

THE CITY OF WESTON

SUBSECTION

95.02

COMMERCIAL AND INDUSTRIAL / OFFICE
DEVELOPMENTS; UNDEVELOPED LAND

MINIMUM STANDARDS
FOR MAINTENANCE



Ensuring that properties in Weston are properly maintained is not only aesthetically beneficial, but economically advantageous to all property owners and businesses within Weston.

Standards protect surrounding property owners and tenants, who might otherwise suffer from substandard conditions. The Code of Ordinances creates the minimum standards for the betterment of our neighborhoods from having property values negatively affected by substandard conditions.

In this brochure you will find **Section 95.02 COMMERCIAL AND INDUSTRIAL/OFFICE DEVELOPMENTS; UNDEVELOPED LAND** of the City of Weston Code of Ordinances. Those interested in viewing our Code of Ordinance online can do so by visiting **WestonFL.org**.

GOALS:

- Protecting and enhancing the overall appearance and safety of the community.
- Compliance with Code of Ordinances makes our community a safer and more vibrant environment.
- Always, we promote and encourage voluntary compliance and we are here to assist.

TIPS FOR:

COMMERCIAL & INDUSTRIAL DEVELOPMENTS / PROPERTY MANAGERS / LANDLORDS

- Review all of the sections of the Code listed in this brochure for **COMMERCIAL AND INDUSTRIAL/OFFICE DEVELOPMENTS; UNDEVELOPED LAND.**
- Keep dumpster areas clean and closed
- Maintain landscaping; get proper permits for tree removal
- Get permits, inspections, and approvals for fences, canopies, paving, sealing, markings, and curbing – it will save you headaches.
- Regularly maintain building exteriors and roofs, fencing, sidewalks and signage.



If you have questions about a permit – just call. You can reach our Building Department at 954-385-0500.

For questions on Code Violations or Code Compliance, please call 954-385-0500 or email them at codeenforcement@westonfl.org

The intent of this subsection 95.02 is to insure that existing and future Commercial and Industrial/Office Developments meet minimum standards for maintenance.

The provisions of this subsection 95.02 shall apply only to Commercial and Industrial/Office Developments and Undeveloped Land.

95.02(A) INTENT.

The intent of this Section is to insure that existing and future commercial Developments meet minimum standards for commercial maintenance. This Section shall not be construed so as to delete or decrease existing Code requirements regulating maintenance of commercial Developments. Rather, the intent of this Section is to impose minimum commercial maintenance requirements upon those commercial Developments which existed prior to the adoption of City Code provisions requiring maintenance of commercial Developments. Additionally, the intent of this Section is to impose additional minimum maintenance standards upon those commercial Developments that were constructed following the adoption by the City of other Code provisions requiring maintenance of commercial Developments as well as upon those commercial Developments to be constructed in the future.

95.02(B) LANDSCAPING.

The Owner of a commercial Development shall maintain all Landscaping, reflected on the most recent Landscaping plan approved by the City Commission for the Owner's commercial Development, in a healthy, living condition. All plant material shall be kept Pruned in a safe, neat, tidy, and attractive manner to prevent obstruction of required sight distance triangles, Traffic Control Devices, and pedestrian clearance, and all turf areas shall be regularly mowed as necessary by weather conditions. All Landscaping shall be maintained free from disease, pests, weeds, and Litter. Maintenance shall include, but not be limited to, weeding, watering, fertilizing, Pruning, mowing, edging, mulching, or any other maintenance, as needed. Dead and/or diseased plant material shall be removed and replaced with a suitable planting in a prompt manner. Bermuda grass shall be over seeded for the winter season to prevent dormancy. The Owner shall regularly maintain, repair, and replace, where necessary, all Landscaping features and Irrigation systems.



Well Maintained Landscape

Poorly Maintained Grass

By January 1, 2014, commercial fertilizer applicators must be certified by the Department of Agriculture and Consumer Affairs pursuant to F.S. § 482.1562. All commercial fertilizer applicators shall successfully complete the Florida Department of Environmental Protection's required training program. All commercial fertilizer applicators shall apply fertilizers in accordance with the Florida Department of Environmental Protection through University of Florida/Institute of Food and Agricultural Sciences Extension's "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries."

95.02(C) OBSTRUCTIONS TO VISIBILITY.

No obstruction to visibility at Street intersections or access easement intersections, or obstruction of Traffic Control Devices, either in the form of Landscaping or shrubbery or fence or other Structure, shall be permitted at any time.

95.02(D) SIGNS.

95.02(D)(1) REMOVAL UPON CEASING OF OPERATIONS.

The Owner of any commercial property within which a business has been operating and upon which Signs have been placed must, within 30 days of said business's ceasing of operations, remove all Signs indicating what commercial activities had been occurring at said business.

95.02(D)(2) MISSING LETTERS.

The Owner of a commercial Development and/or a Tenant shall keep all Signs in good order with no missing, crooked, misplaced, faded, or damaged letters or other symbols or materials.



Obstructed Visibility

No Obstruction



Poorly Maintained Sign

Well Maintained Signage

95.02(E)

MAINTENANCE OF UNDEVELOPED PARCELS.

Owners of all undeveloped, unpaved parcels of real property within existing and future residential and commercial Developments shall ensure that vehicles of any kind be prohibited from parking upon said parcel. Vegetation on cleared lots shall not exceed six inches in height. Natural Lots shall be cleared a minimum of 25 feet from abutting Roadways and adjacent developed parcels. Vacant outparcels of partially developed sites, within 60 days of having received site plan approval, shall be seeded, all Construction Debris shall be removed, and vehicles of any kind shall be prohibited from parking upon said parcel. The property shall be kept free of Litter.

95.02(F)

POTENTIALLY TOXIC MATERIALS.

In addition to, and to the extent that this Section does not conflict with, Federal, State, or Broward County regulations, Owners of a commercial Development and/ or Tenants of Buildings or Structures within commercial Developments in which potentially toxic materials are stored or utilized and are unattended must keep such potentially toxic materials and the attendant facilities for dispensing same, when not in use, in a secured area so as to prohibit public access.



95.02(G)

PARKING AREAS AND DRIVES.

95.02(G)(1) PAVED AREAS.

The Owner of a commercial and/or industrial/office Development must maintain all paved areas reserved for parking and driving of Motor Vehicles in a smooth condition, free from ruts, potholes, loose aggregate, and deterioration.

95.02(G)(2) CURBING AND WHEEL STOPS.

All curbing must be maintained free from cracks and deterioration by the Owner of a commercial and/or industrial/office Development. In those commercial and/or industrial/office Developments in which wheel stops are required by other provisions of the City Code, said wheel stops must be maintained by the Owner free from cracks and deterioration. All wheel stops must remain affixed in those locations where such wheel stops were to be placed in accordance with approved site plans for the commercial and/or industrial/office Development's parking area.

95.02(G)(3) STRIPING.

The Owner of any commercial and/or industrial/office Development must stripe all paved areas reserved for vehicular parking and fire zones. Such striping shall be maintained in a manner free from peeling and shall be of sufficient contrast with the surface upon which such striping is placed so as to readily delineate to a person of normal visual ability the location of a parking space or fire zone.



Well Maintained Paving

Poorly Maintained Paved Area



Well Maintained Wheel Stops

Poorly Maintained Wheel Stops



Well Maintained Striping

Poorly Maintained Striping

95.02(H) TRAFFIC CONTROL DEVICES.

All Traffic Control Devices on commercial and/or industrial/office Development shall comply with the United States Department of Transportation's Manual on Uniform Traffic Control Devices (MUTCD). The Owner of the commercial and/or industrial/office Development shall also be responsible for the immediate repair and/or replacement of any Traffic Control Device that is damaged.

95.02(H)(1) PAVEMENT MARKINGS.

Pavement markings on Roadways must be maintained and shall conform in all respects to the principles and standards set forth in the MUTCD standards. For repair and replacement of pavement markings on existing Roadway pavements, pavement marking materials shall exhibit retroreflectivity and shall comply with at least one of the following sections of the Florida Department of Transportation Specifications for Road and Bridge Construction (latest edition):

95.02(H)(1)(a)

Section 710, Painted Pavement Markings; or

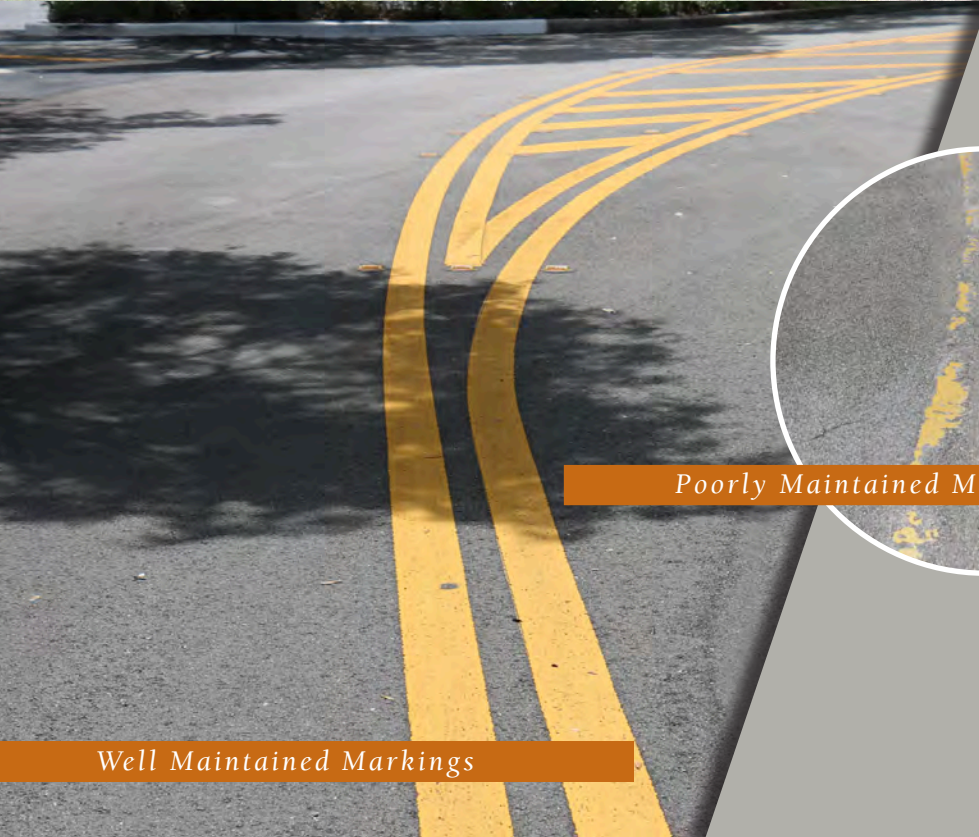
95.02(H)(1)(b)

Section 711, Thermoplastic Traffic Stripes and Markings; or

95.02(H)(1)(c)

Section 713, Permanent Tape Stripes and Markings.

For new and resurfaced roadway pavements, pavement markings shall be thermoplastic and comply with § 95.02(H)(1)(b).



Poorly Maintained Markings

Well Maintained Markings

95.02(I) DRAINAGE.

The Owner of a commercial and/or industrial/office Development must maintain all Drainage Facilities in a manner allowing for the storm flow for which said facilities were designed, free from obstructions. All catch basin grates must be maintained in their original condition and must be replaced immediately, if damaged. No Person shall make any alteration or addition to Swale areas that would impede in any way with the Swale's drainage function.

NOTE:

Educate lawn crews and tenants NOT to sweep or blow any vegetation or debris or pore any hazardous waste into the storm drains.

It is a violation of City and state laws to dump trash or introduce pollutants into the City's water bodies and wetland mitigation areas. 'Only Rain, Down the Storm Drain'.

During heavy rains, keep catch basin grates clear of tree limbs, palm fronds, leaves and any debris that may obstruct the flow of water into the basin to minimize flooding.

95.02(J) PAINT COLOR.

For all commercial and industrial/office Developments, a minor site plan amendment shall be required prior to painting any portion of an exterior surface any color that is not shown on an approved site plan. If the previously approved site plan shows a paint color other than the proposed paint color, the site plan shall be amended to show the new color. If the site plan does not show any paint colors, the site plan shall be amended to show the proposed new color. The fee for a minor site plan amendment for a change in paint color, and the fee for the appeal of such decision to the City Commission, shall be set by resolution of the City Commission.



Poorly Maintained Drainage

Good Drainage



Poorly Maintained Paint

Approved and Well Maintained Paint Colors

95.02(K) GENERAL MAINTENANCE.

The Owner, within Common Areas of a commercial and/or industrial/office Development and within areas of a commercial and/or industrial/office Development not occupied by a Tenant, shall maintain all windows, Roofs, fences, Sidewalks, and masonry walls in a clean condition free from cracks greater than 1/16 of an inch in width, graffiti, peeling paint, mold, mildew, rust stains, and missing materials, and shall keep all Association property free of Litter.

All surfaces, including Roofs, requiring painting or which are otherwise protected from the elements shall be kept painted or protected. Painted or stained surfaces shall be maintained with uniform colors, void of any evidence of deterioration. All fences or walls in a continuous line shall be uniform in color. Further, the Owner and/or Tenant shall maintain all windows, Roofs, fences, and masonry walls free from cracks greater than 1/16 of an inch in width, graffiti, peeling paint, mold, mildew, rust stains, and missing materials within those Buildings or Structures occupied by a particular Tenant.

All Roofs shall be kept free from equipment or materials that are not permanently affixed to a Roof, unless the equipment or materials are actively being used. No tarps shall be allowed on Roofs unless they are temporarily affixed to prevent water intrusion and the Owner and/or Tenant is exercising due diligence to repair or replace the Roof. Upon the issuance of a warning by code enforcement, the Owner and/or Tenant may establish a presumption of the exercise of due diligence by providing the Code Enforcement Officer with an active Building Permit, copy of an insurance claim or contract to perform the repair or replacement of the Roof.



Poorly Maintained



In Need of Repair

Well Maintained

95.02(L) SWIMMING POOLS.

It shall be the duty and responsibility of every Person owning, leasing, or having any legal or equitable interest in any property in the City with a swimming pool to maintain the swimming pool at all times in a sanitary and safe condition, including the disinfection of all pool water pursuant to applicable health standards under State Law and Broward County ordinance, the removal of dirt, scum or floating matter, and the prevention of nesting and breeding of pests and vermin. Any safety features associated with the swimming pool that were required to be installed at the time of the construction of the pool pursuant to Florida Statutes and the Florida Building Code shall remain in good working order. The bottom of the pool shall be clearly visible to a person standing on the pool deck. Swimming pools shall be maintained in a manner that prevents adverse affects on the economic welfare of adjacent properties.

95.02(M) VACANT OR ABANDONED STRUCTURES.

It shall be the duty and responsibility of every Person owning, leasing, or having any legal or equitable interest in any vacant or abandoned Structures in the City to maintain such property in a safe and secure manner that does not endanger the public health, safety and welfare of adjoining property Owners and residents. All windows, doors, garage doors and other access points of the vacant or abandoned Structures shall be secured in a manner that prevents unauthorized access to the property.



Poorly Maintained Pool

Well Maintained Pool



95.02(N) BRIDGES.

95.02(N)(1) INSPECTION REQUIRED.

It shall be the duty and responsibility of every Person owning, leasing, or having any legal or equitable interest in any property in the City with a bridge to ensure that the bridge is suitable for its actual use, has a sufficient load rating and has and maintains structural integrity. Within six months of March 15, 2010 each bridge shall be inspected in accordance with AASHTO LRFD design procedures, by a Professional Engineer with an active registration in the State of Florida (with an area of expertise in structural design and evaluation), and each bridge shall be inspected every January of each even Year thereafter.

95.02(N)(2) INSPECTION REPORT.

95.02(N)(2)(a) The initial report shall be sealed and submitted by a Professional Engineer and shall attest to the bridge's suitability for its actual use, to whether it has a sufficient load rating and to whether it has and maintains structural integrity. The initial report shall include deficiencies, if any, and recommendations to correct the deficiencies. If the Professional Engineer deems a bridge to be deficient and unsafe, the bridge shall be immediately closed, and signage shall be erected at the bridge site indicating that it is unsafe. The bridge shall remain closed until it is properly repaired and reinspected and deemed safe by the Professional Engineer in a final report, as described below. If the Professional Engineer deems a bridge to be safe but deficient, any deficiencies must be corrected within 90 days of submission of the initial report. At the time of receipt of an initial report, a copy of the report shall be provided to the City.

95.02(N)(2)(b) A final report shall be sealed and submitted by a Professional Engineer in situations wherein the initial report includes deficiencies and/or deems a bridge to be unsafe. At the time of receipt of a final report, a copy of the report shall be provided to the City.

95.02(N)(3) SAFETY STANDARDS.

All bridges located within golf courses within the City must at a minimum have an eight-inch by eight-inch curb at exterior edges sufficiently secured to the bridge to resist the impact of Golf Carts or light maintenance vehicles without failing and be rated for a five- ton loading. Alternative curbing or vehicle containment methods may be used if signed and sealed by a Professional Engineer and if approved by the City.

95.02(O)

MAINTENANCE OF PRIVATELY OWNED FIRE HYDRANTS, PUMP HOUSES, BACKFLOW PREVENTERS, VALVES AND LINES.

95.02(O)(1) INDIAN TRACE DEVELOPMENT DISTRICT.

95.02(O)(1)(a) Annual Fire Hydrant Test. In October of each calendar year the owner of the property on which a fire hydrant(s) is located that is connected to private water and/or fire lines shall have each fire hydrant flushed and tested by a Florida licensed general contractor. The Annual Fire Hydrant Test shall confirm that all components of each fire hydrant are fully operational and that each fire hydrant has a minimum flow rate of 1,250 gallons per minute. The property owner shall furnish to the City the written Annual Fire Hydrant Test report signed by both the property owner and the inspecting general contractor not later than October 31st of each calendar year. If a fire hydrant fails the Annual Fire Hydrant Test the property owner shall immediately notify the City, make the necessary repairs within 48 hours of failing the Annual Fire Hydrant Test, and re-test the fire hydrant upon completion of the repairs.

95.02(O)(1)(b) Out-of-service fire hydrants. If at any time a fire hydrant is inoperable, the property owner shall immediately notify the City and immediately place a sign on the fire hydrant between the steamer valve and the valve cap stating "OUT OF SERVICE" in minimum of two and one-half inch high blue reflective lettering on a white background.

95.02(O)(1)(C) MAINTENANCE.

95.02(O)(1)(c)1. Clearance. The property owner shall maintain a minimum clear area of three feet on all sides of each fire hydrant free of landscaping (except grass) and any other obstructions.

95.02(O)(1)(c)2. Pump House. The property owner is responsible for the maintenance of the pump house, lines and fire hydrant from where the isolation valve connects to the public water supply.

95.02(O)(1)(c)3. Backflow Preventers. The property owner is responsible for the maintenance of the backflow preventer, lines and fire hydrant from the water meter or last valve connecting to the public water supply before the backflow preventer.

95.02(O)(1)(c)4. Paint. The property owner shall be responsible that all fire hydrants are painted “chrome yellow” color with high gloss finish, and such paint shall be maintained free of fading and peeling.

95.02(O)(2) BONAVENTURE DEVELOPMENT DISTRICT.

All fire hydrants located in the Bonaventure Development District are owned and operated by the City of Sunrise and shall be maintained as set forth in the “Water Distribution Flushing Procedure” of the Administrative Policy from the Utilities Department for the City of Sunrise.



95.02(P) RIGHTS-OF-WAY.

For those Rights-Of-Way within the City that are 80 feet or less in width, it shall be the duty of each Owner of property abutting such Rights-Of-Way to maintain the unpaved Swale portion of the Right-Of-Way in accordance with the standards set forth in this Code. Regardless of the width of the Right-Of-Way, all property Owners must maintain any portion of their driveway that is within the Right-Of-Way.

95.02(Q) DUMPSTERS AND DUMPSTER ENCLOSURES.

95.02(Q)(1) The Owner of a commercial and/or industrial/office. Development shall be responsible for the maintenance of the dumpsters and dumpster enclosures.

95.02(Q)(1)(a) Dumpsters shall be maintained free of jagged or sharp edges or inside parts which could prevent the free discharge of their contents.

95.02(Q)(1)(b) All Recycling containers shall be located within the dumpster enclosure.

95.02(Q)(1)(c) Dumpsters shall remain closed at all times except when refuse is being placed within the dumpster. The dumpster enclosure shall be completely closed at all times except when it is necessary for ingress or egress to or from the dumpster.

95.02(Q)(1)(d) The dumpster, dumpster enclosure, and all surrounding areas shall be maintained by the property Owner in accordance with this Section, and shall be free of overflowing refuse, and shall be clean at all times. If a continuous problem of insufficient dumpster capacity is proven to exist, in the sole discretion of the City, additional or larger capacity dumpsters and enclosures or increased frequency of pickup shall be required in order to eliminate the overflow problem.

95.02(Q)(1)(e) Dumpsters shall be emptied by a franchised collector at intervals that will preclude overflow. Dumpsters, dumpster enclosures, and the area around the dumpster shall not be used for disposal of furniture and major appliances, except during a scheduled bulk pickup by a franchised collector, and shall not be used for storage of any other items, other than described in this Section.



Poorly Maintained Dumpster Area

Well Maintained Dumpster Area

95.02(R) LIGHTING.

The Owner of, or the association responsible for the maintenance of a commercial and/or industrial/office Development shall be responsible for the maintenance of lighting systems on all Roadways, parking lots and common areas where such lighting systems exist within such Development.

95.02(S) CONSTRUCTION WASTE AND CONSTRUCTION MATERIALS.


95.02(S)(1)

It shall be the joint responsibility of any Owner of real property upon which Construction is occurring, and any Person responsible for the Construction, to ensure that the real property, all adjacent Rights-Of-Way, and all properties in the area remain free at all times of Construction Waste and Trash resulting from such Construction.

95.02(S)(2)

It shall be joint responsibility of any Owner of real property upon which Construction is occurring, and any Person responsible for the Construction, to ensure that the real property remain free at all times of stored Construction materials, except for those Construction materials awaiting incorporation into the Construction which may be stored on the real property for no more than ten days.



 *Provided for your convenience:*

95.03

SIDEWALK REPAIR AND REPLACEMENT.

95.03(A)

Sidewalks within the Private Rights-Of-Way. For Sidewalks within Private Rights-Of-Way, the Owner of the Sidewalk(s), and the property Owner abutting the Sidewalk(s), shall maintain the Sidewalk(s) in a safe condition, and shall repair and replace the Sidewalk(s) in accordance with the requirements of this Section.

95.03(B) REPAIR.

Sidewalks with vertical displacement greater than one-fourth inch but less than one-half inch shall be repaired, or replaced in accordance with (C) below, and the source of Sidewalk displacement shall be remedied to prevent future displacement. Repairs to existing Sidewalks shall not require an engineering Permit.

95.03(C) REPLACEMENT.

Sidewalks with vertical displacement greater than one-half inch shall be replaced in accordance with the City's Engineering Standards. The source of the Sidewalk displacement shall be remedied to prevent future displacement. Replacement of existing Sidewalks shall require an engineering Permit from the City.

95.03(D) ROOT REMOVAL.

If the City determines that roots are the cause of a vertical displacement, the roots shall be properly Pruned by making clean, smooth cuts on the roots with clean, sharp hand or mechanical tools, to promote callus formation and wound closure by a City registered Tree service provider.



HOW THE CODE CITATION PROCESS WORKS

The Code Enforcement Division routinely inspects residential and commercial properties. If it is determined that a violation of Weston's Code of Ordinances exists, a notice of violation is issued by a Code inspector.

OVERVIEW OF CODE CITATION PROCESS

- 1) If a violation is alleged to exist, written notice is provided to the property owner and a reasonable amount of time (dependent upon the violation) is provided to correct the violation. If the violation is corrected, the process ends here.
- 2) If the violation continues beyond the time specified for correction, the violator is scheduled for a hearing before the Special Magistrate. Written notice of the meeting is provided to the property owner. Special Magistrate Hearing procedures are outlined in Code 31.21 of the Weston Code of Ordinances.

For more information on the Magistrate Hearing process, call Code Enforcement staff at 954-385-0500. Hearings are held at Weston City Hall in the City Commission Chambers at 17200 Royal Palm Boulevard, Weston.

- 3) The Special Magistrate may require the violator to pay a fine, not to exceed \$1,000 per day, for each day that the violation continues past the date set for compliance. In the case of a repeat violation, the Special Magistrate may order the repeat violator to pay a fine not to exceed \$5,000 a day, for each day the repeat violation continues past the date of notice of the repeat violation. Upon a finding that the violation is irreparable or irreversible in nature, the Special Magistrate may order the violator to pay a fine not to exceed \$15,000 per violation. In addition to such fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its Codes and all costs or repairs.

SPECIAL MAGISTRATE

In the City of Weston, a Special Magistrate hears those matters that he/she is empowered and authorized to hear and rule upon, under Florida Statutes Chapter 162, for violations occurring within the City. The Special Magistrate has the authority to impose administrative fines and other non-criminal penalties, in addition to the implementation of supplemental code enforcement procedures, to provide an equitable, expeditious, effective, and inexpensive method of enforcing the City's Code of Ordinances.

Our Code Officers do not want to issue violations – they want compliance. Again, our goal is protecting and enhancing the overall appearance and safety of the community. Please let us know what we can do to assist you.

**Weston Code Enforcement | 954-385-0500
codeenforcement@westonfl.org**



WESTON CITY HALL

17200 Royal Palm Boulevard
Weston, Florida 33326
954-385-2000

WestonFl.org