

Council Members

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



City of Westlake

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

Workshop Meeting Monday, December 17, 2018

Meeting Location
Westlake Council Chambers
4005 Seminole Pratt-Whitney Road
Westlake, FL 33470
6:30 PM

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

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December 11, 2018

City Council
City of Westlake

Dear Mayor and Council:

The City Council of the City of Westlake will hold a workshop on Monday, December 17, 2018 at 6:30 p.m. at the Westlake Council Chambers, 4005 Seminole Pratt Whitney Road, Westlake, Florida. Following is the advance agenda for the meeting.

1. Call to Order/ Roll Call
2. Pledge of Allegiance
3. Presentation on Land Development Regulations for Signage, Mobility and Landscaping
4. Audience Comments on Agenda Items (3) Minute Time Limit
5. Adjournment

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

Sincerely,

Kenneth Cassel

Kenneth G. Cassel
City Manager

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

Third Order of Business

SIGNAGE

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CHAPTER 5 SIGNS

CHAPTER 7.1 GENERAL

Section 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 2: *Purpose and Intent.* The purpose of this division is to facilitate the effective use of signs as a means of communication in the city and to avoid the visual clutter that reduces traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this division to enable the fair and consistent enforcement of these sign regulations and to promote the implementation of the Comprehensive 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 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 regulations 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 in order to preserve and protect the public health, safety, and welfare.

Section 3: *Regulations Strictly Enforced.* It shall be unlawful for any persons to post, display, change, or erect a sign or sign structure that requires a permit without first having obtained a permit in accordance with these LDRs. Signs or sign structures erected without a valid permit shall be deemed in violation of this Article, and it shall be mandatory to obtain the applicable permit, or remove the sign or sign structure immediately.

Section 4: *Severability.*

- A) **Severability where less speech results.** This subsection shall not be interpreted to limit the effect of severability provisions of these LDRs or any adopting ordinance. The City Council specifically intends that severability shall be applied to these sign regulations even if the result would be to allow

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less speech in the city, whether by subjecting currently exempt signs to permitting or by some other means.

- B) **Severability of provisions pertaining to prohibited signs.** This subsection shall not be interpreted to limit the effect of severability provisions of these LDRs or any adopting ordinance. The City Council specifically intends that severability shall be applied to section 7, prohibited signs and prohibited sign locations, so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.
- C) **Severability of prohibition on off-premises signs.** This subsection shall not be interpreted to limit the effect of severability provisions in these LDRs or any adopting ordinance. If any or all of Article 5, Signs, or any other provision of the city's land development code is declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the city council specifically intends that that declaration shall not affect the prohibition on off-premises signs in section 7.

CHAPTER 7.2 NONCONFORMING SIGNS

Section 1: *Retention of Existing Signs.* Every legal sign existing as of June 20, 2016, and which is a type of sign not permitted in this chapter or is not consistent with the requirements of this chapter shall conform in accordance with article---, nonconformities.

Section 2: *Expiration, Removal, and Exempt Signs.* All affected signs shall be removed immediately by the property owner. Signs exempt from this requirement are listed below.

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

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Section 3: *Amortization.* The time period provided in this chapter is for the purpose of amortizing the costs of a sign created or existing on or prior to adoption of the ordinance from which this section originally derived by virtue of lease of location or sign space, or through annexation into the city.

CHAPTER 7.3 PERMITS REQUIRED, FEES, AND REVOCATION

Section 1: *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.

Section 2: *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 3: *Maintenance and Inspection:*

A) **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:

- (1) Cracked, ripped, or peeling paint present on more than ten (10) percent of the surface area of a sign;
- (2) Bent, broken, loose, or otherwise insufficiently attached supports, struts, or other appendages;
- (3) Partial illumination for more than fourteen (14) days;
- (4) Obstruction of sign face by weeds, vines, tree branches, or other vegetative matter; and
- (5) Maintaining a position that is more than fifteen degrees (15°) from vertical for more than ten (10) successive days.

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

Section 4: *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 5: Master Sign Plan [Language to be provided by legal team]. The City Council may waive all requirements of this Article by issuance of a Master Sign Plan.

A. A Master Sign Plan may be issued for one or more signs.

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- B. The Planning and Zoning Director may require any development order application for a MUPD, Civic, or conditional use to submit a Master Sign Plan. The Master Sign Plan must indicate the location, number, size, font, type of sign, landscaping, and illumination of proposed signs.
- C. It shall not be required that all tenants are known prior to submittal of Master Sign Plan.

[Additional Master Sign Plan Criteria here.]

CHAPTER 7.4 REMOVAL OF SIGNS

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

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

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

CHAPTER 7.5 OBSTRUCTIONS

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

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

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

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Section 4: *Visibility Triangles:* A sign shall not be placed in such a manner as to obscure sightlines within the visibility triangle at the intersection of two (2) roads or a road and a private driveway in accordance with the city's intersections regulations in **section----**. No sign located within a visibility triangle shall exceed thirty (30) inches in height as measured from the surface of the nearest vehicular traffic area. **[Note: Traffic control signs are exempt from sign regulations. See Section 11].**

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

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

CHAPTER 7.6 PROHIBITED SIGNS AND PROHIBITED SIGN LOCATIONS

Section 1: *General:* The signs described below, unless otherwise provided in this section, are prohibited and shall not be installed or constructed within the city.

Section 2: *Off-Premises Signs:* Off-site or off-premises signs are prohibited unless placement of the sign is authorized by the owner of the property on which the sign will be placed, and the sign is reasonably intended to inform as to the location or existence of a commercial business, commodity, service, product, or activity not otherwise visible from the road adjacent to the proposed sign. Off-site or off-premises signs are signs that direct attention to a 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. **[Note: Off-site directional signs for special events are specifically permitted in table 5-2]**

Section 3: *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 4: *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 5: *Prohibited Sign Characteristics:* Only passive-type signage shall be permitted. Unless otherwise permitted in section 8, permitted signs, signs which incorporate animation or flashing lights, movement or motions caused by the wind, electrical, or mechanical means, flashing messages, or other real or apparent forms of motion are prohibited.

Section 6: *Prohibited Illumination:* Illumination of signs utilizing flashing, intermittent, rotating, revolving, oscillating techniques is prohibited.

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Section 7: *Other Prohibited Signs:* In addition to the prohibited signs listed hereinabove, the following signs are also prohibited in the City:

- A) Awning signs, unless otherwise provided herein;
- B) 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;
- C) Murals;
- D) Painted wall signs;
- E) Signs created by illumination or shadow casting;
- F) Changeable copy signs, with the exception of the following, which may be displayed as set forth in this division:
 - (1) Gasoline price signs located on pump islands or on monument signs;
 - (2) Menu pricing signs;
 - (3) Building directory signs; and
 - (4) Ground signs for government uses, public/private schools, and colleges/universities located in public/institutional zoning districts;
 - (5) Performing Arts and Movie Theater Marquee signs.
- G) Portable signs;
- H) Balloons, balloon signs, or inflatable shapes or figures with or without copy;
- I) Copies or imitations of official signs;
- J) Beacons or searchlights;
- K) Signs attached to an accessory structure;
- L) Signs which emit sounds;
- M) Exposed neon tubing, neon signs, and LED signs that emulate the general appearance of traditional neon signs, except as provided in section 9, illumination.
- N) Signs which emit visible smoke, vapor particles, or odor;
- O) Sandwich board, "A"-frame, and pole signs, except as otherwise provided herein;

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- P) Signs which express obscene, pornographic, or illegal messages or material;
- Q) Snipe signs attached, posted, located on or to or posted on, any tree, light pole, utility pole, light, sidewalk, curb, fire hydrant, bridge, on public property, except for public utility, convenience, and warning signs;
- R) Signs placed upon benches, bus or transit shelters, or waste receptacles, unless specifically approved by the city council;
- S) Signs and sign structures which are not properly maintained or have been abandoned;
- T) Any other sign, device, or equipment not specifically permitted by this division.; and
- U) Parasite signs; and
- V) Roof signs with the exception of parapet signs on permanent ground floor canopies.
- W) Box Signs [Coral Gables]
- X) Cabinet Signs [Coral Gables]

CHAPTER 7.7 PERMITTED SIGNS

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

Table 5-1 Permitted Signs

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
City Entry Monument		60 sq. ft.	1	2 per entrance to City	See Figure 5-1	Permitted only within 500 feet of the City boundaries at access points.

Figure 5-1



Table 5-1 Continued

Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces			Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Non-Residential Pod Entry Monument		60 sq. ft.	1	2 per accessway	See Figure 5-2		Two 60-sq. ft. copy areas permitted per sign: <ol style="list-style-type: none"> one for pod identification on horizontal structure, and one for tenant names on the vertical totem. Graphics and Logos Prohibited.	

Figure 5-2



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Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Residential Pod Entry Monument		60 sq. ft.	1	2 per accessway	See Figure 5-3	For pod name only. Graphics Prohibited.

Figure 5-3

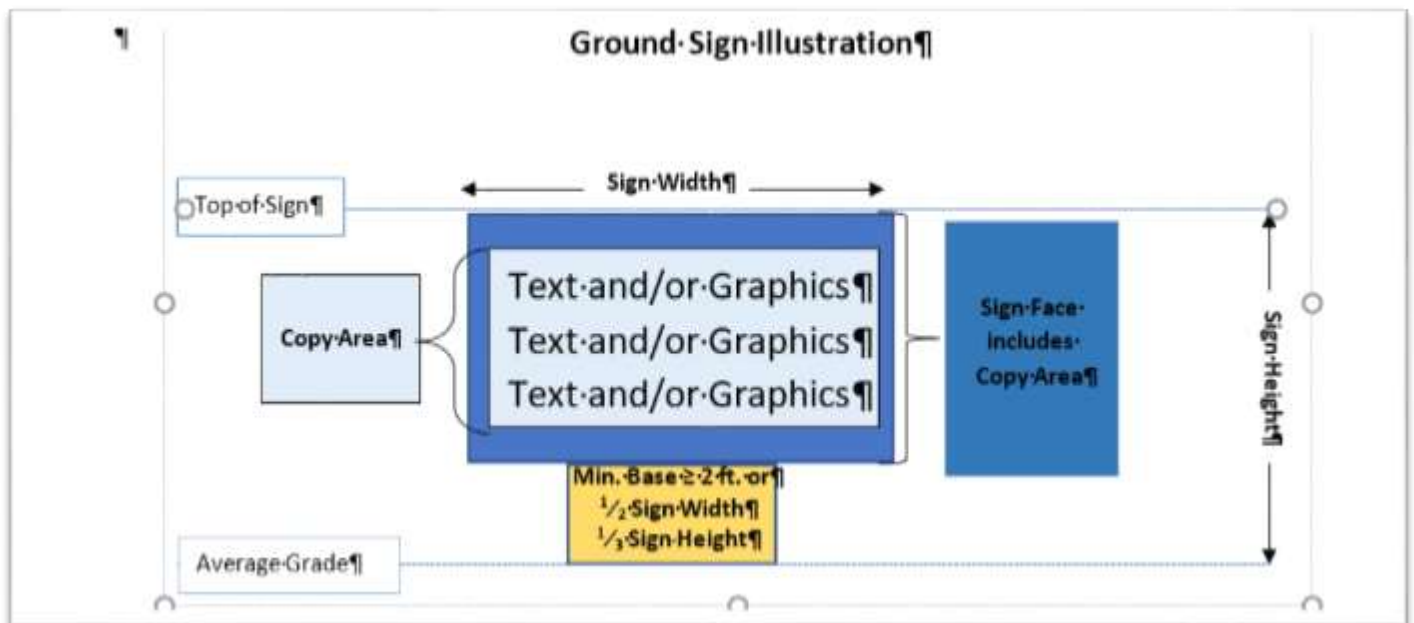


Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Directional Sign in Public ROW	All	24 sq. ft.	2	Per approval as needed	See Figure 5-4	Text shall be uniform color. Graphics and Logos Prohibited.

Figure 5-4



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



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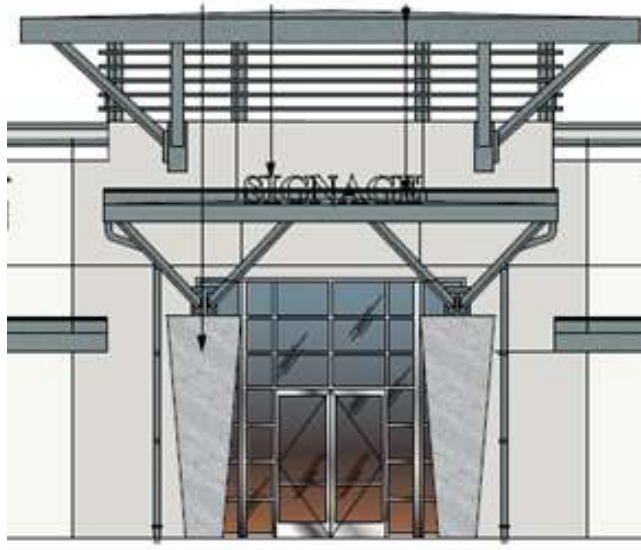
Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Ground Sign for Commercial Buildings within Pod²		60 square feet	2	1 per access entry for lots with a minimum of 200 lineal feet of ROW. Plus 1 for each additional 700 lineal feet of ROW.	Height: 8 feet Width: 15 ft. (Dimensions include base) Min. sign width must equal 50% of sign height. Maximum area 120 sq. ft. including decorative elements	Requires solid base with a height equal to at least 30% of overall sign height <u>or 2 ft. whichever is greater.</u> Sign copy is prohibited on the base except for information as regulated by Temporary Signs Section. [See Sec. 12.B(9)c.] Sign copy not to exceed building identification and/or six (6) tenants (not including leasing information) per sign face. Min. 4-inch letter height, including lowercase letters. Min. 10 feet setback from ROW. Min. distance of 60 feet required between ground signs. Address numbers must be a min. of 6 inches in height located above copy area.
Tenant-Specific Directional 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	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
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	2	2 per establishment	Height: 5 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. <u>Exempt from landscaping and irrigation requirements.</u>
Canopy Directional signs for drive-through facilities	Nonresidential	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.

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

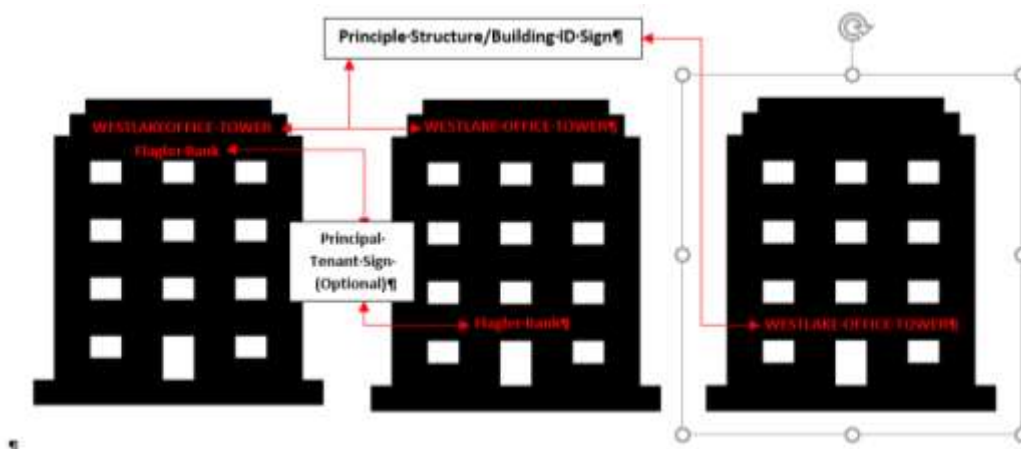


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Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Enter and Exit Signs		4 square feet	2	1 per approved entry or exit.	Height: 3 feet	<p>Max. 3 feet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

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Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Wall Sign for Principal Structure or Building Identification or Principal Tenant		90 square feet	1	One set of 2 signs [Principal Structure <i>or</i> Building name <i>and</i> 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 <u>and</u> tenant identification purposes.</p> <p>Each building is allowed a principal tenant wall sign.</p> <p>Maximum 1 name or message per sign.</p> <p>Sign(s) shall not exceed 80 percent of the width of the building, with a minimum of 10 percent clear area on each outer edge of the building.</p>
Wall Signs for Multi-Tenant Office Buildings with Common Entrance	None	—	—	—	—	<p>Signage limited to Principal Structure <i>or</i> Building Identification and/or Principal Tenant only.</p> <p><i>Individual tenant signs prohibited.</i></p>



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

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Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Menu Sign (Wall-Mounted)		4 square feet	1	1 per restaurant	None	<p>Must be attached to wall.</p> <p>Must be framed or matted.</p> <p>Not included in area for window signs.</p> <p>Enclosed in frame or casing compatible with building design and color.</p> <p>Casing shall not project more than 2 inches from wall.</p>
Building Directory Sign		18 square feet	1	1 per building	Height: 6 feet Width: None	<p>2 or more buildings on same parcel or development.</p> <p>Internal illumination only.</p> <p>Located within a 25-foot radius of main entry to building.</p> <p>May be a changeable copy sign.</p> <p>Shall be placed in landscaped area.</p> <p>Vehicle pull-off may be required.</p>
Time and Temperature Sign		Not more than 25% of total sign area	1	Permitted only as part of a wall or flat sign.	None	<p>Only time and temperature may be displayed.</p> <p>Size to be included within overall size of principal sign.</p>
Changeable Copy/Digital Display Ground Sign²	Public/Institutional	60 square feet	2	1	Height: 10 feet Width: 15 feet (Dimensions include base) Min. sign width must equal 50% of sign height.	<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>

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Sign Type	Permitted Zoning Districts	Max. Size of Copy Area	Max. Sign Faces	Max. Number of Signs	Max. Sign Structure Dimensions ¹	Additional Requirements
Pole-mounted Banner	Commercial and/or Mixed Use and/or Public Institutional	30 square feet	2	1 per light pole and/or pedestrian pole.	3 feet width by 10 feet length	Meet all requirements in section 14.
Wrap Signs		Same as sign type to be wrapped	Same as sign type to be wrapped	Same as sign type to be wrapped	Same as sign type to be wrapped	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 the height of the sign.
- b. Side: minimum width shall be not less than the height of the sign.
- c. Rear: minimum width shall be three feet.

Abbreviations

SPW = Seminole Pratt Whitney Road

ROW = Public road right-of-way

CHAPTER 7.8 ILLUMINATION [Further review by legal team recommended]

Section 1: *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 department 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. [Coral Gables]

- C) **Neon Signs and LED Signs:** Neon and/or LED signs are permitted within a building, provided such signage is not visible from a public right-of-way, except as otherwise provided herein.

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

CHAPTER 7.9 GENERAL STANDARDS

Section 1: *Standards for permitted signs.* The following standards are applicable to all permitted signs.

Section 2: *Sign Materials.* All lettering, logos, and other such identification markings on signage shall be permanent and not interchangeable, unless otherwise provided herein.

Section 3: *Landscaping.* Except for menu and directional signs, ground signs shall be landscaped. The minimum landscape area dimensions are indicated below.

A) **Front:** Minimum width of the landscape area shall be one-half (1/2) the height of the sign.

B) **Side:** Minimum width of the landscape area shall be one-half (1/2) the height of the sign.

C) **Rear:** Minimum width shall be two (2) feet.

D) **Irrigation:** Landscape areas associated with ground signs shall be irrigated, unless waived by the Planning and Zoning Department, and shall be maintained as required by section -----, [Note: Menu Board signs exempted from landscaping and irrigation requirement in Table 5-1]

Section 4: *Location.* Permanent signs shall not be permitted in any SID row without written consent from SID.

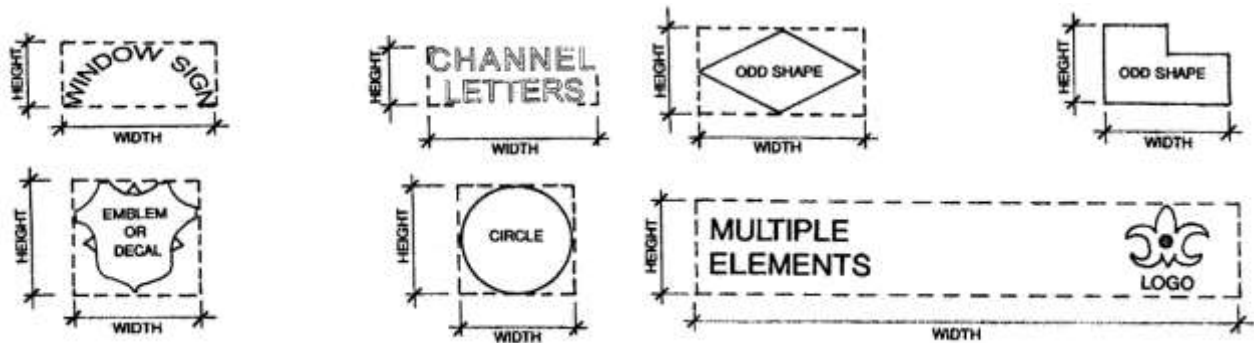
Section 5: *Flags:* Not more than three (3) flags and three (3) flag poles shall be located on any single property. Flag poles shall not exceed twenty-five (25) feet in height. One (1) flag per pole is permitted. The area of a flag shall conform to the requirements listed below. The setback for a flag 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
20 to 25 feet	40 square feet	5 feet by 8 feet	Equal to height of pole
Less than 20 feet	24 square feet	4 feet by 6 feet	Equal to height of pole

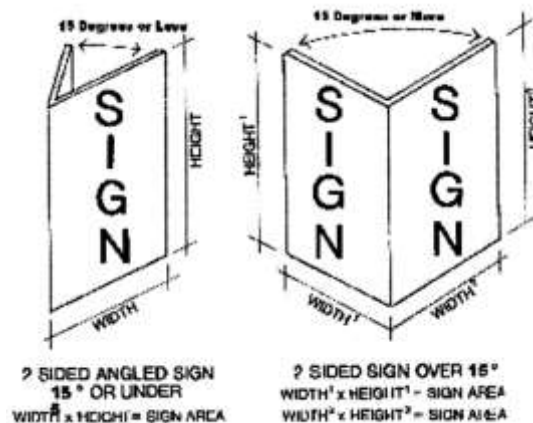
Section 6: *Calculation of Sign Copy Area:*

- A) **Sign Copy area.** Sign copy area shall be calculated as illustrated in Figure 5-5. 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 5-5



- (2) **Multi-faced signs.** The number of sign faces shall be calculated as indicated below and in Figure 5-6.
- A double-faced sign with sign faces that are parallel or the interior angle of the two (2) faces is fifteen degrees (15°) or fewer shall be considered as only one (1) sign face.
 - The area of a double-faced sign with sign faces having an interior angle of more than fifteen degrees (15°) shall be considered as (2) sign faces.



- The sign copy area of multi-faced signs is calculated based on the principle that all sign elements that can be seen at one (1) time or from one (1) vantage point should be considered in measuring that particular sign face.

Figure 5-6

CHAPTER 7.10 EXEMPT SIGNS

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Section 1: *Exempt Signs.* 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.

CHAPTER 7.11 PERMITTED TEMPORARY SIGNS

Section 1: *Permitted Temporary Signs.* Temporary signs allowed within the City are listed in Table 5-2.

Table 5-2 Permitted Temporary Signs

Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
Free Speech Sign*	Residential–6 square feet Nonresidential–As permitted by sign regulations	None	None	Residential–1 sign per Residential parcel. Nonresidential–1 sign per Nonresidential parcel.

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				<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>
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Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
Political*	<i>Residential:</i> 6 square feet <i>Nonresidential:</i> 32 square feet	<i>Residential</i> –Not more than 30 days prior to the election to which it relates. <i>Nonresidential</i> –Same as <i>Residential</i> .	<i>Residential</i> –7 days after the election <i>Nonresidential</i> –7 days after the election	<i>Residential</i> –1 sign per candidate or issue per <i>Residential</i> parcel. <i>Nonresidential</i> –1 sign per candidate or issue. <i>Nonresidential</i> –1 sign per 200 linear feet of street frontage. A minimum of 1 sign per property allowed. Signs may not be placed on public property. Signs may not be placed in public rights-of-way. Signs may not obstruct vision at corners, intersections, etc. Applicable to federal, state, county, and local elections.
Sale: Residential Open House*	6	Day open house begins	Day open house closes	
Sale: Nonresidential Open House	16	Day open house begins	Day open house closes	
Nonresidential Sale, Rental or Lease of Building or Portion of Building	16	Upon issuance of Certificate of Occupancy	Until one hundred (100%) percent of the building is sold, rented, or leased	<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

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				<p>the ground at a minimum of two (2) feet. Use of concrete is prohibited.</p> <p><i>Backing.</i> Sign shall be installed on one-half-inch plywood. Plywood shall be attached with weather-resistant screws.</p> <p><i>Color.</i> The entire sign must be painted or wrapped.</p>
Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
Development Sign	64'	When complete development order application filed with city	On receipt of last certificate of occupancy	
Project Suppliers/Tra des	32	On receipt of building permit	On receipt of final certificate of occupancy	No more than 2 signs shall be permitted at one time.
Signage on Construction Barrier Fence	10% of total barrier area	On receipt of construction fence permit	On receipt of final certificate of occupancy	Limited to signage identifying the nature of the development, contractor's information, leasing information, corporate logos and renditions of development
Murals and Other Decorative Elements on Construction Barrier Fence	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
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.

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				Minimum 1 per property allowed. May be permitted as a banner.
Special Sale for Profit	16	7 days prior to event	1 day after event	Maximum 4 per calendar year per project.

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Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
Right-of-way Banner	24	30 days prior to event	2 days after event	For regional, national, city, or city co-sponsored special event. Must have authorization from applicable agency.
Name-Change Ground Sign Covering	60 square feet of copy	Issuance of permit	60 days from issuance of permanent sign permit application**	Only canvas coverings of ground signs allowed. Office and retail uses only. May be submitted when sign permit for new permanent sign is submitted.
School/Day Care/Nursery	32	30 days before registration	14 days after registration	Max. 3 per calendar year. May be permitted as a banner.
Garage Sale*	12	1 day before sale	Close of the day of sale	1 on-site sign
Special Event Directional Signage	8	1 day before event	1 day after event	<u>May be located off-site and in right of way.</u> <u>May be located on private property w/ owner's written permission</u>
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.

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				Must be stored inside restaurant when closed.
Type of Sign	Maximum Size (Square Feet)	Earliest Installation Date	Final Removal Date	Notes and Remarks
Valet Parking Signs	6 square feet Height: 4 feet 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. Valet parking signs shall be exempt from fee and permit requirements.
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 2: *Permit.* A City temporary sign permit is required for all temporary signs except those exempt as shown in Table 5-2. Application fees and requirements are found in Article 1, Table 2-1.

- A) **Illumination and/or Animation.** Temporary signs shall not be illuminated nor shall they incorporate any of the characteristics set forth in section 7.E
- B) **Setbacks.** Temporary signs shall be setback at least two (2) feet from the right-of-way line and side property lines, and must comply with section 7, prohibited signs and prohibited sign locations.
- C) **Maximum Height.** A temporary sign shall not be higher than five (5) feet above the average grade at the property line nearest the sign, except for "human signs", which shall not exceed eight (8) feet in height above the grade upon which any such sign is located.
- D) **Permitted Sign Types.** Only pole, sandwich-board or A-frame type signage, or human signs shall be used for temporary signs.

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- E) **Human Signs (living signs).** Upon the issuance of a permit, a living or human sign may be allowed on the premises of the property that is being advertised or within eight (8) feet of the right-of-way immediately adjacent to the property that is being advertised for a maximum of six (6) times per calendar year for no more than two (2) consecutive days. The sign area shall not exceed three (3) square feet in size, and the living or human sign shall not be permitted off site, within the right-of-way, or closer than eight (8) feet from the right-of-way immediately adjacent to the property being advertised. Any failure to comply with these regulations will result in the administrative suspension or revocation of the sign permit and/or enforcement proceedings pursuant to Chapter 162, Florida Statutes. Notwithstanding the foregoing, the city may also pursue any remedy available under the law.
- F) **Maximum Sign Faces.** A maximum of two (2) faces will be allowed for each temporary sign. Maximum size as set forth in Table 5-2 applies to each sign face individually.
- G) **Maintenance.** All signs shall be kept in good condition, present a neat appearance, and be maintained free of debris, stains, mold, discoloration, or deterioration.
- H) **Hazard.** A sign shall not directly or indirectly create a traffic or fire hazard or interfere with the free and unobstructed use of streets or sidewalks.
- I) **Number.** Each side of a property facing a right-of-way is allowed one (1) temporary sign as permitted in Table 5-2. Notwithstanding the foregoing Table 5-2, only one (1) human sign (or living sign) shall be permitted per property.
- J) **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.
- K) **Non-residential sale sign.** For a temporary sign displaying information concerning nonresidential sale of portion of building, rental, or lease permit:
1. If approved, a permit will be issued for a period of no longer than one (1) year, or until one hundred (100) percent of the building is sold, rented, or leased.
 2. A renewal permit may be submitted annually if the applicant is in compliance with the City's standards.
 3. Standards. Signage must be in compliance with all temporary signage standards and meet the criteria below.
 - i. *Size.* Maximum square footage of the sign is sixteen (16) square feet.
 - ii. *Sign post.* Post shall be a four (4) by four (4) treated-wood post or other acceptable material. The minimum number of posts shall be two (2). The posts shall be directly buried into the ground at a minimum of two (2) feet. Use of concrete is prohibited.
 - iii. *Backing.* Sign shall be installed on a one-half-inch plywood. Plywood shall be attached with weather-resistant screws.
 - iv. *Color.* The entire sign must be painted or wrapped.

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Section 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 five (5) 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 4: *Removal.*

- A) **Hurricane Watch.** Any temporary sign installed within the city shall be removed by the owner or city if a hurricane watch is posted. The city shall not be responsible for the replacement of such signage after a hurricane watch is discontinued.
- B) **Violations.** The city shall have the right to remove any temporary signage in violation of this article. Any failure to comply with these regulations will result in the administrative suspension or revocation of the sign permit and/or enforcement proceedings pursuant to Chapter 162, Florida Statutes. Notwithstanding the foregoing, the city may also pursue any remedy available under the law.

CHAPTER 7.12 NONCOMMERCIAL MESSAGES

Section 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:
 - (1) The size and design criteria conform to the applicable portions of this article;
 - (2) The sign is allowed by this article;
 - (3) The sign conforms to the requirements of the applicable zoning designation; and
 - (4) The appropriate permits are obtained.
- C) **Location.** For the purpose of this sign code, noncommercial messages shall never be deemed off-premises signs.

CHAPTER 7.13 POLE-MOUNTED BANNER CRITERIA

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

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

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

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

- A) Pole-mounted banners must be located on an existing light pole;
- B) One (1) pole-mounted banner per light pole may be permitted;
- C) Pole-mounted banners on light poles shall be two-sided with the identical design on each side;
- D) 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;
- E) Banners shall not interfere or block any existing or future traffic or pedestrian controls or signage;
- F) 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;
- G) 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;
- H) 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;

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- I) 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;
- J) 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;
- K) The minimum clearance of banners above the finished grade shall be eight (8) feet;
- L) 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;
- M) 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: *Height limitation.* A banner's highest point shall not exceed the highest point of the pole upon which it is mounted.

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CHAPTER 7.1 APPLICABILITY

Section 1: *General.* This Article shall apply to all development orders or any other official action of the City having the effect of permitting the development of land, unless otherwise exempt in accordance with Section 7.1.2. Traffic standards in this Article only apply to the City roads and intersections that are identified on Comprehensive Plan TE Map 3.5.

Section 2: *Exemptions, Existing Development Orders.*

- A) This Article shall not apply to City-initiated changes to the Future Land Use Map or Official Zoning Map.
- B) This Article shall not apply to City-sponsored or co-sponsored special/community events. For the purposes of this subsection, a special/community event is an activity or use that is public or quasi-public in nature and occurs once in a fiscal year, not to exceed three (3) weeks. This includes Fourth of July activities, parades, races and festivals. Events that require a Special Use may be subject to the Traffic Study requirements of this Article as determined by the City.
- C) This Article shall not apply, or impair rights established pursuant to Florida law, to the extent any project or portion thereof is exempt from the requirements of this Article.
- D) Development orders issued prior to incorporation are deemed to be consistent with the Provisions of this Article. A Traffic Statement pursuant to the following methodology shall be submitted for all applications related to development pursuant to or amendment of such development orders:
 - (1) Project traffic credits shall be calculated by using trip generation rates, internalization rates, and pass-by rates to the land use or uses previously-approved by a development order per the originally approved Traffic Study.
 - (2) The statement shall demonstrate that the Net PM Peak Hour Two-Way Trips are less than or equivalent to the previously-approved project.
 - (3) A cumulative tracking of the daily, AM and PM peak hour trips generated by the development and monitoring of respective conditions shall also be submitted.
 - (4) Project driveways providing ingress and egress shall also be evaluated.

CHAPTER 7.2 TRAFFIC STUDIES

Section 1: *General.* A Traffic Study shall be required as part of any development application. The Traffic Study shall address the requirements and standards of this Article and the County-wide TPS as they apply, using maps whenever practicable, and shall state all assumptions and sources of information used.

- A) Projects that demonstrate that they will generate fewer than twenty (20) Gross Peak Hour Trips based on current trip generation rates shall not be required to submit a traffic

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study. The Net Peak Hour Directional Trips shall be distributed over the City road system by the City Engineer, in accordance with generally accepted traffic engineering principles.

- B) All other development, including development that does not meet the requirements of subsection 7.1(2)(D)(2) above, shall submit a Traffic Study meeting the requirements of this Article.
- C) The City Engineer, or designee, shall review the information submitted and determine whether the proposed project complies with this Article and the County-wide TPS, as applicable.

Section 2: *Submittal Requirement.* The Traffic Study shall be prepared, signed and sealed by a qualified professional Florida Registered Engineer, practicing traffic engineering. The analysis must demonstrate compliance with this Article. The following shall be addressed:

- A) **County TPS.** Applicable County-wide TPS requirements.
- B) **Vested project traffic.** Any application for a development order on property on which there is an existing use shall receive a vested project traffic determination subject to the provisions of this section. The vesting shall be calculated by applying current trip generation rates and pass-by rates generated by the most recent use at the time of application. A proposed project shall not be eligible for an existing use vesting determination if the structure or land on the property has been discontinued or abandoned for more than five (5) years prior to the time of application.
- C) **Applicable standards.** The applicant shall use the Adopted LOS for all City roads and intersections identified on Comprehensive Plan TE Map 3.5. The submittal shall analyze City roads within the Radius of Development Influence as shown on Table 7-1 for the specific volume of the proposed project's net new external trips where the level of significance is one percent of LOS D or greater. Intersections at each terminus of significantly impacted directly accessed link shall be analyzed.

Table 7-1: Radius of Development Influence

Net New External Two-Way Peak Hour Trip Generation	Radius of Development Influence
21 thru 50	0.5 Miles
51 thru 100	1 Mile
101 thru 500	2 Miles
501 thru 1,000	3 Miles
1,001 thru 2,000	4 Miles
2,001 and up	5 Miles

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- D) **Peak Hour Traffic.** The Traffic Study shall analyze Peak Hour traffic (both weekday AM and PM Peak Hours), unless traffic characteristics dictate only one of the peak hours be analyzed. The total peak hours analyzed are as follows:
- (1) Generally, the morning peak hours between 6:00 and 9:00 AM and afternoon peak hours between 4:00 and 7:00 PM during the peak season shall be studied in all cases; unless higher volumes are observed outside of this window time period, then other peak hours shall be used.
 - (2) Each AM and PM peak hour shall be the highest sum of the volume on the approaches to an intersection and shall be the highest sum of four (4) continuous 15-minute periods.
- E) **Season Factors.** Off-peak to peak season factors shall be established by the City Engineer, based upon the best available data and generally accepted traffic engineering principles. Other factors, based on accepted traffic engineering principles, shall be used to update data where newer data is not available.
- F) **Peak Hour Turning Movements.** In addition to link and intersection standards, studies for all peak hour(s) turning movements, including pass-by trips, shall be shown and analyzed for all points where the project's traffic meets the directly accessed links and other roads where traffic control or geometric changes may be needed, as determined by the City Engineer. Signalization, turn lanes, and/or other site related improvements may be required for mitigation.
- G) **Total Traffic at the Buildout Period.** The Total Traffic at the Buildout Period of the project as follows:
- (1) Existing two-way and directional peak season peak hour traffic counts, counted by Palm Beach County and/or City, may be used. The most recent of the Palm Beach County or the City peak season peak hour traffic counts must be used. If the traffic counts collected by the County and/or the City are more than thirty (30) months old, prior to the submittal of the Traffic Study, the applicant shall conduct counts in accordance with accepted traffic engineering principles and as follows:
 - (a) Peak hour counts shall be made during weekdays between 6:00 AM and 9:00 AM and 4:00 PM and 7:00 PM. There shall be no counts on Mondays, Fridays, or legal holidays for the analysis, unless otherwise authorized or required by the City Engineer.
 - (b) Where Peak Season traffic counts are not readily available, the counts that are unavailable may be generated using factors established by the City Engineer for various areas of the County based on the best available data.
 - (c) All data is subject to review and acceptance by the City Engineer.
 - (2) Traffic generated by the project shall be computed in the following manner:
 - (a) For project trip generation, the rates or equations published in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation shall be used. Alternative rates may be approved by the City Engineer based

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on acceptable standards to provide a more accurate means to evaluate the rates of generation or if documentation is supplied by the applicant which affirmatively demonstrates more accurate generation rates.

- (b) The County and/or City Engineer may publish and update, from time to time, trip generation rates for local conditions. If applicable, these rates shall be used instead of the ITE rates.
- (c) Actual traffic counts that establish a generation rate at three (3) similar developments, and located in similar areas, as the one proposed may be approved for use by the City Engineer in accordance with accepted traffic engineering principles. These counts shall be made for the peak hour weekdays as necessary (excluding legal holidays) for each site and averaged.
- (d) It is acknowledged some trips generated by mixed use projects do not exit the project or enter the City road system and are internal to the project. Internalization rates shall be approved by the City Engineer based on acceptable standards.
- (e) It is acknowledged some trips generated by a proposed non-residential project are from existing traffic passing the proposed project (pass-by trips) and are not newly generated trips. Credit against the trip generation of the proposed project may be taken for these trips up to the percentage shown in the County's Impact Fee Ordinance or the ITE manual, when approved by the City Engineer. The Traffic Study must detail:
 - (i) All traffic generated from the project;
 - (ii) The number of pass-by trips subtracted from the traffic generated by the project during the Buildout Period of the project.
 - (iii) Uses other than those listed in Palm Beach County's Impact Fee Ordinance, and any percentage credit proposed, must be justified based upon the peculiar characteristics and location of the proposed project and accepted by the City Engineer.
 - (iv) Factors which should be considered in determining a different pass-by rate include type and size of land use, location with respect to service population, location with respect to competing uses, location with respect to the surrounding City road system and the existing and projected traffic volumes. In no case shall the number of pass-by trips exceed twenty-five (25) percent of existing traffic plus Background Traffic on the link, unless demonstrated and approved by the City Engineer.
- (3) Traffic volumes will likely change during the Buildout Period of the proposed project. The traffic study must account for this change based on Background Traffic. The projection of Total Traffic shall include existing traffic volumes, traffic from approved development and proposed project traffic.

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CHAPTER 7.3 PROJECT BUILDOUT STANDARD

Section 1: *Level of Service.* The City shall use Traffic Studies and Statements or other acceptable empirical data to monitor LOS on roads within the City. LOS D is the City's adopted LOS for transportation facilities. This LOS standard is not regulatory or part of any concurrency review. The standards shall provide a basis for the City to monitor congestion and coordinate needed improvements. This LOS analysis provides information which allows the City to evaluate the impact of a development and establish mitigation measures as needed.

Section 2: *Analysis Requirements.*

- A) For signalized City intersections, the intersection analysis shall be conducted using the most recent adopted version of the Highway Capacity Manual (HCM) Operational Analysis. The HCM Operational Analysis shall comply with the default input values published by the County Engineer. Revisions to the input values may be made, subject to approval by the City Engineer, to reflect actual or projected field conditions where substantial differences from the published values can be demonstrated.
- B) The intersection average total delay will be compared to the thresholds identified in Table 7-2 (LOS D Intersection Thresholds) for monitoring purposes.
- C) For unsignalized City Intersections, the intersections shall be analyzed using the most recent version of the HCM Unsignalized Intersection Analysis and all minor movements of Rank 2 or higher shall be monitored to determine if they operate at LOS D or better. In addition, roundabout evaluation or a signal warrant analysis with Total Traffic for the intersection may be required by the City Engineer.
- D) For City road links, the Total Traffic in the peak hour on the link shall be compared to applicable thresholds in Table 7-3 (LOS D link service volumes) for link service volumes and Peak Hour directional volume thresholds for monitoring purposes. The applicable facility class for each link shall be determined on the basis of the posted speed limit.

Section 3: *Level of Service Standards.* The LOS D thresholds relative to intersections are set forth in Table 7-2 (LOS D Intersection Thresholds). The LOS D standard service volumes peak season, peak hour directional for links are set forth in Table 7-3 (LOS D link service volumes).

Table 7-2: LOS D Intersection Thresholds

LOS	HCM Operational Analysis
D	Greater than 35.0 to 55.0 Seconds of Delay

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Table 7-3: LOS D Link Service Volumes

Facility Type					Peak Hour Directional	
					Class I	Class II
2 lanes undivided ⁽¹⁾	2L				792	675
2 lanes divided	2LD				832	709
4 lanes undivided ⁽¹⁾	4L				1,710	1,394
4 lanes divided	4LD				1,800	1,467
Notes: Based on the 2012 FDOT Quality/LOS Handbook. Class I - Roads with 40 mph or higher posted speed limits. Class II - Roads with 35 mph or lower posted speed limits. ⁽¹⁾ Service volumes for undivided roads assume exclusive left turn lanes are provided at signalized intersections. If there are no left turn lanes reduce these values by 20 percent.						

LANDSCAPING

ARTICLE 4 – LANDSCAPING AND BUFFERS

CHAPTER 4.1 GENERAL

Section 1: *Applicability.* The requirements of this Article apply to all new development, redevelopment, or expansions of existing development, whether public and private, in the City, unless otherwise exempted.

Section 2: *Exemptions.* These requirements of this Article do not apply to the following:

- A) Single-family detached and single family attached with 3 attached units or less, unless it is explicitly stated that a requirement in this Article applies to single-family dwelling, or single family attached with 3 units or less dwellings.

Section 3: *Waivers.* Landscape requirements may be waived by the City Manager or designee if:

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

Section 4: *Graphics.* The graphics in this Article are demonstrative and not regulatory.

Section 5: *SID Standards.* In any instance of conflict between any requirement of the Article and any SID design guideline or requirement, where such conflicting requirements concern a particular area in which SID has a right-of-way or an easement, the SID design guideline or requirement shall control. In any instance in which a requirement of this Article would require landscaping in a SID or utility right-of-way or easement, the requirements of this Article, including requirements concerning location or quantities of landscaping or lighting, must be reduced or altered in order to meet SID requirements.

CHAPTER 4.2 LANDSCAPE PLAN.

Section 1: *Landscape Plan.* A landscape plan shall be submitted, reviewed and approved by the City Manager or designee at time of site plan approval or prior to the issuance of a building permit. Landscape plans shall be prepared by a landscape architect or other persons as authorized under Chapter 481, Part II, Florida Statutes.

ARTICLE 4 – LANDSCAPING AND BUFFERS

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

CHAPTER 4.3 STANDARD LANDSCAPE REQUIREMENTS

ARTICLE 4 – LANDSCAPING AND BUFFERS

Section 1: *Applicability.* The following shall apply to all landscape uses throughout the City:

A) Canopy Trees.

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

B) Small Trees (Ornamental).

- (1) Small trees (Ornamental) shall be used to provide diversity in size and shape.
- (2) Two ornamental trees may be used in lieu of a required canopy tree. Small trees may not exceed 50 percent of the required number of canopy trees.
- (3) Small trees may be single or multi-trunk and shall have a minimum of 5 feet in overall height and 3 feet in spread at time of installation.

C) Palm Trees.

- (1) Palm trees shall be used to provide visual diversity.
- (2) Palms may not be used in excess of 50% of the required number of canopy trees.
- (3) Palm trees shall have a minimum of 8 feet in clear trunk and 12 feet in overall height at time of installation.

D) Palm Trees (Ornamental).

- (1) Ornamental palm trees shall be used to provide diversity in size and shape.
- (2) Ornamental palm trees shall have a minimum of 3 feet in overall height and 3 feet in spread at time of installation.

E) Shrubs and Hedges.

- (1) All plantings should be spaced in a manner to create a harmonious transition to the land use from the view of adjoining structures within one year from planting.
- (2) All plants shall be healthy and free of disease and pests at the time of planting.
- (3) Except where otherwise specified, shrubs and hedges shall be at least 18 inches high from ground elevation to the top of the plant with an 18-inch spread at time of installation.
- (4) Hedge material shall be planted a maximum of 24 inches on center, or as may be adjusted in the field based upon the type of plants utilized, with a maximum spacing of 36 inches on center.
- (5) Residential Hedge Height:
 - (a) Hedges shall not exceed four feet in height when located within the required front setback.
 - (b) Hedges shall not exceed eight feet in height when located on or adjacent to the side, side street, or rear property lines.

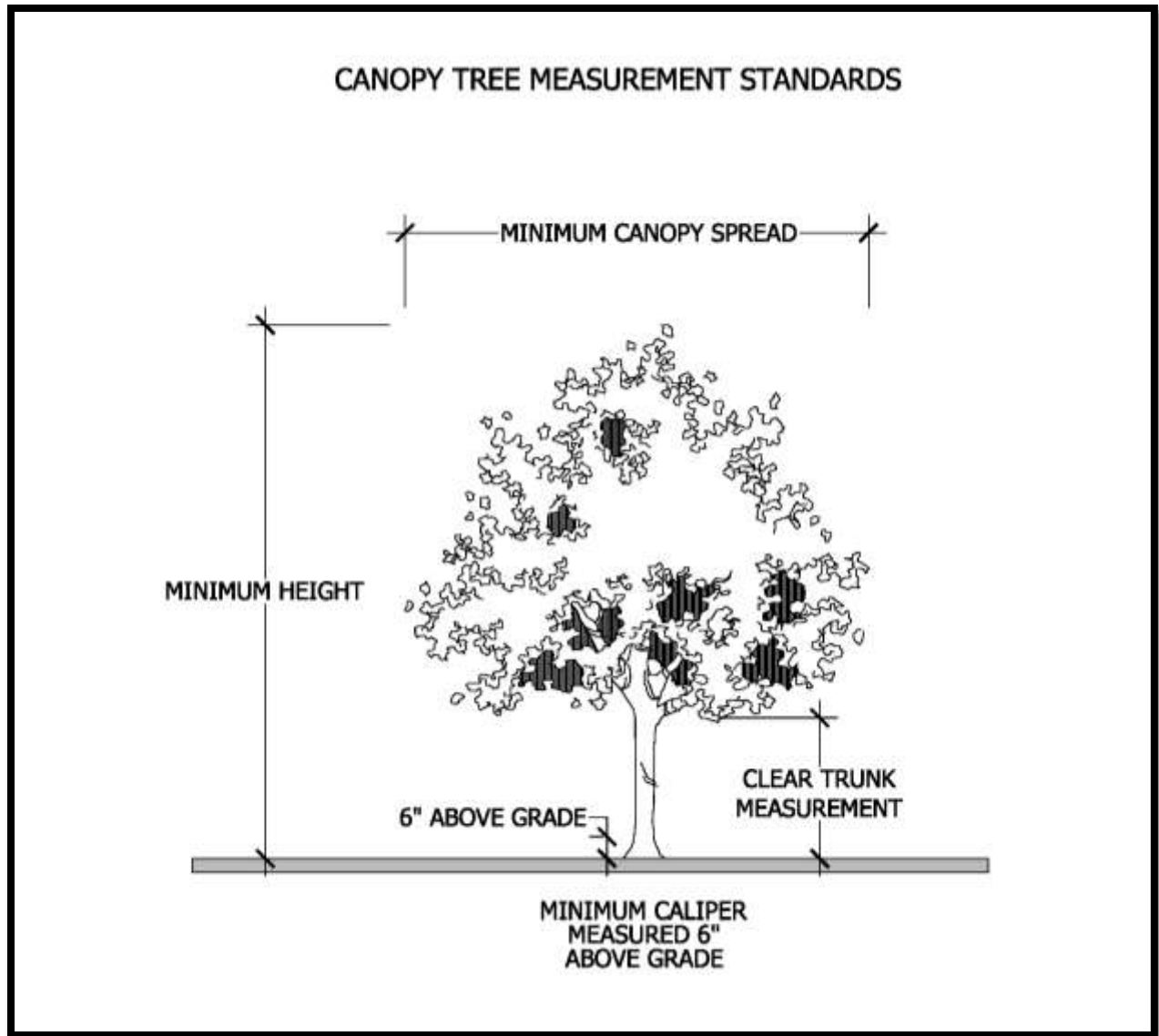
F) Ground Cover. Vegetative ground covers shall be planted and spaced in a manner that provides 50% vegetative coverage at time of planting and 100% vegetative coverage within 1 year. Low growing shrubs planted as a continuous mass or clusters shall be considered a ground cover.

ARTICLE 4 – LANDSCAPING AND BUFFERS

- G) **Turf (Lawn/Turf Grass).** Lawn/turf grass areas shall be planted with species suitable as permanent lawns and reach 100% coverage within six months of planting. Grass areas may be sodded, plugged or sprigged, provided that sod shall be required between perimeter or right-of-way landscape and swales and in other areas subject to erosion. In areas where grass seed is used, millet or rye shall also be sown for immediate effect, and immediate maintenance shall be provided until coverage is complete. All areas not occupied by buildings, vehicular use areas or other impervious surface, lakes, and landscape planting areas, shall be fully planted with lawn/turf grass. Lawn and turf grasses for large sites may be established by seeding subject to the approval of the City Manager or designee.
- H) **Earth Berms.** Earth Berms may be used as non-living landscape barriers in conjunction with plant materials. Berms may be used in conjunction with fences, walls or hedges. Runoff from berms shall be contained within the parcel of land, as illustrated in Figure 4-3 or in a manner approved by the City Engineer.
- (1) **Maximum Slope.** The slope of a berm shall general be four-to-one unless otherwise approved by the Planning and Zoning Director or designee.
 - (2) **Height Measurement.** Berm height shall be measured from the nearest adjacent top of the curb (parking lot), the nearest adjacent crown of the road, or the nearest adjacent finished floor elevation, whichever is higher.
- I) **Mulch.** A layer of organic mulch to a minimum depth of two inches shall be specified on the landscape plans in plant beds and around individual trees in grass areas. Mulch shall not be required in annual beds.
- J) **Non-living materials.** Synthetic plants, artificial turf, and artificial materials will not satisfy minimum landscaping requirements. Artificial materials used in hardscape areas, plazas, and high use activity areas are permitted provided the intent of these LDRs is satisfied. Pebble, egg rock, or decorative sand may be used up to a maximum of ten percent of ground coverage.
- K) **Planters.** Planters, if planted with live plants, will satisfy the landscape requirements if they meet the following criteria:
- (1) **Shrub planters:** Must be at least 18 inches deep and have at least 9 square feet of area and appropriate for the plant species proposed.
 - (2) **Tree planters:** Must be at least 30 inches deep and have at least 24 square feet of area and appropriate for the plant species proposed.
 - (3) **Shrub and tree planters** used to satisfy landscape requirements shall be equipped with drainage and fully irrigated.
- L) **Plant Material Quality.** All plant material shall be Florida Grade Number 1 or better as defined by the latest version of “Florida Grades and Standards for Nursery Plants” published by the Florida Department of Agricultural and Consumer Services.
- M) **Native Plant Requirements.** Plantings shall include a variety of tree and shrub species with at least 50% of the required trees and 25% of the required shrubs being plants native to Florida.
- N) **Prohibited Plant Species.** Category 1 invasive plant species as defined by the Florida exotic pest plant council (FLEPPC) are prohibited. All new development must remove all invasive vegetation identified by FLEPPC from the development site.

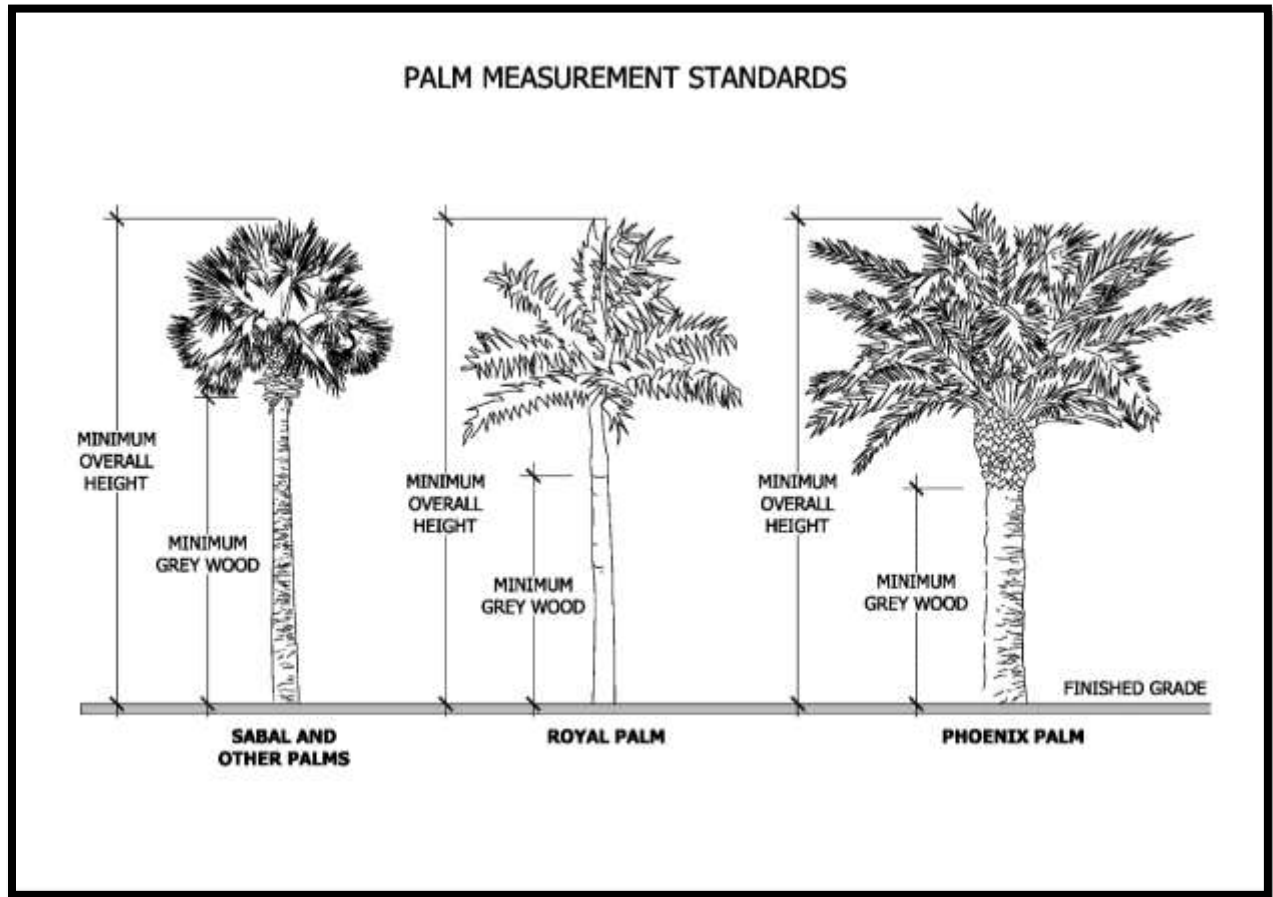
ARTICLE 4 – LANDSCAPING AND BUFFERS

Figure 4-1



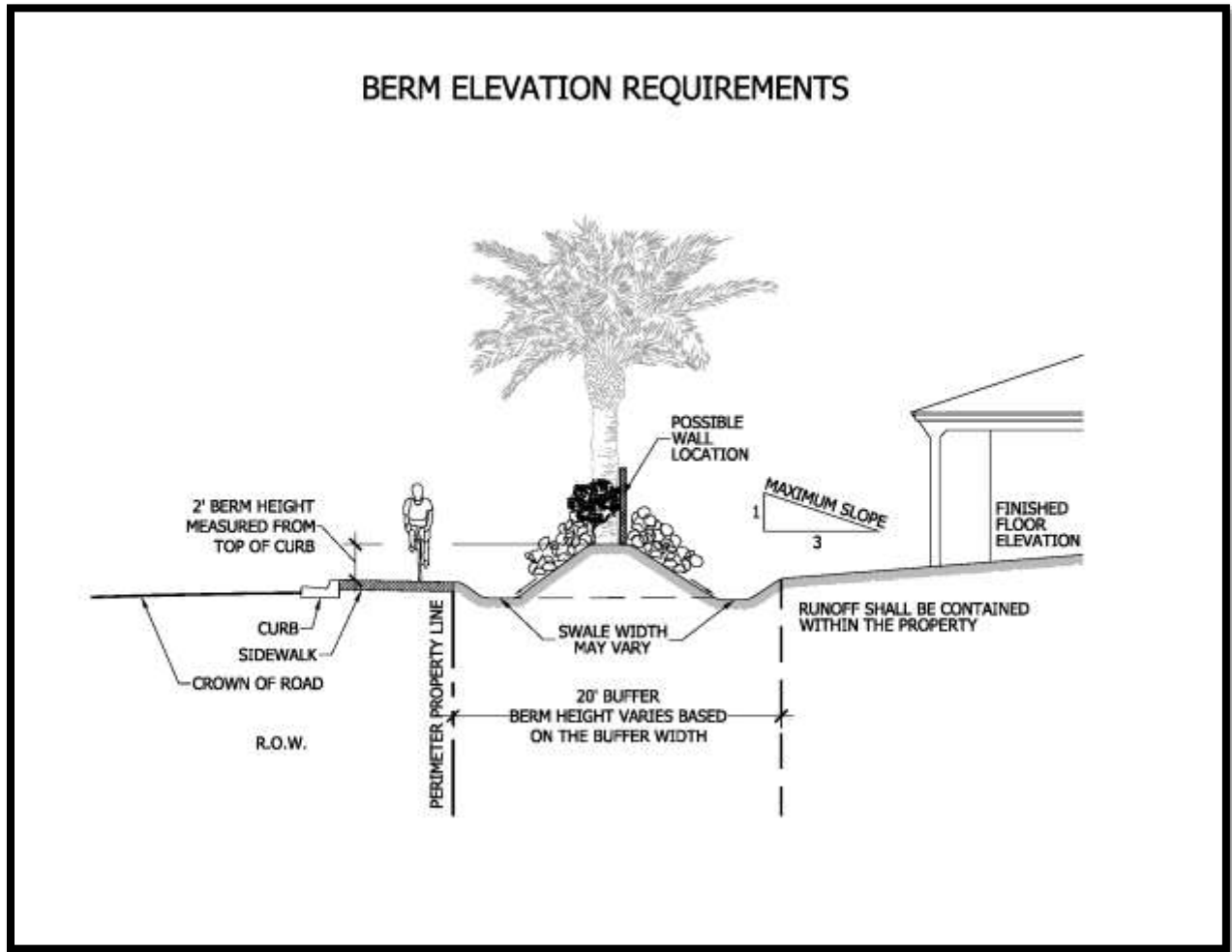
ARTICLE 4 – LANDSCAPING AND BUFFERS

Figure 4-2



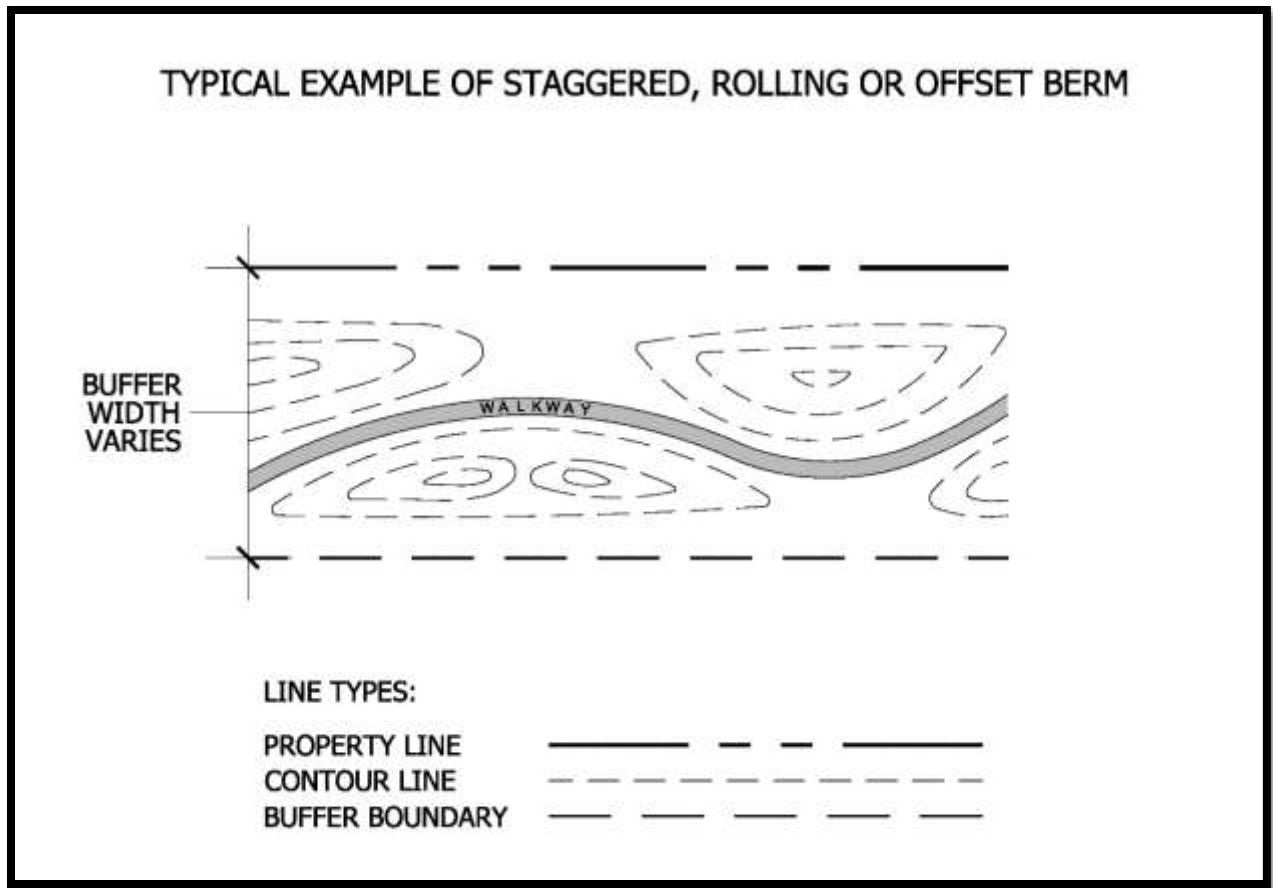
ARTICLE 4 – LANDSCAPING AND BUFFERS

Figure 4-3



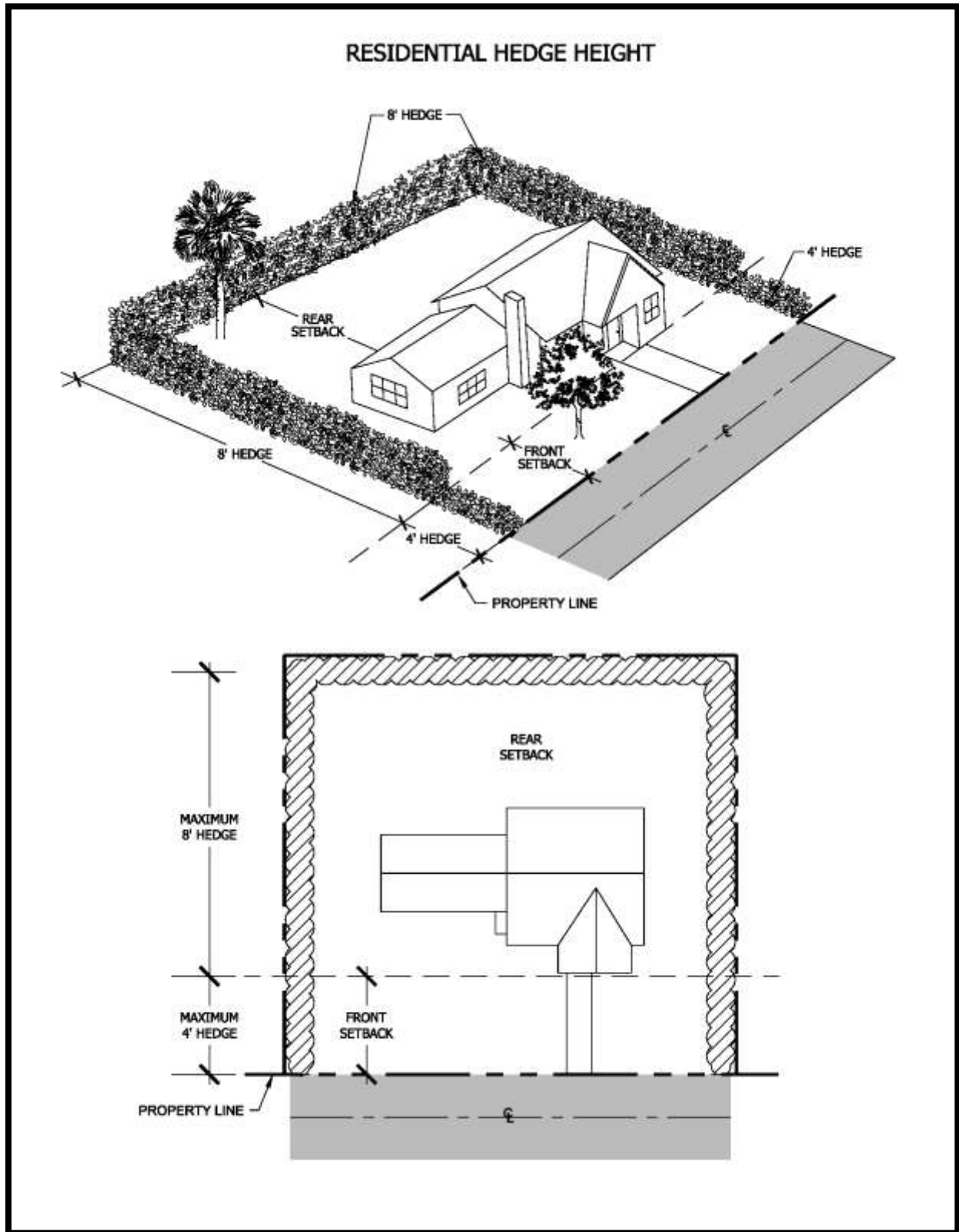
ARTICLE 4 – LANDSCAPING AND BUFFERS

Figure 4-4



ARTICLE 4 – LANDSCAPING AND BUFFERS

Figure 4-5



ARTICLE 4 – LANDSCAPING AND BUFFERS

CHAPTER 4.4 BUFFERS AND SCREENING

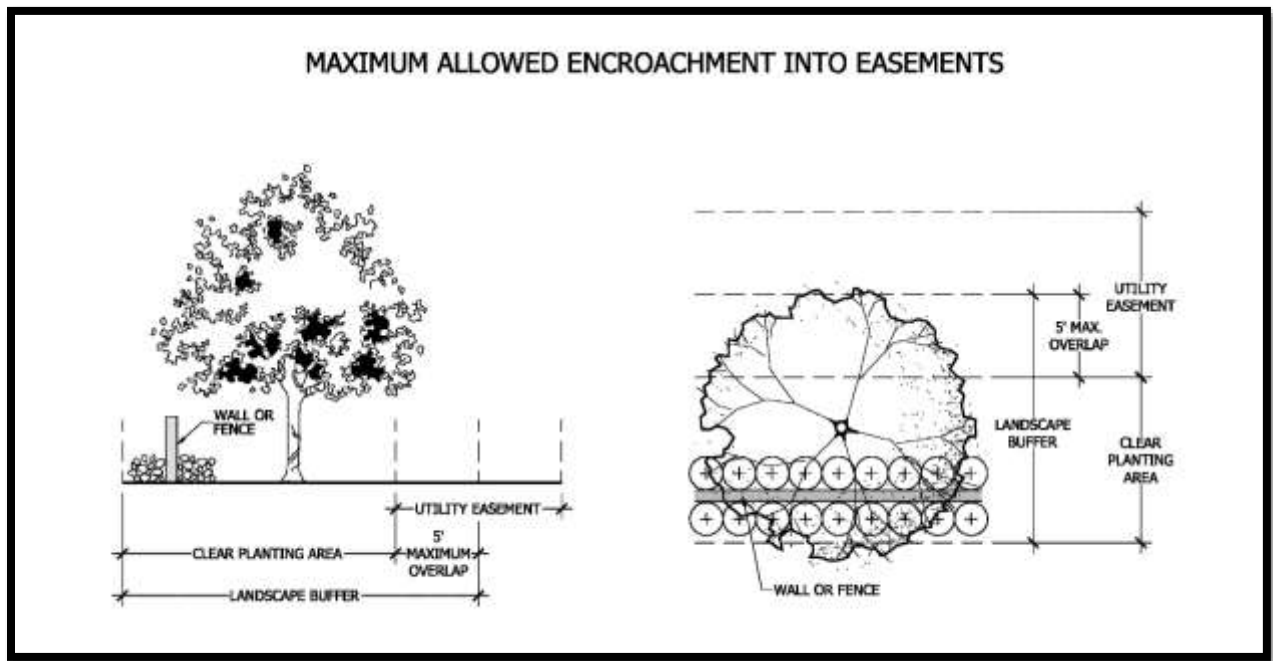
Section 1: *Buffer and Landscape Requirements.*

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

ARTICLE 4 – LANDSCAPING AND BUFFERS

- (7) **Right-of-Way Landscape.** Right-of-way landscape is not required where plazas, building facades, or other features designed to engage pedestrians abut right of way.

Figure 4-6



C) **Minimum Landscaping Requirements.**

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

Section 2: *Dumpsters and Mechanical Utilities Screening.*

- A) When visible from a public street or adjacent property line, all trash containers, dumpsters, trash compactors, generators, mechanical equipment, loading docks, and utility structures, shall be screened from view. Trash containers, dumpsters and

ARTICLE 4 – LANDSCAPING AND BUFFERS

trash compactors must contain a trash enclosure in accordance with Subsection 4.3(2)(E) below.

- B) Screening shall consist of evergreen shrubs, fencing, walls or berms.
- C) All screening of utilities shall comply with the requirements of the utility provider in addition to the requirements of these LDRs.
- D) Shrub species, when utilized, shall be a minimum of 3 feet high at time of installation, spaced at 2 - 3 feet on center and achieve and be maintained at a mature height equal to the height of the element requiring screening with 90% opacity.
- E) Trash enclosures shall be constructed with concrete or materials with similar durability that are compatible with the design and materials of the principal building. Trash enclosures shall be identified on the site plan for all non-residential and multi-family sites. Trash enclosures shall use colors and finishes compatible with the primary structures on the site. Trash enclosures shall be on a solid concrete pad. Where walls are utilized, additional plantings may be required.

CHAPTER 4.5 FOUNDATION PLANTINGS

Section 1: *Foundation Plantings Required.* Foundation plantings shall be provided along facades of all non-residential, multi-family and single family attached greater than 3 unit structures unless specifically exempted by this Chapter. Required plant material shall be located within 30 feet of the foundation, and along the front and side facades of drive-through establishments, including Freestanding ATMs. All required foundation plantings shall include a minimum of one canopy tree or palm for each 20 linear feet of building facade and one shrub or ground cover for every 10 square feet of planting area. Ornamental trees and ornamental palm trees may be used in lieu of 50% of the required trees or palms. The relocation of foundation plantings may be approved by the City Manager or designee provided the minimum required square footage of the planting area is maintained.

Section 2: *Exemptions.* The following are exempt from foundation planting requirements:

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

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

ARTICLE 4 – LANDSCAPING AND BUFFERS

Section 4: *Minimum Length.* The combined length of the required foundation planting shall be 50% of the building façade. The minimum length shall be calculated by the total length of the applicable side of the structure, excluding garage doors and loading bays.

Section 5: *Planting Around Signs.* A three foot wide planting area shall be required around the base of all ground-mounted signs. Continuous shrubs and or groundcovers shall be installed within the planting area and maintained at an average minimum height of 18 inches. Monument signs six feet in height or less may be surrounded by ground cover on all sides instead of shrubs and maintained at an average minimum height of 12 inches. Landscaping and trees that interfere with the visibility of signage may be relocated to the rear or side of the sign subject to the approval of the City Manager or designee, provided the intent of this Article is satisfied.

Section 6: *Free Standing ATMs.* Required foundation plantings may be modified as follows:

- A) **Walk Up.** Foundation planting areas may be relocated up to a maximum of 15 feet away from the applicable façade to accommodate pedestrian walkways, access to the ATM; or, as needed to comply with F.S. 655.960, security lighting, or Crime Prevention Through Environmental Design (CPTED) guidelines.
- B) **Drive Through.** Foundation planting areas may be relocated up to a maximum of 30 feet away from the applicable façade.

CHAPTER 4.6 OFF-STREET PARKING, VEHICULAR USE AREA SCREENING, AND STREET TREE PLANTINGS.

Section 1: *Applicability.* Off-street parking regulations apply to all parking facilities. Off-street parking facilities and other vehicular use areas shall meet the requirements of this Chapter.

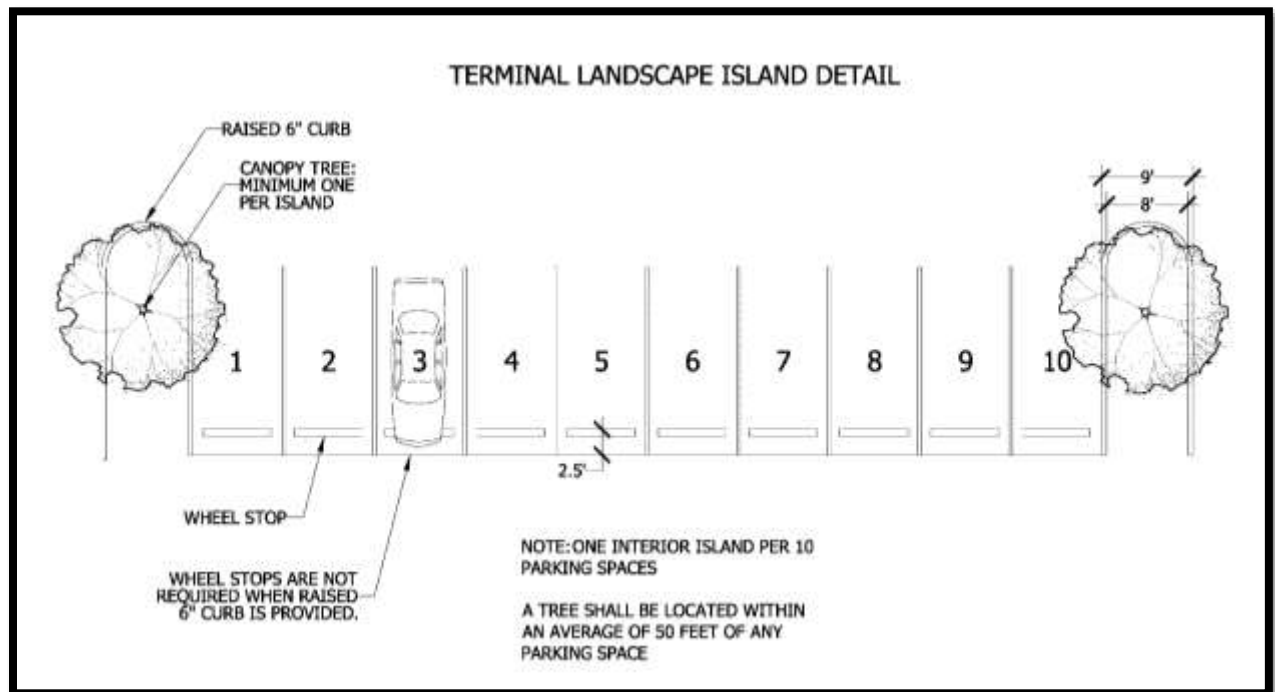
- A) **Interior Planting Areas.**
 - (1) Off-street surface parking lots and vehicular use areas shall be required to provide interior landscaping with an area equal to 10 percent of the paved vehicular use area within the lot perimeter. These landscaped areas shall be located within islands interior to the lot or adjacent to the pavement perimeter. Off-street parking and vehicular use areas are to be measured from the edge of parking and/or driveway paving and sidewalks. Required perimeter landscape, right-of-way landscape, and foundation planting areas shall not be included in the calculation for interior landscape area.
 - (2) Parking lot landscape interior islands are required every 10 consecutive parking spaces. The number of consecutive spaces may be increased to 15 if a divider median, tree diamonds, and or larger terminal islands are incorporated into the parking lot design. All interior islands shall contain at least one canopy tree, three palm trees, or one specimen palm. On average, each parking space should

ARTICLE 4 – LANDSCAPING AND BUFFERS

be within 50 feet of the required canopy tree, specimen palm, or three palm trees.

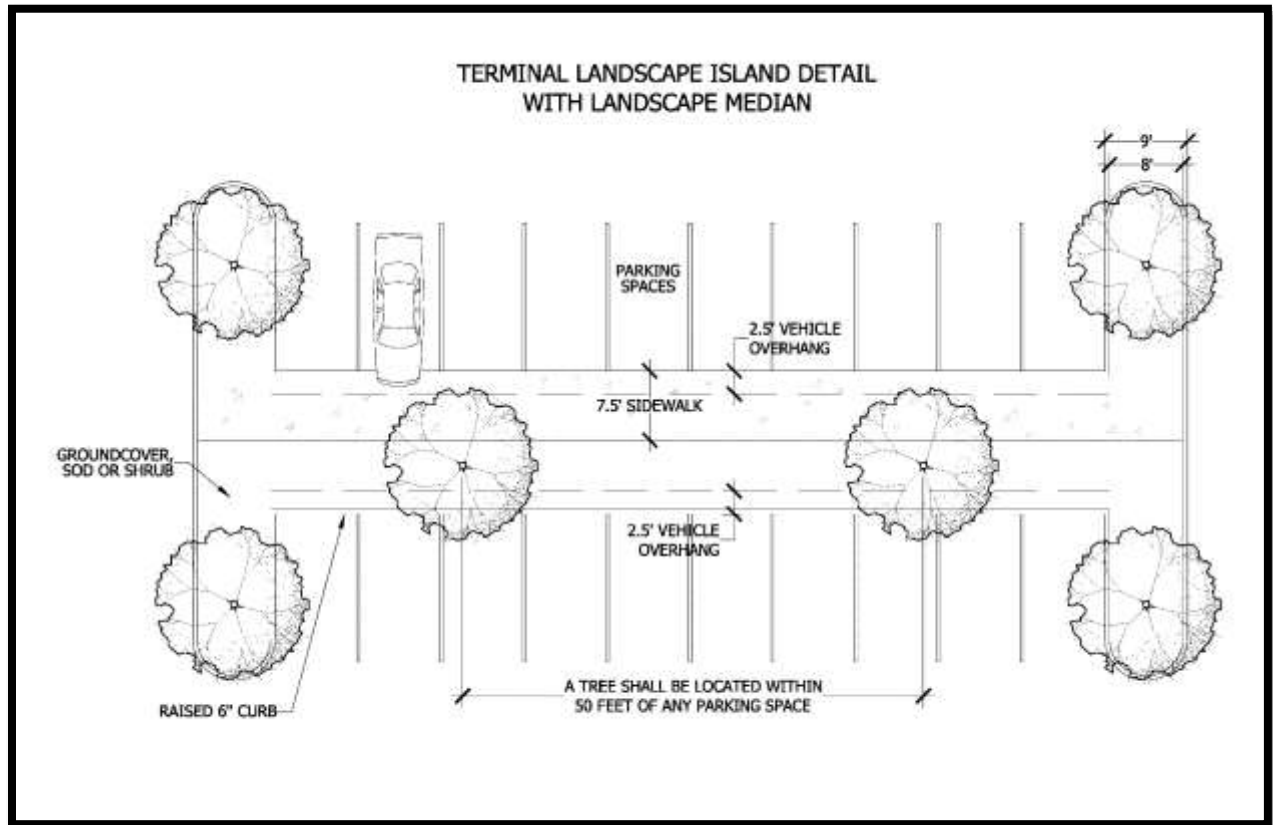
- (3) Parking and vehicular use areas must be visually screened from rights-of-way and adjacent properties through the use of landscaping or walls and fences in combination with landscaping, with an emphasis on any portions fronting a street. At a minimum, a hedge shall be placed between the parking area and sidewalk. Clear vehicular sight triangles shall be maintained at all driveway and street intersection and throughout the vehicular use area. Right-of-way and perimeter landscape may be used to satisfy the screening requirement when contiguous to parking and vehicular use areas.
- (4) The minimum width of a landscape divider median shall be 5 feet, excluding curbs and vehicle overhang.
- (5) Vehicle overhang shall be measured at a distance of 2.5 feet from the face of the curb or wheel stop.
- (6) For the purpose of this Article, the nominal width of a raised curb shall be 6 inches.
- (7) The minimum width of a tree diamond shall be 5 feet by 5 feet, excluding curbs.
- (8) The minimum width of interior and terminal islands shall be 8 feet excluding curbs. For the purpose of Paragraph 4.5(1)(A)(2) above, the minimum width of larger terminal islands shall be 14 feet, excluding curbs.
- (9) Area lighting is permitted within landscaped areas, provided it does not adversely impact photometric values of parking area.

Figure 4-7



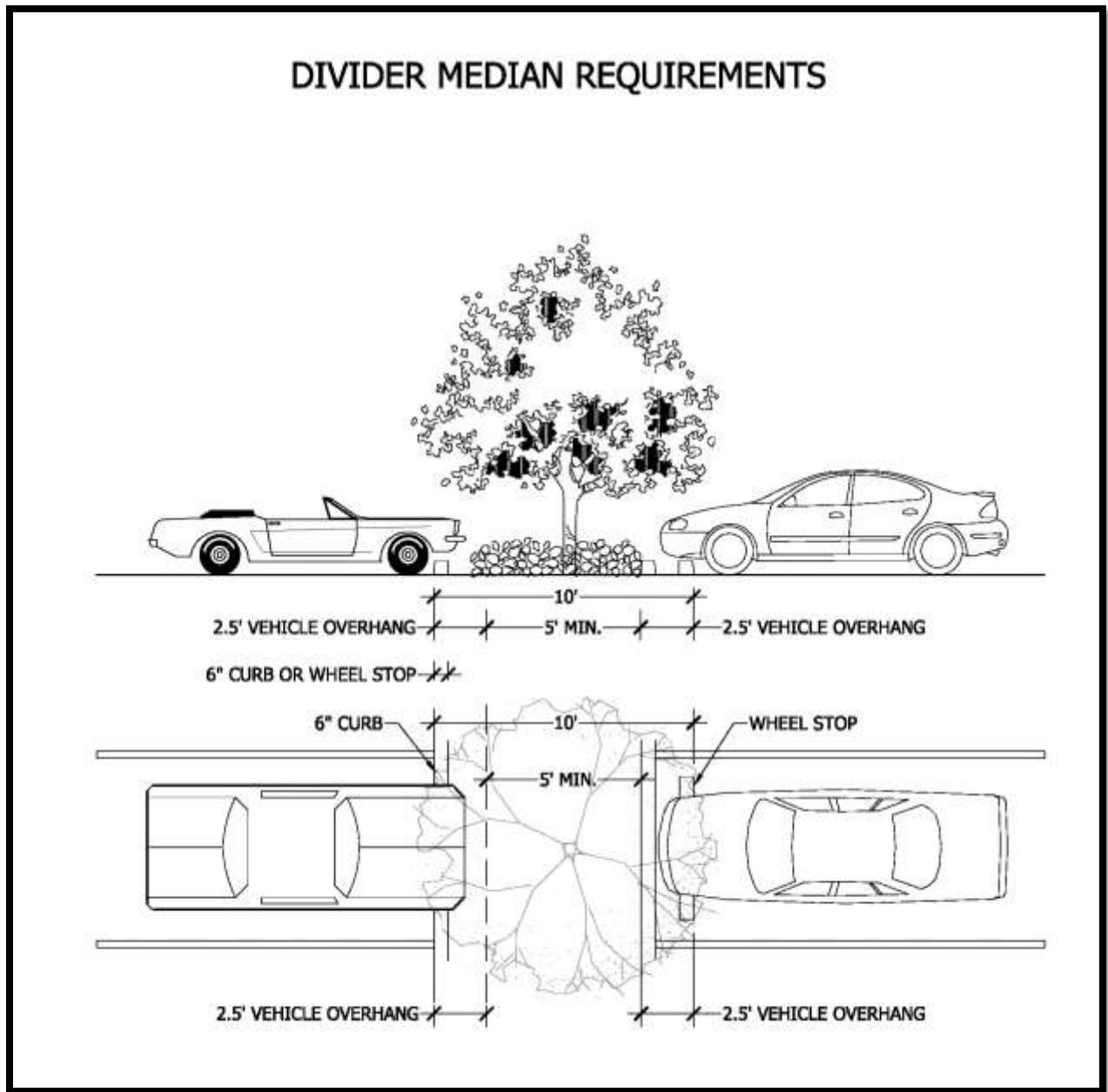
ARTICLE 4 – LANDSCAPING AND BUFFERS

Figure 4-8



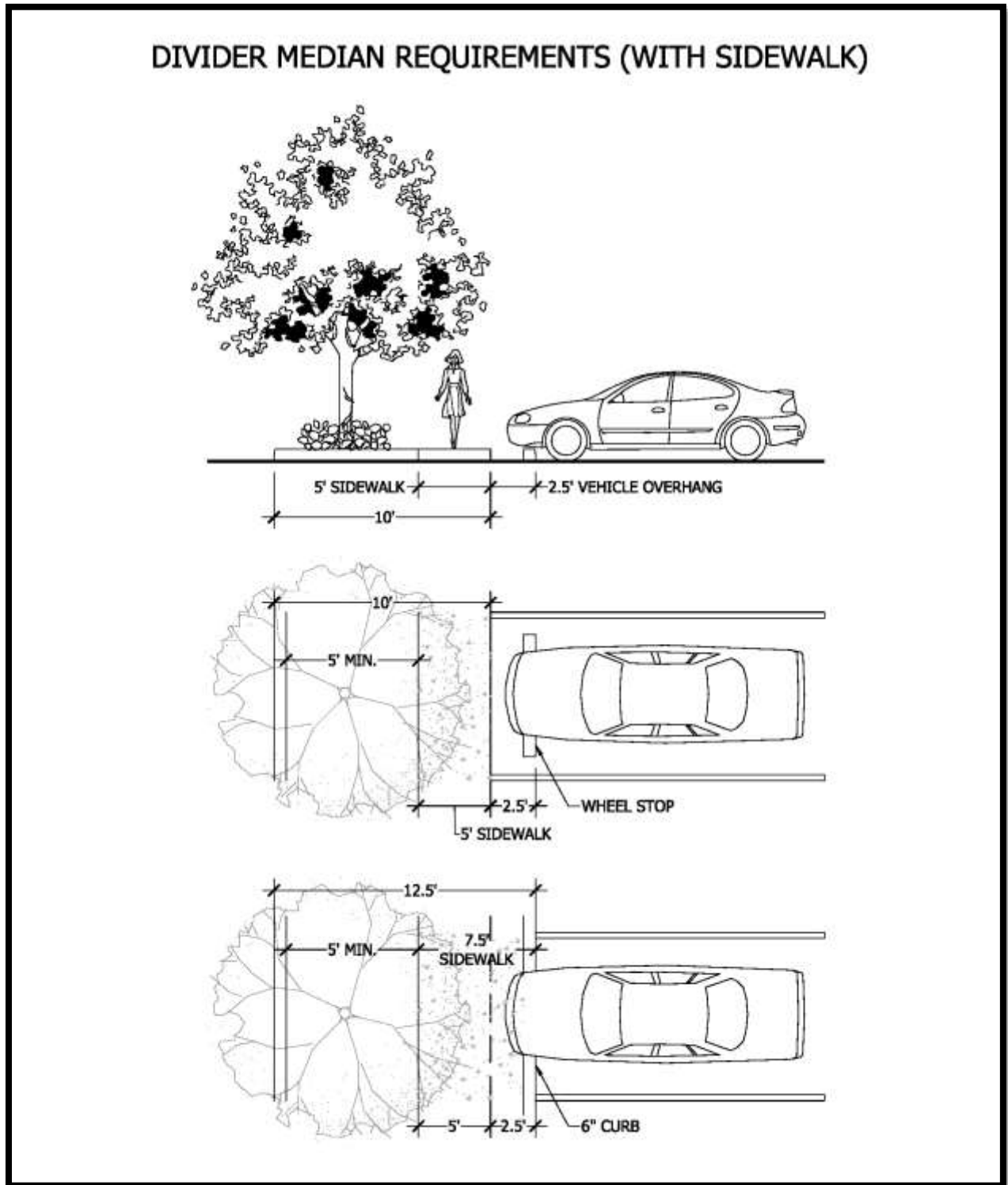
ARTICLE 4 – LANDSCAPING AND BUFFERS

Figure 4-9



ARTICLE 4 – LANDSCAPING AND BUFFERS

Figure 4-10



ARTICLE 4 – LANDSCAPING AND BUFFERS

Figure 4-11

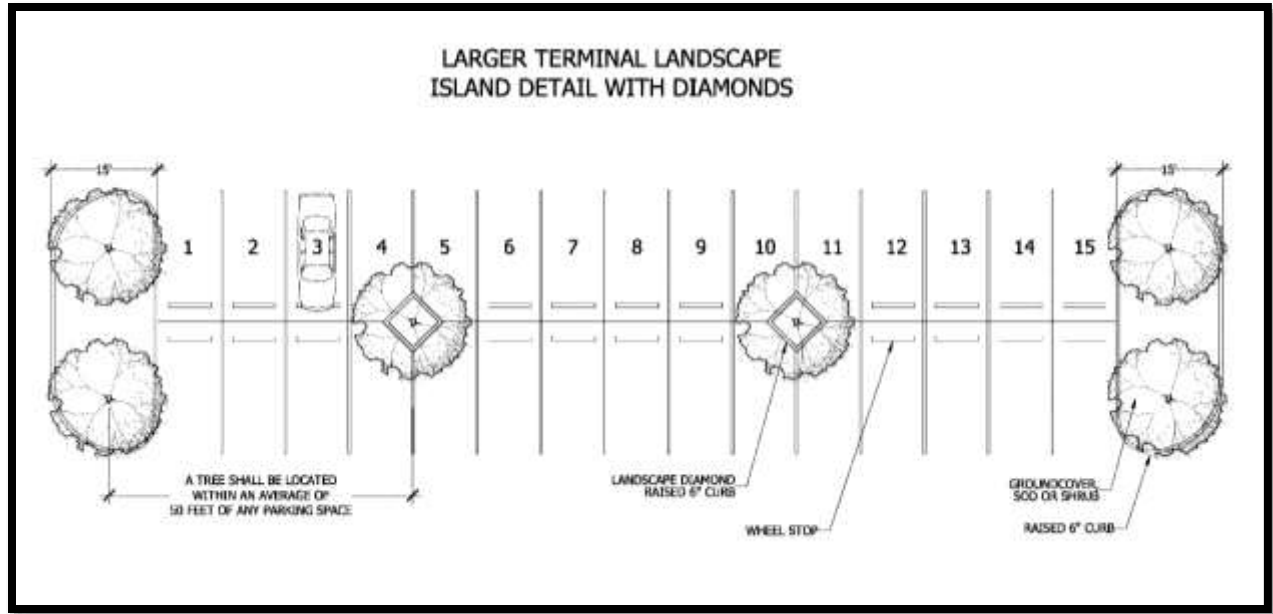
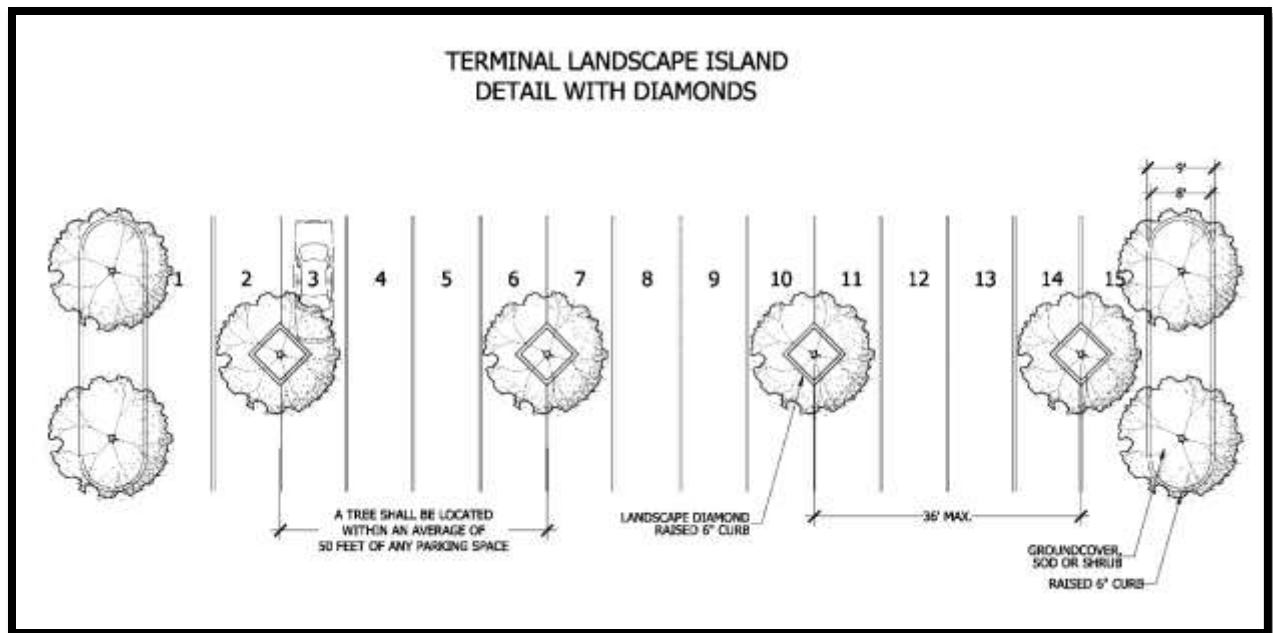
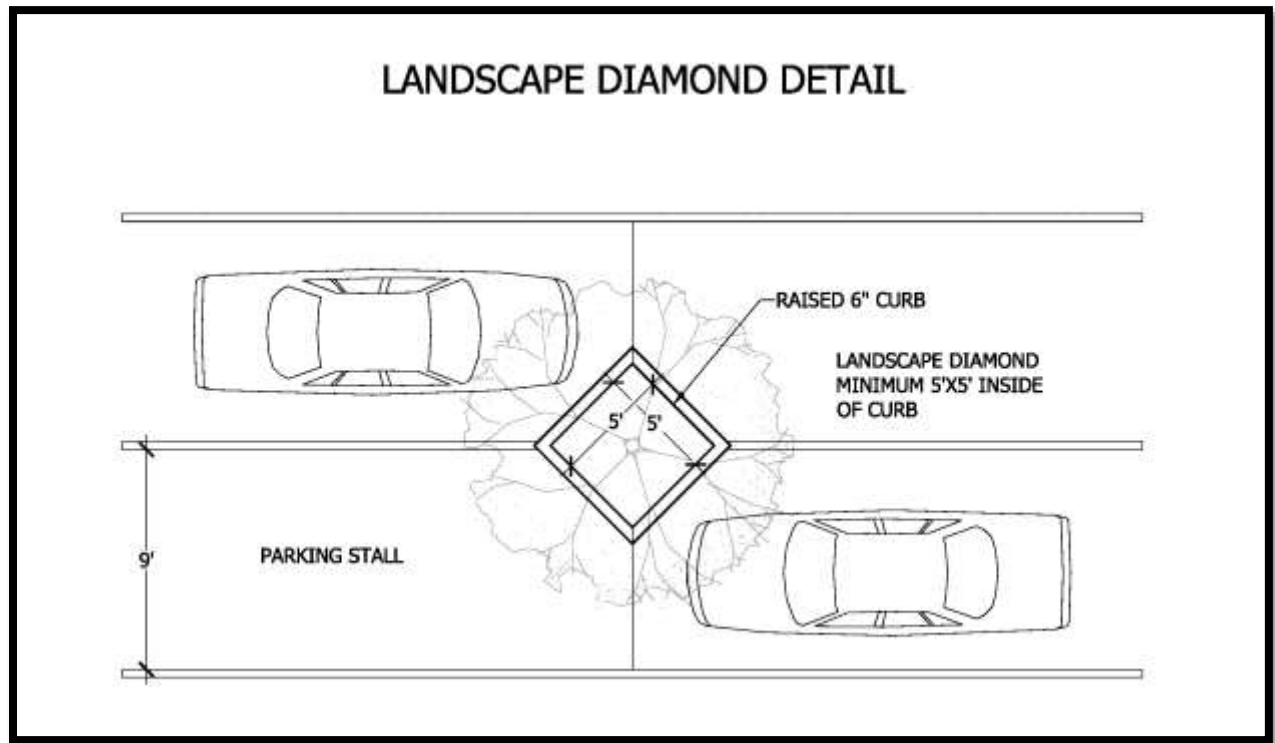


Figure 4-12



ARTICLE 4 – LANDSCAPING AND BUFFERS

Figure 4-13



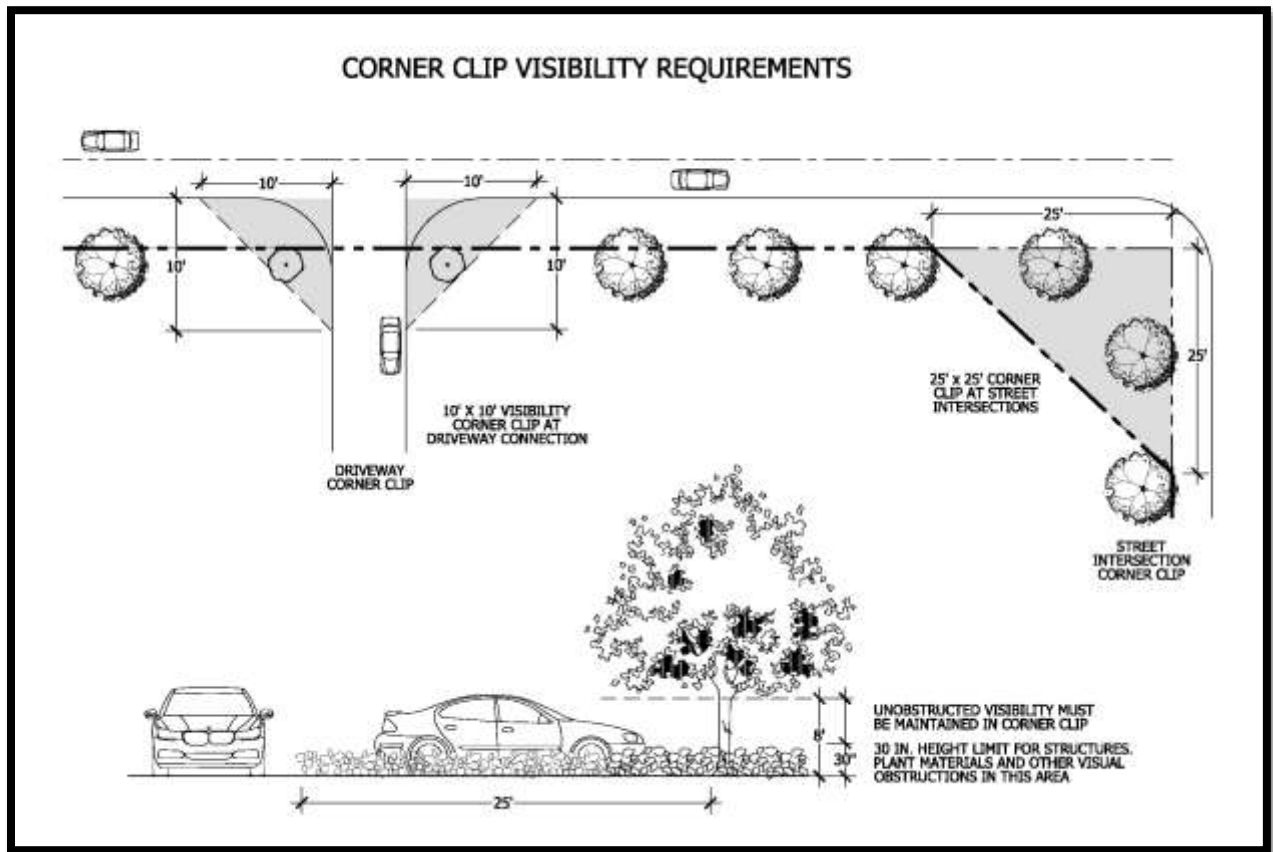
Section 2: *Landscape Protection Measures.* Where landscaping is installed in within or adjacent to vehicular use areas, then curbs, wheel stops, raised sidewalks, or other acceptable means of protection shall be provided to prevent injury to the lawn and landscape vegetation.

Section 3: *Corner Clip and Visibility Triangles.* Landscaping within corner clip and visibility triangles shall be subject to the following limitations:

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

ARTICLE 4 – LANDSCAPING AND BUFFERS

Figure 4-14



CHAPTER 4.7 STREET TREES

Section 1: Street trees shall be located between curb and sidewalk but may also be offset behind the sidewalk a maximum of 12 feet from back of sidewalk or a distance of 25 feet from adjacent back of curb.

Section 2: Street trees are required on all public and private streets. Street trees shall maintain an average spacing of 50 feet on center on both sides of the street. Exceptions to this distance are allowable due to conflicts with utilities, lighting, sight distance, etc. Maximum spacing shall not exceed 75 feet unless otherwise determined by the City Manager or designee.

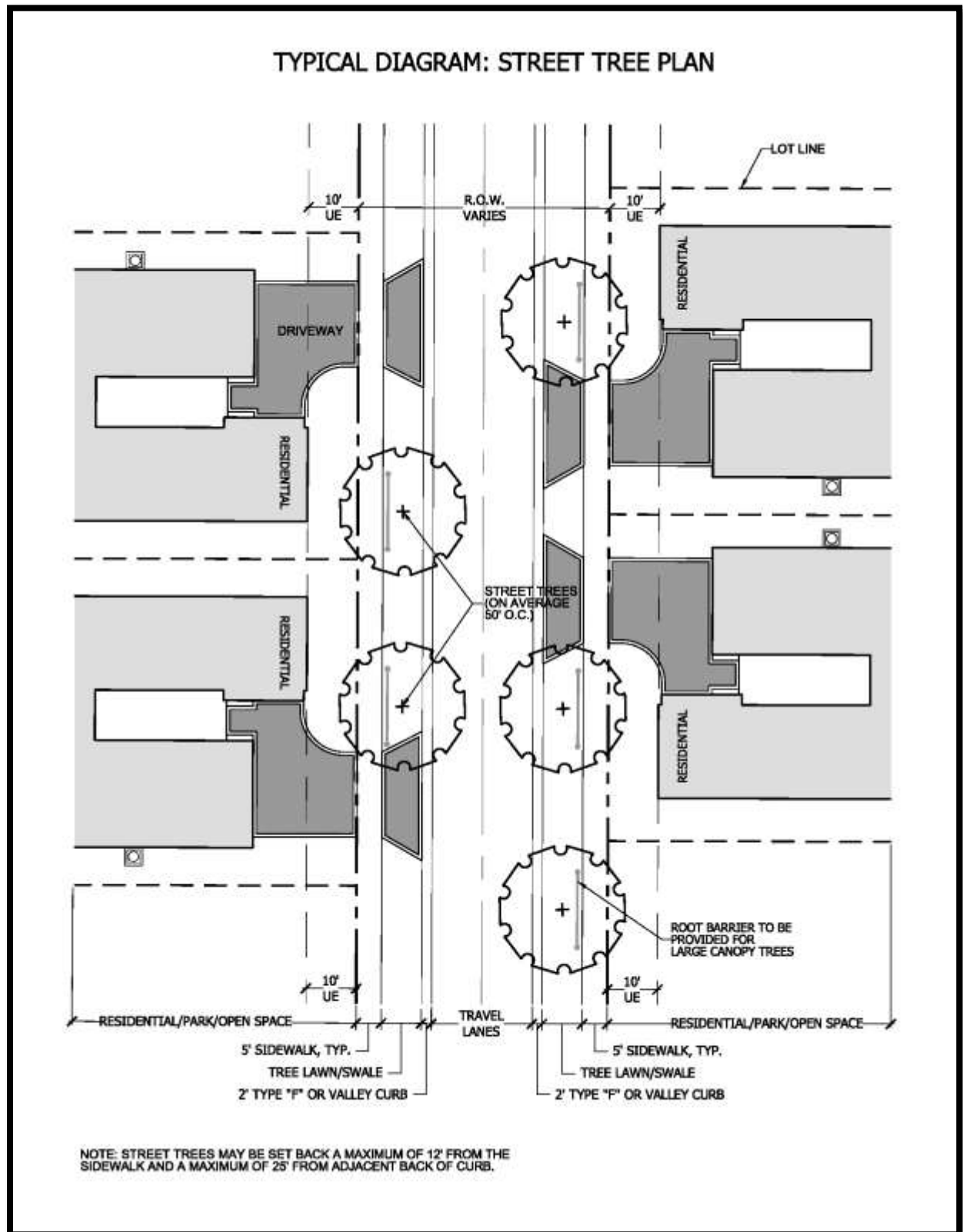
Section 3: Palm trees may be used as street trees to provide diversity and special interest. Palm trees shall maintain an average spacing of 30 feet on center on both sides of the street. Exceptions to this distance are allowable due to conflicts with utilities, lighting, sight distance, etc. Maximum spacing shall not exceed 60 feet.

Section 4: The street tree pattern may be interrupted by architectural elements such as overhead arcades, columns, bridge encroachments, and public art. They may also be clustered to allow for views to monuments, features, fountains and other points of interest.

Section 5: Street trees within the Town Center Mixed Use District may be used to satisfy landscape requirements when buildings engage the street without intervening vehicular use areas.

ARTICLE 4 – LANDSCAPING AND BUFFERS

Figure 4-15



ARTICLE 4 – LANDSCAPING AND BUFFERS

CHAPTER 4.8 ADDITIONAL ZONING DISTRICT LANDSCAPING REQUIREMENTS

Section 1: *Residential Districts.*

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

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

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

- (1) Two palm trees may be substituted for one canopy tree. One specimen palm may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
 - (2) Two small trees may be substituted for one canopy tree.
 - (3) Tree and shrub planting requirement calculations for parcels of land shall be based upon gross parcel area minus the building coverage for the principal residential structure.
 - (4) Parcels of land shall be fully planted with lawn/turf grass.
- B) Landscaping for open space parcels or recreation parcels shall provide a minimum of 1 canopy tree per 2,500 SF of the respective tract or open space area.
- (1) One palm trees may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
 - (2) Two small trees may be substituted for one canopy tree.
 - (3) For the purpose of this Section, open space parcels, recreation parcels, and other common areas interior to a single family or single family attached site or parcel may be aggregated together, so long as the total number of provided trees are provided.
 - (4) Open space parcels, recreation parcels, and other common areas shall be fully planted with lawn/turf grass.
- C) Single family attached with greater than 3 attached units are required to provide foundation plantings in accordance with Chapter 4.5 of this Article.

Section 2: *Multi-Family Residential Landscaping.*

ARTICLE 4 – LANDSCAPING AND BUFFERS

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

TABLE 4-2: MULTI-FAMILY RESIDENTIAL LANDSCAPING REQUIREMENTS

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

- (1) Two palm trees may be substituted for one canopy tree. One specimen palm may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
 - (2) Two small trees may be substituted for one canopy tree.
 - (3) Open space areas, recreation parcels, and other common areas shall be fully planted with lawn/turf grass.
- B) Foundation planting requirements.
- (1) Multi-family residential buildings shall provide foundation plantings in accordance with Chapter 4.4 of this Article.

Section 3: *Town Center Mixed Use District.*

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

TABLE 4-3: NON RESIDENTIAL LANDSCAPING REQUIREMENTS

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

- (1) Two palm trees may be substituted for one canopy tree. One specimen palm may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
 - (2) Two small trees may be substituted for one canopy tree.
 - (3) Open space areas and other common areas shall be fully planted with lawn/turf grass.
- B) Foundation planting requirements.
- (1) Non-residential buildings shall provide foundation plantings in accordance with Chapter 4.4 of this Article.

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- (2) Buildings using patios, arcades, outdoor seating areas, and similar urban forms may be exempted from foundation plantings requirements upon receipt of a waiver from the City Manager or designee.

Section 4: *Open Space and Recreation District.* Park plantings should reinforce the design intent of the park, whether open or a shady oasis

TABLE 4-4: OPEN SPACE AND RECREATION LANDSCAPING REQUIREMENTS

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

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

CHAPTER 4.9 IRRIGATION SYSTEMS

Section 1: *Reuse Water Required.* New development, redevelopment, and expansion of existing development shall be required to use reuse water for irrigation where reuse water is available.

Section 2: *Irrigation plans.*

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

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- (f) Irrigation plans shall incorporate in the design acceptable industry standards to promote water conservation practices and ensure the health, safety, and welfare of the public consistent with the Florida Building Code Plumbing Appendix F.

Section 3: *Irrigation.* Irrigation systems shall be maintained in working order to ensure complete coverage to all landscape areas. Irrigation heads shall be adjusted as required to respond to growth in the landscape and the water needs of the landscape. Irrigation systems shall be regularly maintained and kept in working order. Regular irrigation maintenance shall include but not be limited to, checking, adjusting, and repairing irrigation equipment; and resetting the automatic controller according to the climatic season.

- A) Irrigation systems shall be designed to apply water to shrub and tree areas on a less frequent schedule than lawn areas to the extent practical. A rain-sensor switch shall be installed on systems with automatic controllers. Irrigation systems shall be designed as not to overspray water onto impervious areas.
- B) Irrigation systems shall not be installed or maintained on areas adjacent to a public street which causes water from the system to spray onto the roadway or strike passing pedestrian or vehicular traffic.
- C) Permanent irrigation systems are not required for areas set aside on approved site development plans for future development or intended to be maintained in a natural state.

CHAPTER 4.10 MAINTENANCE

Section 1: *Responsibility.* The property owner shall be responsible for maintaining all landscape, including perimeter and right-of-way landscape.

Section 2: *General.* Regular maintenance of all landscaping is required. All landscaping shall be free from disease, pests, weeds, and litter. Maintenance shall include:

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

Section 3: *Growth.* All trees and palms shall be allowed to grow to their natural mature height and to full canopy unless otherwise provided for in accordance with Subsection 4(C) of this Chapter.

Section 4: *Screening, fences, walls, and planters.* The maintenance of landscape screens, fences, walls and artificial planters includes, but is not limited to, repairing, replacing damaged or deteriorated portions, and painting.

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Section 5: *Pruning of Trees.*

- A) Pruning of trees shall be permitted to allow for healthy growth, and to promote safety considerations. Trees which cause a conflict with views, signage or lighting shall not be pruned more than the maximum allowed.
- B) A maximum of one-fourth of tree canopy may be removed from a tree within a one-year period, provided that the removal conforms to the standards of crown reduction, crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration pruning techniques. All pruning shall comply with the American National Standards Institute, ANSI 300 (Tree, Shrub and other Woody Plant Maintenance), as amended.
- C) If other than the mature height and spread is desired for any required tree, the size and shape shall be indicated on an approved landscape plan. Shaping of a tree shall be permitted if the tree is to be used as an accent, focal point, or as part of an overall landscape design. A maintenance commitment shall be clearly outlined on the approved landscape plan to explain the care and upkeep of a shaped tree.
- D) Hatracking (tree topping) and lion-tailing, as defined in Article 1, are strictly prohibited.

CHAPTER 4.11 FERTILIZER

Section 1: *Definitions.* The following definitions apply in this Chapter 4.11 only.

- A. *Application* or *apply* means the actual physical deposition of fertilizer to turf or landscape plants.
- B. *Applicator* means any person who applies fertilizer on turf and/or landscape plants in the City of Westlake.
- C. *Approved test* means a soil test from the University of Florida, government, or other commercial licensed laboratory that regularly performs soil testing and recommendations.
- D. *Best management practices (BMPs)* means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practical site-specific means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.
- E. *Code enforcement officer, official, or inspector* means any designated employee or agent of the City of Westlake whose duty it is to enforce codes and ordinances enacted by the City of Westlake.
- F. *Commercial fertilizer applicator* except as provided in Section 482.1562(9), Florida Statutes, means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer, or the employer of the applicators.
- G. *Fertilizing* or *fertilization* means the act of applying fertilizer to turf, specialized turf, or landscape plants.
- H. *Fertilizer* means any substance or mixture of substances that contains one (1) or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.
- I. *Institutional applicator* means any person, other than a private, noncommercial or a commercial applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but shall not be limited to, owners, managers, or employees of

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public lands, schools, parks, religious institutions, utilities, industrial or business sites, and any residential properties maintained in condominium and/or common ownership.

- J. *Landscape plant* means any native or non-native tree, shrub, or groundcover (excluding turf).
- K. *Pasture* means land managed for livestock grazing.
- L. *Person* means any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.
- M. *Prohibited application period* means the time period during which a flood watch or warning, a tropical storm watch or warning, or a hurricane watch or warning is in effect for any portion of the City of Westlake, issued by the National Weather Service, or if heavy rain (two (2) inches or more within a 24-hour period) is likely.
- N. *Saturated soil* means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this division, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.
- O. *Slow-release, controlled release, timed release, slowly available, or water insoluble nitrogen* means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.
- P. *Turf, sod, or lawn* means an area of grass-covered soil held together by the roots of the grass.
- Q. *Urban landscape* means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants. For the purposes of this section, agriculture has the same meaning as provided in Section 570.02, Florida Statutes.

Section 2: *Best Management Practices*

- A. As a result of the Florida Department of Environmental Protection's determination that certain water bodies within Palm Beach County are impaired by excessive nutrient levels, the City Council of the City of Westlake finds that the best management practices contained in the most recent edition of the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries", are required and are necessary to implement within the city as set forth herein.
- B. This division regulates the proper use of fertilizers by any applicator; requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing requirements; establishes a prohibited application period; and specifies allowable fertilizer application rates and methods, fertilizer-free zones, and exemptions. This division requires the use of best management practices to minimize negative environmental effects associated with excessive nutrients in our water bodies. These environmental effects have been observed in and on Palm Beach County's natural and constructed stormwater conveyances, rivers, creeks, canals, lakes, estuaries, and other water bodies. Collectively, these water bodies are an asset important to the environmental, recreational, cultural, and economic well-being of Palm Beach County residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, is anticipated to help improve and maintain water and habitat quality.
- C. The regulations set forth herein shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer to urban landscapes within the

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area of the City of Westlake, unless such application is specifically exempted by [this chapter](#). These regulations shall be prospective only and shall not impair any existing contracts.

Section 3: *Timing of fertilizer applications.*

- A. No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the prohibited application period or to saturated soils.
- B. Fertilizer containing nitrogen and/or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first thirty (30) days after seeding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the stormwater pollution prevent plan for that site.

Section 4: *Fertilizer-free zones.*

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

Section 5: *Fertilizer content and application rates.*

- A. Fertilizers applied to turf within the City of Westlake shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements for Urban Turf Fertilizers. Under Rule 5E-1.003(2), Florida Administrative Code, required application rate and frequency maximums, which vary by plant and turf types, are found on the labeled fertilizer bag or container.
- B. Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants, except as provided in subsection (a) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.
- C. Fertilizer used for sports turf at golf courses shall be applied in accordance with the recommendations in "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses", published by the Florida Department of Environmental Protection, dated January 2007, as may be amended. Fertilizer used at park or athletic fields shall be applied in accordance with Rule 5E-1.003(2), Florida Administrative Code.

Section 6: *Fertilizer application practices.*

- A. Spreader deflector shields shall be used when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones, and water bodies, including wetlands. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
- B. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.
- C. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

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

Section 7: *Management of grass clippings and vegetative matter.*

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

Section 8: *Exemptions*

The provisions set forth hereinabove shall not apply to:

- A. Bona fide farm operations as defined in the Florida Right-to-Farm Act, Section 823.14, Florida Statutes.
- B. Other properties not subject to or covered under the Florida Right-to-Farm Act that have pastures used for grazing livestock.
- C. Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

Section 9: *Training*

- A. All commercial and institutional applicators of fertilizer within Palm Beach County shall abide by and successfully complete the six-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida/Palm Beach County Cooperative Extension Service "Florida-Friendly Landscapes" program or an approved equivalent program.
- B. Noncommercial and non-institutional applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the University of Florida/IFAS "Florida-Friendly Landscape Program" and label instructions when applying fertilizers.

Section 10: *Licensing of commercial applicators*

- A. All businesses applying fertilizer to turf or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, and multifamily and condominium properties) must ensure that the business owner or his/her designee holds the appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a local business tax certificate. Owners for any category of occupation which may apply any fertilizer to turf and/or landscape plants shall provide proof of completion of the program to the City of Westlake business tax application process. It is the responsibility of the business owner to maintain the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" certificate in order to receive his/her/its business tax receipt annually. Additionally, commercial applicators of fertilizer who are not required to obtain a business tax receipt from the City of Westlake shall be required to register with the city.
- B. All commercial applicators of fertilizer within the City of Westlake shall have and carry in their possession at all times when applying fertilizer evidence of certification by the Florida Department of Agriculture and Consumer Services as a commercial fertilizer applicator per Rule 5E-14.117(18), Florida Administrative Code.
- C. All businesses applying fertilizer to turf and/or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, and multifamily and condominium

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properties) must ensure that at least one (1) employee has an appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a local business tax certificate or prior to registering with the city. Standard Business Tax Receipt (BTR) and/or standard transaction fees shall apply.

Section 11: *Enforcement*

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