORDINANCE: 2022-XX X
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field’s textbox and leave blank)</i> <u>Please keep text indented.</u>		<p style="text-align: center;">ORDINANCE NO. _____</p> <p>AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING _____ ENTITLED “SEXUALLY ORIENTED BUSINESSES”; PROVIDING FOR DEFINITIONS OF SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR LICENSING AND REGULATION OF SUCH BUSINESSES AND THEIR EMPLOYEES; PROVIDING FOR A DISTANCE SEPARATION BETWEEN ENTERTAINERS AND PATRONS IN SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.</p>		
FISCAL IMPACT (if any):				\$

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ORDINANCE NO. 2022-16

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING _____ ENTITLED "SEXUALLY ORIENTED BUSINESSES"; PROVIDING FOR DEFINITIONS OF SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR LICENSING AND REGULATION OF SUCH BUSINESSES AND THEIR EMPLOYEES; PROVIDING FOR A DISTANCE SEPARATION BETWEEN ENTERTAINERS AND PATRONS IN SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Westlake finds that sexually oriented businesses, as category of establishments, are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the City which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, and are often associated with crime and the downgrading of property values; and

WHEREAS, underage performers have been used in sexually oriented entertainment, both in films and in live performances; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

1 **WHEREAS**, the City Council has determined that locational criteria alone do not
2 adequately protect the health, safety, and general welfare of the people of this City;
3 and
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5 **WHEREAS**, it is not the intent of the City Council to condone or legitimize the
6 distribution of obscene material, and the Council recognizes that state and federal law
7 prohibits the distribution of obscene materials and expects and encourages state law
8 enforcement officials to enforce state obscenity statutes against any such illegal
9 activities in the City; and
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11 **WHEREAS**, the City recognizes its constitutional duty to interpret, construe, and
12 amend its laws and ordinances to comply with constitutional requirements as they
13 are announced; and
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15 **WHEREAS**, with the passage of any ordinance, the City and the City Council accept
16 as binding the applicability of general principles of criminal and civil law and
17 procedure and the rights and obligations under the United States and Florida
18 Constitutions, and the Florida Rules of Civil and Criminal Procedure; and
19

20 **WHEREAS**, it is not the intent of this ordinance to suppress any speech activities
21 protected by the U.S. Constitution or the Florida Constitution, but to enact an
22 ordinance to further the content-neutral governmental interests of the City, to wit, the
23 controlling of secondary effects of sexually oriented businesses;
24

25 **NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE**
26 **CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:**
27

28 **SECTION 1.** Recitals. The foregoing recitals are confirmed, adopted and
29 incorporated herein and made a part hereof by this reference.

30 **SECTION 2.** The City Council hereby creates Section
31 _____ of the City's Code of Ordinances as follows:

32 **ARTICLE . SEXUALLY ORIENTED BUSINESSES**

33 **Sec. . Purpose and findings.**

34 **(a) Purpose. It is the purpose of this article to regulate sexually oriented**
35 **businesses in order to promote the health, safety, morals, and general welfare of**
36 **the citizens of the city, to establish reasonable and uniform regulations to prevent**
37 **the deleterious secondary effects of sexually oriented businesses within the city,**
38 **and to prevent illicit activity and other undesirable community conditions**
39 **associated with the combination of sexually oriented businesses and alcohol**
40 **consumption. The provisions of this article have neither the purpose nor effect of**

1 imposing a limitation or restriction on the content or reasonable access to any
2 communicative materials, including sexually oriented materials. Similarly, it is
3 neither the intent nor effect of this article to restrict or deny access by adults to
4 sexually oriented materials protected by the First Amendment, or to deny access by
5 the distributors and exhibitors of sexually oriented entertainment to their intended
6 market. Neither is it the intent nor effect of this article to condone or legitimize the
7 distribution of obscene material.

8 (b) Findings. Based on evidence of the adverse secondary effects related to
9 sexually oriented businesses presented in hearings and in reports made available
10 to the Council, and on findings, interpretations, and narrowing constructions
11 incorporated in numerous cases, including, but not limited to Pap's A.M. v. City of
12 Erie, 529 U.S. 277 (2000); City of Los Angeles v. Alameda Books, Inc., 535 U.S. 425
13 (2002);City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986),Young v.
14 American Mini Theatres, 426 U.S. 50 (1976), Barnes v. Glen Theatre, Inc., 501 U.S.
15 560 (1991); FW/PBS, Inc. v. City of Dallas, 493 U.S. 215 (1990); California v. LaRue,
16 409 U.S. 109 (1972); as well as in the cases of Artistic Entertainment, Inc. v. City of
17 Warner Robins, 223 F.3d 1306 (11th Cir. 2000); Peek-A-Boo Lounge of Bradenton,
18 Inc. v. Manatee County, 337 F.3d 1251 (11th Cir. 2003); Gary v. City of Warner
19 Robins, 311 F.3d 1334 (11th Cir. 2002); Ward v. County of Orange, 217 F.3d 1350
20 (11th Cir. 2000); Boss Capital, Inc. v. City of Casselberry, 187 F.3d 1251 (11th Cir.
21 1999); David Vincent, Inc. v. Broward County, 200 F.3d 1325 (11th Cir. 2000);
22 Sammy's of Mobile, Ltd. v. City of Mobile, 140 F.3d 993 (11th Cir. 1998); Lady J.
23 Lingerie, Inc. v. City of Jacksonville, 176 F.3d 1358 (11th Cir. 1999); Lady J. Lingerie,
24 Inc. v. City of Jacksonville, 973 F.Supp. 1428 (M.D. Fla. 1997;Grand Faloon Tavern,
25 Inc. v. Wicker, 670 F.2d 943 (11th Cir. 1982);Board of County Commissioners v.
26 Dexterhouse, 348 So. 2d 916 (Ct. App. Fla. 1977);International Food & Beverage
27 Systems v. Ft. Lauderdale, 794 F.2d 1520 (11th Cir. 1986); and other cases; and
28 reports of secondary effects occurring in and around sexually oriented businesses,
29 including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota-
30 1980; Houston, Texas - 1997; Indianapolis, Indiana - 1984; Amarillo, Texas - 1977;
31 Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California
32 - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma
33 - 1986; Cleveland, Ohio - 1977 ; and Dallas, Texas - 1997; St. Croix County,
34 Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996;
35 New York Times Square study - 1994; Phoenix, Arizona -1995-98; and also on
36 findings of physical abuse from the paper entitled "Stripclubs According to
37 Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program
38 Director, Freedom and Justice Center for Prostitution Resources, Minneapolis,
39 Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David
40 Sherman, presented to the Michigan House Committee on Ethics and Constitutional
41 Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group On The

1 Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the
2 council finds:

3 (1) Sexually oriented businesses, as a category of commercial uses, are
4 associated with a wide variety of adverse secondary effects including, but not
5 limited to, personal and property crimes, prostitution, potential spread of disease,
6 lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative
7 impacts on property values, urban blight, pornographic litter, and sexual assault
8 and exploitation.

9 (2) Sexual acts, including masturbation, oral and anal sex, sometimes occur at
10 unregulated sexually oriented businesses, especially those which provide private
11 or semi-private booths, rooms, or cubicles for view films, videos, or live sexually
12 explicit shows, which acts constitute a public nuisance and pose a risk to public
13 health through the spread of sexually transmitted diseases.

14 (3) The prevention of sexual contact between patrons and employees at
15 sexually oriented businesses is unrelated to the suppression of free expression and
16 serves to address the concerns raised in the findings contained herein.

17 (4) Separating entertainers from patrons and prohibiting entertainers and
18 patrons from engaging in sexual fondling and caressing in sexually oriented
19 businesses would reduce the opportunity for prostitution transactions and thus
20 should deter prostitution.

21 (5) Each of the foregoing negative secondary effects constitutes a harm which
22 the city has a substantial government interest in preventing and/or abating.

23 Sec. . Definitions.

24 For purposes of this article, the words and phrases defined in the sections
25 hereunder shall have the meanings therein respectively ascribed to them unless a
26 different meaning is clearly indicated by the context.

27

28 Adult bookstore/adult video store means a commercial establishment which has
29 significant or substantial portion of its stock-in trade or derives a significant or
30 substantial portion of its revenues or devotes a significant or substantial portion of
31 its interior business or advertising, or maintains a substantial section of its sales or
32 display space to the sale or rental, for any form of consideration, of any one or more
33 of the following:

34 Books, magazines, periodicals or other printed matter, or photographs, films,
35 motion pictures, video cassettes, compact discs, slides, or other visual
36 representations which are characterized by their emphasis upon the exhibition or
37 description of "specified sexual activities" or "specified anatomical areas."

1 The term "adult bookstore/adult video store" shall also include a commercial
2 establishment which regularly maintains one or more "adult arcades." "Adult
3 arcade" means any place to which the public is permitted or invited wherein coin-
4 operated or slug-operated or electronically, electrically, or mechanically controlled
5 still or motion picture machines, projectors, or other image-producing devices are
6 regularly maintained to show images to five (5) or fewer persons per machine at
7 any one time, and where the images so displayed are distinguished or characterized
8 by their emphasis upon matter exhibiting or describing "specified sexual activities"
9 or specified "anatomical areas."

10 Adult cabaret means a nightclub, bar, juice bar, restaurant, bottle club, or similar
11 commercial establishment, whether or not alcoholic beverages are served, which
12 regularly features persons who appear semi-nude.

13 Adult motel means a motel, hotel, or similar commercial establishment which:

14 (1) Offers accommodations to the public for any form of consideration; provides
15 patrons with closed-circuit television transmissions, films, motion pictures, video
16 cassettes, other photographic reproductions, or live performances which are
17 characterized by the depiction or description of "specified sexual activities" or
18 "specified anatomical areas"; and which advertises the availability of such material
19 by means of a sign visible from the public right-of-way, or by means of any on or
20 off-premises advertising, including but not limited to, newspapers, magazines,
21 pamphlets or leaflets, radio or television; or

22 (2) Offers a sleeping room for rent for a period of time that is less than ten (10)
23 hours; or

24 (3) Allows a tenant or occupant of a sleeping room to subrent the room for a
25 period of time that is less than ten (10) hours.

26 Adult novelty store means a commercial establishment to which minors are
27 restricted access by reason of age and which regularly features instruments,
28 devices, or paraphernalia which are designed for use or marketed primarily for
29 stimulation of human genital organs or for sadomasochistic use or abuse of
30 themselves or others, including such items as dildos, vibrators, penis rings, rubber
31 vaginas, and similar devices. The foregoing instruments, devices, or paraphernalia
32 shall not be interpreted to include condoms, diaphragms, intra-uterine devices
33 (IUDs), or similar prophylactic means of preventing pregnancy.

34 Adult motion picture theater means a commercial establishment where films,
35 motion pictures, videocassettes, slides, or similar photographic reproductions
36 which are characterized by their emphasis upon the exhibition or description of
37 "specified sexual activities" or "specified anatomical areas" are regularly shown for
38 any form of consideration.

39

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1 Alcoholic beverage shall mean all distilled spirits and all beverages containing one-
2 half of one percent or more alcohol by volume.

3 Controlling interest means the power, directly or indirectly, to direct the operation,
4 management or policies of a business or entity, or to vote twenty (20 percent or
5 more of any class of voting securities of a business. The ownership, control, or
6 power to vote twenty per cent or more of any class of voting securities of a business
7 shall be presumed, subject to rebuttal, to be the power to direct the management,
8 operation or policies of the business.

9 Distinguished or characterized by an emphasis upon means the dominant or
10 principal theme of the object described by such phrase. For instance, when the
11 phase refers to films "which are distinguished or characterized by an emphasis
12 upon the exhibition or description of specified sexual activities or specified
13 anatomical areas," the films so described are those whose dominant or principal
14 character and theme are the exhibition or description "specified anatomical areas"
15 or "specified sexual activities."

16 Employ, employee, and employment" describe and pertain to any person who
17 performs any service on the premises of a sexually oriented business, on a full time,
18 part time, or contract basis, whether or not the person is denominated an employee,
19 independent contractor, agent, or otherwise. Employee does not include a person
20 exclusively on the premises for repair or maintenance of the premises or for the
21 delivery of goods to the premises.

22 Establish or establishment shall mean and include any of the following:

23 (1) The opening or commencement of any sexually oriented business as a new
24 business;

25 (2) The conversion of an existing business, whether or not a sexually oriented
26 business, to any sexually oriented business; or

27 (3) The addition of any sexually oriented business to any other existing sexually
28 oriented business.

29 Hearing officer shall mean an individual licensed to practice law in Florida
30 appointed by the City Council of the City of Westlake.

31 Licensee shall mean a person or business entity in whose name a license to operate
32 a sexually oriented business has been issued, as well as the individual or individuals
33 listed as an applicant on the application for a sexually oriented business license.

34 Nudity or a state of nudity means the showing of the human male or female genitals,
35 pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering,
36 or the showing of the female breast with less than a fully opaque covering of any
37 part of the nipple and areola.

1 Operate or cause to operate shall mean to cause to function or to put or keep in a
2 state of doing business. "Operator" means any persons on the premises of a sexually
3 oriented business who is authorized to exercise overall operational control of the
4 business or who causes to function or who puts or keeps in operation the business.
5 A person may be found to be operating or causing to be operated a sexually oriented
6 business whether or not that person is an owner, part owner, or licensee of the
7 business.

8 Person shall mean individual, proprietorship, partnership, corporation,
9 association, or other legal entity.

10 Regularly features or regularly shown means a consistent or substantial course of
11 conduct, such that the films or performances exhibited constitute a substantial
12 portion of the films or performances offered as a part of the ongoing business of the
13 sexually oriented business.

14 Semi-nude, state of semi-nudity, or semi-nude condition shall mean the showing of
15 the female breast below a horizontal line across the top of the areola and extending
16 across the width of the breast at that point, or the showing of the male or female
17 buttocks. This definition shall include the entire lower portion of the human female
18 breast, but shall not include any portion of the cleavage of the human female breasts
19 exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel
20 provided the areola is not exposed in whole or in part.

21 Semi-nude model studio means any place where a person, who regularly appears
22 in a state of semi-nudity is provided for money or any form of consideration to be
23 observed, sketched, drawn, painted, sculptured, photographed, or similarly
24 depicted by other persons.

25 It is a defense to prosecution for any violation of this article that a person appearing
26 in a state of semi-nudity or semi-nudity did so in a modeling class operated:

27 (1) By a college, community college, or university supported entirely or partly
28 by taxation;

29 (2) By a private college or university which maintains and operates educational
30 programs in which credits are transferable to college, community college, or
31 university supported entirely or partly by taxation; or

32 (3) In a structure:

33 a. Which has no sign visible from the exterior of the structure and no other
34 advertising that indicates a semi-nude person is available for viewing; and

35 b. Where, in order to participate in a class a student must enroll at least three
36 days in advance of the class.

1 Sexual encounter center shall mean a business or commercial enterprise that, as
2 one of its principal business purposes, purports to offer for any form of
3 consideration:

4 (1) Physical contact in the form of wrestling or tumbling between persons of the
5 opposite sex; or

6 (2) Physical contact between male and female persons and/or persons of the
7 same sex when one or more of the persons is semi-nude.

8 Sexually oriented entertainment activity means the sale, rental, or exhibition for
9 any form of consideration, of books, films, video cassettes, magazines, periodicals,
10 or live performances which are characterized by an emphasis on the exposure or
11 display of specific sexual activity.

12 Specified anatomical areas means and includes:

13 (1) Less than completely and opaquely covered: human genitals, pubic region;
14 buttock; and female breast below a point immediately above the top of the areola;
15 and

16 (2) Human male genitals in a discernibly turgid state, even if completely and
17 opaquely covered.

18 Specified criminal activity means any of the following offenses:

19 (1) Fla. Stat. § 787.025 (luring or enticing a child); Fla. Stat. § 794.011 (sexual
20 battery); Fla. Stat. § 794.05 (unlawful sexual activity with certain minors); Fla. Stat.
21 Ch. 796 (prostitution offenses); Fla. Stat. Ch. 800 (lewdness; indecent exposure);
22 Fla. Stat. Ch. 847 (obscenity); Fla. Stat. Ch. 815 (racketeering); Fla. Stat. § 896.101
23 (Florida Money Laundering Act); Fla. Stat. § 893.13 (controlled substance offenses);
24 criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses
25 or offenses in other jurisdictions that, if the acts would have constituted any of the
26 foregoing offenses if the acts had been committed in Florida; for which:

27 a. Less than two (2) years have elapsed since the date of conviction or the date
28 of release from confinement imposed for the conviction, whichever is the later date,
29 if the conviction is of a misdemeanor offense;

30 b. Less than five (5) years have elapsed since the date of conviction or the date
31 of release from confinement for the conviction, whichever is the later date, if the
32 conviction is of a felony offense; or

33 c. Less than five (5) years have elapsed since the date of the last conviction or
34 the date of release from confinement for the last conviction, whichever is the later
35 date, if the convictions are of two or more misdemeanor offenses or combination of
36 misdemeanor offenses occurring within any 24-month period.

1 (2) The fact that a conviction is being appealed shall have no effect on the
2 disqualification of the applicant.

3 Specified sexual activity means simulated or actual:

4 (1) Showing of human genitals in a state of sexual stimulation or arousal;

5 (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia,
6 sado-masochistic abuse, felatio or cunnilingus;

7 (3) Fondling or erotic touching of human genitals, pubic region, buttock or
8 female breasts; or

9 (4) Excretory functions as a part of or in connection with any of the activities
10 described in (1), (2) and (3) above.

11 Transfer of ownership or control of a sexually oriented business shall mean any of
12 the following:

13 (1) The sale, lease, or sublease of the business;

14 (2) The transfer of securities which constitute a controlling interest in the
15 business, whether by sale, exchange, or similar means; or

16 (3) The establishment of a trust, gift, or other similar legal device which
17 transfers the ownership or control of the business, except for transfer by bequest
18 or other operation of law upon the death of the person possessing the ownership
19 or control.

20 Viewing room shall mean the room, booth, or area where a patron of sexually
21 oriented business would ordinarily be positioned while watching a film,
22 videocassette, or other video reproduction.

23

24 Sec. _____ . Classification.

25 Sexually oriented businesses shall be classified as follows:

26 (1) Adult bookstores/adult video stores;

27 (2) Adult cabarets;

28 (3) Adult motels;

29 (4) Adult motion picture theaters;

30 (5) Adult novelty stores;

31 (6) Semi-nude model studios

32

33 Sec _____ . License required.

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1 (a) Requirement. No sexually oriented business establishment shall be permitted
2 to operate without having been first granted an sexually oriented business license
3 by the City planning department under this code.

4
5 (b) It shall be unlawful for any person or business entity to operate a sexually
6 oriented business in the City of Westlake without a valid sexually oriented business
7 license.

8
9 (c) An applicant for a sexually oriented business license shall file in person at
10 the office of the city clerk a completed application made on a form provided by the
11 city clerk. The application shall be signed by the applicant and notarized, and shall
12 state that the applicant is swearing or affirming all information on the application
13 is true and correct. An application shall be considered complete when it contains
14 the information required in paragraphs (1) through (6) as follows:

15 (1) The applicant's full true name and any other names used in the preceding
16 five (5) years.

17 (2) Current business address or another mailing address of the applicant.

18 (3) Written proof of age, in the form of a copy of a birth certificate and a picture
19 identification document issued by a governmental agency.

20 (4) The business name, location, legal description, mailing address and phone
21 number of the sexually oriented business.

22 (5) The name and business address of the statutory agent or other agent
23 authorized to receive service of process.

24 (6) A statement of whether the applicant has been convicted or has pled guilty
25 or nolo contendere, regardless of whether adjudication is withheld, to a specified
26 criminal activity as defined in this article, and if so, the specified criminal activity
27 involved, including the date, place, and jurisdiction of each as well as the dates of
28 conviction and release from confinement, where applicable.

29 The information provided pursuant to paragraphs (1) through (6) of this
30 subsection shall be supplemented in writing by certified mail, return receipt
31 requested, to the city clerk within ten (10) working days of a change of
32 circumstances which would render the information originally submitted incorrect
33 or incomplete.

34 (d) An application for a sexually oriented business license shall be accompanied
35 by a sketch or diagram showing the configuration of the premises, including a
36 statement of total floor space occupied by the business. The sketch or diagram need
37 not be professionally prepared but shall be drawn to a designated scale or drawn

1 with marked dimensions of the interior of the premises to an accuracy of plus or
2 minus six (6) inches. Applicants who are required to comply with sections _____
3 and _____ of this article shall submit a diagram indicating that the premises meets
4 the requirements of those sections.

5 (e) If a person who wishes to operate a sexually oriented business is an
6 individual, he or she shall sign the application for a license as applicant. If a person
7 who wishes to operate a sexually oriented business is other than an individual, each
8 officer, director, general partner or other person who will participate directly in
9 decisions relating to management and control of the business shall sign the
10 application for a license as applicant. Each applicant must be qualified under
11 section _____ and each applicant shall be considered a licensee if a license
12 is granted.

13

14

15 Sec. _____ . Issuance of license.

16 (a) Upon the filing of a completed application under section _____ for a
17 sexually oriented business license, the city clerk shall immediately issue a
18 temporary license to the applicant, which temporary license shall expire upon the
19 final decision of the city to deny or grant the license. Within twenty (20) days of the
20 initial filing date of the completed application, the clerk shall issue a license to the
21 applicant or issue to the applicant a letter of intent to deny the application. The
22 clerk shall approve the issuance of a license unless one or more of the following is
23 found to be true:

24 (1) An applicant is less than eighteen (18) years of age.

25 (2) An applicant has failed to provide information as required by section
26 _____ for issuance of a license or has falsely answered a question or request for
27 information on the application form.

28 (3) The license application fee required by this article has not been paid.

29 (4) An applicant has had a license revoked under this article within one (1) year
30 preceding the date of application.

31 (5) The sexually oriented business premises is not in compliance with the
32 interior configuration requirements of this article or is not in compliance with
33 locational requirements established in the applicable zoning regulations.

34 (6) An applicant has been convicted of a specified criminal activity, as defined
35 in this article.

36 (b) The license, if granted, shall state on its face the name of the person or
37 persons to whom it is granted, the number of the license issued to the licensee(s).

{00534142.1 3540-0000000 }

1 the expiration date, and, the address of the sexually oriented business. The sexually
2 oriented business license shall be posted in a conspicuous place at or near the
3 entrance to the sexually oriented business so that it may be easily read at any time.

4
5 Sec. _____ . Fees.

6 The initial license and annual renewal fees for sexually oriented business licenses
7 shall be as established by resolution adopted by City Council.

8 Sec. _____ . Inspection.

9 (a) Sexually oriented businesses shall permit officers or agents of the City of
10 Westlake to inspect, from time to time on an occasional basis, the portions of the
11 sexually oriented business premises where patrons are permitted, for the purpose
12 of ensuring compliance with the specific regulations of this article, during those
13 times when the sexually oriented business is occupied by patrons or is open for
14 business. A licensee's knowing or intentional refusal to permit such an inspection
15 shall not constitute a misdemeanor, but shall constitute a violation of this section
16 for purposes of license denial, suspension, and/or revocation. This section shall be
17 narrowly construed by the city to authorize reasonable inspections of the licensed
18 premises pursuant to this article, but not to authorize a harassing or excessive
19 pattern of inspections.

20 (b) The provisions of this section do not apply to areas of an adult motel which
21 are currently being rented by a customer for use as a permanent or temporary
22 habitation.

23
24 Sec. _____ . Expiration of license.

25 (a) Each license shall remain valid for a period of one (1) calendar year from the
26 date of issuance unless otherwise suspended or revoked. Such license may be
27 renewed only by making application and payment of a fee as provided in section
28 _____ and section _____ .

29 (b) Application for renewal should be made at least ninety (90) days before the
30 expiration date, and when made less than ninety (90) days before the expiration
31 date, the expiration of the license will not be affected.

32 Sec. _____ . Suspension.

33 The city shall issue a written letter of intent to suspend a sexually oriented business
34 license for a period not to exceed thirty (30) days if the sexually oriented business
35 licensee has knowingly violated this article or has knowingly allowed an employee
36 to violate this article.

37 Sec. _____ . Revocation.

{00534142.1 3540-0000000 }

1 (a) The city shall issue a letter of intent to revoke a sexually oriented business
2 license if the licensee commits two or more causes of suspension in section
3 _____ within a twelve-month period.

4 (b) The city shall issue written intent to revoke a sexually oriented business
5 license, as applicable, if it determines that:

6 (1) The licensee has knowingly given false information in the application for the
7 sexually oriented business license.

8 (2) The licensee has knowingly engaged in or allowed possession, use, or sale of
9 controlled substances on the premises;

10 (3) The licensee has knowingly engaged in or allowed prostitution on the
11 premises;

12 (4) The licensee knowingly operated the sexually oriented business during a
13 period of time when the license was suspended;

14 (5) The licensee has knowingly engaged in or allowed any specified sexual
15 activity to occur in or on the licensed premises.

16 (c) The fact that any relevant conviction is being appealed shall have no effect
17 on the revocation of the license, provided that, if any conviction which serves as a
18 basis of a license revocation is overturned on appeal, that conviction shall be
19 treated as null and of no effect for revocation purposes.

20 (d) Nature of revocation. When, after the notice and hearing procedure
21 described in section _____, the hearing officer revokes a license, the revocation shall
22 continue for one (1) year and the licensee shall not be issued a sexually oriented
23 business license for one (1) year from the date revocation becomes effective,
24 provided that, if the conditions of section _____ (b) are met, a provisional license
25 will be granted pursuant to that section.

26

27 Sec. _____ . Hearing; denial, revocation, and suspension; appeal.

28 (a) If the city determines that facts exist for denial, suspension, or revocation of
29 a license under this chapter, the city shall notify the applicant or licensee
30 (respondent) in writing of the intent to deny, suspend or revoke the license,
31 including the grounds thereof, by personal delivery, or by certified mail. The
32 notification shall be directed to the most current business address or other mailing
33 address on file with the city clerk for the respondent. Within ten (10) working days
34 of receipt of such notice, the respondent may provide to the city clerk a written
35 response that shall include a statement of reasons why the respondent believes the
36 license should not be denied, suspended, or revoked.

1 Within five (5) days of the receipt of respondent's written response, the city clerk
2 shall notify respondent in writing of the hearing date on respondent's denial,
3 suspension, or revocation proceeding. Within twenty (20) working days of the
4 receipt of respondent's written response, the hearing officer shall conduct a
5 hearing at which respondent shall have the opportunity to present all of
6 respondent's arguments and to be represented by counsel, present evidence and
7 witnesses on his or her behalf, and cross-examine any of the city's witnesses. The
8 city shall also be represented by counsel, and shall bear the burden of proving the
9 grounds for deny, suspending, or revoking the license. The hearing shall take no
10 longer than two (2) days, unless extended to meet the requirements of due process
11 and proper administration of justice. The hearing officer shall issue a written
12 opinion within five (5) days after the hearing.

13 If a court action challenging the city's decision is initiated, the city shall prepare and
14 transmit to the court a transcript of the hearing within ten (10) days after the
15 issuance of the hearing officer's written opinion. If a response is not received by the
16 city clerk in the time stated or, if after the hearing the hearing officer finds that
17 grounds as specified in this article exist for denial, suspension, or revocation, then
18 such denial, suspension, or revocation shall become final five (5) days after the city
19 sends, by certified mail, written notice to the respondent that the license has been
20 denied, suspended, or revoked. Such notice shall include a statement advising the
21 respondent of the right to appeal such decision to a court of competent jurisdiction.
22 If the hearing officer finds that no grounds exist for denial, suspension, or
23 revocation of a license, then within five (5) days after the hearing, the hearing
24 officer shall order the city clerk to immediately withdraw the intent to deny,
25 suspend, or revoke the license and to notify the respondent in writing by certified
26 mail of such action. The city clerk shall contemporaneously therewith issue the
27 license to the applicant.

28 (b) When a decision to deny, suspend or revoke a license becomes final, the
29 applicant or licensee (aggrieved party) whose application for a license has been
30 denied or whose license has been suspended or revoked shall have the right to
31 appeal or challenge such action to any court of competent jurisdiction. Upon the
32 filing of any court action to appeal, challenge, restrain, or otherwise enjoin the city's
33 enforcement of the denial, suspension, or revocation, the city shall immediately
34 issue the aggrieved party a provisional license. The provisional license shall allow
35 the aggrieved party to continue operation of the sexually oriented business and will
36 expire upon the court's entry of a judgment on the aggrieved party's appeal or other
37 action to restrain or otherwise enjoin the city's enforcement.

38 (c) Application of article during temporary license or provisional license
39 periods. Sexually oriented businesses operating or working under temporary
40 licenses (as provided for in section _____ (a)), provisional licenses (as provided for
41 in section _____ (b)), or de facto temporary licenses (as provided for in section

{00534142.1 3540-0000000 }

1 _____) shall be subject to the provisions of section _____, section _____,
2 section _____, section _____, section _____, and section _____
3 of this article.

4
5
6
7
8

9 Sec. _____. Transfer of license.

10 A licensee shall not transfer license to another, nor shall a licensee operate a
11 sexually oriented business under the authority of a license at any place other than
12 the address designated in the sexually oriented business license application.

13

14 Sec. _____. Hours of operation.

15 No sexually oriented business shall be or remain open for business between 1:00
16 a.m. and 8:00 a.m.

17

18 Sec. _____. Regulations pertaining to exhibition of sexually explicit films or videos.

19 (a) A person who operates or causes to be operated a sexually oriented
20 business, other than an adult motel, which exhibits on the premises in a viewing
21 room of less than one hundred fifty (150) square feet of floor space, a film, video
22 cassette, or other video reproduction characterized by an emphasis on the display
23 of specified sexual activities or specified anatomical areas shall comply with the
24 following requirements.

25 (1) Each application for a sexually oriented business license shall contain a
26 diagram of the premises showing the location of all manager's stations, viewing
27 rooms, overhead lighting fixtures, video cameras and monitors installed for
28 monitoring purposes and restrooms, and shall designate all portions of the
29 premises in which patrons will not be permitted. Restrooms shall not contain video
30 reproduction equipment. The diagram shall also designate the place at which the
31 permit will be conspicuously posted, if granted. A professionally prepared diagram
32 in the nature of an engineer's or architect's blueprint shall not be required;
33 however, each diagram shall be oriented to the north or to some designated street
34 or object and shall be drawn to a designated scale or with marked dimensions
35 sufficient to show the various internal dimensions of all areas of the interior of the
36 premises to an accuracy of plus or minus six (6) inches. The clerk may waive the

1 foregoing diagram for renewal applications if the applicant adopts a diagram that
2 was previously submitted and certifies that the configuration of the premises has
3 not been altered since it was prepared.

4 (2) The application shall be sworn to be true and correct by the applicant.

5 (3) No alteration in the configuration or location of a manager's station or
6 viewing room may be made without the prior approval of the city.

7 (4) It shall be the duty of the operator, and of any employees present on the
8 premises, to ensure that no patron is permitted access to any area of the premises
9 which has been designated as an area in which patrons will not be permitted in the
10 application filed pursuant to paragraph (1) of this subsection.

11 (5) The interior premises shall be equipped with overhead lighting fixtures of
12 sufficient intensity to illuminate every place to which patrons are permitted access
13 at an illumination of not less than one (1) foot candle as measured at the floor level.
14 It shall be the duty of the operator, and of any employees present on the premises,
15 to ensure that the illumination described above is maintained at all times that the
16 premises is occupied by patrons or open for business.

17 (6) It shall be the duty of the operator, and of any employees present on the
18 premises, to ensure that no sexual activity occurs in or on the licensed premises.

19 (7) It shall be the duty of the operator, and of any employees present on the
20 premises, to ensure that not more than one person is present in a viewing room at
21 any time. No person shall enter a viewing room that is occupied by another person.

22 (8) It shall be the duty of the operator, and of any employees present on the
23 premises, to ensure that no openings of any kind exist between viewing rooms. No
24 person shall make an attempt to make an opening of any kind between viewing
25 rooms.

26 (9) It shall be the duty of the operator, or of any employee who discovers two
27 or more patrons in a viewing room or discovers any person making or attempting
28 to make an opening of any kind between viewing rooms, to immediately escort such
29 persons from the premises.

30 (10) It shall be the duty of the operator, or of any employee, who discovers an
31 opening of any kind between viewing rooms to immediately secure such rooms,
32 and prevent entry into them by any patron until such time as the wall between the
33 rooms has been repaired to remove the opening. Removal and repairing openings
34 between viewing rooms shall be in a manner that is as structurally substantial as
35 the original wall construction.

36 (11) It shall be the duty of the operator, at least once each business day, to inspect
37 the walls between viewing rooms for openings of any kind, documented by
38 appropriate logs.

{00534142.1 3540-0000000 }

1 (12) It shall be the duty of the operator to post conspicuous signs in well-lighted
2 entry areas of the business stating all of the following:

3 a. That no loitering is permitted in viewing rooms.

4 b. That the occupancy of viewing rooms is limited to one (1) person.

5 c. That sexual activity on the premises is prohibited.

6 d. That the making of openings between viewing rooms is prohibited.

7 e. That violators will be required to leave the premises.

8 f. That violations of subparagraphs b., c. and d. of this paragraph are unlawful.

9 (13) It shall be the duty of the operator to ensure that floor coverings in viewing
10 rooms are nonporous, easily cleanable surfaces, with no rugs or carpeting.

11 (14) It shall be the duty of the operator to ensure that all wall surfaces and seating
12 surfaces in viewing rooms are constructed of or permanently covered by
13 nonporous easily cleanable material.

14 (15) It shall be the duty of the operator to ensure that premises are clean and
15 sanitary. Such duty shall be fulfilled if the operator complies with the following
16 cleaning procedures:

17 a. The operator shall maintain a regular cleaning schedule of at least two (2)
18 cleanings per day, documented by appropriate logs.

19 b. The operator shall provide an employee to check all areas for garbage, trash,
20 body fluids and excrement and to remove and clean all areas with a disinfectant.

21 c. Thorough cleaning of the entire interior of any room providing patron
22 privacy shall be done using a disinfectant. Cleaning shall include floors, walls, doors,
23 seating, monitors, video cameras, and windows and other surfaces.

24 (16) The interior of the premises shall be configured in such a manner that there
25 is an unobstructed view from a manager's station of every area of the premises,
26 including the interior of each viewing room but excluding restrooms, to which any
27 patron is permitted access for any purpose. A manager's station shall not exceed
28 thirty-two (32) square feet of floor area. If the premises has two (2) or more
29 manager's stations designated, then the interior of the premises shall be configured
30 in such a manner that there is an unobstructed view of each area of the premises to
31 which any patron is permitted access for any purpose from at least one (1) of the
32 manager's stations. The view required in this paragraph must be by direct line of
33 sight from the manager's station. It is the duty of the operator to ensure that at least
34 one (1) employee is on duty and situated in each manager's station at all times that
35 any patron is on the premises. It shall be the duty of the operator, and it shall also
36 be the duty of any employees present on the premises, to ensure that the view area
37 specified in this paragraph remains unobstructed by any doors, curtains, walls,

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1 merchandise, display racks or other materials or enclosures at all times that any
2 patron is present on the premises.

3 (17) It shall be the duty of the operator or manager of the business to ensure that
4 no sexually oriented entertainment activity or visual depictions characterized by
5 an emphasis on actual "specified anatomical areas" or "specified sexual activities"
6 are visible from a public right of way adjacent to the establishment.

7 (b) It shall be unlawful for a person having a duty under this section to
8 knowingly fail to fulfill that duty.

9

10 Sec. ____ . Loitering and exterior lighting and monitoring requirements.

11 (a) It shall be the duty of the operator of a sexually oriented business to:

12 (1) Post conspicuous signs stating that no loitering is permitted on such
13 property;

14 (2) Designate one or more employees to monitor the activities of persons on
15 such property by visually inspecting such property at least once every ninety (90)
16 minutes or inspecting such property by use of video cameras and monitors; and

17 (3) Provide lighting of the exterior premises to provide for visual inspection or
18 video monitoring to prohibit loitering. If used, video cameras and monitors shall
19 operate continuously at all times that the premises are open for business. The
20 monitors shall be installed within a manager's station.

21 (b) It shall be unlawful for a person having a duty under this section to
22 knowingly fail to fulfill that duty.

23

24 Sec. ____ . Penalties and enforcement.

25 (a) A person who knowingly violates, disobeys, omits, neglects, or refuses to
26 comply with or resists the enforcement of any of the provisions of this chapter shall
27 be subject to a penalty, not to exceed five hundred dollars (\$500.00) and sixty (60)
28 days in jail, upon proper adjudication in a court of competent jurisdiction. Each day
29 the violation is committed, or permitted to continue, shall constitute a separate
30 offense and shall be fined as such.

31 (b) The city attorney is hereby authorized to institute proceedings necessary for
32 the enforcement of this article to prosecute, restrain, or correct violations hereof.
33 Such proceedings, including injunction, shall be brought in the name of the city,
34 provided, however, that nothing in this section and no action taken hereunder, shall
35 be held to exclude such criminal proceedings as may be authorized by other
36 provisions of the City Code, or any of the laws or ordinances in force in the city or

1 to exempt anyone violating this Code or any part of the said laws from any penalty
2 which may be incurred.

3 Sec. _____ . Applicability of article to existing businesses.

4 Upon the passage of Ord. No. _____ , the provisions of this article shall apply
5 to the activities of all sexually oriented businesses described herein, regardless of
6 whether such businesses or activities were established or commenced before, on,
7 or after the effective date of this article, provided that:

8 (1) All existing sexually oriented businesses are hereby granted a de facto
9 temporary license to continue operation or employment for a period of ninety (90)
10 days following the effective date of this article.

11 (2) Within said one hundred ninety (90) days, all sexually oriented businesses
12 must make application for a license pursuant to this article.

13 (3) Within said ninety (90) days, all sexually oriented businesses must make
14 any necessary changes to the interior configurations of the regulated business
15 premises (e.g., building a stage, removing doors from video booths) to conform to
16 this article. This ninety (90) day grace period for making interior configuration
17 changes shall not relieve the sexually oriented business and its employees of the
18 duty to maintain the distance of six (6) feet between semi-nude employees and
19 patrons, as required by section _____ (b), nor shall it relieve the business and its
20 employees of the duty to abide by the provisions of subsections _____ (a), (c) and (d).

21

22 Sec. _____ . Prohibited activities.

23 (a) It is unlawful for a sexually oriented business to knowingly violate the
24 following regulations or to knowingly allow an employee or any other person to
25 violate the following regulations.

26 (1) It shall be a violation of this article for a patron, employee, or any other
27 person to knowingly or intentionally, in a sexually oriented business, appear in a
28 state of nudity, regardless of whether such public nudity is expressive in nature.

29 (2) It shall be a violation of this article for a person to knowingly or
30 intentionally, in a sexually oriented business, appear in a semi-nude condition
31 unless the person is an employee who, while semi-nude, remains at least six (6) feet
32 from any patron or customer and on a stage at least eighteen (18) inches from the
33 floor in a room of at least one thousand (1,000) square feet.

34 (3) It shall be a violation of this article for any employee who regularly appears
35 semi-nude in a sexually oriented business to knowingly or intentionally touch a
36 customer or the clothing of a customer on the premises of a sexually oriented
37 business.

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1 (4) It shall be a violation of this article for any person to sell, use, or consume
2 alcoholic beverages on the premises of a sexually oriented business.

3 (b) A sign in a form to be prescribed by the city clerk and summarizing the
4 provisions of paragraphs (1), (2), (3), and (4) of subsection (a), shall be posted near
5 the entrance of the sexually oriented business in such a manner as to be clearly
6 visible to patrons upon entry.

7
8 Sec. _____ . Scierter required to prove violation or business licensee liability.
9 Notwithstanding anything to the contrary, for the purposes of this article, an act by
10 an employee that constitutes grounds for suspension or revocation of that
11 employee's license shall be imputed to the sexually oriented business licensee for
12 purposes of finding a violation of this article, or for purposes of license denial,
13 suspension, or revocation, only if an officer, director, or general partner, or a person
14 who managed, supervised, or controlled the operation of the business premises,
15 knowingly, or with constructive knowledge, allowed such act to occur on the
16 premises. It shall be a defense to liability that the person to whom liability is
17 imputed was powerless to prevent the act.

18
19 Sec. _____ . Failure of city to meet time frame not to risk applicant/licensee rights.
20 In the event that a city official is required to take an act or do a thing pursuant to
21 this article within a prescribed time, and fails to take such act or do such thing
22 within the time prescribed, said failure shall not prevent the exercise of
23 constitutional rights of an applicant or licensee. If the act required of the city under
24 this article is not completed in the time prescribed, includes approval of
25 condition(s) necessary for approval by the city of an applicant or licensee's
26 application for a sexually oriented business license (including a renewal), the
27 applicant or licensee shall be allowed to commence operations or employment the
28 day after the deadline for the city's action has passed.

29
30 Sec. _____ . - Standards and requirements for sexually oriented business
31 establishments.

32
33 (a)Location. Sexually oriented business establishments as defined herein which
34 meet all requirements set forth in this chapter shall be permitted only in the Mixed
35 Use district and shall be located the following minimum distances from other
36 uses:(1) Another sexually oriented business establishment or use: 1,000 feet. (2)A
37 church or place of worship: 1,000 feet. (3)An educational institution:

1 1,000 feet.(4)A public park: 1,000 feet.(5)Existing residence residentially
2 zoned and/or real property: 1,000 feet.

3

4 (b)Measurement. For the purpose of measuring distances in the determination of
5 locations for sexually oriented business establishments and related accessory uses,
6 as defined herein, all distances shall be measured from property line to property
7 line in a straight path without regard to intervening structures or objects. Location
8 requirements may not be varied.

9

10 (c)On-site parking requirements. One parking space per each 100 square feet of
11 gross floor area is required. Off-site parking is strictly prohibited.

12 Sec. ____ . Severability.

13 This article and each section and provision of said chapter hereunder, are hereby
14 declared to be independent divisions and subdivisions and, notwithstanding any
15 other evidence of legislative intent, it is hereby declared to be the controlling
16 legislative intent that if any provisions of said chapter, or the application thereof to
17 any person or circumstance is held to be invalid, the remaining sections or
18 provisions and the application of such sections and provisions to any person or
19 circumstances other than those to which it is held invalid, shall not be affected
20 thereby, and it is hereby declared that such sections and provisions would have
21 been passed independently of such section or provision so known to be invalid.
22 Should any procedural aspect of this article be invalidated, such invalidation shall
23 not affect the enforceability of the substantive aspects of this article.

24 **SECTION 3. Codification.** It is the intention of the City Council of the City of
25 Westlake that the provisions of this Ordinance shall become and be made a part of
26 the Code of Ordinances of the City of Westlake, Florida, and that the Sections of this
27 Ordinance may be renumbered, re-lettered and the word "Ordinance" may be
28 changed to "Section," "Article" or such other word or phrase in order to accomplish
29 such intention.

30
31 **SECTION 4. Conflicts.** All ordinances or parts of ordinances,
32 resolutions or parts of resolutions which are in conflict herewith, are hereby
33 repealed to the extent of such conflict.

34

35
36 **SECTION 5. Effective Date.** This ordinance shall be effective upon
37 adoption on second reading.

38

39 **PASSED** this ____ day of _____, 2022, on first reading.

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1 **PUBLISHED** on this ____ day of _____, 2022 in the Palm Beach Post.

2 **PASSED AND ADOPTED** this ____ day of _____, 2022, on second reading.

3

4

City of Westlake

5

John Paul O'Connor, Mayor

6 **ATTEST:**

7

Zoie Burgess, City Clerk

9

10

APPROVED AS TO LEGAL FORM:

11

12

OFFICE OF THE CITY ATTORNEY

13

14

15

16

File Attachments for Item:

C. Resolution 2022-34 – Development Fee Schedule

Submitted By: Planning and Zoning

RESOLUTION NO. 2022-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, ADOPTING AND APPROVING THE PROPOSED DEVELOPMENT FEE SCHEDULE; THE COPY OF THE FEE SCHEDULE IS ATTACHED HERETO AS EXHIBIT “A”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		12/6/22	Submitted By: Planning and Zoning	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Resolution 2022-XX – Development Fee Schedule		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve Resolution 2022-XX “Development Fee Schedule”.		
SUMMARY and/or JUSTIFICATION:		This Resolution establishes development fee schedule for the City of Westlake.		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:		PROCLAMATION:	
	EXHIBIT(S):	X	OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>	Exhibit A: Resolution 2022-xx: Development Fee Schedule			
SELECT, if applicable	RESOLUTION:		RESOLUTION: 2022-XX	X
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field’s textbox and leave blank) <u>Please keep text indented.</u></i>	<p style="text-align: center;">CITY OF WESTLAKE RESOLUTION NO. 2022- _____</p> <p style="text-align: center;">A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, ADOPTING AND APPROVING THE PROPOSED DEVELOPMENT FEE SCHEDULE; THE COPY OF THE FEE SCHEDULE IS ATTACHED HERETO AS EXHIBIT “A”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.</p>			
FISCAL IMPACT (if any):				\$

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CITY OF WESTLAKE

RESOLUTION NO. 2022-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, ADOPTING AND APPROVING THE PROPOSED DEVELOPMENT FEE SCHEDULE; THE COPY OF THE FEE SCHEDULE IS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council deems it to be in the best interests of the City to adopt and approve the proposed Development Fee Schedule;

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

SECTION 1. The foregoing "WHEREAS" clause is hereby ratified and confirmed by the City Council and incorporated herein by this reference.

SECTION 2. The City Commission of the City of Westlake, Florida, hereby adopts and approves the proposed Development Fee Schedule. A copy of the Fee Schedule is attached hereto as Exhibit "A".

SECTION 3. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 6th day of December 2022.

City of Westlake
JohnPaul O'Connor, Mayor

Zoie Burgess, City Clerk



Development Fee Schedule

Planning and Zoning Department

ITEM	FEES
1. Abandonment of Easement	\$1,200.00
2. Abandonment of Rights-of-Way	\$1,200.00
3. Address - New Assignment	\$150.00
4. Annexation-Voluntary	\$4,000.00
5. Appeal of Administrative Decisions	
a. Single Homes	\$500.00
b. All Others	\$1,000.00
6. Art in Public Places Application	\$500.00
7. Comprehensive Plan Map Amendment (Small Scale)	\$3,600.00
8. Comprehensive Plan Map Amendment (Large Scale)	\$6,000.00
9. Comprehensive Plan Text Amendment	\$6,000.00
10. Conceptual Presentation (City Council)	\$1,000.00
11. Conditional Use	
Minor	
a. 0-4,999 square feet	\$1,500.00
b. 5,000-14,999 square feet	\$2,500.00
Major	
c. 14,999 square feet	\$4,000.00
d. Greater than 50,000 square feet	\$5,000.00
12. Development Order Modification	
Minor – alters density or intensity by 10% or less.	\$850.00
Major – alters density or intensity by more than 10%.	\$1,200.00 plus 1/3 of Original Application Fee
13. Development Order Time Extension	\$1,000.00



Development Fee Schedule

14. Land Development Regulation Text amendment	\$5,000.00
15. Master Sign Plan	
a. No waivers	\$1,000.00
b. Up to 10 waivers	\$2,000.00
c. More than 10 waivers	\$3,000.00
16. Master Sign Plan Modifications	\$1,300.00
17. Pre-application Meeting	\$900.00
18. Rezoning	\$5,000.00
19. Single Sign	\$200.00
20. Site Plan Review Single Family (Attached/Detached)	\$1,600 Plus # units @ \$25/unit
21. Site Plan Review Non-Residential/Multifamily	
a. 0-7,000 sq. ft.	\$2,600.00
b. 7,000 - 14,999 sq. ft.	\$4,200.00
c. 14,999 – 49,999 sq. ft.	\$7,500.00
d. 50,000 sq. ft. or greater	\$9,200.00
22. Special Event	
a. Single Event	\$160.00
b. Batch Applications (more than one event)	\$160.00 per event
c. City Council approval required (exceeds 200 attendees)	\$600.00 per event
d. Special Events Program Waiver (City Council approval)	\$600.00
23. Subdivision	\$2,000.00
24. Temporary Sign	\$200.00
25. Temporary Use - Request	\$500.00
26. Variance	
a. One (1) Single Family Home	\$500.00
b. Residential Development	\$1,100.00
c. Non-residential	\$1,600.00



Development Fee Schedule

27. Zoning determination/verification letter \$250.00

Engineering Department

Land Development Fees

ITEM	FEES
1. Application for Plat Waiver	\$600
2. Application for Required Improvements Installation Waiver	\$375
3. Application for Technical Compliance:	
a. Plat and plans for residential subdivision, including Required Improvements Installation Waiver for one or more improvements.	\$1,600 + \$25 per unit
b. Boundary Plat establishing single residential lot for single-family or multi-family use or commercial/industrial use (no required improvements).	\$1,400
c. Plat and plans for commercial/industrial subdivision, including Required Improvements Installation Waiver for one or more improvements.	\$1,600
4. Applications for Land Development Permit:	
a. Application for Land Development Permit (amount based on the estimated construction cost of the required improvements (excluding water, sewer, reclaimed water, and drainage), the "estimated cost").	\$300 + 2% of the estimated cost
b. Application for extension of time to construct required improvements (includes land development, landscape and irrigation).	\$150
c. Application for reduction of surety posted for construction of required improvements.	\$450
5. Application to modify Land Development Permit (Developer, Surety, Guaranty, Developer's Engineer).	\$450
6. Moving of Structure	\$500
7. Driveway Connections	



Development Fee Schedule

a. Driveway connection – Single Family residential	\$300
b. Driveway Connection - Minor (less than 500 ADT) (not applicable to individual single family residential driveways)	\$800
c. Driveway Connection - Intermediate (500 - 2000 ADT)	\$950
d. Driveway Connection - Major (greater than 2000 ADT)	\$1,300

Landscape and Irrigation

ITEM	FEES
1. Landscape permits	\$650 + \$20/pg
a. Landscape 1-year inspection (to be paid at time of application) (private property only)	\$120
2. Irrigation permits	15% of cost

A. The minimum fee of \$150 shall be paid at time of application. Any remaining balance due shall be paid prior to issuance of the permit.

General Notes

1. Resubmittal fees:

- | | |
|--|-------|
| a. 1 st resubmittal is included | |
| b. 2 nd resubmittal | \$500 |
| c. 3 rd resubmittal | \$750 |

If original application fee is less than the values above, the following fee schedule shall apply:

- | | |
|--|--|
| d. 1 st resubmittal is included | |
| e. 2 nd resubmittal is same as original application fee | |
| f. 3 rd resubmittal is 1.5 times the original application fee | |
| g. 4 th resubmittal is 2 times the original application fee | |

2. Additional Costs:

To cover all additional costs, including, but not limited to, planning and zoning and engineering fees, other consultant fees and special studies, the applicant shall compensate the City for all such costs prior to the processing of the application or not later than 30 days after final application approval whichever is determined as appropriate by the City.

File Attachments for Item:

D. Education and Youth Advisory Board - 1 Board Vacancy - Alternate Board Appointment - 2-Year Term

Submitted By: City Clerk



Meeting Agenda Item Coversheet

MEETING DATE:		December 6, 2022	Submitted By: City Clerk	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Education and Youth Advisory Board - 1 Board Vacancy - Alternate Board Appointment - 2-Year Term		
STAFF RECOMMENDATION: (MOTION READY)		Motion to appoint Ashley Merola as alternate board member to the Education and Youth Advisory Board for a two-year term.		
SUMMARY and/or JUSTIFICATION:		Alternate Board member Earle Wright's term has expired on the Education and Youth Advisory Board as of September 2, 2022, creating a vacancy. A notice of vacancy was published to fill the position on October 24, 2022 and closed on November 22, 2022. One application was received to fill the vacancy for alternate board member.		
SELECT, if applicable		AGREEMENT:		BUDGET:
		STAFF REPORT:		PROCLAMATION:
		EXHIBIT(S):		OTHER:
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>		Application - Merola, Ashley Resume - Merola, Ashley		
SELECT, if applicable		RESOLUTION:		ORDINANCE:
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is not a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <u>Please keep text indented.</u>				
FISCAL IMPACT (if any):				\$



Advisory Board/Committee Application

DATE: 7/20/22	NAME: Ashley Merola
ADDRESS:	4687 Citron Way Westlake, FL 33470
PHONE: 5613076236	E-MAIL: AshleySGoldstein@gmail.com
What is the Board/Committee of your choice?	Education & Youth Advisory Board
How long have you lived in the City of Westlake?	3 months
Are you a full-time resident? If not, how many months do you reside in City?	Full-time
Are you a registered voter?	Yes
Current occupation and employer, if retired, please list previous occupation and employer:	Teacher - Inlet Grove High School
Do you currently hold public office? If so, what is the office?	No
Please list any business, volunteer, community activities you have been involved in:	
Have you ever been convicted, plead no contest, plead guilty or had the adjudication of guilt withheld for any criminal offense other than a minor traffic violation? If yes, please explain.	
No	
Would you and/or any organization with which you are affiliated, benefit from decisions or recommendations made by this advisory board/committee? If yes, explain:	
No	
Experience. Please list experience and/or and any knowledge, skills, abilities, or qualifications that you possess and believe relevant to the board/committee for which you seek appointment:	
I have been teaching English and Intensive Reading at Inlet Grove High School in Riviera Beach, FL since 2009. I have a Bachelor's Degree in English and a Master's Degree in Reading Education. I have a passion for helping students and am proud to have helped thousands of students throughout the years become college and career ready. Aside from my duties in the classroom, I have been the senior class co-sponsor for my school.	

Resumes are encouraged to be attached, and any other information you feel pertinent. This application should be forwarded to the City Clerk, Zoie Burgess: zburgess@westlakegov.com or by mail/in person: City of Westlake, City Clerk's Office 4001 Seminole Pratt Whitney Road, Westlake, Florida 33470.

Thank you for volunteering to serve the citizens of Westlake.

File Attachments for Item:

E. Holiday Pop Up Market- Consideration and Approval of Land Use Agreement between the City and Minto PBLH, LLC

Submitted By: Administration



Meeting Agenda Item Coversheet

MEETING DATE:		12/06/2022	Submitted By: Administration	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Holiday Pop Up Market- Consideration and Approval of Land Use Agreement between the City and Minto PBLH, LLC		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve and direct the City Manager to execute the Land Use Agreement		
SUMMARY and/or JUSTIFICATION:		The City will be hosting a Holiday Pop Up market December 11 th , utilizing an area on Kingfisher Blvd., owned by Minto PBLH, LLC. Staff has coordinated with Minto to utilize space and in turn must execute a land use agreement. There is no cost for use.		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:		PROCLAMATION:	
	EXHIBIT(S):		OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>				
SELECT, if applicable	RESOLUTION:		ORDINANCE:	
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank) <u>Please keep text indented.</u></i>				
FISCAL IMPACT (if any):				\$

File Attachments for Item:

F. Transportation – 2023 Funding Programs

Submitted By: Administration



Meeting Agenda Item Coversheet

MEETING DATE:		12/6/2022	Submitted By: Administration	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Transportation – 2023 Funding Programs		
STAFF RECOMMENDATION: (MOTION READY)		Motion to acknowledge the program and encourage the County to secure funds to improve the county Sidewalks within Westlake.		
SUMMARY and/or JUSTIFICATION:		<p>The Palm Beach TPA administers three competitive application processes annually for the funding of projects located within Palm Beach County. The application process typically commences in October when the TPA posts online application materials and opens the submittal portal. Applications are usually submitted in February and then ranked and recommended for funding by the TPA staff, advisory committees and ultimately approved by the TPA Board. Scoring criteria is based on the Goals, Objectives and Values of the Palm Beach TPA's adopted Long Range Transportation Plan (LRTP).</p>		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:		PROCLAMATION:	
	EXHIBIT(S):		OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>				
SELECT, if applicable	RESOLUTION:		ORDINANCE:	
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <u>Please keep text indented.</u>				
FISCAL IMPACT (if any):				\$



2023 Funding Programs Workshop

State Road Modifications (SRM)

Local Initiatives (LI)

Transportation Alternatives (TA)



PALM BEACH Transportation Planning Agency



STATE ROAD MODIFICATIONS

Total Funds: ~\$20.4M/Year
 Funding Range: \$500K-\$5M
 Eligible On State Roads
 Project Examples:

- Complete Streets
- Traffic Calming
- Intersection Modifications

LOCAL INITIATIVES

Total Funds: ~\$26M/Year
 Funding Range: \$250K-\$5M
 Eligible On Federal-Aid Roads
 Project Examples:

- Complete Streets
- Transit Capital
- Freight Efficiency

TRANSPORTATION ALTERNATIVES

Total Funds: ~\$5.1M/Year
 Funding Range: \$250K-\$1.5M
 Eligible On and Off Roads
 Project Examples:

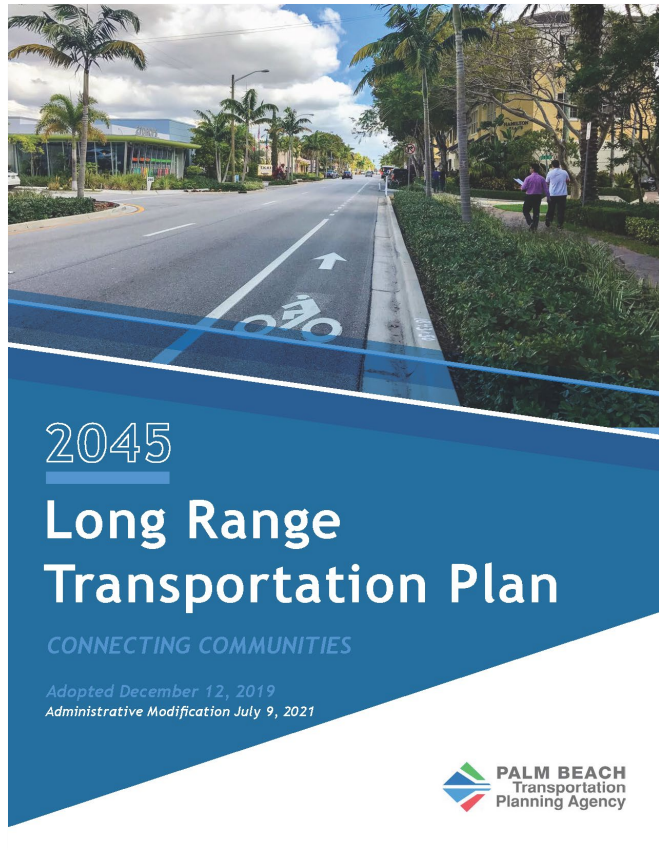
- Pedestrian & Bicycle Facilities
- Safe Routes to School
- Safety-Related Infrastructure

PalmBeachTPA.org/Funding

301 Datura Street, West Palm Beach, FL 33401

Funding@PalmBeachTPA.o

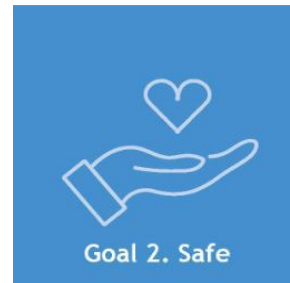
Long Range Transportation Plan (LRTP)



State Road Modifications, Local Initiatives and Transportation Alternatives programs achieve Goals & Objectives of the TPA's 2045 Long Range Transportation Plan (LRTP)



Goal 1. Preserve



Goal 2. Safe



Goal 3. Efficient



Goal 4. Connected



Goal 5. Multimodal

Vision Zero Action Plan

The TPA's first Vision Zero Action Plan – adopted in April 2019, updated in October 2021

TPA Governing Board adopted a target of zero traffic-related fatalities and serious injuries

SRM, LI & TA program scoring incorporates bike and pedestrian corridors identified in the Vision Zero Action Plan

PalmBeachTPA.org/Safety



ADA Transition Plans

Do you have an Americans with Disabilities
(ADA) transition plan?

PalmBeachTPA.org/ADA

For more information, contact Melissa Murray
Public Relations Director
MMurray@PalmBeachTPA.org

Important Dates

Required to Schedule Pre-Application Meeting:
November 7, 2022 - January 31, 2023

Application Deadline: February 17, 2023

Follow up emails to vet project

- 1st Email – Late March 2023
- 2nd Email – Late April 2023

Resolution from Governing Board: April 28, 2023

SCHEDULE	
Date*	Activity and Deadline
Oct. 20, 2022	Program Kick-off: TPA Governing Board approves program.
Nov. 3, 2022	Program Application Workshop: FDOT and TPA hold workshop to review program application, scoring criteria, schedule, and project implementation requirements. TPA distributes program overview and application information to local agencies and opens online application portal.
Nov. 7, 2022 – Jan. 31, 2023	Pre-Application Meetings: Applicants participate in a <u>required</u> one-on-one meeting with TPA and FDOT representatives to discuss project specifics and clarify application requirements.
Feb. 17, 2023	Application Deadline: Applicants submit applications, including community letters of support, via online application portal by 5 p.m.
March 3, 2023	TPA Submits Project List and Tentative Ranking to FDOT: TPA submits tentative project rankings to FDOT for project feasibility and eligibility determination.

Important Dates

Required to Schedule Pre-Application Meeting:
November 7, 2022 - January 31, 2023

Application Deadline: February 17, 2023

Follow up emails to vet project

- 1st Email – Late March 2023
- 2nd Email – Late April 2023

Resolution from Governing Board: April 28, 2023

FDOT/TPA VETTING PROCESS BEGINS	
Late March 2023	First Email to Applicants. After initial application review, FDOT emails applicants requesting additional clarification needed before field reviews. If ineligible, TPA to send formal response.
Early April 2023	Applicant Responses Due. Applicants provide FDOT and TPA responses to requested clarifications.
Mid April 2023	Field Visits. FDOT and applicants perform field reviews to ensure potential project is constructible, requires no right-of way acquisition, and determine if drainage is warranted.
Late April 2023	Second Email to Applicants. FDOT sends an email to applicants with comments on issues / concerns, clarifications, updated cost estimates, and/or requests for missing or updated documentation.
April 28, 2023	Resolution of Support Due to TPA. Applicants must submit a resolution from their governing body and/or the governing body of the facility owner endorsing the project and committing to funding of operations and maintenance.
May 5, 2023	Response from Applicants Due. Deadline for applicants to resolve outstanding eligibility issues and submit final requested documentation to FDOT and TPA.
FDOT/TPA VETTING PROCESS ENDS	
May 26, 2023	FDOT D4 returns Eligibility Determinations. FDOT sends TPA final eligibility determinations to finalize draft priority ranking.
July 2023	Finalize List of Priority Projects. Project list sent to FDOT.

New Additional Funding – LI and TA

New Bipartisan Infrastructure Law (BIL)

- Increase in current program funding for LI and TA Programs
- New: Carbon Reduction Program Funding → \$2.9M for LI Program
 - Purpose is to reduce emissions from on-road highway sources
 - Eligible Projects:
 - Truck stop electrification system
 - Electrical vehicle charging infrastructure
 - Public transportation projects
 - Bicycle and Pedestrian infrastructure



PALM BEACH Transportation Planning Agency



STATE ROAD MODIFICATIONS

Total Funds: ~\$20.4M/Year
 Funding Range: \$500K-\$5M
 Eligible On State Roads
 Project Examples:

- Complete Streets
- Traffic Calming
- Intersection Modifications

LOCAL INITIATIVES

Total Funds: ~\$26M/Year
 Funding Range: \$250K-\$5M
 Eligible On Federal-Aid Roads
 Project Examples:

- Complete Streets
- Transit Capital
- Freight Efficiency

TRANSPORTATION ALTERNATIVES

Total Funds: ~\$5.1M/Year
 Funding Range: \$250K-\$1.5M
 Eligible On and Off Roads
 Project Examples:

- Pedestrian & Bicycle Facilities
- Safe Routes to School
- Safety-Related Infrastructure

PalmBeachTPA.org/Funding

301 Datura Street, West Palm Beach, FL 33401

Funding@PalmBeachTPA.o

State Road Modifications Overview

Program Purpose	Advance safety, complete streets and other modifications to state roadways	
Funding Source	District Dedicated Revenue (DDR) funds	
Available Funding	\$20.4M	
Resource	FHWA Bipartisan Infrastructure Law Website	
Maximum Reimbursement		\$5,000,000
Minimum Reimbursement		\$500,000
Design Funding		TPA/State
Design Fiscal Year*		FY 2028
Construction Fiscal Year*		FY 2030

Eligibility

- Lane Narrowing
- Transit Infrastructure
- Striping and Marking
- Lane Repurposing
- Intelligent Transportation Systems
- Pedestrian Facilities
- Bicycle Facilities
- Pedestrian Lighting
- Median Modifications
- Roadway Lighting
- Turn Lanes
- Traffic Signals
- Intersection Modifications

Local Initiatives Overview

Program Purpose	Advance safety, complete streets, transit and other local initiatives on county and city roadways
Funding Source	Surface Transportation Block Group (STBG) Program apportionment based on population
Available Funding	\$26M
Resource	FHWA Bipartisan Infrastructure Law Website
Maximum Reimbursement	\$5,000,000
Minimum Reimbursement	\$250,000
Design Funding	Local or TPA
Design Fiscal Year*	FY 2026
Construction Fiscal Year*	FY 2028

Eligibility

- Complete Streets
- Transit Capital
- Vehicle and Construction Purchase
- Turn-Key Contract
- Non-Motorized Infrastructure
- Sidewalks
- Bicycle Facilities
- Pedestrian Lighting
- Shared-Use Paths
- Freight Efficiency
- Airport or Seaport Off-Site Road Improvements
- Railway Capacity
- Truck Movement

Transportation Alternatives Overview

Program Purpose	Fund safe and connected infrastructure for non-motorized users on local roadways
Funding Source	STBG Program Transportation Alternatives set-aside apportionment based on population
Available Funding	\$5.1M
Resource	FDOT TA Website

Maximum Reimbursement	\$1,500,000
Minimum Reimbursement	\$250,000
Design Funding	Local
Design Fiscal Year*	FY 2024
Construction Fiscal Year*	FY 2026

Eligibility

- Sidewalks and Bicycle Infrastructure
- Pedestrian and Bicycle Signals
- Traffic Calming
- Lighting and Safety-Related Infrastructure
- Safe Routes to School
- Conversion of Abandoned Railroad Corridors to Trails for Non-Motorized Transportation Users
- Recreational Trails
- Boulevard & Main Street Projects that Promote Economic Revitalization and Follow "Complete Streets" Principles
- Historic Preservation
- Transit-Oriented Development (TOD) (including one of the above project categories)



PALM BEACH Transportation Planning Agency



STATE ROAD MODIFICATIONS

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 Funding Range: \$500K-\$5M
 Eligible On State Roads
 Project Examples:

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- Traffic Calming
- Intersection Modifications

LOCAL INITIATIVES

Total Funds: ~\$26M/Year
 Funding Range: \$250K-\$5M
 Eligible On Federal-Aid Roads
 Project Examples:

- Complete Streets
- Transit Capital
- Freight Efficiency

TRANSPORTATION ALTERNATIVES

Total Funds: ~\$5.1M/Year
 Funding Range: \$250K-\$1.5M
 Eligible On and Off Roads
 Project Examples:

- Pedestrian & Bicycle Facilities
- Safe Routes to School
- Safety-Related Infrastructure

PalmBeachTPA.org/Funding

301 Datura Street, West Palm Beach, FL 33401

Funding@PalmBeachTPA.o



Required Documents

(use submittal checklist for reference)

- ✓ Application (Download and complete for submittal)
- ✓ Local Map (Aerial)
- ✓ Typical Section (Existing and Proposed)
- ✓ Right-of-Way ownership verifications
- ✓ Resolution of support from the facility owner(s) and/or local jurisdictions – due **April 28, 2023**
 - Allowing construction and committing to fund ongoing Operations & Maintenance
 - If located on a State facility, support from FDOT is required
- ✓ Detailed cost estimate spreadsheet (Download and complete for submittal)
- ✓ Commitment Letter from administering agency's Public Works/Engineering Department to administer and construct project if funded by TPA (*Does not apply to SRM*) – due **February 17, 2023**
- ✓ Photograph of project location before construction
- ✓ Letters of Support/Public Outreach – due **February 17, 2023**

Required Documents

APPLICATION

MAP (AERIAL)

TYPICAL SECTION

ROW VERIFICATION

RESOLUTION

COST ESTIMATE

PHOTOGRAPH

Application Walk-Through

Required Documents

APPLICATION

MAP (AERIAL)

TYPICAL SECTION

ROW VERIFICATION

RESOLUTION

COST ESTIMATE

PHOTOGRAPH

Project Implementation

1. Applicant designs and constructs project off state highway system
 - a) Eligible construction expenses reimbursed capped at cost estimate
 1. Via Local Agency Program (LAP) agreement (requires certification)
 2. Via Federal Transit Administration (FTA) flex (requires designated recipient)

Only for Local Initiatives and subject to FDOT approval prior to submittal

2. FDOT designs and constructs project off state highway system
 - a) Applicant funds design
3. FDOT designs and constructs project off state highway system
 - a) TPA funds design, applicant provides input

Required Documents

APPLICATION

MAP (AERIAL)

TYPICAL SECTION

ROW VERIFICATION

RESOLUTION

COST ESTIMATE

PHOTOGRAPH

Transit Projects Flex Funding to FTA

1. Requires a Designated FTA recipient
 - a) SFRTA or Palm Tran
2. Other requirements on top of LI program, such as:
 - a) FTA's procurement process
 - b) Updated Title VI document

Required Documents

APPLICATION

MAP (AERIAL)

TYPICAL SECTION

ROW VERIFICATION

RESOLUTION

COST ESTIMATE

PHOTOGRAPH

State Road Modifications

1. Discuss ideas for projects on state roads with TPA & FDOT staff
2. Apply through the State Road Modifications application
3. Support from FDOT is required before submittal.
 - Communicate with FDOT at least 6 weeks in advance
4. FDOT to design and construct the project

Required Documents

APPLICATION

MAP (AERIAL)

TYPICAL SECTION

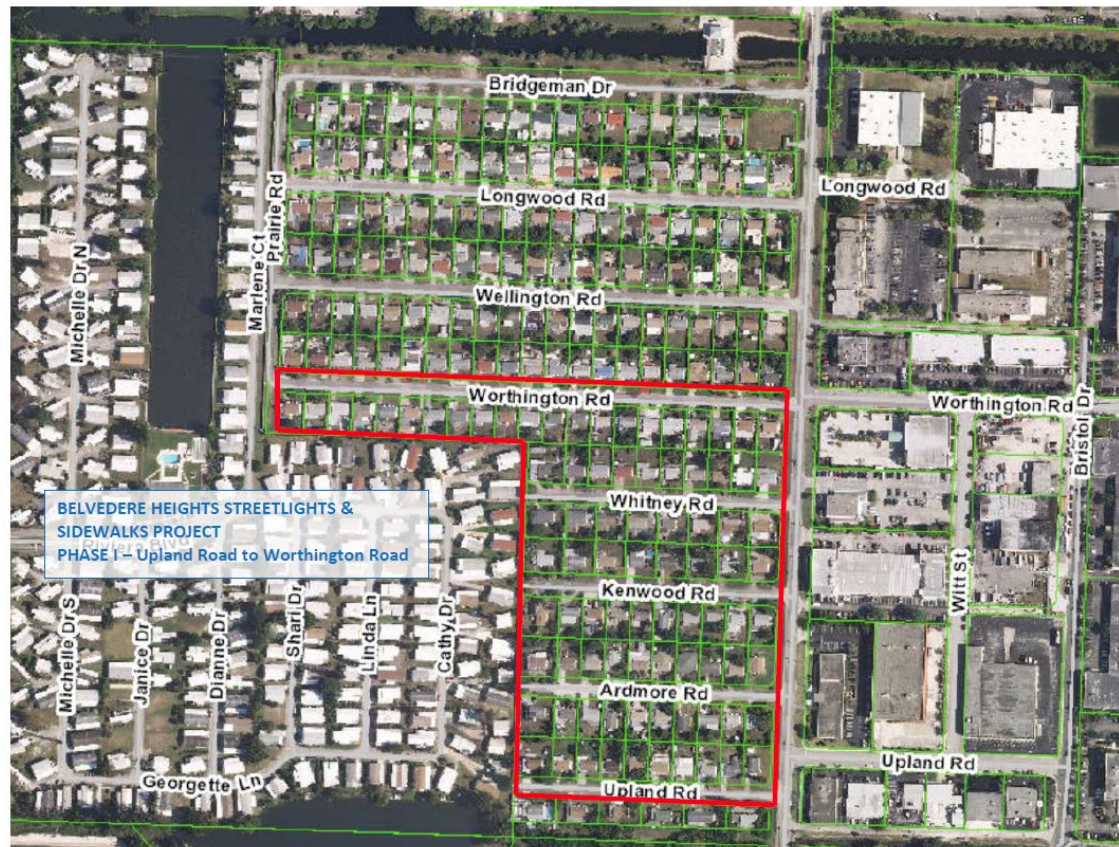
ROW VERIFICATION

RESOLUTION

COST ESTIMATE

PHOTOGRAPH

Overview Map (Aerial)



Resources:

[TPA Map](#)
PalmBeachTPA.org/Map

[Palm Beach County GeoNav](#)

[Google Earth](#)

Required Documents

APPLICATION

MAP (AERIAL)

TYPICAL SECTION

ROW VERIFICATION

RESOLUTION

COST ESTIMATE

PHOTOGRAPH

Typical Section



Resources

[StreetMix](#)

[StreetPlan](#)

Required Documents

APPLICATION

MAP (AERIAL)

TYPICAL SECTION

ROW VERIFICATION

RESOLUTION

COST ESTIMATE

PHOTOGRAPH

Resolution

Resolution from Governing Board where project is located that they:

- Support the project to be constructed on the facility as proposed

Resolution from Facility Owner(s) that they:

Support the project to be constructed on the facility as proposed

- Will fund operations and maintenance of the improvements
- Support FDOT to administer and construct project (if FDOT is lead)

Due: April 28, 2023

Required Documents

APPLICATION

MAP (AERIAL)

TYPICAL SECTION

ROW VERIFICATION

RESOLUTION

COST ESTIMATE

PHOTOGRAPH

Commitment Letter from Engineering/Public Works Department of administering agency that they:

- Will administer and construct the project on the facility as proposed if funded by the TPA

Due: February 17, 2023

Required Documents

APPLICATION

MAP (AERIAL)

TYPICAL SECTION

ROW VERIFICATION

RESOLUTION

COST ESTIMATE

PHOTOGRAPH

Cost Estimate

Participating Items – reimbursable

- All items eligible for reimbursement must be listed under Participating Items column on cost estimate sheet
- Landscaping can be 25% of **Transportation Alternatives** grant project cost

Non-Federal Participating Items – not reimbursable

- Work outside limits of projects
- Relocation of utilities
- Removal of encroachments
- Extravagant roadway treatments or decorative items (work with TPA to determine eligibility)

Cost estimate must be signed by licensed engineer (P.E.)



Required Documents

APPLICATION

MAP (AERIAL)

TYPICAL SECTION

ROW VERIFICATION

RESOLUTION

COST ESTIMATE

PHOTOGRAPH

Cost Estimate Walk-Through



Required Documents

APPLICATION

MAP (AERIAL)

TYPICAL SECTION

ROW VERIFICATION

RESOLUTION

COST ESTIMATE

PHOTOGRAPH

In-person photos preferred



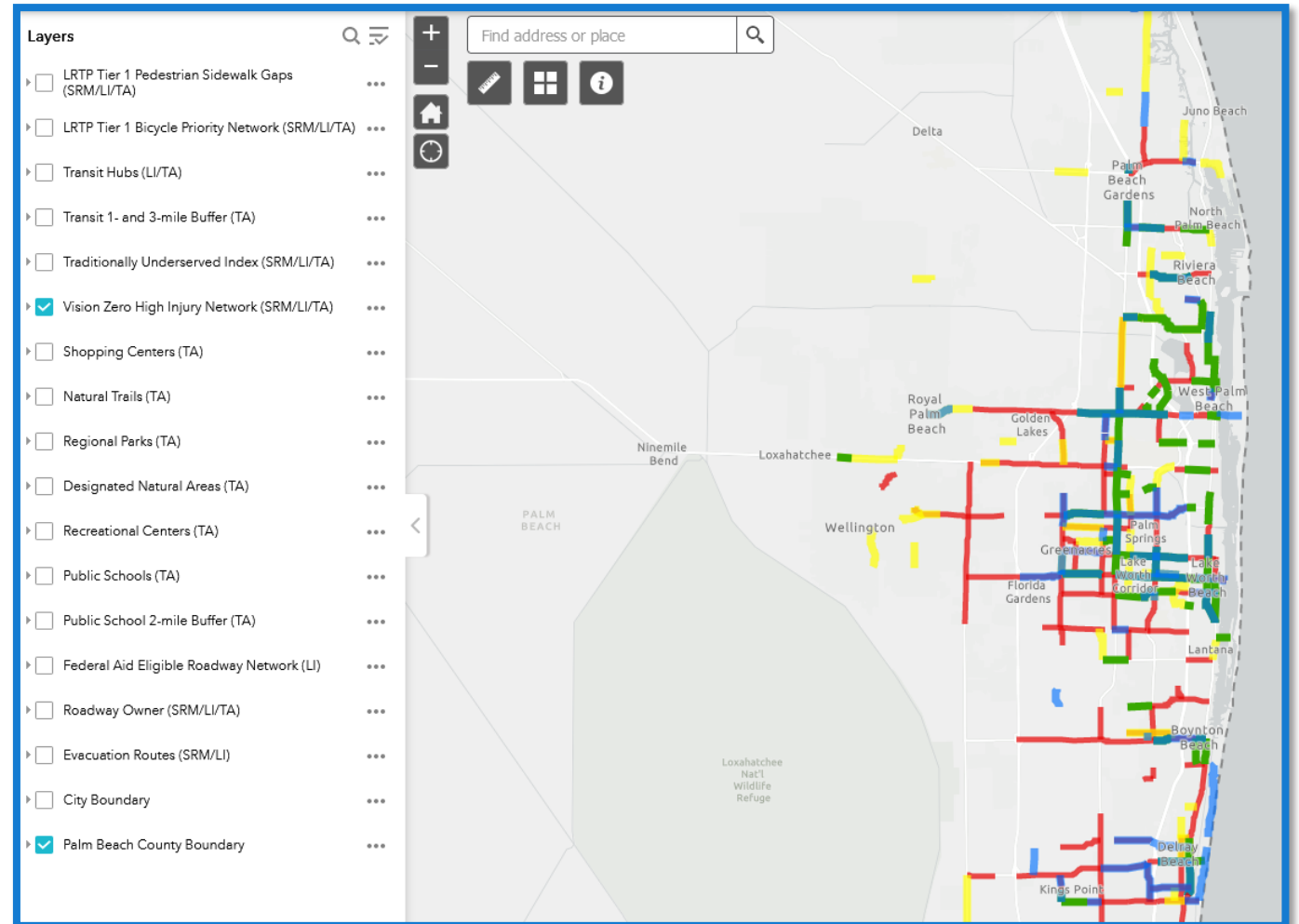
Before



After

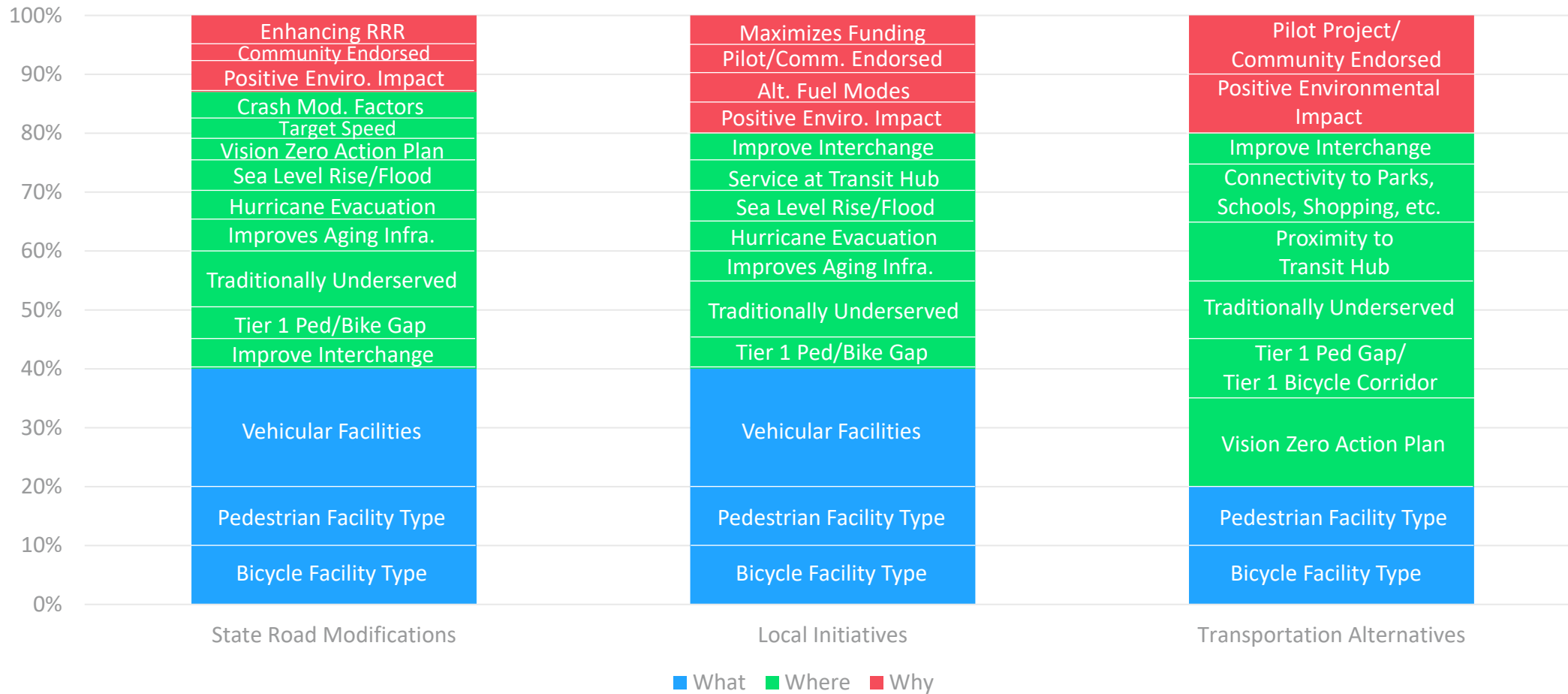
Scoring

- Objective scoring
- Online map



[Interactive Website](#)

Scoring by Topic



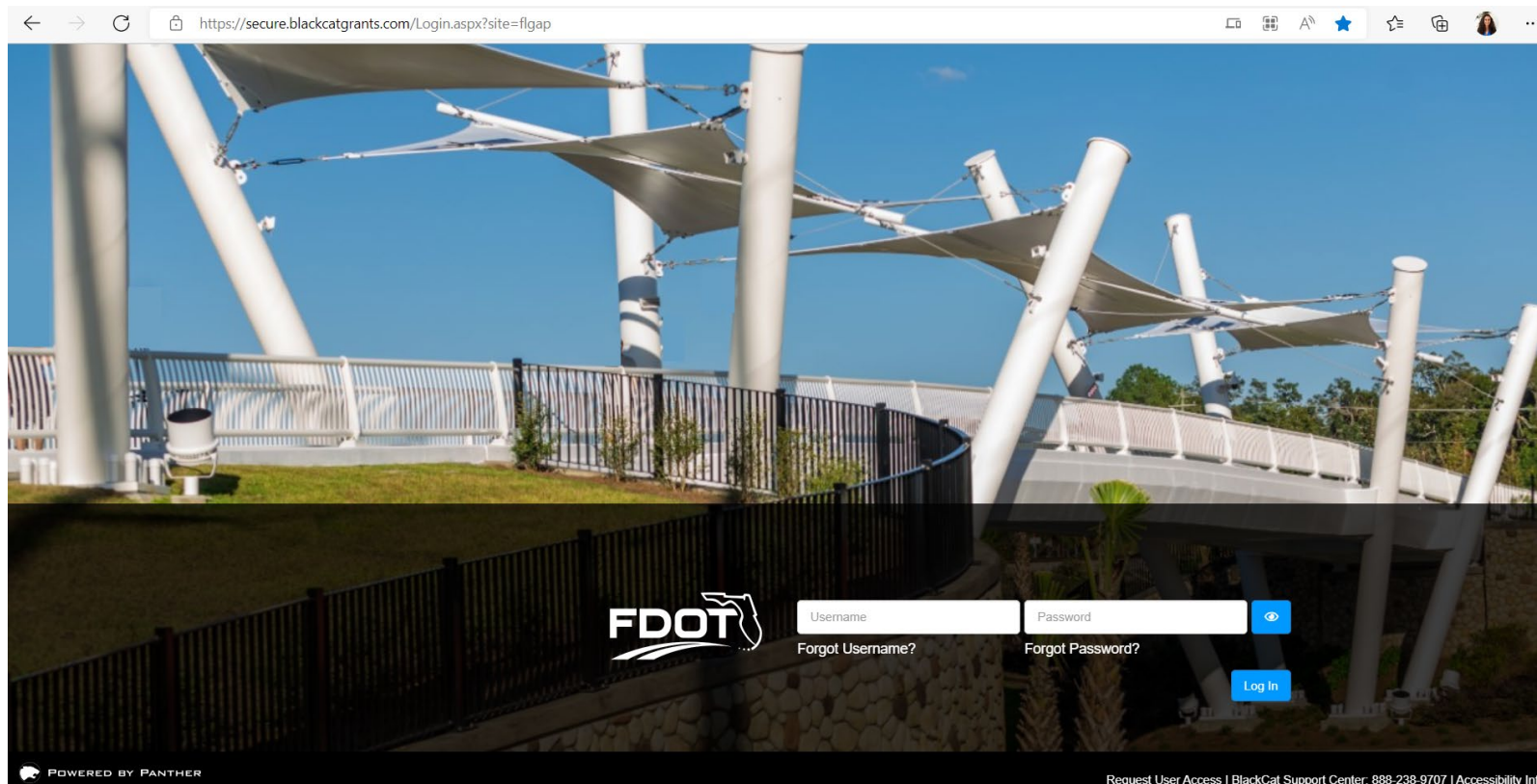
How to Submit

1. Download application and cost estimates
2. Look at examples for other documents
3. Submit completed, signed documents through online link
 1. TPA Website – Local Initiatives/State Road Mods
 2. FDOT GAP Website – Transportation Alternatives
4. Staff will be in contact to clarify answers and confirm all document submittals

PalmBeachTPA.org/Funding

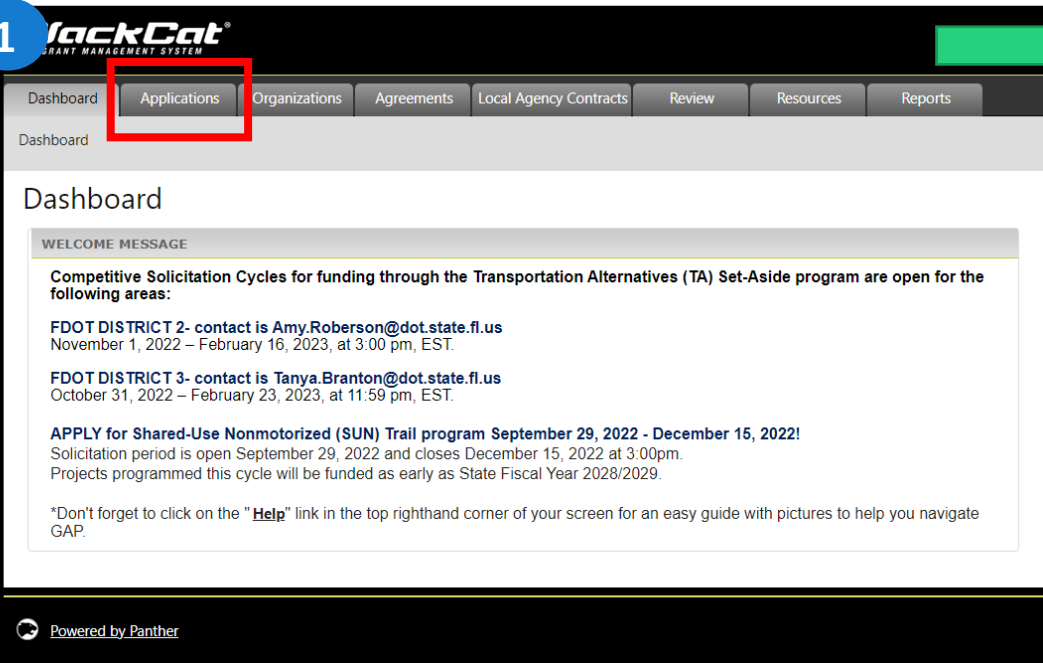
TA – Program Application Process

All applications and supporting materials must be submitted directly to the FDOT GAP Application Portal



FDOT TA Application Portal

1



JackCat
GRANT MANAGEMENT SYSTEM

Dashboard Applications Organizations Agreements Local Agency Contracts Review Resources Reports

Dashboard

Dashboard

WELCOME MESSAGE

Competitive Solicitation Cycles for funding through the Transportation Alternatives (TA) Set-Aside program are open for the following areas:

FDOT DISTRICT 2- contact is Amy.Roberson@dot.state.fl.us
November 1, 2022 – February 16, 2023, at 3:00 pm, EST.

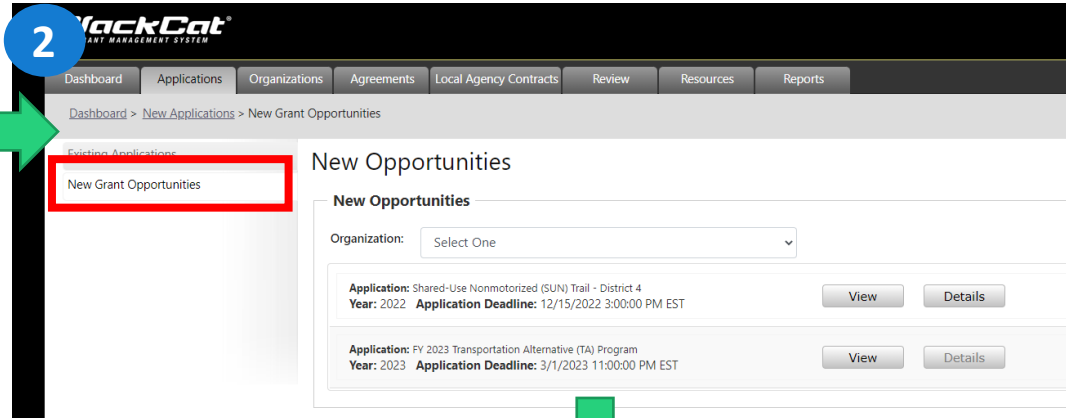
FDOT DISTRICT 3- contact is Tanya.Branton@dot.state.fl.us
October 31, 2022 – February 23, 2023, at 11:59 pm, EST.

APPLY for Shared-Use Nonmotorized (SUN) Trail program September 29, 2022 - December 15, 2022!
Solicitation period is open September 29, 2022 and closes December 15, 2022 at 3:00pm.
Projects programmed this cycle will be funded as early as State Fiscal Year 2028/2029.

*Don't forget to click on the "Help" link in the top righthand corner of your screen for an easy guide with pictures to help you navigate GAP.

Powered by Panther

2



JackCat
GRANT MANAGEMENT SYSTEM

Dashboard Applications Organizations Agreements Local Agency Contracts Review Resources Reports

Dashboard > New Applications > New Grant Opportunities

Existing Applications

New Grant Opportunities

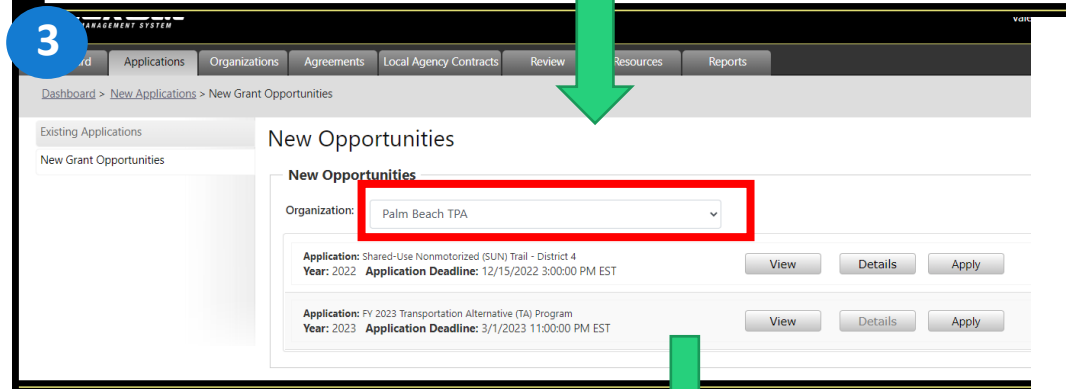
New Opportunities

Organization: Select One

Application: Shared-Use Nonmotorized (SUN) Trail - District 4
Year: 2022 Application Deadline: 12/15/2022 3:00:00 PM EST View Details

Application: FY 2023 Transportation Alternative (TA) Program
Year: 2023 Application Deadline: 3/1/2023 11:00:00 PM EST View Details

3



JackCat
GRANT MANAGEMENT SYSTEM

Dashboard Applications Organizations Agreements Local Agency Contracts Review Resources Reports

Dashboard > New Applications > New Grant Opportunities

Existing Applications

New Grant Opportunities

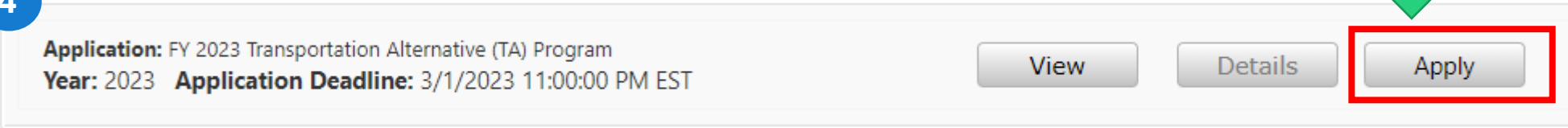
New Opportunities

Organization: Palm Beach TPA

Application: Shared-Use Nonmotorized (SUN) Trail - District 4
Year: 2022 Application Deadline: 12/15/2022 3:00:00 PM EST View Details Apply

Application: FY 2023 Transportation Alternative (TA) Program
Year: 2023 Application Deadline: 3/1/2023 11:00:00 PM EST View Details Apply

4

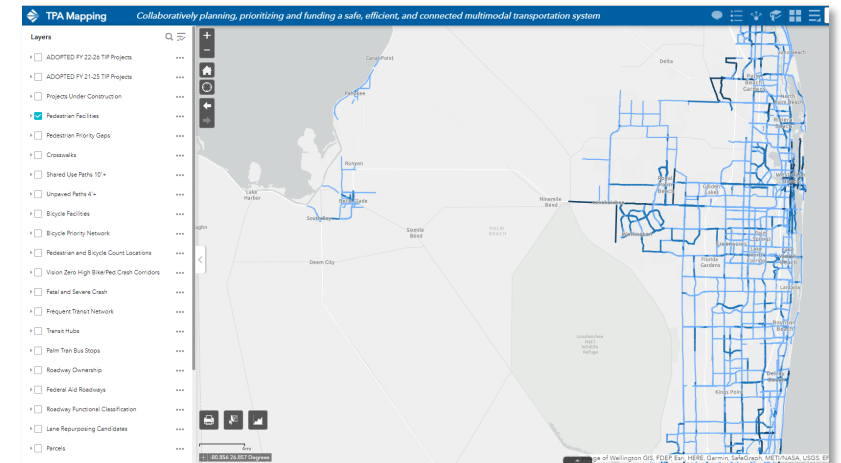


Application: FY 2023 Transportation Alternative (TA) Program
Year: 2023 Application Deadline: 3/1/2023 11:00:00 PM EST

View Details **Apply**

Resources

- Complete Streets Design Guidelines
- Vision Zero Action Plan
- Long Range Transportation Plan
- Interactive Map



TPA Contacts

Nathan George – State Road Modifications Program

NGeorge@PalmBeachTPA.org or 561-725-0810

Jason Price – Local Initiatives Program

JPrice@PalmBeachTPA.org or 561-725-0809

Valentina Facuse – Transportation Alternatives Program

VFacuse@PalmBeachTPA.org or 561-725-0806

PalmBeachTPA.org/Funding



Local Agency Program(LAP)

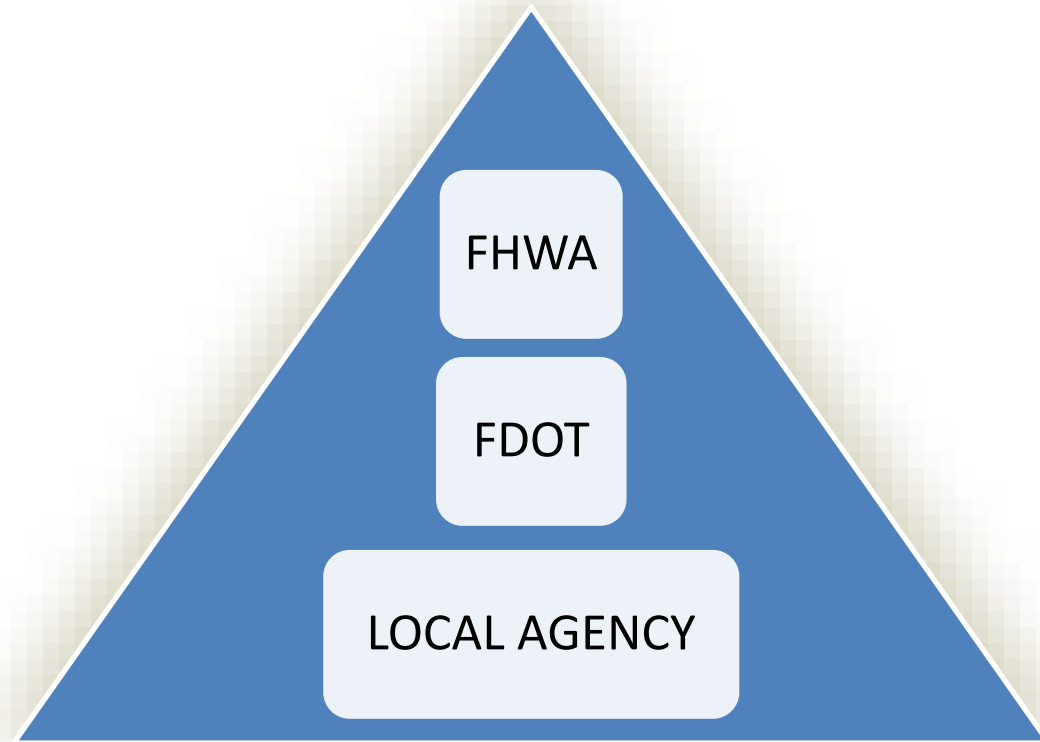
LAP CERTIFICATION

Managing the State and Federal Local Programs unit

MYA WILLIAMS GRAY
LOCAL PROGRAM
ADMINISTRATOR

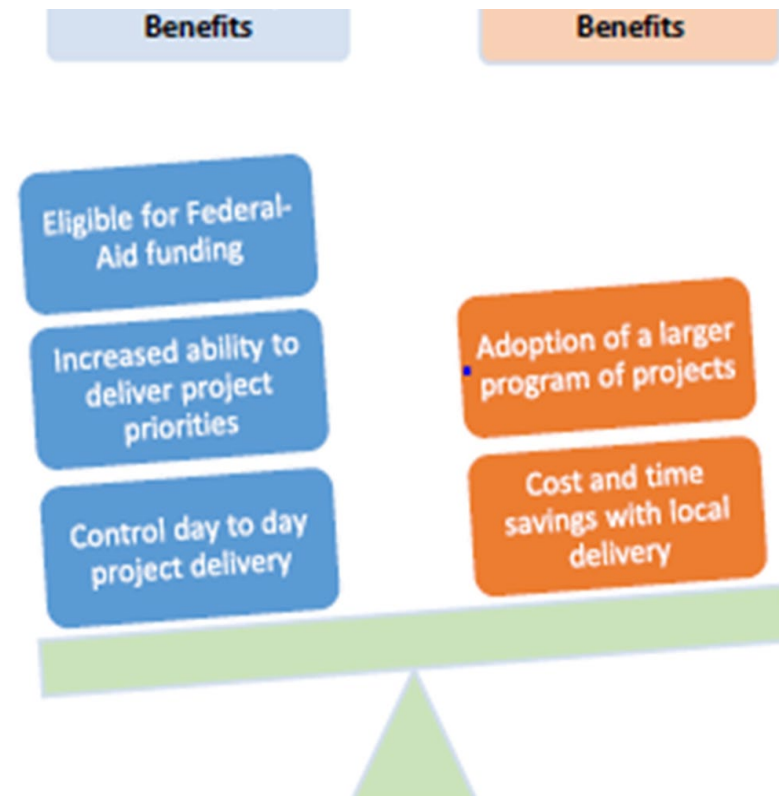
- Manage the Federal and State Grant Programs application cycle
- LAP Certification
- Local Program Training
- Local Program Staff





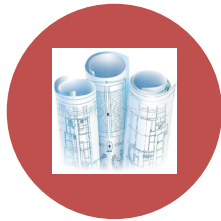
- REIMBURSEMENT program

- **Full Certification**
 - Reserved for County Government
 - Renewed Every 3 years
 - Performance based recertification
- **Project Specific Certification**
 - Required for Cities, Towns, and Villages
 - Renewed Every Project
 - Project monitoring and oversight by Department



LAP Certification website:
<https://www.fdot.gov/programmanagement/LAP/BecomingCertified.shtm>

TO DO WHAT?



Design



Construction

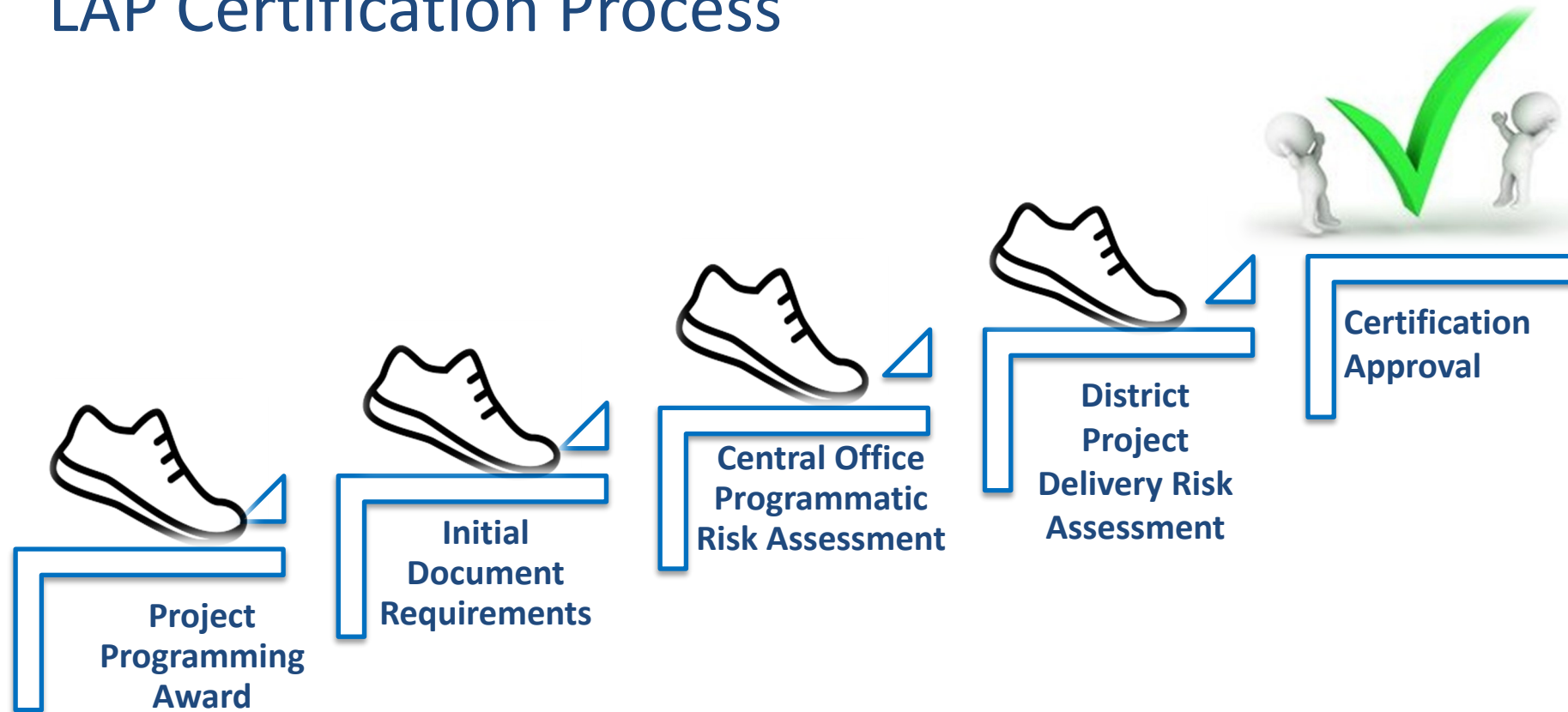


Construction
Administration



Procurement of
Professional Services and
Construction contracts

LAP Certification Process



▶ Local Program Resources

LAP Workshop GoToWebinar:

[FDOT District 4 - Local Agency Program \(LAP\) Workshop - Florida LTAP Center](#)

LAP Certification webpage:

<https://www.fdot.gov/programmanagement/LAP/BecomingCertified.shtm>

Computer Based Trainings:

<https://www.fdot.gov/programmanagement/LAP/LAPTraining.shtm>

Local Program Manual:

<https://www.fdot.gov/programmanagement/LAP/LAP-TOC.shtm>



LTAP Webinar

COURSE OVERVIEW

This workshop is intended for Local Agencies in the Florida Department of Transportation District 4 (Broward, Indian River, Martin, Palm Beach, and St. Lucie County). This workshop provides an overview of the Local Agency Program including District process and areas of special emphasis. Sessions are presented by functional area experts within the District's LAP Oversight team and Central Office.

Attendee(s) can expect presentations on the following:

- Implementation of Local Program Projects
- LAP Certification and Performance Management
- LAP Professional Services
- District Oversight
 - Right of Way and Environmental
 - Design
 - Construction and Construction Administration



This is an **8-hour course** that took place over the course of 2 days, offered free of charge by the Florida Department of Transportation and Florida LTAP Center.

COURSE ATTENDANCE

Required attendees: FDOT District 4 Local Agency Responsible Charge

Recommended attendees: Project managers & staff responsible for development and delivery of LAP projects

Note - Certificates are not issued for this training.

**FDOT DISTRICT 4 LOCAL
AGENCY PROGRAM (LAP)
WORKSHOP**

DAY 1

[View Recording](#)

**FDOT DISTRICT 4 LOCAL
AGENCY PROGRAM (LAP)
WORKSHOP**

DAY 2

[View Recording](#)

District 4 Local Program Contacts

Mya Williams Gray
LOCAL PROGRAM ADMINISTRATOR
Ph.: 954-777-4608
Email: Mya.Williams@dot.state.fl.us

Ramon Alvarez
**Palm Beach Local Program
Coordinator**
Ph.: 954- 777-4403
Ramon.Alvarez@dot.state.fl.us

Elizabeth Miranda
LAP Certification Support
Ph.: 954- 777-4522
Elizabeth.miranda1@dot.state.fl.us

