

CITY OF WESTLAKE



AGENDA

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, City Clerk
Donald J. Doody, Esq., City Attorney
Nilsa Zacarias, Planning and Zoning Director

[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: 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>

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 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 request 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

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.

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: Thursday, March 8, 2023

CITY OF WESTLAKE



MINUTES

Local Planning Agency Meeting

Tuesday, December 06, 2022, 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, December 6, 2022, 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: 2633 230 6347
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 230 6347

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, December 6, 2022, to order at 5:32 PM.

ROLL CALL

Present and constituting a quorum:

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

Also present:

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

PLEDGE OF ALLEGIANCE

Mayor O'Connor led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

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

Motion to approve agenda by Councilman Martinez, seconded by Councilwoman Leonard.

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 request 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 - 11.01.2022 DRAFT

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

Motion by Vice Mayor Langowski to approve the 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. Ordinance 2022-15 – Temporary Structures and Uses.

Submitted By: Planning and Zoning

ORDINANCE NO. 2022-15

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY CREATING ARTICLE _____ ENTITLED "TEMPORARY STRUCTURES AND USES"; PROVIDING FOR THE REGULATION OF TEMPORARY STRUCTURES AND USES; PROVIDING FOR THE ESTABLISHMENT OF A MATRIX FOR TEMPORARY STRUCTURES AND TEMPORARY USES; PROVIDING FOR THE REGULATION OF SALE MODELS; PROVIDING FOR THE REGULATION OF TEMPORARY CONSTRUCTION TRAILERS AND PORTABLE STORAGE UNITS; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; 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 2022-15, by title only, into the record.

Mayor O'Connor called for staff presentations. Mr. Leon with Planning & Zoning presented a PowerPoint presentation to introduce Ordinance 2022-15, Temporary Structure and Uses, into the zoning code.

Mr. Leon explained that all temporary uses and/or structures which are not otherwise treated by these LDRs as a permitted use or conditional use in a particular zoning district, which are not otherwise subject to a special event permit, and which are not otherwise prohibited under the terms of these LDRs may be conducted or erected after obtaining a temporary permit.

Mr. Leon continued, noting the City Manager is authorized to issue a permit for temporary structures and temporary uses. The City Manager may impose reasonable conditions upon the Temporary Permit.

In addition to the authorization process, Mr. Leon reviewed the Application Review and approval procedure, the duration of the temporary structures, construction site requirements, use compatibility, cessation, traffic circulation and nuisance and revocation process.

Mr. Leon further identified the section of the code that provides the permitted temporary uses and structures and any additional requirements.

Motion by Vice Mayor Langowski to recommend Ordinance 2022-15, Temporary Structures and Uses to Council for 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 5:48 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor

1st Reading _____
2nd Reading _____

Drafted 2/21/23

1

ORDINANCE NO. 2023-__

2 **AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE,**
3 **FLORIDA, AMENDING ORDINANCE NO. 2019-9 AS SET FORTH IN THE CITY’S**
4 **CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF SECTION 3 TO BE**
5 **ENTITLED “ESSENTIAL FACILITIES AND SERVICES” ; PROVIDING FOR**
6 **ESSENTIAL FACILITIES SERVICES; PROVIDING FOR HEIGHT OF STRUCTURES;**
7 **PROVIDING FOR SCREENING AND BUFFERING; PROVIDING FOR EXEMPTIONS**
8 **FROM PROPERTY DEVELOPMENT REGULATIONS; PROVIDING FOR SETBACK**
9 **REQUIREMENTS; PROVIDING FOR CODIFICATION, PROVIDING FOR**
10 **CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE**
11 **DATE.**

12

13 **WHEREAS,** the City Council finds it is in the public's interest to establish
14 policies and procedures to allow for consistent, flexible, creative, and
15 economically beneficial development within the City of Westlake.

16

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

20

21 **WHEREAS,** the City’s Planning Consultants recommend that the Code of
22 Ordinances, specifically Ordinance 2019-9 be amended to create and establish
23 regulations for essential facilities and structures.

24

25 **NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE CITY**
26 **OF WESTLAKE, FLORIDA, AS FOLLOWS:**

27

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

30

31 **SECTION 2.** The City Council hereby amends Ordinance No. 2019-9 by
32 amending Article ____ by specifically creating Section 3 entitled “Essential Facilities
and Services” as follows:

33

34 **Section 3: Essential Facilities and Services.** All buildings or structures defined
35 as essential facilities and services in Chapter 1, Article 1.2 of this code, is permitted
36 by right in all zoning districts as shown in Table 3-20, when necessary for the day-
37 to-day operation of the service, subject to the requirements set forth in Chapter 3
Article 3.3 Section 3.

38

A) Height of structures.

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No portion of any building or structure regulated by this

1st Reading _____
2nd Reading _____

Drafted 2/21/23

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article shall exceed 50 feet in height in residential zoning districts and up to 150 feet in non-residential zoning districts.

B) Screening and buffering.

Structures or equipment (excluding transmission poles) exceeding three feet in height, must be of neutral, non-glare color or finish so as to make them as visually unobtrusive as possible and be shielded on all sides by shrubs at least three feet high at time of planting.

C) Exemptions from property development regulations.

(a) Essential facilities and service or essential service equipment shall be exempt from the property development regulations which set forth minimum lot size, area, dimensions, and setbacks, except that above-ground essential services or essential service equipment may not be placed closer than three feet to any sidewalk or bike path.

(b) Essential service facilities shall not be required to meet the minimum required lot area, and dimensions for the district wherein located, provided that access, buffering, drainage, retention, parking and other provisions of this Ordinance and the Land Development Code are satisfied. Facilities shall have a maximum lot coverage of 50%, and a minimum pervious percentage of parcel of 25%.

D) Setbacks.

(a) Structures regulated by this section that are three feet or less in height are exempt from all setback requirements.

1st Reading _____
2nd Reading _____

Drafted 2/21/23

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- (b) Buildings or structures that are over three feet but less than six feet in height must be set back a minimum of five feet from any street right-of-way or street easement and must comply with the visibility triangles (Corner Clips).
- (c) Buildings or structures that exceed six feet in height must comply with the minimum setback of 30 feet and may not be located closer than 25 feet to any body of water.

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 _____, 2023, on second reading.

1st Reading _____
2nd Reading _____

Drafted 2/21/23

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ATTEST:

Zoie Burgess, City Clerk

City of Westlake
JohnPaul O'Connor, Mayor

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY



Meeting Agenda Item Coversheet

| | | | | |
|---|--|---|--|-----------------------------|
| MEETING DATE: | | 3/14/2023 | 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 – Chapter 3. Amendment (Essential Facilities and Services) | | |
| STAFF RECOMMENDATION: (MOTION READY) | | Motion to recommend approval of first reading of Ordinance 2023-xx “Chapter 3 Amendment (Essential Facilities and Services)”. | | |
| SUMMARY and/or JUSTIFICATION: | | This Ordinance amends Chapter 3 providing for the creation of section to be entitled “Essential Facilities and Services”. Establishes provisions for Essential Facilities and Services for height of structures, screening, buffering, exemptions from property development regulations and setback requirements. | | |
| 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 2023-xx: Chapter 3 (Essential Facilities and Services) | | |
| SELECT, if applicable | | RESOLUTION: | | ORDINANCE: 2023-xx X |
| IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field’s textbox and leave blank)</i> <u>Please keep text indented.</u> | | <p style="text-align: center;">ORDINANCE NO. 2023-xx</p> <p>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.</p> | | |
| FISCAL IMPACT (if any): | | | | \$ |