

CITY OF WESTLAKE



AGENDA

City Council Regular Meeting

Tuesday, June 07, 2022 at 6:00 PM

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

CITY COUNCIL:

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

CITY STAFF:

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

[TENTATIVE: SUBJECT TO REVISION]

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

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

Meeting ID: 2632 888 9851

Password: hello

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

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

Meeting ID: 2632 888 9851

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

Procedures for Public Comment are also provided via the City website:

<https://www.westlakegov.com/cityclerk/page/covid-19-public-meetings>

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

PUBLIC COMMENTS AND REQUESTS

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

CONSENT AGENDA

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

- [A.](#) Financial Report - April 2022
- [B.](#) Minutes - Regular City Council Meeting 04.11.2022 - DRAFT
- [C.](#) Minutes - Workshop City Council Meeting 04.19.2022 - DRAFT
- [D.](#) Minutes - Regular City Council Meeting 05.09.2022 - DRAFT

PRESENTATIONS/PROCLAMATIONS

- A. Legislative Update - Senator Powell
- B. Key to the City Presentation - Roger Manning
- [C.](#) Proclamation - Recognition of Inaugural Service - Roger Manning

PUBLIC HEARING

- [A.](#) **FIRST READING:** Ordinance 2022-03 – Special Events
Submitted By: Planning & Zoning

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER ____ ENTITLED LAND DEVELOPMENT CODE BY SPECIFICALLY CREATING SECTION ____ ENTITLED "SPECIAL EVENTS"; PROVIDING FOR A DEFINITION OF SPECIAL EVENTS; PROVIDING FOR THE REQUIREMENT OF A PERMIT; PROVIDING FOR PERMIT REQUIREMENTS; PROVIDING FOR REGULATIONS RELATIVE TO SIGNAGE, THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES; PROVIDING FOR BATCH APPLICATIONS; PROVIDING FOR THE REGULATION OF GARAGE SALES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- B. SECOND READING:** Ordinance 2022-04 – Mobile Food Trucks
Submitted By: Planning & Zoning

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY’S CODE OF ORDINANCES BY AMENDING CHAPTER ____ ENTITLED LAND DEVELOPMENT REGULATIONS BY CREATING SECTION _____ ENTITLED “MOBILE FOOD TRUCKS”; PROVIDING FOR DEFINITIONS; PROVIDING FOR REQUIREMENTS FOR ALL MOBILE FOOD TRUCKS; PROVIDING FOR THE REGULATIONS RELATIVE TO CONDUCTING BUSINESS; PROVIDING PARKING AND STORAGE OF INACTIVE FOOD TRUCKS; PROVIDING FOR WASTE DISPOSAL; PROVIDING FOR LOCATIONS BY ZONING DISTRICT; PROVIDING FOR VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- C. SECOND READING:** Ordinance 2022 - 05: Land Development Regulations Re-Adoption
Submitted By: City Attorney’s Office

ORDINANCE 2022-05

AN ORDINANCE OF THE CITY OF WESTLAKE, FLORIDA, RE-ADOPTING AND RE-CONFIRMING THE CITY’S PREVIOUSLY ADOPTED ORDINANCES RELATED TO THE DEVELOPMENT OF LAND WITHIN THE CITY AND CONSOLIDATING SUCH ORDINANCES AS A COMPREHENSIVE SET OF LAND DEVELOPMENT REGULATIONS FOR THE CITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

- D.** Ordinance 2022-06: Pier Diem and Allowances
Submitted By: City Attorney’s Office

ORDINANCE 2022-06

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, CREATING SECTION _____ OF THE CODE OF ORDINANCES; PROVIDING RATES OF TRAVEL PER DIEM, SUBSISTENCE, AND PRIVATE VEHICLE MILEAGE ALLOWANCE FOR PUBLIC OFFICIALS AND EMPLOYEES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- E.** Ordinance 2022-07: Golf Cart Registration Stickers
Submitted By: City Attorney’s Office

ORDINANCE 2022-07

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ORDINANCE 2020-01 RELATIVE TO THE USE OF

GOLF CARTS; PROVIDING FOR AN AMENDMENT TO THE PLACEMENT OF REGISTRATION STICKER; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- E.** Amending The City's Housing Assistance Purchase Program Yearly (Happy Program) Guidelines

Submitted By: City Attorney's Office

RESOLUTION 2022-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S HOUSING ASSISTANCE PURCHASE PROGRAM YEARLY (HAPPY PROGRAM) GUIDELINES BY ADOPTING THE FEDERAL HOUSING ADMINISTRATION'S BASIC STANDARD MORTGAGE LIMITS FOR PALM BEACH COUNTY FOR ONE-FAMILY HOMES, AS AMENDED ON AN ANNUAL BASIS, AS THE MAXIMUM SALES PRICES ALLOWABLE UNDER THE CITY'S HOUSING ASSISTANCE PURCHASE PROGRAM INCOME GUIDELINES; AMENDING THE CITY'S HOUSING ASSISTANCE PURCHASE PROGRAM YEARLY GUIDELINES BY ADOPTING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AREA MEDIAN INCOME ("AMI") PERCENTAGE LIMITS FOR PALM BEACH COUNTY, AS AMENDED ON AN ANNUAL BASIS, FOR NO GREATER THAN 140% OF AMI AS THE MAXIMUM ALLOWABLE HOUSEHOLD INCOME (AS DETERMINED BY THE NUMBER OF HOUSEHOLD MEMBERS) UNDER THE CITY'S HOUSING ASSISTANCE PURCHASE PROGRAM INCOME GUIDELINES; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NEW BUSINESS

- A.** FourthFest Ad Hoc Committee Applicant Review:
Applicant - Brandi Dugger
Applicant - Swelenn Gomez

COUNCIL COMMENTS

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

REPORT - STAFF

- A.** Palm Beach County Fire Rescue - Monthly Report: April
Submitted By: District Chief Phillip Olavarria
For Informational Purposes Only

REPORT - CITY ATTORNEY

REPORT - CITY MANAGER

PUBLIC COMMENTS AND REQUESTS

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

ADJOURNMENT

Next Meeting (Subject to Change or be Cancelled): **July 5, 2022**

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

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

AGENDA POSTED: June 1, 2022

File Attachments for Item:

A. Financial Report - April 2022



MEMORANDUM

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

Please find attached the April 2022 financial report. During your review, please keep in mind that the goal is for revenue to meet or exceed the year-to-date budget and for expenditures to be at or below the year-to-date budget. An overview of the City's funds is provided below. Should you have any questions or require additional information, please contact me at Steven.Fowler@inframark.com.

General Fund

- Total Revenues through April were approximately 66% of the annual budget, including collections of the FY2022 Ad Valorem Tax of approximately 97%. The annual budget includes revenue from a funding agreement with the Developer. The Developer is invoiced quarterly for any year-to-date excess of actual expenditures over actual revenue.
- Total Expenditures through April were approximately 40% of the annual budget.

Special Revenue Fund – Housing Assistance Program

- Total Revenues through April were approximately 181% of the annual budget, which is a result of a higher than anticipated rate of construction. A donation of \$1,500 per Single Family Residence building permit is paid into the Housing Assistance Program.

Special Revenue Fund – Comprehensive Planning Services

- Total Revenues through April were approximately 68% of the annual budget.
- Total Expenditures through April were approximately 55% of the annual budget.

City of Westlake

Financial Report

April 30, 2022



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City of Westlake

Financial Statements

April 30, 2022

Balance Sheet
April 30, 2022

ACCOUNT DESCRIPTION	GENERAL FUND	SPECIAL REVENUE FUND - HOUSING ASSISTANCE PROGRAM	SPECIAL REVENUE FUND - COMPREHENSIVE PLANNING SVCS	TOTAL
<u>ASSETS</u>				
Current Assets				
Cash - Checking Account	\$ 2,284,470	\$ -	\$ -	\$ 2,284,470
Assessments Receivable	45,158	-	-	45,158
Due from Vendor	23,496	-	-	23,496
Due From Other Funds	-	-	2,196,212	2,196,212
Investments:				
Money Market Account	1,991,543	2,563,676	-	4,555,219
Deposits	666	-	-	666
Total Current Assets	4,345,333	2,563,676	2,196,212	9,105,221
Noncurrent Assets				
Mortgages Receivable	-	527,722	-	527,722
Total Noncurrent Assets	-	527,722	-	527,722
TOTAL ASSETS	\$ 4,345,333	\$ 3,091,398	\$ 2,196,212	\$ 9,632,943
<u>LIABILITIES</u>				
Accounts Payable	\$ 2,703	\$ -	\$ 172	\$ 2,875
Accrued Expenses	130,085	-	192,467	322,552
DBPR surcharge	2,190	-	-	2,190
DCA surcharge	3,126	-	-	3,126
Impact Fees	335,707	-	-	335,707
Unearned Revenue	118,177	-	-	118,177
Due To Other Districts	10,803	-	-	10,803
Deferred Revenue-Developer Submittals (Minto)	-	-	41,026	41,026
Due To Other Funds	2,196,212	-	-	2,196,212
TOTAL LIABILITIES	2,799,003	-	233,665	3,032,668

Balance Sheet
April 30, 2022

ACCOUNT DESCRIPTION	GENERAL FUND	SPECIAL REVENUE FUND - HOUSING ASSISTANCE PROGRAM	SPECIAL REVENUE FUND - COMPREHENSIVE PLANNING SVCS	TOTAL
<u>FUND BALANCES</u>				
Nonspendable:				
Deposits	641	-	-	641
Restricted for:				
Special Revenue	-	3,091,398	1,962,547	5,053,945
Unassigned:	1,545,689	-	-	1,545,689
TOTAL FUND BALANCES	\$ 1,546,330	\$ 3,091,398	\$ 1,962,547	\$ 6,600,275
TOTAL LIABILITIES & FUND BALANCE	\$ 4,345,333	\$ 3,091,398	\$ 2,196,212	\$ 9,632,943

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

<u>ACCOUNT DESCRIPTION</u>	<u>ANNUAL ADOPTED BUDGET</u>	<u>YEAR TO DATE BUDGET</u>	<u>YEAR TO DATE ACTUAL</u>	<u>VARIANCE (\$) FAV(UNFAV)</u>
<u>REVENUES</u>				
Interest - Investments	\$ -	\$ -	\$ 1,028	\$ 1,028
Ad Valorem Taxes	1,838,592	1,815,620	1,782,325	(33,295)
Ad Valorem Taxes - Discounts	(73,544)	(73,544)	(69,700)	3,844
Discretionary Sales Surtaxes	69,700	40,658	-	(40,658)
FPL Franchise	110,300	64,342	109,535	45,193
Solid Waste	-	-	7,268	7,268
Electricity	113,600	66,267	96,655	30,388
Water	41,500	24,208	25,051	843
Gas	34,600	20,183	27,609	7,426
Communication Services Taxes	36,200	21,117	23,547	2,430
Occupational Licenses	6,100	3,558	14,645	11,087
Other Building Permit Fees	-	-	1,200	1,200
Building Permits - Admin Fee	62,100	36,225	57,767	21,542
Licenses, Fees & Permits	-	-	600	600
State Revenue Sharing Proceeds	17,200	10,033	7,371	(2,662)
Shared Rev - Other Local Units	-	-	251	251
Administrative Fees	245,400	141,400	-	(141,400)
Other Public Safety Chrgs/Fees	2,400	1,400	2,925	1,525
Garbage/Solid Waste Revenue	29,100	16,975	124,995	108,020
Penalties	-	-	9,000	9,000
Other Operating Revenues	5,400	3,150	8,799	5,649
Event Sponsors	-	-	1,000	1,000
Judgements and Fines	-	-	298	298
Interest - Tax Collector	-	-	128	128
Special Assmnts- Tax Collector	232,600	229,479	211,457	(18,022)
Special Assmnts- Discounts	(9,300)	(9,300)	(1,302)	7,998
Developer Contribution	930,152	404,254	-	(404,254)
Lien Search Fee	1,300	758	5,653	4,895
TOTAL REVENUES	3,693,400	2,816,783	2,448,105	(368,678)

EXPENDITURES

Legislative

Mayor/Council Stipend	110,400	64,400	70,733	(6,333)
FICA Taxes	8,400	4,900	5,411	(511)
ProfServ-Legislative Expense	24,000	14,000	-	14,000
Telephone, Cable & Internet Service	-	-	47	(47)
Public Officials Insurance	4,400	4,400	3,125	1,275
Misc-Election Fee	-	-	600	(600)
Misc-Event Expense	63,800	31,900	3,154	28,746
Council Expenses	15,000	8,750	7,671	1,079
Dues, Licenses, Subscriptions	1,400	1,400	896	504
Total Legislative	227,400	129,750	91,637	38,113

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

<u>ACCOUNT DESCRIPTION</u>	<u>ANNUAL ADOPTED BUDGET</u>	<u>YEAR TO DATE BUDGET</u>	<u>YEAR TO DATE ACTUAL</u>	<u>VARIANCE (\$) FAV(UNFAV)</u>
<u>City Manager</u>				
Contracts-City Manager	251,900	146,942	120,986	25,956
Office Supplies	14,900	8,692	2,932	5,760
Dues, Licenses, Subscriptions	3,900	2,181	1,541	640
Cap Outlay - Equipment	-	-	1,855	(1,855)
Total City Manager	270,700	157,815	127,314	30,501
<u>City Clerk</u>				
ProfServ-Web Site Maintenance	10,600	6,283	6,336	(53)
Contracts-City Clerk	206,000	120,167	120,167	-
Postage and Freight	1,000	583	502	81
Printing	19,400	11,317	2,209	9,108
Legal Advertising	31,200	18,200	10,375	7,825
Dues, Licenses, Subscriptions	10,000	2,369	1,817	552
Total City Clerk	278,200	158,919	141,406	17,513
<u>Finance</u>				
Auditing Services	5,300	-	-	-
Contracts-Finance	95,500	55,708	47,056	8,652
Total Finance	100,800	55,708	47,056	8,652
<u>Legal Counsel</u>				
ProfServ-Legal Services	275,000	160,417	32,131	128,286
Total Legal Counsel	275,000	160,417	32,131	128,286
<u>Other Administrative Services</u>				
ProfServ-Info Technology	195,100	113,808	113,792	16
ProfServ-Compliance Service	25,000	14,583	-	14,583
Contracts-Admin. Service	257,000	149,917	116,658	33,259
Misc-Public Relations	75,000	43,750	26,600	17,150
Misc-Assessment Collection Cost	2,300	2,269	744	1,525
General Government	90,000	52,500	37,909	14,591
Emergency Comm. Program	25,000	14,583	-	14,583
Total Other Administrative Services	669,400	391,410	295,703	95,707
<u>Facility Services</u>				
Telephone, Cable & Internet Service	13,200	7,700	8,693	(993)
Lease - Copier	16,000	9,333	9,081	252
Lease - Building	86,700	50,575	500	50,075
Insurance (Liab,Auto,Property)	4,500	4,500	5,745	(1,245)
Miscellaneous Services	1,200	700	1,393	(693)
Cleaning Services	36,500	21,292	13,676	7,616
Principal-Capital Lease	8,500	4,846	4,846	-
Interest-Capital Lease	1,700	1,113	1,113	-
Total Facility Services	168,300	100,059	45,047	55,012

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

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<u>Community Services</u>				
Contracts-Solid Waste	248,600	145,017	250,023	(105,006)
Contracts-Sheriff	656,500	382,958	379,169	3,789
Electricity	98,600	57,517	63,182	(5,665)
R&M-Community Maintenance	27,500	16,041	16,041	-
Operating Supplies	6,100	3,050	-	3,050
Total Community Services	1,037,300	604,583	708,415	(103,832)
<u>Capital Expenditures & Projects</u>				
Capital Improvements	50,000	50,000	-	50,000
Total Capital Expenditures & Projects	50,000	50,000	-	50,000
<u>Other Fees and Charges</u>				
Misc-Contingency	151,400	88,317	4,963	83,354
Total Other Fees and Charges	151,400	88,317	4,963	83,354
<u>Reserves</u>				
1st Quarter Operating Reserves	264,900	154,525	-	154,525
Reserve - Buildings	200,000	116,667	-	116,667
Total Reserves	464,900	271,192	-	271,192
TOTAL EXPENDITURES & RESERVES	3,693,400	2,168,170	1,493,672	674,498
Excess (deficiency) of revenues				
Over (under) expenditures	-	648,613	954,433	305,820
Net change in fund balance	\$ -	\$ 648,613	\$ 954,433	\$ 305,820
FUND BALANCE, BEGINNING (OCT 1, 2021)	591,897	591,897	591,897	
FUND BALANCE, ENDING	\$ 591,897	\$ 1,240,510	\$ 1,546,330	

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

<u>ACCOUNT DESCRIPTION</u>	<u>ANNUAL ADOPTED BUDGET</u>	<u>YEAR TO DATE BUDGET</u>	<u>YEAR TO DATE ACTUAL</u>	<u>VARIANCE (\$) FAV(UNFAV)</u>
<u>REVENUES</u>				
Interest - Investments	\$ 3,800	\$ 2,217	\$ 2,028	\$ (189)
Donations	300,000	175,000	546,500	371,500
TOTAL REVENUES	303,800	177,217	548,528	371,311
<u>EXPENDITURES</u>				
<u>Public Assistance</u>				
Misc-Admin Fee (%)	21,000	12,250	6,454	5,796
Assistance Program	282,800	164,967	-	164,967
Total Public Assistance	303,800	177,217	6,454	170,763
TOTAL EXPENDITURES	303,800	177,217	6,454	170,763
Excess (deficiency) of revenues Over (under) expenditures	-	-	542,074	542,074
Net change in fund balance	\$ -	\$ -	\$ 542,074	\$ 542,074
FUND BALANCE, BEGINNING (OCT 1, 2021)	2,549,312	2,549,312	2,549,312	
FUND BALANCE, ENDING	\$ 2,549,312	\$ 2,549,312	\$ 3,091,386	

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

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
REVENUES				
Building Permits	\$ 1,561,100	\$ 910,642	\$ 1,167,857	\$ 257,215
Reinspection Fees	24,600	14,350	2,550	(11,800)
Building Permits - Surcharge	3,500	2,042	3,800	1,758
Other Building Permit Fees	30,000	17,500	42,650	25,150
Building Permits - Admin Fee	87,900	51,275	87,506	36,231
Engineering Permits	374,600	218,517	304,105	85,588
Planning & Zoning Permits	301,700	175,992	23,395	(152,597)
Developer Contribution	25,000	12,500	-	(12,500)
TOTAL REVENUES	2,408,400	1,402,818	1,631,863	229,045
EXPENDITURES				
Comprehensive Planning				
ProfServ-Engineering	352,600	205,683	203,984	1,699
ProfServ-Info Technology	170,900	99,692	55,673	44,019
ProfServ-Legal Services	-	-	42,028	(42,028)
ProfServ-Planning/Zoning Board	301,700	175,992	166,748	9,244
ProfServ-Consultants	22,000	12,833	-	12,833
ProfServ-Building Permits	1,258,200	733,950	767,770	(33,820)
Outside Legal Services	-	-	875	(875)
Telephone, Cable & Internet Service	1,100	642	2,510	(1,868)
Lease - Copier	5,100	2,975	3,151	(176)
Lease - Building	43,400	25,317	-	25,317
Printing	1,800	1,050	240	810
Miscellaneous Services	-	-	1,308	(1,308)
Misc-Admin Fee (%)	224,400	130,900	66,044	64,856
Office Supplies	2,200	1,283	1,308	(25)
Cleaning Services	-	-	9,300	(9,300)
Capital Improvements	25,000	25,000	-	25,000
Total Comprehensive Planning	2,408,400	1,415,317	1,320,939	94,378
TOTAL EXPENDITURES	2,408,400	1,415,317	1,320,939	94,378
Excess (deficiency) of revenues Over (under) expenditures	-	(12,499)	310,924	323,423
Net change in fund balance	\$ -	\$ (12,499)	\$ 310,924	\$ 323,423
FUND BALANCE, BEGINNING (OCT 1, 2021)	1,651,623	1,651,623	1,651,623	
FUND BALANCE, ENDING	\$ 1,651,623	\$ 1,639,124	\$ 1,962,547	

City of Westlake

Supporting Schedules

April 30, 2022

Cash and Investment Report

April 30, 2022

GENERAL FUND

<u>Account Name</u>	<u>Bank Name</u>	<u>Investment Type</u>	<u>Yield</u>	<u>Balance</u>
Checking Account - Operating	BankUnited	Checking Account	n/a	\$2,284,470
Money Market	BankUnited	MMA	0.15%	\$1,991,543
		Subtotal		\$4,276,013

SPECIAL REVENUE FUND

Money Market	BankUnited	MMA	0.15%	\$2,563,676
		Subtotal		\$2,563,676
		Total		\$6,839,689

File Attachments for Item:

B. Minutes - Regular City Council Meeting 04.11.2022 - DRAFT

CITY OF WESTLAKE



MINUTES

City Council Regular Meeting
Monday, April 11, 2022 at 6:30 PM

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

In efforts to balance the need for the City of Westlake to function and conduct business during the COVID-19 pandemic, we adhered to the recommended social/physical distancing (staying at least six feet away from each other) guidelines, per the Centers for Disease Control and Prevention (CDC) and Palm Beach County's directives. There was limited seating available in the Council Chambers and preregistration was requested for in-person participation.

The instructions for preregistration attendance/participation and viewing of the meeting were provided below:

PREREGISTRATION FOR IN-PERSON ATTENDANCE:

- All interested persons, Quasi-Judicial meeting applicants, their representatives, and witnesses must preregister to attend/participate in a meeting by sending an email to City Clerk, Zoie Burgess at zburgess@westlakegov.com or by phone at 561-530-5880 no later than one (1) business day prior to the meeting date (e.g. by 4:00 P.M. on a Friday, if the meeting is scheduled for that Monday, etc.)
- In-person attendance/participation will be based upon the order in which the preregistration requests are received by the City Clerk. For Public Hearing Quasi-Judicial meetings, precedence into the Council Chambers will be given to applicants, their representatives, and/or witnesses over all other preregistered parties.

COMMUNICATIONS MEDIA TECHNOLOGY – WEBEX:

Members of the public participated in the meeting through electronic means and accessed as follows:

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

Meeting ID: 2630 547 0723

Password: hello

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

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

Meeting ID: 2630 547 0723

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

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

CITY COUNCIL:

Roger Manning, Mayor

JohnPaul O’Connor, Vice Mayor

Vacant – Seat 1

Kara Crump, Council Member – Seat 2

Katrina Long Robinson, Council Member – Seat 4

CITY STAFF:

Ken Cassel, City Manager

Zoie P. Burgess, City Clerk

Donald J. Doody, Esq., Interim City Attorney

Nilsa Zacarias, Planning & Zoning Director

Suzanne Dombrowski, Engineering Director

A regular meeting of the City Council of the City of Westlake was held on Monday, April 11, 2022, at 6:30 PM., at the Westlake Community Center, 4005 Seminole Pratt Whitney Road.

As a preliminary matter, Ms. Burgess noted that Mayor JohnPaul O'Connor, Councilwoman Pilar Valle Ron, Councilman Julian Martinez and Councilman Greg Langowski were present physically constituting a quorum.

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

Ms. Burgess provided the disclaimer that the meeting is being recorded by both voice and video, reminding the audience microphones are live.

Ms. Burgess further explained that microphones will be muted; audience members can unmute themselves and anyone that has called in should mute their device.

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

CALL TO ORDER

Mayor O'Connor called the City of Westlake Regular City Council meeting of April 11, 2022, to order at 6:33 p.m.

ROLL CALL

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

Also present:

Kenneth Cassel, City Manager
Donald J. Doody, Esq. Interim City Attorney
Zoie P. Burgess, CMC City Clerk
Nilsa Zacarias, Planning & Zoning Director
Suzanne Dombrowski, Engineering Director

PLEDGE OF ALLEGIANCE

Mayor O'Connor led the Pledge of Allegiance

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor O'Connor called for additions, deletions, or modification to the agenda.

Motion by Councilwoman Valle Ron to add Resolution 2022-05 Appointment of Vice Mayor under New Business as Item E, seconded by Councilman Martinez.

UPON ROLL CALL:

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

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

Motion by Councilman Martinez to approve agenda as amended, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

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

PUBLIC COMMENTS AND REQUESTS

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

Mayor O'Connor called for public comments.

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

CONSENT AGENDA

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

- A. Financial Report - February 2022
- B. Minutes - Regular City Council Meeting - 11.08.2021 (Reconvened 11.21.2021)
- C. Minutes - Regular City Council Meeting - 12.06.2021

Motion by Councilman Langowski to approve Consent Agenda, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

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

PUBLIC HEARING

- A. Second Reading and Adoption of Ordinance 2022-01 - Private Property Rights Element

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ADOPTING AN AMENDMENT TO ITS COMPREHENSIVE DEVELOPMENT PLAN IN ACCORDANCE WITH THE MANDATES SET FORTH IN SECTION 163.3184, FLORIDA STATUTES, TO ADD AND ADOPT A PRIVATE PROPERTY RIGHTS ELEMENT; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.

Submitted By: Planning & Zoning

Mayor O'Connor introduced item and City Attorney read Ordinance 2022-01, by title only, into record.

Mayor O'Connor opened for public comment. There were no public comments.

Motion by Councilwoman Valle Ron to approve Ordinance 2022-01, seconded by Councilman Langowski.

UPON ROLL CALL:

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

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

PUBLIC HEARING - QUASI JUDICIAL

- A. **MSP-2021-07:** Application of Christ Fellowship Church for a Master Signage Plan for one (1) story, 38,155 square foot Worship Center. Pursuant to Chapter 6. Sign. Section 6.9 Master Sign Plan, the subject application includes nine (9) waivers for Principal Tenant Wall Signs. The subject application is located at 16561 Waters Edge Drive, Westlake, Florida, 33470.

Submitted By: Planning and Zoning

Mayor O'Connor introduced item.

Ms. Zacarias presented a PowerPoint Presentation highlighting the request for 9 waivers that apply to the Main Entrance, South Elevation, Kids Entrance, West Elevation and East Elevation.

1. Number of Signs – Applicant proposes 3 additional wall signs on building.

Main Entrance, South Elevation

2. Logo – Applicant proposes logo with main entrance sign. Code allows for one wall sign or message per building.
3. Square Footage of Signs – Applicant proposes 106 square feet. Code allows 90 square feet.

Kids Entrance, South Elevation

4. Height – Applicant proposes four feet in height. Code allows for maximum height of 3 feet.

West Elevation

5. Height – Applicant proposes four feet in height for letters. Code allows for maximum height of three feet.
6. Logo – Applicant proposes logo with main entrance sign. Code allows for one wall sign or message per building.
7. Square Footage of Signs - Applicant proposes total of 144.37 square feet. Code allows 90 square feet.

East Elevation

8. Height – Applicant proposes 36.10 inches in height. Code allows for maximum height of 3 feet
9. Logo – Applicant proposes logo with main entrance sign. Code allows for one wall sign or message per building.

Mr. Hearing on behalf of the applicant presented a PowerPoint Presentation.

Mr. Doody inquired of Council if any Ex Parte Communication occurred. There was none.

Mayor O'Connor called for Council comments and public comments. There being none

Motion by Councilman Langowski to approve MSP 2021-07, seconded by Councilman Martinez.

UPON ROLL CALL:

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

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

NEW BUSINESS

- A. Discussion of applying HAPPY program cap to Federal Housing Administration (FHA) limits and VA standards

Mayor O'Connor introduced item, noting it on the agenda at his request and the need to have a revision to the HAPPY program guidelines with respect to the housing purchase cap so that it falls in line with both the Federal Housing Administration and VA Housing thresholds.

Further Council discussion and consensus to adjust current guidelines to match both the Federal Housing Administration and VA Housing caps. Mr. Doody noted that they will be

B. Appointment Request - Palm Beach County Transportation Planning Agency - Technical Advisory Committee (TAC)

Mayor O'Connor introduced item, noting the item is on agenda at his request in a need to have representation and a request for him to serve on the Committee if Council agrees. Council discussion.

Motion by Councilman Martinez authorizing appointment of the Mayor and Vice Mayor to the Palm Beach County Transportation Planning Agency's Technical Advisory Committee and authorizing the drafting of Resolution and execution by Mayor, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

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

C. Council Group #3 Vacancy & Appointment

Mayor O'Connor introduced item noting that this item will be discussed at an upcoming Workshop Meeting

Motion by Councilman Langowski to table item, seconded by Councilman Martinez.

UPON ROLL CALL:

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

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

D. Agreement for Professional Services – Legal

Mayor O'Connor introduced item noting that the City Attorney is currently interim and with the firm's positive services he would like to extend a permanent agreement.

Mr. Cassel recommended that a motion to drop interim from contract and all other terms and conditions remain the same.

Motion by Councilman Langowski to table item, seconded by Councilman Martinez.

UPON ROLL CALL:

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

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

E. Appointment of Vice Mayor (*Addition to Agenda*)

Mayor O'Connor introduced item noting that the charter calls for an appointment of Vice Mayor and recommended Councilman Langowski and opened to Council for discussion. Council discussion and agreement.

Motion by Councilman Martinez to appoint Councilman Langowski as Vice Mayor, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

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

CITY COUNCIL COMMENTS

A. Councilman Greg Langowski

Vice Mayor Langowski thanked Council for their confidence.

B. Councilman Julian Martinez

No comment, but congratulated Vice Mayor Langowski.

C. Councilwoman Pilar Valle Ron

Expressed a positive note of future success for Council.

D. Vice Mayor - VACANT

E. Mayor JohnPaul O'Connor

Thanked Council and expressed a positive outlook for Council and the City.

REPORT - STAFF

A. Palm Beach County Sherriff's Office - District 18 Annual Report

Captain turner presented PowerPoint Presentation of the District 18 Annual Report.

Council comments and brief discussion.

B. Palm Beach County Sheriff's Office - Monthly Report: March 2022

For informational purposes only.

REPORT - CITY ATTORNEY

Mr. Doody thanked Council for their confidence to designate as permanent.

REPORT - CITY MANAGER

Mr. Cassel provided an update on Publix and Christ Fellowship. He also noted the entrance at Town Center Parkway South is preparing for asphalt.

PUBLIC COMMENTS AND REQUESTS

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

Mayor O'Connor called for public comments. Ms. Burgess noted that there were no previous public comments received and gave the virtual audience a moment to comment.

There being no further comments, the next item followed.

ADJOURNMENT

There being no further business, Mayor O'Connor adjourned the meeting at 7:31 PM.

Zoie P. Burgess, CMC City Clerk

JohnPaul O'Connor, Mayor

File Attachments for Item:

C. Minutes - Workshop City Council Meeting 04.19.2022 - DRAFT

CITY OF WESTLAKE



MINUTES

City Council Workshop Meeting
Tuesday, April 19, 2022, at 6:30 PM

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

CITY COUNCIL:

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

CITY STAFF:

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

A workshop meeting of the City Council of the City of Westlake was held on Tuesday, April 19, 2022, at 6:30 PM., at the Westlake Community Center, 4005 Seminole Pratt Whitney Road. Members of the public also participated in the meeting through electronic means and accessed as follows:

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

Meeting ID: 2630 547 0723

Password: hello

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

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

Meeting ID: 2630 547 0723

As a preliminary matter, Ms. Burgess noted that Mayor JohnPaul O'Connor, Vice Mayor Greg Langowski Councilwoman Pilar Valle Ron, and Councilman Julian Martinez were present physically constituting a quorum.

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

Ms. Burgess provided the disclaimer that the meeting is being recorded by both voice and video, reminding the audience microphones are live.

Ms. Burgess further explained that microphones will be muted; audience members can unmute themselves and anyone that has called in should mute their device.

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

CALL TO ORDER

Mayor O'Connor called the City of Westlake Workshop City Council meeting of April 19, 2022, to order at 6:30 p.m.

ROLL CALL

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

Also present:

Kenneth Cassel, City Manager
Donald Doody, Esq. City Attorney
Zoie P. Burgess, CMC City Clerk

PLEDGE OF ALLEGIANCE

Mayor O'Connor led the Pledge of Allegiance.

WORKSHOP AGENDA

A. Group #3 Vacancy - Applicant Review & Discussion

Mayor O'Connor introduced item and set the expectations of the meeting to allow each applicant five (5) minutes to speak, and the Council 10 minutes to discuss each applicant.

The following individuals provided a brief overview of their credentials and background followed by Council comment, question and discussion.

Abrams, Bianca

Leonard, Charlotte

Thomas, Tammy

Wheeler, Jacob

CITY COUNCIL COMMENTS

A. Councilman Julian Martinez – No Comment

B. Councilwoman Pilar Valle Ron – Congratulated each applicant and thanked each.

C. Vice Mayor Greg Langowski – Applauded each for applying.

D. Mayor JohnPaul O'Connor – Thanked each for applying and encouraged them to continue to get involved in the city.

CITY ATTORNEY COMMENTS

Mr. Doody outlined what will be brought back to council for filing the vacancy. Mr. Doody reminded Council of Sunshine Law.

CITY MANAGER COMMENTS

Mr. Cassel expressed his excitement for the applicants. Mr. Cassel further noted that Council will presented with a resolution at the next meeting to develop an special event ad hoc committee to assist in the 4th of July celebration.

PUBLIC COMMENTS

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

Mayor O'Connor called for public comments.

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

ADJOURNMENT

There being no further business, Mayor O'Connor adjourned the meeting at 7:33 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor

File Attachments for Item:

D. Minutes - Regular City Council Meeting 05.09.2022 - DRAFT

CITY OF WESTLAKE



MINUTES

City Council Regular Meeting

Monday, May 09, 2022 at 6:30 PM

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

CITY COUNCIL:

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

CITY STAFF:

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

A regular meeting of the City Council of the City of Westlake was held on Monday, May 09, 2022, at 6:30 PM., at the Westlake Community Center, 4005 Seminole Pratt Whitney Road. Members of the public also participated in the meeting through electronic means and accessed as follows:

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

Meeting ID: 2632 743 3999

Password: hello

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

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

Meeting ID: 2632 743 3999

As a preliminary matter, Ms. Burgess noted that Mayor JohnPaul O'Connor, Vice Mayor Greg Langowski Councilwoman Pilar Valle Ron, and Councilman Julian Martinez were present physically constituting a quorum.

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

Ms. Burgess provided the disclaimer that the meeting is being recorded by both voice and video, reminding the audience microphones are live.

Ms. Burgess further explained that microphones will be muted; audience members can unmute themselves and anyone that has called in should mute their device.

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

CALL TO ORDER

Mayor O'Connor called the City of Westlake Regular City Council meeting of May 09, 2022, to order at 6:31 p.m.

ROLL CALL

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

Also present:

Kenneth Cassel, City Manager

Donald J. Doody, Esq. Interim City Attorney
Zoie P. Burgess, CMC City Clerk
Nilsa Zacarias, Planning & Zoning Director
Suzanne Dombrowski, Engineering Director

PLEDGE OF ALLEGIANCE

Mayor O'Connor led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor O'Connor called for additions, deletions, or modification to the agenda. Mayor O'Connor also noted that Mr. Manning would not be present for his presentation.

Motion by Vice Mayor Langowski to approve agenda as amended, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

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

PUBLIC COMMENTS AND REQUESTS

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

Mayor O'Connor called for public comments.

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

CONSENT AGENDA

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

- A. Financial Report - March 2022
- B. Minutes - Regular City Council Meeting 01.18.2022 - DRAFT
- C. Minutes - Regular City Council Meeting 02.14.2022 - DRAFT
- D. Minutes - Regular City Council Meeting 03.14.2022 – DRAFT

Motion by Vice Mayor Langowski to approve Consent Agenda, seconded by Councilman Martinez.

UPON ROLL CALL:

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

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

PRESENTATIONS/PROCLAMATIONS

- A. Key to the City Presentation - Katrina Long-Robinson – Mayor O'Connor presented Ms. Long Robinson with the Key to the City.
- B. Key to the City Presentation - Roger Manning – Item removed from Agenda.
- C. Proclamation - Recognition of Inaugural Service - Roger Manning – Item removed from Agenda.

GROUP/SEAT 3 VACANCY

- A. City Council Group 3 Appointment
Submitted By: City Clerk's Office

RESOLUTION NO. 2022-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPOINTING _____ AS A CITY COUNCIL GROUP 3 OF THE CITY OF WESTLAKE; PROVIDING THAT THE INDIVIDUAL APPOINTED TO THE COUNCIL SHALL SERVE UNTIL THE CITY COUNCIL MEMBER ELECTED AT THE NEXT REGULARLY SCHEDULED CITY ELECTION, DETERMINED BY THE CITY COUNCIL TO BE MARCH 2024, IS SWORN INTO OFFICE; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor O'Connor introduced item. City Attorney provided instructions for each Councilmember to write their selections.

City Attorney read Resolution 2022-13 into record, by title only.

For the record, Council selections:

- Councilwoman Valle Ron selected Mr. Wheeler.
- Councilman Martinez selected Ms. Leonard.
- Vice Mayor Langowski selected Ms. Leonard.
- Mayor O'Connor selected Ms. Leonard.

- B. Oath of Office - Group 3 Appointment
With the selection of Ms. Leonard, Ms. Burgess swore in Ms. Leonard.

PUBLIC HEARING

- A. A Resolution for the Plat of Cresswind Palm Beach Phase 4

Submitted By: Engineering

RESOLUTION 2022-07

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING CRESSWIND PALM BEACH PHASE 4, BEING A REPLAT OF PORTION OF TRACT O.S.T. 21, CRESSWIND PALM BEACH PHASE 2, AS RECORDED IN PLAT BOOK 130, PAGES 199 THROUGH 205 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTIOIN OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, INCLUDING A WAIVER FOR THE BLOCK LENGTH PER CHAPTER 5, ARTICLE 5.7, SECTION 2(D)(1)(r) OF THE CITY OF WESTLAKE LAND DEVELOPMENT REGULATIONS. PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

City Attorney read Resolution 2022-07 into record, by title only.

Ms. Dombrowski the City Engineer presented a PowerPoint presentation, noting that there is a proposed waiver of block length and further explained how the department reviewed the waiver and ensuring compliance with Chapter 177 of the Florida Statutes and the City's Code of Ordinances.

Ms. Dombrowski noted that the Engineering Department recommends that the plat be approved for recording and the accompanying waiver be approved.

Mayor O'Connor called for council comments, there being none, Mayor O'Connor opened for public comment. Ms. Burgess noted there were no comment cards, however, gave the virtual audience a moment to comment.

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

Motion by Councilwoman Valle Ron to approve Resolution 2022-07, seconded by Councilwoman Leonard.

UPON ROLL CALL:

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

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

- B. A Resolution for the Plat of Town Center Parkway – Phase IV

Submitted By: Engineering

RESOLUTION 2022-08

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE PLAT OF TOWN CENTER PARKWAY – PHASE IV, BEING A PORTION OF SECTION 5, TOWNSHIP 43 SOUTH, RANGE 41 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

City Attorney read Resolution 2022-08 into record, by title only.

Mr. Donalson Hearing, for the applicant, presented a PowerPoint Presentation.

Ms. Tara Duhý – Lewis, Longman and Walker – provided an update on 60th and dedication of Right of Way.

Council Discussion.

Mayor O'Connor opened for public comment. Ms. Burgess noted there were no comment cards, however, gave the virtual audience a moment to comment.

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

Motion by Councilwoman Valle Ron to approve Resolution 2022-07, seconded by Councilwoman Leonard.

UPON ROLL CALL:

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

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

C. A Resolution for the Final Plat of Persimmon Boulevard West Plat 2

Submitted By: Engineering

RESOLUTION 2022-09

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING PERSIMMON BOULEVARD WEST - PLAT 2, BEING A PORTION OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, AND BEING A REPLAT OF ALL OF TRACT "C", AS SHOWN ON THE PLAT OF TOWN CENTER PARKWAY SOUTH - WEST, PLAT BOOK 132, PAGES 57 AND 58, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

City Attorney read Resolution 2022-09 into record, by title only.

Mr. Donaldson Hearing, for the applicant, presented a PowerPoint Presentation.

Mr. John Carter, Senior Vice President – Minto Communities, provided an update on development.

Council Discussion.

Mayor O'Connor opened for public comment. Ms. Burgess noted there were no comment cards, however, gave the virtual audience a moment to comment.

Mr. John Finity – 5862 Whippoorwill Circle – provided a suggestion that the maps displayed should include a compass.

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

Motion by Vice Mayor Langowski to approve Resolution 2022-09, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

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

D. FIRST READING: Ordinance 2022-04 – Mobile Food Trucks

Submitted By: Planning & Zoning

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER ____ ENTITLED LAND DEVELOPMENT REGULATIONS BY CREATING SECTION _____ ENTITLED "MOBILE FOOD TRUCKS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR REQUIREMENTS FOR ALL MOBILE FOOD TRUCKS; PROVIDING FOR THE REGULATIONS RELATIVE TO CONDUCTING BUSINESS; PROVIDING PARKING AND STORAGE OF INACTIVE FOOD TRUCKS; PROVIDING FOR WASTE DISPOSAL; PROVIDING FOR LOCATIONS BY ZONING DISTRICT; PROVIDING FOR VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

City Attorney read Ordinance 2022-04 into record, by title only.

Ms. Zacarias presented a PowerPoint Presentation to identify the two options.

OPTION 1: The on-site parking requirements shall be maintained for the principal use of the property except pursuant to a City-issued special event permit and with the written permission of the Responsible Party.

OPTION 2: The on-site parking requirements shall be maintained for the principal use of the Responsible Party's property unless:

(1) the mobile food truck is operating pursuant to a city-issued special event permit and has the written permission of the Responsible Party; or

(2) the Responsible Party demonstrates that a mobile food truck's use of required parking spaces will not negatively impact the parking of any other use, which may be demonstrated through a parking study, written permission of the other uses relying on a common parking lot, or other evidence acceptable to the Planning and Zoning Director

Ms. Zacarias also highlighted the following changes to the Ordinance based on the comments identified at the Local Planning Agency meeting.

1. Canteen trucks are exempt from this provision as authorized in subsection (x.4)(1)(b).
2. Canteen trucks and vending locations by district

Council Discussion.

Mayor O'Connor opened for public comment. Ms. Burgess noted there were no comment cards, however, gave the virtual audience a moment to comment.

Daniel Hirsch – 15227 Goldfinch Circle – expressed concern about a food truck being brought in in competition of a paying tenant. Mr. Cassel clarified that the code has provisions for a 200-foot requirement from a brick-and-mortar location and noted in most cases would not be able to be in same parking lot as an existing business.

Ani Tapiero – 5991 Whippoorwill Circle – Inquired of the truck that is currently positioned and if they have gone through the process. Mr. Cassel confirmed that there is no existing ordinance to cover them until the second reading of this Ordinance.

Additional Council discussion and Council consensus for Option 2.

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

Motion by Councilman Martinez to approve Ordinance 2022-04, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

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

E. FIRST READING: Ordinance 2022-05: Land Development Regulations Re-Adoption

Submitted By: City Attorney's Office

ORDINANCE NO. 2022-05

AN ORDINANCE OF THE CITY OF WESTLAKE, FLORIDA, RE-ADOPTING AND RE-CONFIRMING THE CITY'S PREVIOUSLY ADOPTED ORDINANCES RELATED TO THE DEVELOPMENT OF LAND WITHIN THE CITY AND CONSOLIDATING SUCH ORDINANCES AS A COMPREHENSIVE SET OF LAND DEVELOPMENT REGULATIONS FOR THE CITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

Mayor O'Connor introduced item.

City Attorney read Ordinance 2022-05 into record, by title only.

Mr. Horowitz further explained item, noting it is a housekeeping item to re-adopt and reconfirms the prior set of individual ordinances approved by Council and does not make any changes to the existing ordinances.

There being no council discussion, Mayor O'Connor opened for public comment. Ms. Burgess noted there were no comment cards, however, gave the virtual audience a moment to comment.

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

Motion by Councilwoman Valle Ron to approve Ordinance 2022-05, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

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

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

NEW BUSINESS

- A. Resolution 2022-10 - Amending Resolution 01-2016 Relative to the Rules of City Council; Providing for an amendment to meeting days and time

Submitted By: City Clerk's Office

RESOLUTION NO. 2022-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, AMENDING RESOLUTION 01-2016 RELATIVE TO THE RULES OF CITY COUNCIL; PROVIDING FOR AN AMENDMENT TO MEETING DAYS AND TIME; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

City Attorney read Ordinance 2022-10 into record, by title only.

Mr. Cassel further explained item and the desire of council to change meeting date and time.

Council discussion and consensus to change meeting to the first Tuesday of the month at 6:00 PM with the Local Planning Agency when needed, at 5:30 PM.

Motion by Vice Mayor Langowski to approve Resolution 2022-10, seconded by Councilwoman Leonard.

UPON ROLL CALL:

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

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

NEW BUSINESS

- B. Education and Youth Advisory Board City Council Liaison

Submitted By: City Clerk's Office

RESOLUTION NO. 2022-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPOINTING ONE (1) MEMBER TO SERVE AS THE CITY COUNCIL LIAISON TO THE EDUCATION AND YOUTH ADVISORY BOARD; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

City Attorney read Resolution 2022-11 into record, by title only.

Mr. Cassel further explained item.

Vice Mayor Langowski volunteered to be the liaison.

Council Discussion.

Mayor O'Connor called for additional comments, there being none, Mayor O'Connor called for a motion.

Motion by Councilwoman Valle Ron to approve Resolution 2022-11, seconded by Councilwoman Leonard.

UPON ROLL CALL:

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

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

C. FourthFest Ad Hoc Event Committee

Submitted By: City Clerk's Office

RESOLUTION NO. 2022-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPOINTING THREE (3) MEMBERS TO SERVE ON THE AD-HOC COMMITTEE TO ASSIST THE CITY MANAGER IN PLANNING FOR THE CITY'S FOURTH OF JULY CELEBRATION FOR 2022; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

City Attorney read Resolution 2022-12 into record, by title only.

Mr. Cassel further explained item.

Council Discussion. Mayor O'Connor recommended two interested residents:

1. Megan Hemp
2. Elizabeth Thompson

Further Council discussion and consensus and direction to staff to advertise for three additional members.

Mayor O'Connor called for additional comments, there being none, Mayor O'Connor called for a motion.

Motion by Councilwoman Leonard to approve Resolution 2022-12, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

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

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

- D. Appointing a Voting Delegate and Alternate Voting Delegates to the Palm Beach County League of Cities

Submitted By: City Clerk's Office

Mayor O'Connor introduced item.

Ms. Burgess further explained item noting that the city received a request from the Pam Beach County League of Cities to designate a voting delegate and alternate voting delegate(s) to vote on behalf of the city at any League general membership meeting, special membership meeting and/or function of the general membership.

CITY COUNCIL COMMENTS

- A. Councilwoman Charlotte Leonard – Thanked Council for the appointment.
- B. Councilman Julian Martinez – Congratulated Councilwoman Leonard.
- C. Councilwoman Pilar Valle Ron - Congratulated Councilwoman Leonard.
- D. Vice Mayor Greg Langowski - Congratulated Councilwoman Leonard.
- E. Mayor JohnPaul O'Connor - Congratulated Councilwoman Leonard and provided update on the 4th of July.

REPORT – STAFF

No Staff Reports.

REPORT - CITY ATTORNEY

Mr. Horowitz confirmed the updated meeting times and dates and reminded staff to update any previous notices that advertised the initial council meeting date.

REPORT - CITY MANAGER

Mr. Cassel provided a brief update on meeting with Palm Beach County, 7-Eleven and its progress and solid waste.

PUBLIC COMMENTS AND REQUESTS

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

Mayor O'Connor called for public comments.

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

ADJOURNMENT

There being no further business, Mayor O'Connor adjourned the meeting at 8:22 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor

File Attachments for Item:

C. Proclamation - Recognition of Inaugural Service - Roger Manning

Proclamation

IN APPRECIATION OF ROGER MANNING IN RECOGNITION OF HIS INAGURAL SERVICE TO THE CITY OF WESTLAKE, FLORIDA

WHEREAS, the City Council of the City of Westlake, Florida, desire to formally express appreciation to Roger Manning, who has served the City of Westlake for 6 years in an exemplary manner; and,

WHEREAS, Roger Manning serving as the City's first Mayor, contributed to many great decisions and contributions made to establish the City of Westlake; and,

WHEREAS, Roger Manning, served as the inaugural Mayor and became passionate, dedicating his time to representing our citizens; and,

WHEREAS, Roger Manning was selected to serve the residents of the City of Westlake and show them they were part of what has become the Westlake family; and,

WHEREAS, this time of service has been marked with one of dedication for the best interest of the development of the community; and,

WHEREAS, we thank him for his time, and his devotion in being part of making Westlake the City it has become today; and,

NOW, THEREFORE, ON BEHALF OF THE CITY COUNCIL AND THE PEOPLE OF THE CITY OF WESTLAKE, I, JOHNPAUL O'CONNOR, MAYOR OF THE CITY OF WESTLAKE, BY VIRTUE OF THE AUTHORITY VESTED IN ME, DO HEREBY OFFICIALLY PROCLAIM APPRECIATION TO ROGER MANNING FOR HIS LOYAL AND DEDICATED SERVICE AND TO THE COMMUNITY; AND,

FURTHER, I call upon the residents of the City of Westlake to join me in this declaration of appreciation to Roger Manning for his service and wish him continued success of life's pursuits.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Westlake, Florida to be affixed this 9th day of May 2022.

JohnPaul O'Connor, Mayor

ATTEST:

Zoie P. Burgess, CMC
City Clerk

File Attachments for Item:

A. FIRST READING: Ordinance 2022-03 – Special Events

Submitted By: Planning & Zoning

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER ____ ENTITLED LAND DEVELOPMENT CODE BY SPECIFICALLY CREATING SECTION ____ ENTITLED "SPECIAL EVENTS"; PROVIDING FOR A DEFINITION OF SPECIAL EVENTS; PROVIDING FOR THE REQUIREMENT OF A PERMIT; PROVIDING FOR PERMIT REQUIREMENTS; PROVIDING FOR REGULATIONS RELATIVE TO SIGNAGE, THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES; PROVIDING FOR BATCH APPLICATIONS; PROVIDING FOR THE REGULATION OF GARAGE SALES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		June 7, 2022	Submitted By: Planning & Zoning	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		FIRST READING: Ordinance 2022-03 – Special Events		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve First Reading of Ordinance 2022-03 “Special Events”		
SUMMARY and/or JUSTIFICATION:		This Ordinance establishes provisions for Special Events including definitions, requirements, regulations relative to signage, the sale or service of alcoholic beverages, providing for batch applications and garage sales.		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:		PROCLAMATION:	
	EXHIBIT(S):	X	OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>	Exhibit A: Ordinance 2022-03: Special Events			
SELECT, if applicable	RESOLUTION:		ORDINANCE:	X
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field’s textbox and leave blank)</i> <u>Please keep text indented.</u>	<p style="text-align: center;">ORDINANCE NO. 2022-03</p> <p>AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER ____ ENTITLED LAND DEVELOPMENT CODE BY SPECIFICALLY CREATING SECTION ____ ENTITLED "SPECIAL EVENTS"; PROVIDING FOR A DEFINITION OF SPECIAL EVENTS; PROVIDING FOR THE REQUIREMENT OF A PERMIT; PROVIDING FOR PERMIT REQUIREMENTS; PROVIDING FOR REGULATIONS RELATIVE TO SIGNAGE, THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES; PROVIDING FOR BATCH APPLICATIONS; PROVIDING FOR THE REGULATION OF GARAGE SALES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.</p>			
FISCAL IMPACT (if any):	No Fiscal Impact		\$0	

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER ___ ENTITLED LAND DEVELOPMENT CODE BY SPECIFICALLY CREATING SECTION ___ ENTITLED "SPECIAL EVENTS"; PROVIDING FOR A DEFINITION OF SPECIAL EVENTS; PROVIDING FOR THE REQUIREMENT OF A PERMIT; PROVIDING FOR PERMIT REQUIREMENTS; PROVIDING FOR REGULATIONS RELATIVE TO SIGNAGE, THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES; PROVIDING FOR BATCH APPLICATIONS; PROVIDING FOR THE REGULATION OF GARAGE SALES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City Council finds the assembly of large numbers of people require notice and opportunity for the organization of resources related to events occurring within the City; and

WHEREAS, the City Council finds and determines that the variety, uniqueness, and timing of certain special events require the City to adopt regulations which aim to define and determine what qualifies as a special event and the regulations that shall govern certain special events; and

WHEREAS, the purpose of this ordinance is promote the safe and efficient operation and organization of special events which will serve the best interests of the residents of the City; and

WHEREAS, the City Council of the City of Westlake deems it in the best interest of health, safety, and welfare of the residents of Westlake to establish regulations for conducting special events within the City; and

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

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

SECTION 2. The City Council hereby amends Chapter _____ by including Article _____, Section _____ entitled "SPECIAL EVENTS" as follows:

CHAPTER XX

Article XX

Sec. XXX. - Special events.

- (a) "Special event" means a temporary meeting, activity, gathering, or group of persons, animals, or vehicles, or a combination thereof (excluding any such event conducted for the primary purpose of First Amendment speech or assembly), having a common purpose, design, or goal that will detrimentally affect or impact the ordinary and normal use by the general public upon any public or private facility, street, sidewalk, alley, public or private area, or building where the event substantially inhibits the usual flow of pedestrian or vehicular traffic, and is not the type approved for, or customarily associated with, the site upon which the event is located. Examples of special events include, but are not limited to block parties, parades, races or walks, athletic events, carnivals, shows, grand opening or promotional events,

shopping plaza sidewalk sales, charity fundraisers, farmer's market, holiday tree and pumpkin patch lots, and other similar temporary uses or events not specifically permitted by the City's zoning ordinance, but does not include demonstrations. The term "special event" does not include:

- 1) a normal business sale event or similar activity for non-residential establishments;
- 2) a social gathering at a single residential dwelling unit such as a birthday party, a gathering to watch a sporting event, a celebration of life, or similar event;
- 3) garage sales or other outdoor sales in residential zones;
- 4) events taking place within a residential community that is subject to homeowners association or property owners association governing documents.

(b) Permit required and restrictions. Any City resident, or any City business holding a current City business tax receipt, or any non-profit or charitable organization registered with the State of Florida is eligible to apply for and seek a special event permit pursuant to this section subject to the following conditions and restrictions:

- 1) For non-residential uses outside of the R-1 and R-2 zoning districts, a maximum of four (4) special events permits shall be permitted per address in any single calendar year and each event shall not exceed fourteen (14) consecutive calendar days. However, temporary seasonal sales defined as sales related to a specific period of time recognized in the Westlake community as a basis for a recognition or celebration of a recognized holiday shall not exceed forty-five (45) consecutive days. A special event that includes multiple addresses, for example within a shopping center, shall count as one event for each address captured by the special event permit. No events for a single business shall occur consecutively, unless approved by the City Council.
- 2) For non-residential uses located within the R-1 or R-2 zoning districts, a no more than two (2) special events permits shall be allowed per address in any single calendar year and each event shall not exceed seven (7) consecutive calendar days. However, temporary seasonal sales as defined in this section shall not exceed forty-five (45) consecutive days. A special event that includes multiple addresses, for example within a shopping center, shall count as one event for each address captured by the special event permit. No events for a single business shall occur consecutively, except those with City Council approval.
- 3) Anchor tenants are permitted four (4) special events per calendar year in addition to the limitation above. The term "anchor tenant" shall be defined as the tenant in any non-neighborhood plaza with the greatest amount of square footage located within the leasehold premises.
- 4) Notwithstanding the other limitations in this subsection, when a new non-residential use is opened, within one year of receiving its certificate of occupancy, it may hold one (1) "grand opening" event in addition to the other special events permitted in this subsection but the one (1) grand opening event shall be required to comply with this section and shall not exceed 7 calendar days.
- 5) Special Events that are sponsored or sanctioned by the City or Seminole

Improvement District (SID) shall not be subject to City Council approval. For SID event anticipated to exceed 200 people, SID shall provide notice to the City Manager thirty (30) calendar days before the event describing the anticipated number of attendees, coordination with law enforcement, fire rescue, and a traffic management plan, if required.

(c) Special Event Permit requirements. Written application must be submitted to the City a minimum of forty-five (45) calendar days prior to the date for which the special event is proposed for non-residential properties, or thirty (30) calendar days prior to the date for which the special event is proposed for residential properties. Failure to comply with the required timeline for written applications may be a basis for denial of the application. The form of application shall be obtained from the City and contain, at a minimum, the following information:

- 1) Description and type of event. A detailed statement describing use and type of event(s) proposed.
- 2) Authority. Notarized evidence the property owner/managing agent authorizes the use on the site for the special event reflected on the special event permit application.
- 3) Proposed location with property owner's written consent.
- 4) Proposed date, commencement time and duration of event.
- 5) Approximate number of participants.
- 6) Statement of use. A detailed statement of use, including, but not limited to, sponsor(s), vendors(s), band(s) and/or other musical/entertainment operations, planned activities, duration of event, hours of operation, anticipated attendance, temporary lighting to be provided on site, security, utilities, and use of generators, as applicable.
- 7) Proof of insurance in the amount of \$1,000,000.00 per event.
- 8) Expected traffic, fire-rescue, and utilities impact, if any, and proposed mitigation plans.
- 9) Copy of all required state and county permits if event will be held on or utilize state and/or county-controlled property.
- 10) Signage. Signs are permitted only if related to a special event and shall comply with the City's Code of Ordinances regulating signage.
 - a. Traffic control signs, may only be used for purposes to direct traffic and/or as deemed necessary for the safety of the public, and/or for public events held by the city. Traffic-control signage shall be permitted only at the discretion of the City, and by the Seminole Improvement District if applicable, subject to the review and approval of a traffic-control sign plan illustrating the number, copy area, location, and graphics of all signs proposed. All signs located on public property or right-of-way other than city property shall be submitted with the authorization of the applicable agency. No signs shall be permitted to be installed earlier than ____ calendar days prior to the permitted special event and signs must be removed no later than _____ calendar days after the event.
- 11) Site plan. A detailed site plan for the event, including, but not limited to, property boundaries; road access; location of trash receptacles, sanitary restroom or wash facilities, tents, or other structures; location of rides if applicable; location of parking; location of temporary enclosures, tents, dwellings, offices, and equipment; location of any live entertainment, outdoor music, or stages; and proposed setbacks of activities, fences, tents, booths etc., from adjacent properties. Single residential units shall not be required to provide a site plan.

- (d) Alcoholic beverage service. Notwithstanding anything contained in the City Code of Ordinances to the contrary, alcoholic beverages may be permitted at approved special events under the following conditions; 1) The sale or service of alcoholic beverages at any special event shall require, as a condition precedent, the issuance of the appropriate state alcoholic beverage permit, if any, a copy of which must be provided to the City in conjunction with the special event permit application; 2) the City may require, in its sole discretion, the use of physical barriers to define and contain the outdoor area within which alcoholic beverages may be sold and consumed; 3) the hours of sale, and; 4) the use of security or off-duty law enforcement personnel at the special event.
- (e) Food service. If food service will be available at the event, the applicant shall provide a complete list of food service vendors, their respective State or County licenses or permits if applicable, Florida State health certificates, and a list of the type of food service proposed. The use of mobile food vending vehicles within the city limits shall be subject to the requirements of the Code of Ordinances.
- (f) Entertainment. Any special event that is proposing to include musical or other audio entertainment shall adhere to the following:
 - a. Submit to the City a live entertainment/sound management plan as a part of the special event application for review.
 - b. The applicant must demonstrate that the special event will meet the requirements of the City Code regulating noise.
- (g) Location. In residential zoning districts or residential portions of mixed use districts, special events may occur on public or private schools, churches and houses of worship, public parks, public or private common property, amenity centers, and sites that have been approved for, or are customarily associated with events (such as properties controlled by a property owner's association or homeowner's association). Otherwise, special events may occur only on properties with a non-residential zoning district designation.
- (h) Other materials. Other materials and documentation as may be required by the City application to accurately assess potential impacts of the special event on public facilities and services.
- (i) Final action.
 - 1) After review by, and with the recommendations of Planning and Zoning, Fire Rescue, and Law Enforcement, the City Manager or his/her designee and in his or her sole discretion may approve the application (with conditions if applicable), or deny the application in whole or in part.
 - 2) If the application is denied, the City Manager shall provide the basis for the denial and the applicant may request an appeal to the City Council. Such request must be made in writing to the City Manager within ten (10) calendar days of the denial, and shall be considered by the City Council at its next available scheduled meeting.
 - 3) Any proposed special event whose attendance is contemplated to exceed 200 people in total shall require final approval by the City Council which, after considering the recommendations of Planning and Zoning, the law enforcement department, and the City Manager, may approve the application, deny the application in whole or in part; or approve the application with conditions.
 - 4) Denial of a special event permit application, or the imposition of certain conditions by either the City Manager or the City Council may be based, among other reasons and at

the sole discretion of the City, upon violations of the terms and conditions of a previously approved special event permit for the same address.

(j) Batch Applications. A Batch Application is an application requesting approval of multiple special events. Any person or entity entitled to seek a special event permit may submit a Batch Application to the City. A Batch Application does not entitle the applicant to more special event permits than otherwise permitted by this Chapter, but does allow all special events described in the Batch Application to be permitted through a single application. Each special event described in the Batch Application must meet the requirements of this Chapter or other approved Special Events Program. For any event anticipated to exceed 200 people, the applicant shall provide updated information to the City forty-five (45) calendar days before the event describing the anticipated number of attendees, coordination with law enforcement, fire rescue, and a traffic management plan, if required.

(k) Special Events Program. For any non-residential development, the owner or manager may submit a Special Events Program application requesting a waiver for a period not to exceed three (3) years from the limitation on the annual number of permissible special events and/or any other requirement of this Chapter. The application may, but is not required to, contain details of special events that will be held as part of the Special Events Program. The Special Events Program application shall go before City Council and may be approved, denied, or approved with conditions.

a. If a Special Events Program is approved or approved with conditions, the applicant is then required to obtain a permit from the City for each special event that is part of the Special Event Program, demonstrating compliance with this Chapter subject to any conditions of approval. Applications for these special events may be made through Batch Applications, individual applications, or any combination thereof.

b. The City Council may withdraw the waiver at any time after providing written notice ten (10) calendar days in advance in the event it determines that the Special Event Program is detrimental to the Westlake Community and it is in the best interest of the City to protect the health, safety, and welfare of the residents of Westlake.

(l). Event Venues - Other notification required. Sites that have been approved for, or are customarily associated with events, are not required to seek special event permits. However:

- 1) If such a site will host an event that is substantially larger than the types of event approved for or customarily associated with the site, such that the event will negatively impact traffic to a greater degree than is typical during an event of that normal parking procedures will not accommodate anticipated vehicles, then written request for approval of a maintenance of traffic plan must be made to the City at least forty-five (45) calendar days prior to the event. Such request must include a description of the event, provide the anticipated duration of the event, provide the anticipated number of attendees or vehicles at the event, and provide a maintenance of traffic plan. The City shall respond to such application within twenty (20) calendar days; otherwise, the provided maintenance of traffic plan shall be deemed acceptable.
- 2) For any special event anticipated to attract more than 200 people, notice must be provided to the Palm Beach County Sheriff and Palm Beach County Fire Department at least 30 days in advance, and must state the anticipated number of attendees, the location and the duration of the event. In the event should either the Palm Beach County Sheriff or the Palm Beach County Fire Department issue a recommendation, the applicant/ sponsor of the event shall be required to comply with all the recommendations of both agencies.

(m) Violations. It shall be unlawful to operate or hold any special event in the City without compliance with this Section. Violations of this Article shall subject the property owner to code enforcement proceedings.

Sec. XXX.

Garage sales and other outdoor sales in residential zones; permit required; limitations.

This section does not apply to residences governed by a homeowner association or property owner’s association. No garage sale, carport sale, yard sale, outdoor sale, or other similar activities in any residential district, including the residential portion of the mixed use district, shall be permitted without the issuance of a permit from Planning and Zoning. There shall be no fee charged by the City for the issuance of such permit. Not more than two (2) permits shall be issued to any one street address during any single calendar year.

- a) Garage sales and other outdoor sales in residential zones; application for permit; issuance.
 - 1) Applicants for a garage sale or other outdoor sale permit in a residential zone shall first submit a statement showing:
 - i. The name and address of the person conducting the garage sale or other outdoor sale.
 - ii. The day(s) and time(s) upon which the sale shall occur.
 - iii. A list of proposed locations for signs, which may be installed no sooner than 1 day before sale and must be removed at the end of the day of sale. Each garage sale is allowed one sign that is a maximum of 12 sq. ft. in size on the property hosting the sale and a maximum of three off-premises directional signs.
 - 2) City Manager or designee shall issue the permit as a matter of right upon determination that the garage sale or other outdoor sale does not violate any of the terms of this Code. By applying for a permit, the applicant agrees to comply with all permit requirements and on-street parking requirements.
 - 3) Restrictions. Garage sales or other outdoor sales in residential districts, or in the residential portion of a mixed use district, are permitted only on Saturdays and Sundays between the hours of 8:00 a.m. and 5:00 p.m. Such sales at any other time of the day are prohibited.
- b) Garage sales and other outdoor sales in residential zones; cleanup of site. All sites of garage sales or outdoor sales shall be left in a clean and orderly manner upon completion of the sales activities. All temporary signs shall be removed immediately upon the conclusion of the garage sale or outdoor sale.
- c) Penalty for violations. Violations of the regulations for conducting garage sales shall be grounds for denial of a subsequent garage sale permit. In addition, the City may, at its sole discretion, refer alleged violations to the code enforcement special magistrate.

SECTION 4. Codification. It is the intention of the City Council of the City of Westlake that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Westlake, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and

the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

SECTION 5. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions which are in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 6. Severability. Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

SECTION 7. Effective Date. This ordinance shall be effective upon adoption on second reading.

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

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

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

City of Westlake
JohnPaul O'Connor , Mayor

ATTEST:

Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY

File Attachments for Item:

B. SECOND READING: Ordinance 2022-04 – Mobile Food Trucks

Submitted By: Planning & Zoning

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY’S CODE OF ORDINANCES BY AMENDING CHAPTER ____ ENTITLED LAND DEVELOPMENT REGULATIONS BY CREATING SECTION ____ ENTITLED “MOBILE FOOD TRUCKS”; PROVIDING FOR DEFINITIONS; PROVIDING FOR REQUIREMENTS FOR ALL MOBILE FOOD TRUCKS; PROVIDING FOR THE REGULATIONS RELATIVE TO CONDUCTING BUSINESS; PROVIDING PARKING AND STORAGE OF INACTIVE FOOD TRUCKS; PROVIDING FOR WASTE DISPOSAL; PROVIDING FOR LOCATIONS BY ZONING DISTRICT; PROVIDING FOR VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		June 7, 2022	Submitted By: Planning & Zoning	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		SECOND READING: Ordinance 2022-04 – Mobile Food Trucks		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve Second Reading of Ordinance 2022-04 “Mobile Food Trucks”		
SUMMARY and/or JUSTIFICATION:		This Ordinance establishes provisions for Mobile Food Trucks including definitions, requirements, vending locations, parking and storage of inactive food trucks, waste disposal, locations by zoning district, and penalties for violations.		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:		PROCLAMATION:	
	EXHIBIT(S):	X	OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>	Exhibit A: Ordinance 2022-04: Mobile Food Trucks			
SELECT, if applicable	RESOLUTION:		ORDINANCE:	X
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field’s textbox and leave blank)</i> <u>Please keep text indented.</u>	<p style="text-align: center;">ORDINANCE NO. 2022-04</p> <p>AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY’S CODE OF ORDINANCES BY AMENDING CHAPTER ____ ENTITLED LAND DEVELOPMENT REGULATIONS BY CREATING SECTION _____ ENTITLED “MOBILE FOOD TRUCKS”; PROVIDING FOR DEFINITIONS; PROVIDING FOR REQUIREMENTS FOR ALL MOBILE FOOD TRUCKS; PROVIDING FOR THE REGULATIONS RELATIVE TO CONDUCTING BUSINESS; PROVIDING PARKING AND STORAGE OF INACTIVE FOOD TRUCKS; PROVIDING FOR WASTE DISPOSAL; PROVIDING FOR LOCATIONS BY ZONING DISTRICT; PROVIDING FOR VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.</p>			
FISCAL IMPACT (if any):	No Fiscal Impact		\$0	

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER ____ ENTITLED LAND DEVELOPMENT REGULATIONS BY CREATING SECTION _____ ENTITLED "MOBILE FOOD TRUCKS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR REQUIREMENTS FOR ALL MOBILE FOOD TRUCKS; PROVIDING FOR THE REGULATIONS RELATIVE TO CONDUCTING BUSINESS; PROVIDING PARKING AND STORAGE OF INACTIVE FOOD TRUCKS; PROVIDING FOR WASTE DISPOSAL; PROVIDING FOR LOCATIONS BY ZONING DISTRICT; PROVIDING FOR VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Westlake deems it in the best interest of the residents of Westlake to regulate the operation of Mobile Food Trucks within the City; and

WHEREAS, the quality of life enjoyed by the Westlake community will be preserved by enacting a section to the City Code of Ordinance creating specific provisions regulating the business operations of Mobile Food Trucks conducting business within the City; and

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

SECTION 1. Recitals. The foregoing "whereas" clauses are confirmed, adopted and incorporated herein and made a part hereof by this reference.

SECTION 2. The City Council hereby amends Chapter ____ entitled Land Development Regulations by creating Section ____ entitled Mobile Food Trucks as follows:

CHAPTER XX: MOBILE FOOD TRUCKS
Article X.1) Definitions.

As used in this Chapter, the following terms shall be defined as follows:

Event Venues: shall mean sites that have been approved for, or are customarily associated with, events.

Mobile food truck shall mean any vehicle that is self-propelled or otherwise movable from place to place, and is used to vend food and beverage products. Mobile food trucks shall be classified as one of the following:

Class I – Mobile kitchens. In addition to the vending of products allowed for class II and class III mobile food trucks, these vehicles may cook, prepare and assemble food items on or in the unit, and serve a full menu. Customers may be notified of the vehicle's location by social media or other forms of advertising. These vehicles may be classified as "mobile food dispensing vehicles," as defined by section 509.102, F.S., if they include self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

Class II – Canteen trucks. These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages may take place on or in the vehicle. However, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations. These vehicles are limited to providing catering services to employees at a specific location. These vehicles may be classified as “mobile food dispensing vehicles,” as defined by section 509.102, F.S., if they include self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

Class III – Ice cream trucks. These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy or frozen water-based food products and pre-packaged beverages. These vehicles may be classified as “mobile food dispensing vehicles,” as defined by section 509.102, F.S., if they include self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

Mobile service base shall mean a place for food storage, the cleaning of the equipment, the filling of water tanks and proper disposal of waste water and grease, and shall not include the use of a private home as a mobile service base.

Responsible Party shall mean the owner, management company, or lessee of real property on which the mobile food truck operates.

Vehicle shall mean a motorized vehicle, including a trailer or other portable unit attached to a motorized vehicle, that is intended for use in vending.

Vend shall mean to sell or offer to sell products from a mobile food truck.

City-issued special event permit shall mean a permit issued by the City for special events per the requirements of chapter XXX of City code.

Article X.2) Requirements applicable to all mobile food trucks. The following requirements are applicable to all mobile food trucks operating within the City of Westlake.

Section 1: Health and safety regulations; display of state license. A mobile food truck operating within the City’s municipal boundaries shall at all times comply with all federal, state, and local health and safety regulations and requirements, and shall obtain and maintain any and all licenses required by any other health organization or governmental organization having jurisdiction over the same. The license under which the mobile food truck is operating shall be firmly attached and visible on the mobile food truck at all times, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand. A copy of the liability insurance shall be provided to the City and displayed at all times on the mobile food truck.

Section 2: Initial and annual fire safety inspections. The mobile food truck shall be made available for inspection by the Palm Beach County Fire Department at a location determined by the Fire Department. The Palm Beach County Fire Department shall ensure compliance with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and

codes. Subsequently, every Class I mobile food truck shall undergo an annual inspection by the Palm Beach County Fire Department.

Section 3: *Written consent of Responsible Party.* A mobile food truck shall not operate on any private property without the written consent of the Responsible Party. A copy of such written permission shall be maintained in the mobile food truck at all times, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand.

Section 4: *Stock-in-trade; storage.* All materials, equipment, and stock-in-trade shall be stored entirely within the mobile food truck unless the Responsible Party has obtained a City-issued special event permit, or is at an Event Venue and has permission of the Responsible Party to store such items on the Responsible Party's property.

Section 5: *Food vending.* Food vending shall only be conducted from the mobile food truck, unless the Responsible Party has obtained a City-issued special event permit.

Section 6: *Alcohol sales.* A mobile food truck may sell alcohol beverages in compliance with the State alcohol license requirements. Special events with mobile food trucks shall be exempt from the City Code separation requirements

Section 7: *Conducting business in public right-of-way.* A mobile food truck, except for ice cream trucks, shall not conduct business or operate in the public right-of-way unless approved as part of a City-issued special event permit and with the written permission of SID. When mobile food trucks are authorized to operate, such trucks may stop, stand or park only in right-of-way areas identified in the City-issued special event permit. The mobile food truck shall be responsible for restoring the right of way to a condition equivalent to that before the use by the mobile food truck, including re-sodding and repairing irrigation as necessary. Any restoration required shall be completed within seventy-two (72) hours after receiving a written notice of restoration.

Section 8: *Conducting business near street intersections or pedestrian crosswalks.* A mobile food truck shall not be located within twenty-five (25) feet of any street intersection or pedestrian crosswalk, unless the Responsible Party has obtained a City-issued special event permit.

Section 9: *Interference with vehicular and pedestrian traffic.* A mobile food truck shall not impede ingress or egress of other businesses, building entrances, or emergency exits. A mobile food truck shall not impede the flow of vehicular or pedestrian traffic unless pursuant to a City-issued special event permit.

Section 10: *Parking requirements.* The property on which the food truck is parked during active operation must also provide parking for the customers of the food truck. The mobile food truck shall not be parked:

- (A) in a fire lane or in an area blocking a fire hydrant;
- (B) in Americans with Disabilities (ADA) accessible parking spaces or accessible ramps;
- (C) in any driveway aisles, "no parking" zones, or loading-only areas.

Section 11: Use of designated parking spaces.

The on-site parking requirements shall be maintained for the principal use of the Responsible Party's property unless:

- (1) the mobile food truck is operating pursuant to a City-issued special event permit and has the written permission of the Responsible Party; or
- (2) the Responsible Party demonstrates that a mobile food truck's use of required parking spaces will not negatively impact the parking of any other use, which may be demonstrated through a parking study, written permission of the other uses relying on a common parking lot, or other evidence acceptable to the Planning and Zoning Director.

Section 12: Parking and storage of inactive mobile food trucks. Food trucks not in active operation may be parked and stored as follows:

- (A) Food trucks associated with an existing retail food establishment may park in the parking spaces designated for the existing retail food establishment.
- (B) Food trucks may park in appropriate parking lots so long as:
 - (1) The food truck is parked in a designated parking lot or space designed to accommodate oversized vehicles in a parking lot or space designated for light industrial use.
 - (2) The food truck operator obtains the written permission of the Responsible Party
 - (3) The parking space is not in a loading zone, unless overnight parking in the loading zone is approved by the City as part of a site plan.
 - (4) The parked food truck meets all parking, location, and screening requirements governing parking of commercial vehicles, trucks, or trailers pursuant to Chapters 3 and 8 of the LDRs.

Section 13: Noise limitations. Except for class III ice cream trucks, a mobile food truck shall not make sounds, announcements, or amplify music to call attention to its vending or products either while traveling on public or private rights-of-way, or when stationary. All mobile food trucks, including, but not limited to, class III ice cream trucks, shall comply with the City's noise ordinance contained in Chapter 21 of City Code. A Responsible Party may apply for a special event permit with the City to deviate from these requirements.

Section 14: Restroom facility. Mobile food trucks operating on a private property for a duration of more than three (3) hours shall have a written agreement with the Responsible Party that confirms the food truck employees have access to a flushable restroom within 400 feet of the vending location during the hours of operation. A copy of such written permission shall be maintained in the mobile food truck at all times, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand. This requirement shall not apply when the mobile food truck is on public property with a publicly accessible flushable restroom, when the mobile food truck is within 400 feet of a publicly accessible flushable restroom, or when the mobile food truck is operating under a City-issued special event permit and has access to either a temporary restroom.

Section 15: Waste disposal. Mobile food trucks shall:

- (1) Provide for their own waste collection and removal such that no waste remains on the property;
- (2) Provide a waste receptacle for public use;
- (3) Keep the surrounding area neat and orderly at all times;

- (4) Remove all garbage or trash prior to departure of the mobile food truck each day;
- (5) Properly discard any waste material in accordance with any applicable federal, state, county, and municipal laws, rules, regulations, orders, or permits;
- (6) Not, under any circumstances, release grease or any waste materials into the stormwater system, tree pits, sidewalks, streets, parking lots, or onto any private or public property;
- (7) Not, at any time, discharge any fluids or toxic pollutants.
- (8) Class I mobile food trucks shall also have a current written agreement, with a state or local licensed facility, for the proper disposal of grease. A copy of such written agreement shall be maintained in the mobile food truck at all times, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand.

Section 16: (v) *Signage.* All mobile food trucks may affix a sign to the mobile food truck displaying prices, product descriptions and food truck name. Mobile food trucks shall not display any products or samples outside of the vehicle unless operating pursuant to a City-issued special event permit. Mobile food trucks shall not post or utilize any freestanding signs or advertisements, flags, balloons, streamers, flashing lights, banners, or other similar attraction devices, and shall not utilize or post person(s) to advertise mobile food trucks, except sandwich boards placed no more than 10 feet from the mobile food truck, which displays prices, product descriptions and the food truck name. Sandwich board signs shall not impede pedestrian or vehicular traffic. When in operation, Chapter 6 of the City code shall not apply to mobile food trucks.

Article X.3) Requirements applicable generally

Section 1: Applicability.

(A) Exceptions. This Article shall not apply to:

- (1) Event Venues.
- (2) Any City-sponsored or City-sanctioned special event or SID.

(B) Unless excepted above, the requirements in this Chapter shall apply to all mobile food truck operations within the City.

Section 2: Limitations on number of mobile food trucks per property. No more than one (1) mobile food truck shall operate on a given property at any one time, unless the Responsible Party has obtained a City-issued special event permit.

Section 3: Food truck special event requirements. Gatherings of two (2) or more class I, class II, and/or class III mobile food trucks on a property at any given time shall be classified as a special event. In order for such events to occur, the Responsible Party shall be required to obtain a City-issued special event permit prior to the event taking place. Applications for special event permits shall be made by the Responsible Party to the City in accordance with the requirements of chapter X of City code.

Section 4: Outside patron seating. No tables, chairs, umbrellas, or other furniture for patron seating may be placed outside the mobile food truck unless the Responsible Party has obtained a City-issued special event permit.

Section 5: Conducting business near existing retail food establishments. A mobile food truck shall not be located within 200 feet of any existing retail food establishment during such establishment's hours of operation without the prior written permission from the retail food establishment unless the Responsible Party has obtained a City-issued special event permit. A copy of such written permission shall be maintained in the mobile food

truck at all times, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand.

Section 6: Conducting business near City-sponsored or City-sanctioned special event. A mobile food truck shall not be located within 200 feet of any City-sponsored or City-sanctioned special event, unless the mobile food truck is permitted by the City to operate at such special event.

Section 7: Limitations on number of operating days. The same mobile food truck shall not operate on a given property more than two (2) consecutive days per calendar month, and further shall not operate on a given property more than twenty (20) days in total per calendar year, unless the Responsible Party has obtained a City-issued special event permit. Canteen trucks are exempt from this provision as authorized in subsection (x.4)(1)(b).

Section 8: Hours of operation. A mobile food truck shall operate only between the hours of 7:00 a.m. to 9:00 p.m., unless the Responsible Party has obtained a City-issued special event permit or the hours of operation would be restricted pursuant to the rules and regulations of a Property Owners' Association or restricted by restrictive covenants encumbering the subject property.

Article X.4) Vending locations by zoning district.

Section 1: A mobile food truck shall be permitted to operate only on the properties designated below, unless the Responsible Party has obtained a City-issued special event permit allowing for a deviation from these requirements.

(A) Class I – Mobile food trucks.

(1) Residential zoning districts.

(a) Individual single-family lots only if there is a written contractual agreement between a mobile food truck and the Responsible Party for catering services. A copy of such written agreement shall be maintained in the mobile food truck at all times during the event, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand. The term “catering services” shall not include the vending of products from the mobile food truck itself during a catered event and does not include events that are open to the public.

(b) Properties owned or operated by homeowners associations or property owners associations.

(c) Rental apartment complexes.

(2) Nonresidential zoning districts and mixed-use districts. Class I mobile food trucks shall be permitted on any nonresidential or mixed-use property where retail sales and restaurants are a permitted use under the applicable zoning regulations.

(3) Recreation/open space district. The vending of products from a Class I mobile food truck on properties zoned as recreation/open space shall be allowed pursuant to an City-issued special event permit.

(B) Class II – Canteen trucks. Class II canteen trucks are prohibited in all zoning districts except to provide catering to employees on-site at construction sites, where there is a currently valid construction permit.

(C) Class III – Ice cream trucks.

(1) Residential zoning districts.

(a) Individual single-family lots only if there is a written contractual agreement between a mobile food truck and the Responsible Party for catering services and not prohibited by the terms of any rules or regulation promulgated by a Home Owner’s Association. A copy of such written agreement shall be maintained in the mobile food truck at all times during the event, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand. The term “catering services” shall not include the vending of products from the mobile food truck itself during a catered event, and does not include events that are open to the public.

(b) Properties owned or operated by homeowners associations or property owners associations.

(c) Rental apartment complexes.

(2) Nonresidential zoning districts and mixed-use districts. Class III ice cream trucks shall be permitted on any nonresidential or mixed-use property where retail sales and restaurants are a permitted use under the applicable zoning regulations.

(3) Recreation/open space district. The vending of products from a class III ice cream truck on properties zoned as recreation/open space shall be allowed pursuant to a City-issued special event permit.

(4) Rights-of-way. A class III ice cream truck shall not stop, stand or park for more than ten (10) minutes, unless there are customers waiting in line to buy products.

Article X.5) Penalties for violations.

It shall be unlawful for any person to violate any of the provisions of this division. This division may be enforced by any means allowed by law, including, but not limited to, code enforcement citation under F.S. ch. 162 . If the citation method is used to punish violators, the violation shall be treated as a civil infraction, and fines shall be set forth in the schedule of fees and charges adopted by resolution of the City Council and such fines may then be revised from time to time by resolution of the City Council; however, any fine amount set forth in such resolution of the City Council shall not to exceed five hundred dollars (\$500.00) per offense. Each day a violation occurs shall constitute a separate offense and shall be punishable hereunder as a separate offense.

SECTION 4. Codification. It is the intention of the City Council of the City of Westlake that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Westlake, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to “Section,” “Article” or such other word or phrase in order to accomplish such intention.

SECTION 5. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions which are in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 6. Severability. Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

SECTION 7. Effective Date. This ordinance shall be effective upon adoption on second reading.

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

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

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

City of Westlake
JohnPaul O'Connor, Mayor

ATTEST:

Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER ____ ENTITLED LAND DEVELOPMENT REGULATIONS BY CREATING SECTION _____ ENTITLED "MOBILE FOOD TRUCKS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR REQUIREMENTS FOR ALL MOBILE FOOD TRUCKS; PROVIDING FOR THE REGULATIONS RELATIVE TO CONDUCTING BUSINESS; PROVIDING PARKING AND STORAGE OF INACTIVE FOOD TRUCKS; PROVIDING FOR WASTE DISPOSAL; PROVIDING FOR LOCATIONS BY ZONING DISTRICT; PROVIDING FOR VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Westlake deems it in the best interest of the residents of Westlake to regulate the operation of Mobile Food Trucks within the City; and

WHEREAS, the quality of life enjoyed by the Westlake community will be preserved by enacting a section to the City Code of Ordinance creating specific provisions regulating the business operations of Mobile Food Trucks conducting business within the City; and

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

SECTION 1. Recitals. The foregoing "whereas" clauses are confirmed, adopted and incorporated herein and made a part hereof by this reference.

SECTION 2. The City Council hereby amends Chapter ____ entitled Land Development Regulations by creating Section ____ entitled Mobile Food Trucks as follows:

CHAPTER XX: MOBILE FOOD TRUCKS

Article X.1) Definitions.

As used in this Chapter, the following terms shall be defined as follows:

Event Venues: shall mean sites that have been approved for, or are customarily associated with, events.

Mobile food truck shall mean any vehicle that is self-propelled or otherwise movable from place to place, and is used to vend food and beverage products. Mobile food trucks shall be classified as one of the following:

Class I – Mobile kitchens. In addition to the vending of products allowed for class II and class III mobile food trucks, these vehicles may cook, prepare and assemble food items on or in the unit, and serve a full menu. Customers may be notified of the vehicle's location by social media or other forms of advertising. These vehicles may be classified as "mobile food dispensing vehicles," as defined by section 509.102, F.S., if they include self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

Class II – Canteen trucks. These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages may take place on or in the vehicle. However, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations. These vehicles are limited to providing catering services to employees at a specific location. These vehicles may be classified as “mobile food dispensing vehicles,” as defined by section 509.102, F.S., if they include self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

Class III – Ice cream trucks. These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy or frozen water-based food products and pre-packaged beverages. These vehicles may be classified as “mobile food dispensing vehicles,” as defined by section 509.102, F.S., if they include self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

Mobile service base shall mean a place for food storage, the cleaning of the equipment, the filling of water tanks and proper disposal of waste water and grease, and shall not include the use of a private home as a mobile service base.

Responsible Party shall mean the owner, management company, or lessee of real property on which the mobile food truck operates.

Vehicle shall mean a motorized vehicle, including a trailer or other portable unit attached to a motorized vehicle, that is intended for use in vending.

Vend shall mean to sell or offer to sell products from a mobile food truck.

City-issued special event permit shall mean a permit issued by the City for special events per the requirements of chapter XXX of City code.

Article X.2) Requirements applicable to all mobile food trucks. The following requirements are applicable to all mobile food trucks operating within the City of Westlake.

Section 1: Health and safety regulations; display of state license. A mobile food truck operating within the City’s municipal boundaries shall at all times comply with all federal, state, and local health and safety regulations and requirements, and shall obtain and maintain any and all licenses required by any other health organization or governmental organization having jurisdiction over the same. The license under which the mobile food truck is operating shall be firmly attached and visible on the mobile food truck at all times, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand. A copy of the liability insurance shall be provided to the City and displayed at all times on the mobile food truck.

Section 2: Initial and annual fire safety inspections. The mobile food truck shall be made available for inspection by the Palm Beach County Fire Department at a location determined by the Fire Department. The Palm Beach County Fire Department shall ensure compliance with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and

codes. Subsequently, every Class I mobile food truck shall undergo an annual inspection by the Palm Beach County Fire Department.

Section 3: *Written consent of Responsible Party.* A mobile food truck shall not operate on any private property without the written consent of the Responsible Party. A copy of such written permission shall be maintained in the mobile food truck at all times, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand.

Section 4: *Stock-in-trade; storage.* All materials, equipment, and stock-in-trade shall be stored entirely within the mobile food truck unless the Responsible Party has obtained a City-issued special event permit, or is at an Event Venue and has permission of the Responsible Party to store such items on the Responsible Party's property.

Section 5: *Food vending.* Food vending shall only be conducted from the mobile food truck, unless the Responsible Party has obtained a City-issued special event permit.

Section 6: *Alcohol sales.* A mobile food truck may sell alcohol beverages in compliance with the State alcohol license requirements. Special events with mobile food trucks shall be exempt from the City Code separation requirements

Section 7: *Conducting business in public right-of-way.* A mobile food truck, except for ice cream trucks, shall not conduct business or operate in the public right-of-way unless approved as part of a City-issued special event permit and with the written permission of SID. When mobile food trucks are authorized to operate, such trucks may stop, stand or park only in right-of-way areas identified in the City-issued special event permit. The mobile food truck shall be responsible for restoring the right of way to a condition equivalent to that before the use by the mobile food truck, including re-sodding and repairing irrigation as necessary. Any restoration required shall be completed within seventy-two (72) hours after receiving a written notice of restoration.

Section 8: *Conducting business near street intersections or pedestrian crosswalks.* A mobile food truck shall not be located within twenty-five (25) feet of any street intersection or pedestrian crosswalk, unless the Responsible Party has obtained a City-issued special event permit.

Section 9: *Interference with vehicular and pedestrian traffic.* A mobile food truck shall not impede ingress or egress of other businesses, building entrances, or emergency exits. A mobile food truck shall not impede the flow of vehicular or pedestrian traffic unless pursuant to a City-issued special event permit.

Section 10: *Parking requirements.* The property on which the food truck is parked during active operation must also provide parking for the customers of the food truck. The mobile food truck shall not be parked:

- (A) in a fire lane or in an area blocking a fire hydrant;
- (B) in Americans with Disabilities (ADA) accessible parking spaces or accessible ramps;
- (C) in any driveway aisles, "no parking" zones, or loading-only areas.

Section 11: Use of designated parking spaces.

~~(A) OPTION 1: The on-site parking requirements shall be maintained for the principal use of the property except pursuant to a City issued special event permit and with the written permission of the Responsible Party.~~

(B) OPTION 2: The on-site parking requirements shall be maintained for the principal use of the Responsible Party's property unless:

(1) the mobile food truck is operating pursuant to a City-issued special event permit and has the written permission of the Responsible Party; or

(2) the Responsible Party demonstrates that a mobile food truck's use of required parking spaces will not negatively impact the parking of any other use, which may be demonstrated through a parking study, written permission of the other uses relying on a common parking lot, or other evidence acceptable to the Planning and Zoning Director.

Section 12: Parking and storage of inactive mobile food trucks. Food trucks not in active operation may be parked and stored as follows:

(A) Food trucks associated with an existing retail food establishment may park in the parking spaces designated for the existing retail food establishment.

(B) Food trucks may park in appropriate parking lots so long as:

(1) The food truck is parked in a designated parking lot or space designed to accommodate oversized vehicles in a parking lot or space designated for light industrial use.

(2) The food truck operator obtains the written permission of the Responsible Party

(3) The parking space is not in a loading zone, unless overnight parking in the loading zone is approved by the City as part of a site plan.

(4) The parked food truck meets all parking, location, and screening requirements governing parking of commercial vehicles, trucks, or trailers pursuant to Chapters 3 and 8 of the LDRs.

Section 13: Noise limitations. Except for class III ice cream trucks, a mobile food truck shall not make sounds, announcements, or amplify music to call attention to its vending or products either while traveling on public or private rights-of-way, or when stationary. All mobile food trucks, including, but not limited to, class III ice cream trucks, shall comply with the City's noise ordinance contained in Chapter 21 of City Code. A Responsible Party may apply for a special event permit with the City to deviate from these requirements.

Section 14: Restroom facility. Mobile food trucks operating on a private property for a duration of more than three (3) hours shall have a written agreement with the Responsible Party that confirms the food truck employees have access to a flushable restroom within 400 feet of the vending location during the hours of operation. A copy of such written permission shall be maintained in the mobile food truck at all times, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand. This requirement shall not apply when the mobile food truck is on public property with a publicly accessible flushable restroom, when the mobile food truck is within 400 feet of a publicly accessible flushable restroom, or when the mobile food truck is operating under a City-issued special event permit and has access to either a temporary restroom.

Section 15: Waste disposal. Mobile food trucks shall:

- (1) Provide for their own waste collection and removal such that no waste remains on the property;
- (2) Provide a waste receptacle for public use;
- (3) Keep the surrounding area neat and orderly at all times;
- (4) Remove all garbage or trash prior to departure of the mobile food truck each day;
- (5) Properly discard any waste material in accordance with any applicable federal, state, county, and municipal laws, rules, regulations, orders, or permits;
- (6) Not, under any circumstances, release grease or any waste materials into the stormwater system, tree pits, sidewalks, streets, parking lots, or onto any private or public property;
- (7) Not, at any time, discharge any fluids or toxic pollutants.

- (8) Class I mobile food trucks shall also have a current written agreement, with a state or local licensed facility, for the proper disposal of grease. A copy of such written agreement shall be maintained in the mobile food truck at all times, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand.

Section 16: (v) Signage. All mobile food trucks may affix a sign to the mobile food truck displaying prices, product descriptions and food truck name. Mobile food trucks shall not display any products or samples outside of the vehicle unless operating pursuant to a City-issued special event permit. Mobile food trucks shall not post or utilize any freestanding signs or advertisements, flags, balloons, streamers, flashing lights, banners, or other similar attraction devices, and shall not utilize or post person(s) to advertise mobile food trucks, except sandwich boards placed no more than 10 feet from the mobile food truck, which displays prices, product descriptions and the food truck name. Sandwich board signs shall not impede pedestrian or vehicular traffic. When in operation, Chapter 6 of the City code shall not apply to mobile food trucks.

Article X.3) Requirements applicable generally

Section 1: *Applicability.*

(A) Exceptions. This Article shall not apply to:

- (1) Event Venues.
- (2) Any City-sponsored or City-sanctioned special event or SID.

(B) Unless excepted above, the requirements in this Chapter shall apply to all mobile food truck operations within the City.

Section 2: *Limitations on number of mobile food trucks per property.* No more than one (1) mobile food truck shall operate on a given property at any one time, unless the Responsible Party has obtained a City-issued special event permit.

Section 3: *Food truck special event requirements.* Gatherings of two (2) or more class I, class II, and/or class III mobile food trucks on a property at any given time shall be classified as a special event. In order for such events to occur, the Responsible Party shall be required to obtain a City-issued special event permit prior to the event taking place. Applications for special event permits shall be made by the Responsible Party to the City in accordance with the requirements of chapter X of City code.

Section 4: *Outside patron seating.* No tables, chairs, umbrellas, or other furniture for patron seating may be placed outside the mobile food truck unless the Responsible Party has obtained a City-issued special event permit.

Section 5: *Conducting business near existing retail food establishments.* A mobile food truck shall not be located within 200 feet of any existing retail food establishment during

such establishment's hours of operation without the prior written permission from the retail food establishment unless the Responsible Party has obtained a City-issued special event permit. A copy of such written permission shall be maintained in the mobile food truck at all times, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand.

Section 6: Conducting business near City-sponsored or City-sanctioned special event. A mobile food truck shall not be located within 200 feet of any City-sponsored or City-sanctioned special event, unless the mobile food truck is permitted by the City to operate at such special event.

Section 7: Limitations on number of operating days. The same mobile food truck shall not operate on a given property more than two (2) consecutive days per calendar month, and further shall not operate on a given property more than twenty (20) days in total per calendar year, unless the Responsible Party has obtained a City-issued special event permit. Canteen trucks are exempt from this provision as authorized in subsection (x.4)(1)(b).

Section 8: Hours of operation. A mobile food truck shall operate only between the hours of 7:00 a.m. to 9:00 p.m., unless the Responsible Party has obtained a City-issued special event permit or the hours of operation would be restricted pursuant to the rules and regulations of a Property Owners' Association or restricted by restrictive covenants encumbering the subject property.

Article X.4) Vending locations by zoning district.

Section 1: A mobile food truck shall be permitted to operate only on the properties designated below, unless the Responsible Party has obtained a City-issued special event permit allowing for a deviation from these requirements.

(A) Class I – Mobile food trucks.

(1) Residential zoning districts.

(a) Individual single-family lots only if there is a written contractual agreement between a mobile food truck and the Responsible Party for catering services. A copy of such written agreement shall be maintained in the mobile food truck at all times during the event, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand. The term “catering services” shall not include the vending of products from the mobile food truck itself during a catered event and does not include events that are open to the public.

(b) Properties owned or operated by homeowners associations or property owners associations.

(c) Rental apartment complexes.

(2) Nonresidential zoning districts and mixed-use districts. Class I mobile food trucks shall be permitted on any nonresidential or mixed-use property where retail sales and restaurants are a permitted use under the applicable zoning regulations.

- (3) Recreation/open space district. The vending of products from a Class I mobile food truck on properties zoned as recreation/open space shall be allowed pursuant to an City-issued special event permit.
- (B) Class II – Canteen trucks. Class II canteen trucks are prohibited in all zoning districts except to provide catering to employees on-site at construction sites, where there is a currently valid construction permit.
- (C) Class III – Ice cream trucks.
 - (1) Residential zoning districts.
 - (a) Individual single-family lots only if there is a written contractual agreement between a mobile food truck and the Responsible Party for catering services and not prohibited by the terms of any rules or regulation promulgated by a Home Owner’s Association. A copy of such written agreement shall be maintained in the mobile food truck at all times during the event, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand. The term “catering services” shall not include the vending of products from the mobile food truck itself during a catered event, and does not include events that are open to the public.
 - (b) Properties owned or operated by homeowners associations or property owners associations.
 - (c) Rental apartment complexes.
 - (2) Nonresidential zoning districts and mixed-use districts. Class III ice cream trucks shall be permitted on any nonresidential or mixed-use property where retail sales and restaurants are a permitted use under the applicable zoning regulations.
 - (3) Recreation/open space district. The vending of products from a class III ice cream truck on properties zoned as recreation/open space shall be allowed pursuant to a City-issued special event permit.
 - (4) Rights-of-way. A class III ice cream truck shall not stop, stand or park for more than ten (10) minutes, unless there are customers waiting in line to buy products.

Article X.5) Penalties for violations.

It shall be unlawful for any person to violate any of the provisions of this division. This division may be enforced by any means allowed by law, including, but not limited to, code enforcement citation under F.S. ch. 162 . If the citation method is used to punish violators, the violation shall be treated as a civil infraction, and fines shall be set forth in the schedule of fees and charges adopted by resolution of the City Council and such fines may then be revised from time to time by resolution of the City Council; however, any fine amount set forth in such resolution of the City Council shall not to exceed five hundred dollars (\$500.00) per offense. Each day a violation occurs shall constitute a separate offense and shall be punishable hereunder as a separate offense.

SECTION 4. Codification. It is the intention of the City Council of the City of Westlake that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Westlake, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

SECTION 5. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions which are in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 6. Severability. Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

SECTION 7. Effective Date. This ordinance shall be effective upon adoption on second reading.

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

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

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

City of Westlake
JohnPaul O'Connor, Mayor

ATTEST:

Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY

File Attachments for Item:

C. SECOND READING: Ordinance 2022 - 05: Land Development Regulations Re-Adoption

Submitted By: City Attorney's Office

ORDINANCE 2022-05

AN ORDINANCE OF THE CITY OF WESTLAKE, FLORIDA, RE-ADOPTING AND RE-CONFIRMING THE CITY'S PREVIOUSLY ADOPTED ORDINANCES RELATED TO THE DEVELOPMENT OF LAND WITHIN THE CITY AND CONSOLIDATING SUCH ORDINANCES AS A COMPREHENSIVE SET OF LAND DEVELOPMENT REGULATIONS FOR THE CITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE



Meeting Agenda Item Coversheet

MEETING DATE:		June 7, 2022	Submitted By: City Attorney's Office	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		SECOND READING: Ordinance 2022 - 05: Land Development Regulations Re-Adoption		
STAFF RECOMMENDATION: (MOTION READY)		Motion to Adopt Ordinance 2022-05: Land Development Regulations Re-Adoption on Second Reading		
SUMMARY and/or JUSTIFICATION:		<p>The City Commission has previously adopted seven ordinances which collectively comprise the City's Land Development Regulations ("LDRs").</p> <p>The City Commission seeks to consolidate the City's LDRs into a single, comprehensive set of standards, rules and conditions related to the development of land in the City.</p> <p>The consolidation of the City's LDRs will provide for a more efficient land development process and better serve residents and businesses seeking to live, work and operate within the City.</p>		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:		PROCLAMATION:	
	EXHIBIT(S):		OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>	Agenda Item Cover Sheet Ordinance			
SELECT, if applicable	RESOLUTION:		ORDINANCE: X	
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <u>Please keep text indented.</u>	<p style="text-align: center;">ORDINANCE 2022-05</p> <p style="text-align: center;">AN ORDINANCE OF THE CITY OF WESTLAKE, FLORIDA, RE-ADOPTING AND RE-CONFIRMING THE CITY'S PREVIOUSLY ADOPTED ORDINANCES RELATED TO THE DEVELOPMENT OF LAND WITHIN THE CITY AND CONSOLIDATING SUCH ORDINANCES AS A COMPREHENSIVE SET OF LAND DEVELOPMENT REGULATIONS FOR THE CITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE</p>			
FISCAL IMPACT (if any):				\$

ORDINANCE 2022-05

AN ORDINANCE OF THE CITY OF WESTLAKE, FLORIDA, RE-ADOPTING AND RE-CONFIRMING THE CITY'S PREVIOUSLY ADOPTED ORDINANCES RELATED TO THE DEVELOPMENT OF LAND WITHIN THE CITY AND CONSOLIDATING SUCH ORDINANCES AS A COMPREHENSIVE SET OF LAND DEVELOPMENT REGULATIONS FOR THE CITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Westlake ("City") seeks to re-adopt and re-confirm a number of ordinances that comprise the City's Land Development Regulations ("LDRs") with the intent of codifying the City's LDRs as a single, comprehensive set of standards, rules and conditions related to the development of land in the City; and

WHEREAS, on August 14, 2017, the City Council adopted Ordinance No. 2017-2, thereby amending the City's previously adopted "interim land development code," to establish certain regulations related to entrance design standards and other signage (a copy of Ordinance No. 2017-2 is attached as Exhibit "A"); and

WHEREAS, on September 9, 2019, the City Council adopted Ordinance No. 2019-7, thereby establishing landscaping design and buffer guidelines for the City as Chapter 4 of the City's LDRs (a copy of Ordinance No. 2019-7 is attached as Exhibit "B"); and

WHEREAS, on September 23, 2019, the City Council adopted Ordinance No. 2019-9, thereby establishing zoning districts within the City as Chapter 3 of the LDRs (a copy of Ordinance No. 2019-9 is attached as Exhibit "C"); and

WHEREAS, on October 28, 2019, the City Council adopted Ordinance No. 2019-12, thereby providing for the administration of land development regulations for the City and establishing the initial framework for the City's future land development as Chapter 1 of the LDRs (a copy of Ordinance No. 2019-12 is attached as Exhibit "D"); and

WHEREAS, on October 28, 2019, the City Council also adopted Ordinance No. 2019-13, thereby establishing comprehensive land development procedures for the City, including application review

and approval requirements, fees, notice requirements and appeal procedures, as Chapter 2 of the City's LDRs (a copy of Ordinance No. 2019-13 is attached as Exhibit "E"); and

WHEREAS, on July 12, 2021, the City Council adopted Ordinance No. 2021-04, thereby establishing mandatory land development requirements, including subdivision and site development standards, as Chapter 5 of the City's LDRs (a copy of Ordinance No. 2021-04 is attached as Exhibit "F"); and

WHEREAS, on September 27, 2021, the City Council adopted Ordinance No. 2021-09, thereby establishing mobility plans for the City, including the utilization of Palm Beach County's traffic performance standards for motorized vehicles, as Chapter 7 of the City's LDRs (a copy of Ordinance No. 2021-09 is attached as Exhibit "G"); and

WHEREAS, on September 27, 2021, the City Council also adopted Ordinance No. 2021-06, thereby amending the City's parking regulations and providing for residential and commercial parking standards as Chapter 8 of the City's LDRs (a copy of Ordinance No. 2021-06 is attached as Exhibit "H"); and

WHEREAS, it is the intent and desire of the City Council to re-adopt and re-confirm the City's previously adopted ordinances related to land development within the City as a single comprehensive ordinance, which shall be the City's Land Development Regulations (LDRs), and which maybe further amended by the City Council from time to time; and

WHEREAS, the City Council finds that consolidating its various land development ordinances a single, comprehensive set of LDRs will provide for a more efficient land development process and better serve both the City, as well as citizens, residents and businesses seeking to live, work and operate within the City; and

WHEREAS, the City Council further finds that re-adopting, re-confirming and consolidating its land development ordinances as a single set of LDRs is in the best interests of the citizens, residents and businesses in the City.

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

Section 1: Incorporation. The facts and recitations contained in the preamble of this ordinance are adopted and incorporated by reference as if set forth herein. All exhibits attached hereto are expressly incorporated herein and made a part of this ordinance.

Section 2: The City Council of the City of Westlake hereby re-adopts and re-confirms the following ordinances, which are hereby consolidated and shall be considered the comprehensive Land Development Regulations for the City of Westlake to be identified as Article:

- Article I - Ordinance No. 2019-12
- Article II - Ordinance No. 2019-13
- Article III - Ordinance No. 2019-9
- Article IV - Ordinance No. 2019-7
- Article V - Ordinance No. 2021-04
- Article VI - Reserved.
- Article VII - Ordinance No. 2021-09
- Article VIII - Ordinance No. 2021-06

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

Section 4: Conflicts. All ordinances and parts of ordinances which conflict with this ordinance are hereby repealed.

Section 5: Severability: Should the provisions of this Ordinance be declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held

to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall remain notwithstanding the invalidity of any part.

Section 6: **Effective Date:** This Ordinance shall be effective upon adoption on second reading.

PASSED AND APPROVED on this 9th day of May 2022, on first reading.

PUBLISHED on this 25th day of May 2022 in the Palm Beach Post.

PASSED AND ADOPTED on this 7th day of June 2022, on second reading.

CITY OF WESTLAKE, FLORIDA

JohnPaul O'Connor, Mayor

ATTEST:

City Clerk, Zoie P. Burgess, CMC

Approved as to Form and Sufficiency

City Attorney's Office

ORDINANCE NO. 2017-2

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S INTERIM LAND DEVELOPMENT CODE, ARTICLE 8, TABLE 8(G)(2)(C) ENTRANCE DESIGN STANDARDS, WHICH PROVIDES CRITERIA FOR ENTRY SIGNS, SAID AMENDMENT SHALL INCLUDE DESIGN CRITERIA FOR NON-RESIDENTIAL ENTRY SIGNS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Chapter 163, upon incorporation, the County's comprehensive plan shall be deemed controlling, until the City of Westlake adopts its' own comprehensive plan; and

WHEREAS, the pursuant to Section 163.3174(4)(C), the Planning and Zoning Board, sitting as the Local Planning Agency(LPA), has the authority to review proposed land development regulations, land development codes, or amendments thereto; and

WHEREAS, the Developer has requested review of a provision of the land development codes regarding entrance signs for the non-residential developments within the City of Westlake, wherein the non-residential entry signs may include business entities names on the entry signs; and

WHEREAS, the entrance sign standards shall limit the maximum size of the business entities' names to sixty (60) square feet and twenty-one (21) feet in height, and such names shall be of uniform color and font; and

WHEREAS, the Developer's requested changes to the City of Westlake's interim land development code are shown in underline for the additions to the code and strike through for the deletions to the code, as set forth in the attached Exhibit "A"; and

WHEREAS, the City of Westlake's Planning and Zoning Board, sitting as the Local Planning Agency(LPA), had the opportunity to review the requested changes at a public hearing, and to make a recommendation to the City Council for the City of Westlake; and

WHEREAS, the staff for the City of Westlake has reviewed the request of the applicant and the addition of notes two and three, within Article 8, Table 8(G)(2)(C) of the City's interim land development code, which addition, will allow for the business entities' name to be included on the totem portion of the non-residential pod entry sign; and

WHEREAS, having considered the recommendations of the Planning and Zoning Board, the City Council for the City of Westlake has found and determined that the adoption of the land development text amendment to Article 8, Table 8(G)(2)(C), will preserve the public health, safety and welfare, enhance the value and character of the community and implement the interim adopted comprehensive plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:

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

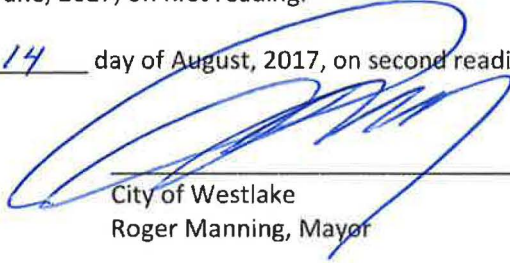
Section 2. Amendment: The City of Westlake hereby amends the interim Land Development Code, Article 8, Table 8(G)(2)(C), Entrance Sign Standards as shown in underline and strikethrough format, in the Exhibit "A" attached hereto and incorporated herein, said amendments are applicable to non-residential entrance signs within the jurisdictional boundaries of the City of Westlake.

Section 3. Severability: Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

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

PASSED this _____ day of June, 2017, on first reading.

PASSED AND ADOPTED this 14 day of August, 2017, on second reading.



City of Westlake
Roger Manning, Mayor



Sandra DeMarco, City Clerk



City Attorney
Pam E. Booker, Esq.

Table 8.G.2.C - Entrance Sign Standards

Maximum Number	2 signs per entrance
Maximum Sign Face Area Per Sign	60 sq. ft. ²
Additional Residential Sign Face Area Option	If a decorative background element such as tile, stucco, or other building material or color is used, the maximum sign face area for such decorative treatment may be expanded 24 inches measured from the sign face area in each cardinal direction.
Maximum Height	8 ft. ²
Additional Residential Height Option	The maximum sign height, excluding the height of the structure to which the sign is attached may be increased up to ten feet for a R-O- W > 80 or = to 110 feet in width, or 12 feet for a R-O-W > 110 feet, subject to a 25 foot setback or the district setback, whichever is greater ¹ .
Maximum Projection	24 inches from surface of wall
Location	Attached to a wall, fence or project identification feature located at or within 400 <u>300</u> feet of the entrance to a development a pod boundary.
Sign Copy and Graphics	Shall be limited to the name and address of the development. ^{2,3}
Ord. 2006-036	
Notes:	
1.	The maximum sign height, excluding the height of the structure to which the sign is attached may be increased up to 20 feet for signs fronting on the Rural Parkway in the AGR zoning district. [Ord. 2006-036]
2.	<u>Tenant, plaza, community, and/or City landmark identification shall be permitted on the totem portion of non-residential entrance signs up to a maximum of 60 square feet and 21 feet in height.</u>
3.	<u>All tenant, plaza, community, and/or City landmark identification shall maintain consistent colors and font styles. Logos are not permitted on the entrance monument signs.</u>

The following is a graphical example of a non-residential pod entry with sign copy on the totem.



ORDINANCE NO. 2019-7

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING MANDATORY LANDSCAPING DESIGN AND BUFFERS WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR LICENSING AND TRAINING OF APPLICATORS OF FERTILIZING; WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED "LANDSCAPING AND BUFFERS", PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERALABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about May 3, 2018, the Florida Department of Economic Opportunity provided the City with notice of intent to find the City’s initial comprehensive plan in compliance and now the effective and controlling Comprehensive Plan for the City of Westlake (“Comprehensive Plan”; and

WHEREAS, the purpose of this ordinance is to promote the health, safety, welfare, and well-being of the community establish rules, regulations and guidelines regarding the protection of existing vegetation; the installation of landscaping; and the maintenance and management of all vegetation including, but not limited to, trees, shrubs, plants and ground cover, within the corporate limits of the City of Westlake, and

WHEREAS, guidelines are required for landscape materials and buffer requirements for all new development, redevelopment and expansion of existing developments in a manner that will promote the health, safety, welfare, and well-being of the community and,

WHEREAS, the City of Westlake recognizes the need for the protection of water as a natural resource through the application of Florida-Friendly Landscaping practices; and

WHEREAS, Florida-Friendly Landscaping promotes the conservation of water by the use of site adapted plants and efficient landscape irrigation systems and watering practices, which may, in turn, result in long-term reductions in the use of fertilizers, pesticides, energy, maintenance, and the associated costs; and

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

Section 1. Incorporation: The above recitals are confirmed, adopted and are incorporated herein and made a part hereof by this reference.

Section 2. Establishment of Landscape and Buffer Code: The Code of Ordinances for the City of Westlake shall contain an Chapter entitled “Landscape and Buffer Code” which code shall contain the provisions as specifically set forth herein.

Chapter 4

Chapter I

Section 4.1 Purpose: This ordinance is based on concepts of Florida-Friendly Landscaping and the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries.

The purpose of these regulations is to establish minimum standards for the development, installation, and maintenance of Florida-Friendly landscapes without inhibiting creative landscape design, construction or management. To assist in designing the landscape so that plants serve a number of functions, including, but not limited to, cooling, privacy screening, shade, aesthetics, runoff pollution prevention, vegetative buffers for landscape beds, filtration buffers for runoff, and directing traffic flow onto and within the Community. In addition to Florida-Friendly Landscaping design and maintenance practices, this Ordinance regulates the proper installation and maintenance of efficient landscape irrigation systems, the use of fertilizers by any applicator, and establishes training and licensing requirements for Commercial and Institutional Fertilizer Applicators.

Section 4.2 Applicability. The requirements of this Chapter apply to all new development, redevelopment, or expansions of existing development, whether public and private, in the City, unless otherwise exempted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4.4 Waivers. Landscape requirements may be waived by the City Manager or designee if:

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

Section 4.5 Graphics. The graphics in this Chapters are demonstrative and not regulatory.

Article II Landscape Plan

Section 4.10 Landscape Plan. A landscape plan shall be submitted, reviewed and approved by the City Manager or designee at time of site plan approval or prior to the issuance of a building permit. Landscape

plans shall be prepared by a landscape architect or other persons as authorized under Chapter 481, Part II, Florida Statutes.

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

B) **Certification.** Prior to issuance of a Certificate of Occupancy, the landscape architect, landscape contractor, or other authorized landscape professional responsible for the project shall provide written, sealed or notarized, certification to the City that the installation of landscaping has been completed in accordance with the approved landscape plan.

Section 4.11 Standard Landscape Requirements

Section 4.12 Applicability. The following shall apply to all landscape uses throughout the City:

A) **Canopy Trees.**

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

- B) Small Trees (Ornamental).**
- (1) Small trees (Ornamental) shall be used to provide diversity in size and shape.
 - (2) Two ornamental trees may be used in lieu of a required canopy tree. Small trees may not exceed 50 percent of the required number of canopy trees.
 - (3) Small trees may be single or multi-trunk and shall have a minimum of 5 feet in overall height and 3 feet in spread at time of installation.
- C) Palm Trees.**
- (1) Palm trees shall be used to provide visual diversity.
 - (2) Palms may not be used in excess of 50% of the required number of canopy trees.
 - (3) Palm trees shall have a minimum of 8 feet in clear trunk and 12 feet in overall height at time of installation.
- D) Palm Trees (Ornamental).**
- (1) Ornamental palm trees shall be used to provide diversity in size and shape.
 - (2) Ornamental palm trees shall have a minimum of 3 feet in overall height and 3 feet in spread at time of installation.
- E) Shrubs and Hedges.**
- (1) All plantings should be spaced in a manner to create a harmonious transition to the land use from the view of adjoining structures within one year from planting.
 - (2) All plants shall be healthy and free of disease and pests at the time of planting.
 - (3) Except where otherwise specified, shrubs and hedges shall be at least 18 inches high from ground elevation to the top of the plant with an 18-inch spread at time of installation.
 - (4) Hedge material shall be planted a maximum of 24 inches on center, or as may be adjusted in the field based upon the type of plants utilized, with a maximum spacing of 36 inches on center.
 - (5) Residential Hedge Height:
 - (a) Hedges shall not exceed four feet in height when located within the required front setback.
 - (b) Hedges shall not exceed eight feet in height when located on or adjacent to the side, side street, or rear property lines.
- F) Ground Cover.** Vegetative ground covers shall be planted and spaced in a manner that provides 50% vegetative coverage at time of planting and 100% vegetative coverage within 1 year. Low growing shrubs planted as a continuous mass or clusters shall be considered a ground cover.
- G) Turf (Lawn/Turf Grass).** Lawn/turf grass areas shall be planted with species suitable as permanent lawns and reach 100% coverage within six months of planting. Grass areas may be sodded, plugged or sprigged, provided that sod shall be required between perimeter or right-of-way landscape and swales and in other areas subject to erosion. In areas where grass seed is used, millet or rye shall also be sown for immediate effect, and immediate maintenance shall be provided until coverage is complete. All areas not occupied by buildings, vehicular use areas or other impervious surface, lakes, and landscape planting areas, shall be fully planted with lawn/turf grass. Lawn and turf grasses for large sites may be established by seeding subject to the approval of the City Manager or designee.
- H) Earth Berms.** Earth Berms may be used as non-living landscape barriers in conjunction with plant materials. Berms may be used in conjunction with fences, walls or hedges. Runoff from berms shall be contained within the parcel of land, as illustrated in Figure 4-3 or in a manner approved by the City Engineer.
- (1) Maximum Slope. The slope of a berm shall general be four-to-one unless otherwise approved by the Planning and Zoning Director or designee.

- (2) **Height Measurement.** Berm height shall be measured from the nearest adjacent top of the curb (parking lot), the nearest adjacent crown of the road, or the nearest adjacent finished floor elevation, whichever is higher.
- I) **Mulch.** A layer of organic mulch to a minimum depth of two inches shall be specified on the landscape plans in plant beds and around individual trees in grass areas. Mulch shall not be required in annual beds.
- J) **Non-living materials.** Synthetic plants, artificial turf, and artificial materials will not satisfy minimum landscaping requirements. Artificial materials used in hardscape areas, plazas, and high use activity areas are permitted provided the intent of these LDRs is satisfied. Pebble, egg rock, or decorative sand may be used up to a maximum of ten percent of ground coverage.
- K) **Planters.** Planters, if planted with live plants, will satisfy the landscape requirements if they meet the following criteria:
- (1) Shrub planters: Must be at least 18 inches deep and have at least 9 square feet of area and appropriate for the plant species proposed.
 - (2) Tree planters: Must be at least 30 inches deep and have at least 24 square feet of area and appropriate for the plant species proposed.
 - (3) Shrub and tree planters used to satisfy landscape requirements shall be equipped with drainage and fully irrigated.
- L) **Plant Material Quality.** All plant material shall be Florida Grade Number 1 or better as defined by the latest version of "Florida Grades and Standards for Nursery Plants" published by the Florida Department of Agricultural and Consumer Services.
- M) **Native Plant Requirements.** Plantings shall include a variety of tree and shrub species with at least 50% of the required trees and 25% of the required shrubs being plants native to Florida.
- N) **Prohibited Plant Species.** Category 1 invasive plant species as defined by the Florida exotic pest plant council (FLEPPC) are prohibited. All new development must remove all invasive vegetation identified by FLEPPC from the development site.

Figure 4-1

CANOPY TREE MEASUREMENT STANDARDS

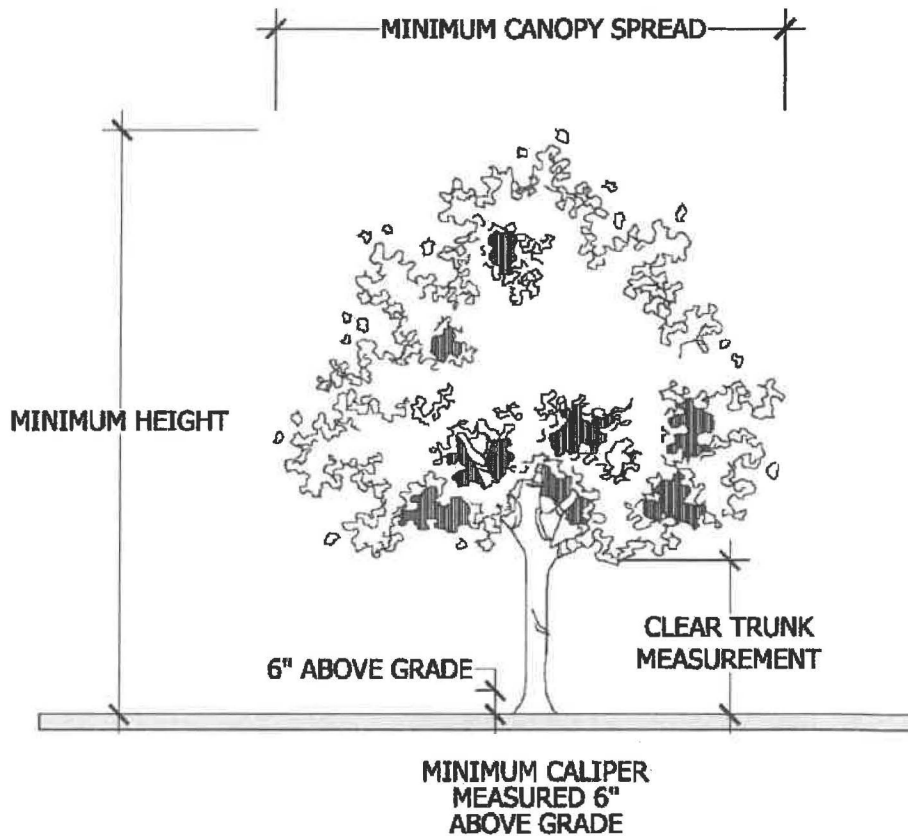


Figure 4-2

PALM MEASUREMENT STANDARDS

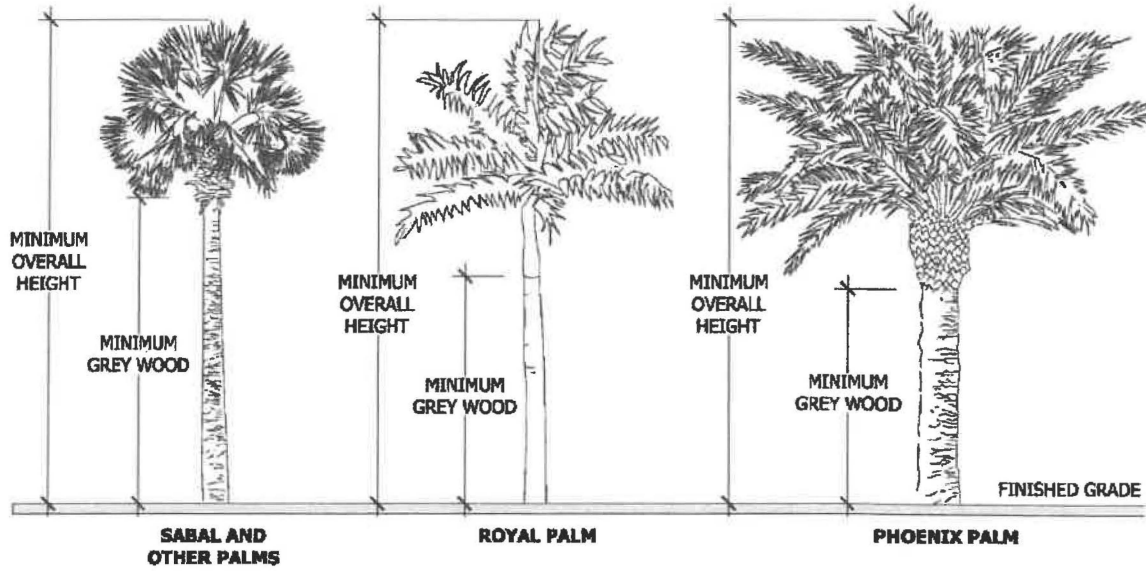


Figure 4-3

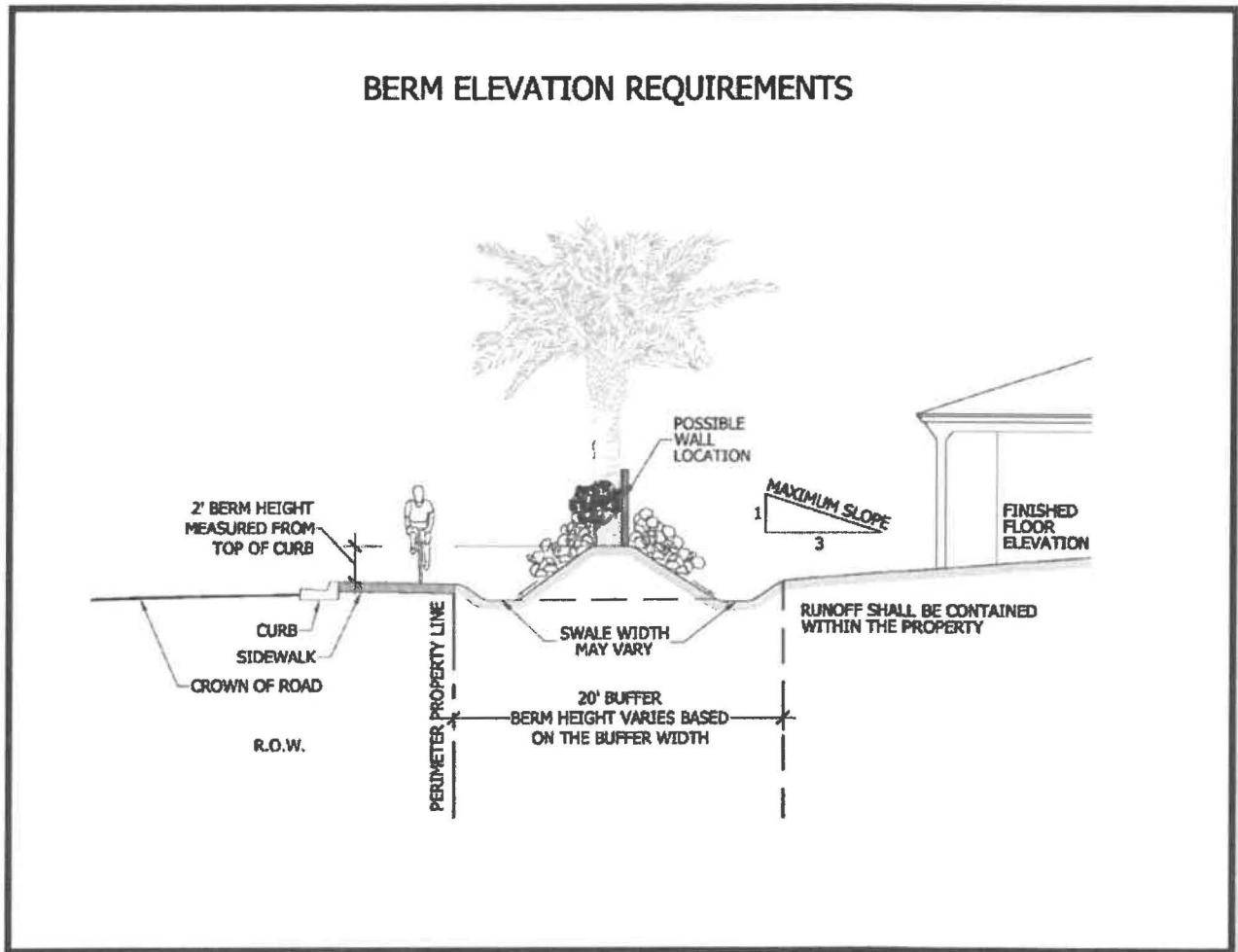
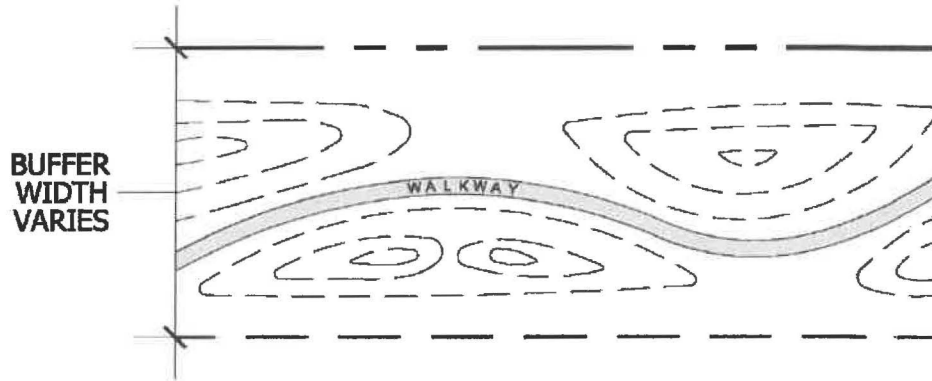


Figure 4-4

TYPICAL EXAMPLE OF STAGGERED, ROLLING OR OFFSET BERM



LINE TYPES:

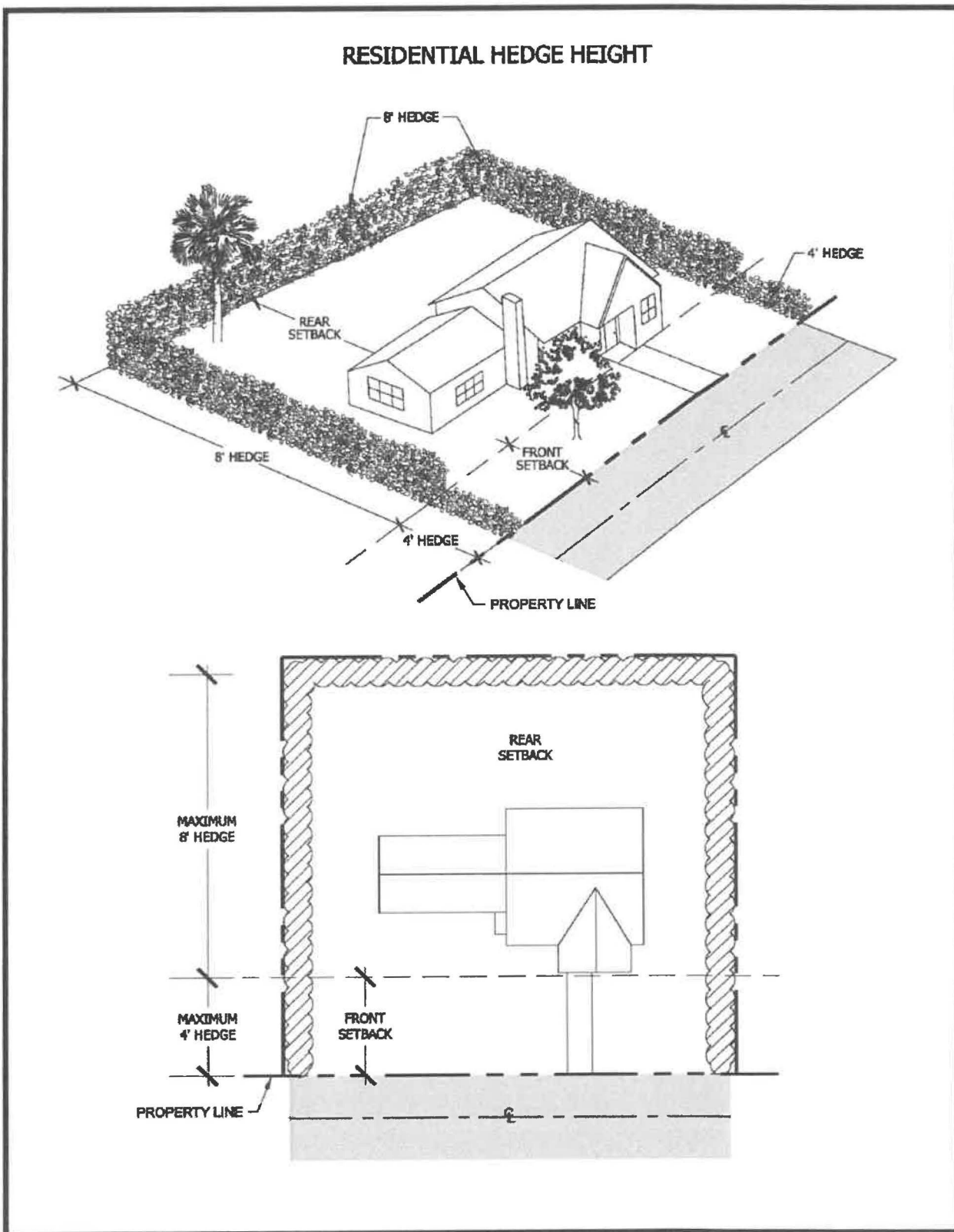
PROPERTY LINE

CONTOUR LINE

BUFFER BOUNDARY



Figure 4-5



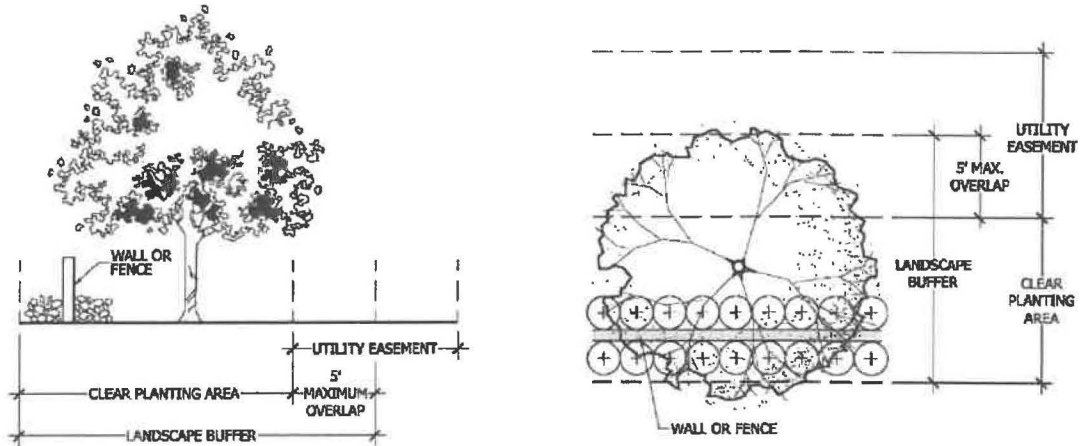
C) BUFFERS AND SCREENING

Section 4.13 Buffer and Landscape Requirements.

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

Figure 4-6

MAXIMUM ALLOWED ENCROACHMENT INTO EASEMENTS



C) Minimum Landscaping Requirements.

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

Section 4.14 Dumpsters and Mechanical Utilities Screening.

- A) When visible from a public street or adjacent property line, all trash containers, dumpsters, trash compactors, generators, mechanical equipment, loading docks, and utility structures, shall be screened from view. Trash containers, dumpsters and trash compactors must contain a trash enclosure in accordance with Subsection 4.3(2)(E) below.
- B) Screening shall consist of evergreen shrubs, fencing, walls or berms.
- C) All screening of utilities shall comply with the requirements of the utility provider in addition to the requirements of these Land Development Regulations.
- D) Shrub species, when utilized, shall be a minimum of 3 feet high at time of installation, spaced at 2 - 3 feet on center and achieve and be maintained at a mature height equal to the height of the element requiring screening with 90% opacity.
- E) Trash enclosures shall be constructed with concrete or materials with similar durability that are compatible with the design and materials of the principal building. Trash

enclosures shall be identified on the site plan for all non-residential and multi-family sites. Trash enclosures shall use colors and finishes compatible with the primary structures on the site. Trash enclosures shall be on a solid concrete pad. Where walls are utilized, additional plantings may be required.

Section 4.15 Foundation Plantings

Section 4.16 Foundation Plantings Required. Foundation plantings shall be provided along facades of all non-residential, multi-family and single family attached greater than 3 unit structures unless specifically exempted by this Chapter. Required plant material shall be located within 30 feet of the foundation, and along the front and side facades of drive-through establishments, including Freestanding ATMs. All required foundation plantings shall include a minimum of one canopy tree or palm for each 20 linear feet of building facade and one shrub or ground cover for every 10 square feet of planting area. Ornamental trees and ornamental palm trees may be used in lieu of 50% of the required trees or palms. The relocation of foundation plantings may be approved by the City Manager or designee provided the minimum required square footage of the planting area is maintained.

Section 4.17 Exemptions. The following are exempt from foundation planting requirements:

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

Section 4.18 Minimum Width. The foundation planting areas shall be an average of 5 feet wide with a minimum width of 3 feet.

Section 4.19 Minimum Length. The combined length of the required foundation planting shall be 50% of the building façade. The minimum length shall be calculated by the total length of the applicable side of the structure, excluding garage doors and loading bays.

Section 4.20 Planting Around Signs. A three foot -wide planting area shall be required around the base of all ground-mounted signs. Continuous shrubs and or groundcovers shall be installed within the planting area and maintained at an average minimum height of 18 inches. Monument signs six feet in height or less may be surrounded by ground cover on all sides instead of shrubs and maintained at an average minimum height of 12 inches. Landscaping and trees that interfere with the visibility of signage may be relocated to the rear or side of the sign subject to the approval of the City Manager or designee, provided the intent of this Chapter is satisfied.

Section 4.21 Free Standing ATMs. Required foundation plantings may be modified as follows:

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

Article III

Section 4.25 OFF-STREET PARKING, VEHICULAR USE AREA SCREENING, AND STREET TREE PLANTINGS.

Section 4.26 Applicability. Off-street parking regulations apply to all parking facilities. Off-street parking facilities and other vehicular use areas shall meet the requirements of this Chapter.

A) Interior Planting Areas.

- 1) Off-street surface parking lots and vehicular use areas shall be required to provide interior landscaping with an area equal to 10 percent of the paved vehicular use area within the lot perimeter. These landscaped areas shall be located within islands interior to the lot or adjacent to the pavement perimeter. Off-street parking and vehicular use areas are to be measured from the edge of parking and/or driveway paving and sidewalks. Required perimeter landscape, right-of-way landscape, and foundation planting areas shall not be included in the calculation for interior landscape area.
- 2) Parking lot landscape interior islands are required every 10 consecutive parking spaces. The number of consecutive spaces may be increased to 15 if a divider median, tree diamonds, and or larger terminal islands are incorporated into the parking lot design. All interior islands shall contain at least one canopy tree, three palm trees, or one specimen palm. On average, each parking space should be within 50 feet of the required canopy tree, specimen palm, or three palm trees.
- 3) Parking and vehicular use areas must be visually screened from rights-of-way and adjacent properties through the use of landscaping or walls and fences in combination with landscaping, with an emphasis on any portions fronting a street. At a minimum, a hedge shall be placed between the parking area and sidewalk. Clear vehicular sight triangles shall be maintained at all driveway and street intersection and throughout the vehicular use area. Right-of-way and perimeter landscape may be used to satisfy the screening requirement when contiguous to parking and vehicular use areas.
- 4) The minimum width of a landscape divider median shall be 5 feet, excluding curbs and vehicle overhang.
- 5) Vehicle overhang shall be measured at a distance of 2.5 feet from the face of the curb or wheel stop.
- 6) For the purpose of this Chapter, the nominal width of a raised curb shall be 6 inches.
- 7) The minimum width of a tree diamond shall be 5 feet by 5 feet, excluding curbs.
- 8) The minimum width of interior and terminal islands shall be 8 feet excluding curbs. For the purpose of Paragraph 4.5(1)(A)(2) above, the minimum width of larger terminal islands shall be 14 feet, excluding curbs.
- 9) Area lighting is permitted within landscaped areas, provided it does not adversely impact photometric values of parking area.

Figure 4-7

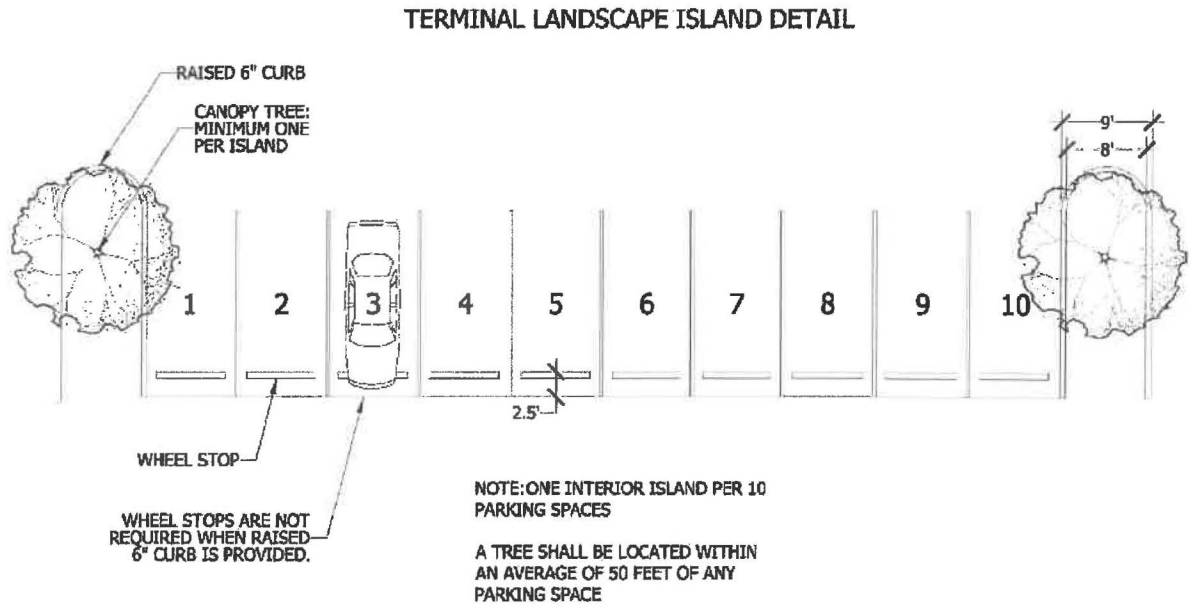


Figure 4-8

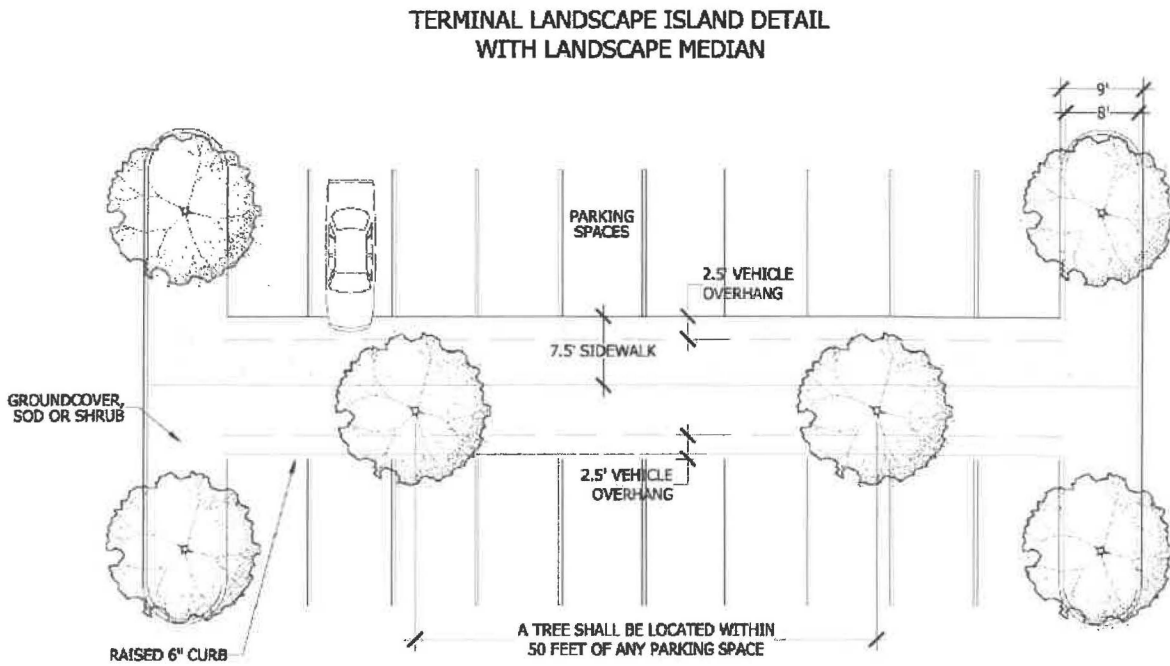


Figure 4-9

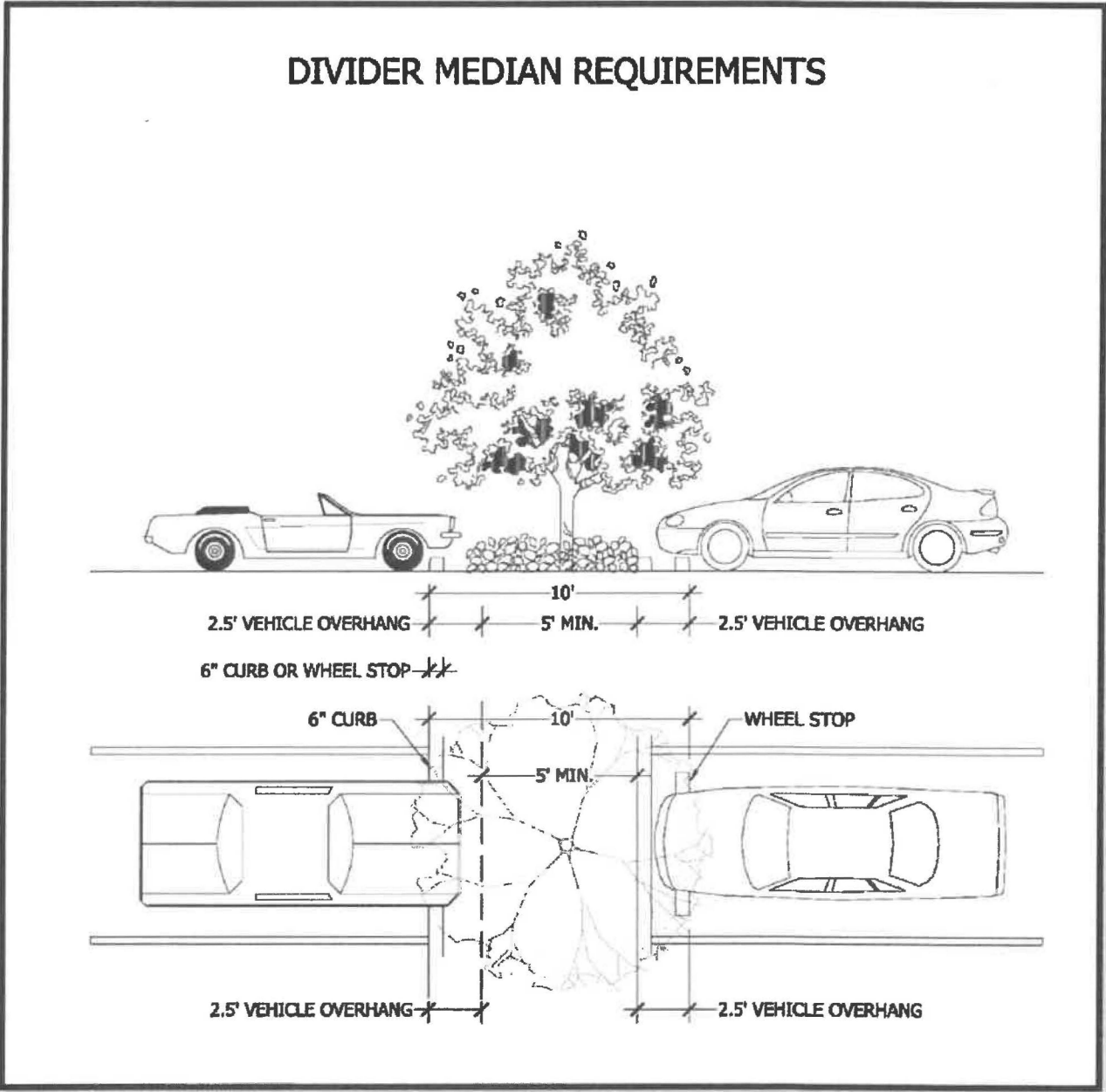


Figure 4-10

DIVIDER MEDIAN REQUIREMENTS (WITH SIDEWALK)

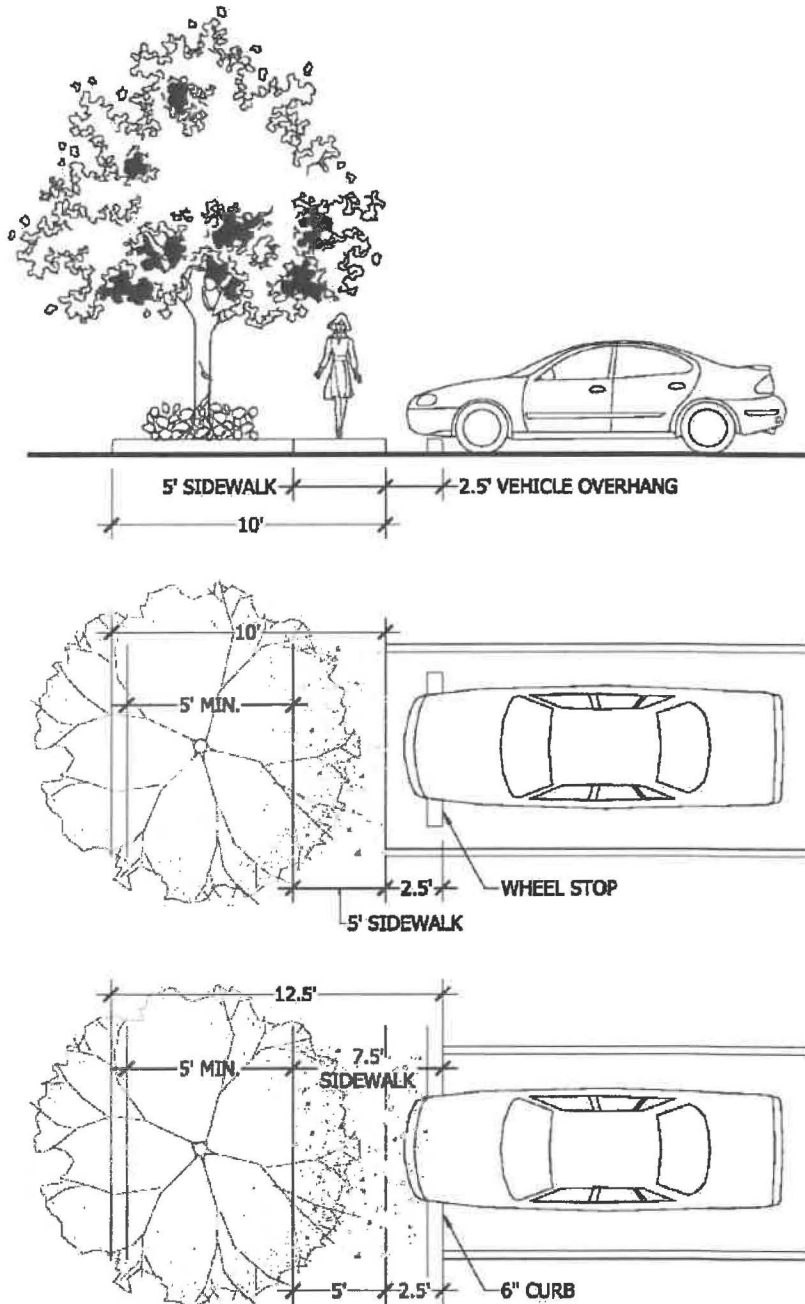


Figure 4-11

LARGER TERMINAL LANDSCAPE ISLAND DETAIL WITH DIAMONDS

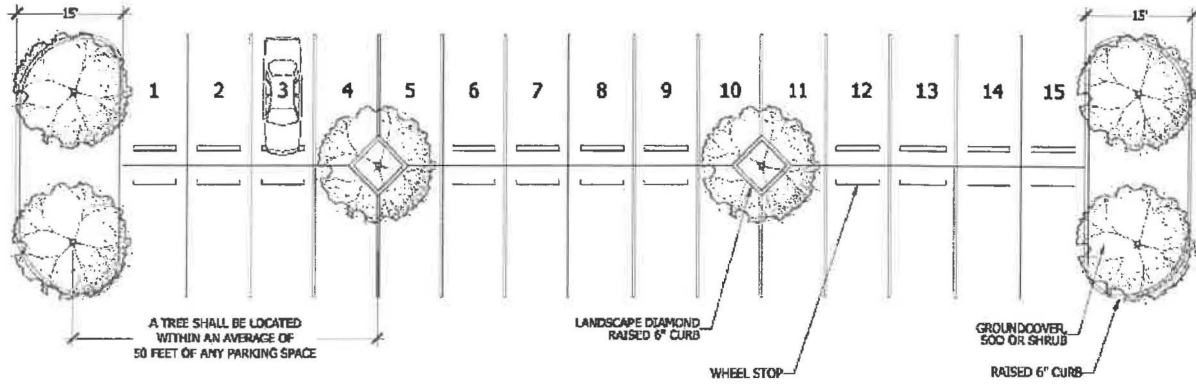


Figure 4-12

TERMINAL LANDSCAPE ISLAND DETAIL WITH DIAMONDS

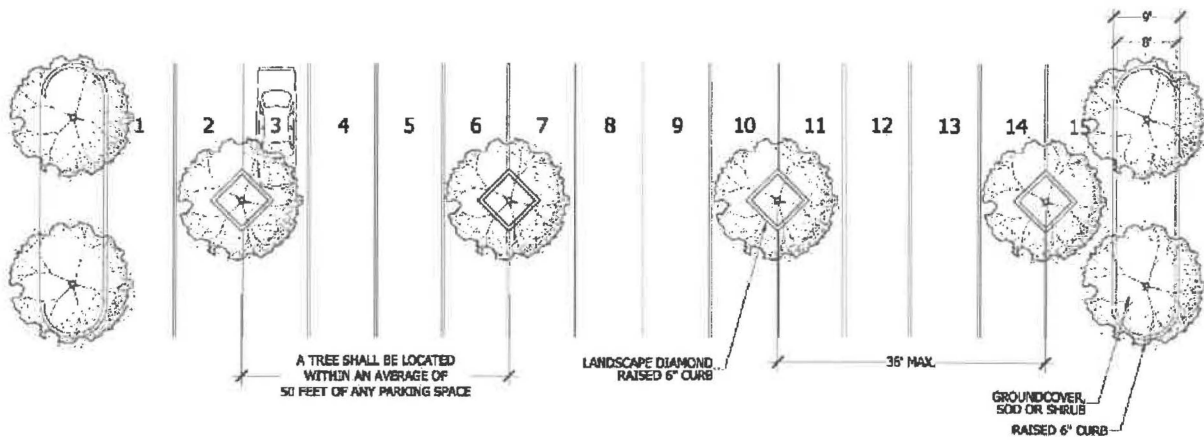
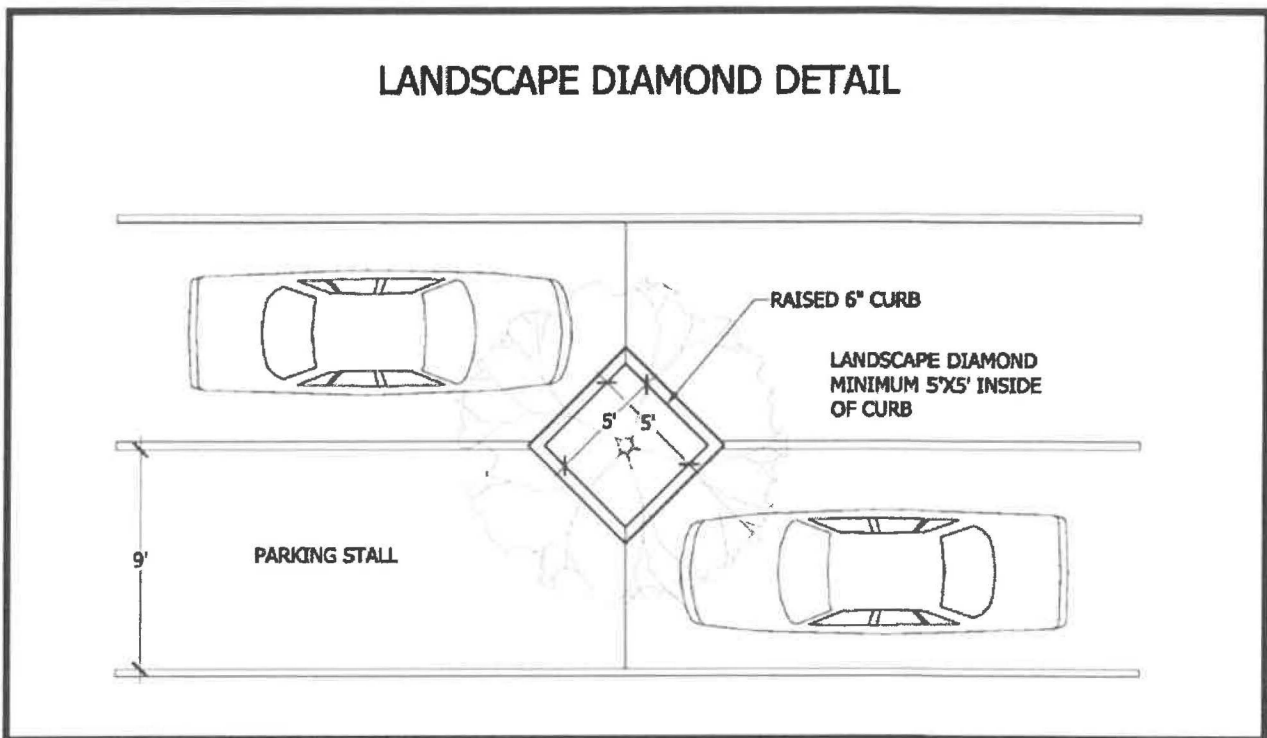


Figure 4-13



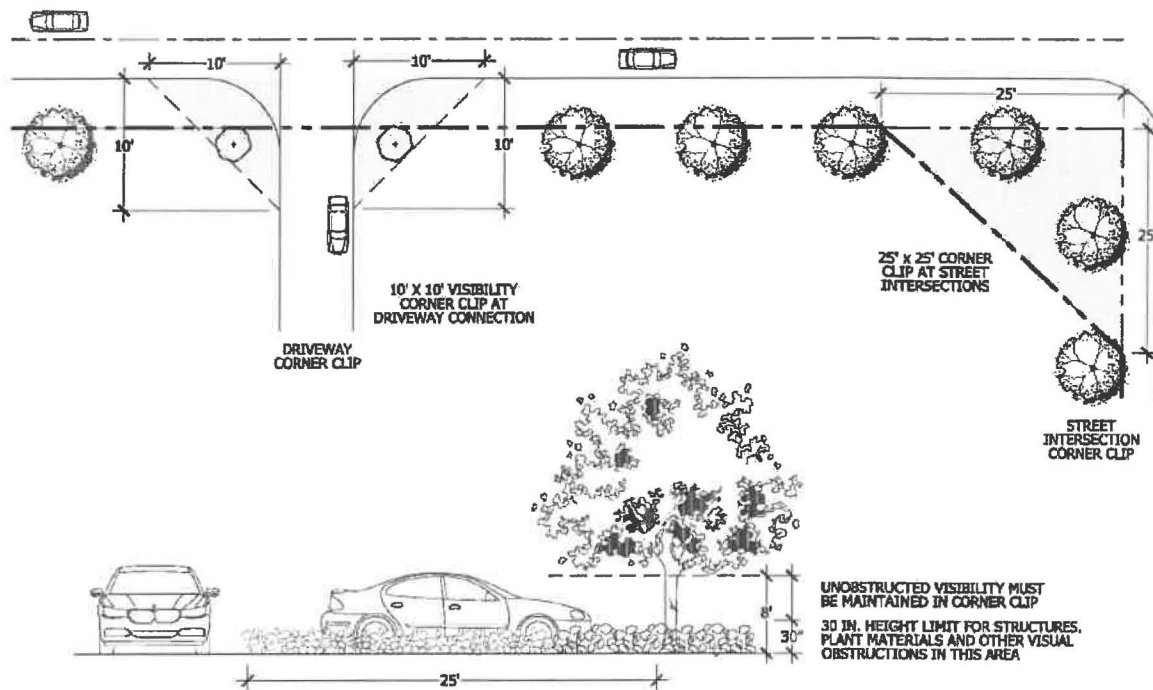
Section 4.27 Landscape Protection Measures. Where landscaping is installed in within or adjacent to vehicular use areas, then curbs, wheel stops, raised sidewalks, or other acceptable means of protection shall be provided to prevent injury to the lawn and landscape vegetation.

Section 4.28 Visibility Triangles (Corner Clips). Landscaping within corner clip and visibility triangles shall be subject to the following limitations:

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

Figure 4-14

CORNER CLIP VISIBILITY REQUIREMENTS



Section 4.29 Street Trees

Section 4.30 Location Street. Trees shall be located between curb and sidewalk but may also be offset behind the sidewalk a maximum of 12 feet from back of sidewalk or a distance of 25 feet from adjacent back of curb.

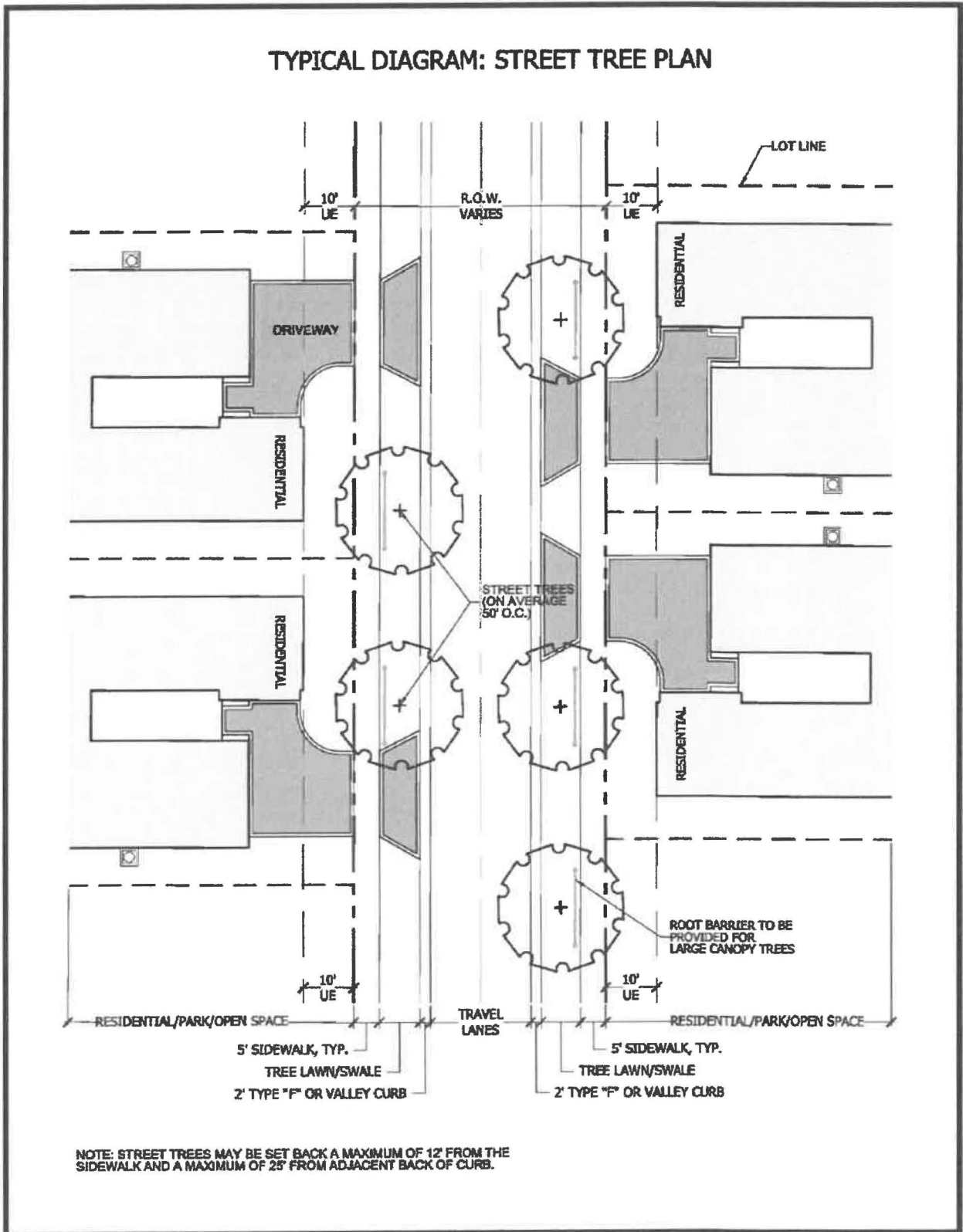
Section 4.31 Spacing. Street trees are required on all public and private streets. Street trees shall maintain an average spacing of 50 feet on center on both sides of the street. Exceptions to this distance are allowable due to conflicts with utilities, lighting, sight distance, etc. Maximum spacing shall not exceed 75 feet unless otherwise determined by the City Manager or designee.

Section 4.32 Use of Palm Trees. Palm trees may be used as street trees to provide diversity and special interest. Palm trees shall maintain an average spacing of 30 feet on center on both sides of the street. Exceptions to this distance are allowable due to conflicts with utilities, lighting, sight distance, etc. Maximum spacing shall not exceed 60 feet.

Section 4.33 Pattern. The street tree pattern may be interrupted by architectural elements such as overhead arcades, columns, bridge encroachments, and public art. They may also be clustered to allow for views to monuments, features, fountains and other points of interest.

Section 4.34 Mixed Use District. Street trees within the Town Center Mixed Use District may be used to satisfy landscape requirements when buildings engage the street without intervening vehicular use areas.

Figure 4-15



Article IV

Section 4.40 ADDITIONAL ZONING DISTRICT LANDSCAPING REQUIREMENTS

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

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

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

1. Two palm trees may be substituted for one canopy tree. One specimen palm may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
 2. Two small trees may be substituted for one canopy tree.
 3. Tree and shrub planting requirement calculations for parcels of land shall be based upon gross parcel area minus the building coverage for the principal residential structure.
 4. Parcels of land shall be fully planted with lawn/turf grass.
- B) Landscaping for open space parcels or recreation parcels shall provide a minimum of 1 canopy tree per 2,500 SF of the respective tract or open space area.
 1. One palm trees may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
 2. Two small trees may be substituted for one canopy tree.
 - (2) For the purpose of this Section, open space parcels, recreation parcels, and other common areas interior to a single family or single family attached site or parcel may be aggregated together, so long as the total number of provided trees are provided.
 - (3) Open space parcels, recreation parcels, and other common areas shall be fully planted with lawn/turf grass.
 - G) Single family attached with greater than 3 attached units are required to provide foundation plantings in accordance with Section 4. 55 of this Chapter.

Section 4.41. Multi-Family Residential Landscaping.

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

TABLE 4-2: MULTI-FAMILY RESIDENTIAL LANDSCAPING REQUIREMENTS

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

- (1) Two palm trees may be substituted for one canopy tree. One specimen palm may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
- (2) Two small trees may be substituted for one canopy tree.
- (3) Open space areas, recreation parcels, and other common areas shall be fully planted with lawn/turf grass.

I) Foundation planting requirements.

- (1) Multi-family residential buildings shall provide foundation plantings in accordance with Section 4.16 of this Chapter.

Section 4.42 Town Center Mixed Use District.

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

TABLE 4-3: NON-RESIDENTIAL LANDSCAPING REQUIREMENTS

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

- (1) Two palm trees may be substituted for one canopy tree. One specimen palm may be substituted for one canopy tree. A maximum of 60% of the required trees may consist of palm trees.
- (2) Two small trees may be substituted for one canopy tree.
- (3) Open space areas and other common areas shall be fully planted with lawn/turf grass.

K) Foundation planting requirements.

- (1) Non-residential buildings shall provide foundation plantings in accordance with Section 4.16 of this Chapter.
- (2) Buildings using patios, arcades, outdoor seating areas, and similar urban forms may be exempted from foundation plantings requirements upon receipt of a waiver from the City Manager of designee.

Section 4.43 Open Space and Recreation District. Park plantings should reinforce the design intent of the park, whether open or a shady oasis

TABLE 4-4: OPEN SPACE AND RECREATION LANDSCAPING REQUIREMENTS

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

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

Section 4.50 Irrigation Systems

Section 4.51 Reuse Water Required. New development, redevelopment, and expansion of existing development shall be required to use reuse water for irrigation where reuse water is available.

Section 4.52 Irrigation plans.

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

Section 4.53 Irrigation. Irrigation systems shall be maintained in working order to ensure complete coverage to all landscape areas. Irrigation heads shall be adjusted as required to respond to growth in the landscape and the water needs of the landscape. Irrigation systems shall be regularly maintained and kept in working order. Regular irrigation maintenance shall include but not be limited to, checking, adjusting, and repairing irrigation equipment; and resetting the automatic controller according to the climatic season.

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

Section 4.60 Maintenance

Section 4.61 Responsibility. The property owner shall be responsible for maintaining all landscape, including perimeter and right-of-way landscape.

Section 4.62 General. Regular maintenance of all landscaping is required. All landscaping shall be free from disease, pests, weeds, and litter. Maintenance shall include:

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

Section 4.63 Growth. All trees and palms shall be allowed to grow to their natural mature height and to full canopy unless otherwise provided for in accordance with Subsection 4(C) of this Chapter.

Section 4.64 Screening, fences, walls, and planters. The maintenance of landscape screens, fences, walls and artificial planters includes, but is not limited to, repairing, replacing damaged or deteriorated portions, and painting.

Section 4.65 Pruning of Trees.

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

Article V

Section 4.70 Fertilizer

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

- A. **Application or apply** means the actual physical deposition of fertilizer to turf or landscape plants.
- B. **Applicator** means any person who applies fertilizer on turf and/or landscape plants in the City of Westlake.

- C. **Approved test** means a soil test from the University of Florida, government, or other commercial licensed laboratory that regularly performs soil testing and recommendations.
- D. **Best management practices (BMPs)** means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practical site-specific means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.
- E. **Commercial fertilizer applicator** except as provided in Section 482.1562(9), Florida Statutes, means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer, or the employer of the applicators.
- F. **Fertilizing or fertilization** means the act of applying fertilizer to turf, specialized turf, or landscape plants.
- G. **Fertilizer** means any substance or mixture of substances that contains one (1) or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.
- H. **Institutional applicator** means any person, other than a private, noncommercial or a commercial applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but shall not be limited to, owners, managers, or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites, and any residential properties maintained in condominium and/or common ownership.
- I. **Landscape plant** means any native or non-native tree, shrub, or groundcover (excluding turf).
- J. **Pasture** means land managed for livestock grazing.
- K. **Prohibited application period** means the time period during which a flood watch or warning, a tropical storm watch or warning, or a hurricane watch or warning is in effect for any portion of the City of Westlake, issued by the National Weather Service, or if heavy rain (two (2) inches or more within a 24-hour period) is likely.
- L. **Saturated soil** means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this division, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.
- M. **Slow-release, controlled release, timed release, slowly available, or water insoluble nitrogen** means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.
- N. **Turf, sod, or lawn** means an area of grass-covered soil held together by the roots of the grass.
- O. **Urban landscape** means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants. For the purposes of this section, agriculture has the same meaning as provided in Section 570.02, Florida Statutes.

Section 4.72 Best Management Practices

- A. As a result of the Florida Department of Environmental Protection's determination that certain water bodies within Palm Beach County are impaired by excessive nutrient levels, the City Council of the City of Westlake finds that the best management practices contained in the most recent edition of the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries", are required and are necessary to implement within the city as set forth herein.

- B. This division regulates the proper use of fertilizers by any applicator; requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing requirements; establishes a prohibited application period; and specifies allowable fertilizer application rates and methods, fertilizer-free zones, and exemptions. This division requires the use of best management practices to minimize negative environmental effects associated with excessive nutrients in our water bodies. These water bodies are an asset important to the environmental, recreational, cultural, and economic well-being of Palm Beach County residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, is anticipated to help improve and maintain water and habitat quality.
- C. The regulations set forth herein shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer to urban landscapes within the area of the City of Westlake, unless such application is specifically exempted by this Chapter.

Section 4.73 Timing of fertilizer applications.

- A. No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during any of the following prohibited application periods:
 - 1) The time period during which the National Weather Service has issued a flood watch or warning, or a tropical storm watch or warning, or hurricane watch or warning for any portion of the city.
- B. Heavy rains are expected. Fertilizer containing nitrogen and/or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first thirty (30) days after seeding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the stormwater pollution prevent plan for that site.

Section 4.74 Fertilizer-free zones.

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

Section 4.75 Fertilizer content and application rates.

- A. Fertilizers applied to turf within the City of Westlake shall be formulated and applied in accordance with packaging and labeling directions that meet requirements of rule Rule 5E-1.003(2), Florida Administrative Code, Specialty fertilizer label requirements for urban turf or lawns (packaged in containers or bags such that the net weight is 49 pounds or less and distributed for home and garden).
- B. Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants, except as provided in subsection (a) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

C. Fertilizer used for sports turf at golf courses shall be applied in accordance with the recommendations in "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses", published by the Florida Department of Environmental Protection, dated September 2012, as may be amended. Fertilizer used at park or athletic fields shall be applied in accordance with the packaging and labeling directions that meet requirements of rule Rule 5E-1.003(3), Florida Administrative Code.

Section 4.76 Fertilizer application practices.

A. Spreader deflector shields shall be used when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones, and water bodies, including wetlands. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.

B. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

C. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

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

Section 4.77 Management of grass clippings and vegetative matter.

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

Section 4.78 Exemptions

The provisions set forth hereinabove shall not apply to:

A. Bona fide farm operations as defined in the Florida Right-to-Farm Act, Section 823.14, Florida Statutes.

B. Other properties not subject to or covered under the Florida Right-to-Farm Act that have pastures used for grazing livestock.

C. Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

Section 4.79 Training

A. All commercial and institutional applicators of fertilizer within Palm Beach County shall abide by and successfully complete the six-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida/Palm Beach County Cooperative Extension Service "Florida-Friendly Landscapes" program or an approved equivalent program.

B. Noncommercial and non-institutional applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the University of Florida/IFAS "Florida-Friendly Landscape Program" and label instructions when applying fertilizers.

Section 4.80 Licensing of commercial applicators

A. All businesses applying fertilizer to turf or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, and multifamily and condominium properties) must ensure that the business owner or his/her designee holds the appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a local business tax certificate. Owners for any category of occupation which may apply any fertilizer to turf and/or landscape plants shall provide proof of completion of the program to the City of Westlake business tax application process. It is the responsibility of the business owner to maintain the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" certificate in order to receive his/her/its business tax receipt annually. Additionally, commercial applicators of fertilizer who are not required to obtain a business tax receipt from the City of Westlake shall be required to register with the City.

B. All commercial applicators of fertilizer within the City of Westlake shall have and carry in their possession at all times when applying fertilizer evidence of limited certification urban landscape commercial fertilizer by the Florida Department of Agriculture and Consumer Services as a commercial fertilizer applicator per Rule 5E-14.117(11), Florida Administrative Code or other or other sufficient certification issued by the Florida Department of Agriculture and Consumer Services.

C. All businesses applying fertilizer to turf and/or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, and multifamily and condominium properties) must ensure that at least one (1) employee has an appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a local business tax certificate or prior to registering with the city. Standard Business Tax Receipt (BTR) and/or standard transaction fees shall apply.

Section 4.81 Enforcement

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

B. Any violation of this division is hereby deemed to be irreversible and irreparable in accordance with Section 162.01 et seq., Florida Statutes.

Section 4.82 Waivers: The application of this part may be waived by the City Manager or designee where such waiver would be in the best interests of the City of Westlake.

Section 4.83 Severability: Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

Section 5. Codification: It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Westlake, Florida, and the sections of this ordinance may be re-numbered or re-lettered to accomplish such intentions, and the word "ordinance" shall be changed to "section" or other appropriate word.

Section 6. Effective Date: This ordinance shall be effective upon adoption on second reading.

PASSED this 26th day of August, 2019, on first reading.

PASSED AND ADOPTED this 9th day of September, 2019, on second reading.

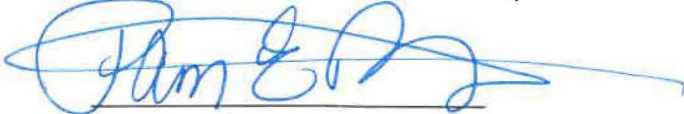


City of Westlake
Roger Manning, Mayor



Sandra Demarco, City Clerk

Approved as to form and Sufficiency



Pam E. Booker, City Attorney

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

ORDINANCE NO. 2019-9

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

WHEREAS, on or about May 3, 2018, the Florida Department of Economic Opportunity provided the City with notice of intent to find the City's initial comprehensive plan in compliance and the same is now the effective and controlling Comprehensive Plan for the City of Westlake ("Comprehensive Plan"); and

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

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

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

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

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

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

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

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

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

Section 1. Incorporation. The above recitals are confirmed, adopted and are incorporated herein by reference.

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

CHAPTER 3: ZONING DISTRICTS AND STANDARDS

ARTICLE 3.1 OFFICIAL ZONING MAP

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

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

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

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

ARTICLE 3.2 FUTURE LAND USE CONSISTENCY TABLE

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

TABLE 3-1: FUTURE LAND USE CONSISTENCY TABLE

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

ARTICLE 3.3 ZONING DISTRICTS AND STANDARDS

Section 1: Residential Districts.

(A) Residential-1 (R-1)

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

(a) Density for all residential uses.

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

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

(b) Accessory dwelling units.

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

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

(c) Intensity for all non-residential uses.

(i) Maximum FAR is 0.25.

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

(2) Requirements.

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

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

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

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

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

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

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

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

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

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

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

Residential Use Type	Lot Width (Feet)	Minimum Lot Size (Square Feet)	Minimum Front Setback¹ (Feet)	Minimum Side Road Setback² (Feet)	Minimum Rear Yard Setback (Feet)	Minimum Building Separation (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Single family detached dwelling ³	40 ⁴	4,400	BLDG: 10	BLDG: 10	10	10	36	55%	25%
			FLG: 20	SLG: 15					
	50 ⁵	5,500	BLDG: 10	BLDG: 10	10	10	36	55%	25%
			FLG: 20	SLG: 15					
	More than 70 ⁶	7,700	BLDG: 10	BLDG: 10	15	15	36	45%	25%
			FLG: 20	SLG: 15					

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B) Residential-2 (R-2)

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

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

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

(2) Requirements

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

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

Residential Use Type	Lot Width	Minimum Lot Size (Square Feet)	Minimum Front Setback ¹ (Feet)	Minimum Side Road Setback ² (Feet)	Minimum Side Yard Setback ² (Feet)	Minimum Rear Yard Setback (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Single family detached dwellings	40 ³	3,600	BLDG: 10	BLDG: 10	BLDG: 5	10	40	60%	25%
			FLG: 20	SLG: 10	SLG: 10				
	50 ⁴	4,500	BLDG: 10	BLDG: 10	BLDG: 5	10	40	60%	25%
			FLG: 20	SLG: 10	SLG: 10				
	More than 70 ⁵	6,300	BLDG: 10	BLDG: 10	BLDG: 5	10	40	55%	25%
			FLG: 20	SLG: 10	SLG: 10				
1. BLDG = Building without front-loading garage, or portion of building without front-loading garage. FLG = Front Loading Garage.									
2. BLDG = Building without side-loading garage, or portion of building without side-loading garage. SLG = Side Loading Garage.									
3. If a lot is at least 40 feet wide but less than 50 feet wide, the standards in this row apply.									
4. If a lot is at least 50 feet wide but not more than 70 feet wide, the standards in this row apply.									
5. If a lot is greater than 70 feet in width, the standards in this row apply unless the lot is part of a residential parcel developed under a common plan of development intended to provide 70 foot (or less) lots.									

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

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

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

Residential Use Type	Minimum Lot or Parcel Width (Feet)	Minimum Lot or Parcel Size (Square Feet)	Minimum Front Road Setback¹ (Feet)	Minimum Side Road Setback² (Feet)	Minimum Side Yard Setback² (Feet)	Minimum Rear Yard Setback (Feet)	Maximum Building Height³ (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Single family attached	20	1,600	BLDG: 10	BLDG: 10	BLDG: 10	10	40	65%	20%
			FLG: 20	SLG: 10	FLG: 20				
Multi-family dwellings ⁴	-	10,000	15	10	10	20	60	50%	25%
Assisted living facilities	-	-	20	20	20	20	75	50%	25%
Foster care facilities and group homes	50	3,500	BLDG: 10	BLDG: 10	BLDG: 10	10	40	60%	25%
			FLG: 20	SLG: 10	FLG: 20				
1. BLDG = Building without front-loading garage, or portion of building without front-loading garage. FLG = Front Loading Garage.									
2. BLDG = Building without side-loading garage, or portion of building without side-loading garage. SLG = Side Loading Garage. No setback is required for single family attached dwelling units along the shared wall.									
3. The maximum building height for buildings abutting lots containing single family detached dwellings shall be 40 feet, regardless of the number in this column.									
4. For multi-family developments, setbacks shall be measured from the boundary of the parcel. No other setbacks apply to buildings within the parcel, except buildings are subject to building separation requirements in the Florida Building Code and fire safety codes.									

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

Non-Residential Use Type	Minimum Parcel Size (Square Feet)	Minimum Parcel Width (Feet)	Minimum Front Setback (Feet)	Minimum Side Road Setback (Feet)	Minimum Side Yard Setback (Feet)	Minimum Rear Setback (Feet)	Maximum Building Height² (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Religious uses	43,560	100	20	20	30	30	50	35%	25%
Educational uses	43,560	100	20	20	30	30	40	35%	25%
Recreational	N/A	-	15	15	15	15 ¹	40	30%	40%
Residential Amenity Center	20,000	-	20	30	30	30 ¹	30	40%	25%
Conservation uses	-	-	-	-	-	-	-	-	-

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

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

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

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

(i) Fences and walls.

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

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

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

(iii) Detached Garages.

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

Section 2: Civic District (CV)

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

TABLE 3-10: CV DISTRICT STANDARDS

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

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

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

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

Section 3: Mixed Use (MU)

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

(1) Density for all residential uses.

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

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

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

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

(2) Accessory dwelling units.

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

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

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

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

B) Requirements.

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

(a) Building Height.

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

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

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

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

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

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

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

TABLE 3-11: MU DISTRICT RESIDENTIAL STANDARDS

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

TABLE 3-12: MU DISTRICT NON-RESIDENTIAL STANDARDS

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

- (1) Accessory Structures.** Accessory structures shall be permitted pursuant to the requirements below:
- (a) Unless otherwise specified below, accessory structures are subject to the same setback and height requirements as the principle structure.
 - (b) The following structures are subject to the following additional requirements:
 - (i) Fences and walls.
 - a. The minimum front setback for fences and walls is 10 feet. Fences and walls are not subject to any other setback requirements.
 - b. The maximum height of a wall or fence shall be 6 feet; except for fences or walls for an athletic training facility, which have a maximum height of 8 feet. The City Council may approve additional fence height for purposes of protecting public health, safety, or welfare.

- (ii) Swimming pools, screen enclosures, pool decks, spas, cabanas, saunas, and patios.
 - a. For single family attached residential uses, these structures are only permitted in the rear yard.
 - b. The minimum side road, side yard, and rear setbacks for a screen enclosure are 5 feet, unless the screen enclosure is adjacent to a lake or open space tract, in which case the minimum side road, side yard, and rear yard setbacks are 3 feet from the lake or open space tract.
 - c. Except for screen enclosures, the minimum side road, side yard, and rear setback is 3 feet.
- (iii) Detached Garages.
 - 1. Detached garages shall have minimum side road, side yard, and rear setbacks of 10 feet.

Section 4: Town Center District (TC)

B) Permitted Uses Density and Intensity.

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

C) Requirements.

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

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

TABLE 3-13: TOWN CENTER RESIDENTIAL STANDARDS

Residential Use Type	Minimum Lot Square Footage Per Dwelling Unit	Minimum Lot Width Per Dwelling Unit (Feet)	Minimum Front Setback ^{1,2} (Feet)	Minimum Side Road Setback ^{2,3} (Feet)	Minimum Side Yard Setback ^{2,3} (Feet)	Minimum Rear Yard Setback ² (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Single family attached dwellings	1,600	16	BLDG: 5	BLDG: 5	BLDG: 5	10	50	60%	25%
			FLG: 20	SLG: 20	SLG 20				
Multi-family dwellings	-	-	5	20	10	20	100	50%	25%
Assisted living facilities	-	-	5	20	10	20	100	50%	25%
1. BLDG = Building without front-loading garage, or portion of building without front-loading garage. FLG = Front Loading Garage.									
2. For multi-family developments, setbacks shall be measured from the boundary of the parcel. No other setbacks apply to buildings within the parcel, except buildings are subject to building separation requirements in the Florida Building Code and fire safety codes.									
3. BLDG = Building without side-loading garage, or portion of building without side-loading garage. SLG = Side Loading Garage. No setback is required for single family attached dwelling units along the shared wall.									

TABLE 3-14: TOWN CENTER NON-RESIDENTIAL STANDARDS

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

TABLE 3-14: TOWN CENTER NON-RESIDENTIAL STANDARDS

Non-Residential Use Type	Minimum Front Setback for Buildings (Feet)	Minimum Side Setback (Feet)	Minimum Rear Setback (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Medical Uses	5	10	10	55%	25%
Civic Uses	5	10	10	35%	25%
Sexually oriented business	35	10	10	50%	25%
Light industrial uses	30	10	10	50%	25%
Institutional uses	10	10	10	50%	25%
Commercial recreation uses	10	10	10	50%	25%
Agricultural uses	-	-	-	-	-
Essential facilities and services	-	-	-	-	-
Utilities	-	-	-	-	-

Section 5: Open Space and Recreation (OSR)

A) Permitted Uses Density and Intensity.

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

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

TABLE 3-16: OPEN SPACE AND RECREATION STANDARDS

Use Type	Minimum Parcel Size (Square Feet)	Minimum Parcel Width (Feet)	Minimum Front Setback	Minimum Side Road Setback	Minimum Side Yard Setback	Minimum Rear Setback	Maximum Building Height

Recreational uses								
Neighborhood Parks	-	-	15	15/15	15	15	40	
Conservation uses	-	-	-	-	-	-	-	
Civic uses	-	-	5	10	10	35%	25%	

Section 6: Medical District (MD)

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

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

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

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

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

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

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

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

TABLE 3-17: MD DISTRICT STANDARDS

Use Type	Minimum Parcel Size ¹ (Acres)	Minimum Parcel Width (Feet)	Minimum Front Setback (Feet)	Minimum Side Setback - Collector or Arterial Road (Feet)	Minimum Side Setback - Local Road (Feet)	Minimum Rear Setback (Feet)	Maximum Building Height ³ (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Hospital	1	200	35	25	10	20	200 ²	60%	25%

All Other Uses in MD District	1	200	35	25	10	20	120	60%	25%
<p>1. There is no minimum size requirement for development parcels created by metes and bounds, provided there is unity of control with parent development parcel.</p> <p>2. For any portion of a hospital within 200 feet of the R-2 District, the maximum height is 150 feet.</p> <p>3. All mechanical equipment located on rooftops must be screened by parapets or other architectural features.</p>									

Section 7: Planned Development (PD)

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

ARTICLE 3.2 Overlays

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

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

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

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

ARTICLE 3.3 Special Use Standards

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

- A)** Uses within a Neighborhood Center are limited to:
 - (1)** Religious Uses

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

TABLE 3-18: NEIGHBORHOOD CENTER STANDARDS

Uses ¹	Minimum Front Setback (Feet)	Minimum Side Setback (Feet)	Minimum Rear Setback (Feet)	Maximum Building Height ² (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Religious uses	15	30	30	50	35%	30%
Educational uses	15	20	25	40	35%	30%
Small Scale Civic Uses	15	20	25	35	35%	30%
Retail sales or service	15	20	25	35	35%	30%
Food Service except as follows:	15	15	25	35	35%	30%
Restaurants and cafes with drive through service	25	30	30	35	35%	30%

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

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

Section 2: Voluntary Bonus Density Program.

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

TABLE 3-19: AVAILABLE BONUS DENSITIES

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

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

(1) Affordable or Workforce Housing.

(a) Required percentage of bonus housing units.

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

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

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

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

(i) For purchase:

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

(ii) For Rental:

1. A household size of 4 persons (or less)
 2. Rental prices based on the annual Florida Housing Finance Corporation Multi-Family Rental Figures, adjusted for the number of bedrooms.
 3. Estimates of utility and insurance costs.
 4. Rental price to remain affordable for at least 5 years.
- (c) The timing for construction of affordable or workforce bonus housing units would be such that the maximum gross density for the project, unadjusted for the density bonus units, would not be exceeded until the affordable or workforce units have been constructed.
- (2) Senior Housing. Development must demonstrate at least 50% of the housing will be age-restricted to persons aged 55 and older.
- C) Workforce and affordable bonus housing units shall be marketed in the same manner as the market-rate units within a development.**
- D) Affordability Requirements: All required Work Force Housing units (WFH) shall be offered for sale at an attainable housing cost for each of the targeted income ranges. The sale prices shall be updated annually by the Planning and Zoning Director or his or her designee, with the sales prices based on the AMI, and the household income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) for a family of four, which pricing shall not be adjusted based on the number of occupants, as published annually by HUD (sale price: household income figure multiplied by three and priced at the middle of each of the four WFH income categories).**
- (1) Prior to final approval by the Planning and Zoning Director, at the time of site plan for each residential parcel containing Work Force Housing units (WFH), the property owner shall identify each required WFH unit within that residential parcel.
 - (2) The deed for each Work Force Housing units (WFH) sold shall include restrictions requiring
 - (a) that all identified WFH units be sold or resold only to qualified households in the applicable targeted income range at an attainable housing cost for each of the targeted income ranges;
 - (b) that these restrictions remain in effect for a total of 10 years from the date of the certificate of occupancy for each unit; and,
 - (c) that in the event a unit is resold before the 10-year period concludes, the covenant remains in place until the expiration of the original 10-year period.
 - (3) Release of Obligation to Construct Work Force Housing units (WFH) For-Sale Units It is not the intent of the WFH provisions to require a developer to commence construction on a WFH for sale unit for which a valid and binding contract for purchase between developer and buyer has not been executed. It is intended that all WFH units will be marketed in the same manner as the market-rate units within the development. In the event a WFH unit eligible for contract has been available for purchase for a period not less than 180 days and no contract to purchase that unit has been executed during the 180 day period, and is located within a residential parcel or Phase in which not less than 80% of the market rate units have binding purchase contracts, then that specific WFH unit shall be eligible to be released from the WFH

obligations indicated in the Applicable Site Plan. When a WFH unit is not purchased in accordance with the provision above, the developer shall make an in lieu payment to the City pursuant to the following:

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

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

ARTICLE 3.4 Uses

A) Interpretation of Use Tables.

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

B) Permitted Uses. The uses permitted in each zoning district are shown below in Table 3-20: Permitted Uses. If a use is not shown as permitted or conditional, then such use is not permitted within that district. Table 3-20: Permitted Uses does not apply to PDs.

TABLE 3-20: PERMITTED USES
(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Residential Use Types:							
Single family attached dwellings	P	P		P	P		
Single family detached dwellings	P	P					
Mobile homes	P						
Accessory dwelling units	P	P		P			

TABLE 3-20: PERMITTED USES

(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Multi-family dwellings		P		P	P		
Assisted living facilities		C		P	P		P
Foster care facilities and group homes		C					
Religious Uses:							
Religious Uses	C	C	P	P			P
Educational Uses:							
Public or Private Primary and Secondary Schools			P	P			
Vocational and Technical Schools			P	P			P
Colleges and Universities			P	P			
Child or Adult Care Center	C	C	P	P			P
Recreational Uses:							
Neighborhood Parks	C	P	P	P		P	
Community Parks			P	P		P	
Amenity Center	P	P		P			
Commercial recreation uses				P		P	
Outdoor amphitheaters				P	P		
Stadiums, Arenas, and Sports Complexes			P	P		P	

TABLE 3-20: PERMITTED USES

(Excludes PDs)

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

TABLE 3-20: PERMITTED USES

(Excludes PDs)

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

TABLE 3-20: PERMITTED USES

(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Microbreweries or Craft Brewery (Beer & Cider)				P	P		
Craft Distillery (Spirits)				P	P		
Self-Storage Facility				P			
Sexually oriented business				C			
Pawn Shop				P	P		
Tattoo Shop				P	P		
Liquor Store				P	P		
Auto Sales				P	P		
Outdoor Shooting Range							
Medical Uses:¹							
Hospital							P
Pharmacy and Dispensary				P	P		P
Medical or Dental Office				P	P		P
Behavioral Health Center							P
Inpatient Rehabilitation Center							P
Free Standing Emergency Department							P
Medical marijuana dispensary							P
Emergency Department (Linked to Hospital)							P
Child Birth Center							P

TABLE 3-20: PERMITTED USES

(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Surgical Facilities (excluding in-office dental and eye surgical facilities)							P
Cardiac Catheterization Laboratory							P
Chemotherapy and Radiation/Cancer Center Treatment							P
Medical Infusion Center							P
Hyperbaric Oxygen and Wound Care Treatment Facility							P
Imaging, Diagnostic, Therapeutic, and Laboratory Services							P
Proton Center							P
Urgent Care Center							P
Hospitality House for Patients (and/or Patients' Families)				P	P		P
Light Industrial Uses							
Light industrial uses				P			
Other Uses:							
Institutional uses not otherwise listed in this table				P			P
Jail or Detention Center Not Owned by City of Westlake							

TABLE 3-20: PERMITTED USES

(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Agricultural uses (FLU Policy 1.2.2)			C			C	
Essential facilities and services	P	P	P	P	P	P	P
Utilities	P	P	P	P	P	P	P
Wireless communication facility			C	C	C	C	
Helipad and Helistop				P			P
Parking Structures		P	P	P	P	P	P
Accessory Uses	P	P	P	P	P	P	P
<p>Key: P = Permitted Use C = Conditional Use</p> <p>1. Uses that are incidental and ancillary to a permitted medical use, such as in house imaging or laboratory services, are permitted as part of and in the same location as the permitted medical use, even where such incidental or ancillary services would not be permitted as a standalone use.</p>							

Section 3 Severability. Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

Section 4. Codification. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Westlake, Florida, and the sections of this ordinance may be re-numbered or re-lettered to accomplish such intentions, and the word 'ordinance' shall be changed to "section" or other appropriate word.


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

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

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



City of Westlake
Roger Manning, Mayor



Sandra Demarco, City Clerk

Approved as to Form and Sufficiency



Pam E. Booker, City Attorney

ORDINANCE NO. 2019-12

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, PROVIDING FOR THE ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS FOR THE CITY OF WESTLAKE; PROVIDING FOR ADOPTION OF LAND DEVELOPMENT REGULATIONS; PROVIDING FOR INTERPRETATION OF LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONSISTENCY WITH THE CITY OF WESTLAKE COMPREHENSIVE PLAN; ESTABLISHING A PLANNING AND ZONING DIRECTOR' PROVIDING FOR CITY COUNCIL PROCEDURES AND AUTHORITY; PROVIDING FOR A LOCAL PLANNING AGENCY; PROVIDING FOR A PLANNING AND ZONING BOARD; PROVIDING FOR INTERACTION WITH SID; PROVIDING FOR NON-RETROACTIVITY AND SEVERABILITY; WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED 'ADMINISTRATION', PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about May 3, 2018, the Florida Department of Economic Opportunity provided the City with notice of intent to find the City's initial comprehensive plan in compliance and the same is now the effective and controlling Comprehensive Plan for the City of Westlake ("Comprehensive Plan"); and

WHEREAS, the City desires to adopt provisions concerning the administration of the Land Development Regulations; and

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

WHEREAS, the purpose of this ordinance is to provide for the administration of the land development regulations, including the interpretation and application thereof; and

WHEREAS, the further purpose of this ordinance is to provide for the establishment and governance of a Planning and Zoning Director, and Local Planning Agency, and a Planning and Zoning Board for the City; and

WHEREAS, the further purpose of this ordinance is to provide for certain City Council procedures and authority; and

WHEREAS, the City and the Seminole Improvement District (SID) have a special relationship governed by the City Charter and the Interlocal Agreement between the City of Westlake and the Seminole Improvement District Regarding the Provision of Certain Services, Infrastructure, and Public Facilities and for Assurance of Non-Duplication of Services originally dated February, 2018;

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

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

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

WHEREAS, the Local Planning Agency has conducted a hearing on October 7, 2019, and made a recommendation to the City Council with respect to the adoption of this Land Development Procedures Ordinance; and

WHEREAS, the City Council has conducted two public hearings on October 7, 2019 and October 28, 2019, where it considered the recommendation of the Land Planning Agency, the City staff's presentation, and comments from the public and has determined that the adoption of this Land Development Procedures Ordinance is in the best interest of the public safety and welfare of the City of Westlake;

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

Section 1. Incorporation. The above recitals are confirmed, adopted and are incorporated herein by reference.

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

CHAPTER 1: ADMINISTRATION

ARTICLE 1.1 ADOPTION. In accordance with the adopted Comprehensive Plan and the authority granted by the City Charter, the Florida Statutes, and the Constitution of the State of Florida, the City Council of the City of Westlake, Florida, hereby ordains and enacts the provisions of these Land Development Regulations.

ARTICLE 1.2 INTERPRETATION

Section 1: Definitions and Acronyms.

(A) Florida Statute Definitions. The definitions used in Chapter 163, Florida Statutes, apply.

(B) Words Not Defined. Words not defined by the Florida Statutes, the Comprehensive Plan, or these LDRs shall have their plain and ordinary meaning.

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

ACCESSORY DWELLING UNIT: A dwelling unit located on the same parcel of land as a principal single family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and bathroom.

ACCESSORY SOLAR FACILITY: A solar energy system which utilizes roof space or other space on the parcel of land to provide electricity or heat for use on the parcel of land. Export of electricity to the electrical grid is incidental and subordinate to the purpose of supplying electricity to the primary use of the parcel of land.

ACCESSORY USE OR ACCESSORY STRUCTURE: A use or structure incidental and subordinate to the principal use, including accessory dwelling units and accessory solar facilities.

AGRICULTURAL USES: The use of land for aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, plant crops, and any other form of farm product and farm production. Land areas include croplands, pasture lands, orchards, vineyards, nurseries, horticulture areas, groves, and specialty farms. Buildings, support facilities, dwelling units for farm operators and farmworkers, machinery, and other appurtenances used in the production of agricultural products are included. Agricultural uses do not include concentrated and/or confined animal feeding operations.

ALLEY: a through public right of way less than twenty-five feet in width commonly located to the rear or side of a property.

AMENITY CENTER: a facility to accommodate recreational and/or social activities such as parties, receptions, banquets, meetings, recreation, exercise, and neighborhood gatherings, for exclusive use of the residents and guests of a specific development or defined residential area and that provides opportunities for limited retail, including a leasing/real estate sales office, and property management offices.

ANTENNA: a transmitting and/or receiving device mounted on a telecommunications tower, building or structure and used in telecommunications services that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies, wireless communications signals and other communication signals including directional antennas such as panel and microwave dish antennas, and omnidirectional antennas such as whips, but excluding radar antennas, amateur radio antennas and satellite earth stations. This does not include telecommunications services as defined by 47 United States Code § 332.

APARTMENT: a room or a suite of rooms within an apartment building, arranged, intended or designed to be used as a home or residence of one family with kitchen facilities for the exclusive use of the one family.

APARTMENT BUILDING: a building with three or more separate apartments, each of which is used or intended to be used as a home or residence for one family, in which the yard areas, hallways, stairways, balconies and other common areas and facilities are shared by families living in the apartment units.

APPLICANT: Property owner and/or property owner's authorized representatives.

ARTERIAL ROAD: A road providing service that is relatively continuous and of relatively high traffic volume, long average trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.

ASSISTED LIVING FACILITY: Residential care facilities that provide housing, meals, personal care and supportive services to older persons and disabled adults who are unable to live independently.

ATHLETIC TRAINING FACILITY: a facility for the education and training of athletes. Such facilities may include commercial recreational uses, primary and secondary schools, colleges and universities, and associated residence halls and dormitories for students, faculty, and visitors.

AVERAGE DAILY TRAFFIC (ADT): The total traffic volume during a given 24-hour time period for all allowable directions on a given road.

BACKGROUND TRAFFIC: The projected traffic generation from previously approved but incomplete projects, and other sources of traffic growth.

BERM: A landscaped earthen mound in excess of two feet in vertical height designed to provide visual interest, or serve as a buffer.

BIOSWALE: Landscaping features (usually a swale or trench) filled with vegetation and/or organic matter, designed to collect or move stormwater and runoff and pass it through the vegetation or organic matter to remove debris and filter out pollution.

BUFFER: The use of vegetation, walls, fences, berms, setbacks, less intense development, and/or less dense development to mitigate the impacts of unsightly views, lights, noises, odors, and/or dust.

BUILDING: any structure having a roof entirely separated from any other structure by space in which there are no communicating doors or windows or any similar opening and erected for the purpose of providing support or shelter for persons, animals, things or property of any kind.

BUILDING CODE: the Florida Building Code, as amended from time to time.

CANAL: a body of water having a width of 100 feet or less for linear areas in excess of 200 feet in length and used principally for the conveyance of water.

CHILD OR ADULT CARE CENTER: an enterprise involving the care of five or more children and/or adults at one location at the same time, which children and/or adults are not foster children or related by blood or marriage to the operator. Adult care centers shall not include those uses meeting the definition of assisted living facilities or nursing home.

CITY: the City of Westlake, Florida.

CITY COUNCIL: the City Council members collectively in their capacity as the governing body for the City of Westlake.

CIVIC USES: Structures or facilities that provide cultural, social, or governmental services and/or functions. These include community centers; cultural centers; places of assembly; places of worship; museums; libraries; government administration, operations, and services; judicial facilities; post offices; public arenas and auditoriums; meeting halls; exhibition and conference center; fairgrounds; cemetery; child or adult care centers; and others owned and operated for public uses.

COLLECTOR ROAD: A road providing service that is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a road also collects and distributes traffic between local roads and arterial roads.

COMMERCIAL RECREATION: Uses that typically charge a fee or have other requirements for participation or attendance as a spectator. Uses include, but are not limited to, outdoor and indoor recreational facilities such as tennis clubs, jai alai frontons, amusement and sport centers, outdoor amphitheaters, hunting and gun clubs, marinas, vehicular and non-vehicular race tracks, outdoor zoos and wildlife attractions, fairs, parks and recreation exhibitions, entertainment, and/or other amusements, private sports and recreation clubs, golf courses, and sports stadiums and venues. Uses may include accessory uses and activities that are supportive of the activity including shops and restaurants.

COMMERCIAL USES: Activities within land areas that are predominantly connected with the sale, rental and distribution of products or the performance of services, including offices and medical facilities.

COMMUNITY PARK: A park located near collector or arterial roads designed to serve the needs of more than one neighborhood. It is designed to serve community residents within a radius of up to 3.5 miles. The term “community park” includes any related recreational facilities, and can be publically or privately owned.

COMPLETE STREETS: Roads including adjacent sidewalks and shared use paths that are designed and operated to enable safe access and travel for all users, which may include pedestrians, bicyclists, transit riders, and motorists. Complete streets incorporate different elements based on the different role, function, and characteristic of the facility.

COMPREHENSIVE PLAN: City of Westlake Comprehensive Plan, unless context clearly implies otherwise.

CONSERVATION USES: The use or condition of land areas designated for conserving or protecting natural resources or environmental quality, including areas designated for flood control and floodplain management, the protection of the quality or quantity of ground or surface water, commercial or recreational fish and shellfish habitat, water supply, and/or vegetative communities or wildlife habitats.

CONTINUING CARE FACILITIES: A variety of housing options and services designed to meet the changing needs of its residents who require varying levels of care. Housing options typically include independent living units, assisted living facilities, and/or nursing homes.

CORNER LOT: a lot abutting two or more streets at their intersection.

DENSITY: The number of dwelling units per gross acre.

DRIVE THROUGH: a facility designed to accommodate pickup of food, merchandise or services by a motor vehicle momentarily at rest in a driveway expressly designed for that purpose.

DWELLING UNIT: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EDUCATIONAL USES: Activities and facilities for public or private primary or secondary schools; vocational and technical schools; and colleges and universities including all campus buildings, residence halls and dormitories, fraternity and sorority housing, and recreational facilities.

ESSENTIAL FACILITIES AND SERVICES: Essential facilities and services include roads, bicycle lanes, shared use paths, sidewalks, bridges, transmission lines for electricity, cable, water (including reclaimed water), sewer, and gas that serve local area demands, electricity sub-stations, stormwater and drainage facilities and systems, electric car generation ports/stations, transit facilities, and accessory solar facilities. Essential facilities and services do not include wireless communication facilities.

FAMILY: One or more persons related by blood, adoption, or marriage or not more than two unrelated persons occupying the whole of a dwelling unit as a single housekeeping unit.

FENCE: an artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

FIRE CODE: the Florida Building Code, the Palm Beach County Local Amendments to the Florida Fire Prevention Code, and other codes adopted by the City for the prevention or control of fires.

FLOOR AREA RATIO (FAR): A means of measuring building intensities for nonresidential land. FAR is the ratio of total floor area of all buildings on the parcel to the gross acreage. FAR does not regulate the building height or site coverage. It does not include the area within structures used for parking and vehicular circulation or open outdoor storage or display areas.

FOSTER CARE FACILITY: A facility which houses foster residents, and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents.

GROSS ACREAGE: The total area of a parcel of land measured in acres including developed and undeveloped land, agricultural areas, open space, roads, rights-of-way, easements, and environmental features such as lakes, floodplains, and wetlands.

GROUP HOME: A facility which provides living quarters for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional, and social needs of the residents. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

HEIGHT: Unless otherwise noted, height shall be measured from the minimum finished floor elevation to the midpoint of the roof, or if the roof is flat, to the top of the parapet. Architectural features shall not count for purposes of measuring height so long as the architectural features do not exceed 10% of the height of the structure.

HELIPAD: The surface on which a helicopter lands and is used for helicopter parking.

HELISTOP: any area of land or any man-made object or facility located thereon or building rooftop area which is used, or intended for use, solely for the landing and takeoff of vertical-takeoff aircraft and which has no appurtenant areas, buildings or other facilities supporting the use, landing and takeoff of vertical-takeoff aircraft.

HOSPITAL: a medical facility which provides for both inpatient and outpatient treatment and has overnight accommodations, wherein professional services concerning personal health of humans are administered by medical doctors, chiropractors, osteopaths, optometrists, dentists or any other such professional.

HOTEL: a building within which a commercial establishment provides lodging as overnight sleeping accommodations for the public in which ingress and egress to all rental rooms shall be through an inside lobby or office supervised by a person in charge at all hours.

INSTITUTIONAL USES: Activities and facilities that include juvenile facilities, nursing homes/skilled-nursing facilities, mental (psychiatric) hospitals, in-patient hospice facilities, residential schools for people with disabilities, residential treatment centers for adults, and City jails/confinement facilities (excludes residential group homes for juveniles, correctional residential facilities such as halfway houses, federal detention centers, and federal and state prisons).

INTENSITY: The amount of non-residential development as measured by the Floor Area Ratio.

INTERIOR LOT: a lot other than a corner lot.

LANDSCAPE OPEN SPACE: Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch or decorative paving materials). Non-living landscape material shall not be used as major landscape ground cover. In no case shall these materials exceed ten percent of the landscaped area.

LEGAL NON-CONFORMING LOT: a lot of record, which does not meet the area or width requirements of the Comprehensive Plan and LDRs for the zoning district in which the lot is located.

LEGAL NON-CONFORMING STRUCTURE: A structure that was lawfully established before the adoption of the Comprehensive Plan and Land Development Regulations that does not conform to the Land Development Regulations for the zoning district in which the parcel of land is located.

LEGAL NON-CONFORMING USE: A use that was lawfully established before the adoption of the Comprehensive Plan and Land Development Regulations, which does not conform with the allowed uses by the Comprehensive Plan Future Land Use Category or of the zoning district in which it is located.

LEGAL POSITIVE OUTFALL: the permanently established connection of a stormwater discharge conveyance facility serving a development site to a watercourse or water body under the control and jurisdiction of one or more public agencies, said connection being subject to all applicable agency permitting and approval requirements.

LEVEL OF SERVICE (LOS): An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. LOS shall indicate the capacity per unit of demand for each public facility or performance measures for road traffic or stormwater facilities.

LIGHT INDUSTRIAL USES: Land uses that include construction operation and storage facilities, manufacturing, assembly, processing or storage of products when such activities have minimal and inoffensive external impacts such as smoke, noise, dust, soot, dirt, vibration, stench, or adverse visual impacts on the surrounding neighborhood. Light industrial uses may include research and development technology centers including server farms, medical and dental laboratories, warehouse and/or distribution centers, and recycling centers. Light industrial uses shall not include mining and extraction industries, electrical generation plants, or regional sewer treatment plants.

LOCAL ROAD: A road that carries low volumes and provides service for local traffic between land uses and collector roads, with direct property access as the primary purpose. Any road that is not an arterial or collector road and is under the jurisdiction of the City is a local road.

LOT: includes tract or parcel and means the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified, as defined by Section 177.031, Florida Statutes, as may be amended from time to time.

LOT AREA: the area contained within the boundary lines of a lot.

LOT COVERAGE: That portion of the area of a lot, plot, or building site, expressed as a percentage, occupied by all buildings or structures which are roofed, exclusive of its eaves. Pool decks, patios or outdoor sitting areas, even if enclosed with a screen enclosure shall not be calculated as part of lot coverage.

LOT DEPTH: the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries; however, for radial lots the lot depth shall be measured from the setback not the front lot line.

LOT FRONTAGE: means the portion of a lot nearest the street; also the front property line. Where a building has two sides that face two or more streets, the side associated with the street address shall be designated as having lot frontage, or the front property line.

LOT LINE: a line bounding a lot which divides one lot from another or from a road or any other public or private space.

LOT LINE, REAR: that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot frontage.

LOT LINE, SIDE: any lot line other than a front or rear lot line.

LOT LINE, STREET: In the case of a lot abutting multiple roads, all lot lines abutting a road except the lot frontage.

LOT OF RECORD means a part of the land subdivision, the map of which has been recorded in the office of the clerk of the court of the county.

LOT WIDTH: The horizontal distance between opposite side lot lines, measured at the root setback line to accommodate variation and radial streets. Where there is only one side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.

MAJOR CANALS: the M Canal and M-2 Canal.

MANUFACTURED HOME: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the site, bearing a label certifying that it is built in compliance with the federal manufactured housing construction and safety standards, or inspected by an approved inspection agency conforming to the requirements of HUD, and bearing an insignia of approval.

MULTIFAMILY DWELLING: Multiple separate dwelling units contained within one building or several buildings including but not limited to apartment buildings, but excluding single family attached dwellings.

MULTIMODAL TRANSPORTATION SYSTEM: The system which provides safe and efficient movement of people, goods, and services by more than one mode of transportation.

NEIGHBORHOOD CENTER: Compact areas that allow a mix of commercial uses that serve neighborhoods such as retail (goods and services), restaurants, offices and clubhouses, schools, religious uses, small scale civic uses, and amenity centers.

NEIGHBORHOOD PARK: A park that serves the residents of a neighborhood and is accessible to bicyclists and/or pedestrians. It is designed to serve the population of a neighborhood in a radius of up

to one-half mile. Neighborhood parks include any related recreational facilities, and can be publically or privately owned.

NET PEAK HOUR DIRECTIONAL TRIPS: Total project trip generation minus internal trips, pass-by trips less any previously-approved traffic or traffic from any existing use established in accordance with Chapter 7.

OFFICE: a use where the clerical, administrative, financial or consulting aspects of business, professional medical or governmental services are conducted. Office use shall include but not be limited to: financial institutions, insurance offices, medical offices, or business consulting services.

OPEN SPACE: Areas open to the sky that are partly or completely covered with grass, trees, shrubs, other vegetation or water, or if partially or completely paved serve to shape or enhance urban form or provide for public use. Open spaces have little to no vertical structures and can be publicly or privately owned. Open spaces include parks, transportation corridor parkways, vegetated buffers, shared use paths, plazas, courtyards, squares and areas that provide stormwater management.

PARCEL: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established.

PARK: A site that provides opportunities to partake in active or passive recreational activities, including structures associated with a park's recreational activities, including dog parks

PEAK HOUR PEAK DIRECTION CAPACITY: The maximum number of vehicles that can pass a given point in one direction on a road in one hour under given traffic and road conditions per the FDOT Quality/Level of Service Handbook in one hour.

PEAK HOUR TRAFFIC: the one hour of traffic representative of the peak period, as defined in Chapter 7, and includes two-way and peak direction volumes. Peak Hour Traffic shall be determined from actual traffic counts. The project, at the approval of the City Engineer, the Peak Hour Traffic may be determined by factoring the Average Daily Traffic by an approved "K" factor.

PEAK SEASON: The time from January 1 through March 31, inclusive.

PERVIOUSNESS PERCENTAGE. This indicates the percentage of the overall lot or parcel that must be pervious.

PLACE OF ASSEMBLY: a building, portion of a building or other site in or at which facilities are provided for civic, fraternal, educational, political, religious, cultural or social purposes.

PLACE OF WORSHIP: any church, synagogue, denomination or ecclesiastical organization having an established place for worship in the City at which nonprofit religious services and activities are regularly conducted.

PRIMARY SOLAR FACILITY: A solar energy system which primarily functions to provide electricity for off-site use. This term includes the structures, equipment, infrastructure, and support systems necessary for the collection, storage, and distribution of solar energy, along with all functions necessary to develop and operate a primary solar facility including construction, management, administration, maintenance, security, and safety.

RADIUS OF DEVELOPMENT INFLUENCE: The area surrounding a proposed project as set forth in Chapter 7. The distance shall be measured in road miles from the point at which the proposed project's traffic enters the first road, not as a geometric radius.

RECREATIONAL USES: Areas and development used for leisure time activities and sports in an indoor or outdoor setting, including parks and golf courses.

RESIDENT: A person who makes his or her home in a particular place for most of the year or for a portion of the year, including a seasonal resident.

RESIDENTIAL USES: Land uses consisting of dwelling units, including mobile and manufactured homes. Residential uses include assisted living facilities and group homes.

RETAIL: establishments engaged in selling goods or merchandise directly to the ultimate consumer for personal or household consumption and rendering services incidental to the sale of such goods. Establishments primarily engaged in providing services as opposed to products to individuals shall also be considered a retail use.

RIGHT-OF-WAY: Land dedicated or required for a transportation or utility use that a government entity owns in fee simple or over which it has an easement.

SELF-STORAGE FACILITY: a fully enclosed space used for warehousing that contains individual storage units.

SEMINOLE IMPROVEMENT DISTRICT (SID): Independent special purpose government established in 1970 pursuant to Chapter 70-854, Laws of Florida, codified pursuant to Chapter 2000-431, Laws of Florida, formerly known as the Seminole Water Control District. SID is coextensive with the boundaries of the City of Westlake and consists of approximately 4,142 acres of land. SID is empowered to construct and maintain a number of public works and utilities including water, sewer, drainage, irrigation, water management, parks, recreation facilities, roads and related activities.

SENIOR HOUSING: Age-restricted dwelling units for older adults, aged 55+, who are able to care for themselves.

SETBACK: the horizontal distance between the front line, side line, or rear line of the building site to the front, side, or rear of the building or structure, respectively. Setbacks shall be measured perpendicular to and parallel with the property or right-of-way lines, and shall be measured from the point at which the face of the building or structure touches the ground.

SEXUALLY ORIENTED USES: any place in which a principal use is the exchange, for consideration in any form, monetary or otherwise, for profit or not for profit, of materials or exhibitions, including but not limited to books, magazines, photographs, performances, videotapes, electronic media or movies which have as their dominant theme matters depicting, describing, demonstrating or relating to completely or to opaquely covered human genitals or pubic regions, buttocks, or female breasts below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered, or which have as their dominant theme matters depicting, describing, demonstrating or relating to human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, or the fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

SHARED USE PATH: A paved facility for use by pedestrians, bicyclists, and/or other users that is separated from vehicular traffic. Golf carts may be used on shared use paths in certain areas, under certain circumstances.

SINGLE FAMILY ATTACHED DWELLING: A single dwelling unit physically attached to other buildings, dwelling units, or structures through one or more shared walls, but not including multifamily dwellings.

SINGLE FAMILY DETACHED DWELLING: A single dwelling unit, including a manufactured home, not physically attached to other buildings, dwelling units, or structures.

SOLAR ENERGY OVERLAY: An area designated on the Future Land Use Map (FLU Map 2.1) that allows Primary Solar Facilities in addition to uses allowed by the underlying future land use category.

SPECIAL EVENT: 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

SUBDIVISION: the division of land into two or more lots, or parcels, or any other division of land.

SUSTAINABLE COMMUNITY: An urban area with a long term planning and management vision that incorporates a multi-modal transportation network, walkable, mixed use patterns of development, denser development where infrastructure exists, civic spaces and interconnected open spaces for recreation, economic vitality and job choices, choices in housing price and size, a quality educational system, and a unique identity.

TELECOMMUNICATIONS FACILITY: any facility that is used to provide one or more telecommunications services, including, without limitation, radio transmitting telecommunications towers, other supporting structures, and associated facilities used to transmit telecommunications signals. Telecommunications facilities includes any antenna or broadcast equipment located outdoors, which is used for telecommunications and not otherwise defined as an antenna. Telecommunications facilities include telecommunications services as defined by 47 United States Code § 332.

TEMPORARY USES: are uses that are required in the construction phase of development or are uniquely temporary or seasonal in nature.

THROUGH LOT: a lot, other than a corner lot, having frontage on more than one street.

TOTAL TRAFFIC: the sum of: a) Existing Traffic, b) Net Trips, and c) Background Traffic.

TRANSIT: Passenger transportation services such as commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, autonomous vehicles, and local fixed route bus provided by public, private, or non-profit entities. The terms "transit" and "mass transit" are used interchangeably.

UTILITIES: Seminole Improvement District water, wastewater or reuse water facilities.

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

WORK PLAN: City of Westlake Water Supply Facilities Work Plan dated March 2018.

(D) Acronyms. The following acronyms shall have the following meanings:

TABLE 1-1: ACRONYMS

ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
ANSI	American National Standards Institute
BFE	Base Flood Elevation
CCDs	The Census County Divisions
CO	Certificate of Occupancy
CPTED	Crime Prevention Through Environmental Design
EPA	U.S. Environmental Protection Agency
FAR	Floor Area Ratio
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FLEPPC	Florida Exotic Pest Plant Council
GIS	Geographic Information System
GPD	Gallons Per Day
HCM	Highway Capacity Manual
HUD	U.S. Department of Housing and Urban Development
HOA	Home Owner's Association
LDRs	City of Westlake Land Development Regulations
LEC	Lower East Coast
LOS	Level of Service
LPA	Local Planning Agency
MGD	Million Gallons per Day
MUTCD	Manual on Uniform Traffic Control Devices
NAVD 88	North American Vertical Datum of 1988
NRPA	National Recreation and Park Association
OEDR	Office of Economic and Demographic Research
PD	Planned Development Zoning District
PM	Particulate Matter
PPH	Population Per Household
PZB	Planning and Zoning Board
SFWM	South Florida Water Management District
SID	Seminole Improvement District
SIS	Strategic Intermodal System
SRPP	The Strategic Regional Policy Plan
SWA	Solid Waste Authority
TAZ	Traffic Analysis Zone

TCRPC	Treasure Coast Regional Planning Council
TDM	Transportation Demand Management
TDP	Transit Development Plan
TPA	Palm Beach Transportation Planning Agency
TPS	Traffic Performance Standards of Palm Beach County
TSM	Transportation Systems Management
ULDC	Palm Beach County Unified Land Development Code
USDA	U.S. Department of Agriculture

(E) Chapter; Article; Section; Subsection; Paragraph; Subparagraph. The terms “Chapter,” “Article,” “section,” “subsection,” “paragraph,” and “subparagraph” shall be understood to refer to the material within each part as illustrated below. For this example, “1” shall refer to any Arabic numeral, “A” and “a” shall refer to any letter, and “i” shall refer to any Roman numeral in lowercase. The terms above shall be understood as follows:

- CHAPTER 1
- Article 1.1
- Section 1.
- (A) Subsection
- (1) Paragraph
- (a) Subparagraph
- (i) Sub-subparagraph

(F) Graphics. Unless a graphic explicitly states it is regulatory in nature, graphics in these LDRs are illustrative and not regulatory.

(G) Purpose and Intent Statements. Purpose and intent statements are intended to provide context and guidance, but are not regulatory.

ARTICLE 1.3 CONSISTENCY OF LDRs WITH THE COMPREHENSIVE PLAN; INTERPRETATION.

Section 1: *Comprehensive Plan Controlling.* In the event any provision of these LDRs conflicts with any provision of the Comprehensive Plan, including the Map Series, the Comprehensive Plan shall control.

Section 2: *Procedure for Conflicts between LDRs and Comprehensive Plan.*

(A) If it appears a conflict exists between these LDRs and the Comprehensive Plan, a written request may be submitted to the Planning and Zoning Director identifying the specific provisions of the Comprehensive Plan and LDRs in conflict. The Planning and Zoning Director will respond to the request and provide an interpretation or proposed solution within 45 days. Interpretations of the Planning and Zoning Director may be appealed by submitting a written request for review to the City Attorney, who will acknowledge receipt of the request and respond within a reasonable amount of time, but no later than 45 days of receipt of the request. The request for clarification of the conflict shall be placed on the agenda of the next regularly scheduled City Council meeting for resolution by vote of the City Council. Any decision by the City Council is deemed a final decision.

- (B) All decisions of the City Council regarding conflicts between the Comprehensive Plan and the LDRS will be annotated and consolidated in a written document that will be available upon request from the City.

Section 3: *Procedures for Interpretation of LDRs*

- (A) When a question arises as to the meaning or intent of a phrase, or other portion of the LDRs, a written request for interpretation may be submitted to the Planning and Zoning Director for interpretation. The request must identify the applicable provision(s), the specific question regarding the meaning of the provision, and the explicit interpretation requested. The Planning and Zoning Director shall have 45 days to provide an interpretation or to elevate the question to the City Attorney for the City Attorney to interpret.
- (B) The party who requested the interpretation may appeal the interpretation of the Planning and Zoning Director to the City Attorney. The City Attorney shall acknowledge receipt of and respond to any request for interpretation within a reasonable amount of time, but no later than 45 days of receipt of the request.
- (C) The party who requested the interpretation may appeal the interpretation of the City Attorney concerning these LDRs to the Hearing Officer. Decisions of the Hearing Officer are final decisions.
- (D) All decisions regarding interpretation of these LDRs shall be annotated and consolidated in a written document that will be available upon request from the City.

Section 4: *Rules Governing Interpretation*

- (A) The rules of statutory construction apply to the interpretation of these LDRs.
- (B) The LDRs shall be interpreted to be consistent with the Comprehensive Plan.

Section 5: *Procedure for Interpretation of Zoning Map.*

- (A) When a question arises as to the zoning district designation for a particular parcel of land on the zoning map, an applicant may request a zoning confirmation letter from the Planning and Zoning Director. The request must identify the particular lot(s) or parcel(s) for which the zoning confirmation letter is requested.
- (B) The Planning and Zoning Director shall acknowledge receipt of and respond to any request for interpretation within a reasonable amount of time, but no later than 45 days from receipt of the request. Decisions of the Planning and Zoning Director are final decisions.
- (C) All decisions regarding the interpretation of the Zoning Map will be annotated and consolidated in a written document that will be available upon request from the City.

Section 6: *Calculation of time.*

- (A) If a procedural deadline falls on a weekend, state holiday, or federal holiday, the deadline shall fall on the next business day.

- (B) Unless otherwise indicated, “days” indicates calendar days.
- (C) “Business days” shall mean days Monday through Friday but shall not include state holidays or federal holidays.

ARTICLE 1.4 PLANNING AND ZONING DIRECTOR

Section 1: *Appointment.* The City Manager shall designate a Planning and Zoning Director, with approval of City Council, who shall be responsible for coordinating the City’s review of all applications subject to these LDRs, including review by the City Engineer and coordination with the Seminole Improvement District, as necessary.

Section 2: *Policies and Procedures.* The Planning and Zoning Director is authorized to create administrative policies and procedures as necessary to administer the responsibilities of the Planning and Zoning Director assigned by this Chapter and these LDRs.

Section 3: *Approval of Administrative Applications.* The Planning and Zoning Director is authorized to approve or deny applications that only require administrative approval.

ARTICLE 1.5 CITY COUNCIL

Section 1: *Authority and Procedures.*

(A) **Procedure.** The City Council may determine and adopt by ordinance its own rules of procedure for City Council meetings, which will govern the functioning and proceedings of the City Council except as otherwise provided by the City Charter, these LDRs, or laws of Florida. Once adopted, the rules may only be altered by an amending ordinance. The rules may be suspended by a majority vote of the City Council. In the absence of a rule by the City Council concerning procedure, Robert’s Rules of Order shall govern.

(B) **Power and Authority.** In addition to the powers and authorities described elsewhere in this Code, the City Council shall have the power and authority to:

- (1) Establish fees for the review of applications.
- (2) To initiate, consider, and render decisions concerning amendments to the text of these LDRs, the Official Zoning Map, the Comprehensive Plan and matters concerning annexation.
- (3) Consider and act upon such other business as may come before it.

Section 2: *Special Meeting.* Special meetings may be held upon the call of the mayor or City manager, or upon the call of three council members and upon no less than 48-hours’ notice to each member and the public, or such shorter time as a majority of the council shall deem necessary in case of an emergency affecting the healthy, safety, or welfare of the public. Only those items identified in writing by the mayor, City Council or City Manager as the reason for the special call meeting shall be placed on an agenda as substantive discussion items. The City Manager shall be responsible for preparing the agenda for all special call City Council meetings. Once the City

Manager has completed his/her review, the City Manager shall deliver the items to the City Attorney for review and legal sufficiency.

Section 3: *Notice.* Notice shall meet all applicable state statutory requirements. Additional notice requirements are contained in Chapter 2.

Section 4: *Agenda.* Publication of the agenda shall meet all applicable state statutory requirements.

ARTICLE 1.6 LOCAL PLANNING AGENCY

Section 1: *Membership.*

(A) The Local Planning Agency (LPA) will consist of the City Council and will have the powers set forth in this Chapter. It is the intent that the LPA serve as the local planning agency referenced in § 163.3174, Florida Statutes, and the land development regulation commission as defined in § 163.3164(25) and referenced in § 163.319, Florida Statutes.

(B) In addition to the City Council members, the Board of the School District of Palm Beach County will appoint a non-voting member to the LPA to attend those meetings at which the LPA considers Comprehensive Plan amendments that would, if approved, increase residential density on the property that is the subject of the application.

Section 2: *Public Meetings and Records.* The LPA shall meet once a month or at times designated by the City Manager or City Council. All meetings of the LPA will be public meetings that shall be noticed once in a newspaper of general circulation in the City. The notice shall meet the requirements of all applicable state statutory requirements.

Section 3: *Compensation.* Members of the LPA will not be compensated for service on the LPA; however, members will be paid actual expenses incurred in the performance of their duties, which may not exceed allowances prescribed by state law.

Section 4: *Functions and Authority.* To effectuate its responsibilities as provided in Florida Statutes, the LPA will:

(A) Review any amendments to the Comprehensive Plan proposed for adoption and make recommendations to the City Council regarding the proposed Comprehensive Plan amendment.

(B) Recommend to the City Council any amendments to the Comprehensive Plan as may from time to time be required, including any amendments resulting from the periodic evaluation and appraisal of the Comprehensive Plan as required by Florida Statutes.

(C) Review proposed land development regulations or amendments thereto, and make recommendations to the City Council as to the consistency of the proposal with the adopted Comprehensive Plan.

(D) Take administrative actions necessary or convenient to accomplish its duties and responsibilities.

(E) The LPA must make a final recommendation regarding adoption of the Comprehensive Plan or Comprehensive Plan amendment to the City Council. The LPA may - in cooperation with the City, another person, or entity - prepare a Comprehensive Plan or Comprehensive Plan amendment. However, the LPA may not delegate its responsibility to make a

recommendation regarding the adoption of the Comprehensive Plan or Comprehensive Plan amendment to the City Council.

- (F) A recommendation by the LPA must be consistent with all applicable law and in one of the following forms: a recommendation of approval; a recommendation of approval with conditions or restrictions; or a recommendation of denial. Recommendations shall not be binding on the City Council.

ARTICLE 1.7 CITY SUPPORT

Section 1: The City Manager or designee shall attend the Planning and Zoning Board and LPA meetings. The City Manager or designee shall provide staff and clerical assistance for the Planning and Zoning Board and LPA members as may be required for the reasonable performance of their duties. This shall include a recording secretary to keep records of all proceedings.

Section 2: The City Planning and Zoning Director shall advise and assist the Planning and Zoning Board and LPA in all of its presentations, hearings, and deliberations on items which appear before the board for consideration.

Section 3: The Board may request from the City Manager, the City Attorney or other City consultant(s) additional information for the proper evaluation of items which appear before the Board or LPA which will assist in the decision making process.

Section 4: The City Attorney shall provide legal representation to the Planning and Zoning Board and LPA at all meetings of the Board.

ARTICLE 1.8 PLANNING AND ZONING BOARD.

Section 1: The City Council may sit as or establish a Planning and Zoning Board for the purpose of taking action on the following applications:

(A) **Conditional Uses.** The Planning and Zoning Board shall make recommendations to the City Council regarding conditional uses.

(B) **Variances.** The Planning and Zoning Board shall make final determinations on applications for variances, which decisions are appealable to City Council.

ARTICLE 1.9 INTERACTION WITH SID. The Seminole Improvement District (SID) is an independent special purpose government, which was established in 1970 pursuant to Chapter 70-854, Laws of Florida, codified pursuant to Chapter 2000-432, Laws of Florida. SID is empowered to construct and maintain a number of public works and utilities, including water, wastewater, drainage, irrigation, water management, parks, recreation facilities, roads, and related activities. The relationship between the City and SID is governed by the City of Westlake Charter and the Interlocal Agreement between the City of Westlake and the Seminole Improvement District Regarding the Provision of Certain Services, Infrastructure, and Public Facilities and for Assurance of Non-Duplication of Services dated February, 2018, as these documents may be amended from time to time.

(A) Pursuant to the Interlocal Agreement described above, SID shall have the exclusive authority to set requirements and standards for, review, approve, and issue permits for: the facilities in SID's Water Control Plan; parks; potable water, wastewater, and reclaimed water utility

services and facilities; irrigation water service; roadways and transportation infrastructure; and surface water management and drainage. SID and the City shall only review those items or matters over which it has jurisdiction, and no party shall deny a permit or authorization on grounds over which it has no jurisdiction.

- (B) Pursuant to the City Charter, the City shall not exercise any function or provide any service being performed by or provided by SID except as the parties may agree.
- (C) Whenever a permit, application, proposal, or development order will impact SID facilities, services, infrastructure, or property, SID shall be included in the development review process.
- (D) The City shall coordinate with SID to create joint applications and efficient processes whenever possible to facilitate the development process and the working relationship between the City and SID.
- (E) The City and SID have agreed on processes to identify, avoid, and manage potential conflicts concerning the provision of services and the sharing of powers as they may from time to time agree.

ARTICLE 1.10 LDRS NOT RETROACTIVE. Amendments to these LDRs are not retroactive. Developments with final development orders approved prior to the effective date of these LDRS, or prior to a modification of the LDRs, do not need to comply with the new or modified LDRs unless or until there is an application to modify the development order.

ARTICLE 1.11 SEVERABILITY. It is the declared legislative intent of the City Council that if any part, section, subsection, paragraph, subparagraph, subsubparagraph, sentence, phrase, clause, term, or word of these LDRs is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of these LDRs.

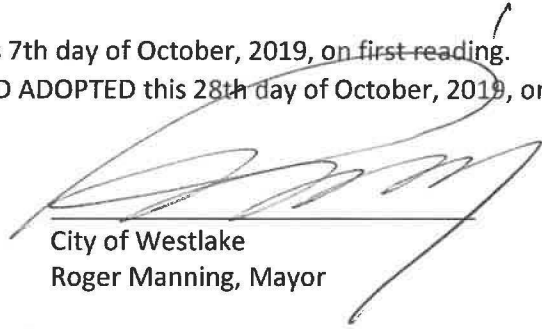
Section 3 Severability. Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

Section 4. Codification. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Westlake, Florida, and the sections of this ordinance may be re-numbered or re-lettered to accomplish such intentions, and the word 'ordinance' shall be changed to "section" or other appropriate word.

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

PASSED this 7th day of October, 2019, on first reading.

PASSED AND ADOPTED this 28th day of October, 2019, on second reading.



City of Westlake
Roger Manning, Mayor



Sandra Demarco, City Clerk

Approved as to Form and Sufficiency



Pam E. Booker, City Attorney

ORDINANCE NO. 2019-13

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING LAND DEVELOPMENT PROCEDURES WITHIN THE CITY OF WESTLAKE; PROVIDING FOR APPLICATION REVIEW AND REQUIREMENTS; PROVIDING FOR PAYMENT OF FEES; PROVIDING FOR SPECIAL APPLICATION REQUIREMENTS; PROVIDING FOR NOTICE REQUIREMENTS; PROVIDING FOR PROCEDURES FOR APPLICATION REVIEW AND APPEAL; AND PROVIDING FOR WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED 'LAND DEVELOPMENT PROCEDURES', PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about May 3, 2018, the Florida Department of Economic Opportunity provided the City with notice of intent to find the City's initial comprehensive plan in compliance and the same is now the effective and controlling Comprehensive Plan for the City of Westlake ("Comprehensive Plan"); and

WHEREAS, the City's adopted comprehensive plan contemplates the development of land within the City; and

WHEREAS, adoption of this chapter, entitled "Land Development Procedures" will assist the City in carrying out the goals, objectives and policies of the adopted comprehensive plan; and

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

WHEREAS, the purpose of this ordinance is to promote the efficient and effective review of applications for land development within the corporate limits of the City of Westlake, and to ensure that applicants for land development provide the City with the materials necessary for the City to properly review such application;

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

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

WHEREAS, the Local Planning Agency has conducted a hearing on October 7, 2019, and made a recommendation to the City Council with respect to the adoption of this Land Development Procedures Ordinance; and

WHEREAS, the City Council has conducted two public hearings on October 7, 2019 and October 28, 2019, where it considered the recommendation of the Land Planning Agency, the City staff's presentation, and comments from the public and has determined that the adoption of this Land Development Procedures Ordinance is in the best interest of the public safety and welfare of the City of Westlake;

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

Section 1. Incorporation. The above recitals are confirmed, adopted and are incorporated herein by reference.

Section 2. Land Development Procedures. The code of ordinances for the City of Westlake shall contain a chapter entitled "Land Development Procedures" which code shall contain the provisions as specifically set forth herein.

CHAPTER 2: LAND DEVELOPMENT PROCEDURES

ARTICLE 2.1 APPLICATIONS, FEES AND NOTICE

Section 1: Applicability. The provisions of this Chapter shall apply to all applications provided for in Table 2-2, including but not limited to the following:

- (A) Comprehensive Plan Map Amendment – Large and Small Scale
- (B) Comprehensive Plan Text Amendment
- (C) Conditional Use (Non-Residential and Residential)
- (D) Development Order Modifications
- (E) Landscape Permit
- (F) Master Sign Plan
- (G) Plat (including replats, plat waiver)
- (H) Rezoning
- (I) Modifications to permits and approvals other than development orders
- (J) Site/Land Development Permits
- (K) Site Plans
- (L) LDR Text Amendment
- (M) Variance
- (N) Waiver
- (O) Zoning Confirmation

Section 2: Form of Applications; Fees and Costs. The City shall make available all applications and its adopted fee schedule. Fees associated with the applications will be set forth on a Fee Schedule adopted by the City Council.

- (A) **Cost of development order applications.** It is declared to be the policy of the city council that all applicants for development order approval requesting a rezoning, platting, planned development, conditional use, any type of variance, site plan review, amendments to approved development orders, or any other similar application shall prepare and present at their expense the necessary documentation and information required by this chapter.
- (B) **Additional documentation requests.** An applicant may request, through the Planning and Zoning Director, information and documentation from the city engineer, city attorney, or other city department relative to the application. If the request is in excess of the information and documentation normally utilized to review the application, such additional information and documentation shall be provided at the expense of the applicant.
- (C) **Third Party Experts.**
 - (1) **Employment.** The city council, city manager, or Planning and Zoning Director may determine that a third-party expert in the field of land planning, traffic engineering, engineering, architecture, landscape architecture, or other similar area of professional expertise is

necessary to thoroughly review a development order application. Such experts may be employed by the city, with the petitioner paying all reasonable costs for such services.

(2) **Reimbursement for third-party experts.** The applicant shall reimburse the city for any costs associated with the employment of third-party experts. The applicant shall reimburse the city for such costs within 30 days of the date of receipt of an invoice for such services. Failure by the applicant to make such reimbursement when due shall delay the pending application until paid.

(D) **Reimbursement for staff costs.** The applicant shall reimburse the city for any excess time spent by the city engineer, city attorney, or other city staff, together with the cost of any document or drawings not part of the city records. The cost of time billed to the applicant shall be the same cost as billed by the city engineer or city attorney, or the cost of city staff time. The applicant shall reimburse the city for such costs within thirty days of the date of receipt of an invoice for such services. Failure by the applicant to make such reimbursement when due shall delay the pending application until paid.

Section 3: Applications.

(A) Table 2-1: Review and Approval Required, below, indicates the approval required for each type of planning and zoning application, and whether an application is subject to review by the Local Planning Agency and Planning and Zoning Board.

(B) If a development order application or request is not one of the types provided for in this Chapter, the Planning and Zoning Director shall determine the specific nature of the review based on the type of application most similar to the application or request.

Table 2-1: Review and Approval Required

	Type of Approval Required	Local Planning Agency Review Required	Planning and Zoning Board Review Required
Comprehensive Plan Map Amendment – Large and Small Scale	City Council	✓	
Comprehensive Plan Text Amendment	City Council	✓	
Conditional Use (Non-Residential)	City Council		✓
Conditional Use (Residential)	City Council		✓
Conditional Use Expansion – Large Scale	City Council		✓
Conditional Use Expansion – Small Scale	Administrative		
Development Order Modification that alters	Administrative		

Table 2-1: Review and Approval Required

	Type of Approval Required	Local Planning Agency Review Required	Planning and Zoning Board Review Required
density or intensity by 10% or less	SID, if SID approved existing approval		
Development Order Modification that alters density or intensity by more than 10%	Same approving entity as required for existing development order		
Land Development Regulation Text Amendments	City Council	✓	
Landscape Permit	Administrative SID†		
Master Sign Plan	City Council SID†		
Plat (including Replat)	City Council SID		
Plat Waiver	Administrative SID		
Rezoning	City Council	✓	
Modification to Existing Permit/Approval (other than modification to Development Orders)	Same type(s) of approval as existing approval		
Required Improvements Waiver	Administrative		
Site Development Permit – General	Administrative SID		
Site Development Permit – Lakes Outside of Pods	Administrative SID		
Site Development Permit – Roads Outside of Pod	Administrative SID		

Table 2-1: Review and Approval Required

	Type of Approval Required	Local Planning Agency Review Required	Planning and Zoning Board Review Required
Site Plan (Containing Non-Residential or Multifamily)	City Council SID†		
Site Plan (Residential Only)	Administrative SID†		
Temporary Signage	Administrative		
Variance	Planning and Zoning Board		
Waiver	Administrative or Council, as applicable		
Zoning Confirmation	Administrative		
SID = Seminole Improvement District SID† = Application will be reviewed by Seminole Improvement District only for conflicts with Seminole Improvement District facilities or rights.			

(C) Table 2-2 shows the required contents of each type of application.

Table 2-2: Application Requirements for Approvals

- (D) **Additional Information.** The following additional information applies to the documents required in Table 2-2: Application Requirements, above.
- (1) **Applications.** Complete signed application forms as provided by the City and all required fees and costs.
 - (2) **Project Description/Justification Statement.** The Project Description/Justification Statement should describe the desired outcome of the application.
 - (a) The Project Description/Justification Statement must contain the following:
 - (i) Description of the property history and site conditions;
 - (ii) History of approvals on the property;
 - (iii) Statements addressing the special standards and criteria that may be required for the particular application
 - (iv) Statement of consistency with the Comprehensive Plan; and
 - (v) Statements concerning compliance with applicable LDRs.
 - (b) The Project Description/Justification Statement may also contain aerial photographs.
 - (c) The Project Description/Justification Statement for applications for development orders must identify any cultural, historic, and natural resources that may be impacted by the development.
 - (d) If an applicant is seeking approval for bonus housing units, the applicant must submit the following information as part of site plan application:
 - (i) Number and location of affordable or workforce bonus housing units.
 - (ii) Structure type and dwelling unit sizes of affordable or workforce bonus housing units.
 - (iii) Identification of whether bonus housing units will be for sale or for rent.
 - (iv) Proposed sale or rent price of affordable or workforce bonus housing units.
 - (e) Consistency with level of service standards as required by the Comprehensive Plan.
 - (3) **Plat.** The requirement to submit a plat may be filled by submittal of an approved plat, even if such plat has not yet been recorded, or by submittal of a plat waiver. When applying for a plat, this requirement is filled by submittal of the proposed plat. When applying for a replat, both the existing plat and the proposed plat must be submitted.
 - (4) **Site Plan.** A site plan containing the title of the project and names of the architect, engineer, project planner and/or developer, date, and north arrow, and based on an exact survey of the property drawn to a scale of sufficient size to show:
 - (a) Boundaries of the project, any existing streets, buildings, watercourses, easements, section lines, and water, sewer and reuse water facilities, and other existing important physical features on the site and on property adjacent to the site.
 - (b) Tabular project data, including but not limited to dwelling units, square footage, bed, and waivers from zoning district requirements.
 - (i) Project information on beds, employees, seating, etc. as necessary depending on the type of development.
 - (c) Site data and setbacks.
 - (d) Plans and location for recreation facilities, if any, including buildings and structures for such use.

- (e) All mechanical equipment and dumpster locations, screens and buffers.
- (f) Refuse collection and service areas.
- (g) Access to utilities and points of utilities hookups and location of all fire hydrants close enough for fire protection.
- (h) Proposed plans for signage including size, location and orientation.
- (i) Location of exterior lighting of all parking areas, non-residential buildings, and the overall site.
- (j) Proposed topographic considerations including natural vegetation, berms, retaining walls, privacy walls, and fences.
- (k) Required floodplain management data including Flood zone designation and Base flood elevation consistent with Chapter 5.
- (l) Traffic Circulation.
- (m) The application must contain architectural elevations to demonstrate the style and theme of the project, including representative color for illustrative purposes only. Improvements must be constructed reasonably be in accordance with submitted architectural style and theme.
- (n) The application must contain an aerial photograph of the appropriate section, township and range of the City, outlining the subject property, and delineating all contiguous zoning districts.
- (o) The application must contain an area location map. Vicinity map of the area within one mile surrounding the site, including the following:
 - (i) Principal roadway network, including mass transit routes;
 - (ii) Major public facilities such as public schools, city and county parks and recreation areas, hospitals, public buildings, utilities, shopping areas, etc.;
 - (iii) Municipal boundary lines; and
 - (iv) Important physical features in and adjoining the site.
- (p) Residential site plans must include a school impact statement specifying the anticipated impact on public schools and the need for public school sites in the general area of the proposed development.
- (q) Statement acknowledging that applicant is required to submit application Palm Beach County Fire Rescue for review. Applicant is responsible for submitting application to Palm Beach County Fire Rescue. Approval by Palm Beach County Fire Rescue pursuant to their adopted standards is required for site plan approval.
- (r) Service Availability. Written confirmation from the applicable service providers of the availability of all necessary facilities and systems, as indicated below, for stormwater management, potable water, sanitary sewer, solid waste disposal, and county road capacity.
 - (i) A statement from SID, or other lawful service provider, that the proposed development will be able to connect to the system and that there is sufficient capacity available to meet adopted levels of service for potable water and sanitary sewer.

- (ii) A drainage statement by the applicant's engineer that the site drainage system will be designed to meet the stormwater management requirements of the SFWMD and these LDRs. The statement also will demonstrate the provision of legal positive outfall meeting the adopted level of service. A statement from SID attesting that the proposed drainage is sufficient will satisfy this requirement.
 - (iii) A statement from the Solid Waste Authority of Palm Beach County that the proposed project will not exceed the adopted levels of service standards for solid waste disposal. This requirement may be waived if the Solid Waste Authority provides the city with an annual statement that solid waste capacity is available.
- (s) **Master Site Plan.** A master site plan will be required when a project will be developed in phases. The master site plan must show:
1. Authority and ownership of land to be developed.
 2. Proposed phases of the development.
 - a. Proposed number of project phases, including total acreage in each phase, and gross nonresidential intensity (square feet) and gross residential density of each phase.
 - b. Sequencing of phasing for purposes of determining service availability.
 3. Total land area, and approximate location and amount of open space or lake maintenance easements included in each residential, nonresidential, or mixed-use area, and a summary of the form of organization proposed to own and maintain such areas.
 4. Circulation information, including:
 - a. Approximate location and ultimate right of way widths of proposed and existing roads, pedestrian, and bicycle routes, including interconnections between phases.
 - b. Locations, centerlines and ultimate widths of rights-of-way for existing roads, streets, intersections, and canals within the proposed project.
 5. Information on all easements, including:
 - a. Location and width of proposed and existing utility, drainage, access, electric, and similar easements, provided, however, only general location and widths are required for proposed easements.
 - b. Location, if known, of proposed landscape buffers, open space, and preserve areas.
- (5) **Landscape Plan.** A landscaping plan consistent with the requirements of Chapter 4, which includes the location of landscape buffers, landscape plans for entrance features, common areas, parking, and vehicular use areas. The plan should be sufficient to identify potential conflicts and inconsistencies with proposed lighting, hardscape, and utilities and electrical infrastructure.
- (a) Preliminary landscape plans must include the location of landscape buffers, landscape plans for entrance features, common areas, parking, and vehicular use areas. The plan

should be sufficient to identify potential conflicts and inconsistencies with proposed lighting, hardscape, and utilities and electrical infrastructure. Additional details may be required for the final landscape plan associated with the landscape permit.

- (b) Prior to the issuance of the certificate of occupancy for single-family residential lots and single family attached residential structures with 3 units or less the builder shall submit a certification by a Landscape Architect to the City stipulating that the required minimum landscaping has been installed consistent with the requirements of Chapter 4 (Landscaping and Buffers). All common area landscaping, open space landscaping, buffering, streetscape plantings (all plantings within a ROW) shall be certified by the Landscape Architect of record prior to the last certificate of occupancy for a residential pod.
- (6) **Engineering Plan.** Engineering plans include paving plans and site utilization calculations. If the city determines that the plans require independent review for items within the City's jurisdiction, the applicant shall pay for such review by an independent engineer.
 - (a) The engineering plan should contain conceptual utility plan indicating the proposed location of potable water, sanitary sewage, and storm drainage plans for review by SID. The plan shall contain plans for the extraction of fill and mineral resources and alterations or modifications to the slope, elevation, drainage pattern, natural vegetation, and accessibility of the development, for SID review. Utility plans should be sufficient to identify potential conflicts and inconsistencies with proposed landscape, hardscape, lighting, and electrical infrastructure.
- (7) **Conceptual Lighting Plan.** Conceptual lighting plans must contain general locations and types of proposed lighting facilities, but are not required to contain photometric data or product specifications. The plan should be sufficient to identify potential conflicts and inconsistencies with proposed landscape, hardscape, and utilities and electrical infrastructure.
- (8) **Non-Residential Photometric Lighting Plan.** In addition to the requirements of the conceptual lighting plan, the photometric lighting plan must illustrate the height and intensity (photometric data) of the proposed lighting facilities.
- (9) **Residential Lighting Plan.** A plan indicating the general location and lumens of lighting to be used in a residential development. Residential lighting plans are not required to contain photometric data. The plan should be sufficient to identify potential conflicts and inconsistencies with proposed landscape, hardscape, and utilities and electrical infrastructure.
- (10) **Signage Plan.** A signage plan demonstrating consistency with the requirements of Chapter 6, or a proposed Master Sign plan meeting the requirements of Chapter 6. The signage plan should include architectural elevations of all signs indicating the location; size; landscaping; and for illustrative purposes, lettering design, material types, colors, and other features.
- (11) **Survey (Abstracted).** A certified boundary survey by a surveyor licensed by the State of Florida meeting the requirements for surveys established by the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17, F.A.C., pursuant to Sec. 472.027, Florida Statutes. The survey shall have been completed within one year of the date the application is submitted. Where allowed by Chapter 2 or Chapter 5, a certified sketch and legal description may be submitted instead of a survey. The survey shall be prepared at a scale of not less than one-inch equals 200 feet containing the following:
 - (a) A legal description of the property;
 - (b) A computation of the total acreage of the parcel to the nearest tenth of an acre;

- (c) Depictions of existing streets and roadway improvements, existing structures within 100 feet of project boundary, existing utilities, existing easements, and existing trees identified by caliper and species.
- (12)**Owner's Affidavit.** A statement of the applicant's interest in the property and:
 - (a) If joint and several ownership, a written consent to petition by all owners of record, or written authorization by the master association;
 - (b) If a contract purchase, written consent of the seller or owner;
 - (c) If an authorized agent, a copy of the agent's authorized agreement or written consent of the owner;
 - (d) If a lessee, a copy of the lease agreement and written consent of the owner;
 - (e) If a corporation, partnership, or other business entity, the name of the officer or person responsible for the application and written proof that the representative has authority to represent the corporation, partnership, or business entity or, in lieu thereof, written proof that such person is in fact an officer of the corporation;
 - (f) If a group of contiguous property owners are requesting an individual amendment only affecting their specific lots and not impacting property owned by the master association, all the owners of the property described in the petition must provide written consent; or
 - (g) Unity of Title, warranty deed or purchase contract of the subject site.
- (13)**Traffic Statement / Study.** A traffic statement or traffic study consistent with the requirements of Chapter 7.
- (14)**Drainage Statement.** A statement describing the proposed stormwater management for the proposed project, consistent with the requirements of Chapter 5 and any applicable SID requirements.
- (15)**Legal Description.** A formal description of land containing sufficient information to permit the identification of the property to the exclusion of all others, which may be – but is not required to be – accomplished through a description by metes and bounds.
- (E) Applicants may submit additional documents or professional studies in support of an application to assist in satisfactory review of a development order application consistent with the requirements of these LDRs.

Section 4: Fees waived for applications by the City and SID. Any fee required for an application made pursuant to this Chapter is hereby waived for all applications made by the City or SID.

ARTICLE 2.2 ADDITIONAL PROVISIONS

Section 1: Life of Approvals.

- (A) **In General.** Unless otherwise specified, all approvals subject to these LDRs shall be valid for 5 years from the date of approval.
- (B) **Specific Approvals.**
 - (1) **Site Plans.** Approved site plans shall be valid for 5 years from the date of approval.
 - (2) **Conditional Uses.** Conditional uses shall expire 12 months after the date of approval of such conditional use unless a longer time period is provided for in the approval, or unless a building permit based upon and incorporating the conditional use is issued within the 12-month period, or, if a building permit is not required, the expiration date shall be 12 months from the date of approval if by that date the use for which the conditional use was granted has not been commenced. An approved conditional use which ceases operation for a period of 12 months shall expire.
 - (3) **PDs.** PDs shall have a build out date established in the development order.

- (4) **Rezoning.** Rezoning do not have an expiration date.
- (5) **Comprehensive Plan Amendments.** Comprehensive Plan Amendments do not have an expiration date.
- (6) **Plats.** Plats must be recorded within 18 months of the date of approval to remain valid. If a plat is not recorded within 18 months of the date of approval, the plat is no longer valid.
- (C) **Extensions.** All development orders may be extended at the discretion of the City.
 - (1) Applications for extensions of 30 days or less may be approved by the Planning and Zoning Director.
 - (2) Applications for extensions over 30 days but less than 90 may be reviewed by the Planning and Zoning Director, who will make a recommendation to the City Council.
 - (3) Applications for extensions of more than 90 days require the same type of approval as the original application.

Section 2: *Special Applications*

(A) Small Scale Plan Amendments

- (1) Comprehensive Plan amendment applications that meet the following criteria will be processed as Small-Scale Plan Amendments. In order to be processed as a Small-Scale Plan Amendment:
 - (a) The proposed amendment relates to a parcel that is less than 10 acres in size;
 - (b) The proposed amendment is only for a site-specific small scale development activity;
 - (c) The parcel that is the subject of the proposed amendment is not located within an area of critical state concern;
 - (d) The City must not have approved more than 120 acres of small scale amendments in the calendar year in which the application is submitted; and
 - (e) Text amendments associated with the Small-Scale Plan Amendment to the Future Land Use Map (“Small Scale Map Amendment”) are directly related to and will be adopted simultaneously with the Small Scale Map Amendment.

(B) Variances

- (1) The purpose of a variance is to allow reasonable relief from strict application of one or more land development regulations, when such regulation(s) create an undue burden or a practical difficulty for reasonable development of a property. Variances will be granted on a case-by-case basis.
- (2) Applications for a variance must demonstrate that:
 - (a) Strict application of the LDRs creates an undue burden or a practical difficulty on the development of applicant’s lot(s) or parcels, and was not created by the actions of the applicant.
 - (b) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - (c) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
 - (d) No negative impacts are or will be generated by the variance, and/or that any impacts caused by the variance can be adequately mitigated.

- (e) The grant of a variance will not confer upon the applicant any special privilege denied to any other owner of land, buildings, or structures located in the same zoning district.
 - (f) The variance granted is the minimum variance that will make possible the use of the land, building, or structure.
 - (g) The grant of the variance will be in harmony with the general intent and purpose of this chapter and land development regulations.
 - (h) Financial hardship is not to be considered as sufficient evidence of a hardship in granting a variance.
 - (i) The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (3) In granting any variance, the Planning and Zoning Board may approve such conditions and safeguards deemed necessary to conform to the intent and purpose of this chapter. Violations of such conditions shall be deemed a violation of this chapter. The Planning and Zoning Board may also prescribe a reasonable time limit to initiate the action granted by the variance and to complete such action.
 - (4) The Planning and Zoning Board, unless specifically authorized by this chapter, shall not grant a variance to establish a use not allowed as a permitted use or conditional use in any overlay or zoning district. Evidence of nonconforming uses of neighboring lands, structures, or buildings in same zoning district or the permitted use of lands, structures, or buildings in other zoning districts shall not be considered grounds for the authorization of a variance.
 - (5) Denials of applications for variances may be appealed to the City Council.
- (C) Waivers (Other than Plat Waiver)**
- (1) In order to allow for innovative design or unique site conditions, the City Manager may grant, at his or her sole discretion, waivers to allow for minor deviations from the requirements of these LDRs pursuant to the following criteria:
 - (a) The proposed waiver is consistent with the Comprehensive Plan; and
 - (b) The applicant provides alternative standards to the specific land development sections subject to the waiver that meet the intent of the waived regulation.
 - (c) The proposed waiver will not negatively impact the health, safety, and welfare of the residents of the City.
 - (2) Waivers may not be permitted to deviate from the allowable density, intensity, permitted uses, setbacks, or building height within a zoning district.
 - (3) Waivers shall be effectuated through written approval by the City Manager or designee.
- (D) Plat Waiver.**
- (1) Plat waivers must meet the requirements of Chapter 5.
 - (2) Plat waivers shall require a certified boundary survey. The City Engineer, and if applicable the SID Engineer, may accept a certified sketch and legal description in lieu of a certified boundary survey. The certified sketch and legal description shall meet the requirements for certified sketches and descriptions set forth by Chapter 5J-17, F.A.C., pursuant to Sec. 472.027, Fla. Stat. and the applicable City and SID requirements. The certified boundary survey or sketch and legal description shall not require approval of the Council prior to recordation.
- (E) Site Development Permit.**
- (1) Except for those required improvements which have been specifically waived, construction plans and supporting design information for all the required improvements shall be submitted for each residential development parcel. Construction plans and required engineering reports shall comply with the requirements of Chapter 5.

- (2) The developer's engineer shall prepare and submit a certified opinion of cost, which shall include the cost of installing all required improvements required pursuant to Chapter 5. In the alternative, the City Engineer and SID may, at their sole discretion, accept the contract price received by the developer for the construction of the required improvements.
- (3) Submittal of supplementary documentation deemed necessary by the City and SID, such as deeds, easements, covenants and other recorded instruments creating rights or obligations for access, drainage, or utility services, which rights or obligations could not be established through dedications or reservations on the plat may be required.
- (4) The application shall indicate whether the required improvements are to be constructed prior to recordation or after recordation of the plat or certified sketch and description. When the required improvements are to be constructed after recordation, the Developer shall submit a statement acknowledging responsibility for completion of said required improvements. The statement shall be in the form acceptable to the City Attorney and SID Attorney, and shall be executed by all owners shown on the applicable plat. The statement shall be accompanied by a guarantee for completion of required improvements, pursuant to Chapter 5.
- (5) The application must contain a conceptual utility plan indicating the proposed location of potable water and sanitary sewage plans for review by SID. If the City determines that the plans require independent review for areas within the City's jurisdiction, the applicant shall pay for such review by an independent engineer. Plans for the extraction of fill and mineral resources and alterations or modifications to the slope, elevation, drainage pattern, natural vegetation, and accessibility of the development require SID review. Utility plans should be sufficient to identify potential conflicts and inconsistencies with proposed landscape, hardscape, lighting, and electrical infrastructure.
- (6) When applicable, applications shall include an environmental assessment addressing the requirements of all applicable environmental ordinances.

(F) **Land Development Regulation Text Amendments.** Applications for an amendment to the text of the city's land development regulations shall be prepared in detailed narrative form, and shall include:

- (1) The specific text amendment that is requested, including language to be added and language to be deleted;
- (2) The reasons for requesting the amendment; and
- (3) Any material or supporting documentation in support of the request for a text amendment.

(G) **Conditional Uses**

(1) **Conditional use general:**

- (a) **Conditional use defined.** A conditional use is a use that would not be appropriate generally or without restriction throughout a particular zoning district, but which may be, if controlled as to number, area, location and/or relation to other development.
- (b) **Applicability.** This subparagraph applies to all conditional uses.
 - (i) All initial requests for conditional uses, along with their related accessory uses, shall be subject to the requirements of this subsection.

- (ii) In addition, any modification to the use of a previously granted conditional use, except for a modification that changes said use to a permitted use as listed in this chapter, shall be subject to the requirements of this subsection. Requests to expand, enlarge or revise the site of an existing conditional use shall be classified and processed pursuant to the following three categories:
 1. Small scale, interior – interior expansion enlargement or revision of less than ten percent (10%) of the originally approved conditional use site square footage once within any eighteen month period (this category contemplates uses located in existing shopping centers or similar structures, where no change to the overall building footprint is required).
 2. Small scale, exterior – exterior expansion, enlargement or revision of less than ten percent (10 %) of the originally approved conditional use site square footage once within any eighteen month period (this category contemplates a change to the existing structure’s footprint, and other site related revisions that flow therefrom).
 3. Large scale – any expansion, enlargement or revision to the site of an existing conditional use that does not qualify as either small scale interior or small scale exterior. Such expansion, enlargement or revision is subject to standards for approval of conditional use in this subsection.
- (c) **Conformance with approved plans.** A conditional use, as approved by the City Council, may be expanded unless specifically conditioned otherwise, and permitted uses may be added to the parcel or lot, as long as all expansions meet the requirements of these LDRs and do not expand the parcel or lot as described in the resolution approved by the City Council for the conditional use. In addition, the City must determine, after a review of the guidelines and standards listed in subsection (d) of this section, that no changes are being made to the site plan which would adversely affect the development project or surrounding neighborhood.
 - (i) For uses which are not dependent upon the issuance of a building permit, a conditional use is valid for the applicant only. An approved conditional use may be revoked at any time by City Council under the guidelines of subparagraph (d) of this section, upon making a finding that the operation of the conditional use has resulted in the violation of City ordinance or in the violation of the conditions of approval of the conditional use.
- (d) **Standard for approval.** A development order application for conditional use approval shall demonstrate compliance with the criteria listed below:
 - (i) **Comprehensive plan.** The proposed use is consistent with the comprehensive plan.
 - (ii) **Chapter requirements.** The proposed use is consistent with all applicable requirements of this Chapter.
 - (iii) **Zoning District Standards.** The proposed use is consistent with the zoning district standards for such use as provided in Chapter 3.
 - (iv) **Public Welfare.** The proposed use provides for the public health, safety, and welfare by:

1. Providing for a safe and effective means of pedestrian access;
 2. Providing for a safe and effective means of vehicular ingress and egress;
 3. Providing for an adequate roadway system adjacent to and in front of the site;
 4. Providing for safe and efficient onsite traffic circulation, parking, and overall control; and
 5. Providing adequate access for public safety purposes, including fire and police protection.
- (v) **Screening and buffering.** The proposed use utilizes such techniques as landscaping, screening, buffering, site or building design, or business operation procedures to mitigate impacts on surrounding properties, including such impacts as:
1. Noise; glare; odor; ground-, wall-, or roof-mounted mechanical equipment; perimeter, interior, and security lighting;
 2. Signs;
 3. Solid waste disposal and recycling;
 4. Outdoor storage of merchandise and vehicles;
 5. Visual impact negatively impacting use of adjacent property; and
 6. Hours of operation.
- (vi) **Patterns of Development.** The proposed use will result in logical, timely, and orderly development patterns.
- (vii) **Purpose and Intent.** The proposed use will be in harmony with the general purpose and intent of this chapter and the goals, objectives, and policies of the City.
- (viii) **Compatibility.** The overall compatibility of the proposed development with adjacent uses, based on the following standards:
1. **Adverse Visual Impact:** The design of the proposed use and structures will minimize any adverse visual impacts or impacts caused by the intensity of the use.
 2. **Environmental impact.** The design of the proposed use minimizes any adverse impacts that may be created, including impacts on environmental and natural resources including air, water, stormwater management, wildlife, vegetation, and wetlands.
 3. **Other Negative Impacts.** Noise; glare; odor; ground-, wall-, or roof-mounted mechanical equipment; perimeter, interior, and security lighting are adequately screened, buffered, or otherwise mitigated.

(2) Application Requirements.

- (i) The justification statement must state the grounds on which the conditional use is being met, and cite the criteria in this subsection (H).
- (ii) The application must contain a conceptual plan on one or more sheets of paper measuring not more than 24 by 36 inches and drawn to a scale not smaller than 100 feet to the inch that provides the following:

1. Scale, date, north arrow, vicinity sketch, title of the project and total gross acreage
2. The boundaries and dimensions of the property and its relationship to the surrounding road system, including the width of the existing road (pavement)
3. The location and dimension of existing manmade features such as easements, existing roads and structures, with indication as to which are to be removed, renovated or altered
4. Identification of surrounding land use, zoning and existing buildings within 100 feet of the petitioned site, as well as the zoning of the petitioned site.
5. A layout of the proposed lots and/or building sites including the following site data.
 - a. Finished floor elevation.
 - b. Common open area.
 - c. Generalized landscaping and buffer areas.
 - d. Internal circulation patterns including off-street parking and loading facilities.
 - e. Total project density.
 - f. The shape, size, location and height of all structures.

(iii) Proposed phasing of project, if applicable.

(iv) Aerial photographs

(v) For non-residential uses:

1. Proposed hours of operation.
2. The estimated square footage of the structure, the number of employees, the estimated seating, and the estimated number of users of the facility, such as members, students and patients.

(vi) Any additional information that will demonstrate that the grant of the conditional use will be in harmony with the general intent and purpose of this chapter.

(3) **Enforcement.** Conditional uses are subject to the enforcement proceedings below.

(a) In addition to the provisions of Code Compliance Chapter of the City Code, conditional uses are subject to the enforcement procedures listed below.

(i) **Revocation.** The City Council shall have the power to revoke conditional uses for noncompliance with conditions of development approval.

(ii) **Inspections.** The planning and zoning department shall review and inspect all conditional uses to ensure compliance with conditions of approval.

(b) All conditional uses which fail to comply with any or all conditions of approval shall be reported to the planning and zoning director. The report shall specify the manner in which the landowner is not complying with one or more conditions of approval. The planning and zoning director may:

- (i) Request timely compliance with the conditions of approval;
 - (ii) Direct initiation of code enforcement proceedings pursuant to Code Compliance Chapter of the City Code; or
 - (iii) Initiate the legal action and procedures necessary to revoke the conditional use.
- (c) All conditional uses which fail to comply with any or all conditions of approval shall be reported in writing to the City Council. The report shall specify the manner in which the landowner is not complying with one or more conditions of approval. The City Council, upon receipt of the written report, may:
- (i) Request timely compliance with the conditions of approval;
 - (ii) Direct initiation of code enforcement proceedings pursuant to Code Compliance Chapter of the City Code; or
 - (iii) Initiate procedures to revoke the conditional use. If the City Council initiates procedures to revoke the conditional use, a hearing on the report shall be scheduled within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner. If the City Council finds that the facts alleged in the report are true, and that the landowner has not taken the steps necessary to fully comply with the conditions between the date of the report and the date of the hearing, the City Council may authorize the City Manager to revoke the conditional use. The City Council also may authorize the City Manager and take the necessary legal action to terminate the conditional use and all uses authorized by that approval.

(4) **Prior conditional uses.** Any land use which was legally established prior to the date of adoption of this ordinance, and thereafter is classified by this chapter as a conditional use, will be considered a legal nonconforming use.

Section 3: *Concurrency.* All site plan approvals must meet concurrency requirements for sanitary sewer, solid waste, drainage, and potable water established in the Comprehensive Plan. The City may require, as a condition of a development order or permit, that the necessary public facilities (excluding transportation facilities) are in place or are guaranteed in an enforceable development agreement prior to issuance of a certificate of occupancy or its functional equivalent. SID shall have exclusive authority to make concurrency determinations regarding capacity and ability to serve a development for sanitary sewer, drainage, and potable water for the concurrency review. Concurrency becomes reserved upon approval of a site plan.

Section 4: *Concurrency Availability.* An applicant may request a concurrency availability determination from the Planning and Zoning Director.

(A) The request must identify the particular lot(s) or parcel(s) for which the determination is requested. If applicable, the applicant may be required to submit a drainage statement along with the request.

(B) The Planning and Zoning Director shall acknowledge receipt of and coordinate with SID to respond to any request within a reasonable amount of time, but no later than 30 days from receipt of the request.

Section 5: *Notice.* Notice of all public hearings required by these LDRs shall be consistent with Florida Statutes. If the City initiates an amendment to the Comprehensive Plan, LDRs or Zoning Map, it shall notify by mail each real property owner whose land will be the subject of the amendment.

(A) *Posting of Property.* Property affected by a future land use map amendment, rezoning ordinance, conditional use, and variance applications shall be posted as provided below, if required.

- (1) *Signs.* Signs shall be provided by the applicant, subject to criteria for size, contents, and visibility approval by the Planning & Zoning Director.
- (2) *Posting.* Property shall be posted by the applicant.
- (3) *Installation.* Signs shall be posted in a workmanlike manner, able to withstand normal weather events.
- (4) *Minimum posting requirements.* Privately-initiated applications require that at least one sign be posted per 500 lineal feet of all property located along a public right-of-way, with a minimum of one sign per frontage, or as otherwise required by the Planning & Zoning Director. In the event of unique circumstances affecting a property, additional signs shall be posted as required by Planning & Zoning Director. City-initiated applications require that one sign be posted per frontage along a public right-of-way, except that city-initiated land use map changes for the creation of an overlay shall not require posting for the city council hearings.
- (5) *Deadline.* Signs, if required, shall be posted at least 15 days prior to a public hearing.
- (6) *Affidavit.* An affidavit, including photographs, attesting to the date of installation and number of signs installed shall be provided at least five days prior to the required public hearing.
- (7) *Public Notice.* Public notice, including mailing, publication in a newspaper, and posting of property, shall be provided as required below in Table 2-3 and consistent with the city charter and Florida Statutes.

(a) *Publication.*

- (i) For applications that require publication pursuant to Table 2-3 and for which Florida Statutes require publication, publication must meet the requirements of all applicable statutes including Sections 166.041, 163.3187, and 163.3184, Florida Statutes, as they apply.
 - (ii) For applications that are not required to be published pursuant to Florida Statutes, but are required to be published pursuant to Table 2-3, the publication shall be published in a newspaper of general paid circulation and of general interest and readership in the jurisdiction. The advertisement shall appear in a newspaper published at least five times per week.
- (b) *Mail notice.* Required mail notice shall be provided as indicated below:
- (i) *Contents.* Unless otherwise provided herein, mail notice shall contain the following information:
 1. The title and substance of the proposed ordinance or development order;
 2. The time, date, and location of the public hearing for the applicable Planning and Zoning Board or Local Planning Agency hearing;

3. The time, date, and location of the public hearing for the City Council;
 4. The location of the property affected by the application with reference to the nearest intersection of two or more streets;
 5. The name, address, and telephone number of the office where additional information can be obtained;
 6. The times and place where the proposed ordinance or development order application may be inspected by the public;
 7. A notice that interested parties may appear at the meeting or public hearing and be heard with respect to the proposed ordinance or development order application; and
 8. An area map, indicating location of the affected property, may be provided.
- (ii) *Class of mail.* Mail notice shall be provided by first-class mail.
- (iii) *Postmark.* Mail notice shall be postmarked no later than the minimum number of calendar days as required in Table 2-3 or as otherwise required by Sections 166.041, 163.3187, and 163.3184, Florida Statutes, as amended.
- (iv) *Property owners notified.* Mail notice for applications shall be provided to all property owners, excluding property owned by the applicant, within 300 feet of the site affected by the application.
- (v) *Property owners list.* To the extent permitted by law, the City will provide the applicant with a list of addresses for which applicant must generate mailing labels. The City shall generate any mailing labels for properties which the City may not legally disclose the address but shall not provide such labels to applicant. Applicants who create mailing labels for all addresses provided to the applicant by the City shall be deemed to have complied with this section.
- (vi) *Costs.* The applicant shall provide envelopes with affixed postage and complete mailing labels appropriate to the type of mail service utilized. In the event additional mail notice is required, the applicant shall be responsible for postage, envelopes, and mailing labels.
- (vii) *Procedure.* The City shall be responsible for delivery of mailed notices to the post office.

Table 2-3: Notice Requirements

Application	Mail Prior to City Council Meeting/Hearing	Publication Prior to City Council Meeting/Hearing	Post Prior to City Council Meeting/Hearing	Additional Requirements Prior to Local Planning Agency/P&Z
Comprehensive Plan Map Amendment – Large Scale	14 days	N/A	15 days	<i>Prior to Local Planning Agency: Mail: 10 days Publish: 10 days Post: 15 days</i>

Table 2-3: Notice Requirements

Application	Mail Prior to City Council Meeting/Hearing	Publication Prior to City Council Meeting/Hearing	Post Prior to City Council Meeting/Hearing	Additional Requirements Prior to Local Planning Agency/P&Z
Comprehensive Plan Map Amendment –Small Scale	N/A	14 days prior to ordinance adoption	15 days	<i>Prior to Local Planning Agency:</i> <u>Mail:</u> N/A <u>Publish:</u> 10 days <u>Post:</u> 14 days
Comprehensive Plan Text Amendment	N/A	14 days prior to ordinance adoption and as required by state law	N/A	<i>Prior to Local Planning Agency:</i> <u>Mail:</u> N/A <u>Publish:</u> 10 days <u>Post:</u> N/A
Conditional Use (Non-Residential)	14 days	14 days	15 days	<i>Prior to P&Z:</i> <u>Mail:</u> 10 days <u>Publish:</u> 10 days <u>Post:</u> 15 days
Conditional Use (Residential)	14 days	14 days	15 days	<i>Prior to P&Z:</i> <u>Mail:</u> 10 days <u>Publish:</u> 10 days <u>Post:</u> 15 days
Conditional Use Expansion – Large Scale	14 days	14 days	15 days	<i>Prior to P&Z:</i> <u>Mail:</u> 10 days <u>Publish:</u> 10 days <u>Post:</u> 15 days
Development Order Modification that alters density or intensity by more than 10%	Same as was required for original approval	Same as was required for original approval	Same as was required for original approval	Same as was required for original approval
Land Development Regulation Text Amendments	N/A	14 days prior to adoption ordinance	N/A	<i>Prior to Local Planning Agency</i> <u>Mail:</u> N/A <u>Publish:</u> 10 days <u>Post:</u> none

Table 2-3: Notice Requirements

Application	Mail Prior to City Council Meeting/Hearing	Publication Prior to City Council Meeting/Hearing	Post Prior to City Council Meeting/Hearing	Additional Requirements Prior to Local Planning Agency/P&Z
Rezoning	14 days	14 days prior to ordinance	15 days	<i>Prior to Local Planning Agency:</i> <u>Mail:</u> 10 days <u>Publish:</u> 10 days <u>Post:</u> 15 days
Site Plan (Containing Non-Residential)	N/A	10 days	N/A	N/A
Site Plan (Residential Only)	N/A	10 days	N/A	N/A
Variance	N/A	N/A	N/A	<i>Prior to P&Z</i> <u>Mail:</u> 10 days <u>Publish:</u> 10 days <u>Post:</u> 15 days

ARTICLE 2.3 PROCEDURES

Section 1: *Pre-application Meeting.* Before submitting an application, applicants may meet with the City concerning the application, procedures for review, applicable LDR provisions, and/or applicable Comprehensive Plan goals, objectives, and policies as a pre-application meeting. Planning and Zoning Director may require a pre-application meeting.

Section 2: *Applications.* Table 2-2 lists all required supporting documents. All applications for development order approval shall be submitted to the Planning and Zoning Department. All applications shall be filed on forms provided for that purpose by the Planning and Zoning Department. All applications shall be accompanied by such supporting documentation as required by these LDRs.

(A) Sufficiency review. Within seven (7) business days, excluding holidays, after receipt of an application, the planning and zoning department shall determine whether the application is complete or incomplete.

(B) Complete application. The planning and zoning director shall notify an applicant in writing if the application is determined to be complete. A complete application includes the following:

- (1) All information required to accompany the application;
- (2) All information required is complete, prepared in accordance with professionally acceptable standards, and is consistent with the development order application;
- (3) All fees required by the city and Seminole Improvement District; and
- (4) The required number of copies.

(C) Incomplete application. If the application is not complete, it shall not be subject to further review until all identified deficiencies have been remedied. The applicant shall be notified in writing that the application is incomplete, and the specific deficiencies that have been identified. Within 30

days of the date of the notification, the applicant shall submit all information necessary to remedy the deficiencies. The director may waive the 30-day requirement if reasonable progress is being made to remedy the application. An application shall not be subject to further review until all deficiencies are remedied. Failure of an applicant to respond within the 30 days to a notice of deficiency shall void the application.

(D) Applications that require both City and SID approval may be submitted to the City.

Section 3: *Concurrent Processing.* Notwithstanding any other provision in this code, an application for any approval may be processed concurrently with any other application.

(A) A pre-application meeting is required before submittal of concurrent applications.

(B) Additional fees may be required to address additional staff review time.

(C) All applications to be considered for concurrent review must be submitted on the same day.

(D) All applications must be deemed sufficient before concurrent review process for any application will begin.

(1) In order for an application to be deemed sufficient, the application must include the required statement of consistency with the Comprehensive Plan, which must address the application of the compatibility table in Comprehensive Plan Policy 1.6.5 and explanation LOS standard compliance.

(E) If at any time during the concurrent processing, an applicant fails to satisfy any of the criteria of this section, such as the filing of an objection with the City, then concurrent processing shall immediately cease. The applicant is responsible at all times to comply with the requirements and criteria for concurrent processing and bears all risks for failure of an application to proceed in a timely fashion.

Section 4: *Distribution.* Within five business days of receipt of a complete application, the City shall distribute copies of the appropriate application documents to appropriate departments and agencies including, when required, SID and Palm Beach County Fire Rescue.

Section 5: *Administrative Review.* Upon determination the application is sufficient, the Planning and Zoning Director will coordinate review of the application for consistency with the Comprehensive Plan and these LDRs. Reviewing entities will provide written comments regarding conformance of the application with the requirements of their respective regulations and program responsibilities. After review of the application, the Planning and Zoning Director will:

- (1) Provide a request for additional information to the applicant with deadlines for resubmittal;
- (2) Approve the application (for applications requiring only administrative approval); or
- (3) Place the application on the agenda of the next available Local Planning Agency or Planning and Zoning Board hearing or City Council hearing as required by Table 2-1, with a staff recommendation.

Section 6: *Considerations.* Decisions on applications subject to these LDRs made administratively or by City Council shall only be based on the application and documentation supporting the application, public comment, and applicable Comprehensive Plan and LDR provisions. State law governing municipal review of development permits applies.

Section 7: *Limitation on Review of Resubmittals.* The City's review of any resubmitted application should be limited to those items that have not been reviewed by the City, including items that changed

between the initial application and the resubmittal application, items that were submitted after the initial application, and items identified by the City as those that could not reasonably be reviewed prior to the resubmittal or without additional information.

Section 8: *Review Period.*

- (1) For applications requiring only administrative approval, the City will have 90 days from the date of the original submittal to approve or deny the application.
- (2) For applications requiring Local Planning Agency review or City Council approval, the City will have 90 days to place the application on the agenda of the next regularly scheduled Local Planning Agency, Planning and Zoning Board or City Council meeting, as required by Table 2-1.

Section 9: *Inactivity.* If the City has notified an applicant that some action on an application is required, and applicant does not take any action on the application for 30 days, the application is deemed inactive and will be administratively withdrawn. The Planning and Zoning Director shall notify an applicant in writing five (5) days prior to administratively withdrawing an application. The applicant will have five (5) days after receipt of this notice to take the required action necessary to avoid the administrative withdrawal.

Section 10: *Conceptual Presentation of Developments.* In order to provide preliminary comments regarding potential applications for large scale development prior to the formal development review process, an applicant may request to present preliminary plans for such projects to the City Council at one or more workshop meetings. The workshop meetings shall be utilized by the City Council to provide nonbinding comments to an applicant as a means to reduce the amount of resources expended in preparation of plans and formal applications for the City's development review process. Conceptual Presentation review meetings are to be scheduled only at the request of the applicant and shall be at the risk of the applicant.

- (1) Requests for preliminary review shall be based upon the requirements provided herein.
 - (a) **Minimum threshold.** The potential application must be of a size that is at or above 5 acres. A potential application must be presented in a conceptual or preliminary design phase.
 - (b) **Request for review.** A request for review of the conceptual presentation shall comply with the standards listed below.
 - (i) The request for review of a conceptual presentation shall be submitted to the planning and zoning department in writing.
 - (ii) The request for review of a conceptual presentation shall be accompanied by such fees as approved by the city council.
 - (iii) A request for review of a conceptual presentation shall include a pre-application conference, prior to any city council workshop.
 - (c) **Staff analysis.** Staff analysis of a request for preliminary review shall be limited to a summary of the application. The analysis shall not include any determination of consistency with the comprehensive plan, land development regulations, or level of service requirements. The preliminary report shall not include any proposed recommendations or conditions of approval.

Section 11: *Applications requiring action by Planning and Zoning Board or Local Planning Agency.* The following procedures apply to applications requiring recommendation of approval by the Planning and Zoning Board or Local Planning Agency.

- (A) Administrative recommendation for proceeding to the Planning and Zoning Board or Local Planning Agency will be effectuated as follows:

- (1) The Planning and Zoning Director will send a letter to the applicant with notice of the date and time of the Planning and Zoning Board or Local Planning Agency public hearing, and a copy of the staff report sent by the Planning and Zoning Director to the Planning and Zoning Board or Local Planning Agency members.
 - (2) If the Planning and Zoning Director recommends denial of the application, the Planning and Zoning Director must specifically state the provisions of the Comprehensive Plan, LDRs, or statutes that serve as the basis for the recommendation of denial in the staff report.
- (B) The application will be considered by the Planning and Zoning Board or Local Planning Agency at a duly noticed public hearing. The public will be provided an opportunity to comment on applications before the Planning and Zoning Board or Local Planning Agency. Applicants will be afforded at least 10 minutes at the Planning and Zoning Board or Local Planning Agency hearing to present their application. The applicant will be provided additional time to respond to any public comment on the application.
- (C) At the Planning and Zoning Board or Local Planning Agency hearing at which the Planning and Zoning Board or Local Planning Agency makes a recommendation, the Planning and Zoning Board or Local Planning Agency shall make a recommendation to the City Council of approval, approval with conditions, or denial of the application. If the Planning and Zoning Board or Local Planning Agency recommends denial of the application, it must specifically state the provisions of the Comprehensive Plan, LDRs, or statutes that serve as the basis for the recommendation of denial.
- (D) After the Planning and Zoning Board or Local Planning Agency hearing on an application that requires City Council approval, the application will be placed on the agenda of the City Council at its next regularly scheduled public meeting where a duly noticed public hearing on the application will be held.
- (E) If the Planning and Zoning Board denies an application for a variance, the Planning and Zoning Board shall cite the legal authority for the denial of the application at the hearing, and shall, within 5 days of the hearing, give written notice to the applicant of the denial.

Section 12: *Applications requiring City Council Approvals*

- (A) **Small Scale Plan Amendments.** Small Scale Plan Amendments and in cases in which the proposed ordinance changes the actual zoning map designation for a parcel or parcels of land involving less than 10 contiguous acres may be adopted at a single duly noticed public hearing before the City Council. The notice shall meet all applicable state statutory requirements.
- (B) **Other Comprehensive Plan Amendments, LDR Amendments, Rezoning.** Amendments to the Comprehensive Plan (other than Small Scale Plan Amendments), the LDRs, and rezonings (other than the rezoning map changes described in Subsection 2.3.12(A) Small Scale Plan Amendments must be adopted by ordinance at an initial hearing (which may be a transmittal hearing) and an adoption hearing, which must take place on two separate days as follows:
- (1) The initial (transmittal) hearing and the first reading of the ordinance will take place on a weekday at a duly noticed public hearing held at least 7 days after the day that the advertisement of the hearing is published in a newspaper of general circulation within the City. The notice shall meet all applicable state statutory requirements.
 - (2) The adoption hearing and the second reading of the ordinance will take place on a weekday at a duly noticed public hearing held at least 5 days after the day that the advertisement of the hearing is published in a newspaper of general circulation in the City. The notice shall meet all applicable state statutory requirements.
- (C) The public will be provided an opportunity to comment on all applications presented to the City Council. When an application is before the City Council for consideration, applicants will be

afforded at least 10 minutes at the City Council hearing to present its application. The applicant will be provided additional time to respond to any public comment on its application.

- (D) The City Council shall render a decision on any application before it at the hearing. The City Council may approve, deny, or approve with conditions an application. If the City Council denies an application, the City Council shall cite the legal authority for the denial of the application at the hearing, and shall, within 5 days of the hearing, give written notice to the applicant of the denial. The written notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority cited by the City Council for the denial.
- (E) The applicant may request that its application be tabled or continued at any time during any public hearing before the City Council, which request shall be granted by right at least once.
- (F) Denial of any application by the City Council shall constitute final agency action appealable in the Division of Administrative Hearings or the applicable court of law. The date of the denial shall be the date of the written notice of denial.

Section 13: Appeals.

- (A) Appeals of Final City Action. Appeals from a final decision of the Planning and Zoning Director or City Council shall be made in the Division of Administrative Hearings or the applicable court of law within 30 calendar days of the date such decision is rendered, or as provided by operative statute.
- (B) Appeals of Planning and Zoning Board Decisions. Appeals to the City Council of Planning and Zoning Board decisions shall be made by filing a written appeal with the City Clerk within 30 calendar days of the date such decision is rendered.
 - (1) The City Council may reverse or affirm, wholly or partly, or may modify the decision made by the Planning and Zoning Board pursuant to these LDRs.
 - (2) The decision of the Planning and Zoning Board shall be presumed to be correct and the applicant shall have the burden to demonstrate the error which must be proved by a preponderance of the evidence, and such evidence must be competent and substantial.
 - (3) Appeals of decisions of the Planning and Zoning Board shall be heard within 45 days of the day the appeal is filed with the City Clerk.
 - (4) All decisions of the City Council on appeal from a decision of the Planning and Zoning Board shall be final City action.

Section 14: Reconsideration.

- (A) **Variances, conditional uses, and rezonings.** Any application for a variance, conditional use, or rezoning on a parcel or lot that is substantially the same as a previous application on the same parcel or lot for a variance, conditional use, or rezoning which has been denied shall not be eligible for reconsideration for one year from the date such application was denied, unless there has been a material change to the application as determined by the Planning and Zoning Director.

ARTICLE 2.4 HEARING OFFICER; APPEALS

Section 1: *Scope and Authority*; The Hearing Officer shall be appointed by the City Council shall have the authority to hear and decide appeals of an interpretation of the LDRs pursuant to the process as set forth herein.

Section 2: *Appointment, Removal and Qualifications*; -

(A) **Appointment.** The City Council may appoint one or more Hearing Officers who shall have the powers and authority to hold hearings as set forth herein.

(B) **Recommendation.** The City manager shall, upon the recommendation and advice of the City Attorney, bi-annually recruit qualified attorneys and retired judges to serve as Hearing Officers. Upon being provided two recommended attorneys and/or retired judges by the City Manager and City

Attorney, the City Council shall appoint, by resolution, at least one Hearing Officer and one alternate Hearing Officer.

(C) Qualification. Applicants for the Hearing Officer position must:

- (1) Be a resident of the State of Florida
- (2) Be a retired Florida Judge or be an attorney who has been a member in good standing with the Florida Bar for at least seven; and
- (3) Possess experience and expertise in land use and local government law and a working familiarity with real estate and administrative law.

(D) Term. Each Hearing Officer shall have the term of two (2) years. Hearing Officers may be appointed for consecutive two (2) year terms. Hearing Officers are subject to removal, with or without cause, from their positions at any time by the City Council in its sole discretion.

(E) Not City Employees. Hearing Officers should not be considered City Employees. However, subject to compliance with documentation required by the City Manager or his or her designee, a Hearing Officer may be compensated at a rate to be determined by the City Manager. Hearing Officers shall serve in an ex officio capacity if the appointed Hearing Officer serves other local governments as a special magistrate. Such service to other local governments does not create duties inconsistent with serving as Hearing Officer to the City of Westlake.

(F) Jurisdiction. Hearing Officers shall have the jurisdiction and authority to decide cases appealing the interpretations of the City's Land Development Regulations made by the Planning and Zoning Director, as confirmed by the City Attorney, pursuant to the process set forth in Chapter 1 of these Land Development Regulations.

(G) Powers. The Hearing Officers shall have the power to:

- (1) adopt rules for the conduct of its hearings;
- (2) take testimony under oath;
- (3) issues orders interpreting the Land Development Regulations as set forth in this Section.

Section 3: Procedures – In the event that an Applicant has sought an interpretation of these Land Development Regulations pursuant to the process set forth in Chapter 1, and thereafter wishes to appeal such interpretation issued by the Planning and Zoning Director as confirmed by the City Attorney to the Hearing Officer, the following procedures shall apply.

(A) Fees and Costs. Applicants shall be responsible for fees and costs associated with Appeals pursuant to this Chapter. The City Manager shall establish the appropriate schedule of fees, charges, and expenses related to Appeals pursuant to this Chapter.

(B) Application Requirements; Standing.

- (1) Applications governed by this section may be submitted on any day during normal business hours and must be submitted within 30 days of the date of the City's issuance of its written order, requirement, decision or determination from which an appeal is being requested.
- (2) Applications for appeal must state the specific code provisions at issue and the specific error in interpretation or application alleged by the applicant. The Application should include citations to all relevant the legal authority supporting the applicants appeal.
- (3) Only aggrieved parties who have pending applications before the City or who will otherwise be adversely impacted by an interpretation or application of these Land Development Regulations may file an Appeal pursuant to this Section.

(C) Scheduling; Notice.

- (1) The City Attorney shall have 10 business days from submittal to forward the application for appeal to the Hearing Officer for review.
- (2) The City Attorney shall schedule the appeal hearing before the Hearing Officer within a reasonable time from the date that the City receives the application for appeal, said date not to exceed 60 days. The applicant who filed the appeal shall be notified in writing of the date, time and location of the appeal hearing.
- (3) Notice of all such Appeal Hearings shall be published in a general circulation newspaper pursuant to the requirements for publication set forth elsewhere in this Chapter 2.

(D) Format of Hearing.

- (1) Applicants must submit all supporting written materials with its application for appeal to the Hearing Officer.
- (2) The City shall provide any materials supporting its position to the Hearing Officer with copies to the applicant no later than 10 days before the hearing. The Applicant may submit rebuttal materials to the Hearing Officer with copies to the City no later than 5 days before the Hearing.
- (3) At the hearing, the Hearing Officer shall provide the Applicant and City staff a reasonable opportunity (no less than 15 minutes) to be heard on any matter or issue that is relevant to the proceeding. Either party may appear at the hearing in person or through an attorney or other designated representative. Failure of any person to appear at a scheduled hearing in accordance with this Chapter shall constitute a waiver of that person's right to a hearing, unless the Hearing Officer determines, in its sole discretion, that the person's failure to appear was justified.
- (4) The Applicant and City staff may present relevant testimony and exhibits. All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(E) Ruling.

(1) Upon consideration of all the relevant testimony and evidence presented by the Applicant and City staff at the hearing, the Hearing Officer may approve an appeal upon his or her conclusions of law that an error in the interpretation or application of these Land Development Regulations was made by the City.

(2) The Hearing Officer shall provide written notice of its decision within 20 days of the hearing. If the decision is denial, the written decision must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority serving as the basis for the denial.

(3) The written decision of the Hearing Officer shall constitute final agency action and the applicant may appeal the decision of the Hearing Officer in the Division of Administrative Hearings or the applicable court of law.

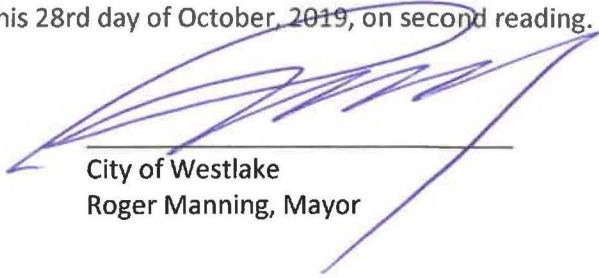
Section 3 Severability. Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

Section 4. Codification. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Westlake, Florida, and the sections of this ordinance may be re-numbered or re-lettered to accomplish such intentions, and the word 'ordinance' shall be changed to "section" or other appropriate word.

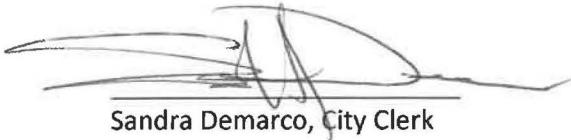
Section 5. Effective Date: This ordinance shall be effective upon adoption on second reading.

PASSED this 7th day of October, 2019, on first reading.

PASSED AND ADOPTED this 28rd day of October, 2019, on second reading.



City of Westlake
Roger Manning, Mayor



Sandra Demarco, City Clerk

Approved as to Form and Sufficiency



Pam E. Booker, City Attorney

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING MANDATORY LAND DEVELOPMENT REGULATIONS WITHIN THE CITY OF WESTLAKE WHICH SHALL BE ENTITLED "LAND DEVELOPMENT REGULATIONS"; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR SUBDIVISION AND SITE DEVELOPMENT STANDARDS; PROVIDING FOR WAIVERS AND EXEMPTIONS; PROVIDING FOR CITY COUNCIL APPROVAL; PROVIDING FOR SITE DEVELOPMENT PERMITS; PROVIDING FOR REQUIRED IMPROVEMENTS; PROVIDING FOR DRIVEWAY AND ACCESS REQUIREMENTS; PROVIDING FOR MINIMUM DESIGN STANDARDS FOR LOCAL ROADS; PROVIDING FOR TIME OF COMPLETION OF REQUIRED IMPROVEMENTS; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Chapter 163, upon incorporation, the County's comprehensive plan shall be deemed controlling, until the City of Westlake adopts its own comprehensive plan; and

WHEREAS, on or about May 3, 2018, the Florida Department of Economic Opportunity provided the City with notice of intent to find the City's initial comprehensive plan in compliance; and

WHEREAS, the purpose of this ordinance is to promote the health, safety, welfare, and well-being of the community establish rules, regulations and guidelines regarding commercial, non-residential and residential developments within the corporate limits of the City of Westlake, and

WHEREAS, guidelines are required for the subdivision of lands for platting, site development, utilities, drainage and stormwater for all new development, redevelopment and expansion of existing developments in a manner that will promote the health, safety, welfare, and well-being of the community and

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

Section 1. Incorporation: The above recitals are confirmed, adopted and are incorporated herein and made a part hereof by this reference.

Section 2. Establishment of Land Development Regulations: The Code of Ordinances for the City of Westlake shall contain a chapter entitled "Subdivision and Site Development Standards" which code shall contain the provisions as specifically set forth herein.

CHAPTER 5: SUBDIVISION AND SITE DEVELOPMENT STANDARDS

ARTICLE 5.1 APPLICABILITY AND GENERAL REQUIREMENTS

Section 1: *Applicability Generally.* The regulations set forth in this chapter shall be applicable to all subdivision of land and site development in the City, or as hereafter established. All requests for plats, plat waivers, or any other permit, approval, or decision authorized by this Chapter will be reviewed by

both the City and SID, and these reviews may be carried out concurrently, and according to the rules, authority and jurisdiction of each entity. As described in Article 1.9, the City and SID each have discrete powers and responsibilities pursuant to the City of Westlake Charter and the Interlocal Agreement between the City and SID dated February 2018 (Interlocal Agreement) concerning the exercise of those powers and responsibilities. The standards in this Chapter may reference both the City and SID. Where SID and the City are both identified in the same provision, it is not the intention of these LDRs to grant, nor should these LDRs be construed as granting, either entity jurisdiction or responsibility different than that enumerated in the Charter and the Interlocal Agreement. SID has exclusive power concerning any items, projects, plans, intentions, undertakings, or actions provided for in the Water Control Plan, unless otherwise agreed by the City and SID.

Section 2: *Notice to Applicants.* In addition to the standards found in this Chapter applicants may need approval from SID for development projects or certain aspects thereof.

(A) Pursuant to 18(b) of the Interlocal Agreement, SID is charged with review and permitting of the following facilities (referred to in this chapter as SID-Authorized Facilities):

- (1) Surface water management (also known as stormwater management) and drainage (including primary, secondary, and tertiary drainage);
- (2) Potable water;
- (3) Wastewater;
- (4) Reclaimed water;
- (5) Irrigation water;
- (6) Roadways and transportation infrastructure;
- (7) Parks; and
- (8) Any facilities that will be owned, operated, or maintained by SID.

(B) All surface water management and drainage, potable water, wastewater, reclaimed water, irrigation water, and roadways and transportation infrastructure must connect to SID facilities and/or infrastructure.

(C) Unless otherwise described by an easement or other legal instrument, the line of SID's regulatory jurisdiction over SID-Authorized Facilities is as follows:

- (1) SID has regulatory jurisdiction over all surface water management and drainage. SID's maintenance responsibilities for surface water management and drainage infrastructure and facilities is as follows:

- (a) Within residential areas, SID will maintain catch basins (inlets) located in a public easement or right-of-way and everything downstream thereof.
 - (b) Within commercial areas, SID will maintain surface water management and drainage infrastructure and facilities downstream from the point of connection to the SID system. SID is not responsible for maintenance of the structure creating the connection to the SID system or anything upstream thereof.
- (2) SID has regulatory jurisdiction over all potable water, reclaimed water, and irrigation water facilities and infrastructure up to and including the meter. For purposes of this paragraph, the term “meter” refers to the “master meter” or “primary meter” for any property that uses a master or primary meter. Facilities and infrastructure downstream of the meter are within the City’s regulatory jurisdiction.
 - (3) SID has regulatory jurisdiction over wastewater facilities and infrastructure up to and including the clean out at the property line. Facilities and infrastructure upstream of the clean out are within the City’s regulatory jurisdiction.
 - (4) SID has regulatory jurisdiction over public collector roads as described within the roadway boundaries as described on the applicable road plat. All traffic control requirements, including corner clips, striping, driveway spacing, and similar measures are within the sole regulatory jurisdiction of the City.
- (D) Unless otherwise specified, SID is not responsible for maintenance of infrastructure and facilities outside of its line of jurisdiction. SID may access facilities outside of its line of jurisdiction as necessary to perform emergency maintenance and repairs that impact SID-Authorized Facilities as permitted by covenants, easements or other recorded instrument.
- (E) SID-Authorized Facilities are subject to the landscaping requirements of Chapter 4 of these LDRs.

Section 3: *SID-Authorized Facilities.* For purposes of this Chapter, for any improvements for SID-Authorized Facilities, where engineer’s certification of the completion or compliance of improvements is allowed or required, the City shall rely upon a statement from the SID engineer that the improvements have been completed as required.

Section 4: *Platting requirement.* Any applicant planning to subdivide land shall record a plat in accordance with the requirements of this chapter unless such requirement is specifically waived by the City Engineer in accordance with the provisions of Article 5.2.

Section 5: *Required improvements installation requirement.* No plat or certified boundary survey shall be recorded until all required improvements as set forth in Article 5.7, except those specifically waived pursuant to Article 5.2, are either completed in accordance with the requirements of Article 5.7 or are *guaranteed* to be completed by the applicant in accordance with the provisions of Article 5.4.

Section 6: *Standards and responsibility for required improvements.* All required improvements shall be designed pursuant to the standards and specifications as prescribed in this chapter, SID's Standards, and in accordance with acceptable standards of engineering principles. All such improvements shall be installed by and at the expense of the applicant in conformance with approved construction plans as referenced by the applicable Site Development Permit.

Section 7: *Professional Services Required.* The applicant is required to retain professional services in the following circumstances:

- (A) The applicant shall retain the services of a professional surveyor and mapper licensed in the State of Florida to prepare a plat. The plat shall meet all requirements of the Florida Statutes found in Part 1, Ch. 177, Florida Statutes.
- (B) The applicant shall retain the services of a professional engineer licensed in the State of Florida to prepare an engineering plan.

Section 8: *Conformity with land use, density, intensity, and zoning regulations.* Prior to consideration of any subdivision of land for approval under the terms of this chapter, the land proposed to be subdivided shall:

- (A) Be of sufficient land area to comply with the density, intensity and land use requirements and provisions of the Comprehensive Plan.
- (B) Be in the proper zoning district required for the intended use.
- (C) This section shall not be read to prohibit the concurrent processing of applications.

Section 9: *Issuance of Authorizations*

- (A) Except as provided below for temporary structures, no certificate of occupancy shall be issued for any structure on any parcel created by the subdivision of land in violation of this chapter unless and until such parcel is shown on a recorded plat or certified survey, as applicable, recorded in the manner prescribed in this chapter. Building permits may be issued for approved, unrecorded plats.
- (B) Temporary construction trailers, temporary structures, and permanent structures having a temporary use may receive a temporary certificate of occupancy prior to recordation of the plat or certified survey for the property only when the use and location have been approved by the Planning & Zoning Director and shown on the approved Final Site Plan. The temporary certificate of occupancy may be extended as many times as necessary to complete the purpose for which the temporary use is granted, so long as such extension is permitted by Florida Building Code and the construction trailer, temporary structure, or temporary use of the permanent structure remains in use for the purpose for which the temporary occupancy was granted.

Section 10: *Standard Forms.*

- (A) **General.** The forms and formats contained in these LDRs have been approved as standard by the City Attorney and SID Attorney, and the City Engineer and SID Engineer, as appropriate. All required agreements, guaranties, certifications, and other legal documents are subject to the approval of the City Attorney and SID Attorney. Alternate form(s) may be approved for use pursuant to this chapter, provided the City Attorney and SID Attorney have first approved such alternate form(s) in writing.
- (B) **Dedications and reservations.** Dedications and reservations shall be in accordance with the substantive requirements of Sec. 5.3.1(T)(1)) and shall be subject to approval by the City Attorney and SID Attorney prior to plat recordation.

Section 11: *Alternate design, construction standards, and types of materials.*

- (A) **Applicability.** Alternate designs, construction standards, and types of materials which, in the opinion of the City Engineer and SID, are equal or superior to those specified may be approved in accordance with this subsection. However, when the request for alternative design is for a SID-Authorized Facilities, only SID approval is necessary so long as SID has coordinated with the City concerning the proposed alternative(s).
- (B) **Contents of application.** The application shall be submitted in a form established by the City Engineer and SID. Said application shall be accompanied by written data, calculations and analyses, and drawings which are necessary to show, by accepted engineering principles, that the proposed alternates are equal or superior to those specified, or are necessary due to environmental considerations. Within fifteen (15) days of receipt of such application, the City Engineer and SID shall either approve or deny the application and shall advise the Applicant's Engineer and the Applicant in writing of the decision.

ARTICLE 5.2 WAIVERS; EXEMPTIONS

Section 1: *Authority.* The City may grant a waiver from the literal or strict enforcement of the provisions of this Chapter so long as such waiver does not negatively impact the health, safety, and welfare of the residents of the City, nor impede the function or operation of SID's facilities and duties. When the waiver is sought in connection with an application that requires Administrative approval, the City Manager may grant the waiver. When the waiver is sought in connection with an application that requires City Council approval, only the City Council may grant the waiver. When the facility to be impacted by a waiver will be a SID-Authorized Facilities, the City will not grant a waiver from SID standards without prior SID approval, and will accept a waiver approved by SID as sufficient.

Section 2: *Plat waiver.* In order to determine whether platting may be waived, the applicant shall submit an application with the information required by Chapter 2.

- (A) In addition to the requirements of Chapter 2, the application must contain a statement demonstrating that the subdivision meets at least one (1) of the following conditions:

- (1) The division is to create no more than three (3) contiguous parcels and all of the following circumstances apply:
 - (a) The land concerned is isolated or removed in its relationship to platted lands;
 - (b) Dedications or reservations are not required for the installation or maintenance of the required improvements; and
 - (c) The improvements and dedications existing on the land are substantially in accordance with the requirements of this chapter.
 - (2) The underlying parcel of land has been previously platted, and the division of land proposed is a subdivision of outparcels, which must be evidenced by a unity of title agreement.
 - (3) The combination or recombination of parcels is required in order for the new parcel or parcels to meet the density requirements of the Comprehensive Plan.
- (B) When a building site constitutes all or a portion of a parcel designated for non-residential use within a planned development, and the detailed development configuration and building permit issuance are subject to a site plan that requires approval of the City, the building site may be exempted by the City Engineer from the requirement that land be platted before a building permit is issued and may be subdivided by fee title conveyance of individual internal parcels. Such exemption may be granted by the City Engineer and SID provided that:
- (1) Legal access to each interior parcel or lot is provided by a common parking lot in full compliance with all minimum legal access requirements;
 - (2) The layout, location, and construction limits of structures within the building site are regulated by required separation distances between structures rather than by setbacks from interior parcel or lot lines;
 - (3) Application contains a statement of the applicant's intent to subdivide the property pursuant to the platting waiver of this Sec. 5.2.2, and proposed subdivision lines with bearings and distances are included on the approved final site plan for the building site;
 - (4) All lands within the perimeter of the building site are subject to a common recorded unity of control or other such maintenance and use covenants for access, parking, stormwater management, and other required common areas or facilities, as approved by the City Attorney pursuant to Article 5.5; and
 - (5) The building site is delineated on a recorded plat depicting all existing drainage and utility easements of record and all required limited access easements, water management tracts, and common area tracts, and including appropriate

dedications or reservations for same.

- (C) **Effect of approval.** The granting of a plat waiver in no manner reduces or waives the requirements governing construction plan approval, site development permit issuance, substitution of applicants, and installation of the required improvements. Failure by the applicant to submit all documents required for the recordation of the approved waiver within six (6) months of approval by the City Engineer shall void said approval.

Section 3: *Exceptions to installation of improvements requirement. (Required Improvements Waiver)* If, after review of a plat, the City Engineer and SID determine that certain improvements already existing on the proposed site are adequate to meet the intent of the required improvements requirement of this chapter, the installation of those required improvements may be waived.

- (A) **Application for required improvement installation waiver.** The applicant shall submit a plat or site plan in accordance with the requirements of this chapter, together with a statement demonstrating that the applicable improvement(s) and associated dedications existing on the land and serving the proposed parcel(s) are substantially in accordance with the requirements of this chapter.
- (B) **Effect of approval.** The granting of a required improvements waiver in no manner reduces or waives the requirement of this chapter to file a plat and to comply with applicable provisions concerning requirements of this chapter not specifically waived.

ARTICLE 5.3 PLATS

Section 1: *Requirements.* The plat shall be prepared in accordance with the provisions of Chapter 177 F.S., as amended, and shall conform to the requirements of this section. In the event of a conflict between Chapter 177 and this Article, the statute shall prevail.

(A) General Requirements

- (1) The plat shall be clearly and legibly drawn or printed on 24 inch by 36 inch mylar in accordance with the requirements of the Clerk of the Circuit Court of Palm Beach County for plats made for recording pursuant to Chapter 177, Florida Statutes.
- (2) All linework and text shall be in black. Gray linework or text shall not be permitted.
- (3) All margins shall comply with Chapter 177, Florida Statutes.
- (4) The map shall be drawn at a scale sufficient to show all detail for the portion of the map being depicted
- (5) There shall be reserved on each sheet of the plat a three inch by five inch space in the upper right hand corner to be used by the Clerk and Comptroller of Palm Beach County for recording information and each sheet. This shall be accompanied by a

circle 1.5 inches in diameter with the caption "Clerk" for the clerk's seal. This edge of this circle must be no more than ½ inch from the edge of the paper.

- (6) The plat boundary and all parcels within that boundary shall be delineated by solid lines.
- (B) **Preparation** – The plat shall be prepared by a Surveyor and Mapper duly licensed by the State of Florida pursuant to Chapter 472, Florida Statutes.
- (C) **Name of Subdivided Land** – The plat shall have a name acceptable to the City. When the plat is a new subdivision, the name of the subdivision shall not duplicate or be phonetically similar to the name of any existing subdivision. When the plat is an addition to or replat of a recorded subdivision, it shall carry the same name as the existing subdivision followed by a suitable phase designation or similar modifier, when applicable. When the plat encompasses lands in a planned development, the abbreviation PD shall be used.
- (D) **Title** – The plat shall have a two part title near the top of each sheet which will consist of name of subdivision, as described above, in large bold letters with a subtitle beneath the name in smaller text which shall include the following:
 - (1) The Section, Township, Range, Municipality, County and State.
 - (2) When the plat includes previously platted lands the full plat name(s) of said lands together with complete recording reference(s).
- (E) **Description** Plats shall contain a metes and bounds legal description of the boundary of the lands being platted, except however, when a plat involves the replatting of one or more contiguous parcels within a prior plat or plats or when improvements that may affect the boundary of the previously platted property have been made on the lands to be replatted a legal description by reference to said plat or plats may be used. All information called for in the metes and bounds description shall be shown on the map.
- (F) **Key Map** – If more than one sheet is required for the map, the plat shall contain a Key Map on the first page and all pages depicting the map. The Key Map shall show the boundary of the entire subdivision and boundaries of the portions of the map depicted on each sheet, together with the sheet number reference for each sheet. The portion of the map depicted on each sheet shall be highlighted on the Key Map on that sheet. Each sheet depicting a portion of the map shall have clearly labeled match lines with reference to the sheet number containing the portion of the map which joins along that particular line.
- (G) **Vicinity Map** – A vicinity map shall be shown on the first page of the plat depicting the location of the subdivision relative to surrounding streets, roads and thoroughfares and other areas.

- (H) **North Arrow and Scale** – A prominent north arrow shall be shown on each sheet that depicts all or a portion of the map. A stated and graphically depicted scale shall be also shown in the vicinity of each north arrow.
- (I) **Legend and Abbreviations** – A legend showing the meaning of all symbols used on the plat and a listing of all abbreviations used on the plat with corresponding meanings shall be shown on each sheet depicting the map or portions thereof.
- (J) **Geometric Data** – Sufficient geometric data shall be shown to positively describe the boundary of each parcel, block, tract, right-of-way, street, road easement, and all other areas shown on the plat within the plat boundary. Geometric data shall conform to the following:
 - (1) Arcs shall be labeled with central angle, radius and length, additionally, arcs in the centerlines of rights-of-way shall also include chord bearing and distance.
 - (2) Lines shall be labeled with bearing and distance.
 - (3) The geometric data shall mathematically close within 0.01 feet and shall be accurately tied to all Palm Beach County or reestablished township, range and section lines occurring within the subdivision by bearing and distance.
 - (4) Closure report shall be provided with the submittal.
 - (5) If closure within .01 feet is not achieved, then state plane coordinates shall be provided and City Engineer must determine whether closure is sufficient.
 - (6) Lines intersecting curves shall be noted as radial or non-radial as the case may be.
 - (7) The bearing reference line shall be clearly shown on the map and stated on the face of the plat in the notes.
 - (8) Geometric data in tabular format shall not be permitted except under special circumstances upon approval by the City Engineer.
- (K) **Permanent Reference Monuments and Permanent Control Points** – Permanent reference monuments and Permanent Control Points shall be set in the manner prescribed by F.S. Chapter 177, and shall be depicted on the map by symbols and notations.
- (L) **Lot, Parcel, Block and Tract Identification** – Each lot or parcel shall be identified by consecutive numbers individually throughout the subdivision. When the subdivision contains blocks as defined in Chapter 177.031(2) F. S. each block shall be numbered consecutively and with lots or parcels in each block identified by consecutive numbering. All tracts shall be identified by appropriate name designations. Multiple tracts dedicated for the same purpose shall bear a prefix indicating purpose followed by consecutive numbering for each tract.

- (M) **State Plane Coordinates** - There shall be at least two State Plane Coordinates shown on the plat. The coordinates shall be shown in FLORIDA STATE PLANE GRID and the Datum will be NAD83 as follows:
- (1) 1983 STATE PLANE ZONE: FLORIDA EAST with 2017 Adjustment.
 - (2) LINEAR UNITS: US SURVEY FEET
 - (3) PROJECTION: TRANSVERSE MERCATOR
 - (4) ALL DISTANCES will be: GROUND
 - (5) The scale factor for the city will be: 1.0000
 - (6) GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
 - (7) A rotation angle from grid to ground if any shall be shown.
- (N) **Road Names** – The plat shall show the name of each road. Road names shall not duplicate or be phonetically similar to existing road names. All proposed road names shall be submitted to the City for approval prior to final approval of the plat.
- (O) **Interior excepted parcels** – Interior excepted parcels as described in the legal description of the subdivision shall be labeled “not a part of this plat.” Sufficient easements or rights-of-way to provide necessary access, utilities, and drainage to the excepted parcel shall be provided.
- (P) **Depiction of roads and easements.** All street, right-of-way, and easement widths and dimensions shall be shown on the plat. Easements are to be tied at both ends at intersecting boundary, parcel, or right-of-way lines. The plat shall show the name, location and width of all existing or recorded roads intersecting or contiguous to the boundary of the plat, accurately tied to the boundary of the plat by bearings and distances.
- (Q) **Maintenance and use covenants.** Any maintenance and use covenants for common areas shall be submitted with the plat and approved by the City and SID Attorney prior to recordation of the plat. All areas of the plat that are not to be sold as individual parcels and all easements shall be dedicated or reserved in accordance with the terms of the maintenance and use covenants, and their purposes shall be clearly stated on the plat.
- (R) **Dedication of Roads.** All public right-of-ways and roads and their related facilities **which** are designed to serve more than one parcel or dwelling unit shall be dedicated to SID for public use, unless otherwise required or permitted by this paragraph or elsewhere in this chapter. Any road which is to be reserved as a private road shall be identified as a tract for private road purposes. Such road tracts shall be reserved in accordance with subsection 5.3.1.(T). Private roads may only be permitted when such roads are subject to a recorded declaration of covenants subjecting the roads to the jurisdiction and control of a property

owners' or homeowners' association, their successors and assigns and reserving easements in favor of City and SID.

- (S) **Restriction on obstruction of easements.** The plat shall contain a statement that no buildings or any kind of construction or trees or shrubs shall be placed on any easement without prior written consent of all easement beneficiaries and all applicable City and SID approvals or permits as required for such encroachment.
- (T) **Certification and approvals.** The plat shall contain on the face or first page the following certifications and approvals, acknowledged as required by law, all being in the form set forth below.
 - (1) Dedication and reservation. All dedications shall be made by the owner of the land at the time the plat is recorded in a form acceptable to the City and/or SID, whichever will be the recipient of the dedication. Such dedications may include, but are not limited to: civic sites, parks, rights-of-way for roads or alleys, however the same may be designated; easements for utilities; rights-of-way and easements for drainage purposes; and any other area, however designated. All areas reserved for use by the residents of the subdivision shall be reserved by the owner of the land at the time the plat is recorded. All dedications and reservations shall be perpetual and shall contain:
 - (a) The name of the recipient or beneficiary of the dedication or reservation (including successors and assigns);
 - (b) The purpose of the dedicated or reserved area; and
 - (c) The name of the entity responsible for the perpetual maintenance of the dedicated or reserved area (including successors and assigns). In the event the City and/or SID is/are not the recipient or beneficiary of the dedication or reservation, the statement of maintenance responsibility shall include the phrase "without recourse to the City and SID."
 - (2) If so required, certain dedications or reservations shall grant the City and/or SID the right but not the obligation to maintain. The dedications and reservations shall be executed by all owners having a record interest in the property being platted. The acceptance on the plat of the dedications or reservations shall be required of any entity to whom a dedication or reservation is made, except the City and/or SID. Dedications to the City and/or SID shall be accepted according to Article 5.3, Section 4. All dedications, reservations, and acceptances shall be executed in the same manner in which deeds are required to be executed according to Florida Statutes.
- (U) **Coordination with Utilities.** The plat shall be coordinated with the major utility and electricity, gas, phone, and cable suppliers involved with providing services.

Section 2: *Mortgagee's consent and approval.* All mortgages, along with the mortgagee's consent and approval of the dedication, shall be required on all plats where mortgages encumber the land to be platted. The signature(s) of the mortgagee or mortgagees, as the case may be, must be witnessed and the execution must be acknowledged in the same manner as mortgages are required to be witnessed and acknowledged.

Section 3: *Certification of surveyor.* The plat shall contain the signature, registration number and official seal of the surveyor, certifying that the plat is a true and correct representation of the land surveyed under his responsible direction and supervision and that the survey data compiled and shown on the plat complies with all of the requirements of Chapter 177, Fla. Stat., as amended, and this chapter. The certification shall also state that permanent reference monuments ("P.R.M.s") have been set in compliance with Chapter 177, Fla. Stat., as amended, and this chapter. When the permanent control points ("P.C.P.s") are to be installed after recordation, the certification shall also state that the "P.C.P.s" will be set under the direction and supervision of the surveyor under the guarantees posted for required improvements within the plat. When required improvements have been completed prior to the recording of a plat, the certification shall state that "P.C.P.s" have been set in compliance with the laws of the State of Florida and ordinances of the City and SID. The form for the surveyor's certificate shall be as prescribed by SID.

Section 4: *City and SID approval; Recordation of Plats.* The plat shall require approval of the City Council prior to recordation.

- (A) The plat shall contain the approval and signature block for the City in the form prescribed by the City, and for SID in the form prescribed by SID.
- (B) After review and staff approval of the plat, the engineer's estimate and the surety submittal, the City Engineer shall submit the plat to the City Council for its approval.
- (C) Signing and sealing of the plat by the City Council and SID Board shall constitute City approval of the plat for recordation; however, except when the installation of all required improvements has been waived pursuant to Section 5.2.3, the approved plat shall not be recorded until the applicant has either installed the improvements or has guaranteed the installation of the improvements pursuant to the requirements of Article 5.4.
 - (1) If the plat is to be recorded prior to installation of the Required Improvements, the City will submit the approved plat to the Clerk of the Circuit Court for recordation.
 - (2) If the required improvements are to be completed prior to recording of the plat, the approved plat will be held by the City until the requirements for installation of required improvements are met.
 - (a) Upon completion of required improvements, the engineer of record shall present to City Engineer:
 - (i) The engineer's certification package per paragraph 5.7.3(C)(4); and

(ii) An applicant's warranty on workmanship and materials. Such warranty shall guarantee the required improvements against defect in workmanship and material for a period of one year from acceptance by the City Engineer and be in a form acceptable to the City Attorney.

(b) Upon the City Engineer's receipt and approval of the documents described in subparagraph 5.3.4(C)(2), the City will submit the approved plat to the Clerk of the Circuit Court for recordation.

Section 5: *Certification of title.* The title sheet of the plat shall contain a title certification. The title certification must be an opinion of an attorney-at-law licensed in Florida, or the certification of an abstractor or a title insurance company licensed in Florida, and shall state that:

- (A) The lands as described and shown on the plat are in the name, and apparent record title is held by the person, persons or organizations executing the dedication;
- (B) All taxes have been paid on said lands as required by Chapter 197.192, Fla. Stat., as amended;
- (C) All mortgages on the land are shown and indicated by their official record book and page number; and
- (D) There are no encumbrances of record on said lands that would prohibit the creation of the proposed subdivision.

Section 6: *Phased Plats.*

- (A) **Phased Plats Permitted.** Property may be platted in two (2) or more increments pursuant to the terms of this section.
- (B) **Requirements for Phased Plats.** The improvements of each phase shall be capable of operating independently of any unconstructed phase with respect to drainage, access, utilities, and other required improvements, except as provided herein. A dependent phase may be platted only if the foundation phase plat has been recorded and required improvements have been completed or are under construction pursuant to a site development permit and are secured pursuant to a guarantee posted for completion of required improvements. A dependent phase shall not be acknowledged as completed until the improvements in the foundation phase are acknowledged as completed; provided, however, that such acknowledgment of completion may occur simultaneously, and provided that the City Engineer or SID may permit the posting of surety to guarantee the installation at a later time for those required improvements that are not deemed necessary to provide drainage, access, or utilities to such dependent phases.
- (C) **Sequence of phases.** Where all or any portion of a water management tract is required to serve a proposed phase of development, and has not been previously recorded and

constructed, said water management tract and its associated lake maintenance easement(s) shall be included and constructed in their entirety as part of the plat and required improvements for that phase. If approved by SID, the applicant may elect to construct the portion of the lake required to serve the current phase of development. The applicant is to provide water management calculations to SID demonstrating the required amount of water management system to be constructed.

Section 7: *Modification of Plats.*

- (A) Modifications to recorded plats are subject to the same requirements and approval proceedings as initial plats, and may include requirements from previously approved plats. However, errors or omissions in the data shown on a recorded plat may be corrected as provided for in § 177.141, Florida Statutes.
- (B) Any changes, erasures, modifications or revisions to an approved plat prior to recordation may only be made with the approval of the City Engineer, the City Attorney, and SID, to correct scrivener's errors, to reflect a change in ownership, a change in mortgagee, or to correct legal descriptions, right-of-way dedications, drainage ways and easements. Any other changes will require a resubmittal and approval by the City Council and SID.

ARTICLE 5.4 Surety.

Section 1: *Platting prior to completion of required improvements.* When platting is proposed prior to completion of construction of required public infrastructure improvements, the applicant shall submit a surety to the City in a form and in an amount acceptable to the City and SID, so as to guarantee construction of the required utilities, drainage, stormwater improvements, streetscape, site landscaping, parking for public purposes, entry feature and public infrastructure improvements proposed for development, including applicable fees. Because ownership and maintenance of the required improvements may lie with the City or SID, depending on the type of improvement, the applicant will coordinate with the City and SID, as applicable, on the certification of completion of improvements and reduction or release of surety. Where SID is the applicant, the City shall not require surety. For purposes of this Chapter, for any improvements that are to be SID-Authorized Facilities, where engineer's certification of the completion or compliance of improvements is allowed or required, the City shall rely upon a statement from the SID engineer that the improvements have been completed as required.

Section 2: *Amount and Form.* A required surety for the installation of required improvements shall be in an amount equal to one hundred fifteen percent (115%) of the construction cost of the required improvements.

- (A) The applicant may provide surety in any one of the following forms:
 - (1) Cash Bond;

- (2) Letter of Credit from a solvent financial institution authorized to do business in the state of Florida;
- (3) Performance or Surety Bond;
- (4) Escrow Deposit;
- (5) Agreement between an applicant and an entity with jurisdiction and authority to construct the required improvements; or
- (6) Any alternate form approved by the City and SID Attorneys.

(B) When the surety is in the form of a cash bond, letter of credit, performance bond, or surety body, the bond shall be issued in favor of the City with a rider to SID. If the surety is in the form of an escrow deposit, the form of the escrow must be approved by the City and SID. Copies of all forms of surety shall be provided to both the City and SID.

Section 3: *Frequency of reductions in amount of surety.* If the applicant posted surety in the form of a cash escrow, an irrevocable letter of credit, or bond, the amount of the surety shall be reduced upon certification of completion of part of the required improvements by the applicant's engineer and acceptance of that certification by the City. However, if the required improvement is a SID-Authorized facility, the surety shall be reduced upon certification of completion of part of the required improvements by the applicant's engineer and acceptance of that certification by the SID engineer. In no case may the surety be reduced beyond 110% of the cost of the remaining improvements.

Section 4: *Conditions for release of surety.* The City Council shall not accept dedication of public improvements or release or reduce the amount of any surety posted by the applicant until the City Engineer has issued a certificate of completion per Article 5.7.3(c)(4) or a surety has been furnished to and approved by the City Manager in accordance with Section 5.4.1, above.

Section 5: *Release of escrowed funds and surety.* Funds held in the escrow account shall not be released to the applicant, except upon the approval of the City Engineer in consultation with the City Manager. If the required improvement is a SID-Authorized Facility, the surety shall be reduced upon SID's certification of satisfactory completion. At the end of the warranty period, all unused escrowed funds, if any, shall be released to the applicant. If the surety provided by the applicant was a letter of credit, the City Manager may execute waivers of the City's right to draw funds on the letter of credit upon certification of completion of the required improvements by the applicant's engineer and recommendation of approval by the City Engineer.

Section 6: Failure to make improvements: Prior to the issuance of a building permit, all applicants shall post a surety in an amount determined by the City Engineer and SID to be sufficient to ensure that required public improvements shall be completed if the applicant does not or cannot make the required public improvements, in accordance with the applicable development order or approval for the parcel. If the applicant fails to complete the required public improvements as required, the City or SID, as applicable, may complete them as described below:

- (A) Where allowed under state law to construct and finance the improvements, SID or another special district formed for that purpose may undertake the improvements. If a special district shall be the party to complete the required improvements, the City shall not release the applicant from obligations under the development order nor shall the City release any surety in whole or in part, until the special district board approves undertaking the construction of the required public improvements.
- (B) If the City shall be the party to complete the required improvements, it shall use the following procedure:
- (1) **Declaration of default.** The City may declare the development order or surety to be in default and require that all of the required improvements be installed regardless of the extent of development at the time of default.
 - (2) **Notice.** Upon a declaration of default, the City's authorized agent shall send the applicant a courtesy written notice of the authorized agent's intent to expend any drawn funds or demand performance, as applicable. Such notice shall be sent at least thirty (30) calendar days prior to said expenditure or demand, and shall be mailed to the last known address of the applicant or his authorized agent according to the Site Development Permit records on file with the City Engineer.
 - (3) **Utilize surety or Assign Rights.** After the notice period has run:
 - (a) The City may obtain funds pursuant to the surety and complete improvements itself or through a third party; for SID-Authorized Facilities, the City will provide the funds to SID to complete the improvements; or
 - (b) The City may assign its right to receive funds under the surety to any third-party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part. Such assignment shall be in exchange for that subsequent owner's binding commitment to complete the required improvements. If the City elects to assign any rights for SID-Authorized Facilities, the City shall assign its right to SID.
- (C) **Funding.** The City Engineer or SID, whichever is the authorized agent of the City Council shall have the right to any funds available under the guaranty to secure satisfactory completion of the required improvements in the event of default by the applicant or failure of the applicant to complete such improvements within the time required.
- (D) **Other rights.** The City may exercise any other legal or equitable rights or remedies available.

Section 7: Required Improvements

- (A) **General procedure and fees.** The City shall provide for the inspection of aspects of the required improvements within the City's regulatory jurisdiction and confirm their

completion in accordance with all applicable City standards, codes, requirements, and the certification of completion by the engineer of record. The applicant shall pay the City the applicable inspection fee as determined by the City on the adopted fee schedule. Building Permits or certificates of occupancy shall not be issued until all fees are paid. If the City Engineer finds that any required improvement has not been constructed in accordance with the City's codes, standards, or requirements, the applicant shall be notified of the deficiency and shall promptly and properly complete the improvements. The City may withhold the issuance of building permits and certificates of occupancy until the improvements are properly completed.

- (B) **Maintenance of improvements.** The responsible party shall be required to maintain all required public improvements in the subdivision parcel until acceptance of the improvements by the City or SID, as applicable. The responsible party shall post a maintenance bond satisfactory to the City in the amount of ten percent of the original surety. The City shall not require a maintenance bond for improvements owned, operated or maintained by SID following SID's acceptance of those improvements.
- (C) **Issuance of certificates of occupancy.** When a development order and surety has been required for public required improvements, a certificate of occupancy for any building in the subdivision parcel shall not be issued prior to completion of the required public improvements, and evidence that all required utilities have been released for operation.

ARTICLE 5.5 Unity of Title and Declarations of Restrictive Covenant.

Section 1: *Purpose and Applicability.* When it is necessary that two (2) or more lots, parcels or portions thereof are added or joined, in whole or in part, a Unity of Title or Declaration of Restrictive Covenant in lieu of a Unity of Title shall be filed to ensure the properties are planned, developed and maintained as an integral development and/or project and are consistent with and satisfy the requirements of these regulations and these LDRs.

Section 2: *Unity of Title.*

- (A) **General Requirements.** As a prerequisite to the issuance of a building permit, the owner(s) in fee simple shall submit a Unity of Title in recordable form to the Planning and Zoning Director providing that all of the property encompassing the parcel upon which the building and appurtenances are to be located shall be held together as one parcel of land and providing that no part or parcel shall be conveyed or mortgaged separate and apart from the parcel proposed for development, as set forth under the building permit in the following cases.
 - (1) Whenever the required off-road or off-street parking is located on contiguous lots or parcels or is otherwise located off-site, as provided for under Article.
 - (2) Whenever the parcel proposed for development consists of more than one (1) lot or parcel and the main building is located on one (1) lot or parcel and accessory

buildings or structures are located on the remaining lot or parcel comprising the parcel proposed for development.

- (3) Whenever the parcel proposed for development consists of more than one (1) lot or parcel and the main building is located on one (1) or more of the lots or parcels and the remaining lots or parcels encompassing the parcel proposed for development are required to meet the minimum standards of these regulations.
 - (4) Whenever a building is to be constructed or erected upon a lot or parcel which is larger in frontage, depth and/or area than the minimum required by these regulations and which lot or parcel would be susceptible to resubdivision in accordance with these LDRs.
 - (5) Whenever the City Council provides that a Unity of Title shall be executed as a condition for the granting of a variance.
 - (6) Whenever a Unity of Title is specifically required by an ordinance or resolution adopted by the City Council.
 - (7) Whenever a parcel proposed for development in any residential district consists of more than one (1) platted lot.
- (B) Approval. The Unity of Title shall be subject to review and approval by the City Attorney as to form and content, together with any additional necessary legal instruments to preserve the intent of these regulations and to properly enforce these LDRs and the City Code of Ordinances, and shall be signed and joined by all mortgage holders.
- (C) Release. Any Unity of Title required by this section shall not be released except upon approval by resolution passed and adopted by the City Council and executed by the City Manager and City Clerk.
- (D) Recording. The owner(s) shall pay all fees as required by the adopted fee schedule for the processing and recording of the Unity of Title.
- (E) Enforcement. Enforcement of the Unity of Title shall be by action at law or in equity with costs and reasonable attorney's fees and City fees payable to the prevailing party.

Section 3: *Declarations of Restrictive Covenant in Lieu of a Unity of Title.*

- (A) **General Requirements.** In the case of separate but contiguous and abutting parcels proposed for development located in downtown mixed use, or town center districts owned by one separate or multiple owners wishing to use said property as one parcel, the Planning and Zoning Director may approve a Declaration of Restrictive Covenant in Lieu of a Unity of Title together with a Reciprocal Easement and Operating Agreement approved for legal form and sufficiency by the City Attorney. The Declaration of Restrictive Covenant shall run with the land and be binding upon the heirs, successors, personal representatives and

assigns and upon all mortgagees and lessees and others presently or in the future having any interest in the property. In such instances, the property owner(s) shall agree that in the event that ownership of the subject properties comes under a single ownership, the applicants, successors and assigns, shall file a Declaration of Restrictive Covenant covering the subject properties.

- (B) The Declaration of Restrictive Covenant shall be submitted to the City Attorney for approval, and shall:
 - (1) State that the lots will be developed, maintained, and operated as a single parcel, and that the individual building sites within the parcel will comply with the Comprehensive Plan and the these LDRs, and that the development will protect SID's rights and operations.
 - (2) Bind subsequent owners of all parcels to the terms, provisions and conditions of the Declaration of Restrictive Covenant.
 - (3) Be executed with the same formality and manner as a warranty deed under the laws of the State of Florida.
- (C) The submittal to the City Attorney must contain a record of any existing building heights, and explanation of site conditions, and a photograph of the parcel.
- (D) The City shall only release a Declaration of Restrictive Covenant if the individual properties satisfy all applicable regulations, Code of Ordinances and Comprehensive Plan requirements and the release does not create substandard or nonconforming building sites, nor impede SID's operations.
- (E) Requests for modification of an existing Declaration of Restrictive Covenant shall be submitted to the Planning and Zoning Director and satisfy the following:
 - (1) The request shall contain written consent of the current owner(s) of the phase or portion of the property for which modification is sought.
 - (2) The modification shall not create a fire emergency situation or be in conflict with the provisions of these regulations, Code of Ordinances and Comprehensive Plan, nor impeded the rights or operations of SID.
- (F) The Planning and Zoning Director may impose conditions within the Declaration of Restrictive Covenant to ensure the above provisions are satisfied or waive such provisions if not applicable to the parcel proposed for development.
- (G) The conveyance of portions of the subject property to third parties shall require a Reciprocal Easement and Operating Agreement executed by third parties in recordable form including the following:

- (1) Easements in the common area of each parcel for the following:
 - (a) Ingress to and egress from the other parcels.
 - (b) For the passage and parking of vehicles.
 - (c) For the passage and accommodation of pedestrians.
- (2) Easements for access roads across the common area of each parcel to public and private roadways.
- (3) Easements for the following on each parcel to permit the following:
 - (a) The installation, use, operation, maintenance, repair, replacement, relocation and/or removal of utility, power, cable, telephone, drainage, internet, gas, and similar facilities in appropriate areas.
 - (b) The installation, use, maintenance, repair, replacement and/or removal of common construction improvements such as footings, supports and foundations.
 - (c) The attachment and support of buildings or other associated structures and/or improvements.
 - (d) For building overhangs and other overhangs and projections encroaching upon such parcel from adjoining parcel such as, by way of example, including but not limited to the following: marquees; signage; canopies; lighting devices; awnings; wing walls; etc.
 - (e) Reservation of rights to grant easements to SID and other companies providing cable, power, telephone, internet, gas, and similar services.
 - (f) Reservation of rights to road rights-of-way and curb cuts.
 - (g) Pedestrian and vehicular traffic over dedicated private right roads and access roads.
- (4) Appropriate agreements between the owners of the parcels as to the obligation for maintenance of the property to include but not limited to the following: maintenance and repair of all private roadways; parking facilities; common areas; landscaping; and, common facilities and the like.
 - (a) These provisions of the Reciprocal Easement and Operating Agreement shall not be amended without prior written request and approval of the City Attorney. In addition, such Reciprocal Easement and Operating Agreement shall contain such other provisions with respect to the operation,

maintenance and development of the property as to which the City and the parties thereto may agree, all to the end that although the property may have several owners, it will be constructed, conveyed, maintained and operated in accordance with the approved site plan.

(b) Reciprocal Easement and Operating Agreement Requirements.

- (i) The owner(s) shall provide a Certificate of Ownership by way of an opinion of title from an Attorney-At-Law licensed to practice in the State of Florida or from an abstract of title company licensed to do business in Palm Beach County, Florida; said opinion of title shall be based upon an abstract or certified title information brought up within ten (10) days of the requirement that such Declaration of Restrictive Covenant be recorded.
- (ii) The opinion of title shall include the names and addresses of all mortgagees and lien holders, the description of the mortgages and/or liens and the status of all real estate taxes due and payable.
- (iii) A subordination agreement signed and executed by the mortgagees and/or lien holders shall accompany and be made part of the Declarations of Restrictive Covenants.

- (H) The City may also require that the property owners file additional documents with appropriate state and local agencies to ensure that the properties are treated for the purposes herein as a single building site. Such documents shall include, where appropriate, declaration of condominium, approved by the State of Florida and recorded in the public records of Palm Beach County. Copies shall be provided to the City together with the application for Declaration of Restrictive Covenant in lieu.
- (I) Approval. The Declaration of Restrictive Covenant shall be subject to review and approval by the City Attorney as to form and content, together with any additional legal instruments to preserve the intent of the ordinance to promote single building sites and to properly enforce these LDRs, Code of Ordinances, and Comprehensive Plan.
- (J) Appeal. Appeal of the Planning and Zoning Director's decision shall be to the City Council.
- (K) Release. A release of a Declaration of Restrictive Covenant shall require approval from the City Council upon review and recommendation by the Planning and Zoning Department. Approval shall be via a Resolution passed and adopted by the City Council and release executed by the City Manager and City Clerk. The Planning and Zoning Department and the City Council must find that upon demonstration and affirmative finding that the same is no longer necessary to preserve and protect the property for the purposes herein intended.

- (L) Recording. The owner(s) shall pay all fees as required by the fee schedule for the processing and recording of the Declaration of Restrictive Covenant. The Declaration of Restrictive Covenant shall be in effect for a period of thirty (30) years from the date the documents are recorded in the public records of Palm Beach County, Florida, after which they shall be extended automatically for successive periods of ten (10) years unless released pursuant to the release provisions contained herein.
- (M) Enforcement. Enforcement of the declaration of restrictive covenant shall be by action at law or in equity with costs and reasonable attorney's fees to the prevailing party.

ARTICLE 5.6 SITE DEVELOPMENT PERMIT

Section 1: *Applicability.* A Site Development Permit shall be required prior to commencement of any site improvement or construction, including any required improvements, essential facilities or services, or other SID facilities, unless such site improvement or construction is a SID-Approved Facility within SID's sole jurisdiction pursuant to the Charter and Interlocal Agreement.

Section 2: *Application Requirements.*

- (A) **Duties of applicant's engineer.** When the development is to be engineered by more than one firm, the applicant shall appoint a single entity to coordinate submission of the construction plans.
- (B) **Submittal requirements.** Construction plans and supplemental engineering information shall be submitted for each of the categories of improvements listed in this section. Plan sets shall be submitted in the number required by the City Engineer and SID.
 - (1) Submittals for required improvements. Construction plans signed and sealed by the preparing engineer shall be submitted for the applicable required improvements set forth in Article 5.7:
 - (a) Paving, grading and drainage; including Signage and Pavement Marking Plans;
 - (b) Bridges;
 - (c) Water and sewer systems:
 - (i) for land development permit submittal: proposed construction plans shall be submitted for Public Health Unit approval.
 - (d) Preliminary residential lighting plans and preliminary photometrics for all non-residential or parking lots;
 - (2) Submittals for other improvements. Construction plans shall be submitted for the following additional improvements which the applicant may elect to construct:

- (a) Landscaping, guardhouse, gates or other structures within roads;
 - (b) Landscaping or structures in lake maintenance easements.
- (C) **Completeness of construction plans.** All construction plan submittals shall be so complete as to be suitable for contracting and construction purposes. Design data, calculations and analyses shall be submitted to address important features affecting design and construction and shall include, but not be limited to, those for design high water, drainage facilities of all kinds, alternate pavement and subgrade types, and any proposed deviation from SID standard design requirements.
- (D) **Format and content of construction plans for required improvements.** All construction plan submittals for the installation of required improvements shall consist of and contain, but shall not be limited to:
 - (1) **Cover sheet.** A cover sheet showing the applicable project name, sheet index, category of improvements, and, vicinity sketch.
 - (2) **Sections.** Typical sections.
 - (3) **Construction details.** Construction details showing compliance with SID standards, or with any alternate design approved by SID.
 - (4) **Special profile sheets.** Special profile sheets as required to show special or unique situations.
 - (5) **Bench mark.** Bench mark, based on NAVD (1988).
 - (6) **Notes.** Notes regarding special conditions and specifications applicable to the construction, addressing:
 - (a) Required compliance with construction requirements of this chapter and the applicable City and SID standards;
 - (b) Required compliance with state standards applicable to the work;
 - (c) Minimum standards for materials;
 - (d) Test requirements for compaction or stabilization of subgrade, base, and backfill;
 - (e) Required installation of underground utilities and storm drainage located within the roads prior to construction of subgrade for road pavement;
 - (f) Special construction or earthwork requirements for site work in areas of impervious or unstable soils, or to cope with unsuitable soil conditions.

- (7) **Parking areas.** Depiction of all parking areas required to be constructed clearly identifying and delineating each parking area serving more than one parcel.
- (8) **Soils report.** The Site Development Permit application shall include a soils report describing soil profiles of the work site to such depth and extent necessary to determine special design or construction needs. In lieu of the soils report, the Applicant may submit as part of the report a certified statement from an engineer that he has investigated the subsurface conditions of the site and has determined that such conditions are suitable for the work as shown on the construction plans. If an applicant submits a soils report, the soils report shall include:
 - (a) **Map.** A map, drawn to stated scale, showing boring, penetrometer, and/or test pit locations.
 - (b) **Test results.** Results of each boring or other soil test, keyed to the map.
 - (c) **Soil profiles.** Soil profiles with horizons described according to the USDA, ASTM, or Unified standard soils classified system.
 - (d) **Muck, etc.** Location and extent of muck, hardpan, marl, or other deleterious materials which may require special consideration in design or construction.

Section 3: *Substitution of Applicants*

- (A) **Voluntary substitution of applicants.** When there is a voluntary substitution of applicants after the Land Development Permit has been issued but before the City and SID have acknowledged completion of the required improvements, it shall be the responsibility of both applicants to transfer the rights and responsibilities from the original applicant to the succeeding applicant. The original and succeeding applicants shall make a joint application to the City Engineer and SID for a transfer of the original applicant's Site Development Permit. If the original applicant posted a guaranty with SID for completion of required improvements, the succeeding applicant must post a substitute guaranty in the current amount of the original applicant's guaranty and in a form acceptable to SID. The application for transfer shall include the executed acknowledgment of responsibility for completion of required improvements.
- (B) **Involuntary substitution of applicants.** When a applicant becomes the succeeding applicant through foreclosure or some similar action and it is not possible to obtain the original applicant's signature on a joint application for transfer of the Site Development Permit, the succeeding applicant must comply with all provisions of subsection 5.6.3(A) above, except that, in lieu of said original applicant's signature, the succeeding applicant shall submit a current certification of title, foreclosure judgment, or other proof of ownership of the lands encompassed by the plat referred to in the Site Development Permit.

ARTICLE 5.7 REQUIRED IMPROVEMENTS

Section 1: *Minimum Required Improvements for All Subdivisions.* The improvements set out herein shall be the minimum required improvements for all subdivisions in order to provide the physical improvements necessary to implement certain performance standards, objectives and policies of the Capital Improvements Element and other elements of the Plan. These required improvements shall be installed prior to recordation of the corresponding plat or certified boundary survey unless the developer furnishes a guarantee assuring their installation in accordance with the provisions of this Article. Except as provided in this Chapter, the cost of all required improvements shall be guaranteed.

- (A) **Access and Circulation Systems.** All streets, required sidewalks, and, required parking areas shall be constructed by the developer in accordance with the design and construction requirements of this Article. The guaranty for these requirements shall be as follows:
 - (1) The cost of installing all street improvements shall be guaranteed.
 - (2) The cost of installing parking areas need not be guaranteed since the plat establishes legal access and such areas are required to be installed prior to issuance of the Certificate of Occupancy (CO).
 - (3) The cost of installing all sidewalks and paths pursuant to the approved pedestrian circulation system shall be guaranteed.
- (B) **Land Preparation.** The developer shall grade and fill the land pursuant to this chapter.
- (C) **Stormwater Management System.** The developer shall install the secondary and tertiary stormwater systems for the development in accordance with this Article. Preliminary site work related to grading and stormwater management may commence prior to the issuance of a building permit. On lots intended for building construction, the final grading of each lot, or the applicable approved grading plan, shall be completed consistent with the building permit for said construction.
- (D) **Potable Water System.** The developer shall install the required potable water distribution system for the development in accordance with this chapter.
- (E) **Wastewater System.** The developer shall install the required wastewater collection and/or disposal system for the development in accordance with this chapter.
- (F) **Wastewater Reuse System.** The developer shall install the required wastewater reuse system for the development in accordance with this chapter.

Section 2: *Minimum Standards.* Except when waived pursuant to Article 5.2, the improvements set out herein shall be the minimum required improvements for all subdivisions of land.

- (A) **General design requirements.** The design of the required improvements shall be in accordance with acceptable engineering principles. The design and construction of

required improvements shall, at a minimum, be in accordance with applicable City and SID standards, including those contained in this Chapter. Should the applicant elect to provide improvements of a type or design proposed to equal or exceed the minimum requirements, standards for design and construction of such improvements shall be evaluated for adequacy on an individual basis. All such alternatives shall be submitted for approval by the City Engineer and SID.

(B) **Utilities.** All utilities, power, telephone, cable, internet, wiring to street lights, gas and similar shall be installed underground. Utilities shall be constructed in easements as prescribed by this section and as depicted on the plat. The applicant shall make arrangements for utilities installation with SID and each entity furnishing the service involved.

(1) Standard exception for appurtenant, on the ground facilities. Appurtenances such as transformer boxes, pedestal mounted terminal boxes, meter cabinets, service terminals, telephone splice closures, pedestal type telephone terminals or other similar "on the ground" facilities normally used with and as a part of the underground distribution system may be placed above ground, but shall be located so as not to constitute a pedestrian and traffic hazard in accordance with the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways and the ADA Standards for Accessible Design.

(2) Installation in roads. After the subgrade for a road has been completed, and before any material is applied, all underground work for the water mains, sanitary sewers, storm sewers, gas mains, telephone, electrical power conduits and appurtenances and any other utility shall be installed completely and in accordance with all applicable SID standards through the width of the road to the sidewalk area or provisions made so that the road will not be disturbed for utility installation. All underground improvements installed for the purpose of future service connections shall be properly capped and backfilled. Following such installation, the site must be restored in accordance with SID standards.

(C) **Easements.** Where required by SID, utility easements of adequate width shall be provided to SID, consistent with SID requirements and shall provide for convenient access for maintenance. Where SID has existing facilities on a property, a utility easement of adequate width shall be provided to SID. Other easements for access, drainage, or other proper purposes may be required by SID or the City.

(D) **Access and Circulation Systems**

(1) Vehicular circulation systems.

(a) Required improvement to be constructed by applicant. Unless SID has or will construct such improvements, all roads, alleys, and related facilities required to serve the proposed development shall be constructed by the

applicant. Construction shall consist of, but not be limited to, grading, base preparation, surface course, and drainage. All roads, whether intended for dedication to SID or reservation for private use and maintenance, shall be constructed to the minimum standards established by this chapter and the City and SID standards. Additionally, the applicant shall construct any parking areas which provide access to any parcels that do not have direct, primary access from a local road or residential access road. Construction of such parking areas shall be completed prior to issuance of any Certificate of Occupancy for any dwelling unit located on a parcel served by such parking area. Construction of the parking area may be done in conjunction with building construction on the lot the parking area is to serve provided, however, that construction shall be noted on the approved paving, grading and drainage plans in a form acceptable to the City Engineer and/or SID, as applicable. When the parking area is to be completed in conjunction with building construction, the applicant shall execute a certificate of completion on a form approved by the Building Official prior to issuance of the certificate of occupancy for any dwelling unit or building served by such parking area. Said certificate of completion shall state that the parking area was completed in accordance with the requirements these LDRs.

- (b) Minimum legal access requirement. Legal access means the permanent legal rights of ingress and egress to a property that is secured by a dedication or grant to the public of road right-of-way, a road easement, fee simple ownership, a plat dedication, or other legal instrument approved by the City Attorney; and, the presence of a road sufficient to meet all LOS requirements, LDR requirements, and applicable SID standards. There is hereby established a hierarchy of legal access as shown on Table 5-1. Except as provided below, the Applicant shall demonstrate legal access consistent with Table 5-2 and this Chapter, from the parcel to a road depicted on TE Map 3.4 2038 Future Traffic Circulation Map. If legal access to the parcel does not exist, the Applicant shall build all improvements required to create such access, which may include:
 - (i) Construction of a road sufficient to provide legal access from the parcel to the nearest collector or arterial road depicted on the TE Map 3.4 2038 Future Traffic Circulation Map; and/or
 - (ii) Construction of a collector or arterial road depicted on the TE Map 3.4 2038 Future Traffic Circulation Map up to the point of connection.

Construction shall include all related drainage and utility improvements and be consistent with these LDRs, applicable SID standards, the existing road profile, TE Map 3.4 2038 Future Traffic Circulation Map, TE Map 3.5 2038

Future Functional Classification Map, and TE Map 3.7 2038 Future Shared Use Paths, Sidewalks, and Bicycle Lanes Map.

(c) The following are exceptions to the minimum legal access requirements found above in 5.7.2(D)(1)(b):

- (i) When legal access to a lot is permitted by these LDRs to be by a common parking area which serves more than one (1) parcel, it shall be dimensioned and depicted on the construction plans and reserved on the plat as a "parking tract". Said tract shall be reserved for parking and access purposes to the POA having jurisdiction over the parking area and the abutting lots.
- (ii) A common driveway may, with prior approval by the City Engineer, be utilized for legal access to a group of not more than four (4) abutting parcels situated adjacent to a curve on a residential access road where said parcels would otherwise have no reasonable means of obtaining direct access to or required frontage on the adjacent residential access road. Said driveway shall be delineated and reserved on the applicable plat for purposes of perpetual access to the parcels served.
- (iii) A common parking lot may be utilized for legal access to individual parcels created by subdivision of a shopping center or set of parcels under a common plan of development developed solely for commercial or industrial uses where all parcels within the boundary of such subdivision are served by said access and are subject to recorded shared access, maintenance, and use covenants approved by the City. Where such access is utilized, direct lot or parcel access on any road adjacent to the boundary of the subdivision parcel shall be prohibited except at common access points approved for the subdivision parcel as a whole.

- (d) Road Classification. Roads shall be classified according to Table 5-1.

TABLE 5-1: CHART OF ACCESS HIERARCHY

MAJOR ROADS:
Roads which constitute the traffic circulation network as contemplated under the Comprehensive Plan. Listed from highest to lowest category:
MINOR ARTERIAL
MAJOR COLLECTOR
MINOR COLLECTOR
Local Roads: Roads which constitute the internal circulation network of a development and which are not classified as a MAJOR ROAD will be classified as a local road. Listed from highest to lowest category:
NONRESIDENTIAL ACCESS
RESIDENTIAL ACCESS (private roads only)
ALLEY

- (e) **General design considerations.** The proposed road layout shall be integrated with the City's, SID's, and County's traffic circulation network, and shall be coordinated with the road system of the surrounding area. Roads shall be classified and designed in accordance with the Traffic Circulation Element of the Comprehensive Plan, and the City's and SID's standards. Consideration shall be given to:
- (i) The need for continuity of existing and planned roads;
 - (ii) Barriers imposed by topographical conditions and their effect on public convenience or safety;
 - (iii) The proposed use of the land to be served by such roads;
 - (iv) The need for continuation of existing local roads in adjoining areas not subdivided;
 - (v) The proper projection of non-plan collector and plan collector roads;

- (vi) The feasibility of extending the proposed road system to the boundary of the proposed subdivision to promote reasonable development of adjacent lands and to provide continuity of road systems; and
 - (vii) Discouraging through traffic in the design of local and residential access roads.
- (f) **Double frontage parcels and lots.** Where a parcel or lot has two (2) frontage lines, legal access to the parcel shall be restricted as follows.
- (i) Residential lot. Where a lot abuts both a road of collector or higher classification and a local road, access to said lot shall be by the local road.
 - (ii) Non-residential parcels. Where a parcel abuts roads of local or higher classification, access to the parcel shall be by the road of lower classification, unless otherwise permitted by these LDRs; provided, however, that access shall not be permitted on a local residential or residential access road as prescribed on Table 5-2. This requirement may be waived by the City Engineer based on justification provided by property owner or applicant.
- (g) **Construction in muck or clay areas.** Construction in muck or clay areas shall be done in accordance with applicable City or SID Standards.
- (h) **Road intersections.** The centerline intersections of local or residential access roads with collector roads shall be spaced a minimum distance of two hundred (200) feet, as measured along the centerline of the collector road. Intersections which warrant traffic signalization shall be spaced a minimum distance of thirteen hundred twenty (1,320) feet, centerline to centerline. Connection of local roads to arterial roads may be permitted by the City Engineer and SID only where other access is unavailable. This requirement may be waived by the City Engineer based on justification.
- (i) **Through and local traffic.** Through traffic shall be directed along collector roads within the subdivision. Local roads shall be laid out to accommodate local or neighborhood traffic and to discourage their use by through traffic.
- (j) **Alleys.** Alleys may be allowed in subdivisions when they are necessary, in the opinion of the City Engineer, for the safe and convenient movement of traffic and pedestrians. Alley intersections and sharp changes in alignment shall be avoided and alleys shall be constructed in accordance with the following:
1. Residential areas. Alleys shall be paved ten-feet wide in a minimum twelve-foot right-of-way, with appropriate radii for the intended use.

2. Commercial and Industrial areas. Alleys shall be paved twenty (20) feet wide in a minimum twenty-foot right-of-way, with appropriate radii for the intended use, unless otherwise approved by Palm Beach County Fire.

(k) **Driveways and Access.** Driveways and median openings shall be in accordance with Table 5-2 and the Figure 5-1.

Table 5-2: Driveway and Access Requirements

Roadway Section	Corner Clearance Distance (Arterial Road)	Corner Clearance Distance (All other Roads)	Driveway Connection Spacing*	Median Opening	Median Opening (From Arterial Road)	Signal Spacing
Collector Undivided	75 ft	50 ft	125 ft	660 ft	830 ft	0.25 mile
Collector Divided	125 ft	50 ft	125 ft	660 ft	830 ft	0.25 mile

*Does not apply for single family residential driveway connections

(l) **Road Requirements.** Roads shall meet the requirements found in the **City Engineering Standards Book**, which shall be adopted by City Council and is hereby incorporated herein.

(m) **Bridges and culverts.** Bridges or culverts shall be provided as necessary to facilitate the proposed vehicle and pedestrian system. The bridge or culvert requirement is subject to approval by the agency having jurisdiction over the facility being crossed. Bridges shall be designed in general accord with the current Department of Transportation practices and shall include planning for utility installation. They shall be reinforced concrete, unless other low maintenance materials are approved by the City or SID Engineer, as applicable. Bridges shall have a clear roadway width between curbs two (2) feet in excess of the pavement width in each direction, and shall have sidewalks four (4) feet wide on each side. All bridge structures shall be designed for H-20-S-16-44 loading, incorporating adequate corrosion protection for all metal work and erosion protection for associated shorelines and embankments.

(n) **Road markers.** Road markers shall be provided at each intersection in the type, size and location required by the City and SID Standards. Road name signs shall carry the road name shown on the recorded plat and shall be in compliance with the City and SID standards.

(o) **Traffic control devices.** The applicant shall install traffic control devices and, where warranted traffic signals on roads within and impacting the subdivision. A traffic

impact analysis meeting the approval of the City Engineer shall be used to assist in establishing the need for such signals.

1. Pavement markings and/or lane delineators. Pavement markings and/or lane delineators meeting the requirements of the City or Palm Beach County, as appropriate, shall be installed on all arterial and collector roads. Pavement markings and/or delineators may be required on other roads such as project entrances and parking lots in accordance with Manual for Uniform Traffic Control Devices.
 2. Design. The design of traffic control devices shall be in accordance with the Manual for Uniform Traffic Control Devices and applicable City, SID and Palm Beach County Standards.
- (p) **Pavement widths.** Pavement widths for roads shall be in accordance with Table 5-3.
- (q) **Block Length; Crosswalks.** When the block length exceeds nine hundred (900) feet, crosswalks between streets may be required where deemed essential by the City Engineer to provide convenient pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- (r) **Dead End Streets.** All dead end streets within the City and SID shall be designed and constructed to end in a cul-de-sac. The City Engineer and SID may approve an alternate turn around through the Planning and Zoning Director process. Cul-de-sacs or other approved means of termini must be designated and constructed to meet the standards of the City, SID and the Palm Beach County Fire Code. Dead-end streets shall not exceed nine hundred (900) feet in length, or one thousand two hundred fifty (1,250) feet in length with a mid-block pedestrian pass through. The dead-end length shall be measured from the dead-end to the centerline of the roadway of the nearest intersection.
- (s) **Materials and construction.** Pavement construction shall consist of, at a minimum, a subgrade, base and wearing surface. All materials and construction shall be in accordance with the current City and SID standards.
- (t) **Shoulders.** All unpaved shoulders shall be constructed and grassed in accordance with the City and SID standards. Grassing, with seed and mulch or with solid sod, as required, shall be completed prior to acknowledgement of completion of the required improvements by the City Engineer and SID. No time extensions to any contract for the construction of required improvement will be granted on the basis of incomplete shoulder treatment.
- (u) **Road grades.** The longitudinal grade of road pavement shall be parallel to the design invert slope of the adjacent roadside drainage swale or gutter. Minimum

longitudinal and transverse grades shall be in accordance with FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. Road grades shall be shown on the construction plans by indicating the direction and percent of slope. The horizontal distance along the centerline between, and pavement elevation at all points of vertical intersection shall also be shown.

- (v) **Non-conforming roads.** Roads which do not meet the design and construction standards of this chapter and the City and SID Standards shall not be permitted, except where satisfactory assurance for dedication of the remaining part of the road (or reconstruction of the road in accordance with current standards) is provided. Whenever a tract to be subdivided abuts an existing partial road, the other part of the road may be required to be dedicated and constructed within such tract. A proposed subdivision that includes an existing road which does not conform to the minimum road width requirements of these regulations shall provide for the dedication of additional land for such road along either one (1) or both sides of said road so that the minimum cross-section dimension requirements of these regulations can be met. The City shall not accept non-conforming roads for ownership or maintenance through the procedures established by this chapter.

- (w) **Limited access easements.** Limited access easements may be required along all collector roads and all major roads in order to control access to such roads from abutting property. Easements for controlling access to local and residential access roads may be required by the City Engineer and SID in order to ensure continued control of access to such roads from abutting property. All limited access easements shall be conveyed or dedicated to the City and SID, as applicable.

- (x) **Road names.** Proposed roads which are in alignment with existing named roads should bear the name of the existing road. All road names shall have a "suffix" and in no case, except as indicated in the preceding sentence, should the name of the proposed road duplicate or be phonetically similar to existing road names. All proposed road names shall be submitted to the City for approval prior to submittal of the plat.

- (y) **Alignment, tangent, deflection, radii.** Roads shall be laid out to intersect as nearly as possible at right angles. Multiple intersections involving the junction of more than two (2) roads shall be prohibited. Reverse curves shall be prohibited. Reversals in alignment shall be connected by a straight tangent segment at least fifty (50) feet in length. All intersections shall be designed to provide at least the minimum stopping and turning sight distances, in accordance with criteria prescribed in the most recent edition of the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. When the centerline of a local road deflects by more than ten (10) degrees, it shall be curved with a radius adequate to assure safe sight distance consistent with the Florida Manual of

Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (commonly known as the “Florida Greenbook”) standards and driver comfort. Road pavement return radii shall be a minimum of thirty (30) feet.

- (z) **Road lighting.** If road lighting is installed within a residential parcel it shall be maintained by a property owners' association and said association should not be created exclusively for the purpose of maintaining road lighting. SID road lights shall be placed outside of any applicable clear zone right-of-way setback and shall be placed between the curb and the sidewalk, unless an alternative placement is approved by the City and SID engineers. Road lighting shall be wired for underground service.
- (aa) **Median strips.** Median strips which are part of a public road may not be utilized for any purpose other than by the City, SID or public utility. However, an applicant or property owner may install landscaping and signage in a median strip or within shoulders in accordance with Chapter 4 and Chapter 6 of these LDRs, and in accordance with permitting requirements as established by the City Engineer and SID pursuant or other applicable standards or requirements.
- (bb) **Subdivision entranceways.** Subdivision entranceways consisting of walls, fences, gates, rock piles or other entrance features within the public median strip must meet the clear zone requirements of the Florida Department of Transportation. Decorative entranceways must be constructed upon land adjacent to a public road in compliance with applicable City and SID standards and placed so as not to constitute a traffic hazard.

Table 5-3 Minimum Design Standards for Local Roads

Type of Road	Road (ROW) Width	Travel Lanes		Curb & Gutter	Parking Lane	Bicycle Lane	Sidewalk/ Pathway	Utility Easement	Tree Lawn
		No.	Width						
Local Road within R-1 and R-2 Zoning Districts	44 ft.	2	10 ft.	2 ft.	8 ft (optional)	No	5 ft.	10 ft.	5 ft
Local Road within Town Center Zoning District	44 ft	2	11 ft	2 ft.	8 ft. (One side)	No	8 ft.	No	5 ft
Local Road within all zoning districts other than R-1, R-2, and Town Center	50	2	11ft	2 ft	8 ft (optional)	No	8 ft.	10'	5 ft
Collector: Without on- road parking	60 ft.	2	11 ft.	2 ft.	Optional	5 ft.(both sides)	8 ft.	10 ft.	5 ft
Collector: with on- road parking	70 ft.	2	11 ft.	2 ft.	8 ft.	5 ft. (both sides)	8 ft.	10 ft.	5 ft

Notes:

1. Parking lane dimensions include the curb and gutter dimensions.
2. Easements may be located inside or outside of the right-of-way.
3. Sidewalks are required on both sides of the road. The requirement for a sidewalk on one side of the road may be waived in specific cases where pedestrian access is not required based on building locations and other utilitarian purposes, subject to review and approval by the City Engineer.
4. The typical cross-sections shall be included within the Design Standards for each pod and submitted to the City as part of the development review process.
5. Tree lawns may be incorporated into hardscape features such as sidewalk or outdoor seating areas with the use of tree grates or other similar amenities. The area of the tree lawn shall be in addition to the minimum sidewalk width except in the Town Center Zoning District. Within the Town Center Zoning District, tree lawns may be incorporated into the sidewalk. Tree lawns may not overlap utility easements.
6. Sidewalks shall provide a minimum of 5' clearance and may be located within easements.

(cc) **Guardhouses.** A gated access, located so as not to create a traffic hazard, may be constructed in the median of an entrance to a subdivision having only private roads. The minimum setback to a gated access shall be one hundred fifty (150) feet, measured from the edge of pavement, unless waived by the City Engineer. Two (2) lanes shall be required on each side of the median in the area of the gated entrance.

However, the number of lanes and required stacking may differ if determined by the City Engineer to be adequate based on a traffic study submitted by applicant.

(2) *Pedestrian circulation system*

(a) **Requirement for sidewalks and shared use paths.** Except as provided in this section, sidewalks or shared use paths shall be constructed on all roads. Required sidewalks shall be constructed by the applicant. For roads abutting residential parcels, applicant may construct required sidewalks and shared use paths concurrent with construction of residential parcels abutting local roads, or concurrent with construction of the local road.

(b) **Maintenance responsibility of sidewalks and paths.** The control, jurisdiction and maintenance obligation of paths not located wholly within a road and of sidewalks within private roads shall be placed with a property owners association, the City or SID, as applicable. Where such control and maintenance obligation is to be placed with the City or SID, the City or SID shall expressly accept said obligation upon the plat or by a separate instrument filed in the Public Records.

(3) *Reduction of road width.* When pedestrian circulation is to be accomplished solely by paths constructed outside the roads, the City Engineer may approve a concurrent request by the applicant to reduce required local road widths if such reduction would neither reduce the vehicular carrying capacity and safety of the roads nor compromise the safety of pedestrians.

(4) *Crosswalks.* When the block length exceeds nine hundred (900) feet on a local road, crosswalks between roads may be required where deemed essential by the City Engineer to provide convenient pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

(E) **Clearing, Earthwork, and Grading**

- (1) *Minimum required improvement.* The Applicant shall be required to clear all rights-of-way and to make all grades for roads, parking tracts, lots, and other areas proposed to be developed, compatible with on-site tertiary drainage patterns established by the approved drainage design.
- (2) *Unsuitable materials.* The Applicant shall remove and replace unsuitable materials. Replacement of unsuitable materials within roads and proposed public areas shall be satisfactory to and meet with the approval of the City Engineer and SID, who shall require such soil tests of the backfill and the underlying strata at the cost of the applicant as may be deemed necessary to ascertain the extent of required removal, suitability of replacement material, and acceptability of the proposed method of placement.

(F) **Stormwater Management.**

- (1) The entirety of the City is located within SID. SID owns and operates the stormwater management system for the City, pursuant to permit from South Florida Water Management District. SID owns and operates the primary and secondary water management system, and holds easements for access to all tertiary water management systems in the City. No construction or alteration of any stormwater management system in the City, or connection to or impact upon the works of SID, may be made without a permit from SID, and a permit modification from SFWMD, if necessary. The following shall be the minimum required improvements for all developments to implement the level of service under the Drainage and Capital Improvements Elements of the Comprehensive Plan, subject to the master drainage permits and SID's standards. The City and SID shall be co-permittees on any application to participate in Palm Beach County's Municipal Separate Storm Sewer System National Pollution Discharge Elimination System permit.
- (2) **General Requirements:** Each new development is required to:
 - (a) **Design and Installation.** Include a stormwater management system designed and installed according to applicable regulations of the SFWMD and SID.
 - (b) A means to convey all stormwater discharge from the development site to at least one (1) point of legal positive outfall into the SID system shall be provided as an integral part of the required stormwater management system, including construction of all necessary conveyance facilities and establishment of appropriate easements.
 - (c) The Stormwater Management standards adopted by SID are hereby incorporated as if fully set forth herein.

- (d) A certification from SID that all stormwater management criteria have been met shall be sufficient to demonstrate compliance with the requirements of this subsection.
- (3) **Drainage and Maintenance Access Rights.** Drainage and maintenance access rights shall be in accordance with SID and SFWMD requirements.
- (4) **Certificate of Compliance for Parcels.** When the finished grading is to be completed in conjunction with building construction, prior to issuance of the Certificate of Occupancy the applicant shall submit to the City Engineer and SID a Certificate of Compliance from a Florida registered professional surveyor, engineer, or landscape architect. Such statement shall be in a form approved by the Building Department and shall state that grading was done in accordance with the approved grading plan.
- (5) **Enforcement; appeals.**
 - (a) The City and SID are authorized to inspect construction sites for compliance with the requirements of this section. The City and SID may post a stop-work order for a building permit if any land disturbing construction activities or land development activities regulated under this section are being undertaken in violation of this section. The City and SID may post a stop-work order if any land disturbing construction activities or land development activities regulated under this section are being undertaken for violations of this section occurring in the right-of-way or related to the stormwater pollution prevention plan and erosion control measures.
 - (b) Stop-work order retraction. The City or SID who issued a stop-work order may retract that stop-work order once the violation of this section is cured.
 - (c) Notice of intent. Not less than ten days after the posting a stop-work order as provided above, the City or SID may issue a written notice to the permittee or property owner of the City or SID's intent to perform work necessary to cure existing violations and comply with this section. Said notice shall be sent certified and regular mail. If, after 14 days from issuance of the notice of intent, the site is not in compliance with the requirements of this section, the City or SID may enter the site and commence all work necessary to comply with this section. The City's or SID's costs for the work performed by the City or SID shall be subtracted from the deposit or bond posted and any additional costs shall be billed to the permittee or the landowner. In the event a permittee or property owner fails to pay the amount due to fully reimburse the City or SID, the city shall file a lien against the property for all unreimbursed costs, plus interest and administrative expenses, and may take all available actions to collect the sums due.

- (d) Compliance with the provisions of this section may also be enforced in accordance with F.S. Ch. 162, or by injunction, uniform citation procedure, code enforcement procedure, fine, lien forfeiture or any other appropriate and available remedy.
- (e) Decisions of the City regarding erosion control measures or stormwater pollution prevention plan may be appealed to the City Council, in addition to applicable SID processes.

(G) **Wastewater Systems.**

- (1) **Central System Design.** The development of new wastewater facilities and mains in the subdivision and the expansion of existing wastewater systems shall be designed by the applicant's engineer in accordance with all applicable state and local criteria.
- (2) **Individual System.** When a public wastewater collection system is accessible, the applicant shall install adequate collection facilities, subject to the specifications of SID and the Palm Beach County Health Department. Extension of the collection system and connection to the public wastewater treatment system shall be consistent with standards of the Palm Beach County Health Department or SID, as may be applicable.

(H) **Wastewater Reuse.** Irrigation of landscaped areas in a subdivision shall be accomplished through use of the SID reclaimed water system.

(I) **Potable Water Systems.**

(1) *General requirements.*

- (a) The applicant shall install adequate water supply facilities, including fire hydrants, subject to the specifications of SID and the Palm Beach County Health Department. Extension of the main and connection to the public water system shall be required consistent with standards of the Palm Beach County Health Department or SID, as may be applicable.
- (b) The location of all fire hydrants and all water supply improvements shall be shown on the utilities construction plans.
- (c) The cost of installing fire hydrants and water supply improvements shall be borne by the applicant. The estimated costs of installation shall be included in the surety to be furnished by the applicant.
- (d) The water supply system of the subdivision shall be designed and constructed to satisfy both the domestic potable requirements and the fire protection requirements in effect at the time of subdivision plan or plat review.

(J) **Fire Rescue Services.**

- (1) Required improvement. Fire hydrants shall be provided where central water systems are provided. Fire hydrants shall be provided in the manner prescribed in this section.
- (2) Single family developments of less than five units per acre. Fire hydrants shall be spaced no greater than six hundred (600) feet apart and not more than three hundred (300) feet to the center of any parcel in the subdivision and shall be connected to mains no less than six (6) inches in diameter. The system shall provide capability for fire flow of at least seven hundred (700) gallons per minute in addition to a maximum day requirement at pressures of not less than twenty (20) pounds per square inch. The system shall have the capability of sufficient storage or emergency pumping facilities to such an extent that the minimum fire flow will be maintained for at least four (4) hours or the current recommendations of the insurance services office, whichever is greater.
- (3) Multiple family developments of over five dwelling units per acre, commercial, institutional, industrial or other high daytime or nighttime population density developments. In these areas fire hydrants shall be spaced no greater than five hundred (500) feet apart and the remotest part of any structure shall not be more than three hundred (300) feet from the hydrant and shall be connected to mains no less than six (6) inches in diameter. Fire flow shall be provided at flows not less than one thousand two hundred (1,200) gallons per minute in addition to a maximum day requirement at pressures of not less than thirty (30) pounds per square inch.

Section 3: Additional Requirements. The following improvements are mandatory, but are not required to be installed prior to plat recordation or guaranteed.

(A) **Lighting**

- (1) Street lighting may be designed in accordance with FPL, FDOT, or IESNA-recommended practices.
- (2) Residential Developments. The applicant, its successors and assigns shall be responsible for providing street lighting as part of any development or subdivision infrastructure. Residential developments shall have, at minimum, light poles approximately every 150 feet on center, staggered. Each fixture shall have a minimum of 5962 lumens, as evidenced by the spec sheet for each pole and bulb.
 - (a) House shields, or equivalent, shall be required for all fixtures located within 25 feet of a residential lot.
 - (b) Light fixtures shall not exceed 25 feet in height in vehicle-use areas or 12 feet in height in pedestrian areas.

(3) Non-Residential Developments. This paragraph applies to non-residential developments and to residential areas with multifamily dwellings. It does not apply to residential areas in residential developments with single family detached dwellings and/or single family attached dwellings, but does apply to non-residential areas within such residential developments, such as amenity centers, parking lots, and similar areas.

(a) **Purpose and Intent.** It is the intent of this paragraph to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all non-residential property through the use of appropriate lighting practices and systems. Such individual fixtures, luminaries and lighting systems are designed, constructed, and installed to: control glare and light trespass, minimize obtrusive light, eliminate the increase of lighting levels on competing sites, provide safe roadways for motorist, cyclists and pedestrians, conserve energy and resources while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment.

(b) **Applicability.** All non-residential outdoor lighting shall be subject to the requirements of this paragraph, including Table 5-4, Illumination Levels, and Table 5-5, Maximum Permitted Luminaire Height, unless exempted or permitted to deviate as described herein. Lighting not specifically listed may be classified by the Planning and Zoning Director pursuant to Chapter 2 of these LDRs.

(i) **Conflict.** In the case of a conflict between this Section other provisions of this Code, or other applicable codes or standards, the more strict regulation shall apply.

(ii) **Non-conforming Lighting.** All luminaries in that do not comply with the standards of this Section shall be subject to the same limitations on expansion, maintenance, relocation, damage repair and renovations as other non-conforming uses, pursuant to requirements for non-conforming uses.

(iii) **Exemptions.** The following uses shall be exempt to the extent listed below:

1. **Temporary Lighting.** The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare.
2. **Landscape and Accent Lighting.** Landscape and Accent Lighting fixtures that comply with the Florida Building Code,

Chapter 13 Section 13-415.1ABC.2.1 efficiency requirements shall be exempt. All exempt Landscape and Accent Lighting fixtures must have a locking mechanism and a glare shield so that light is aimed, and remains aimed at the surface intended.

(iv) Prohibited Outdoor Lighting. The following types of outdoor lighting are prohibited:

1. Any light that creates glare observable within the normal range of vision onto a street or creates a safety hazard;
2. Any light that resembles an authorized traffic sign, signal, or device, or that interferes with, misleads, or confuses vehicular traffic as determined by the Zoning Director or City Engineer;
3. Beacon or searchlights, except for temporary grand openings and special events, as limited by State of Florida or Federal law;
4. Any drop lens fixture or fixture that does not meet the IESNA Full-Cutoff classification of 0% of lumens above 90 degrees from nadir. This includes, but is not limited to, parking lot fixtures, building façade fixtures, and other non-landscape lighting fixtures.
5. Animated lighting.

(v) Deviations. Lighting may vary from this Section to the extent necessary to comply with the following:

1. Section 655.962, Florida Statutes, related to ATM lighting;
2. Section 812.173, Florida Statutes related to parking lots for convenience businesses;
3. Lighting on Public Schools required by FBC Chapter 423, and the SDPBC Electrical Design Criteria;
4. Airport Lighting regulated by State or Federal law;
5. Lighting for obstructions to air navigation as provide U.S. Department of Transportation, Federal Aviation Administration Advisory Circular 70/7460-1K;

6. Lights required on vehicles under state uniform traffic control statutes or for vessels under vessel safety statutes under Chapters 316 and 327, Florida Statutes;
7. Lighting for public health required by Chapter 381, Florida Statutes;
8. Electrical code statute requirements under state building code;
9. Section 553.963, Florida Statutes and Section 553.904, Florida Statutes, Efficiency and Energy Conservation Statutes under Building Code Standards;
10. Lighting for communication towers;
11. Other federal, state and local laws and regulations that may apply.

(c) **Non-Residential Photometric Lighting Plan Submittal Requirements.** All non-residential land development permit applications that include the use of external luminaries, or luminaries visible from the exterior of a structure shall include an outdoor lighting plan and an outdoor security lighting plan showing location, type, and height of all luminaries, and photometrics in foot-candle output of all proposed and existing luminaries on-site. On-site lighting to be included in the calculations shall include, but is not limited to, lighting for parking lot, canopies, recessed lighting along the building and/or overhang. Each plan shall include any calculations or modifications required to comply with items listed as Deviations in subparagraph 5.7.3(A)(3)(b)(v). The photometric plans shall include the following:

- (i) A table showing the average, minimum, and maximum foot-candles, average to minimum ratio, and maximum to minimum ratio on the site, and maximum luminaire heights. Maximum photometric calculation grid shall not exceed ten feet.
- (ii) Manufacturer's catalog cuts that provide a description of the luminaries, including wattage, lumen output, glare reduction/control devices, lamps, on-off cycle control devices and mounting devices.
- (iii) All photometric plans must be signed and sealed by a licensed engineer, architect or Landscape Architect.

- (iv) A Certificate of Compliance signed and sealed by a licensed engineer, architect or Landscape Architect, must be submitted prior to the issuance of a Certificate of Occupancy.
 - (v) The photometric plan shall not include time averaging or other alternative methods of measurement. A Light Loss Factor (LLF) shall be used for the calculations in a photometric plan. The values of the LLF shall be a maximum value of 0.72 for Metal Halide, 0.81 for High Pressure Sodium and 0.95 for LED, based on manufacturers' initial lamp lumens.
- (d) **Standards.** The following standards apply.
- (i) **Confinement.** All outdoor lighting shall utilize full cutoff luminaires per the Illuminating Engineering Society of North America (IESNA) definition of full cutoff which allows for 0% of lumens above 90 degrees from nadir. No luminaires other than landscape lighting exempted per E.2.c.4, shall be directed upwards to avoid urban sky glow. In the U/S Tier, accent and landscape luminaires not exceeding 100 watts.
 - (ii) **Light Trespass.** The maximum illumination at the property line of an adjoining residential parcel or public ROW is 0.33 horizontal and vertical foot-candles measured at six feet above grade level. Said illumination likewise measured at the property line of an adjoining non-residential parcel, shall not exceed 3.0 horizontal and vertical foot-candles measured at six feet above grade level.
- (e) **Security Lighting and Time Restrictions.**
- (i) Full cutoff luminaires shall be used for all security lighting and dusk-to-dawn area lighting.
 - (ii) Outdoor illumination, including but not limited to, areas used for outdoor sales and display, eating, parking, assembly, service, storage of equipment and freight, loading and unloading, repair, maintenance, commercial activities, and industrial activities shall not continue after 11:00 P.M., or no more than one hour after active use of the area ceases, whichever is later, except for security lighting.
 - (iii) Security lighting shall be required for all active entrances to buildings, parking lots and access to buildings or parking lots. All security lighting shall maintain an average of 0.75fc, a minimum of 0.3fc and a maximum of 3fc from dusk until dawn.

- (iv) No outdoor recreational facility shall be illuminated after 11:00 P.M. except to conclude a scheduled and sanctioned recreational or sporting event by PBC or other authorized agency in progress prior to 11:00 P.M. The luminaries shall be extinguished after outdoor recreational events are completed and the site has been vacated.

1. Exceptions:

- a. Public recreational facilities such as boat ramps, fishing piers, or other similar facilities that operate or are open to the public on a 24 hour basis.
- (v) Automatic timing devices with a photosensor or an astronomical timeclock, which control the hours of illumination shall be required for all parking lots, car dealerships/outdoor display lots and parking garages. These devices may remain on Eastern Standard Time throughout the year.
- (f) **Illumination Levels.** Table 5.E.4.D, Illumination Levels, indicates the minimum and maximum illumination levels for specific site elements, as well as the maximum to minimum, and average to minimum ratios.

Table 5-4: Illumination Levels

Outdoor Lighting	Maximum Illumination ¹	Minimum Illumination ¹	Max to Min Ratio	Average to Min Ratio
Buildings and Accessory Structures				
Pathway Lighting ²	5.0 (5)	-	-	-
Canopies, Drive-thru and Overhangs	30.0	3.0	10:1	2.5:1
Parking Lots				
Multi-family Residential	3.0	0.3	10:1	-
All Others	12.0	1.0	12:1	3:1
Parking Structures				
Parking Area	10.0	1.0	10:1	4:1
Ramps – Day	20.0	2.0	10:1	-
Ramps – Night	10.0	1.0	10:1	-

Entrance Area – Day	50.0	5.0	10:1	
Entrance Area – Night	10.0	1.0	10:1	
Stairways		10.0	-	
Property Boundary	Refer to Light Trespass			
Roads				
Non-residential/Mixed-Use	Per IESNA Lighting Handbook or Public Utility			
Specialty Lighting³				
Golf Courses	Per IESNA Lighting Handbook			
Outdoor Entertainment				
Parks				
Other Lighting Types				
Outdoor Display and Storage for vehicle sales and rental.	15 ⁴	1.0	15:1	4:1
Other Outdoor Display and Storage Areas.	20	1.0	15:1	4:1
Outdoor Work Areas	20	1.0	15:1	4:1
Notes:				
1. Measured in foot-candles. 2. Building or accessory mounted luminaires used to light parking lots shall comply with Parking Lot illumination levels. 3. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting. 4. May be increased to 20 foot-candles for the first row of display parking located adjacent, but not more than 100' from a ROW.				

(g) **Luminaire Heights.** Table 5-5, Maximum Permitted Luminaire Height, identifies the maximum height for any freestanding or structure mounted luminaires.

Table 5-5: Maximum Permitted Luminaire Height

Location	Maximum Height
Buildings and Accessory Structures	
Buildings	25 feet or eave overhang, whichever is lower (unless required by the Florida Building Code)
Accessory Structures	10 feet
Parking Lot	
Residential ¹	20 feet
Industrial	40 feet
Commercial, Civic and Institutional	30 feet, or equal to the height of the building up to a maximum of 40 feet
Parking Structures	
Luminaires on top parking level.	20 feet or 25 feet ²
Luminaires within 100 feet of residential ³	20 feet
Roads	
Non-residential/Mixed-Use	18 feet
Specialty Lighting⁴	
Golf Courses	Per IESNA Lighting Handbook
Outdoor Entertainment	
Parks	
Notes:	
<ol style="list-style-type: none"> 1. For the purposes of this table, residential parcel shall include any residential use, or any vacant parcel with a residential FLU designation. 2. Minimum setback shall be 45 feet from exterior edge of wall for all luminaries, except luminaries mounted to interior face of perimeter wall, which do not exceed the height of the perimeter wall. 3. The height of any lighting luminaire within 100 feet of a parcel with a residential use or FLU designation shall be limited in accordance with the height limitations for Property Boundary, Residential. 4. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting. 	

(h) **Measurement.**

- (i) Illumination levels shall be measured in foot-candles with a direct-reading, calibrated, portable light meter. The light meter shall be placed not more than six inches above grade level.
- (ii) For the purpose of measuring light trespass, the light meter shall be placed at the property line of the subject parcel six feet above the grade level.

(i) **Street Lighting.**

- (i) Street lights shall be provided along all streets 50-feet in width or greater. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street.
- (ii) Decorative street lights shall be provided along the entrance for any PUD development.
- (iii) When street lighting is installed on a private street it shall be maintained by a POA.
- (iv) Street lights shall be wired for underground service.

Section 4: *Construction of Required Improvements.*

(A) **Applicant's duty.** Upon issuance of the Site Development Permit, the applicant shall coordinate the construction with SID.

(B) **Time of completion of required improvements.**

- (1) Time of completion. The time of completion of all required improvements shall not exceed twenty-four (24) months from the date of issuance of the Site Development Permit unless an extension is granted pursuant to this section.
- (2) Time extension. A one-year time extension may be granted by the City Engineer and SID after review of the written application for extension of the applicant. The applicant should submit the application for extension, including but not limited to a statement of justification and proof that an acceptable guarantee will remain in place for the duration of the extension, not less than two (2) months prior to expiration of the Land Development Permit. Applications submitted after expiration of the Land Development Permit shall not be accepted. The City Engineer and SID shall review and advise the applicant in writing of his decision within one (1) month of receipt of the application.

(C) **Administration of construction.**

- (1) Construction standards. Construction standards shall be those prescribed in the City and SID Standards.

- (2) Inspections, reports, and stop work orders. The City Engineer and SID shall be notified in advance of the date of commencement of construction pursuant to the Site Development Permit, and of such points during the progress of construction for which joint review by the City Engineer or SID and applicant's engineer are required, as applicable.
- (a) Construction of the required improvements shall be performed under the surveillance of, and shall at all times be subject to, review by SID or the City, as applicable; however, this in no way shall relieve the applicant of the responsibility for ensuring close field coordination and final compliance with the approved plans, specifications and the requirements of this ordinance.
 - (b) The applicant shall require progress reports of the construction of the required improvements from the applicant's engineer. The applicant's engineer may also be required to submit construction progress reports directly to and at points of progress prescribed by SID or the City, as applicable. The applicant's engineer shall coordinate joint reviews of the construction with SID or the City as applicable at points specified by SID or the City.
 - (c) The City Engineer and SID shall have the right to enter upon the property for the purpose of reviewing the construction of required improvements during the progress of such construction. The City Engineer and SID shall have the authority to stop the work upon failure of the applicant or his engineer to coordinate the construction of the required improvements as required by this subsection.
- (3) Measurements and tests. During construction, the applicant shall make or cause to be made such measurements, field tests, and laboratory tests necessary to certify that the work and materials conform to the approved development plans and the provisions of this chapter. The City Engineer and SID may require, at their discretion, specific types and locations of tests and measurements which they deem necessary to demonstrate conformance with approved plans and specifications.
- (4) Engineer's certificate of completion. The required improvements shall not be considered complete until a certificate of completion, certifying to construction in conformance with the approved plans, and the final project records have been submitted to, reviewed, and approved by the City Engineer and SID. For purposes of this Chapter, for any SID-Authorized Facilities, where engineer's certification of the completion or compliance of improvements is allowed or required, the City shall rely upon a statement from the SID engineer that the improvements have been completed as required. The certificate shall be signed and sealed by the applicant's engineer and shall be in a form established by the City Engineer and SID. Said certificate shall make specific reference to, and be accompanied by copies of measurements, tests and reports made on the work and materials during the

progress of construction, along with a Record Drawing copy of each of the construction plans in the format prescribed by SID showing the original design in comparison to the actual finished work with all material deviations noted thereon.

(D) Acknowledgment of completion and maintenance of required improvements.

- (1) Applicant's assignment of warranty on workmanship and material. The applicant shall execute and submit an assignment of warranty guaranteeing the required improvements against defect in workmanship and material for a period of one (1) year after acknowledgment of completion pursuant to this section. The warranty shall be assigned to the entity that will own or is responsible for maintenance of the required improvement. Said assignment of warranty shall be submitted to the City Engineer and SID along with the completion certificate and project records. The assignment of warranty shall be in a form approved by the City and SID Attorney.
- (2) Acceptance of dedications and maintenance of improvements. Acceptance of dedications and maintenance responsibility for improvements within areas dedicated to the City and/or SID shall be made as follows.
 - (a) The recordation of a plat, subsequent to the City Engineer and SID's approval of said plat for recordation, shall constitute acceptance by the Council and/or SID of any and all dedications to the City as stated and shown on the plat.
 - (b) For those dedications to the City of real property, including rights-of-way, parks, and other tracts, an executed deed transferring title to such lands, plus such documentation of title and absence of encumbrances as required pursuant to City policy for acceptance of deeds, shall be submitted to the City at the time of submittal of the applicable plat for recordation. Said deed(s) shall be on a form approved by the City Attorney, and shall be recorded by the City subsequent to recordation of the applicable plat.
 - (c) Responsibility for maintaining the required improvements shall attach to the City and/or SID at the time the City or SID, whichever shall own the required improvements, issues a statement acknowledging completion of the required improvements and the applicable plat is recorded. At such time, the City or SID, whichever shall own the required improvements, shall issue a written statement acknowledging such maintenance responsibility. Applicant's failure to complete improvements in unrecorded subdivisions. Where an applicant has elected to install the required improvements prior to recordation of the plat and fails to complete such improvements within the time limits described in this Chapter, all previous approvals applicable to the proposed subdivision shall be deemed void.

- (E) **Construction and landscaping in water management tracts; prohibition.** The placement or construction of trees, shrubs, or structures within any water management tract, open water body, conveyance, easement, or berm adjacent thereto is hereby prohibited, unless expressly permitted by SID at its sole discretion.

ARTICLE 5.8 Environmental considerations. In the interest of the preservation of existing trees and other natural features at the applicant's request, or as required by other regulations, the City Engineer and SID may vary the design and construction requirements upon presentation by the applicant of substantial evidence that environmental conditions will be enhanced, that proper performance of the approved stormwater management system will not be impaired, and that safety, stability, and design life of structural improvements will not be compromised.

Section 4. Severability: Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

Section 5. Codification: It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance entitled "**Land Development Regulations**" shall become and be made a part of the Code of Ordinances for the City of Westlake, Florida and the sections of this ordinance may be re-numbered or re-lettered to accomplish such intentions, and the word "ordinance" shall be changed to "section" or other appropriate word.

Section 6. Scrivener's Error: The City Attorney is hereby authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk without the need for approval by the City Council.

Section 7. Effective Date: This ordinance shall be effective upon adoption on second reading.

PASSED this 14th day of June 2021, on first reading.

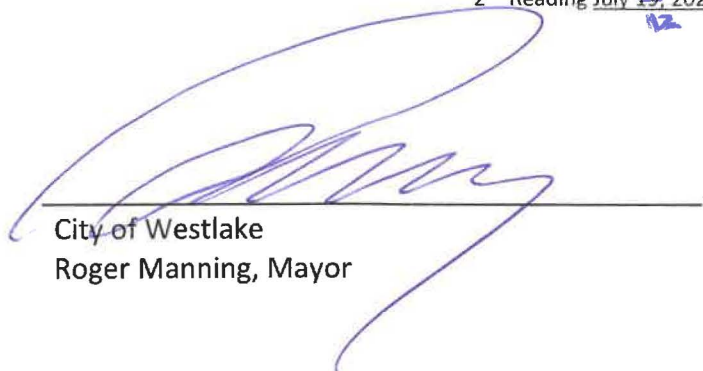
PUBLISHED this 2nd day of July 2021, in the Palm Beach Post.

PASSED AND ADOPTED this 12th ~~19th~~ day of July 2021, on second reading.

1st Reading June 14, 2021

2nd Reading July 19, 2021

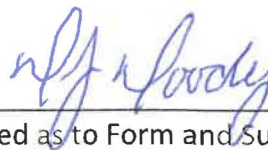
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City of Westlake
Roger Manning, Mayor



Zoie P. Burgess, City Clerk



Approved as to Form and Sufficiency

Donald J. Doody, City Attorney

ORDINANCE NO. 2021-09

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING MOBILITY PLANS WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING UTILIZATION OF PALM BEACH COUNTY'S TRAFFIC PERFORMANCE STANDARDS FOR MOTORIZED VEHICLES; PROVIDE FOR VEHICULAR LEVEL OF SERVICE STANDARDS; PROVIDES FOR TRAFFIC IMPACT STUDIES AND STATEMENTS; WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED 'MOBILITY', PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about May 3, 2018, the Florida Department of Economic Opportunity provided the City with notice of intent to find the City's initial comprehensive plan in compliance and the same is now the effective and controlling Comprehensive Plan for the City of Westlake ("Comprehensive Plan"); and

WHEREAS, the City's adopted comprehensive plan contains a transportation element which provides for multi-modal transportation facilities and strategic transportation planning to ensure safe and accessible transportation network; and

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

WHEREAS, the purpose of this ordinance is to promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development while minimizing transportation-related fuel consumption and air pollution within the corporate limits of the City of Westlake, and

WHEREAS, pursuant to Section 316.006(2)(a) F.S., chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic; and

WHEREAS, pursuant to Section 339.175(1) F.S., such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate to ensure that the process is integrated with the statewide planning process, and

WHEREAS, pursuant to Section 334.046(1) F.S., the prevailing principles to be considered in planning and developing an integrated transportation system are to preserve the existing transportation infrastructure; enhance Florida's economic competitiveness; and improve travel choices to ensure mobility, and

WHEREAS, the City seeks to promote mobility in the short and long term to promote greater connectivity, access, and quality of life and recognizes shared mobility is essential to improve air quality, reduce motor vehicle traffic, and promote equitable and accessible systems of transportation; and

WHEREAS, the City Council finds it is in the public's interest to establish policies and procedures to improve mobility options while protecting health, safety, and general welfare of individuals and the community at large.

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

CHAPTER 7: MOBILITY

Section 1. Incorporation. The above recitals are confirmed, adopted and are incorporated herein by reference.

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

Chapter 7 Mobility

ARTICLE 7.1 PURPOSE AND INTENT. The purpose and intent of this chapter is to implement the goals, objectives, and policies of the Comprehensive Plan to ensure mobility is maintained within the City. This Article will include procedures for the City to administer the County-wide Traffic Performance Standards (TPS) for motorized vehicles, as they apply.

ARTICLE 7.2 APPLICABILITY

Section 1: General. This Chapter 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 this Chapter. Traffic Mobility Standards in this Chapter only apply to the roads and intersections that are located within the City and identified on Comprehensive Plan TE Map 3.5.

Section 2: Exemptions, Existing Development Orders.

- (A) This Chapter shall not apply to City-initiated changes to the Future Land Use Map or Official Zoning Map.
- (B) This Chapter shall not apply to City-sponsored or co-sponsored special/community events.
- (C) This Chapter 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 Chapter.
- (D) Development orders and/or traffic concurrency approvals issued prior to incorporation are deemed to be consistent with the provisions of this Chapter. 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:
 - (a) 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.
 - (b) The statement shall demonstrate that the Net PM Peak Hour Two-Way trips are less than or equivalent to the previously-approved project.
 - (c) 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.
 - (d) Project driveways providing ingress and egress shall also be evaluated.

ARTICLE 7.3 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 Chapter and the County-wide

CHAPTER 7: MOBILITY

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 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 7.2(2)(D)(b) 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 Chapter 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 is required to demonstrate compliance with this Chapter. 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:
- (a) Generally, the morning peak hours between 6:00 AM and 9:00 AM and afternoon peak hours between 4:00 PM 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.
 - (b) 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 approved 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:
- (a) Existing two-way and directional peak season peak hour traffic counts, counted by FDOT, 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:
 - (i) 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.
 - (ii) 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.
 - (iii) All data is subject to review and acceptance by the City Engineer.
 - (b) Traffic generated by the project shall be computed in the following manner:
 - (i) For project trip generation, the rates or equations published by the County shall be used. If the proposed land use is not listed in the PBC Traffic Engineering website Trip Generation tables, then the latest available Trip Generation Manual published by the Institute of Transportation Engineers (ITE) shall be used. Alternative rates may be approved by the City Engineer based on acceptable standards to provide a more accurate means to evaluate the rates of generation

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or if documentation is supplied by the applicant which affirmatively demonstrates more accurate generation rates.

- (ii) The 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.
 - (iii) 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.
 - (iv) 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.
 - (v) 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 Palm Beach County's trip generation rates table or the ITE manual, when approved by the City Engineer. The Traffic Study must detail:
 - 1. All traffic generated from the project.
 - 2. The number of pass-by trips subtracted from the traffic generated by the project during the Buildout Period of the project.
 - 3. Uses other than those listed in Palm Beach County's trip generation rates table, and any percentage credit proposed, shall be justified based upon the peculiar characteristics and location of the proposed project and accepted by the City Engineer.
 - 4. 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.
- (c) 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.

ARTICLE 7.4 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

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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 recently 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 peak direction on the link shall be compared to applicable thresholds in Table 7-3 (LOS D link service volumes) 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	Intersection Type	HCM Operational Analysis
D	Signalized	35.0 to 55.0 Seconds of Delay
D	Unsignalized	25.0 to 35.0 Seconds of Delay (all minor movements of Rank 2 or higher)

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Table 7-3: LOS D Peak Hour Directional Volumes

Facility Type (by direction)		Peak Hour Directional	
		Class I	Class II
2-lane undivided	(1-lane)	792	675
4-lane divided	(2-lane)	1,800	1,467
6-lane divided	(3-lane)	2,718	2,268

Notes:

Based on the 2020 FDOT Quality/Level of Service Handbook

Class I: Non-state arterials with posted speeds of 40 mph or higher

Class II: Non-state arterials with posted speed of 35 mph or lower

See instructions below for Median, Turn Lane, and One-way Facility Adjustments

Median & Turn Lane Adjustments

Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors
1	Divided	Yes	No	+5%
1	Undivided	No	No	-20%
Multi	Undivided	Yes	No	-5%
Multi	Undivided	No	No	-25%
–	–	–	Yes	+ 5%

One-Way Facility Adjustment

Multiply the corresponding directional volumes in this table by 1.2

CHAPTER 7: MOBILITY

ARTICLE 7.5 SITE-RELATED IMPROVEMENTS

Section 1: *Peak Hour Volumes.* All peak hour turning movements (including pass-by trips) shall be shown and analyzed for all points where the Project's traffic meets the public roads.

Section 2: *Required Site-Related Improvements.* The City Engineer may require applicant to provide required site-related improvements, pursuant to the standards below:

- (A) Signalization. Signalization may be required when warranted per Manual on Uniform Traffic Control Devices standards;
- (B) Exclusive Turn Lanes.
 - (1) Exclusive left turn lane may be required so that the impacted lane group would maintain the adopted level-of-service D and/or the safety issue may be mitigated by said left-turn lane.
 - (2) Exclusive right turn lane may be required under the following traffic conditions:
 - (a) 2-lane roadways with posted speed of 45 mph or less with 80 or more right-turning vehicles per hour
 - (b) multi-lane roadways with posted speed of 45 mph or less carrying more than 600 vehicles per lane per hour with 80 or more right-turning vehicles per hour
 - (c) multi-lane roadways with posted speed of 45 mph or less with 125 or more right-turning vehicles per hour
 - (d) 2-lane roadways with posted speed more than 45 mph with 35 or more right-turning vehicles per hour
 - (e) multi-lane roadways with posted speed more than 45 mph with 55 or more right-turning vehicles per hour
 - (f) where safety issues may be mitigated by said right-turn lane
- (C) Other improvements, including roundabouts, all-way stops, or other measures. The City Engineer may require other site-related improvements to ensure the safe and orderly flow of traffic.

Section 3: *Construction.* Required site-related improvements shall be provided at the sole expense of the applicant.

ARTICLE 7.6 MOBILITY FEE

Within eighteen (18) months of the adoption of this ordinance, the City shall undertake a mobility fee study consistent with the requirements of Florida Statutes for the purpose of considering establishing a mobility fee to be applied to new development to ensure that the City's level of service standards are maintained by addressing impacts to the City's local roads and mobility infrastructure, including parking, shared use paths, public transportation, bicycle lanes, and sidewalks.

CHAPTER 7: MOBILITY

Section 3 Severability. Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

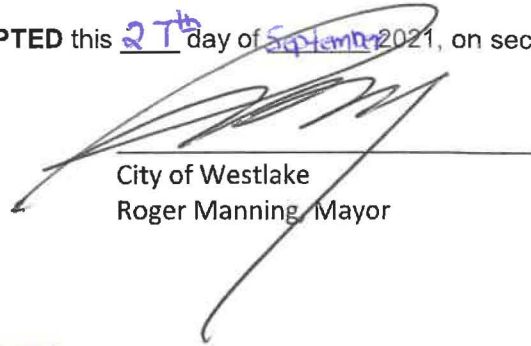
Section 4. Codification. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Westlake, Florida, and the sections of this ordinance may be re-numbered or re-lettered to accomplish such intentions, and the word 'ordinance' shall be changed to "section" or other appropriate word.

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

PASSED this 13th day of Sept. 2021, on first reading.

PUBLISHED this 17th day of Sept. 2021, in the Palm Beach Post.

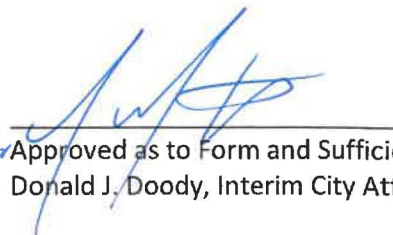
PASSED AND ADOPTED this 27th day of September 2021, on second reading.



City of Westlake
Roger Manning, Mayor



Zoie P. Burgess, City Clerk



Approved as to Form and Sufficiency
Donald J. Doody, Interim City Attorney

1st Reading: September 13, 2021

2nd Reading: September 27, 2021

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ESTABLISHING REGULATIONS FOR PARKING WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESIDENTIAL AND COMMERCIAL PROPERTY PARKING STANDARDS; ALL OF WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED "PARKING REGULATIONS", PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about May 3, 2018, the Florida Department of Economic Opportunity provided the City with notice of intent to find the City's initial comprehensive plan in compliance and is now the effective and controlling Comprehensive Plan for the City of Westlake (Comprehensive Plan); and

Whereas, the purpose and intent of the off-street parking and loading standards in the City of Westlake Land Development Regulations is to ensure that adequate parking is provided to meet the parking needs of all uses located within the City of Westlake; and

Whereas, the parking code provides standards and requirements for parking both on-site and off-site, loading requirements and stacking requirements for parking facilities based upon the density and intensity of residential and non-residential use; and

Whereas, the parking code provides requirements for pedestrian circulation, lighting standards within parking lots, and standards for reduced and shared parking requirements for new or expanded uses; and

Whereas, the parking code does not regulate every form and instance of parking which may occur within the jurisdictional limits for the City of Westlake, rather they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes contained herein; and

Whereas, if any provision of this parking regulations code is found by a court of competent jurisdiction to be invalid, such finding will not affect the validity of the other provisions of the parking regulations ordinance, which can be given effect without the invalid provision; and

Whereas, the Local Planning Agency has conducted a hearing on TBD, and made a recommendation to the City Council with respect to the adoption of the parking regulations ordinance; and

Whereas, the City Council has conducted a public hearing on TBD, wherein it considered the recommendation of the Local Planning Agency Board, the City staff and comments from the public into consideration and has determined that the adoption of this parking regulations ordinance is in the best interest of the public safety and welfare of the City of Westlake; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE CITY OF WESTLAKE,

FLORIDA, as follows:

Section 1: **Incorporation.** The above recitals are confirmed, adopted and are incorporated herein by reference.

Section 2: **Parking Regulations.** The code of ordinances for the City of Westlake shall contain a chapter entitled "**Parking Regulations**" which code shall contain the provisions as specifically set forth herein.

CHAPTER 8 PARKING REGULATIONS

Article 8.1 INTENT

Section 1: **Intent.** This Chapter is intended to ensure that adequate parking is provided to meet the parking needs of all uses located within the City. All parking areas shall be designed and located for the following purposes:

- A) To serve the use for which constructed; and
- B) To protect the public safety; and
- C) To mitigate potential adverse traffic and parking impacts on adjacent uses.

ARTICLE 8.2 APPLICABILITY OF CHAPTER

Section 1: **Applicability.** The requirements of this Chapter shall apply to all development, including new structures, alterations or improvements to existing structures, establishment of new uses, or change of use. Off-street parking shall be available for use prior to the issuance of any certificate of occupancy or occupational license.

Section 2: **Expansion.** If an existing building, structure, or use that conforms to the off-street parking requirements is expanded, the area of expansion shall be consistent with requirements of this chapter, including off-street parking and landscaping.

Section 3: **Change in use.** Whenever a change of use or occupancy occurs and does not involve expansion of an existing building, the new use or occupancy shall meet the off-street parking requirements of this chapter.

Section 4: **Nonconformities.** Whenever an expansion occurs to a building or structure that is not in conformance with the off-street parking requirements established in this chapter, the area of expansion shall be consistent with requirements of this chapter, including off-street parking **and landscaping.**

Section 5: **Calculations.** Calculations shall be rounded to the nearest whole number.

Section 6: **Handicapped Parking.** These regulations hereby incorporate by reference all applicable provisions of Chapter 553, Part II, Accessibility by Handicapped Persons, Florida Statutes, as they apply to parking requirements and which incorporate the federal Americans with Disabilities Act Standards for Accessible Design. These requirements control over any other regulation in this code that may be in conflict.

ARTICLE 8.3 RESTRICTIONS ON PARKING

Section 1. **General Use Restriction of Parking Areas.** Required parking spaces shall not be used for the storage, sale or display of goods or materials or for the sale, repair, or servicing of vehicles unless specifically exempted or permitted as indicated in this section.

Section 2. **Operable Vehicles.** All vehicles parked within off-street parking areas shall be registered and capable of moving under their own power.

Section 3. C) Repairs and Maintenance. Minor repairs and motor vehicle maintenance on personal vehicles may be conducted in residential driveways. Other repairs of personal vehicles may be made within enclosed garages. Use of residential property to repair vehicles as a commercial transaction is prohibited.

Section 4. Electric vehicle charging stations. Electric vehicle charging stations are allowed in all multi-family residential and non-residential areas.

Section 5. Portable Storage Units. Parking and storage of portable storage units in residential areas or on residential lots.

(1) **Time limitation.** The temporary use and placement of a portable storage unit for the loading or unloading of items to or from the unit or residence is permitted on residential property for a period not to exceed fourteen (14) consecutive days. The planning and zoning director or designee may grant one (1) extension not to exceed fourteen (14) additional consecutive days for good cause. The temporary use and placement of a portable storage unit for the loading and unloading of items to or from a unit or residence is permitted only once per any twelve- (12-) month period unless there is a change of ownership of the residential premises during such twelve- (12-) month period.

(2) **Placement.** The placement of the portable storage unit shall be on either the driveway or approved parking area surface and shall be accomplished in such a manner that no landscaping is damaged as a result. Portable storage units shall not be placed within any right-of-way or over any easement.

(3) **Removal of portable storage units during tropical storm watch or warning and hurricane warning or watch required.** In the event the National Weather Service, National Hurricane Center, or appropriate weather agency declares a tropical storm watch or warning or a hurricane watch or warning that would impact the City of Westlake, all portable storage units located within the city shall be immediately removed from the property so as not to create a safety hazard because of hurricane or tropical storm force winds. The removal and replacement of any portable storage unit pursuant to this subsection shall not count toward the twelve- (12-) month limitation period as set forth in subsection (1) above nor shall compliance with this subsection diminish the total number of days allowed.

Section 6. Commercial Vehicles in Residential Areas. Commercial vehicles shall not be parked, stored, or repaired in a residential subdivision, in guest parking, or on a residential lot unless subject to one of the following exceptions:

(1) **Construction sites.** Vehicles parked temporarily at a site undergoing construction, for which a current and valid building permit has been issued by the City. The vehicle may remain at the construction site only as long as necessary. However, under no circumstances shall the vehicle remain after completion of the construction or expiration of the building permit, whichever occurs first.

(2) **Sales office use.** The use of a vehicle as a sales office on an approved development site, subject to all provisions of this subdivision pertaining to such use.

(3) **Security.** The use of a vehicle for security, subject to all provisions of this subdivision pertaining to such use.

(4) **Deliveries and service calls.** The use of a vehicle for deliveries, service calls, and other related trade services, provided such use is limited to the reasonable time necessary to complete a delivery or service.

(5) **Disabled vehicles.** A vehicle which becomes disabled and, as a result of such status, cannot reasonably comply with this subdivision. Such vehicle shall be removed from the residential district within 48 hours of the disabling incident, regardless of the nature of the disabling incident.

(6) **Public safety.** A vehicle which is owned, maintained, or operated by an agency of government for the purpose of public safety.

(7) **Enclosed parking.** A vehicle which is parked or stored in a fully-enclosed garage facility.

Section 7. Recreational Vehicles and Watercraft

(1) **Storage.** Recreational vehicles and watercraft shall be stored in a fully-enclosed garage facility.

(2) **Loading and unloading.** An RV or watercraft may be permitted in the front yard of a lot for one 24-hour period to permit loading or unloading. This period may be extended by the Planning and Zoning Director.

(3) **Residential use prohibited.** Under no circumstances shall an RV or watercraft, parked or stored pursuant to this subdivision, be used for temporary or permanent residential purposes, including living, sleeping, or other similar occupancy, or storage in any manner.

(4) **Watercraft and trailers.** For the purposes of this subdivision, when a watercraft is parked, stored, or resting on a trailer or similar device used or intended for storage or transportation, the watercraft and the trailer shall be considered a single unit and subject to the regulations and restrictions applicable to a watercraft.

ARTICLE 8.4 Provision of adequate parking. The owner, developer, or operator of a specific use shall be responsible to provide and maintain adequate off-street parking to meet the specific characteristics of a use or combination of uses located on a site or property.

ARTICLE 8.5 LOCATION OF REQUIRED PARKING

Section 1: General Location. All off-street parking shall be located on or near the same lot or parcel as the use for which the parking is provided in order to provide convenient and safe access to the uses served by such facilities.

Section 2: Off-site Location. Parking located off of the same lot or parcel as the use for which the parking is provided is allowed only if the provision of such parking and access will be available and guaranteed via ownership, lease, or other legally binding mechanism in a recordable form acceptable to the City Attorney. The off-site parking shall remain in place until said legally binding document is released by the City. Off-Site parking may be conditionally allowed only for non-residential uses with the approval by City Council. The City Council will evaluate the on-site parking provided along with a parking study completed by a licensed professional engineer to justify the proposed for parking solution(s). Off-site parking must be located within eight hundred (800) feet of the applicant's project site. This distance shall be measured from property line to property line. Off-site parking may not be located adjacent to or within a single-family residential area.

Section 3: Residential Driveways. Driveways are required for single family detached dwellings, and are considered off-street parking spaces for single-family dwellings. However, the length and width of the driveway must provide sufficient space to comply with the requirements of this chapter.

For single family attached dwellings, if driveways are not provided. off-street, on-street, or other alternative parking shall be provided within 360 feet of the single family attached dwelling unit in order to meet parking requirements.

Section 4: **Building setbacks.** Parking of vehicles in any front, side, or rear building setback or landscape buffer, except on driveways, other designated parking areas and other approved surfaces, is prohibited unless allowed as temporary parking as defined below.

Section 5: **Temporary Residential Yard Parking.** Temporary parking of vehicles in a yard is permitted for social or other events held at a residence, provided such parking shall not exceed eight hours in a 24-hour period. Temporary parking in a yard due to renovation or repair of a driveway or residence is permitted for the duration of the construction of the improvements.

ARTICLE 8.6 DIMENSIONS OF PARKING SPACES

Section 1: The dimensions and geometrics of off-street parking areas shall conform to the following minimum standards.

A) Residential.

(1) **Individual Parking Space.** Each parking space for dwelling units that do not share a common parking lot, including spaces provided in single-family dwelling unit driveways, shall be a minimum of eight and one half (8'6") feet wide and twenty (20) feet long. Parking spaces may be side to side, end to end or not contiguous to each other.

(2) **Common Parking Lots.** For dwelling units that share a common parking lot, parking spaces and aisles shall be subject to Table 8-1, Minimum Parking Dimensions.

B) Nonresidential.

(1) All nonresidential uses shall provide parking spaces that comply with Table 8-1, Minimum Parking Dimensions. Use of parking angles not listed in the Table shall use dimensions based on linear interpolation.

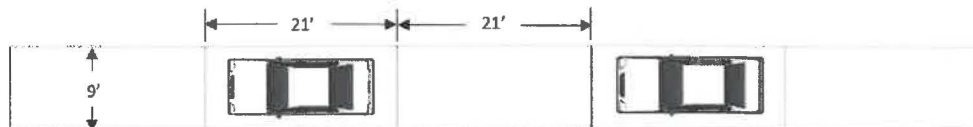
Section 2: **Parking along road or drive aisle.**

A) On-road parking requirement. On-road parking may only be provided on roads with curbing and shall not encroach upon required spaces for motor vehicle or bicycle lanes and shall not conflict with other code requirements.

B) On-road parking options. On-road parking may be parallel or angled on local roads.

(1) Parallel Parking. On-road parking must be parallel on collector or higher function roads. Parallel parking spaces shall have a minimum length of twenty-one (21) feet and a minimum width of nine (9) feet. Parallel parking spaces on local residential roads may have a reduced width of eight (8) feet.

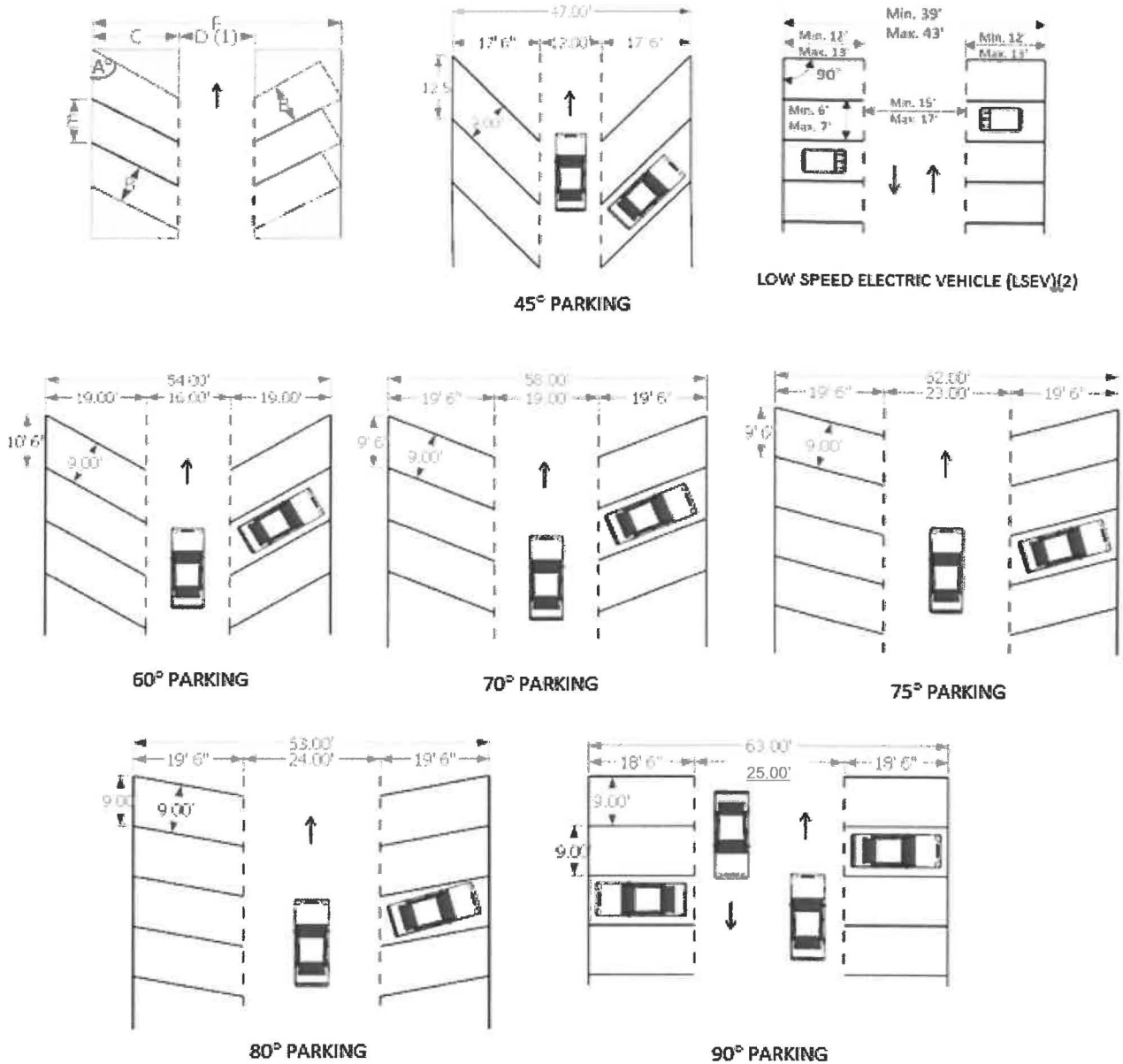
Graphic 8-1



(2) Angled parking. Angled parking is allowed along local roads and shall meet the

dimensional requirements of Table 8-1 when applicable. Back-in angle parking may be used for on-street parking on local roads.

Graphic 8-2



Key					
A	Parking Angle	C	Space Depth	E	Curb Length
B	Space Width	D	Aisle Width (1)	F	Wall to Wall Width
Notes:					
1. All angled parking with two-way traffic movement shall be a minimum of 24 feet wide except for some parking lots with 90-degree parking spaces, or unless stated otherwise herein.					
2. While drive aisles in LSEV parking areas are not intended solely for use by LSEV, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard sized vehicles.					

TABLE 8-1: MINIMUM PARKING DIMENSIONS FOR NONRESIDENTIAL USES AND RESIDENTIAL USES WITH SHARED PARKING LOTS

A Angle	Use (1)	B Space Width (feet)	C Space Depth (feet)	D Aisle Width (feet)	E Curb Length (feet)	F Module Width (feet)
45	General	9.0	17.5	12.0	12.5	47.0
	Retail	9.5	17.5	12.0	13.5	47.0
	Handicapped	12.0	17.5	12.0	17.0	47.0
60	General	9.0	19.0	16.0	10.5	54.0
	Retail	9.5	19.0	15.0	11.0	53.0
	Handicapped	12.0	19.0	14.0	14.0	52.0
70	General	9.0	19.5	19.0	9.5	58.0
	Retail	9.5	19.5	18.0	10.0	57.0
	Handicapped	12.0	19.5	17.0	12.5	56.0
75	General	9.0	19.5	23.0	9.5	62.0
	Retail	9.5	19.5	22.0	10.0	61.0
	Handicapped	12.0	19.5	21.0	12.5	60.0
80	General	9.0	19.5	24.0	9.0	63.0
	Retail	9.5	19.5	23.0	9.5	62.0
	Handicapped	12.0	19.5	22.0	12.0	61.0
90	General	9.0	18.5	25.0	9.0	63.0
	Retail	9.0	18.5	25.0	9.5	62.0
	Handicapped	12.0	18.5	25.0	12.0	61.0
90	Low Speed Electric Vehicle (LSEV)	Min. 6.0 <u>Max. 7.0</u>	Min. 12.0 <u>Max. 13.0</u>	Min. 15.0(2) <u>Max. 17.0(2)</u>	Min. 6.0 <u>Max. 7.0</u>	Min. 39.0(2) <u>Max. 43.0(2)</u>
<u>90</u>	<u>Motorcycle</u>	<u>4.0</u>	<u>9.0</u>	<u>15.0(2)</u>	<u>6.0</u>	<u>39.0(2)</u>

(1) The term "general" applies to parking spaces designated to serve all commercial uses except retail and residential uses with shared parking lots. Spaces reserved for use by disabled persons shall be governed by the rows labeled "handicap." Handicapped dimensions are intended to meet or exceed the requirements of Ch. 553, Part II, F.S., however Ch. 553, Part 11, F.S. controls if more restrictive.

(2) Where drive aisles in LSEV or motorcycle parking areas are not intended solely for use by LSEV or motorcycle, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard sized vehicles.

(3) Angled parking with two-way traffic movement shall be a minimum of 24 feet wide except for some parking lots with 90- degree parking stalls, or unless stated otherwise herein.

(4) Parking spaces using geometric standards other than those specified may be considered and approved by the City Engineer if the alternative standards are developed and sealed by a professional engineer licensed in Florida with expertise in parking facility design, demonstrating an equivalent degree of safety and convenience.

[\(5\) LSEV is defined below.](#)

ARTICLE 8.7 PARKING LOT FEATURES

Section 1: Circulation Plan

- A) **Coordinated Circulation Plan.** There shall be safe, adequate, and convenient arrangement of off-street parking, queuing spaces, loading spaces, and drive aisles in coordination with pedestrian pathways, bikeways, roads, driveways, access points, landscaping, open space, and adjacent buildings.

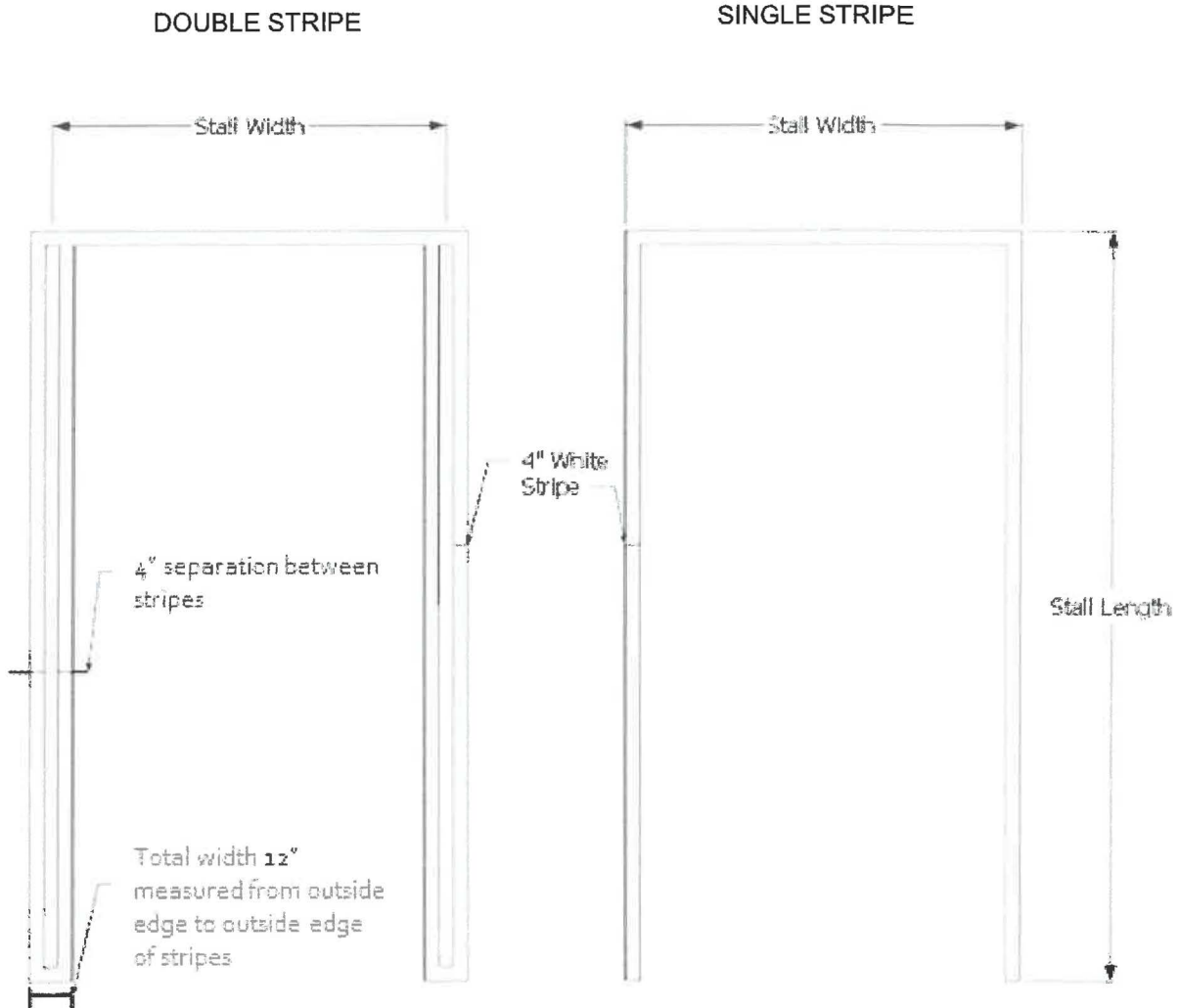
Section 2: Vehicle Encroachment Barriers

- A) **General.** Parking areas shall provide curbing, bollards, wheel stops, elevated pathways, additional spacing, or other methods to deter vehicles from damaging walls, structures, poles, columns, signage, fences, outdoor furniture, or other facilities or equipment (e.g., bike racks, shopping cart corrals, electrical/communication/drainage devices, etc.) or encroach upon pedestrian pathways, sidewalks, shared use paths, or required landscaping.
- B) **Bollards.** Bollards are encouraged to protect areas of concentrated pedestrian traffic and otherwise limit encroachment onto pedestrian pathways. Bollards shall not be less than three (3) feet high and shall be marked or colored to enhance visibility.
- C) **Wheel stops.** Wheel stops are suitable against walls or other boundary conditions where pedestrians cannot travel. The use of wheel stops to deter vehicle encroachment upon pedestrian pathways should be avoided when practicable. Wheel stops shall not exceed six (6) inches in height.
- D) **Curbing.** Curbing shall not exceed six (6) inches in height.
- E) **Placement.** Wheel stops and bollards shall be placed two and one-half (2.5) feet back from walls, structures, poles, columns, signage, fences, outdoor furniture, or other facilities or equipment, pedestrian pathways, sidewalks, shared use paths, and required landscaping. Continuous curbing shall not be placed within the tree drip line of landscaped areas that include trees. Curb placement, additional spacing, or other methods shall ensure that vehicle overhang does not encroach upon required pedestrian pathways, sidewalks, shared use paths, or required landscaping.
- F) **Pedestrian safety.** The use of wheel stops to protect pedestrian pathways shall minimize pedestrian vulnerability to slipping, tripping, or falling due to the use of wheel stops in areas where pedestrians (including those entering and exiting motor vehicles) may walk to access pedestrian pathways.
 - (1) The wheel stops shall be clearly visible by coloration which contrasts with the surroundings and by adequate lighting.
 - (2) When used in parking stalls, wheel stops shall be no longer than six (6) feet and shall be centered within the width of the stall such that the ends of the wheel stops are no closer than eight (8) inches from the inner edge of the painted perimeter striping in order to provide for an adequate spacing between adjacent wheel stops where pedestrians can safely walk.
 - (3) Wheel stops shall not be placed within pedestrian pathways.
 - (4) Wheel stops must be permanently secured to the pavement or ground and maintained in good condition. Any damage to wheel stops, including protruding anchors, shall be repaired promptly.
- G) **Handicapped Accessibility.** Notwithstanding these local provisions, statutory provisions for use of vehicle encroachment barriers, such as wheel stops, or curbing are required.

Section 3: Pavement Marking/Striping/Signage

- A) Parking lots containing spaces for three or more vehicles shall delineate each space by single or double stripes on each side of the space. All stripes shall be delineated in white paint, thermal plastic coating, or pavers, except for handicapped spaces. The width of the delineated stripe shall be four (4") inches. Double striping separation from inside edge of stripe to inside edge of stripe shall be no less than eight (8") inches and no more than sixteen (16") inches. The effective width of the double stripes shall range from sixteen (16") inches to twenty-four (24") inches, measured from outside edge of stripe to outside edge of stripe.

Graphic 8-3



A) Striping of handicapped spaces shall meet the requirements of Chapter 553, Part II, F.S.

~~A) Each Electric Vehicle (EV) space shall be marked by a sign designating the parking space as an EV parking space, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal Highway Administration. Vehicles that are not capable of using the Electrical Vehicle~~

Charging Station are prohibited from parking in this space. EV spaces shall be painted green or shall be marked by green painted lines or curbs.

Section 4: Maintenance.

- A) All parking lots shall be maintained in safe condition to prevent any hazards, such as cracked asphalt or potholes.
- B) Sealcoating shall be used only for preventative maintenance and shall not be permitted for pavement structural repairs or cracks.
- C) Pavement markings shall be clearly visible.
- D) Off-street parking facilities and parking facilities for all residential uses shall be free of weeds, dust, trash, and debris. Drainage systems for off-street parking facilities shall be maintained in a manner acceptable to the City Engineer.

Section 5: Shell Rock

- A) The uses listed below may construct surface parking lots with shell-rock or similar material approved by the City Engineer. Parking areas connected to a public road, shall be paved.
 - (1) Agricultural uses requiring less than 20 spaces.
 - (2) Communication towers.
 - (3) Accessory uses to a bona fide agricultural use, such as farm workers quarters.
 - (4) Nurseries.

Section 6: Access

- A) Ingress and egress shall be located to present the least interference with traffic and the least nuisance on any adjacent road. The location, size and number of entrances and exits shall be subject to approval by the City Engineer.
- B) Each parking space shall have appropriate access to a road or alley. Legally platted lots that accommodate one or two units shall be allowed backward egress from a driveway onto a road. In all other cases, maneuvering and access aisle area shall be sufficient to permit vehicles to enter and leave the parking lot in a forward motion.
- C) Access ways, except those associated with a single-family residential driveway, shall be subject to the following dimensional standards in Table 8-2.

TABLE 8-2: DIMENSIONS OF ACCESS WAYS

Minimum Width at Street	Feet (1)
One-Way	20
Two-way with median	40 ⁽²⁾
Two-way without median	25
Right Turn Radius (3)	
Minimum	25
Maximum	30

Notes:

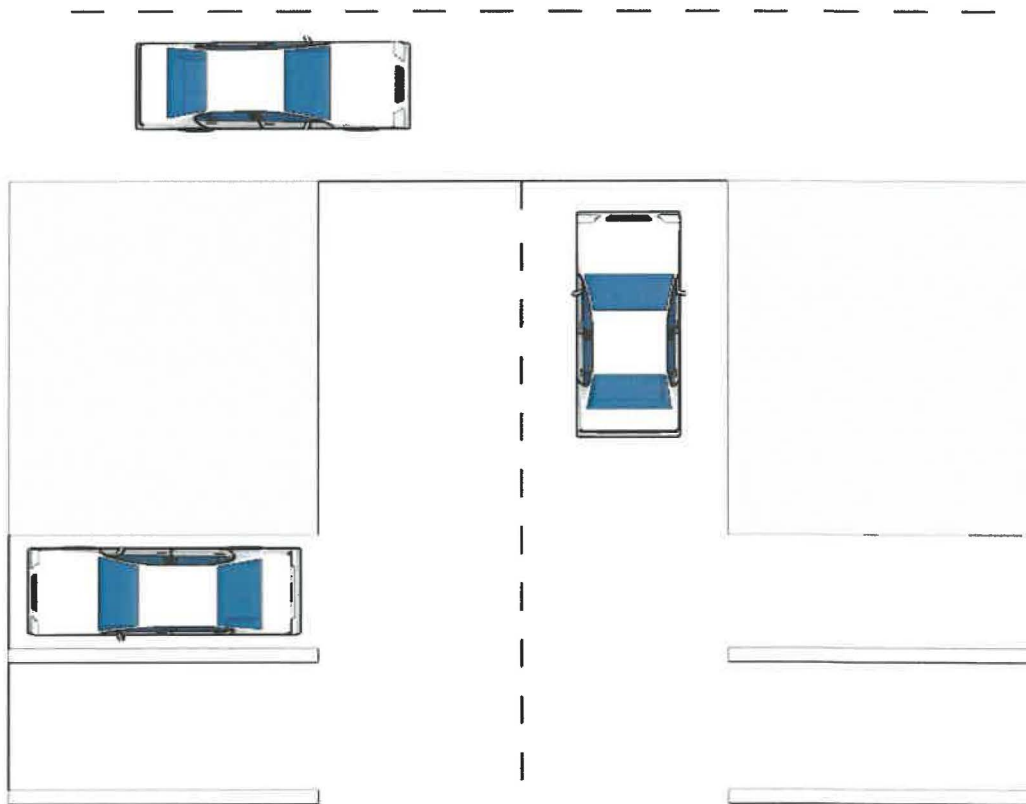
1. Widths exceeding these standards may be approved by the Planning Director or the City Engineer, depending on the use.

2. Width excludes median. 20-foot unobstructed pavement required on both sides of median, excluding guardhouses and landscape islands.

3. Measured on side of driveway exposed to entry or exit by right turning vehicles.

A) **Entrance Queue.** In a parking lot a minimum queuing distance of 25 feet is required between the property line or lot line at the point of access and the first parking space, unless otherwise specified in Minimum Queuing Standards.

Graphic 8-4



B) Queuing and By-Pass Standards for Drive-Through Establishments

(1) **Queuing shall be provided for all drive-through establishments.** Each queuing space shall be a minimum of ten feet (10') by twenty (20') feet, clearly defined and designed so as not to conflict or interfere with other traffic using the site. The dimensions for the point of service space may be reduced to nine (9') feet by twenty (20') ~~feet~~ feet. Unless otherwise indicated below, queuing shall be measured from the front of the stopped vehicle located at the point of service ~~to the~~ to the rear of the queuing lane. One additional queuing space shall also be provided after the point of service for all uses.

(2) **A by-pass lane a minimum of ten feet wide shall be provided before or around the point of service.** Subject to the Planning and Zoning Director's approval, a by-pass lane may not be required if the queuing lane is adjacent to a vehicular use area which functions as a by-pass lane. The by-pass lane shall be clearly designated and distinct from the queuing area.

(3) **Number of Queuing Spaces.** The number of queuing spaces is based on the type of use. The number of required spaces may be allocated to one or more drive-through lanes. The required number of queuing spaces is provided in Table 8-3.

TABLE 8-3: MINIMUM DRIVE-THROUGH QUEUING STANDARDS

Use	Number of Spaces (1)	Required By-pass (2)
Drive-through Financial Institution		
Teller Lanes	3	Yes
Automatic Teller Machine Lanes	2	No
Drive-through Restaurant	7 (3)	Yes
Minimum before Menu Board	4 (3)	Yes
High Intensity Drive Through	12 (3)	Yes
Drive-through Car Wash		
Automatic	5	No
Self-Service	3	Yes
Drive-through Oil Change	4	Yes
Gasoline Pump Island	1 queue at each end of pump island.	No
Drive-through Dry Cleaning or Laundry	3	Yes
Drive-through General Retail	4	Yes

Commercial Parking Lot	3	No
<p>Notes:</p> <p>1. The space accommodating the vehicle being serviced shall be counted as one of the minimum number of spaces. Also, a maximum of 20<u>5</u>% of the required spaces may count toward the off-street parking space minimums.</p> <p>2. All Uses: a by-pass lane shall be required if more than 5 queuing spaces are provided.</p> <p><u>3. Up to two (2) reserved spaces after the menu board and adjacent to, or in the vicinity of, the drive-through lane(s) and can be easily accessed from drive-through lane(s) can be credited towards the queuing requirement. These spaces shall be clearly marked as "reserve for drive-through only" and shall not be credited towards the total number of required parking spaces.</u></p>		

Section 7: Valet Parking: Any use may utilize valet parking, subject to the following criteria: Valet parking area must be clear of fire lanes and Americans with Disabilities Act accessible parking spaces and/or accessible ramps.

- A) Valet parking for restaurants and within retail commercial shopping centers shall not utilize more than twenty (20%) percent of the on-site parking provided for the project.
- B) The area of the valet parking shall be clear of driveways, drive aisles, and shall not modify the approved access circulation, unless otherwise approved by the City.
- C) Parking spaces reserved for valet parking shall be located in the portion of the parking lot farthest from the principal structure.
- D) A request to establish valet parking shall include:
 - (1) The location of the valet booth/drop-off area;
 - (2) The location and number of parking spaces to be utilized for valet parking;
 - (3) Consent of the property owner;
 - (4) The hours of operation; and
 - (5) Location and dimensions of any signage associated with the valet parking service.

Section 8: Loading

- A) Off-street loading facilities shall be provided and maintained in the amount required in this section. These requirements may be waived or lessened in whole or part by the Planning and Zoning Director upon recommendation of the City Engineer. Any request for a waiver allowing a reduction in the number of loading spaces, size of loading area, shared use of loading facilities or other terms of this section shall require an applicant to submit a "justification statement" from a licensed professional engineer, professional landscape architect, certified planner, or other appropriate professional including the following as applicable:
 - (1) The need for the reduction and how the site functionality will be maintained;
 - (2) A conceptual layout showing vehicle paths;
 - (3) Parking reduction analysis; and
 - (4) Loading demand analysis.
 - (5) An analysis of location which does not impede traffic safety and circulation.

- B) **Minimum dimensions.** Off-street loading spaces shall comply with the minimum dimensions indicated below.
- (1) **Overhead clearance:** 15 feet.
 - (2) **Minimum width:** 12 feet.
 - (3) **Minimum length:** 35 feet long, exclusive of access or maneuvering areas, platforms and other appurtenances.
 - (4) **Maneuvering apron.** A maneuvering apron, a minimum of twelve (12') feet wide and thirty-five (35') feet long, shall be provided directly behind the loading space intended to serve, or as otherwise may be approved by the city.
- C) **Location.** Except as provided in Shared use of loading facilities, off-street loading facilities shall be located on the same property which they serve.
- (1) **Residential development.** Off-street loading facilities shall not be located within one hundred (100') feet of a single family residential developed area.
 - (2) **Enclosure.** The city may require off-street loading facilities to be enclosed, screened, or buffered to minimize visual impacts, noise, or other off-site impacts on adjacent property owners.
 - (3) **Refrigerated trucks.** Refrigerated trucks, and other trucks which require compressors, engines, refrigeration equipment, and similar equipment to be continuously or periodically operational shall not park within two hundred-fifty (250') feet of any single family residential developed area during the hours of 7:00 p.m. to 7:00 a.m. on weekdays, and 7:00 p.m. to 9:00 a.m. on Saturday and Sunday.
 - (4) **Location:** The location of the loading facility can not impede traffic safety and circulation.
- D) **Circulation.**
- (1) Access and maneuvering areas, ramps, and other vehicular circulation areas associated with such facilities shall not be located on a public or private road right-of-way.
 - (2) **Entrances and exits.** Entrances and exits to the facility shall be located so as to minimize traffic congestion or prevent vehicles from backing from the street into the facility. Roads, alleys, or other public rights-of-way shall not be considered part of an off-street loading facility.
 - (3) All vehicular circulation shall be so arranged that the vehicles are not required to back from the road into the facility nor required to back from the facility into a road or other public-right-of way.
 - (4) In areas where access drives to off-street loading facilities occur in conjunction with off-street parking facilities that provide parking at road level for more than six hundred (600) cars, separate circulation routes within such facilities shall be maintained.
- E) **Required Features.**
- (1) **Maintenance.** Off-street loading facilities shall be maintained in good condition, free of weeds, dust, trash, and debris.
 - (2) **Lighting.** Lighting facilities shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic on adjoining roads.
 - (3) **Markings.** All off-street loading spaces shall be striped and clearly marked in a manner acceptable to the City Engineer.

F) **Number of loading spaces required.**

- (1) **Minimum requirements.** Off-street loading facilities shall comply with the requirements of Table 8-4 and shall be applicable to a building, group of buildings, or part thereof that includes commercial, industrial, office, or other non-residential uses requiring the frequent receipt or distribution by motor vehicles of materials or merchandise as determined by the Planning and Zoning Director. Notwithstanding the requirements provided herein, structures less than ten thousand (10,000) square feet may provide a loading space of a size and at such location as is consistent with the use of the structure.

Table 8-4: REQUIRED OFF-STREET LOADING SPACES

Size (Gross Square Feet)	Number of Spaces	
	Office	Commercial/Industrial <u>Non-Residential</u>
0 to 10,000	1	1
10,001 to 50,000	1	2
50,001 to 100,000	2	3
Each additional 100,000	0.5	1

Exceptions. Hotels shall provide loading spaces based upon the number of rooms. An application for development order approval for a hotel, or which includes a hotel, shall provide a study documenting the number of loading spaces to be provided.

G) Shared use of loading facilities.

- (1) **Establishment.** Two or more neighboring uses may establish common off-street loading facilities, subject to approval by the city council. The total number of common off-street loading spaces shall not be less than the number required for individual users, unless otherwise approved by the city council. Criteria for reduction in the total number of off-street loading spaces include the following:
 - (a) Times of usage of the truck loading facilities by the individual users;
 - (b) The location of the proposed common facilities; and
 - (c) The character of the merchandise involved.
- (2) **Other requirements.** In order to establish common off-street loading facilities, the standards listed below are applicable.
 - (a) **Consent.** Written consent, in a form acceptable to the City Attorney, is obtained from all affected property owners.
 - (b) **Written agreement.** All conditions relating to the use, location, construction, and maintenance of the common facilities will be provided in a form acceptable to the City Attorney.
 - (c) **Use of common facility.** All users and property owners participating in a common off-street truck loading facility shall agree, in a form acceptable to the City Attorney, that goods moved from the common facility shall not involve movement by truck, automobile, or other vehicle.

Section 9: Pedestrian Circulation

- A) **Pedestrian safety.** Pedestrian pathways shall be arranged so that pedestrians moving between buildings and through parking areas are not unnecessarily exposed to vehicular traffic.
- B) **Pedestrian convenience.** Pedestrian walkways shall connect the parking areas to building entrances and roadside sidewalks, including a continuous internal pedestrian walkway from each adjacent perimeter public sidewalk to customer entrances. Such pedestrian access way shall be a minimum of four (4') feet in width, clearly marked, well lighted, safely surfaced, and unobstructed.

- C) **Building sidewalks.** Where off-street parking spaces directly face the front of a structure and are not separated by an access aisle from the structure, a paved pedestrian walkway shall be provided between the front of the parking space and the structure. The walkway shall be a minimum of four (4') feet wide, exclusive of vehicle overhang, and shall be separated from the parking space by concrete wheel stops or continuous curbing.

Section 10: Alternative Parking Surfaces

A) **Grassed Parking Surface**

- (1) **Grass Parking:** A portion of the required parking spaces may be grass parking subject to the following:

- (a) A written statement that the area proposed for grass parking shall be used for parking on an average of no more than three (3) days or nights each week.
- (b) The City Engineer shall confirm that the grass parking area will perform adequately and be appropriately maintained.
- (c) The City Engineer shall require grass parking area to be replaced with paving materials if the area becomes unsafe or hazardous.

- (2) **Pervious Parking Surface**

- (a) **Pervious Parking Surface.** Pervious parking surfaces may be used to satisfy the paved parking requirements subject to the City Engineer's confirmation that the pervious surface will perform adequately, meet all other applicable code and regulatory requirements, and be appropriately maintained.

ARTICLE 8.8 PARKING GARAGES

Section 1: Parking Garages General. Parking garages may be used to provide all or a portion of the required parking. Parking garages shall comply with all standards with regard to space sizing, striping, signage, construction, design, and other relevant requirements in the land development regulations.

Section 2: Parking Garage Design Standards. The unobstructed distance between columns or walls measured at any point between the ends of the parking aisle shall be as indicated in Table 8-5, Minimum Floor Width.

TABLE 8-5: PARKING GARAGES: MINIMUM FLOOR WIDTH

Angle	Parking on Both Sides of Aisle	Parking on One Side of Aisle
90	60 feet one-or two-way aisle	43 feet one-or two-way aisle
75	59 feet one-way aisle (1)	40 feet one-way aisle
60	53 feet one-way aisle (1)	34 feet one-way aisle
Notes: 1. Requests for reductions of unobstructed distances will be considered if aisle and sight parking dimensions are met, and the columns are not located at the rear of the parking spaces nor interfere with the opening of doors.		

ARTICLE 8.9 Number of Parking Spaces Required

Section 1: General Provisions

- A) **Miscellaneous Uses.** For any use not listed in Table 8-6, Required Off-street Parking Spaces, the planning and zoning director shall determine off-street parking requirements based on uses with similar characteristics.
- B) **Required spaces.** The number of off-street parking spaces required for individual uses is established in Table 8-6. The standards established in this section provide the minimum vehicular parking requirements for the various uses as classified. As indicated in Table 8-6, the planning and zoning director may request additional information to demonstrate compliance with overall parking demand.
- C) **Mixed uses.** For mixed use projects approved by the city council with a specific percentage of individual uses, total off-street parking requirements shall be calculated based upon the requirements applicable to each individual use. For commercial shopping centers or other centers which may provide a variety of mixed uses, the parking requirements for a shopping center shall apply.
- D) **Parking Deviation(s).** Deviation(s) from the provisions of this Chapter may be permitted for government facilities within the Downtown Mixed Use and Civic Zoning Districts, subject to approval by the City Council utilizing the following standards:
 - (1) The proposed deviation(s) maintains compatibility with the uses and character of land surrounding and in the vicinity of the land proposed for development;
 - (2) Adverse effects on adjacent uses and lands, including but not limited to visual impact, are determined to be minimal or otherwise negligible upon review and consideration of surrounding lands, uses, zoning, Future Land Use (FLU), character, or other pre-existing conditions;
 - (3) Special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land proposed for development;

- (4) The proposed deviation(s) allows for reasonable or practical use of the land proposed for development;
- (5) Approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Comprehensive Plan and these Land Development Regulations; and,
- (6) Approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare.

E) Electric Vehicle Charging Stations. Each Electric Vehicle Charging Parking Space (EVCPS) shall be marked by a sign designating the parking space as an EVCPS parking space, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal Highway Administration for electric vehicles.

- (1) For multi-family residential developments, Electric Vehicle Charging Parking Space(s) (EVCPS) are permitted by right.
- (2) Non-residential developments shall have a minimum of one (1) space or 2% of the total required parking spaces (whichever is greater) designated as EVCPS, up to a maximum of 20 spaces or up to 10% of the total required parking spaces (whichever is greater).
- (3) -In order to qualify as an EVCPS, the parking space must have a Level 2 or higher electric vehicle charger.
- (4) By right, any space in any residential or non-residential development may be developed with the electrical and other infrastructure necessary to support an electric vehicle charger, whether or not such charger is installed.
- (5) All EVCPSs shall count towards parking space requirements. Vehicles that are not capable of charging by using the EVCPS are prohibited from parking in these space.
- (6) EVCPSs shall be painted green or shall be marked by green painted lines or curbs.

F) Low Speed Electric Vehicles (LSEV). For purposes of this ordinance LSEV shall mean a Golf carts, Hybrid golf carts, Low Speed vehicles, Neighborhood electric vehicles, Speed modified golf carts, and Slow moving vehicles, as those terms are defined in Ordinance 2020-11.

- (1) Residential developments with recreation areas (such as Recreation Pods, Golf Courses, or recreational facilities designed and intended for use by occupants of residential developments or subdivisions) may provide LSEV parking spaces to be used to meet up to 30% of the required recreational parking spaces. Recreational parking spaces are defined as those that serve recreational areas exclusively.
- (2) Non-residential developments shall provide a minimum of 2% and a maximum of 10% LSEV parking spaces to meet parking space requirements. These spaces are to be accessible from the shared use path. If the overall number of parking spaces required is less than or equal to 30, no LSEV parking spaces are required but they are permitted.
- (3) Parking lots that have LSEV greater than the minimum required shall be designed to accommodate the required number of general use parking spaces, and LSEV parking shall be so delineated by striping, signage, or other measures to meet the minimum standards as provided for in Table 8-1.
- (4) For purposes of counting LSEV spaces towards parking requirements one (1) LSEV parking space shall be considered equivalent to one (1) general-use space.

(5) When there is a change of land use and/or in ownership, these spaces may be converted to general-use spaces at the option of the landowner.

(6) LSEV chargers may be provided as LSEV spaces, but are not required.

(7) LSEV are permitted to park in standard vehicle parking spaces.

E)G) Motorcycles. For non-residential use providing fewer than 50 parking spaces, one (1) off-street parking space may be provided to accommodate parking of motorcycles. For non-residential use providing 50 or more spaces, a maximum of three (3) off-street parking spaces (per 50 general use spaces) may be redesigned and designated to accommodate parking of motorcycles. These spaces may be included in or counted towards the number of parking spaces required.

F)H) Assigned parking. Parking spaces assigned to a specific use may be authorized by the city manager or his/her designee, provided the number of spaces assigned to a particular use does not exceed 5% of the number of spaces required for such use. Assigned spaces shall be clearly identified by signage. Assigned spaces and required signage shall be indicated on the approved site plan associated with the affected use. Assigned parking shall not be considered in shared parking calculations.

G)I) Parking lot landscaping, signage and drainage. Parking lot landscaping, signage, drainage, and construction standards are addressed in other Chapters of the Westlake Land Development Regulations.

TABLE 8-6: REQUIRED OFF-STREET PARKING SPACES

USE/CATEGORY	SPACES REQUIRED
RESIDENTIAL (*1,2)	
Dwelling, Single-Family, Detached or Attached	2 spaces per unit plus minimum of 4% of total required spaces for guest parking
Dwelling, Multi-Family	1 space per <u>bedroom unit</u> plus minimum of 5% of total required spaces for guest parking
Dwelling, Single-Family, Detached or Attached, Affordable or Workforce Housing	1 space per unit
Dwelling, Mobile Home/Manufactured Home	1 space per unit plus minimum of 4% of total spaces for guest parking
Accessory Dwelling Unit	1 space per unit
Residence Hall or Dormitory	0.75 spaces resident
Community Residential Home, Type I (6 or less residents)	Greater of 2 spaces per unit or 1 space for each bedroom
Community Residential Home, Type II (7-14 residents)	1 space per 4 residents
Assisted Living Facility (1 or more residents)	1.25 space per dwelling unit for independent living; 1 space per 2 beds for assisted living; 1 space per 4 beds.
Foster Care Facilities and Group Homes	Lesser of 1 space for each bedroom or 0.5 space per resident
RETAIL & COMMERCIAL	

Sexually Oriented Business	1 space per 250 square feet
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Antique Store	1 space per 400 square feet
Appliance and Electronics Store	1 space per 400 square feet
Motor vehicle repair and/or service establishments, gasoline stations, and car washes	1 space per 300 square feet, plus 1 space per service bay for repair and 1 space per 2 bays for car wash, plus 1 space per 5,400 square feet of outdoor storage area.
Auto Dealership	1 space per 250 square feet of enclosed display area and offices plus 1 space per 4,500 square feet of outdoor sales, display and rental plus 1 space for every 2 service bays* <i>*Vehicle sales, storage, or display areas shall not be counted towards meeting required parking.</i>
Auto Rental, Accessory	1 space per 600 square feet of storage area
General Retail Sales or Service not specifically listed in this table	1 space per 300 square feet
Banquet Facility	1 space per 125 feet of indoor and outdoor assembly area
Convenience Store with or without Gas Sales	1 space per 240 square feet, plus 1 space per gas pump island (bay) if provided
Farm Equipment and Sales	1 space per 250 square feet of enclosed display area and offices plus 1 space per 4,500 square feet of outdoor sales, display and rental plus 1 space for every 2 service bays. At least one off-street loading area for equipment transport trailers shall be provided.
Feedstore	1 space per 300 square feet
Grocery Store/Supermarket	1 space per 240 square feet
Hotels, motels, other accommodation services	.75 spaces per room plus 1 space per 300 SF of event/conference space. Restaurant oriented toward use of public at large shall be separately calculated.
Landscape, Nursery, and Garden Supplies	1 space per 300 square feet plus 1 space per 1,200 square feet of outdoor display area
Medical Office	1 space per 240 square feet
Motorcycle Sales and Service	1 space per 600 square feet of enclosed display area and offices plus 1 space per 5,400 square feet of outdoor sales, display and rental plus 1 space for every 2 service bays
Nightclub, Bar, or Lounge	1 space per 2 seats but not less than 1 space per 100 square feet

Restaurant, Fast Food (with or without Drive-through)	1 space per 150 gross square feet including outdoor seating, plus 1 space per 250 square feet for employee parking
Restaurant, General, without Bar less than 51% of sales come from service of alcoholic beverages	1 space per 150 gross square feet including outdoor seating, plus 1 space per 250 square feet for employee parking
Restaurant, General, with Bar 51% or more of sales come from service of alcoholic beverages	1 space per 100 gross square feet including outdoor seating, plus 1 space per 250 square feet for employee parking
Restaurant, Take Out	1 space per 100 gross square feet including outdoor seating, plus 1 space per 250 square feet for employee parking
Shopping Center/Mixed Uses	1 space per 225 square feet
Showrooms, General	1 space per 600 square feet
PERSONAL SERVICES	
Animal Boarding Kennel and Pet Grooming	1 space per 400 square feet of office
Bank/Financial Institution with or without Drive Through	1 space per 300 square feet
Business, Trade and Vocational Schools	1 space for every 3 students plus 1 space per 360 square feet of classroom and office space plus 1 space for every 5 seats in gymnasiums and auditoriums
Cemetery, Funeral Home, Mausoleum	1 space per 200 square feet of office space plus 1 space per 100 feet of assembly area [1 per 4 seats]
Professional Medical Services Office or Health Care Clinic	1 space per 240 square feet
Clinic, Veterinary	1 space per 300 square feet
Day Care, Child and Adult	1 space per 12 students or clients plus 1 pickup/drop off space per 12 students plus 1 space per every 2 vans and/or buses
Emergency Health Care, Standalone, No Overnight Stay	1 space per 110 square feet.
Health, Physical Fitness, Massage Therapist, and Spa	1 space per 250 square feet
Housekeeping and Janitorial Services	1 space per 300 square feet plus 1 space for every 2 company vehicles
Laboratory: General, Dental, or Medical	1 space per 300 square feet
Laundry, Self Service	1 space per 240 square feet
Laundry, Linen Supply and Cleaning Service	1 space per 1,200 square feet plus 1 space for every 2 bays
Motion Picture Studio	1 space per 360 square feet of office space plus 6 spaces per studio plus 1 space per 1,200 square feet

Nursing Homes and Continuing Care Facilities	1 space per <u>5</u> beds plus 1 space per 300 square feet of office space, 1.25 spaces per DU for independent living.
Self Service Storage	1 space per 150 storage spaces plus 1 spaces per security quarters plus 3 spaces per office
OFFICE	
Office, Business and Professional	1 space per 300 square feet
PUBLIC AND INSTITUTIONAL	
Places of Worship	1 space per 4 seats plus 1 space per 300 square feet of office plus required parking for additional use (child or adult day care, elementary or secondary school, etc.).
College or University, Public or Private	1 space per 360 square feet of classroom, office, meeting, and assembly rooms.
Emergency Department	1 space per 200 square feet; plus 1 space per employee
Governmental Uses	1 space per 360 square feet
<u>Hospice Care Center</u>	2 spaces per bed; plus 1 space per 200 square feet of outpatient treatment area
Hospital	2 spaces per bed; plus 1 space per 200 square feet of outpatient treatment area
<u>Medical Facility with overnight stay</u>	1 space per bed; plus 1 space per 200 square feet of outpatient treatment area
Post Office	1 space per 360 square feet
Post Office, Accessory	4 spaces
Schools, Elementary and Middle	1 space for every 2 classrooms plus 1 space per 300 square feet of office plus 1 pickup/drop off space per 12 students
Schools, High	1 space per classroom, plus 1 space per 250 square feet of office, plus 1 space per every 3 students
Urgent Care Center	1 space per 200 square feet; plus 1 space per employee
CULTURAL, ENTERTAINMENT, AND RECREATIONAL	
Art Gallery and Museum, Public or Private	1 space per 720 square feet
Auditorium, Public or Private	1 space per 3 seats
Bowling Alley	1 spaces per lane plus required parking for additional use (lounge restaurant, meeting rooms, etc.)
Club, Lodge, or Clubhouse, Private	1 space per 360 square feet
Golf Course, Public or Private	3 spaces per hole plus 1 space per 360 square feet of clubhouse plus required parking for additional uses
Park, Public	To be determined
Recreation Center, Public	Greater of 1 space per 240 square feet or 1 space per 4 seats

Recreation, Commercial-Indoor	To be determined
Recreation, Commercial-Outdoor	6 spaces per acre
Recreational Vehicle Park	1 space per RV parking space; 1 space per camping cabin; 1 space per 600 square feet of administrative, maintenance, or commercial space; 1 spaces per security dwelling
Stadium or Arena, Public or Private	1 space per 3 seats
Theater, Indoor	1 space per 3 seats
Zoo, Public or Private	8 spaces per acre
WHOLESALE	
Wholesale and Warehousing, General	1 space per 2,400 square feet plus 1 space per 300 square feet of office
LIGHT INDUSTRIAL	
Manufacturing, General	1 space per 1,200 square feet plus 1 space per 300 square feet of office
Contractor's Storage Yard	1 space per 300 square feet of office plus 1 space per 20,000 square feet of open storage area
Express or Parcel Delivery Distribution Center	1 space per 1,200 square feet plus 1 space for every 2 bays
TRANSPORT, UTILITIES, AND COMMUNICATIONS	
Airport, General Aviation	1 space for every 2 tie-downs and/or hangar spaces
Automobile, RV, and Boat Storage, Commercial	1 space per 300 square feet of office plus 1 space per vehicle to be stored
Freight Depot	1 space per 1,200 square feet plus 1 space per 300 square feet of office
Helistop	Number of spaces to be determined by the Planning and Zoning Director
Passenger Station	To be determined
Radio/Television Broadcast Studio	1 space per 300 square feet
Utility Plant and Major Substations	To be determined
Wireless Telecommunication Facilities	Number of spaces to be determined by Planning and Zoning Director
OTHER	
Mixed Uses, excluding Shopping Centers	The total requirement for off-street parking shall be the sum of the requirements of the various uses computed separately
Mobile Home, Temporary	1 space per 300 square feet plus additional spaces as determined by the Planning and Zoning Director
Recreation, Accessory	Number of spaces to be determined by Planning and Zoning Director
Uses Not Specifically Mentioned	Apply requirements for a use which is mentioned and similar to the subject use

Master Site Plan	Non-residential and mixed use projects may submit a parking study to address the entire development's parking requirements, which may include shared or off-site parking.
<p>NOTES:</p> <ol style="list-style-type: none"> 1. <i>Garages may be used to meet per unit residential parking requirements.</i> 2. <i>The guest parking requirement can be met by allowing daytime guest parking on street, calculated by using 20 lineal feet (exclusive of driveway entrances) per space, or by guest parking spaces elsewhere throughout the project, such as mail kiosk, park, clubhouse or other parking spaces.</i> 3. <i>Square Feet = Gross Floor Area.</i> 4. <i>Parking Studies. Parking studies, when provided, to be conducted in a professionally accepted manner to determine adequate parking for proposed use.</i> 	

Section 2: Reduction of Minimum Space Requirements

A) Shared Parking

(1) The City Council shall as part of an approval of a new or expanded use, new construction, substantial renovation, or alteration or expansion of an existing site, approve the use of shared parking to reduce overall parking requirements. The basis for approval of an application to establish shared parking includes the factors listed below.

- (a) Two or more uses located in the same structure, on the same site, or within 1000 feet (measured property line to property line) of each other that possess complementary peak hours of parking usage.
- (b) The proposed shared parking areas must be reasonably accessible to all participating uses and shared parking spaces may not be reserved for a particular use or otherwise restricted.
- (c) **Shared parking study.** Preparation, in a professionally accepted manner, of a shared parking study by a qualified professional engineer, architect, or planner. The shared parking study shall be the most recent version based on the Urban Land institute's (ULI) methodology for determining shared parking, or other professionally accepted methodology.
- (d) **Legal documentation.** The property owner(s) shall submit an appropriate restrictive covenant or access easement in recordable form acceptable to the City Attorney.
- (e) **Development order.** Any development order approved by the city council which includes the use of shared parking shall:
 - (i) Provide the city a means to readdress the shared parking in the event future parking problems or changes in use occur;

- (ii) Provide a legal description of the land and structures affected;
 - (iii) Provide for a term of at least five years;
 - (iv) Provide a site plan to indicate uses, hours of operation, parking, etc.; and
 - (v) Assure the availability of all parking spaces affected by the agreement.
- (2) The amount of parking provided pursuant to a shared parking agreement shall not be more than 20% of the required parking.

B) The minimum required number of spaces may be reduced as follows:

- (1) On-road parking may be used to meet a portion of the required minimum parking if it is located on the road adjacent to the structure or use for which the parking is required.
- (2) A maximum of 20 percent of the required queuing spaces may count toward the amount of minimum required parking if the minimum amount of required parking equals at least 25 spaces.
- (3) An electric vehicle charging station space may be included in or count towards the minimum number of parking spaces required.
- (4) **Landscaping.** The required minimum number of parking spaces may be reduced by 5% if the parking lot landscaped areas provide 20 percent more than the required number of trees pursuant to the landscape ordinance and plant or retain existing trees to shade parking lots such that the vegetated and pervious areas surrounding the trees will accommodate tree roots while minimizing interference and damage to infrastructure including the following:
 - (a) Locate trees in wide twenty (20 foot or wider) vegetated buffer strips or vegetated islands with at least twenty (20') foot diameters or similarly sized vegetated peninsulas away from overhead power lines and
 - (b) Use porous pavers that support grass growth next to areas where trees are planted.

ARTICLE 8.10 BICYCLE PARKING

Section 1: All bicycle parking facilities provided to satisfy the requirements of this subdivision shall be located on the same lot or building site as the uses they serve. Bicycle parking shall be located as close as is practical to the entrance to the use served but situated so as not obstruct the flow of pedestrians using the building entrance or sidewalk.

Section 2: **General design standards.** All bicycle parking facilities shall be anchored so as to avoid or deter easy removal. All such facilities shall be clearly identified as available for bicycle parking. Wherever the design of the building or use being served by the bicycle parking facility includes covered areas which could accommodate such facilities, either as proposed or through economical redesign, covered bicycle parking shall be encouraged.

Section 3: The following uses shall be required to provide bicycle parking in accordance with the minimum standards as listed in Table 8-7.

TABLE 8-7: MINIMUM STANDARDS FOR BICYCLE PARKING

Use	Percent of Required Vehicular Parking Spaces or as Otherwise Specified
Amusement parlors	15
Bowling lanes	10
Child care centers	10
Community centers	15
Game rooms	12
All commercial uses not listed	5
Libraries	15
Recreation, outdoor	12
All institutional uses not listed	5
Primary or Secondary School	10% of the number of students, plus 3% of the number of employees
College or University Classrooms	6% of the number of students, plus 3% of the number of employees
Multi-family Residential	1 space per 2 apartments

Section 4: **Severability:** Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

Section 5: **Codification:** It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance entitled **"Parking Regulations"** shall become and be made a part of the Code of Ordinances for the City of Westlake, Florida and the sections of this ordinance may be re-numbered or re-lettered to accomplish such intentions, and the word "ordinance" shall be changed to "section" or other appropriate word.

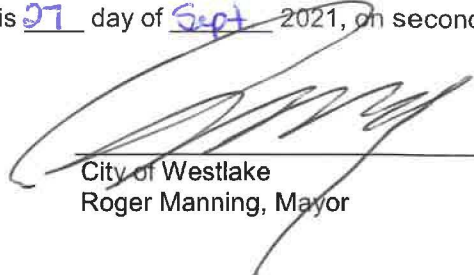
Section 6: **Scrivener's Error:** The City Attorney is hereby authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk without the need for approval by the City Council.

Section 7: **Effective Date:** This ordinance shall be effective upon adoption on second reading.

PASSED this 13 day of Sept. 2021, on first reading.

PUBLISHED this 17th day of Sept. 2021, in the Palm Beach Post.

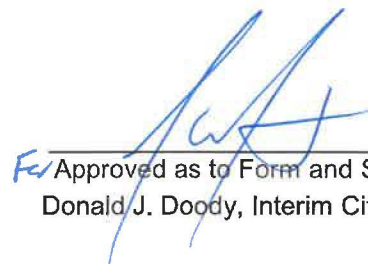
PASSED AND ADOPTED this 27 day of Sept 2021, on second reading.



City of Westlake
Roger Manning, Mayor



Zoie P. Burgess, City Clerk



Approved as to Form and Sufficiency
Donald J. Doody, Interim City Attorney

File Attachments for Item:

D. Ordinance 2022-06: Pier Diem and Allowances

Submitted By: City Attorney's Office

ORDINANCE 2022-06

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, CREATING SECTION _____ OF THE CODE OF ORDINANCES; PROVIDING RATES OF TRAVEL PER DIEM, SUBSISTENCE, AND PRIVATE VEHICLE MILEAGE ALLOWANCE FOR PUBLIC OFFICIALS AND EMPLOYEES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		June 7, 2022	Submitted By: City Attorney's Office	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Ordinance: Pier Diem and Allowances		
STAFF RECOMMENDATION: (MOTION READY)		Motion to Adopt		
SUMMARY and/or JUSTIFICATION:		The Proposed ordinance is intended to create a legal basis for reimbursements for costs and expenses incurred by City Council members when engaged in City business.		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:		PROCLAMATION:	
	EXHIBIT(S):		OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>	Agenda Item Cover Sheet Ordinance			
SELECT, if applicable	RESOLUTION:		ORDINANCE: X	
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <u>Please keep text indented.</u>	AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, CREATING SECTION _____ OF THE CODE OF ORDINANCES; PROVIDING RATES OF TRAVEL PER DIEM, SUBSISTENCE, AND PRIVATE VEHICLE MILEAGE ALLOWANCE FOR PUBLIC OFFICIALS AND EMPLOYEES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.			
FISCAL IMPACT (if any):				\$

ORDINANCE NO. 2022-06

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, CREATING SECTION ____ OF THE CODE OF ORDINANCES; PROVIDING RATES OF TRAVEL PER DIEM, SUBSISTENCE, AND PRIVATE VEHICLE MILEAGE ALLOWANCE FOR PUBLIC OFFICIALS AND EMPLOYEES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.021(9)(b), Florida Statutes expressly authorizes the City Commission to provide for a per diem and travel expense policy which varies from the provisions of section 112.061, Florida Statutes; and

WHEREAS, The City Commission deems it to be in the best interest of the citizens, residents, employees and public officials to modify the per diem and allowances provided for in section 112.061(6)(b), Florida Statutes.

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

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

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

Section _____. Traveling Expenses for Public Officers, Employees.

Notwithstanding the provisions of F.S. § 112.061(6)(b), the rates of per diem and subsistence shall be as follows:

- 1) Breakfast \$10.00
- 2) Lunch \$14.00
- 3) Dinner \$24.00

Long-distance travel out of state:

Meals are paid for at the current USGSA per-diem rate. Please consult www.gsa.gov for the per-diem rate. Within the per-diem rate schedule, please select the meals and incidental expense (M&IE) rate to obtain the meal allowance for the area you are traveling to.

Alcoholic beverages are not authorized for payment.

Receipts shall be required for all submitted requests. Receipts are required for reimbursement of communication expenses, such as telephone and internet, and must be for business purposes only.

Expenses such as laundry, in-room movies, tips, gym service, and other personal enhancements are not eligible for reimbursement.

All exceptions to this policy must be pre-approved by the City Manager, or designee.

The rates set forth herein may be amended by Resolution of the City Commission.

Expense will be paid, if eligible, to a City Council Member once travel is completed and the Travel Authorization and Expense, along with supporting documentation, is forwarded to the City Manager.

Notwithstanding the provisions of F.S. § 112.061(7)(d)1, when a privately owned vehicle is utilized for official travel in lieu of publicly owned vehicles or common carriers, the traveler shall be entitled to a mileage allowance based upon the then current optional standard mileage rate for computing the deductible cost of operating an automobile promulgated by the Internal Revenue Service.

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

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

SECTION 5. Severability. Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

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

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

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

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

City of Westlake
John Paul O'Connor , Mayor

ATTEST:

Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY

File Attachments for Item:

E. Ordinance 2022-07: Golf Cart Registration Stickers

Submitted By: City Attorney's Office

ORDINANCE 2022-07

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ORDINANCE 2020-01 RELATIVE TO THE USE OF GOLF CARTS; PROVIDING FOR AN AMENDMENT TO THE PLACEMENT OF REGISTRATION STICKER; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:	June 7, 2022	Submitted By: City Attorney's Office	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>	Ordinance: Golf Cart Registration Stickers		
STAFF RECOMMENDATION: (MOTION READY)	Motion to Adopt		
SUMMARY and/or JUSTIFICATION:	The proposed Ordinance amends the existing code provisions relative to the location of the City's registration sticker required for golf carts. The proposed Ordinance provides that the registration sticker can be located on the left side of the windshield or the left front quarter panel.		
SELECT, if applicable	AGREEMENT:		BUDGET:
	STAFF REPORT:		PROCLAMATION:
	EXHIBIT(S):		OTHER:
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>	Agenda Item Cover Sheet Ordinance		
SELECT, if applicable	RESOLUTION:		ORDINANCE: X
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <u>Please keep text indented.</u>	AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ORDINANCE 2020-01 RELATIVE TO THE USE OF GOLF CARTS; PROVIDING FOR AN AMENDMENT TO THE PLACEMENT OF REGISTRATION STICKER; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.		
FISCAL IMPACT (if any):			\$

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ORDINANCE 2020-01 RELATIVE TO THE USE OF GOLF CARTS; PROVIDING FOR AN AMENDMENT TO THE PLACEMENT OF REGISTRATION STICKER; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City Council deems it to be in the best interest of the residents of the City of Westlake, Florida to amend Ordinance 2020-01 which requires golf carts to be registered with the City;

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

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

SECTION 2. The City Council hereby amends Ordinance 2020-01 by specifically amending Section 6 (d) as follows:

(d) All owners of properly registered golf carts shall be issued a registration sticker which sticker shall be placed and maintained on the left front quarter panel or left side of the front windshield. The City of Westlake shall maintain a list of all golf cart registrations.

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

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

SECTION 5. Severability. Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

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

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

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

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

City of Westlake
John Paul O'Connor , Mayor

ATTEST:

Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY

File Attachments for Item:

F. Amending The City's Housing Assistance Purchase Program Yearly (Happy Program) Guidelines

Submitted By: City Attorney's Office

RESOLUTION 2022-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S HOUSING ASSISTANCE PURCHASE PROGRAM YEARLY (HAPPY PROGRAM) GUIDELINES BY ADOPTING THE FEDERAL HOUSING ADMINISTRATION'S BASIC STANDARD MORTGAGE LIMITS FOR PALM BEACH COUNTY FOR ONE-FAMILY HOMES, AS AMENDED ON AN ANNUAL BASIS, AS THE MAXIMUM SALES PRICES ALLOWABLE UNDER THE CITY'S HOUSING ASSISTANCE PURCHASE PROGRAM INCOME GUIDELINES; AMENDING THE CITY'S HOUSING ASSISTANCE PURCHASE PROGRAM YEARLY GUIDELINES BY ADOPTING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AREA MEDIAN INCOME ("AMI") PERCENTAGE LIMITS FOR PALM BEACH COUNTY, AS AMENDED ON AN ANNUAL BASIS, FOR NO GREATER THAN 140% OF AMI AS THE MAXIMUM ALLOWABLE HOUSEHOLD INCOME (AS DETERMINED BY THE NUMBER OF HOUSEHOLD MEMBERS) UNDER THE CITY'S HOUSING ASSISTANCE PURCHASE PROGRAM INCOME GUIDELINES; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		June 7, 2022	Submitted By: City Attorney's Office	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Resolution: Amending The City's Housing Assistance Purchase Program Yearly (Happy Program) Guidelines		
STAFF RECOMMENDATION: (MOTION READY)		Motion to Adopt		
SUMMARY and/or JUSTIFICATION:		<p>The proposed Resolution modifies the City's Housing Assistance Purchase Program by adopting the U.S. Department of Housing and Urban Development Area Median Income Percentage Limits For Palm Beach County, as amended on an annual basis.</p> <p>The net effect is that the maximum sales price is now raised to a higher threshold as set forth in the Federal Housing Administration Basic Standard Mortgage limits for Palm Beach County.</p>		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:		PROCLAMATION:	
	EXHIBIT(S):		OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>	Agenda Item Cover Sheet Resolution			
SELECT, if applicable	RESOLUTION: X		ORDINANCE:	
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <u>Please keep text indented.</u>	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S HOUSING ASSISTANCE PURCHASE PROGRAM YEARLY (HAPPY PROGRAM) GUIDELINES BY ADOPTING THE FEDERAL HOUSING ADMINISTRATION'S BASIC STANDARD MORTGAGE LIMITS FOR PALM BEACH COUNTY FOR ONE-FAMILY HOMES, AS AMENDED ON AN ANNUAL BASIS, AS THE MAXIMUM SALES PRICES ALLOWABLE UNDER THE CITY'S HOUSING ASSISTANCE PURCHASE PROGRAM INCOME GUIDELINES; AMENDING THE CITY'S HOUSING ASSISTANCE PURCHASE PROGRAM YEARLY GUIDELINES BY ADOPTING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			

AREA MEDIAN INCOME (“AMI”) PERCENTAGE LIMITS FOR PALM BEACH COUNTY, AS AMENDED ON AN ANNUAL BASIS, FOR NO GREATER THAN 140% OF AMI AS THE MAXIMUM ALLOWABLE HOUSEHOLD INCOME (AS DETERMINED BY THE NUMBER OF HOUSEHOLD MEMBERS) UNDER THE CITY’S HOUSING ASSISTANCE PURCHASE PROGRAM INCOME GUIDELINES; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

FISCAL IMPACT *(if any):*

\$

CITY OF WESTLAKE

RESOLUTION NO. 2022-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S HOUSING ASSISTANCE PURCHASE PROGRAM YEARLY (HAPPY PROGRAM) GUIDELINES BY ADOPTING THE FEDERAL HOUSING ADMINISTRATION'S BASIC STANDARD MORTGAGE LIMITS FOR PALM BEACH COUNTY FOR ONE-FAMILY HOMES, AS AMENDED ON AN ANNUAL BASIS, AS THE MAXIMUM SALES PRICES ALLOWABLE UNDER THE CITY'S HOUSING ASSISTANCE PURCHASE PROGRAM INCOME GUIDELINES; AMENDING THE CITY'S HOUSING ASSISTANCE PURCHASE PROGRAM YEARLY GUIDELINES BY ADOPTING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AREA MEDIAN INCOME ("AMI") PERCENTAGE LIMITS FOR PALM BEACH COUNTY, AS AMENDED ON AN ANNUAL BASIS, FOR NO GREATER THAN 140% OF AMI AS THE MAXIMUM ALLOWABLE HOUSEHOLD INCOME (AS DETERMINED BY THE NUMBER OF HOUSEHOLD MEMBERS) UNDER THE CITY'S HOUSING ASSISTANCE PURCHASE PROGRAM INCOME GUIDELINES; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 13, 2017, the City Council of the City of Westlake adopted Ordinance No. 2017-6 establishing the City's Housing Assistance Purchase Program; and

WHEREAS, the City of Westlake has adopted certain yearly guidelines for the Housing Assistance Purchase Program; and

WHEREAS, the City Council of the City of Westlake deems it the best interest of the City to amend the City's Housing Assistance Purchase Program Yearly (Happy Program) Guidelines to provide for income and sales price limits as set by the Federal Housing Administration and the US Department of Housing and Urban Development; and

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

SECTION 1. RECITALS. The foregoing "WHEREAS" clauses are hereby ratified and confirmed by the City Council and incorporated herein by this reference.

SECTION 2. The City Council of the City of Westlake, Florida, hereby adopts the Federal Housing Administration's Basic Standard Mortgage Limits for Palm Beach County,

for one-family homes, as amended on an annual basis, as the maximum sales prices allowable under the City's Housing Assistance Purchase Program Income Guidelines, and hereby adopts the United States Department of Housing and Urban Development Area Median Income Percentage Limits For Palm Beach County, as amended on an annual basis, for no greater than 140% of AMI, as the maximum allowable household income (as determined by the number of household members) under the City's Housing Assistance Purchase Program Income Guidelines.

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

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

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

PASSED AND APPROVED by City Council for the City of Westlake, on this 7 day of June 2022.

City of Westlake
John Paul O'Connor, Mayor

Zoie Burgess, City Clerk

File Attachments for Item:

A. FourthFest Ad Hoc Committee Applicant Review:

Applicant - Brandi Dugger

Applicant - Swelenn Gomez



Advisory Board/Committee Application

22 MAY 20 AM 11:07

DATE:	5-19-22	NAME:	Brandi Dugger
ADDRESS:	15983 Whipponwill Circle Westlake, FL 33470		
PHONE:	423-213-8981	E-MAIL:	brandi.dugger@palmbeachschools.org
What is the Board/Committee of your choice?		Special Event Committee	
How long have you lived in the City of Westlake?		3 years	
Are you a full-time resident? If not, how many months do you reside in City?			Yes
Are you a registered voter?		NO	
Current occupation and employer, if retired, please list previous occupation and employer:		Palm Beach County Schools	
Do you currently hold public office? If so, what is the office?			NO
Please list any business, volunteer, community activities you have been involved in:			
I currently serve on Hammocks HOA BOD as secretary. I am chairman of development committee. I volunteer for events at Acreage Pines Elem.			
Have you ever been convicted, plead no contest, plead guilty or had the adjudication of guilt withheld for any criminal offense other than a minor traffic violation? If yes, please explain.			
N/A			
Would you and/or any organization with which you are affiliated, benefit from decisions or recommendations made by this advisory board/committee? If yes, explain:			
N/A			
Experience. Please list experience and/or any knowledge, skills, abilities, or qualifications that you possess and believe relevant to the board/committee for which you seek appointment:			
I have over 5 years of experience in marketing and event planning. My skill set has allowed me to successfully build and create community relationships by planning and executing events. Resume is attached.			

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

Thank you for volunteering to serve the citizens of Westlake.

Brandi Lynn Dugger

beedugger@gmail.com

15983 Whippoorwill Circle, Westlake, FL 33470

© (423)213-8981

SUMMARY OF QUALIFICATIONS:

- Result driven with the ability to intentionally and genuine connect by community outreach.
- Goal directed, committed, and proficient in the areas of time management, information technology, multi-tasking and work ethic.
- Leadership ability, excellent communication and listening skills with colleagues and clients
- Proven local marketing effectiveness
- Seven years of experience in office management and event planning.
- Ability to organize, prioritize and work under extreme work pressure, heavy workload and deadlines.
- Dependable, reliable, and tea oriented self-motivated employee.
- Proficient in all Microsoft office and Apple/Mac products
- Strong support to center staff and management, efficient with bookkeeping, appointment setting, and attention to detail.

Career Objective:

To obtain a position with the City of Westlake's first Special Event Committee that will allow me to utilize my educational background, enthusiasm, creativity, leadership, and personal strengths to help our city grow to its full potential. I am passionate about sharing, inspiring, representing and building our community.

Education:

2013- 2016, Florida Southwestern State College, Fort Myers, Florida

Associates in General Studies, concentration in Elementary Education. Dean's List GPA

3.5 2012-2013, Sunstate Academy, Cosmetology, Fort Myers, Florida (20 credit hours obtained)

2010-2012, Northeast State Community College, Blountville, TN Early Childhood Education (46 credit hours obtained)

2009-2010- Tennessee Technology Center, Elizabethton, TN

Career Diploma in Dietary Management/Nutrition

2005 – Happy Valley High School, Johnson City, TN

High School Diploma/ University Studies

EXPERIENCE:

September 2020 - current

Palm Beach County School District

Interim First Grade Teacher

December 2020-current

Hammocks Board of Directors

Secretary

Chairman of Development Committee

Successfully Organize four annual events for over 300 community residents.

Increased community relationships by planning and executing community events.

August 2017- April 2019

Boynton Lakes North Homeowners Association
Chairman of Social Committee
Maintain Budget & Community outreach
Event planning for community

October 2015-September 2018 Jenny Craig, Weight Loss Consultant, Boynton Beach, Florida

- connected and identified my client needs and challenges while impacting their lives positively
- set goals, motivated, and supported my clients while building a great rapport
- Displayed administrative support and monitored daily goals

March 2014-January 2015 Regis Corporation, First Choice Haircutters Fort Myers, Florida, Hair Stylist/ Coordinator

- built great rapport with clients
- Maintain and establish personalized hair styles and home care maintenance programs -secured new clients as well as maintained new ones.
- achieved monthly sales goals
- local marketing to increase client base

August 2013-June 2014 Mary Kay Beauty Sales Consultant, Johnson City, Tennessee

- host and organized parties to release and educate team on new products
- recommended products to suit the customers' complexion, skin-type and face shape - demonstrating the use of products, for example by giving facials or applying make-up - promoting products and giving demonstrations to groups.

2007-2012 Office Manager/Salon Coordinator, Sher Extensions and the Lash Connection Salon

- Ultimately responsible for building and maintaining a fiscally healthy business with high customer satisfaction and creative innovation
- Staff educator
- Recruited stylist
- Established rapport with local businesses
- Initiated recognition program, which honored staff for attendance and work quality
- Coordinated with the managing director to plan events, marketing, and advanced training
- Coordinated and managed the day-to-day operations of a salon and ensure productivity goals are met. Scheduled stylists and matched clients to a particular stylist according to their needs.
- Maintained records and reports.
- Exceeded and maintained performance target sale quotas quarterly

2010-2011 Brand Ambassador- All State Promotions Tri- State Area, TN

- Represented and increased sales for Major National Brands and Agencies such as Nascar and Crown Royal.
- Promoted products and/or various company brands
- Increased customer awareness and boost product sales.
- Increased sales by local marketing
- Responsible for training new staff, driving to scheduled events, schedule management

2006-2008 Salon Coordinator, Endless Summer Day Spa Johnson City, TN-Duties implied answering telephones and intercoms, taking messages, responding to inquiries, giving directions

to center, providing comprehensive secretarial and clerical support to center staff and management, assisted with bookkeeping, and payroll.

-Greeted visitors, conducted center tours as needed, provided basic information to visitors, callers, handled daily staff scheduling. Other responsibilities: processing maintenance requests substituting for manager and supporting staff as needed. I assisted in opening and/or closing of the facility at the beginning and/or ending of each day as needed, organized, publicized, and registered staff for workshops, staff development.

ACCOLADES AND INVOLVEMENTS

Student member American Association of Dietary Managers. I have been involved in many projects in the community, such as the Ronald McDonald House, toys for tots, children's miracle network, Susan G. Komen for the cure Foundation. Spokeswoman for beauty, health, food, and retail tradeshow.

References available upon request



Advisory Board/Committee Application

DATE:	May 31, 2022	NAME:	Swelenn Gomez
ADDRESS:	5564 Quiet Lake Place, Westlake, FL 33470		
PHONE:	954-661-8249	E-MAIL:	swelenn.gomez@gmail.com
What is the Board/Committee of your choice?		Event Planning	
How long have you lived in the City of Westlake?		1 year and 2 months	
Are you a full-time resident? If not, how many months do you reside in City?			Yes
Are you a registered voter?		Yes	
Current occupation and employer, if retired, please list previous occupation and employer:		Teacher	
Do you currently hold public office? If so, what is the office?			No
Please list any business, volunteer, community activities you have been involved in:			
I have been involved in the Skycove planning for Halloween, Christmas and New Years Eve events.			
Have you ever been convicted, plead no contest, plead guilty or had the adjudication of guilt withheld for any criminal offense other than a minor traffic violation? If yes, please explain.			
N/A			
Would you and/or any organization with which you are affiliated, benefit from decisions or recommendations made by this advisory board/committee? If yes, explain:			
No			
Experience. Please list experience and/or and any knowledge, skills, abilities, or qualifications that you possess and believe relevant to the board/committee for which you seek appointment:			
I have been involved with Skycove events planning. I have also run events for local churches when living in Broward. Furthermore, I always help with event planning in the public school system.			

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

Thank you for volunteering to serve the citizens of Westlake.

File Attachments for Item:

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

Submitted By: District Chief Phillip Olavarria

For Informational Purposes Only



5/5/2022

Palm Beach County Fire Rescue

Westlake Response Time Report

20220401 to 20220430

Event #	Station	Sit Disp	Location of Event	Date	Received	Entered	Dispatch	Enroute	Oncene	Close	Disp Hand	Turnout	Travel	Resp Time*
Emergency Calls:														
F22064537	22	Medical	SEMINOLE PRATT WHITNEY RD WLK	04/04/2022		12:45:37	12:45:51	12:46:29	12:49:07	13:31:51	0:00:39	0:00:38	0:02:38	0:03:55
F22065148	22	Medical	SEMINOLE PRATT WHITNEY RD WLK	04/05/2022		10:11:06	10:12:19	10:13:20	10:17:51	10:51:24	0:01:38	0:01:01	0:04:31	0:07:10
F22067804	22	Medical	SEMINOLE PRATT WHITNEY RD WLK	04/09/2022	02:14:35	02:14:52	02:15:02	02:16:22	02:21:02	03:30:14	0:00:27	0:01:20	0:04:40	0:06:27
F22069054	22	Medical	WHIPPOORWILL CIR WLK	04/10/2022	23:56:15	23:56:52	23:57:02	23:58:03	00:04:22	00:35:37	0:00:47	0:01:01	0:06:19	0:08:07
F22069811	22	Medical	SEMINOLE PRATT WHITNEY RD WLK	04/12/2022	07:17:19	07:17:51	07:18:01	07:19:26	07:23:51	07:40:38	0:00:42	0:01:25	0:04:25	0:06:32
F22071678	22	Medical	PUMELLO DR WLK	04/14/2022	21:42:08	21:42:28	21:42:33	21:43:45	21:49:48	22:07:52	0:00:25	0:01:12	0:06:03	0:07:40
F22073474	22	Medical	GOLDFINCH CIR WLK	04/17/2022	17:22:21	17:22:46	17:22:52	17:23:30	17:30:26	18:13:58	0:00:31	0:00:38	0:06:56	0:08:05
F22074263	22	Medical	WHIPPOORWILL CIR WLK	04/18/2022		18:56:45	18:56:52	18:57:31	19:01:03	19:02:28	0:00:32	0:00:39	0:03:32	0:04:43
F22075503	22	Medical	SEMINOLE PRATT WHITNEY RD WLK	04/20/2022	15:12:35	15:12:56	15:13:04	15:14:16	15:17:04	15:33:02	0:00:29	0:01:12	0:02:48	0:04:29
F22077062	22	Medical	JASMINE LN WLK	04/23/2022	00:08:01	00:08:38	00:08:46	00:10:06	00:17:45	01:06:14	0:00:45	0:01:20	0:07:39	0:09:44
F22077370	22	Medical	TOWN CENTER PKWY N WLK	04/23/2022	14:18:05	14:18:27	14:18:34	14:19:29	14:23:25	14:41:34	0:00:29	0:00:55	0:03:56	0:05:20
F22078428	22	Medical	PERSIMMON BLVD E/PERSIMMON BLVD W	04/25/2022	07:12:04	07:12:21	07:12:31	07:12:39	07:17:02	08:14:32	0:00:27	0:00:08	0:04:23	0:04:58
F22078931	22	Medical	SAINT ARMANDS WAY WLK	04/25/2022		21:07:10	21:08:02	21:08:48	21:16:09	21:23:46	0:01:17	0:00:46	0:07:21	0:09:24
F22079858	22	Medical	BUTTONBUSH DR WLK	04/27/2022	09:47:34	09:48:18	09:48:26	09:48:42	09:54:02	10:52:01	0:00:52	0:00:16	0:05:20	0:06:28
Average Response Times:											0:00:43	0:00:54	0:05:02	0:06:39
Non Emergency Calls:														
F22065920	22	Medical	PERSIMMON BLVD E WLK	04/06/2022		11:31:38	11:31:50	11:32:22	11:42:35	12:10:17	0:00:37	0:00:32	0:10:13	0:11:22
F22067999	22	Fire Alarm	SEMINOLE PRATT WHITNEY RD WLK	04/09/2022		11:05:54	11:06:00	11:06:49	11:11:31	11:22:25	0:00:31	0:00:49	0:04:42	0:06:02
F22073526	22	Fire Alarm	AMELIA TER WLK	04/17/2022		18:47:01	18:47:09	18:47:52	18:51:39	18:57:09	0:00:33	0:00:43	0:03:47	0:05:03
F22080258	22	Fire Alarm	RAIN LILLY WAY WLK	04/27/2022		21:38:02	21:38:10	21:38:58	21:43:59	21:48:28	0:00:33	0:00:48	0:05:01	0:06:22
Corrupt Data:														
F22071280	22	Medical	TOWN CENTER PKWY S WLK	04/14/2022		10:36:41	10:36:44		10:36:44	10:56:12	Empty Time Fields			



5/5/2022

Palm Beach County Fire Rescue

Westlake Response Time Report

20220401 to 20220430

Event #	Station	Sit Disp	Location of Event	Date	Received	Entered	Dispatch	Enroute	Oncene	Close	Disp Hand	Turnout	Travel	Resp Time*
F22064939	22	Fire Alarm	SANTA ROSA LN WLK	04/04/2022	23:52:38	23:53:22	23:53:31	23:54:52		00:01:08	Empty Time Fields			
F22067269	22	Fire Alarm	WHIPPOORWILL CIR WLK	04/08/2022		09:53:35	09:53:40	09:54:15		09:55:54	Empty Time Fields			

Total number of Events: 21

*Represents call received to arrival. If there is no received time, the County annual average call received to call entered time is used.



5/5/2022

Palm Beach County Fire Rescue

Westlake - # of Calls by Type

20220401 to 20220430

<u>Type - Situation Dispatched</u>	<u># of Incidents</u>
Medical Calls:	14
Vehicle Accidents:	1
Alarms:	5
Inter-facility Transports:	1
Total number of Events:	21

Calls by Situation Dispatched

