

CITY OF WESTLAKE



AGENDA

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, 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: 2632 295 3645

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: 2632 295 3645

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.

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

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

PRESENTATIONS/PROCLAMATIONS

- A. Presentation - Joseph Abruzzo, Clerk of the Circuit Court & Comptroller for Palm Beach County
- [B.](#) Proclamation - Veterans Day 2022
Sponsored By: Vice Mayor Langowski

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.

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.

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.

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):

Regular City Council Meeting - December 6, 2022

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: October 28, 2022

File Attachments for Item:

A. Minutes_Regular City Council Meeting 09.06.2022 DRAFT

CITY OF WESTLAKE



MINUTES

City Council Regular Meeting & First Budget Hearing

Tuesday, September 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, Planning and Zoning Director
Suzanne Dombrowski, City Engineer

A regular meeting of the City Council of the City of Westlake was held on Tuesday, September 06, 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.mv.webex.com/>

Meeting ID: 2634 073 1608

Password: hello

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

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

Meeting ID: 2634 073 1608

As a preliminary matter, Ms. Burgess noted that Mayor JohnPaul O'Connor, Vice Mayor Greg Langowski, Councilwoman Pilar Valle Ron, Councilman Julian Martinez, and Councilwoman Charlotte Leonard were 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 and First Budget Hearing of Tuesday September 06, 2022, to order at 6:01 PM.

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 & 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 that Item A and Item B under New Business refers to the southwest corner of Persimmon Blvd. and Ilex Way, and it should read as the southeast corner of Persimmon Blvd. and Ilex Way.

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

Motion by Councilwoman Valle Ron to amend the agenda, seconded by Councilman Martinez.

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).

Mayor O'Connor called for a motion to approve the amended agenda.

Motion by Vice Mayor Langowski to approve the amended 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).

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.

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. Monthly Financial Report - July
- B. Minutes_Regular City Council Meeting 06.07.2022 - DRAFT
- C. Minutes_Regular City Council Meeting - 7.05.2022 DRAFT
- D. Minutes_City Council Special Meeting 07.26.2022 – DRAFT

Mayor O'Connor identified items on the Consent Agenda and called for a motion to approve.

Motion by Vice Mayor Langowski to approve consent agenda, seconded by Councilwoman Leonard.

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).

FIRST BUDGET HEARING

- A. RESOLUTION 2022-22 - Approval of Proposed Millage Rate for Fiscal Year 2023

Submitted By: Finance

RESOLUTION 2022-22

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE PROPOSED AD VALOREM MILLAGE RATE TO BE LEVIED FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022, ENDING ON SEPTEMBER 30, 2023.

Mayor O'Connor introduced item.

Mr. Cassel discussed the recommended budget and mileage rate for Fiscal Year 2023. Mr. Cassel noted it is the City's fifth year of non-AD Valorem taxes, councils vote should be a simple majority

have something other than the rollback rate with a maximum rate of 4.159. Two thirds majority vote would be 4.575, and a unanimous vote would be anything above that.

Mr. O'Connor asked if there were any comments from council.

Mr. Doody requested for public comments prior to discussion.

Mr. O'Connor asked 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 item discussion continued.

Mr. O'Connor discussed his concerns and refusal to agree to the current proposed millage rate. Mr. O'Connor is requesting the millage rate to be lowered from 5.125 to 5.1. Mr. O'Connor stated lowering the budget would be more of a symbolic gesture to the community acknowledging that the city is doing what it can to help keep costs down regardless of all the changes and inflation surrounding us.

Council discussed how it would affect the budget by lowering the proposed amount, noting there would be \$10 increase a year per resident if accepting the proposed rate.

Mr. Martinez explained lowering the proposed millage rate would not affect the residents much as it would only lower their taxes by ten dollars but approving the proposed millage rate would bring in a significant amount for the city as it would hold more value to keep the budget at the proposed rate.

Mr. Langowski clarified the difference between the two millage rates is \$15,000. Mr. Cassel stated it is a difference of just \$15,000 that the city would have.

Ms. Valle Ron asked if the developer would stay behind us in case the city ran into a monetary issue.

Mr. Doody reminded council this is a proposed millage rate; next meeting will be a final motion.

Mr. Cassel explained he did not think minimizing the budget would have much affect for the residents. Mr. Cassel explained the budget is made on worst case scenario.

Mr. O'Connor asked for council to stand behind him in this symbolic gesture stating the City of Westlake would be the only city in the county to lower their taxes.

Ms. Burgess stated a comment card was received from Ms. Duhy on behalf of Minot, PBLH, LLC.

Ms. Duhy, representative for Minto PBLH, LLC, stated Mr. Carter is in support of the mayor's proposal to lower the proposed millage rate and would be willing to cover any deficit.

Council discussed they felt confident having Minto back them up.

Motion by Vice Mayor Langowski to lower mileage rate to 5.1, seconded by Councilwoman Valle Ron.

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).

Mr. Doody read item by title, adopting the proposed millage rate.

Mr. Doody called for a motion to adopt the resolution.

Motion by Vice Mayor Langowski to lower mileage rate to 5.1, seconded by Councilman Martinez.

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).

Mr. Doody called for Mr. Cassel to make a public announcement.

Mr. Cassel announced council voted for a 5.1 mills assessment. Mr. Cassel asked Mr. Fowler to announce the percentage roll back rate to the 5.1 mills. Mr. Fowler announced the rollback rate for the 5.1 mills rate is 130.14 percent.

Mr. Doody made a public announcement to conclude with the Florida Statue, there will be a public meeting to consider final millage rate to be held on September 19, 2022, at 6:00pm in the Westlake community center city council chambers.

B. RESOLUTION 2022-23 - Adoption of Tentative Budget for Fiscal Year 2023

Submitted By: Finance

RESOLUTION 2022-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, ADOPTING A TENTATIVE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING ON SEPTEMBER 30, 2023; DETERMINING AND FIXING THE AMOUNTS NECESSARY TO CARRY ON THE GOVERNMENT OF THE CITY FOR THE ENSUING YEAR; DETERMINING THE AMOUNT OF APPLICABLE FUNDS ON HAND; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mr. Doody read Resolution 2022-23 into record, by title only.

Mr. Doody called for public comments.

Ms. Burgess noted there were no comment cards, however, gave the virtual audience a moment to comment.

Mr. Cassel clarified the only change will show in the developer's contribution of an increase of roughly \$15,480; all other items will remain the same.

There being no further comments, Mayor O'Connor called for a motion.

Motion to adopt Resolution 2022-23 by Vice Mayor Langowski, seconded by Councilmember 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).

PRESENTATIONS/PROCLAMATIONS

A. Proclamation - Patriot's Day 2022

Sponsored By: Vice Mayor Greg Langowski

B. Proclamation - Recognition and Remembrance of the Drafting of the Constitution.

Sponsored By: Administration

Mayor O'Connor introduced and read the first proclamation, sponsored by Vice Mayor Langowski, for Patriots Day.

Mayor O'Connor read the second proclamation, sponsored by Administration, for Recognition and Remembrance of the Drafting of the Constitution.

PUBLIC HEARING

A. **SECOND READING:** ORDINANCE 2022-08 – Non-Conforming Lots, Uses, and Structures.

Submitted By: Planning & Zoning

ORDINANCE 2022-08

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING SECTION _____ ENTITLED "NON-CONFORMING LOTS, USES, AND STRUCTURES"; PROVIDING FOR REGULATIONS FOR LOTS, USES, AND STRUCTURES LAWFULLY EXISTING AT THE TIME OF AN AMENDMENT TO THE CITY'S CODE OF ORDINANCES AND THEREAFTER DEEMED NON-CONFORMING; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Leon stated nothing has changed from the first reading. Presentation is the same as previously presented and can present if again if council requests.

Council had no comments.

Public Comment from Kathryn Rossmell, on behalf of Minto PBLH, LLC, clarified section two of the ordinance and wanted to amend it to read "any single family residential lot or parcel of record prior to

the adoption of an amendment to the city codes of ordinances that does not thereafter meet the requirements of the city's code for lot area or lot width may nevertheless be utilized for single family resident purposes only provided that the lot area and lot width are within two thirds of that required by the terms and regulations." Ms. Rossmell identified the item is line 1, page 2 of packet.

Mr. Doody called for any other public comments.

Ms. Burgess noted there were no additional comments.

Mr. Doody asked for any council discussion.

There being no further comments, Mayor O'Connor called for a motion to amend the language for ordinance 2022-08.

Motion by Vice Mayor Langowski to approve amendment of ordinance to include "Single Family," seconded by Councilwoman Valle Ron.

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).

Mr. Doody read Ordinance 2022-08 into record, by title only.

Mayor O'Connor called for a motion to approve amended ordinance 2022-08.

Motion by Councilwoman Valle Ron to approve amended ordinance 2022-08, seconded by Vice Mayor Langowski.

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).

B. SECOND READING: Ordinance 2022-09 – Granting Florida Public Utilities a Non-Exclusive Franchise

Submitted By: Administration

ORDINANCE 2022-09

AN ORDINANCE GRANTING TO FLORIDA PUBLIC UTILITIES COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE FOR A PERIOD OF 30 YEARS TO SELL, DISTRIBUTE, TRANSPORT, AND TRANSMIT NATURAL, MANUFACTURED, OR MIXED GAS IN THE CITY OF WESTLAKE, FLORIDA; PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE UPON FINAL PASSAGE.

Mayor O'Connor introduced item.

Mayor O'Connor opened for public comment.

Ms. Burgess noted there were no comment cards, however, gave the virtual audience a moment to comment.

There being no further comments, Mayor O'Connor called for a motion.

Motion by Vice Mayor Langowski to approve the second reading of ordinance 2022-09, seconded by Councilwoman Leonard.

Mr. Doody read Ordinance 2022-09 into record, by title only.

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).

C. Residential Solid Waste Services Annual Special Assessment

Submitted By: Administration

RESOLUTION 2022-26

A RESOLUTION OF THE CITY OF WESTLAKE, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE SERVICES, IN THE CITY OF WESTLAKE, FLORIDA; APPROVING THE ASSESSMENT RATE FOR RESIDENTIAL SOLID WASTE SERVICES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022; IMPOSING A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF WESTLAKE FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Doody read Resolution 2022-26 into record, by title only.

Mr. Cassel discussed Resolution for Solid Waste Services and the approved rate for residential solid waste services for the fiscal year ending in 2023.

Mayor O'Connor opened for public comment.

Ms. Burgess noted there were no comment cards, however, gave the virtual audience a moment to comment.

Motion by Councilwoman Valle Ron to adopt Resolution 2022-26, seconded by Councilman Martinez.

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).

D. A Resolution for the Plat of Woodlands of Westlake

Submitted By: Engineering

RESOLUTION 2022-24

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE PLAT OF WOODLANDS OF WESTLAKE, BEING A PORTION OF SECTIONS 5 AND 6, ALL IN TOWNSHIP 43 SOUTH, RANGE 41 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA. PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mayor O'Connor opened for public comment.

Ms. Burgess noted there were no comment cards, however, gave the virtual audience a moment to comment.

Mr. Hearing, on behalf of Minto PBLH LLC, discussed modification for plat with a PowerPoint presentation. He noted this was a previously approved site plan of 149 homes on 75' x 150' wide lots. He continued identifying the currently approved modified site plan of 164 homes with 58 on 75' x 150' wide lots and 106 on 65' x 150' wide lots. He further displayed the plat maps.

Mr. Cassel stated it will be presented in front of the Seminole Improvement District next week and is expected to be approved.

Mr. O'Connor asked if the collection of homes would be changed. Mr. Hearing stated the collection of homes would stay the same.

There being no further comments, Mayor O'Connor called for a motion.

Motion by Vice Mayor Langowski to approve Resolution 2022-24, seconded by Councilman Martinez.

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).

NEW BUSINESS

- A. FIRST READING - CPA-2022-01** Application of Minto PBLH, LLC proposing a small scale future land use map amendment to change the future land use designation on a 9.137-acre site from Civic to Downtown Mixed Use designation. The site is located at the southwest corner of Persimmon Blvd and Ilex Way.

Submitted By: Planning and Zoning

Mayor O'Connor introduced item.

City Attorney read item, by title only, into the record.

Mr. Leon presented a PowerPoint presentation for applicant that's proposing a small-scale future land use map amendment to change the future land use designation on a 9.13-acre site from Civic to Downtown Mixed Used designation. The site is located at the southwest corner of Persimmon Blvd and Ilex Way.

Ms. Duhy, on behalf of Minto PBLH, LLC, requested that her presentation for the Local Planning Agency meeting be entered into the record. Presentation included:

- Minto PBLH, LLC, is requesting a small-scale comprehensive plan amendment to the City of Westlake’s Comprehensive Plan Future Land Use Map (“FLUM”) and a rezoning for the parcel referred to as Pod PC-2 (“the Parcel”).
- Minto is requesting that the future land use designation of the Parcel be amended from its current civic category to the downtown mixed-use category and that the Parcel be rezoned from the civic district to the mixed-use district.
- As detailed in the application, these requests are consistent with the City’s Comprehensive Plan (“Plan”) and Land Development Regulations (“LDRs”) as well as the Community Planning Act found in Florida Statutes.
- City staff has recommended approval of both applications.

Mayor O’Connor called for a motion.

Motion by Councilwoman Leonard to approve CPA-2022-01, seconded by Councilwoman Valle Ron.

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).

- B. FIRST READING - ZC-2022-01:** Application of Minto PBLH, LLC requesting a zoning change from the Civic (C) zoning district to the Mixed Use (MU) zoning district. The site is located at the southwest corner of Persimmon Blvd and Ilex Way.

Submitted By: Planning and Zoning

Mayor O’Connor introduced item.

City Attorney read item, by title only, into the record.

Mr. Leon discussed PowerPoint presentation for the rezoning request from civic zoning district to the mixed-use zoning district. Any future development will be reviewed for traffic impacts and will be required to provide a traffic study and the application will be approved by City Council.

Council members requested clarification on sexual orientation business.

Ms. Zacarias stated every municipality, per Federal law, must allow these types of businesses.

City Attorney clarified and explained you cannot prohibit this type of business. An area must be recognized to allow this type of business.

Ms. Zacarias stated there is minimal zoning choices to pick from, the city does not have an industrial zone.

Ms. Duhy, on behalf of Minto PBLH, LLC, requested that her presentation for the Local Planning Agency meeting be entered into the record.

Mayor O’Connor called for a motion.

Motion by Vice Mayor Langowski to approve item ZC-2022-01, seconded by Councilwoman Leonard.

UPON ROLL CALL:

Councilman Martinez	YES
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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).

- C. First amendment to agreement between the City of Westlake and Nova Engineering and Environmental, LLC.

Submitted By: Administration

RESOLUTION 2022-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY COUNCIL MEMBER TO EXECUTE A FIRST AMENDMENT TO AGREEMENT BETWEEN THE CITY OF WESTLAKE AND NOVA ENGINEERING AND ENVIRONMENTAL, LLC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

City Attorney read Resolution, by title only, into the record.

Council discussed the new agreement for Nova and the rate increase. Mr. Cassel discussed changes the city requested for improvements from NOVA such as new software.

Mayor O'Connor stated he would reluctantly approve this motion.

Mayor O'Connor called for a motion.

Motion by Councilwoman Valle Ron to adopt Resolution 2022-25, seconded by Councilman Martinez

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).

- D. Third Addendum to the Law Enforcement Service Agreement

Submitted By: Administration

RESOLUTION 2022-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY COUNCIL MEMBER TO EXECUTE A THIRD ADDENDUM TO THE LAW ENFORCEMENT SERVICE AGREEMENT BETWEEN THE CITY OF WESTLAKE AND RIC L. BRADSHAW, SHERIFF OF PALM BEACH COUNTY, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

City Attorney read Resolution, by title only, into the record.

Council discussed the third addendum to the law enforcement service agreement between the city and the Palm Beach County Sheriff's office.

Mayor O'Connor called for a motion.

Motion by Vice Mayor Langowski to approve Resolution 2022-27, seconded by Councilman Martinez.

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).

CITY COUNCIL COMMENTS

A. Councilwoman Charlotte Leonard – Ms. Leonard had no comment.

B. Councilman Julian Martinez – Mr. Martinez discussed the 5k that he is putting together for the city. Mr. Martinez stated he will change the event to a later date.

C. Councilwoman Pilar Valle Ron – Ms. Valle Ron stated she is proud to be a council member for the City of Westlake and was moved by the proclamations presented by the city.

D. Vice Mayor Greg Langowski – Mr. Langowski discussed the meeting he attended for the EYAB last month. Mr. Langowski stated the board is working on volunteers and the student member duties.

E. Mayor JohnPaul O'Connor – Mr. O'Connor thanked Mr. Langowski for the proclamation he presented to council. Mr. O'Connor discussed he is working on a food truck invasion for October 7th and verified with Minto no other events will interfere with this event. Mr. O'Connor explained the event will pay for itself and at no cost to the city. Mr. O'Connor stated the Arts in Public Places is starting soon. Mr. O'Connor wants to nominate himself as Liaison for the board. He also thanked for the support he received to decrease the milage rate.

Ms. Burgess asked Mr. Doody if the ordinance had to be revised as there is currently no mention of a liaison.

Mr. Doody stated with consensus of the council it can be approved.

REPORT - STAFF

A. Palm Beach County Fire Rescue - Monthly Report: July

Submitted By: District Chief Phillip Olavarria

For Informational Purposes Only

Police Chief discussed the response time for officers. Chief wanted to thank the achievement from PBC Fire Department. Traing hours, equipment and response time contributed to this achievement. Police chief Residents located within five miles of a fire department get lower insurance rate.

REPORT - CITY ATTORNEY

MR. Doody had no comments.

REPORT - CITY MANAGER

Mr. Cassel met with Christ Fellowship. He discussed they will be at next city council meeting. They want input on how to be more part of the community and want to meet one on one with the council members to get their input. They also want to add signs to show where different areas are located on their grounds.

Mr. Cassel wants to have a workshop in October to go over goals and visions to make sure that staff is moving in the direction they want to go. Mr. Cassel stated it will be a goals and objectives meeting. Mr. Cassel stated a date needed to be picked. Council agreed tentatively to the third Tuesday in October. It will be confirmed at next budget hearing.

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. A virtual member wanted to comment.

Ms. Tapiero - 5991 Whippoorwill Circle - Ms. Tapiero wanted to thank Council for everything they do and the efforts they put in to reduce the taxes.

ADJOURNMENT

There being no further business, Mayor O'Connor adjourned the meeting at 7:23 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor

File Attachments for Item:

B. Minutes_City Council Final Budget Hearing - 09.19.2022 DRAFT

CITY OF WESTLAKE



MINUTES

City Council Final Budget Hearing

Monday, September 19, 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, City Clerk
Donald J. Doody, Esq., City Attorney

A Final Budget Hearing of the City Council of the City of Westlake was held on Monday, September 19, 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: 2630 519 5930

Password: hello

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

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

Meeting ID: 2630 519 5930

As a preliminary matter, Ms. Burgess noted that Mayor JohnPaul O'Connor, Vice Mayor Greg Langowski Councilwoman Pilar Valle Ron, Councilman Julian Martinez, and Councilwoman Charlotte Leonard were 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 Final Budget Hearing of Monday, September 19, 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
Zoie P. Burgess, CMC City Clerk
Jacob Horowitz, Esq. City Attorney

PLEDGE OF ALLEGIANCE

Mayor O'Connor led the Pledge of Allegiance.

PUBLIC HEARING

- A. RESOLUTION 2022-28 – Adoption of Final Millage Rate for Fiscal Year 2023

Submitted By: Finance

RESOLUTION 2022-28

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ADOPTING THE FINAL AD VALOREM MILLAGE RATE TO BE LEVIED FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022, AND ENDING ON SEPTEMBER 30, 2023; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

City Attorney read Resolution 2022-28 into record, by title only.

City Manager stated the Millage Rate is 5.1 mills, 30.14 percent higher than the roll back rate of 3.9189 mills and confirmed that it does provide the budget needed to move forward.

Mayor O'Connor called for council comments. There being none, City Attorney called for public comments.

Ms. Burgess noted there were no comment cards, however, gave the virtual audience a moment to comment.

There being no further comments, Mayor O'Connor called for a motion.

Motion by Councilman Martinez to adopt Resolution 2022-28, Adoption of Final Millage Rate for Fiscal Year 2023, 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).

- B. RESOLUTION 2022-29 - Adoption of Final Budget for Fiscal Year 2023

Submitted By: Finance

RESOLUTION 2022-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, ADOPTING THE FINAL BUDGET FOR THE CITY OF WESTLAKE, FLORIDA, AND MAKING AN APPROPRIATION FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022, AND ENDING ON SEPTEMBER 30, 2023; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

City Attorney read Resolution 2022-29 into the record by title only.

Mr. Cassel introduced previously discussed budget noting a fund total of \$7,899,000.

Mayor O'Connor called for council comments. There being none, City Attorney called for public comments.

Ms. Burgess noted there were no comment cards, however, gave the virtual audience a moment to comment.

There being no further comments, Mayor O'Connor called for a motion.

Motion by Councilwoman Valle Ron to adopt Resolution 2022-29, Adoption of Final Budget for Fiscal Year 2023, 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).

PUBLIC COMMENT

This section of the agenda allows for comments from the public to speak on items only presented on the agenda. 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.

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 6:08 PM.

Zoie P. Burgess, City Clerk

Roger Manning, Mayor

File Attachments for Item:

C. Minutes_City Council Regular Meeting - 10.04.2022 DRAFT

CITY OF WESTLAKE



MINUTES

City Council Regular Meeting

Tuesday, October 04, 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, October 04, 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 888 9851

Password: hello

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

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

Meeting ID: 2632 888 9851

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 October 04, 2022, to order at 6:01 p.m.

Mayor O'Connor acknowledged Yom Kippur.

ROLL CALL

Councilwoman Charlotte Leonard (Via Electronic Media Technology)

Councilman Julian Martinez - Absent

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 that there is an addition of the Parking Agreement for the upcoming Eats & Beats event.

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

Motion by Vice Mayor Langowski to amend agenda, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

With all in favor, motion carried without dissent (4-0).

Mr. Doody requested clarification of where it will be placed on the agenda. Mayor O'Connor confirmed that it will be placed under new business, as item D.

Mayor O'Connor called for a motion to approve the amended agenda.

Motion by Vice Mayor Langowski to approve amended agenda, seconded by Councilwoman Leonard.

UPON ROLL CALL:

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

With all in favor, motion carried without dissent (4-0).

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.

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.

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. Monthly Financial Report - August
- B. Minutes_City Council Budget Workshop - 07.26.2022 - DRAFT
- C. Minutes_City Council Regular Meeting - 08.02.2022 DRAFT
- D. Minutes_City of Westlake and Seminole Improvement District Joint Meeting - 08.23.2022 DRAFT

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

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

UPON ROLL CALL:

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

With all in favor, motion carried without dissent (4-0).

PUBLIC HEARING

- A. **CPA-2022-01 (Second Reading):** Application of Minto PBLH, LLC proposing a small scale future land use map amendment to change the future land use designation on a 9.137-acre site from Civic to Downtown Mixed Use designation. The site is located at the southeast corner of Persimmon Blvd and Ilex Way.

Submitted By: Planning and Zoning

ORDINANCE NO. 2022-10

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, SPECIFICALLY AMENDING A PORTION OF THE CITY OF WESTLAKE FUTURE LAND USE MAP AS A SMALL SCALE AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION FROM CIVIC CATEGORY TO DOWNTOWN MIXED USE CATEGORY ON PROPERTY DESIGNATED AS POD PC-2, MORE PARTICULARLY DESCRIBED HEREIN AND CONTAINING 9.137 ACRES MORE OR LESS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mr. Doody swore in all witnesses providing testimony and called for an ex parte communication to be disclosed.

Vice Mayor Langowski and Mayor O'Connor disclosed communications with the developer.

Mr. Leon presented a PowerPoint presentation for applicant that's proposing a small-scale future land use map amendment to change the future land use designation on a 9.13-acre site from Civic to Downtown Mixed Used designation. Mr. Leon noted that there have been no changes since the first reading of this item and remains consistent with Chapter 163 of the Florida Statutes and that the amendment is compatible with adjacent land uses and is consistent with the City's Comprehensive Plan.

Based upon the facts and findings contained herein, the Planning & Zoning Department recommends approval of the subject application.

Mayor O'Connor called for any comments from Council and called for Public Comments. Mayor O'Connor closed the public hearing and called for the item to be read into record.

Mr. Doody requested that the applicant be heard.

Ms. Duhy of Lewis, Longman, and Walker, on behalf of the Applicant Minto PBLH, LLC, respectfully requested that the previous presentation be considered in the decision.

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

Mayor O'Connor called for a motion to approve on second reading.

Motion by Vice Mayor Langowski to approve adoption of CPA-2022-01 future land use map amendment, seconded by Councilwoman Leonard.

UPON ROLL CALL:

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

With all in favor, motion carried without dissent (4-0).

- B. ZC-2022-01 (Second Reading):** Application of Minto PBLH, LLC requesting a zoning change from the Civic (C) zoning district to the Mixed Use (MU) zoning district. The site is located at the southeast corner of Persimmon Blvd and Ilex Way.

Submitted By: Planning and Zoning

ORDINANCE NO. 2022-11

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE REZONING OF THE PROPERTY CONSISTING OF APPROXIMATELY 9.137 GROSS ACRES IN SIZE, FOR THE PARCEL REFERRED TO AS POD PC-2 FROM CIVIC DISTRICT TO MIXED USE DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mr. Leon presented a PowerPoint presentation for applicant that's requesting a zoning change from civic zoning district to the mixed-use zoning district.

Mr. Doody swore in all witnesses providing testimony.

Mr. Leon continued, explaining staff's analysis, noting that the mixed-use zoning district allows a minimum gross density of 4 units per acre, the maximum gross density is 16 dwelling units per acre, and a maximum of 3.0 FAR. He noted that this is consistent with the Downtown Mixed Use future land use designation. Mr. Leon also explained that the proposed zoning district is compatible with the existing single-family residential use to the north, south, and east as well as the existing development

to the west and that any future development will be reviewed for traffic impacts and will be required to provide a traffic study and the application will be approved by the City Council.

Based upon the facts and findings contained herein, the Planning & Zoning Department recommends approval of the subject application.

Mayor O'Connor and Vice Mayor Langowski both disclosed communications with the developer.

Mayor O'Connor opened the public hearing and called for any 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, Mayor O'Connor called for the applicant presentation.

Ms. Duhy of Lewis, Longman, and Walker, on behalf of the Applicant Minto PBLH, LLC, respectfully requested that the previous presentation be considered in the decision.

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

Mayor O'Connor called for a motion to approve on second reading.

Motion by Councilwoman Valle Ron approve ZC-2022-01, seconded by Councilwoman Leonard.

UPON ROLL CALL:

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

With all in favor, motion carried without dissent (4-0).

NEW BUSINESS

A. FIRST 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.

Ms. Zacarias briefly introduced item as presented in agenda packets.

Mayor O'Connor opened to Council for comments, there being none, Mr. Doody read item, by title only, into the record.

Ms. Burgess identified a public Comment from Kathryn Rossmell of Lewis, Longman and Walker, on behalf of the Applicant Minto PBLH, LLC. Ms. noted that there is one minor comment in which they are working with staff to ensure that none of the events that Minto holds, which on occasion involves having tents or tailgating activities, is not excluded by this Ordinance to ensure they are able to continue to conduct these activities consistent with the special events chapter.

Mr. Doody explained that he has been in communication with counsel and ask that Council consider this on first reading and will work with counsel by the second reading and work out any necessary language to be presented at the next meeting, on second reading.

Mayor O'Connor called for a motion.

Motion by Vice Mayor Langowski to approve adoption of CPA-2022-01 future land use map amendment, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

With all in favor, motion carried without dissent (4-0).

- B. ORDINANCE 2022-13 - Emergency Ordinance - Declaring a State of Emergency in the City of Westlake

ORDINANCE NO. 2022-13

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF WESTLAKE, FLORIDA; PURSUANT TO CHAPTER 166 OF THE FLORIDA STATUTES; THE CITY COUNCIL HEREBY DECLARES A STATE OF EMERGENCY IN THE CITY OF WESTLAKE GIVEN THE IMPACTS CREATED BY HURRICANE IAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mr. Doody read item, by title only, into the record. Mr. Doody further explained the purpose of the Ordinance and the procedure for emergency ordinances.

Mayor O'Connor called for any comments by Council, there being none, a motion was entertained.

Motion by Councilwoman Leonard to approve Ordinance 2022-13, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

With all in favor, motion carried without dissent (4-0).

- C. Consideration of Engagement Letter with Berger, Toombs, Elam, Gaines & Frank for the Fiscal Year 2022 Financial Audit

Presented By: Administration

Mayor O'Connor introduced item and called for the City Manager to explain item.

Mr. Cassel explained that each year the city financials are audited and Berger, Toombs, Elam, Gaines & Frank have been providing services for the last 4 years, noting the costs has increased slightly due

to the growth and complexity now of the city. He also noted that the city will resolicit for services in the future.

Council discussion and inquiry of the cost increase. Mr. Cassel explained there was an approximate increase from \$5,000 to \$7,000.

There being no further discussion, Mayor O'Connor entertained a motion to authorize the City Manager to execute the engagement letter.

Motion by Vice Mayor Langowski, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

With all in favor, motion carried without dissent (4-0).

D. Parking Agreement for the Eats & Beats Event (Addition to the Agenda)

Mayor O'Connor introduced item, noting it is for the Eats & Beats event, October 7th.

Mr. Cassel further explained that an agreement is needed with the property owner to use the space for the event. The agreement is the same as the FourthFest Event, with minor revisions.

Mr. Doody advised council that they may favorably act upon this item subject to his approval of the agreement and authorize the City Manager to approve thereafter.

Ms. Duhy clarified the changes to include the date of the event, the location update and to remove the fireworks aspect.

Motion by Councilwoman Valle Ron to approve agreement, subject to legal review, seconded by Councilwoman Leonard.

UPON ROLL CALL:

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

With all in favor, motion carried without dissent (4-0).

CITY COUNCIL COMMENTS

A. Councilwoman Charlotte Leonard – No comment but acknowledged and recognized the month to be Breast Cancer Awareness Month.

B. Councilman Julian Martinez – Absent. Mayor O'Connor noted that Councilman Martinez is deployed, assisting those affected on the west coast of Florida from Hurricane Ian.

C. Councilwoman Pilar Valle Ron – Thanked staff for the efforts putting together the upcoming event and looks forward to Friday.

D. Vice Mayor Greg Langowski – No Comment.

E. Mayor JohnPaul O'Connor – Mayor O'Connor expressed his excitement for the upcoming Eats & Beats event, and thanked Minto, the landowner for allowing use of the space. Mayor O'Connor announced the next event to be a winter holiday market to be held December 11th, with no objection from council.

Mayor O'Connor brought to the attention of council an issue with the Groves development. He explained that residents were not pleased with the level of landscaping on the berm. For the record, he had staff reach out to engineering which confirmed everything was done according to plan, and both permits are closed.

Mayor O'Connor recognized Seminole Improvement District and their efforts during the storm.

REPORT – STAFF

Mayor O'Connor noted that no staff reports were included in the agenda, but both fire and police reports were presented at the dais.

District Chief Olavarria provided a brief overview of the report submitted and gave an update of occurrences and resources available during the storm incident, as well as services being provided to assist those affected. He also noted that the following week is fire prevention week.

Mayor O'Connor inquired if fire inspections for the food trucks be conducted at the upcoming Eats & Beats event. District Chief Olavarria, acknowledged that they could send staff to conduct.

Further Council discussion and Mayor requesting consensus to start planning a community safety fair. Mr. Cassel suggested that would be a good event to possibly host at the new community center next year.

Sergeant Paul Schofield provided an update on matters with the police department and resources

REPORT - CITY ATTORNEY

No comment.

REPORT - CITY MANAGER

No comment.

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 6:49 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor

File Attachments for Item:

D. Minutes_City Council Workshop Meeting 10.11.2022 - DRAFT

CITY OF WESTLAKE



AGENDA

City Council Workshop Meeting

Tuesday, October 11, 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

A City Council Workshop meeting of the City Council of the City of Westlake was held on Tuesday, October 11, 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. Join the Webex meeting from your computer, tablet or smartphone at the following link:
<https://cityofwestlake.my.webex.com/>

Meeting ID: 2632 577 7534

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: 2632 577 7534

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>

As a preliminary matter, Ms. Burgess noted that Mayor JohnPaul O'Connor, Vice Mayor Greg Langowski, Councilwoman Pilar Valle Ron, Councilman Julian Martinez, and Councilwoman Charlotte Leonard were 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 that microphones are live.

Ms. Burgess further explained that microphones will be muted; audience members have the ability to 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 Council Budget Workshop meeting of Tuesday, October 11, 2022, to order at 6:01 PM.

ROLL CALL

Present and constituting a quorum:

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

Also present:

Kenneth Cassel, City Manager
Donald J. Doody, Esq., City Attorney
Zoie P. Burgess, CMC City Clerk
Joseph Berko, Building Official (Via Electronic Media Technology)
Suzanne Dombrowski, City Engineer
Nilsa Zacarias, Planning & Zoning Director

PLEDGE OF ALLEGIANCE

Mayor O'Connor led the Pledge of Allegiance.

WORKSHOP AGENDA

A. Strategic Visioning (Goals & Objectives) Discussion

Mr. Cassel stated the meeting was initially set as a review process, in which he wanted to remind council we are a unique operation being totally contracted for services. The two charter positions council would have direct impact on are reviewed each month, at every council meeting, when the attorney or himself perform or don't perform and their feedback is taken as a review at that point in time. He clarified this meeting is more of a goals and objectives workshop. Mr. Cassel stated Mr. Koncar previously sent out an email discussing some goals and objectives for council to review and discuss. Mr. Koncar sent out an email to all of council and only received a response from one member and is awaiting feedback from the rest so they can fill in the gaps for the visions of the City. Mr. Cassel discussed certain items that are in the works, processes and how to move items forward. Mr. Cassel summarized the following items to be discussed:

- Working with Mr. Doody on the interlocal agreement to take care of the roads
- Improve Happy Program
- Revision to Sign Codes
- Types of services or provisions for open fields to use for FourthFest, Food Truck events
- Are we moving in the right direction
- How many events does Council want to have
- Need to discuss event needs, land use and insurance

Council discussed the frequency of events and how they affect the HOA's and surrounding city events. The impact of having too many events and what kind of events are wanted. Council discussed their desire to have a Christmas, National Night Out, FourthFest, Food Truck and a 5k run event. Council stated they wanted a minimum of six events per year and go from there and add events as needed.

Mr. Cassel stated council should consider events being held by HOAs, Christ Fellowship Church and other commercial businesses that hold events. Too many events can dilute the events and minimize their impact.

Further Council discussion on event insurance, and other events such as the Golf Cart Parade.

Council discussed parks and the needs and wants for the park such as what buildings and fields they would want at the parks.

Mr. Cassel stated a joint meeting is needed with Seminole Improvement District to discuss the operational structure and what council wants to do with the park.

Council discussed the building department and their failure to issue permits in a timely manner. Mayor O'Connor stated the building departments performance and communication needs to improve. Council instructed the building department to provide a monthly report to council so they can be aware of the changes and issues that arise. Mayor O'Connor also requested 30 questionnaires be sent out to contractors at random to collect information on what they look for in a building department. Council discussed they will all come up with questions and send them to Mr. Cassel so he can create the questionnaire. Further council discussion on ways to improve the building department and what to expect from them.

Ms. Cassel discussed the building department has had a high rate of turnover and they have had a hard time filling vacancies. Mr. Cassel also reminded council the building department is working on implementing an electronic permitting program that will hopefully expedite the process of issuing permits.

Council discussed general development on commercial construction and identified the need for a big box store, for example a Target, Home Depot, or a big box gym.

Mr. Carter commented that he would like council to submit suggestions as to what businesses would be welcomed by the city so that he could include on his radar. Mr. Carter stated a car wash is not something he is looking for as they are small and would not bring much to the city. Mr. Carter suggested a type of warehouse which promotes employment. Mr. Carter also stated the upcoming Town Center will include a fitness complex. Mr. Carter discussed Adventure Park II, which will include golf cart parking, horseshoe, meeting rooms, music, basketball courts and more. Further discussion on city hosting meetings and an agreement with the city would be needed.

Mr. Cassel discussed council also needs to see what they see in three, four, five years in the future for projects and start talking ideas and discuss with the city attorney.

Mayor O'Connor also discussed his desire for the city to have an app and municipal Wi-Fi.

Council discussed public buses to be offered in the future. Mr. Cassel informed them the plan for buses is two years ahead of schedule and hopefully will be seen soon.

Mr. Carter discussed economic outlook and the plan that was previously presented.

Ms. Duhay discussed data analysis and the outlook that was set in 2018 and the projection set for 2038.

Councilwoman Leonard stated she would like a monthly update on the strategic plan in place.

Mr. Cassel also discussed engaging with a grant writing company.

Council discussed the HAPPY Program. Mayor O'Connor requested for rates to be changed so residents could better afford homes.

Mr. Carter mentioned buydowns and affordability and the city was intentionally built around blue-collar families. Mr. Carter offered a rate lock and council to be mindful of value erosion.

Mr. Martinez asked if people were not qualifying for the program as the program has a lot of funds. Mr. Cassel stated the issue is the price of the homes and applicants' liquid assets. Mr. Cassel suggested amending the

requirements for the HAPPY Program to entice others to apply. Council discussed further and suggested social posts to advertise the HAPPY Program.

Public Comment: Ms. Anita Kaplan - 5459 Santa Rosa Lane, Westlake, FL 33470 – Ms. Kaplan stated residents are not aware of the HAPPY Program and offered to distribute flyers to promote the program.

Mayor O'Connor provided a positive note to the city clerk and city attorney.

CITY COUNCIL COMMENTS

A. Councilwoman Charlotte Leonard – Ms. Leonard had no additional comments.

B. Councilman Julian Martinez – Mr. Martinez stated he had no further comments and thanked Mr. Carter for his support.

C. Councilwoman Pilar Valle Ron – Ms. Valle Ron thanked Mr. Carter and all his support. She discussed her appreciation of what is being done for the community.

D. Vice Mayor Greg Langowski – Mr. Langowski wanted to thank city staff and the team that works with the city.

E. Mayor JohnPaul O'Connor – Mr. O'Connor wanted to keep true to the founders of the city. Thanked the city team.

Mr. Carter stated he would like council to modify the opening procedure and include a prayer.

Council stated they loved the idea, and all agreed to incorporate a prayer to city meetings moving forward.

Mr. Doody stated he would like to talk to council individually and explain the challenges this might casue in the future and unintended consequences. He suggested a moment of silence instead and has seen this to prove effective in other municipalities. Including an invocation can trigger an invitation from individuals that council may not find personally adherent to their concept of religion. Mr. Doody stated he will call out to each council member and speak to them individually.

CITY ATTORNEY COMMENTS

Mr. Doody thanked council for their positive comments. Mr. Doody stated he is more than happy to be in a more permanent seat and welcome all legal issues that may come up. Mr. Doody informed council they have a top-notch manager and a great City Clerk's office and states it is a pleasure to work for the city.

CITY MANAGER COMMENTS

Mr. Cassel discussed his appreciation of his staff that work with him.

PUBLIC COMMENTS

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 7:59 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor

File Attachments for Item:

E. Monthly Financial Report - September



MEMORANDUM

TO: Members of the City Council, City of Westlake
FROM: Steven Fowler, Accountant; Kadem Ramirez, Accounting Supervisor
CC: Ken Cassel, City Manager
DATE: October 17, 2022
SUBJECT: September Financial Report

Please find attached the September 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 through September were approximately 93% of the annual budget, including collections of the FY2022 Ad Valorem Tax of approximately 98%. 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 through September were approximately 77% of the annual budget.

Special Revenue Fund – Housing Assistance Program

- Total Revenues through September were approximately 329% 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 through September were approximately 99% of the annual budget.
- Total Expenditures through September were approximately 99% of the annual budget.

City of Westlake

Financial Report

September 30, 2022



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City of Westlake

Financial Statements
September 30, 2022

Balance Sheet
September 30, 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>
<u>ASSETS</u>				
Current Assets				
Cash - Checking Account	\$ 1,880,534	\$ -	\$ -	\$ 1,880,534
Assessments Receivable	43,506	-	-	43,506
Due From Other Funds	-	-	1,926,235	1,926,235
Investments:				
Money Market Account	1,871,773	2,897,174	-	4,768,947
Deposits	666	-	-	666
Total Current Assets	3,796,479	2,897,174	1,926,235	8,619,888
Noncurrent Assets				
Mortgages Receivable	-	626,297	-	626,297
Total Noncurrent Assets	-	626,297	-	626,297
TOTAL ASSETS	\$ 3,796,479	\$ 3,523,471	\$ 1,926,235	\$ 9,246,185

LIABILITIES

Current Liabilities

Accounts Payable	\$ 167,333	\$ 1,500	\$ 23,366	\$ 192,199
Accrued Expenses	19,800	-	234,920	254,720
DBPR surcharge	6,459	-	-	6,459
DCA surcharge	9,496	-	-	9,496
Impact Fees	436,586	-	-	436,586
Unearned Revenue	41,999	-	-	41,999
Due To Other Districts	2,709	-	-	2,709
Deferred Revenue-Developer Submittals (Minto)	-	-	15,419	15,419
Due To Other Funds	1,926,235	-	-	1,926,235
Total Current Liabilities	2,610,617	1,500	273,705	2,885,822

Balance Sheet
September 30, 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	2,654,123	1,500	273,705	2,929,328
FUND BALANCES				
Nonspendable:				
Deposits	666	-	-	666
Restricted for:				
Special Revenue	-	3,521,971	1,652,530	5,174,501
Unassigned:	1,141,690	-	-	1,141,690
TOTAL FUND BALANCES	\$ 1,142,356	\$ 3,521,971	\$ 1,652,530	\$ 6,316,857
TOTAL LIABILITIES & FUND BALANCE	\$ 3,796,479	\$ 3,523,471	\$ 1,926,235	\$ 9,246,185

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending September 30, 2022

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
REVENUES				
Interest - Investments	\$ -	\$ -	\$ 7,542	\$ 7,542
Ad Valorem Taxes	1,838,592	1,838,592	1,796,354	(42,238)
Ad Valorem Taxes - Discounts	(73,544)	(73,544)	(69,673)	3,871
Discretionary Sales Surtaxes	69,700	69,700	-	(69,700)
FPL Franchise	110,300	110,300	215,079	104,779
Solid Waste	-	-	13,093	13,093
Electricity	113,600	113,600	215,756	102,156
Water	41,500	41,500	54,742	13,242
Gas	34,600	34,600	55,991	21,391
Communication Services Taxes	36,200	36,200	47,770	11,570
Occupational Licenses	6,100	6,100	27,536	21,436
Building Permits - Admin Fee	62,100	62,100	97,029	34,929
Licenses, Fees & Permits	-	-	600	600
General Government	-	-	362,367	362,367
State Revenue Sharing Proceeds	17,200	17,200	15,822	(1,378)
Alcoholic Beverage License	-	-	575	575
Shared Rev - Other Local Units	-	-	975	975
Administrative Fees	245,400	245,400	-	(245,400)
Other Public Safety Chrgs/Fees	2,400	2,400	5,981	3,581
Garbage/Solid Waste Revenue	29,100	29,100	265,584	236,484
Penalties	-	-	13,000	13,000
Other Operating Revenues	5,400	5,400	14,264	8,864
Special Events	-	-	1,100	1,100
Event Sponsors	-	-	78,350	78,350
Judgements and Fines	-	-	745	745
Interest - Tax Collector	-	-	161	161
Special Assmnts- Tax Collector	232,600	232,600	223,216	(9,384)
Special Assmnts- Discounts	(9,300)	(9,300)	(8,498)	802
Developer Contribution	930,152	930,152	-	(930,152)
Lien Search Fee	1,300	1,300	10,023	8,723
TOTAL REVENUES	3,693,400	3,693,400	3,445,484	(247,916)
EXPENDITURES				
Legislative				
Mayor/Council Stipend	110,400	110,400	94,443	15,957
FICA Taxes	8,400	8,400	7,225	1,175
ProfServ-Legislative Expense	24,000	24,000	-	24,000
Telephone, Cable & Internet Service	-	-	1,131	(1,131)
Public Officials Insurance	4,400	4,400	3,125	1,275
Misc-Election Fee	-	-	600	(600)
Misc-Event Expense	63,800	63,800	168,542	(104,742)
Council Expenses	15,000	15,000	21,731	(6,731)
Dues, Licenses, Subscriptions	1,400	1,400	1,529	(129)
Total Legislative	227,400	227,400	298,326	(70,926)

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending September 30, 2022

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<u>City Manager</u>				
Contracts-City Manager	251,900	251,900	207,404	44,496
Office Supplies	14,900	14,900	7,176	7,724
Dues, Licenses, Subscriptions	3,900	3,900	3,070	830
Cap Outlay - Equipment	-	-	1,855	(1,855)
Cap Outlay - Office Computers	-	-	6,306	(6,306)
Total City Manager	270,700	270,700	225,811	44,889
<u>City Clerk</u>				
ProfServ-Web Site Maintenance	10,600	10,600	8,256	2,344
Contracts-City Clerk	206,000	206,000	206,000	-
Postage and Freight	1,000	1,000	931	69
Printing	19,400	19,400	2,523	16,877
Legal Advertising	31,200	31,200	14,670	16,530
Miscellaneous Services	-	-	193	(193)
Dues, Licenses, Subscriptions	10,000	10,000	10,340	(340)
Total City Clerk	278,200	278,200	242,913	35,287
<u>Finance</u>				
Auditing Services	5,300	5,300	5,250	50
Contracts-Finance	95,500	95,500	80,668	14,832
Total Finance	100,800	100,800	85,918	14,882
<u>Legal Counsel</u>				
ProfServ-Legal Services	275,000	275,000	86,790	188,210
Total Legal Counsel	275,000	275,000	86,790	188,210
<u>Other Administrative Services</u>				
ProfServ-Info Technology	195,100	195,100	211,535	(16,435)
ProfServ-Compliance Service	25,000	25,000	-	25,000
Contracts-Admin. Service	257,000	257,000	199,239	57,761
Misc-Public Relations	75,000	75,000	24,100	50,900
Misc-Assessment Collection Cost	2,300	2,300	2,117	183
General Government	90,000	90,000	68,294	21,706
Emergency Comm. Program	25,000	25,000	-	25,000
Total Other Administrative Services	669,400	669,400	505,285	164,115
<u>Facility Services</u>				
Telephone, Cable & Internet Service	13,200	13,200	14,647	(1,447)
Lease - Copier	16,000	16,000	13,211	2,789
Lease - Building	86,700	86,700	500	86,200
Insurance (Liab,Auto,Property)	4,500	4,500	5,745	(1,245)
Miscellaneous Services	1,200	1,200	1,520	(320)
Cleaning Services	36,500	36,500	26,497	10,003
Principal-Capital Lease	8,500	8,500	8,455	45
Interest-Capital Lease	1,700	1,700	1,709	(9)
Total Facility Services	168,300	168,300	72,284	96,016

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending September 30, 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>Community Services</u>				
Contracts-Solid Waste	248,600	248,600	484,391	(235,791)
Contracts-Sheriff	656,500	656,500	650,002	6,498
Electricity	98,600	98,600	113,742	(15,142)
R&M-Community Maintenance	27,500	27,500	27,500	-
Operating Supplies	6,100	6,100	30,815	(24,715)
Total Community Services	1,037,300	1,037,300	1,306,450	(269,150)
<u>Capital Expenditures & Projects</u>				
Capital Improvements	50,000	50,000	-	50,000
Total Capital Expenditures & Projects	50,000	50,000	-	50,000
<u>Other Fees and Charges</u>				
Misc-Contingency	151,400	151,400	34,647	116,753
Total Other Fees and Charges	151,400	151,400	34,647	116,753
<u>Reserves</u>				
1st Quarter Operating Reserves	264,900	264,900	-	264,900
Reserve - Buildings	200,000	200,000	-	200,000
Total Reserves	464,900	464,900	-	464,900
TOTAL EXPENDITURES & RESERVES	3,693,400	3,693,400	2,858,424	834,976
Excess (deficiency) of revenues				
Over (under) expenditures	-	-	587,060	587,060
Net change in fund balance	\$ -	\$ -	\$ 587,060	\$ 587,060
FUND BALANCE, BEGINNING (OCT 1, 2021)	555,296	555,296	555,296	
FUND BALANCE, ENDING	\$ 555,296	\$ 555,296	\$ 1,142,356	

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending September 30, 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>REVENUES</u>				
Interest - Investments	\$ 3,800	\$ 3,800	\$ 10,365	\$ 6,565
Donations	300,000	300,000	989,028	689,028
TOTAL REVENUES	303,800	303,800	999,393	695,593
<u>EXPENDITURES</u>				
<u>Public Assistance</u>				
Misc-Admin Fee (%)	21,000	21,000	13,706	7,294
Assistance Program	282,800	282,800	23,425	259,375
Bank Fees	-	-	115	(115)
Total Public Assistance	303,800	303,800	37,246	266,554
TOTAL EXPENDITURES	303,800	303,800	37,246	266,554
Excess (deficiency) of revenues Over (under) expenditures	-	-	962,147	962,147
<u>OTHER FINANCING SOURCES (USES)</u>				
Interest Income	-	-	12	12
TOTAL FINANCING SOURCES (USES)	-	-	12	12
Net change in fund balance	\$ -	\$ -	\$ 962,159	\$ 962,159
FUND BALANCE, BEGINNING (OCT 1, 2021)	2,559,812	2,559,812	2,559,812	
FUND BALANCE, ENDING	\$ 2,559,812	\$ 2,559,812	\$ 3,521,971	

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending September 30, 2022

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
REVENUES				
Building Permits	\$ 1,561,100	\$ 1,561,100	\$ 1,700,742	\$ 139,642
Reinspection Fees	24,600	24,600	2,550	(22,050)
Building Permits - Surcharge	3,500	3,500	7,166	3,666
Other Building Permit Fees	30,000	30,000	78,900	48,900
Building Permits - Admin Fee	87,900	87,900	143,931	56,031
Engineering Permits	374,600	374,600	401,084	26,484
Planning & Zoning Permits	301,700	301,700	39,039	(262,661)
Developer Contribution	25,000	25,000	-	(25,000)
TOTAL REVENUES	2,408,400	2,408,400	2,373,412	(34,988)
EXPENDITURES				
Comprehensive Planning				
ProfServ-Engineering	352,600	352,600	307,355	45,245
ProfServ-Info Technology	170,900	170,900	132,181	38,719
ProfServ-Legal Services	-	-	62,703	(62,703)
ProfServ-Planning/Zoning Board	301,700	301,700	275,840	25,860
ProfServ-Consultants	22,000	22,000	-	22,000
ProfServ-Building Permits	1,258,200	1,258,200	1,446,339	(188,139)
Outside Legal Services	-	-	875	(875)
Telephone, Cable & Internet Service	1,100	1,100	4,756	(3,656)
Lease - Copier	5,100	5,100	5,586	(486)
Lease - Building	43,400	43,400	-	43,400
Printing	1,800	1,800	1,238	562
Miscellaneous Services	-	-	1,308	(1,308)
Misc-Admin Fee (%)	224,400	224,400	113,218	111,182
Office Supplies	2,200	2,200	5,206	(3,006)
Cleaning Services	-	-	15,900	(15,900)
Capital Improvements	25,000	25,000	-	25,000
Total Comprehensive Planning	2,408,400	2,408,400	2,372,505	35,895
TOTAL EXPENDITURES	2,408,400	2,408,400	2,372,505	35,895
Excess (deficiency) of revenues				
Over (under) expenditures	-	-	907	907
Net change in fund balance	\$ -	\$ -	\$ 907	\$ 907
FUND BALANCE, BEGINNING (OCT 1, 2021)	1,651,623	1,651,623	1,651,623	
FUND BALANCE, ENDING	\$ 1,651,623	\$ 1,651,623	\$ 1,652,530	

City of Westlake

Supporting Schedules

September 30, 2022

Cash and Investment Report

September 30, 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	\$1,880,534
Money Market	BankUnited	MMA	0.40%	\$1,871,773
		Subtotal		\$3,752,307

SPECIAL REVENUE FUND

Money Market	BankUnited	MMA	0.40%	\$2,647,174
Money Market	Valley Bank			\$250,000
		Subtotal		\$2,897,174
		Total		\$6,649,481

File Attachments for Item:

B. Proclamation - Veterans Day 2022

Sponsored By: Vice Mayor Langowski

Proclamation

IN REMEMBRANCE AND APPRECIATION OF VETERANS CITY OF WESTLAKE, FLORIDA

WHEREAS, our Veterans represent the very best of America. They have bravely answered the call to serve in the finest military force in the world, and they have earned the dignity that comes with wearing the uniform and defending our great flag; and

WHEREAS, on Veterans Day we remember these heroes for their valor, loyalty, dedication and encourage all Americans to recognize the fortitude and sacrifice of our Veterans through public ceremonies and private thoughts and prayers; and

WHEREAS, we continue to be inspired by the patriotism and dedication of those in uniform who continue to defend the principles on which our nation was founded; and

WHEREAS, the freedoms we enjoy as Americans do not come without a price. Our nation's Veterans have sacrificed to preserve and protect our country and constitution from all enemies foreign and domestic; and

WHEREAS, throughout our history, courageous men and woman have donned the uniform of our Armed Forces and built a noble tradition of faithful and dedicated service to our nation; and

WHEREAS, their abiding patriotism and enduring devotion to the ideas on which the United States is founded can never fail to inspire us.

NOW, THEREFORE, ON BEHALF OF THE CITY COUNCIL AND THE PEOPLE OF THE CITY OF WESTLAKE, I, JOHNPAUL O'CONNOR, MAYOR OF THE CITY OF WESTLAKE, BY VIRTUE OF THE AUTHORITY VESTED IN ME, HONOR THE CONTRIBUTIONS OF OUR VETERANS TO THE PRINCIPALS OF DEMOCRACY, INDIVIDUAL FREEDOM, AND HUMAN RIGHTS; AND,

FURTHER, I am sincerely grateful for the service and sacrifice of all Veterans. I call upon the residents of the City of Westlake to join me in honoring the contributions of our Veterans to the principals of democracy, individual freedom, and human rights.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Westlake, Florida to be affixed this 1st day of November 2022.

JohnPaul O'Connor, Mayor

ATTEST:

Zoie P. Burgess, CMC
City Clerk

File Attachments for Item:

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.



Meeting Agenda Item Coversheet

MEETING DATE:		11/1/22	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 2022-12 – Pedestrian Safety and Public Lodging		
STAFF RECOMMENDATION: (MOTION READY)		Motion to adopt Ordinance 2022-12 “Pedestrian Safety and Public Lodging”.		
SUMMARY and/or JUSTIFICATION:		This Ordinance establishes provisions designed to protect pedestrians, panhandlers, solicitors, and beggars in public streets and rights of way and prohibiting certain public lodging subject to outreach efforts.		
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 2022-12: Pedestrian Safety and Public Lodging.			
SELECT, if applicable	RESOLUTION:		ORDINANCE: 2022-12	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.2022-12</p> <p>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.</p>			
FISCAL IMPACT (if any):				\$

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.

WHEREAS, based upon statistics collected by “Pedestrian Traffic Fatalities by State” 2020 Preliminary Data by the Governors Highway Safety Association approximately 332 pedestrians were killed between January and June in 2020 in the State of Florida.

WHEREAS, in addition to pedestrians, numerous types of right-of-way vendors and solicitors currently operate or may seek to operate within the City of Westlake, often with multiple groups soliciting within one intersection at the same time, collecting donations for various causes along with people seeking to distribute information and/or obtain donations; and

WHEREAS, the metro area of Fort Lauderdale-West Palm Beach-Miami ranked 13th among the nation’s most dangerous metropolitan areas for pedestrians over the last decade, according to the report entitled “Dangerous by Design 2021” by Smart Growth America, a pedestrian safety organization; and

WHEREAS, South Florida had 1,675 pedestrian deaths between 2010 and 2019, the last period for which data is available. That is 2.8 deaths per 100,000 residents, annually; and

WHEREAS, the roads, streets and boulevards located in the City of Westlake are primarily designed for vehicular traffic and are not suited to safely accommodate right-of-way vendors or solicitors whose presence interferes with the safe movement of normal vehicular traffic; and

WHEREAS, vendors or solicitors in the City utilize the streets, roads and boulevards or right-of-ways located in the City to store items for sale or distribution, and other objects utilized to assist or support their solicitation, creating a hazard to vehicular traffic and causing litter and debris to be dispersed throughout the area; and

WHEREAS, it is the intention of the City Council to utilize means which are narrowly tailored to advance the significant government interests of traffic safety and public peace and safety, and by analysis of the major roadways within the City, including accident data and reports, the City Council has determined that hazards posed to traffic and public safety with regard to activities in and use of city streets, roads and boulevards by right-of-way vendors and solicitors will be lessened by the enactment of the regulations contained herein; and

WHEREAS, the City Council has reviewed the regulations proposed in this ordinance and finds that such regulations accomplish the purpose intended while utilizing the least restrictive means possible; and

WHEREAS, the City Council desires to preserve and protect the personal safety and quality of life of its residents and of those who use the streets, roads and boulevards, located in the City both pedestrian and motorist alike as well as vendors and solicitors; and

WHEREAS, the City Council finds that it is in the best interests of the residents of the City to adopt this ordinance to protect and provide for the safety of pedestrians and any other individuals when using the streets, roads, avenues, and boulevards, in the City of Westlake; and

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 Chapter ____ entitled "Pedestrian Safety and Public Lodging" as follows:

Chapter ____ . Pedestrian Safety and Public Lodging.

Sec ____

(a) The City Council recognizes a constitutional right to beg, panhandle, solicit or offer for sale items in a peaceful and non-threatening manner. However, the City Council further finds that the activity of begging, panhandling, soliciting, or selling items adversely impacts the public health, welfare, safety, and crowd control when such activities are conducted on or near public streets which are in use by vehicular traffic because these activities involve the process of a person requesting something from an occupant or operator of a vehicle which is in traffic, that vehicle occupant or operator must consider the request or solicitation, and, if the vehicle occupant or operator decides to fulfill the request, that person must perform some act while that person and vehicle are located on a public street in use by vehicular traffic. Based on the foregoing, the City Council finds that the activity of begging, panhandling, soliciting or selling from or to occupants or operators of vehicles located on streets in use by vehicular traffic distracts drivers from their primary duty to watch traffic and potential hazards in the road, observe all traffic signals or warnings and move through the city's streets and intersections in a lawful and safe manner and creates a potential safety hazard and poses a substantial risk to the public, particularly pedestrians, and impedes the free flow of traffic on the streets within the city resulting in the delay and obstruction of the public's free flow of travel on the city's streets. The City Council further finds that the safety of beggars, panhandlers, solicitors, individuals selling items, pedestrians and operators and occupants of vehicles is at significant risk when such activities occur because the nature of these activities often entails beggars, panhandlers, solicitors, or individuals selling items by standing on traffic medians, bicycle paths and public streets and right of way in use by vehicular traffic, property only meant for the use and control of vehicular traffic and not begging, panhandling, soliciting or the sale of items.

(b) It is not the purpose and intent of this article to prohibit begging, panhandling, soliciting or selling items in public areas when such activities will not interfere with vehicular traffic and cause traffic safety and traffic flow concerns or when such activities will not otherwise cause any public health, welfare and safety concerns.

(c) The restrictions contained herein are neither overbroad nor vague and are narrowly tailored to serve a substantial governmental interest. Moreover, this article only restricts begging, panhandling, soliciting and the sale of items in certain public places while preserving ample alternative areas for the valid exercise of First Amendment constitutional rights. Furthermore, in enacting this ordinance, the City Council recognizes the availability of community service and other alternatives, which may be appropriate remedies for violations of this article.

(d) The law is not intended to limit any persons from exercising their constitutional right to beg, panhandle or solicit funds, picket, protest or engage in other constitutionally protected activity or any lawful activity permitted pursuant to the Florida Statutes. Its goal is instead to provide for pedestrian safety and protect citizens from the fear and intimidation accompanying certain kinds of begging, panhandling or solicitation and to prohibit aggressive begging, panhandling and solicitation in certain public places based upon significant governmental interests.

Sec _____

(a) Purpose. The City Council also finds that any person who intentionally blocks the passage of another person or a vehicle, which requires another person to take evasive action to avoid physical contact, constitutes a threat to the public health, welfare and safety of the citizenry. The City Council further finds that any person who begs, panhandles or solicits under circumstances where the person being solicited cannot readily escape from the undesired conduct constitutes a threat to the public health, welfare and safety of the citizenry. The City Council also finds that any person begging, panhandling or soliciting from occupants or operators of vehicles while such vehicles are on the portion of a public street currently in use by vehicular traffic and any person begging, panhandling or soliciting on traffic medians, bicycle paths or public streets when such property is in use by vehicular traffic poses a threat to public safety and prevents the free flow of traffic on public streets.

(b) Definitions. Except where the content otherwise requires, as used in this chapter:

(1) Aggressively beg, panhandle or solicit means any request made in person from another person by an unwanted touching, detaining, impeding or intimidation.

(2) Beg, panhandle or solicit means any request made in person, either by words, bodily gestures, signs or other means, from another person or to another person.

(3) Beg, panhandle, solicit or offer to sale to or from any operator or occupant of a vehicle that is in traffic on a public street or to make an offer to sale any item or provide a service of any nature to any operator or occupant of a vehicle that is in traffic on a public street means any request made in person or provide a service for value, either by words, bodily gestures, signs or other means, from any operator or occupant of a vehicle, between the person begging, panhandling or soliciting and any operator or occupant of a vehicle while that vehicle is on the portion of a public street currently in use by vehicular traffic.

(4) Obstruct pedestrian or vehicular traffic means to walk, stand, sit, lie or place an object in such a manner as to block passage of another person or a vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's

constitutional right to picket or to legally protest outside of the portion of the public street or right of way not currently in use by vehicular traffic, are not included within the definition of this term.

(5) Beggar, panhandlers or solicitor means any person traveling either by foot, vehicle or other conveyance, from place to place, requesting in person anything, either by words, bodily gestures, signs or any other means, from another person.

(c) Restrictions and requirements.

(1) Beggars, panhandlers or solicitors are prohibited from obstructing pedestrian or vehicular traffic and aggressively begging, panhandling, soliciting or offering to sell any items on any County road located in the City of Westlake and any road in Westlake that joins a County road.

(2) Beggars, panhandlers or solicitors are prohibited from begging, panhandling or soliciting from any operator or occupant of a vehicle that is in traffic on a public street.

(3) No person shall stand on a traffic median, bicycle path, public street, or right of way to beg, panhandle, solicit or sell items when in use by vehicular traffic.

Sec. _____

Any person convicted of violating any of the provisions of Sections _____ and _____ shall be punished as provided in _____ of this Code which provides, *inter alia*, that the county court may either impose a fine, a sentence of imprisonment for a term not to exceed ninety (90) days, or both.

Sec. _____ . Public Lodging.

(a) The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) Camp or camping means either sleeping or otherwise being in a temporary shelter out-of-doors, sleeping out-of-doors or cooking over an open flame out-of-doors, except that "camp" or "camping" does not include in their meaning only so-called "tailgating," picnicking or other similar temporary celebratory activity conducted in good faith in connection with (1) the occurrence of a legitimate sporting event, concert, theatrical event or similar activity conducted by a school, college, professional sports association, orchestra, governmental agency, religious or civic organization, Section 501(c)(3) organization, or (2) an organization with a validly issued special event permit contemplating such activities; or (3) a site that has been approved for or is customarily associated with events, subject to all requirements the [Special Events Chapter] imposes on such event venues for events.

(2) Outreach team member shall mean any group of social service providers, homeless outreach workers, mental health or drug and alcohol workers that may be authorized and designated by the City to work with County officials.

This article is enforceable by all means provided by law.

(b) It shall be unlawful for any person, after having been informed and given notice by a law enforcement officer that the following conduct is in violation of a city ordinance, and after the completion of the outreach efforts delineated in subsection (d) of this section, to engage in the following conduct:

(1) Sleep, camp, lodge or lie with the intent to sleep, camp, or lodge:

a. On any right-of-way, sidewalk, street, roadway, or parking lot; or

b. In any park or pavilion; or

c. Under any bridge or causeway; or

d. In any building lobby, entranceway, plaza or common area.

(2) Construct or maintain any building, structure, tent or use any other objects that are intended to be used for housing accommodations, lodging, sleeping or camping:

a. On any right-of-way, sidewalk, street, roadway, or parking lot; or

b. In any park or pavilion; or

c. Under any bridge or causeway; or

d. In any building lobby, entranceway, plaza or common area; or

e. Upon the grounds of any other person without the permission of such person.

(d) Outreach efforts. No person shall be cited for a violation of subsection (b) of this section before a reasonable attempt has been made to ascertain whether the person is in need of homeless assistance services and/or housing assistance and that available shelter beds or other suitable emergency housing is available should the person need housing/shelter assistance.

(1) If it is determined that a person is in need of housing/shelter assistance, the law enforcement officer or a City's outreach team member shall evaluate the person's housing needs and take all reasonable steps toward directing the person to the appropriate housing/shelter service provider, including, without limitation, transportation to such provider.

(2) If a person refuses housing/shelter assistance, or if they have been offered or received housing/shelter assistance within the previous 90 days, and they otherwise fail to comply with subsection (b) of this section after notice of a violation has been provided, the person may be cited with a violation of subsection (b) of this section.

(3) Law enforcement officers shall take all necessary and appropriate steps to insure that those officers who are likely to come into contact with persons in violation of subsection (b) of this section shall receive all appropriate training in approaching, investigating, and assisting persons in need of mental health treatment, housing/shelter or other social service assistance.

Sec. _____ . Enforcement.

A violation of this division shall be subject to the penalties provisions of Section _____ of this Code. In addition to any other penalty provided in this section, a person violating this article may be subject to the penalties and procedures set forth in F. S. §§ 162.22 and 162.23.

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.

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
John Paul O'Connor, Mayor

ATTEST:

Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY

ORDINANCE NO. _____

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.

WHEREAS, based upon statistics collected by "Pedestrian Traffic Fatalities by State" 2020 Preliminary Data by the Governors Highway Safety Association approximately 332 pedestrians were killed between January and June in 2020 in the State of Florida.

WHEREAS, in addition to pedestrians, numerous types of right-of-way vendors and solicitors currently operate or may seek to operate within the City of Westlake, often with multiple groups soliciting within one intersection at the same time, collecting donations for various causes along with people seeking to distribute information and/or obtain donations; and

WHEREAS, the metro area of Fort Lauderdale-West Palm Beach-Miami ranked 13th among the nation's most dangerous metropolitan areas for pedestrians over the last decade, according to the report entitled "Dangerous by Design 2021" by Smart Growth America, a pedestrian safety organization; and

WHEREAS, South Florida had 1,675 pedestrian deaths between 2010 and 2019, the last period for which data is available. That is 2.8 deaths per 100,000 residents, annually; and

WHEREAS, the roads, streets and boulevards located in the City of Westlake are primarily designed for vehicular traffic and are not suited to safely accommodate right-of-way vendors or solicitors whose presence interferes with the safe movement of normal vehicular traffic; and

WHEREAS, vendors or solicitors in the City utilize the streets, roads and boulevards or right-of-ways located in the City to store items for sale or distribution, and other objects utilized to assist or support their solicitation, creating a hazard to vehicular traffic and causing litter and debris to be dispersed throughout the area; and

WHEREAS, it is the intention of the City Council to utilize means which are narrowly tailored to advance the significant government interests of traffic safety and public peace and safety, and by analysis of the major roadways within the City, including accident data and reports, the City Council has determined that hazards posed to traffic and public safety with regard to activities in and use of city streets, roads and boulevards by right-of-way vendors and solicitors will be lessened by the enactment of the regulations contained herein; and

WHEREAS, the City Council has reviewed the regulations proposed in this ordinance and finds that such regulations accomplish the purpose intended while utilizing the least restrictive means possible; and

WHEREAS, the City Council desires to preserve and protect the personal safety and quality of life of its residents and of those who use the streets, roads and boulevards, located in the City both pedestrian and motorist alike as well as vendors and solicitors; and

WHEREAS, the City Council finds that it is in the best interests of the residents of the City to adopt this ordinance to protect and provide for the safety of pedestrians and any other individuals when using the streets, roads, avenues, and boulevards, in the City of Westlake; and

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

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(b) It is not the purpose and intent of this article to prohibit begging, panhandling, soliciting or selling items in public areas when such activities will not interfere with vehicular traffic and cause traffic safety and traffic flow concerns or when such activities will not otherwise cause any public health, welfare and safety concerns.

(c) The restrictions contained herein are neither overbroad nor vague and are narrowly tailored to serve a substantial governmental interest. Moreover, this article only restricts begging, panhandling, soliciting and the sale of items in certain public places while preserving ample alternative areas for the valid exercise of First Amendment constitutional rights. Furthermore, in enacting this ordinance, the City Council recognizes the availability of community service and other alternatives, which may be appropriate remedies for violations of this article.

(d) The law is not intended to limit any persons from exercising their constitutional right to beg, panhandle or solicit funds, picket, protest or engage in other constitutionally protected activity or any lawful activity permitted pursuant to the Florida Statutes. Its goal is instead to provide for pedestrian safety and protect citizens from the fear and intimidation accompanying certain kinds of begging, panhandling or solicitation and to prohibit aggressive begging, panhandling and solicitation in certain public places based upon significant governmental interests.

Sec _____

(a) Purpose. The City Council also finds that any person who intentionally blocks the passage of another person or a vehicle, which requires another person to take evasive action to avoid physical contact, constitutes a threat to the public health, welfare and safety of the citizenry. The City Council further finds that any person who begs, panhandles or solicits under circumstances where the person being solicited cannot readily escape from the undesired conduct constitutes a threat to the public health, welfare and safety of the citizenry. The City Council also finds that any person begging, panhandling or soliciting from occupants or operators of vehicles while such vehicles are on the portion of a public street currently in use by vehicular traffic and any person begging, panhandling or soliciting on traffic medians, bicycle paths or public streets when such property is in use by vehicular traffic poses a threat to public safety and prevents the free flow of traffic on public streets.

(b) Definitions. Except where the content otherwise requires, as used in this chapter:

(1) Aggressively beg, panhandle or solicit means any request made in person from another person by an unwanted touching, detaining, impeding or intimidation.

(2) Beg, panhandle or solicit means any request made in person, either by words, bodily gestures, signs or other means, from another person or to another person.

(3) Beg, panhandle, solicit or offer to sale to or from any operator or occupant of a vehicle that is in traffic on a public street or to make an offer to sale any item or provide a service of any nature to any operator or occupant of a vehicle that is in traffic on a public street means any request made in person or provide a service for value, either by words, bodily gestures, signs or other means, from any operator or occupant of a vehicle, between the person begging, panhandling or soliciting and any operator or occupant of a vehicle while that vehicle is on the portion of a public street currently in use by vehicular traffic.

(4) Obstruct pedestrian or vehicular traffic means to walk, stand, sit, lie or place an object in such a manner as to block passage of another person or a vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's

constitutional right to picket or to legally protest outside of the portion of the public street or right of way not currently in use by vehicular traffic, are not included within the definition of this term.

(5) Beggar, panhandlers or solicitor means any person traveling either by foot, vehicle or other conveyance, from place to place, requesting in person anything, either by words, bodily gestures, signs or any other means, from another person.

(c) Restrictions and requirements.

(1) Beggars, panhandlers or solicitors are prohibited from obstructing pedestrian or vehicular traffic and aggressively begging, panhandling, soliciting or offering to sell any items on any County road located in the City of Westlake and any road in Westlake that joins a County road.

(2) Beggars, panhandlers or solicitors are prohibited from begging, panhandling or soliciting from any operator or occupant of a vehicle that is in traffic on a public street.

(3) No person shall stand on a traffic median, bicycle path, public street, or right of way to beg, panhandle, solicit or sell items when in use by vehicular traffic.

Sec. _____

Any person convicted of violating any of the provisions of Sections _____ and _____ shall be punished as provided in _____ of this Code which provides, *inter alia*, that the county court may either impose a fine, a sentence of imprisonment for a term not to exceed ninety (90) days, or both.

Sec. _____ . Public Lodging.

(a) The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Camp or camping* means either sleeping or otherwise being in a temporary shelter out-of-doors, sleeping out-of-doors or cooking over an open flame out-of-doors, except that "camp" or "camping" does not include in their meaning only so-called "tailgating," picnicking or other similar temporary celebratory activity conducted in good faith in connection with (1) the occurrence of a legitimate sporting event, concert, theatrical event or similar activity conducted by a school, college, professional sports association, orchestra, governmental agency, religious or civic organization, ~~or~~ Section 501(c)(3) organization, or (2) an organization with a validly issued special event permit contemplating such activities; or (3) a site that has been approved for or is customarily associated with events, subject to all requirements the [Special Events Chapter] imposes on such event venues for events.

(2) *Outreach team member* shall mean any group of social service providers, homeless outreach workers, mental health or drug and alcohol workers that may be authorized and designated by the City to work with County officials.

This article is enforceable by all means provided by law.

(b) It shall be unlawful for any person, after having been informed and given notice by a law enforcement officer that the following conduct is in violation of a city ordinance, and after the completion of the outreach efforts delineated in subsection (d) of this section, to engage in the following conduct:

(1) Sleep, camp, lodge or lie with the intent to sleep, camp, or lodge:

a. On any right-of-way, sidewalk, street, roadway, or parking lot; or

b. In any park or pavilion; or

c. Under any bridge or causeway; or

d. In any building lobby, entranceway, plaza or common area.

(2) Construct or maintain any building, structure, tent or use any other objects that are intended to be used for housing accommodations, lodging, sleeping or camping:

a. On any right-of-way, sidewalk, street, roadway, or parking lot; or

b. In any park or pavilion; or

c. Under any bridge or causeway; or

d. In any building lobby, entranceway, plaza or common area; or

e. Upon the grounds of any other person without the permission of such person.

(d) Outreach efforts. No person shall be cited for a violation of subsection (b) of this section before a reasonable attempt has been made to ascertain whether the person is in need of homeless assistance services and/or housing assistance and that available shelter beds or other suitable emergency housing is available should the person need housing/shelter assistance.

(1) If it is determined that a person is in need of housing/shelter assistance, the law enforcement officer or a City's outreach team member shall evaluate the person's housing needs and take all reasonable steps toward directing the person to the appropriate housing/shelter service provider, including, without limitation, transportation to such provider.

(2) If a person refuses housing/shelter assistance, or if they have been offered or received housing/shelter assistance within the previous 90 days, and they otherwise fail to comply with subsection (b) of this section after notice of a violation has been provided, the person may be cited with a violation of subsection (b) of this section.

(3) Law enforcement officers shall take all necessary and appropriate steps to insure that those officers who are likely to come into contact with persons in violation of subsection (b) of this section shall receive all appropriate training in approaching, investigating, and assisting persons in need of mental health treatment, housing/shelter or other social service assistance.

Sec. _____ . Enforcement.

A violation of this division shall be subject to the penalties provisions of Section _____ of this Code. In addition to any other penalty provided in this section, a person violating this article may be subject to the penalties and procedures set forth in F. S. §§ 162.22 and 162.23.

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.

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
John Paul 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 2022-14 – 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.



Meeting Agenda Item Coversheet

MEETING DATE:		11/1/22	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 – Chapter 6 Sign Code Amendment		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approved first reading of Ordinance 2022-XX “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-xx: Chapter 6 Sign Code Amendment			
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 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):				\$

ORDINANCE NO 2022-xx

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.
- (C) The master sign plan shall indicate location, number, size, font, color, type of sign, landscaping, and illumination of proposed sign(s). The Master Sign Plan shall be guided by the purpose and intent section of this chapter. Application for a master sign plan shall include the following:
 - (1) An overall plan identifying location of all proposed signs on the parcel, except window signs.
The location of window signs may be included, but it is not mandatory.
 - (2) The layout of all proposed signs including:
 - (a) Elevations plans drawn to scale and depicting all permanent signs placed or to be placed on the building on the parcel.
 - (b) A plan, drawn to scale, indicating the location of all permanent freestanding signs erected or to be erected on the parcel, including setbacks; depicting the sign type, dimensions, color, style, material, and copy area; and the method of supporting the signs;
 - (c) For signs providing for more than one (1) occupant, the amount of sign area allocated for each occupant shall be indicated.
 - (d) The types of illumination to be used for each type of sign.
 - (e) Method of attachment for all signs placed or to be placed on the building or the parcel.
 - (3) A calculation of copy area for each individual sign.
 - (4) The placement of signs on the building(s).
 - (5) A deviation table on drawing identifying deviations from the requirements of this Chapter.
- (D) Once the Master Sign Plan has been approved for a parcel, the criteria shall apply to the entire parcel shown on the master sign plan, as well as to each individual owner or occupant, and shall remain as long as the building(s) exist, regardless of change of ownership, management, or occupancy. No permanent sign permit shall be issued contrary to the master sign plan, unless a new master sign plan has been submitted and approved by the Planning and Zoning department and/or city council as applicable. When renovations to existing buildings include changes to an existing master site plan, all signage must meet the requirements of the amended master plan within one (1) year after the issuance of the first certificate of occupancy for the renovations.

Section 6.10. Removal of Signs

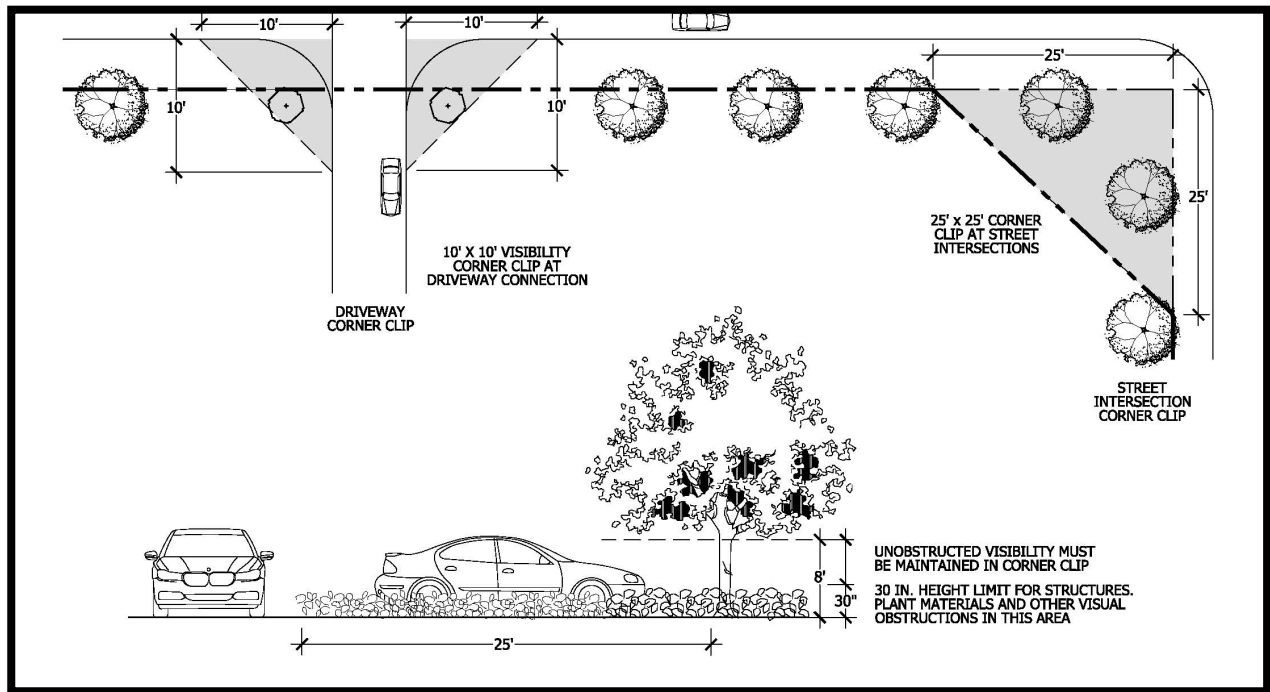
- A. Removal of Abandoned Signs.** Any sign which no longer is used to advertise a licensed business or a product sold on premises shall be removed by the owner of the property, building, or structure upon which the sign is located within ten (10) days after written notification from the building official. Upon failure to comply with the notice within the time specified in the order, the building official is authorized to cause removal of the sign.
- B. Removal of Unsafe Signs.** If the building official determines any sign regulated in this division is unsafe, insecure, a menace to the public health, or constructed, erected, or maintained in violation of this division, a written notice of such determination shall be provided to the property owner. The owner of the property has ten (10) days following receipt of the written notice to remove, repair, or otherwise alter the sign to comply with this chapter. If the sign is not removed, repaired, or otherwise altered to comply, the building official is authorized to cause the necessary removal or improvements at the expense of the owner of the property. The building division shall cause any sign that is an immediate peril to persons or property to be removed summarily and without notice.
- C. Owner to be charged for cost of removal by city.** When the city has caused or paid for the removal of a sign, any expense associated with the sign removal shall be paid by the owner of property on which the sign is located. The cost of removal shall include accrued interest at the rate of ten percent (10%) per annum from the date of the completion of the work.

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

- A. Ingress and Egress.** A sign shall not block any fire escape, or any window, door, or opening used as a means of ingress or egress.
- B. Fire Escapes and Ventilation.** A sign shall not be attached to a fire escape or be placed in such manner as to interfere with any opening required by the building code for ventilation.
- C. City Property.** Permanent signs shall not be allowed on city property or rights of way within the City unless specifically authorized by the City Council. Temporary signs may be placed on City property or rights of way with permission from the Planning and Zoning Director or designee. Any signs not authorized on city property or rights of way shall be immediately removed by the city, and the cost of such removal shall be borne by the parties responsible for the installation.
- D. Other Governmental Agencies.** Other governmental entities which have jurisdiction and control of public rights of way may install signs within such rights of way. Any signs that are not authorized on such rights of way shall be immediately removed by the city or governing agency, and the costs of such removal shall be borne by the parties responsible for the installation.
- E. Visibility Triangles (Corner Clips).** A sign shall not be placed in such a manner as to obscure sight lines within a visibility triangle at the intersection of two (2) roads or a road and a private driveway in accordance with the City's intersection regulations. No sign located within a visibility triangle shall exceed thirty (30) inches in height as measured from the surface of the nearest vehicular traffic area. The visibility triangle at the intersection of a road and a private driveway

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

Figure 6-1 Visibility Triangle



Section 6.12 PROHIBITED SIGNS AND PROHIBITED SIGN LOCATIONS

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

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

Section 6.14. Traffic Regulation Signs. Any sign which resembles, is similar to, or may be confused with any sign or device to control vehicular, bicycle, or pedestrian traffic is prohibited.

Section 6.15. Obstruction of Vision. Any sign installed or erected in a location, or at a street intersection, or in any street right of way so as to obstruct free and clear vision is prohibited.

Section 6.16. Prohibited Sign Characteristics. Only passive-type signage shall be permitted. Unless otherwise permitted, signs which incorporate animation or flashing lights, movement or motions caused by the wind, electrical, or mechanical means, flashing messages, or other real or apparent forms of motion are prohibited.

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

Section 6.18 Other Prohibited Signs. In addition to the prohibited signs listed hereinabove, the following signs are also prohibited in the city:

- (1) Awning signs, unless otherwise provided herein;
- (2) Bunting, pennants, streamers, and other similar signs or devices normally but not always installed in a series, designed to move with the wind, and usually attached to buildings, trees, ropes, poles, and similar structures; provided, however, the use of pole-mounted banners may be permitted in accordance with Section 14, Pole-Mounted Banner Criteria;
- (3) Murals;
- (4) Painted wall signs;
- (5) Signs created by illumination or shadow casting;
- (6) Changeable copy signs, with the exception of the following, which may be displayed as set forth in this division:
 - a. Gasoline price signs located on pump islands or on monument signs;
 - b. Menu pricing signs;
 - c. Building directory signs; and
 - d. Ground signs for government uses, public/private schools, and colleges/universities located in public/institutional zoning districts;
 - e. Performing Arts and Movie Theater Marquee signs.
- (7) Portable signs;
- (8) Balloons, balloon signs, or inflatable shapes or figures with or without copy;
- (9) Copies or imitations of official signs;
- (10) Beacons or searchlights;
- (11) Signs attached to an accessory structure;
- (12) Signs which emit sounds;
- (13) Exposed neon tubing, neon signs, and LED signs that emulate the general appearance of traditional neon signs, except as provided in Section 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.

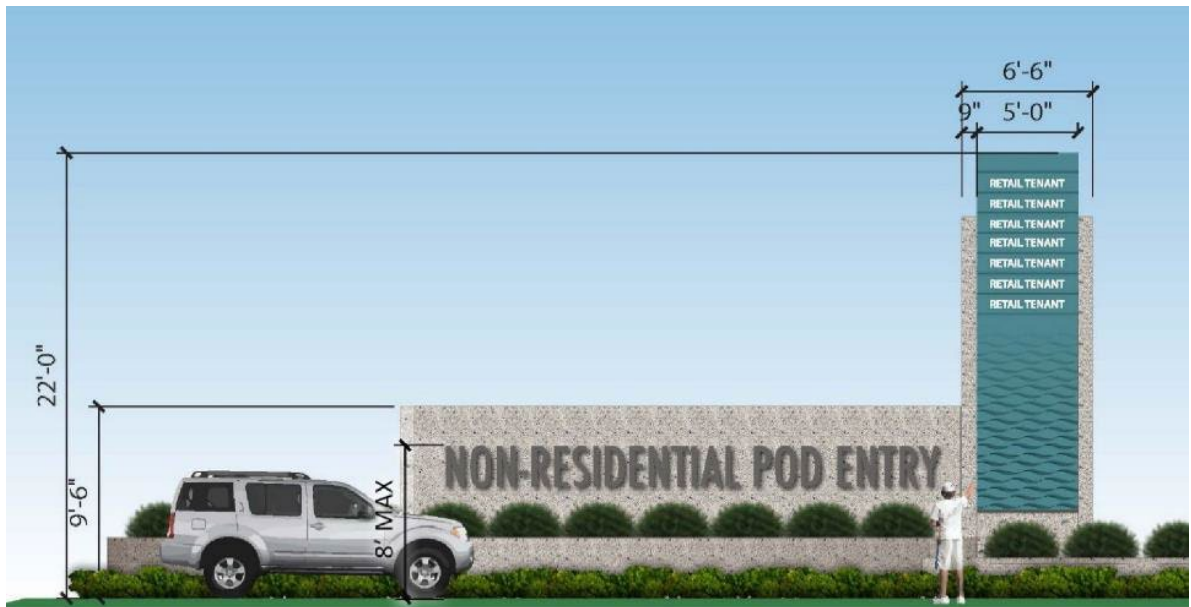
Figure 6-2: City Entry Monument



Table 6-1 Continued

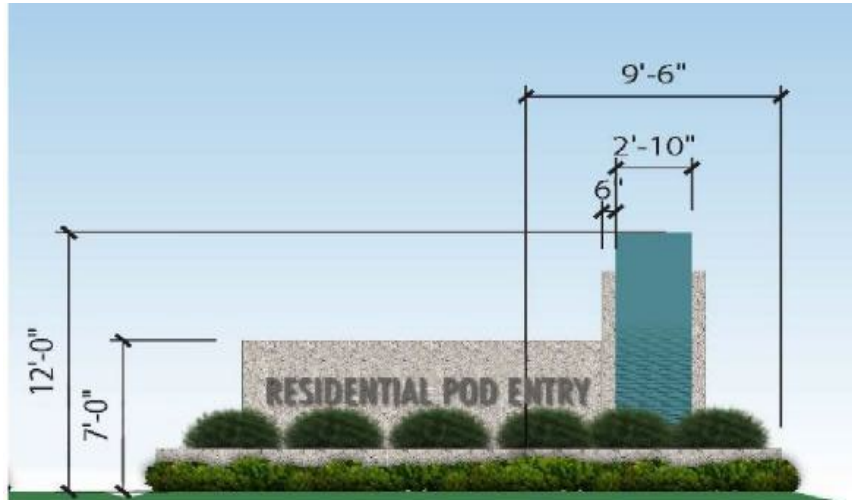
Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ³
Non-Residential Pod Entry Monument	60 sq. ft.	1	2 per access-way	See Figure 6-3	<p>Two 60-sq. ft. copy areas permitted per sign:</p> <ol style="list-style-type: none"> one 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.	1	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><u>Developments with a shared entrance may have one (1) monument sign with two (2) sign faces.</u></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

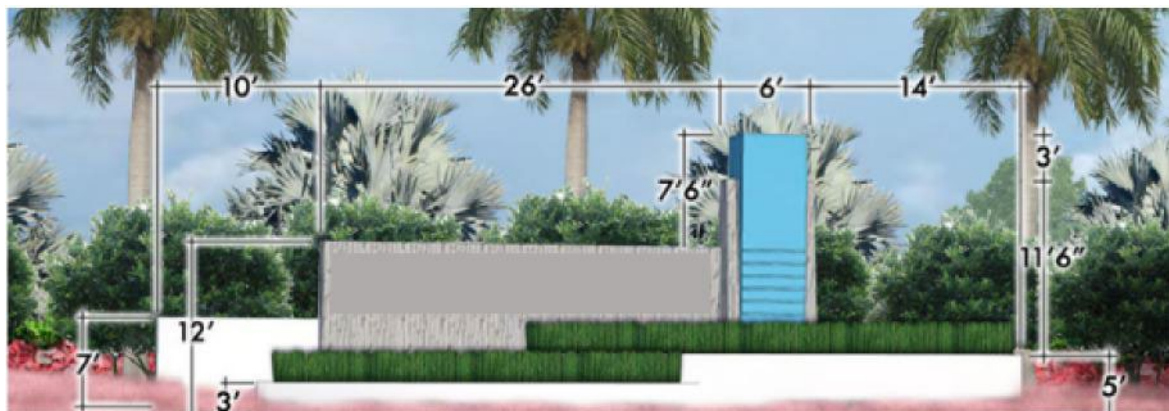


Figure 6-5: Alternate Residential Pod Entry Monument View



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.

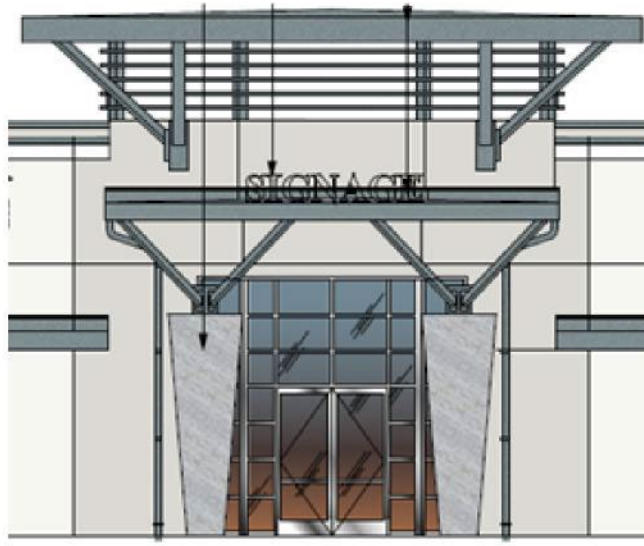
Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ²
<p align="center">Ground Sign for Commercial Buildings within Pod²</p>	<p align="center">60 square feet</p>	<p align="center">2</p>	<p align="center">1 per access entry for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

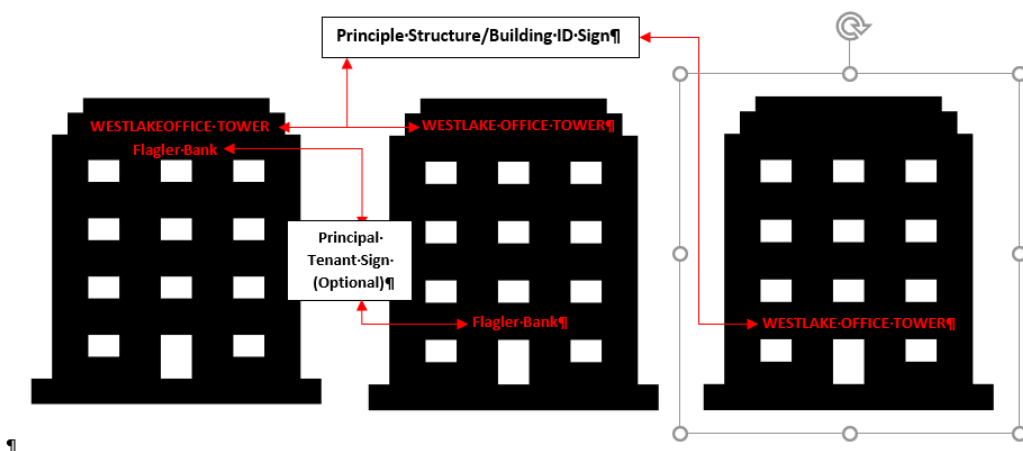
Sign Type	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements ³
Ground Floor Permanent Canopy Sign	Max. 80% of width of façade of canopy. Max. letter height: 24 in. Max. 24 square feet	1	1	24 sq. ft.	

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 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	<p>1 per tenant space or bay.</p> <p>Except a tenant space or bay with double frontage shall be permitted</p> <p>1 additional wall sign.</p>	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	<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.

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.

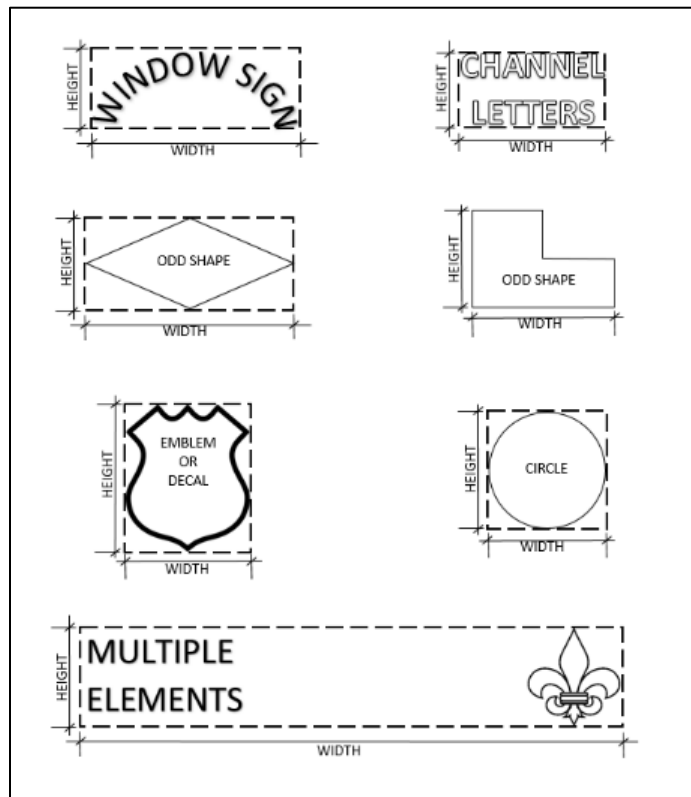
(F) **Flags. Flags.** Not more than two (2) flags and two (2) flag poles shall be located on any single property. Flag poles shall not exceed twenty-five (25) feet in height. One (1) flag per pole is permitted. The area of a flag shall conform to the requirements listed below. The setback for a flag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

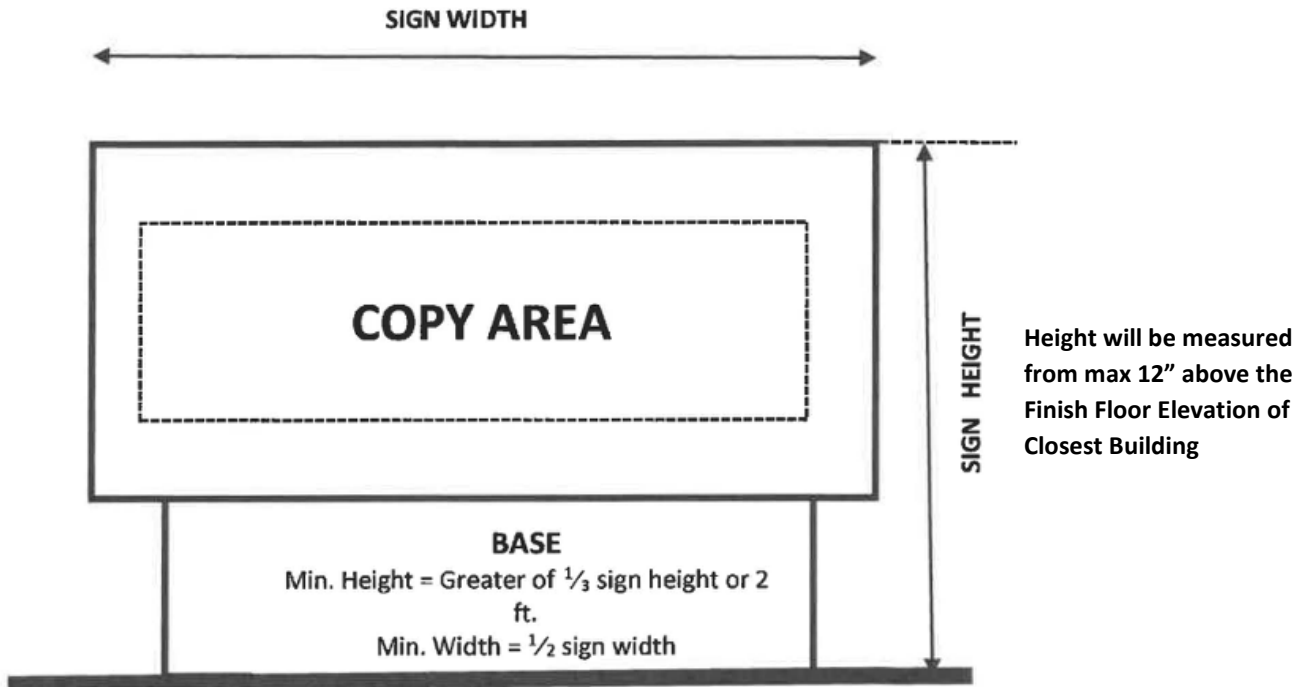
(1) **Sign Copy area.** Sign copy area shall be calculated as illustrated in Figure 6-9. The copy area of a sign face shall be calculated by means of the smallest rectangle that will encompass all letters, numbers, characters, logos, emblems, information, or other display. The sign copy area shall include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



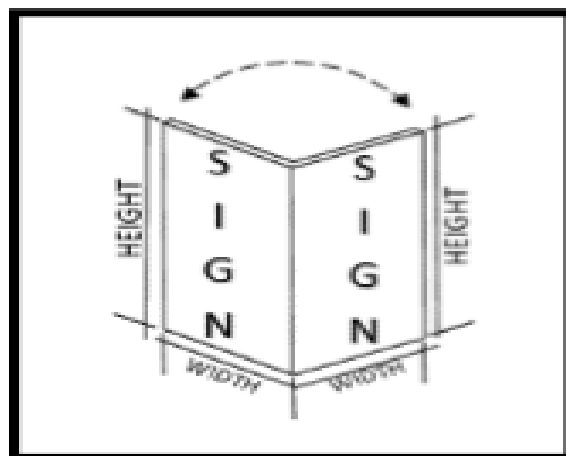
(2) **Ground Sign Measurement.** Ground signs shall be measured as illustrated in Figure 6-10.

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

Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
Political*	<p><i>Residential</i>: 6 square feet</p> <p><i>Nonresidential</i>: 32 square feet</p>	<p><i>Residential</i>–Not more than 30 days prior to the election to which it relates.</p> <p><i>Nonresidential</i>–Same as <i>Residential</i>.</p>	<p><i>Residential</i>–7 days after the election</p> <p><i>Nonresidential</i>–7 days after the election</p>	<p><i>Residential</i>–1 sign per candidate or issue per <i>Residential</i> parcel.</p> <p><i>Nonresidential</i>–1 sign per candidate or issue.</p> <p><i>Nonresidential</i>–1 sign per 200 linear feet of street frontage.</p> <p>A minimum of 1 sign per property allowed.</p> <p>Signs may not be placed on public property.</p> <p>Signs may not be placed in public rights-of-way.</p> <p>Signs may not obstruct vision at corners, intersections, etc.</p> <p>Applicable to federal, state, county, and local elections.</p>

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

File Attachments for Item:

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.**



Meeting Agenda Item Coversheet

MEETING DATE:		11/1/2022	Submitted By: Finance		
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Resolution 2022-32 – Amendment to the Fiscal Year 2022 Budget			
STAFF RECOMMENDATION: (MOTION READY)		Adopt amendment to the Fiscal Year 2022 budget			
SUMMARY and/or JUSTIFICATION:		Year-end amendment to the budget to ensure that total budgeted expenditures for governmental type funds will equal or exceed total actual expenditures, as required for the financial statement audit.			
SELECT, if applicable		AGREEMENT:		BUDGET:	X
		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>		-Resolution 2022-32 -Exhibit A			
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) Please keep text indented.</i>		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.			
FISCAL IMPACT (if any):				\$	

November 1, 2022

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.

WHEREAS, the City Council of the City of Westlake adopted a Special Revenue Fund-Comprehensive Planning Services Budget for Fiscal Year 2022; and

WHEREAS, the City Council desires to reallocate funds budgeted to reappropriate Revenues and Expenses approved during the Fiscal Year.

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

- SECTION 1. The Special Revenue Fund-Comprehensive Planning Services Budget is hereby amended in accordance with Exhibit 'A' attached.
- SECTION 2. Conflicts: All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.
- SECTION 3. Severability: If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity of the other provisions of this Resolution.
- SECTION 4. This resolution shall become effective immediately upon its adoption and reflected in the monthly and Fiscal Year End September 30, 2022 Financial Statements and Audit Report of the City.

PASSED AND APPROVED BY the City Council for the City of Westlake, Florida, this 1st day of November, 2022.

City of Westlake
John Paul O'Connor, Mayor

Zoie Burgess, City Clerk

Approved as to Legal Form and Sufficiency:

Office of City Attorney

Exhibit A

Proposed Budget Amendment
For the Period Ending September 30, 2022

ACCOUNT DESCRIPTION	CURRENT BUDGET	PROPOSED AMENDMENT	FINAL BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
REVENUES					
Building Permits	\$ 1,561,100	\$ 140,000	\$ 1,701,100	\$ 1,700,742	(358)
Reinspection Fees	24,600	-	24,600	2,550	(22,050)
Building Permits - Surcharge	3,500	-	3,500	7,166	3,666
Other Building Permit Fees	30,000	-	30,000	78,900	48,900
Building Permits - Admin Fee	87,900	50,000	137,900	143,931	6,031
Engineering Permits	374,600	25,000	399,600	401,084	1,484
Planning & Zoning Permits	301,700	-	301,700	39,039	(262,661)
Developer Contribution	25,000	-	25,000	-	(25,000)
TOTAL REVENUES	2,408,400	215,000	2,623,400	2,373,412	(249,988)
EXPENDITURES					
Comprehensive Planning					
ProfServ-Engineering	352,600	-	352,600	307,355	45,245
ProfServ-Info Technology	170,900	-	170,900	132,181	38,719
ProfServ-Legal Services	-	60,000	60,000	62,703	(2,703)
ProfServ-Planning/Zoning Board	301,700	-	301,700	275,840	25,860
ProfServ-Consultants	22,000	-	22,000	-	22,000
ProfServ-Building Permits	1,258,200	200,000	1,458,200	1,446,339	11,861
Outside Legal Services	-	-	-	875	(875)
Telephone, Cable & Internet Service	1,100	-	1,100	4,756	(3,656)
Lease - Copier	5,100	-	5,100	5,586	(486)
Lease - Building	43,400	-	43,400	-	43,400
Printing	1,800	-	1,800	1,238	562
Miscellaneous Services	-	-	-	1,308	(1,308)
Misc-Admin Fee (%)	224,400	(60,000)	164,400	113,218	51,182
Office Supplies	2,200	-	2,200	5,206	(3,006)
Cleaning Services	-	15,000	15,000	15,900	(900)
Capital Improvements	25,000	-	25,000	-	25,000
Total Comprehensive Planning	2,408,400	215,000	2,623,400	2,372,505	250,895
TOTAL EXPENDITURES	2,408,400	215,000	2,623,400	2,372,505	250,895
Excess (deficiency) of revenues	-	-	-	907	907
Over (under) expenditures	-	-	-	907	907
Net change in fund balance	-	-	-	907	907
FUND BALANCE, BEGINNING (OCT 1, 2021)	1,651,623	-	1,651,623	1,651,623	-
FUND BALANCE, ENDING	\$ 1,651,623	\$ -	\$ 1,651,623	\$ 1,652,530	\$ 907