

CITY OF WESTLAKE



AGENDA

Local Planning Agency Meeting
Tuesday, July 05, 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, AICP, 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: 2630 447 9937

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: 2630 447 9937

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.

PUBLIC HEARING

- A.** Ordinance 2022-08 – Non-Conforming Lots, Uses, Characteristics, and Structures.

Submitted By: Planning & Zoning

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING SECTION _____ ENTITLED “NON-CONFORMING LOTS, USES, CHARACTERISTICS, AND STRUCTURES”; PROVIDING FOR REGULATIONS FOR LOTS, USES, CHARACTERISTICS, AND STRUCTURES LAWFULLY EXISTING AT THE TIME OF AN AMENDMENT TO THE CITY’S CODE OF ORDINANCES AND THEREAFTER DEEMED NON-CONFORMING; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; 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, June 30, 2022



Meeting Agenda Item Coversheet

MEETING DATE:		July 5, 2022	Submitted By: Planning & Zoning	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Ordinance 2022-08 – Non-Conforming Lots, Uses, Characteristics, and Structures.		
STAFF RECOMMENDATION: (MOTION READY)		Motion to recommend City Council to approve Ordinance 2022-08 “Non-Conforming Lots, Uses, Characteristics, and Structures”		
SUMMARY and/or JUSTIFICATION:		This Ordinance establishes provisions for regulations for lots, uses, characteristics, and structures lawfully existing at the time of an amendment to the city’s code of ordinances and thereafter deemed non-conforming.		
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 2022-08: Non-Conforming Lots, Uses, Characteristics, and Structures.		
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) <u>Please keep text indented.</u></i>		<p style="text-align: center;">ORDINANCE NO. 2022-08</p> <p>AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING SECTION _____ ENTITLED “NON-CONFORMING LOTS, USES, CHARACTERISTICS, AND STRUCTURES”; PROVIDING FOR REGULATIONS FOR LOTS, USES, CHARACTERISTICS, AND STRUCTURES LAWFULLY EXISTING AT THE TIME OF AN AMENDMENT TO THE CITY’S CODE OF ORDINANCES AND THEREAFTER DEEMED NON-CONFORMING; 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. _____

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING SECTION _____ ENTITLED “NON-CONFORMING LOTS, USES, CHARACTERISTICS, AND STRUCTURES”; PROVIDING FOR REGULATIONS FOR LOTS, USES, AND STRUCTURES LAWFULLY EXISTING AT THE TIME OF AN AMENDMENT TO THE CITY’S CODE OF ORDINANCES AND THEREAFTER DEEMED NON-CONFORMING; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Westlake finds the need for additional regulations allowing non-conforming uses for property owners to maximize utilization of their property and to provide for the adequate health, safety, and welfare of the City; and

WHEREAS, the City Council of the City of Westlake deems it in the best interest of the City to amend the Code of Ordinances by creating Section ____ entitled “Non-Conforming Lots, Uses, and Structures” to allow certain lots, uses, characteristics, and structures to continue to exist in conformance with the provisions herein; 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 creates Section _____ of the City’s Code of Ordinances as follows:

Non-Conforming Lots, Uses, Characteristics, and Structures.

1. Intent: Currently within the City or by virtue of amendments to this Code of Ordinances that may be later adopted, there may exist:

a. Lots;

b. Structures;

c. Uses of Land and Structures; and

Non-Conforming uses are declared by this Ordinance to be incompatible with permitted uses in the zoning districts involved. A Non-conforming use of a structure, a Non-conforming use of land, or a Non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance.

2. Non-Conforming Single Family Lots of Record: Any lot or parcel, of record prior to adoption of an amendment to the City’s Code of Ordinances, that does not thereafter meet the requirements of the City’s Code for lot area or lot width, may nevertheless be utilized for single-family

residence purposes only, provided that the lot area and lot width are within two-thirds of that required by the terms of the regulations.

3. Non-conforming Structures: Where a lawful structure exists at the effective date of adoption or amendment to the City's Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No such non-conforming structure may be enlarged or altered in any way which increases its non-conformity, but any structure or portion hereof may be altered to decrease its non-conformity.

b. Should such non-conforming structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the City's Code of Ordinances.

c. Should any such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

4. Non-Conforming Use of Structures or of Structures and Premises in Combination: If lawful use involving individual structures, or of structures and premises in combination, exists at the effective date of an amendment to the City's Code of Ordinances, that would not thereafter be allowed in the zoning district under the terms of the City's Code, the non-conforming use may be continued so long as it remain subject to the following provisions:

a. No existing structure devoted to a use not permitted in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located, except that the City Council shall have the discretion to allow reasonable alterations for the purpose of allowing the non-conforming use to modernize or redesign when it is deemed that such changes are in the interest of the City's health, morals, safety and/or welfare.

b. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zoning district, and the non-conforming use may not thereafter be resumed.

c. When a non-conforming use of a structure, or a structure and premises in combination, is discontinued or abandoned for one hundred eighty (180) calendar days from the time at which the license for said use expires (except when governmental action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.

d. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the

land. Destruction for the purpose of this sub-section is defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time of the destruction.

e. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.

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