

CITY OF WESTLAKE



AGENDA

Local Planning Agency Meeting

Tuesday, December 05, 2023 at 5:30 PM

The Lodge at Westlake Adventure Park
5490 Kingfisher Blvd.
Westlake, Florida 33470

CITY COUNCIL:

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

CITY STAFF:

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

[TENTATIVE: SUBJECT TO REVISION]

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

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

Meeting ID: 2633 788 1730

Password: hello

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

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

Meeting ID: 2633 788 1730

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

CONSENT AGENDA

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

- [A.](#) Minutes_Local Planning Agency Meeting - 03.14.2023 DRAFT

PUBLIC HEARING

- [A.](#) **FIRST READING:** Ordinance 2023-07 – ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAMING ESTABLISHMENTS

Submitted By: Planning and Zoning

ORDINANCE NO. 2023-07

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF SECTION _____ TO BE ENTITLED "ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAMING ESTABLISHMENTS" PROVIDING FOR PURPOSE AND FINDINGS; PROVIDING FOR CODIFICATION, PROVIDING CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

- [B.](#) **FIRST READING:** Ordinance 2023-08 – Massage Establishment

Submitted By: Planning and Zoning

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR A DEFINITION OF A MASSAGE ESTABLISHMENT; PROVIDING FOR HOURS OF OPERATION; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

ADJOURNMENT

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: Friday, December 1, 2023

CITY OF WESTLAKE



MINUTES

Local Planning Agency Meeting

Tuesday, March 14, 2023 at 5:30 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
Charlotte Leonard, Council Member – Seat 3

CITY STAFF:

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

A Local Planning Agency meeting of the City Council of the City of Westlake was held on Tuesday, March 14, 2023, at 5:30 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. Join the Webex meeting from your computer, tablet or smartphone at the following link:
<https://cityofwestlake.my.webex.com/>

Meeting ID: 2634 748 3487
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: 2634 748 3487

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>

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 on the agenda and those who wish to speak may use the "virtual" hand raise feature.

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

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

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

CALL TO ORDER

Mayor O'Connor called the Local Planning Agency meeting of Tuesday, March 14, 2023, to order at 5:32 PM.

Mayor O'Connor let the Pledge of Allegiance.

Mayor O'Connor asked for any additions and deletions for the agenda.

City Clerk, Zoie Burgess asked Mayor O'Connor to allow her to do the roll call.

Mayor O'Connor stated please go ahead.

ROLL CALL

Present and constituting a quorum:

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

Also present:

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

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was held at beginning of meeting.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

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

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

Mayor O'Connor moved to the following item, consent agenda.

Ms. Burgess asked to allow roll call for item just discussed.

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).

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. Minutes_Local Planning Agency Meeting - 12.06.2022 DRAFT

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

Motion by Councilwoman Leonard to approve consent agenda, 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).

PUBLIC HEARING

A. **FIRST READING:** Ordinance 2023-01 – Chapter 3. Amendment (Essential Facilities and Services)

Submitted By: Planning and Zoning

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ORDINANCE NO. 2019-9 AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF SECTION 3 TO BE ENTITLED "ESSENTIAL FACILITIES AND SERVICES" ; PROVIDING FOR ESSENTIAL FACILITIES SERVICES; PROVIDING FOR HEIGHT OF STRUCTURES; PROVIDING FOR SCREENING AND BUFFERING; PROVIDING FOR EXEMPTIONS FROM PROPERTY DEVELOPMENT REGULATIONS; PROVIDING FOR SETBACK REQUIREMENTS; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item and called for the City Attorney to read the Ordinance title into record, by title only.

Mr. Doody read Ordinance 2023-01, by title only, into the record.

Mayor O'Connor called for staff presentations.

Osniel Leon, senior planner, discussed Ordinance 2023-01 that was initiated by staff. Mr. Leon stated this ordinance is amending Ordinance 2019-09. Mr. Leon discussed the following items:

- Definition of essential facilities and services
- Height of structures
- Screening and buffering
- Exemptions from property development regulations
- Setbacks

Mr. Doody stated he was contacted by Counsel for the Seminole Improvement District regarding a provision for this proposed ordinance regarding setbacks. Counsel for Seminole improvement district will be present for the regular city council meeting to address the setbacks. Mr. Doody stated at first reading, he will address how Council can amend the ordinance between first and second reading to address the issue that was presented and discuss if council is willing to accept the proposed language that is worked out between the first and second reading.

Mayor O'Connor asked if this issue can be discussed.

Mr. Doody stated yes, it can be discussed at public hearing.

Mr. Cassel clarified the issue that arose due to the four acre location south of the substation where Seminole Improvement District is building their facilities. Mr. Cassel stated some of the landscape requirements does not allow them to build a facility where it is needed. He continued, noting that some of these requirements cannot be around power lines. Mr. Cassel stated there are a few items that need to be addressed so that everything remains presentable and use of the facilities is up to code. They are looking to modify the code to allow the use of the facilities to its fullest extent. The county will also be locating their fueling facilities at this location.

Seth Behn, attorney for the Seminole Improvement District, stated the importance of reviewing this code to services to be provided where services are needed. Clarifications are minor that will be reviewed between first and second reading. Setback requirements, lot coverage and buffering language will be discussed. Mr. Behn stated he suggests it is appropriate to pass on first reading while they tweak some of the language to present at second reading.

Mr. Doody stated the idea is to move forward to first reading, they will then discuss with the planning department and then work it out with council and present some proposed language to be considered at second reading. The ordinance will not be amended as only council can amend the ordinance. The ordinance will be presented with suggested language and if council agrees, a motion to amend the ordinance at second reading can be entertained at that time.

Mayor O'Connor called for council comments. There being none, Mayor O'Connor called for Public Comments.

Ms. Burgess noted there were no public comment cards received prior to the meeting and gave the virtual audience a moment to comment.

There being no further comments, Mayor O'Connor called for a motion to recommend item to council for first reading.

Motion by Vice Mayor Langowski to recommend Ordinance 2023-01 for council approval, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

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

ADJOURNMENT

There being no further business, Mayor O'Connor adjourned the meeting at 5:44 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor



Meeting Agenda Item Coversheet

| | | | | | |
|---|--|---|--|--|----|
| MEETING DATE: | | 12/5/2023 | | Submitted By: Planning and Zoning | |
| SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i> | | FIRST READING: Ordinance 2023-xx – ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAMING ESTABLISHMENTS | | | |
| STAFF RECOMMENDATION: (MOTION READY) | | Motion to recommend approval of first reading of Ordinance 2023-xx "ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAMING ESTABLISHMENTS" | | | |
| SUMMARY and/or JUSTIFICATION: | | This Ordinance amends Chapter 3 providing for the creation of section to be entitled "Arcade Amusement Centers and Electronic Gaming Establishments". Establishes provisions for Arcade Amusement Centers and Electronic Gaming Establishments. | | | |
| 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> | | Exhibit A: Ordinance 2023-xx: Arcade Amusement Centers and Electronic Gaming Establishments | | | |
| SELECT, if applicable | | RESOLUTION: | | ORDINANCE: 2023-xx | |
| IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank) <u>Please keep text indented.</u></i> | | <p align="center">ORDINANCE NO. 2023-xx</p> <p>AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF SECTION_____TO BE ENTITLED "ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAMING ESTABLISHMENTS" PROVIDING FOR PURPOSE AND FINDINGS; PROVIDING FOR CODIFICATION, PROVIDING CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.</p> | | | |
| FISCAL IMPACT (if any): | | | | | \$ |

ORDINANCE NO. 2023-xx

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF SECTION_____TO BE ENTITLED "ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAMING ESTABLISHMENTS" PROVIDING FOR PURPOSE AND FINDINGS; PROVIDING FOR CODIFICATION, PROVIDING CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Westlake has determined that Arcade Amusement Centers and Electronic Gaming Establishments constitute a public nuisance that foster criminal activity such as money laundering, illegal gambling, and armed robbery; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interests of the health, safety, and welfare of the residents and citizens of the City of Westlake.

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 No.____by amending Article____by specifically creating Section____entitled “Arcade Amusement Centers” and “Electronic Gaming Establishments” to read as follows:

Definitions.

Arcade Amusement Center means a place of business having at least 50 amusement games or machines on premises which is operated for the entertainment of the General public and tourists as bona fine amusement facility, and comply with Chapter 546.10, Florida Statutes, as amended from time to time. This definition shall include those Arcade Amusement Centers which seek to restrict admission to persons eighteen (18) years of age or older.

Electronic Gaming Establishment. Means a business operation, whether a principal use or accessory use, where persons utilize electronic machines or devices, including but not limited to, computers and gaming terminals, to conduct games of chance and/or a game promotion pursuant to Section 849.094, Florida Statutes, including sweepstakes, and where cash, prizes, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such redeemed

or distributed items are determined by the electronic games played or by predetermined odds. This term includes, but is not limited to internet cafes, internet sweepstakes cafes, cybercafes or sweepstakes cafes.

Arcade Amusement Centers. Arcades shall meet the following criteria:

(1) Must comply with Florida Statutes 546.10, as amended from time to time.

(2) Any prizes or awards must be provided with on-site merchandise only, and shall not include cash, gift cards, or alcoholic beverages.

(3) There shall be no sale or consumption of alcoholic beverages on the premises.

(4) Parking requirements must be demonstrated in the Conditional Use application, including any locations within an existing building or shopping plaza. The requirements must be demonstrated with a survey of the parking lot indicating individual parking spaces and the applicant must provide the total square footage of the building the arcade will be occupying and the total number of machines or games to be located on the premises. If the arcade is applying to locate in an existing shopping plaza, the applicant must provide the total number of parking spaces in the plaza, the total square footage of each store space within the plaza, the total number of machines or games to be located on the premises and the types of uses that occupy each store space.

(5) The facility shall be located no less than one hundred (100) feet, measured from the outer wall of the facility to the closest property line, of any residentially zoned land, as well as any land designated as recreation and open space use by the City of Westlake Comprehensive Plan and Future Land Use Map.

(6) The facility shall be located no less than one thousand (1,000) feet, measured from the outer wall of the facility to the closest property line of any school. Any school that is located in the future within the above distance shall execute a waiver of the distance restriction if an existing arcade amusement center already is in existence.

(7) No two facilities, operating pursuant to this section or section Electronic Gaming Establishment, shall be located closer than five hundred (500) feet from one another, measured from the closest outer wall of each facility. Nothing in this section shall be construed as to prevent a business from operating under both Arcade amusement center and Electronic Gaming Establishment in the same facility without the need for additional approval, provided the machines and business operations are kept separate and apart from one another, preventing comingling of usage, and do not otherwise violate the provisions of Chapter 849, Florida Statutes, or any regulation of the state.

(8) The business location shall operate under the following management plan:

(i) Upon initially opening and on June 1 of each calendar year thereafter, the business shall report to the City Manager or designee the number of machines being operated within the facility; and

(ii) The business shall not operate in violation of county, state or federal law.

(9) The business shall not operate between the hours of 10:00 p.m. and 9:00 a.m. daily.

(10) In the event an Arcade Amusement Center is operating in a dual-capacity under Electronic Gaming Establishment section, patrons utilizing sweepstakes computers shall be made aware of the rules of the sweepstakes, as required by State Law or the regulation of any appropriate state agency, and shall otherwise comply with the laws

and regulations of the state in regard to such sweepstakes gaming.

46 (11) The consumption, possession, dispensation, or sale of alcohol and shall be prohibited.

47 (12) Any other business activity shall be prohibited.

48 **Electronic Gaming Establishment.** A conditional use may be granted under the following conditions:

49 (1) The facility shall be located no less than one hundred (100) feet, measured from the outer wall of the facility to the closest property line, of any residentially zoned land, as well as any land designated as recreation and open space use by the City of Westlake Comprehensive Plan Future Land Use Map.

50 (2) The facility shall be located no less than one thousand (1,000) feet, measured from the outer wall of the facility to the closest property line, of any school. Any school that is located in the future within the above restricted distance shall execute a waiver of the distance restriction.

51 (3) No two facilities, operating pursuant to this section or Arcade Amusement Center shall be located closer than five hundred (500) feet from one another, measured from the closest outer wall of each facility. Nothing in this section shall be construed as to prevent a business from operating under both section Arcade Amusement Center and section Electronic Gaming Establishment in the same facility without the need for additional approval, provided the machines and business operations are kept separate and apart from one another, preventing comingling of usage, and do not otherwise violate the provisions of Chapter 849, Florida Statutes, or any regulation of the state.

52 (4) If the facility is placed within a freestanding building the site must contain a parking ratio of one parking space per two (2) game machines, regardless of whether the building is new or existing.

53 (5) If the facility is located in a shopping center, or other building with shared parking, it shall not utilize more than ten percent (10%) of the overall parking, based upon the ratio above.

54 (6) The number of devices within the facility shall be governed by the Land Development Regulations of the City of Westlake as well as Florida Statutes and laws.

55 (7) The consumption, possession, dispensation, or sale of alcohol, shall be prohibited.

56 (8) The business location shall operate under the following management plan:

57 (i) Upon initially opening and on June 1 of each calendar year thereafter, the business shall report to the City Manager or designee the number of machines being operated within the facility; and

58 (ii) The business shall not operate in violation of county, state or federal law.

59 (9) The business shall not operate between the hours of 10:00 p.m. and 9:00 a.m. daily.

60 (10) All patrons of the business shall be made aware that they are participating in a computer-based sweepstakes, including the rules of the sweepstakes, as required by State Law or the regulation of any appropriate state agency.

61 (11) Each applicant for Conditional Use shall show proof of permit or license to operate a game promotion or sweepstakes from the Department of Agriculture and Consumer Services and other applicable State or Federal permits and that the

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electronic game promotion software;

 1. Operates only games with a preconfigured finite pool of entries;
 2. Provides an entrant with the ability to participate in the absence of a purchase;
 3. Does not distinguish an entrant who has made a purchase from one who has not, with respect to all advertised prizes; and uses video displays that do not determine the result.

(12) Each applicant shall provide proof that it has established a trust account in accordance with Chapter 849.094 Florida Statutes.

(13) A conditional use shall not be construed to authorize any game or machine that may be construed as a gambling device under Florida law.

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 | |

| 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 | | |

| 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 |

| 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 | | |
| Massage Parlor | | | | <u>C</u> | | | |
| Arcade Amusement Center | | | | <u>C</u> | | | |
| Electronic Gaming Establishment | | | | <u>C</u> | | | |
| 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 |

| 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 | | | | | | | |

| 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 |
| Key: P = Permitted Use C = Conditional Use 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. | | | | | | | |

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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.

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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.

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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.

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

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PASSED this____day of_____, 2023, on first reading.

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PUBLISHED on this____day of_____, 2023 in the Palm Beach Post.

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PASSED AND ADOPTED this____ day of_____, 2024, on second reading.

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ATTEST:

City of Westlake

JohnPaul O’Connor, Mayor

Zoie Burgess, CMC City Clerk



Meeting Agenda Item Coversheet

| | | | | | |
|---|--|--|--|--|----|
| MEETING DATE: | | 12/5/2023 | | Submitted By: Planning and Zoning | |
| SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i> | | FIRST READING: Ordinance 2023-xx – Massage Establishment | | | |
| STAFF RECOMMENDATION: (MOTION READY) | | Motion to recommend approval of first reading of Ordinance 2023-xx “Massage Establishment” | | | |
| SUMMARY and/or JUSTIFICATION: | | This Ordinance amends Chapter 3 providing for the creation of section to be entitled “Massage Establishment”. Establishes provisions for Massage Establishment. | | | |
| 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> | | Exhibit A: Ordinance 2023-xx: Massage Establishment | | | |
| SELECT, if applicable | | RESOLUTION: | | ORDINANCE: 2023-xx | |
| IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank) <u>Please keep text indented.</u></i> | | <p style="text-align: center;">ORDINANCE NO. 2023-xx</p> <p>AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR A DEFINITION OF A MASSAGE ESTABLISHMENT; PROVIDING FOR HOURS OF OPERATION; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.</p> | | | |
| FISCAL IMPACT (if any): | | | | | \$ |

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR A DEFINITION OF A MASSAGE ESTABLISHMENT; PROVIDING FOR HOURS OF OPERATION; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

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.

WHEREAS, on September 23, 2019, the City Council of the City of Westlake adopted Ordinance 2019-9 which established a zoning district and set forth standards for the zoning district;

WHEREAS, the City's Planning Consultants recommend that the Code of Ordinances, specifically Ordinance 2019-9 be amended to create and establish regulations for Massage Parlors.

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 No. 2019-9 by amending Article ____ Table 3-20 of Permitted Uses, is hereby amended as provided in the attached "Table 3-20 Permitted Uses". Creating Section____entitled "Massage Establishment" to read as follows:

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

Massage establishment means any shop, establishment or place of business which is a massage establishment as defined by F.S. § 480.033(7) which statute is adopted and incorporated in this article by reference.

Massage establishment.

- (1) Any shop, parlor, establishment or place of business wherein all or any one or more of the following named subjects and methods of treatments are administered or practiced: Body massage either by hand or by any mechanical or electrical apparatus or device (excluding fever therapy), applying such movements as stroking, friction, rolling, vibration, kneading, cupping, petrissage, rubbing, effleurage or tapotement.
- (2) Nothing in this section shall be construed as applying to State of Florida licensed massage therapists, barbers, cosmetologists, manicurists, pedicurists, physical therapists' assistants, midwives, practical nurses, agents, servants or employees in licensed hospitals or nursing home or other licensed medical institutions, licensed physicians, osteopaths,

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(Supp. No. 19)

chiropractors, podiatrists, naturopathic physicians or other licensed medical practitioners, or their agents, servants, or employees acting in the course of such agency, service or employment under the supervision of the licensee.

- (3) Provided, however, that, for the purpose of this section, the term "massage establishment" shall not include any massage establishment wherein at least one State of Florida licensed massage therapist is employed and on duty full time during the hours open for business.

Sec. ____. Operation generally.

It shall be unlawful to operate or conduct a shop, establishment or place of business outside the hours of 8:00 a.m. to 7:00 p.m. weekdays only, in which there is practiced massage as defined by F.S. § 480.033(3) except in a massage establishment as defined by F.S. § 480.033(7), pursuant to all requirements of F.S. ch. 480, which statutes are adopted and incorporated in this article by reference.

Sec. ____. Employees.

A massage establishment shall have in its employ and shall have on duty full-time during the hours open for business at least one registered masseur or masseuse having in his possession a certificate of registration and current certificate of renewal duly authorized by the state board of massage. A massage establishment may have apprentices certified by the state board of massage, the number of which may not exceed the number of registered masseurs and masseuses employed in the massage establishment. Failure to meet the requirements of this section shall be deemed a violation.

Sec. ____. Certificate of registration.

It shall be unlawful for any person to engage or attempt to engage in the practice of massage for fee, or for gratuity, or to teach massage without having in his possession a certificate of registration and a current certificate of renewal issued by the state board of massage.

Sec. ____. Exemptions.

This article shall not be deemed or held to apply to:

- (1) Persons lawfully practicing the profession of medicine and surgery within the state while actually engaged in the practice of such profession.
- (2) Commissioned medical surgical officers of the United States Army, Navy, Public Health or Marine Hospital Service while engaged in the performance of their official duties.
- (3) Persons lawfully practicing the profession of chiropractic, osteopathy or naturopathy within the state while actually engaged in the practice of any of those professions.
- (4) Graduate nurses while performing their professional duties, and hospital attendants while performing services for resident patients of any hospital.
- (5) Hospitals lawfully operating within the city.
- (6) Such other professions or vocations as may be provided from time to time by state law.

Sec. ____. Advertisements of unlicensed operators or establishments prohibited.

It shall be unlawful for any person to display or cause to be displayed within the city any sign, placard or newspaper advertisement whereby public patronage of any massage operator or massage parlor or establishment is solicited, either directly or indirectly, or whereby the public is given notice of the address or telephone number of any massage operator or massage establishment, unless the massage operator or the massage parlor or establishment for whom such public patronage is thereby solicited or the massage operator or massage parlor or establishment whose address or telephone number is thereby given shall be duly licensed under the provisions of this article.

Sec. ____. Operator's license required.

It shall be unlawful for any person in the city to engage in, follow or practice, or attempt to engage in, follow or practice the business, profession or occupation of massage operating unless such person shall have first obtained a license or permit as a licensed massage operator issued by the city clerk.

Sec. ____. License Display

Every person licensed under the provisions of this article who shall conduct or manage, as owner or proprietor, any place or establishment shall display a sign upon which the words "licensed massage operator," "licensed masseur," "licensed masseuse" or "licensed massage establishment" shall be conspicuously and legibly set forth in the English language in such manner that the words may readily be seen by persons entering the premises where massage is given.

Sec. ____. Inspection required annually; prosecution of violations.

The City Code Enforcement Department inspectors are authorized to at least once a year and at such other time that shall seem necessary or expedient to enter upon any premises where a massage parlor or establishment is maintained in the city and inspect such parlor or establishment for the purposes of enforcing the provisions of this article.

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 | | |
| <u>Massage Establishment</u> | | | | <u>c</u> | | | |
| 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 |
| Key: P = Permitted Use C = Conditional Use 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. | | | | | | | |

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 _____, 2023, on first reading.

PUBLISHED on this ____ day of _____, 2023 in the Palm Beach Post.

PASSED AND ADOPTED this ____ day of _____, 2024, on second reading.

ATTEST:

Zoie Burgess, City Clerk

City of Westlake
JohnPaul O'Connor, Mayor

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY