

CITY OF WESTLAKE



AGENDA

Local Planning Agency Meeting
Monday, June 14, 2021 at 6:00 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 will adhere 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 will be limited seating available in the Council Chambers. Therefore, preregistration will be required for in-person participation.

The instructions for preregistration attendance/participation and viewing of the meeting are outlined 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 561-560-5880 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 others preregistered parties.

COMMUNICATIONS MEDIA TECHNOLOGY – WEBEX:

Members of the public may also participate in the meeting through electronic means and may access as follows:

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

Meeting ID: 132 296 9946

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: 132 296 9946

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

Patric Paul, Council Member – 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

[TENTATIVE: SUBJECT TO REVISION]

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

PUBLIC COMMENTS AND REQUESTS- (OPEN FORUM NON-AGENDA ITEMS)

This section of the agenda allows for comments from the public to speak on any item not presented on the agenda. 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, and prior to addressing the 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.](#) September 14, 2020 - Local Planning Agency Meeting Minutes - DRAFT

PUBLIC HEARING

- [A.](#) Article 5: Subdivision and Site Development Standards, Land Development Regulations - First Reading

Submitted By: Engineering

ORDINANCE 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.

- [B.](#) Chapter 3 Additional Medical Uses as Permitted in the Mixed Use Zoning District

Submitted By: Planning & Zoning

ORDINANCE 2021-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER THREE ENTITLED “ZONING DISTRICTS AND STANDARDS”, TO INCLUDE PROVISIONS FOR ADDITIONAL MEDICAL USES AS PERMITTED USES WITHIN THE MIXED USE ZONING DISTRICT; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

- C. Amending Ordinance No. 2019-12 and Chapter 1 Of The City's Code of Ordinances By Clarifying The Duties, Responsibilities and Composition of The Planning and Zoning Board.

Submitted By: Interim City Attorney

ORDINANCE 2021-05

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ORDINANCE NO. 2019-12, ADOPTED OCTOBER 28, 2019; AMENDING CHAPTER 1 OF THE CITY'S CODE OF ORDINANCES BY CLARIFYING THE DUTIES, RESPONSIBILITIES AND COMPOSITION OF THE PLANNING AND ZONING BOARD; REPEALING ORDINANCE NO. 2016-3; REPEALING ORDINANCE NO. 2020-09, ADOPTED SEPTEMBER 14, 2020; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ADJOURNMENT

Next Meeting (Subject to Change or be Cancelled): **TBD**

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: Monday, June 7, 2021

CITY OF WESTLAKE



MINUTES- DRAFT

Local Planning Agency Meeting (Immediately following First Budget Hearing)

Monday, September 14, 2020 at 7:00 PM

This meeting shall take place at the **Westlake Community Center/City Council Chambers located at 4005 Seminole Pratt Whitney Road, Westlake, Florida, 33470** and publicly viewed **Via Communications Media Technology** in accordance with the Governor's Executive Order 2020-69 and 2020-179. Due to COVID-19, and the need to ensure public health safety and welfare, this meeting will be conducted utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

Members of the public may participate in the meeting through electronic means and may access as follows:

1. Join the Webex meeting from your computer, tablet or smartphone at the following link:

<https://cityofwestlake.my.webex.com/>

Meeting ID: 132 446 2017

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: 132 446 2017

CITY COUNCIL:

Roger Manning, Mayor

Katrina Long Robinson, Vice Mayor

Patric Paul, Council Member – Seat 1

Kara Crump, Council Member – Seat 2

JohnPaul O'Connor, Council Member – Seat 3

CITY STAFF:

Ken Cassel, City Manager

Pam E. Booker, City Attorney

Zoie P. Burgess, City Clerk

A Local Planning Agency meeting of the City of Westlake was held on Monday, September 14, 2021 at 6:30 PM., at the Westlake Community Center, 4005 Seminole Pratt Whitney Road.

As a preliminary matter, Ms. Burgess noted that Mayor Roger Manning, Councilman Patric Paul, Councilwoman Kara Crump, Councilman JohnPaul O'Connor are present physically. Vice Mayor Katrina Long-Robinson was absent.

Ms. Burgess noted that City Manager Kenneth Cassel and City Attorney Pam Booker, were present physically. Planning & Zoning Director, Nilsa Zacarias, was present via communications media technology. City Clerk Zoie Burgess was present via communications media technology.

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 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. Ms. Burgess reminded Council Members physically present to utilize microphones.

CALL TO ORDER

Mayor Manning called the meeting to order at 7:28 PM.

Mayor Manning acknowledged that the meeting was being held in accordance with the Governor's Executive Order 2020-69 (as extended by Executive Order 20-179) and as Adopted by the City of Westlake City Council in Emergency Ordinance 2020-08.

Mayor Manning also noted that due to COVID-19 and the need to ensure the public health, safety and welfare, the meeting may be conducted without a quorum of its members present physically or at any specific location and utilizing communications media technology such as telephonic or video conferencing, as provided by Florida Statute.

ROLL CALL

Present and constituting a quorum

Councilman JohnPaul O'Connor
Councilwoman Kara Crump
Councilman Patric Paul
Vice Mayor Long-Robinson - Absent
Mayor Roger Manning

Also, present:

Kenneth Cassel, City Manager
Pam E. Booker, Esq.
Zoie P. Burgess, CMC, City Clerk - Present via communications media technology
Nilsa Zacarias, Planning & Zoning Director - Present via communications media technology

PLEDGE OF ALLEGIANCE

Mayor Manning noted that the Pledge of Allegiance was done at the Budget Meeting prior this evening.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Motion by Councilwoman Crump to approve the agenda, seconded by Councilman O'Connor.

Mayor Manning	YES
Councilman O'Connor	YES
Councilwoman Crump	YES
Councilman Paul	YES

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

PUBLIC COMMENTS

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, prior to addressing the Council, state your name and address for the record.

Ms. Burgess noted there were no public comment cards received prior to the meeting.

Ms. Burgess gave the virtual participants a moment to raise a virtual hand or unmute their devices and provided a reminder to state name and address.

There being no comment, 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. February 10, 2020 - Local Planning Agency Meeting Minutes
- B. March 9, 2020 - Local Planning Agency Meeting Minutes

Mayor Manning introduced the Consent Agenda Item.

Motion by Councilwoman Crump to approve consent agenda, seconded by Councilman O'Connor.

Roll Call

Councilman O'Connor	YES
Councilwoman Crump	YES
Councilman Paul	YES
Mayor Manning	YES

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

PUBLIC HEARING

- A. Ordinance 2020-11 - An Ordinance allowing the use of golf carts upon designated Rights-of-Ways, Rural Parkway Easements and Multi-Modal Paths throughout the City.

Submitted By: Engineering

ORDINANCE 2020-11 - AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ALLOWING THE USE OF GOLF CARTS UPON DESIGNATED CITY ROADS IN THE CITY OF WESTLAKE, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR IMPLEMENTATION AND PROVIDING AN EFFECTIVE DATE.

Mayor Manning introduced item.

Councilwoman Crump inquired on the language of the ordinance and requested clarity on the age requirements, permits and section 3A.

Councilman O'Connor commented that he has a problem with the language under section C and D. He mentioned that the age to obtain a learner permits is 15 years of age in the state. He commented on the power golf carts and advised that there is no definition; he said it needs clarification or either stricken.

Mayor Manning said that he is concerned with the fee and registration.

Councilman Paul said that he agrees with the Mayor.

Council discussion on the fee, permit and golf cart requirements.

Councilwoman Crump inquired who will be responsible for the enforcement of golf carts.

Mr. Cassel responded this is where it becomes a nightmare for Administration as the City would not be able to recover the cost of what it would cost to keep track of everyone every year. The cost would have to be borne by every residents in the general revenue.

Councilman O'Connor responded to Councilwoman Crump this would be enforced by the Palm Beach Sheriff Office (PBSO). He said that every golf cart would need to have a decal and commented assuming the ordinance is adopted to include language giving residents 90 days to come into compliance.

Councilman Paul commented this is all the reason to make sure that there is registration.

Mr. Cassel said that a signed affidavit can be included with the registration process that does not have to be part of the ordinance. If owner of the cart does not maintain the golf cart the sticker can be pulled until compliance is met. These are some of the administrative things that can be done without requiring additional cost.

Councilman O'Connor explained the reason for the golf cart ordinance.

Mr. Cassel advised that comments were received from Seminole Improvement District (SID) and the comments will be sent to the City as SID has concerns regarding liability issues.

Mayor Manning commented his concerns on individuals driving golf carts near the lakes.

Mr. Cassel advised that the golf carts are only to be operated on multimodal paths.

Councilman O'Connor said that there are some things that can be tweaked between first and second reading.

Mayor Manning said that Council needs to determine what needs to be tweaked.

Ms. Booker noted conversations held with Councilman O'Connor regarding the ordinance language in sections 4C and 4D which appear to be in conflict. She advised that the language is from the Florida State Statues and not from another district code. She noted that she does not have any

objection in deleting 4D and said that the State Statute will still apply; this ordinance does not supersede the State Statute. She advised that clarification can be provided regarding motor and gas carts; she can obtain an answer before second reading. She mentioned the conversation held with the City Manager regarding registrations, renewals and the balance between the two. She thinks that it puts the City in a better legal position that the renewals be done yearly; this is at the discretion of Council on how the registration and renewals are handled. She mentioned that she has gone over this with SID's Counsel as they are concerned with the liability in section 7. She said that if SID has any more comments, she is willing to review. She advised that liability was an issue for SID and had to consent to this before it came before Council as the City does not own most of the facilities and roadways. She noted that Engineering has looked at the ordinance. She recommended that the map of roadways in which the golf carts can be operated be included and updated annually in registration packet for renewal.

Councilman Paul inquired if there should be a restriction on the number of people allowed on the golf carts while driving.

Mr. Cassel advised that there is a license requirement in order to drive the carts. As long as the driver is not exceeding the amount of people that can be on the golf cart this should not be an issue.

Councilman O'Connor commented that according to the ordinance an individual has to be sixteen (16) to drive and this helps.

Ms. Booker commented that the ordinance is not set in stone and if more changes need to be made at Council's discretion to make amendments.

Councilman O'Connor said that this is the first step to curve the speeding issues that are being had within the gated communities. The City just cannot allow PBSO to go in to enforce as there is no Traffic Enforcement agreement.

Mayor Manning inquired on traffic agreement status.

Mr. Cassel explained the process of the agreement going through the County system. He said that he expects to see it shortly.

Further Council discussion.

Mayor Manning asked how does the Council coordinate.

Ms. Booker explained that the ordinance should be heard for second reading in October. She doubts that the County's agreement would be implemented prior to Council's October meeting. She said that just because Council chooses to allow the 90-day grace period does not mean that this will be invalidate the ordinance.

Mayor Manning inquired if the residents will be pulled over.

Mr. Cassel advised that the residents will be warned and given 90 days to get registered. He said that he will have the City Clerk post on the City's website and will get out on the media as well.

Mayor Manning inquired if a motion is needed to have renewals every year or renew once.

Ms. Booker responded that it is Council's discretion; if it is seconded with a majority vote this is the direction Counsel will take and make the changes.

Councilwoman Crump inquired if inspections will be held every year.

Mr. Cassel responded yes.

Further Council discussion on renewals.

Council made a consensus for a 3-year renewal.

Mayor Manning asked for public comments on the ordinance.

Ms. Burgess noted there were no public comments.

For the record, Ms. Burgess read Ordinance 2020-11 by title only.

Motion by Councilman O'Connor to approve Ordinance 2020-11 allowing the use of golf carts upon designated Rights-of-Ways, Rural Parkway Easements and Multi-Modal Paths throughout the City with the recommendation that the City allow 90 days or so to become compliant with permitting renewals every three years, seconded by Councilwoman Crump.

Mr. Cassel advised that since this is an LPA meeting this is a recommendation to Council to approve with those conditions.

Roll Call

Mayor Manning	YES
Councilman O'Connor	YES
Councilwoman Crump	YES
Councilman Paul	YES

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

- B. Ordinance 2020-12 - Amendments to Chapter 3, to add additional Setback Provisions For Residential Zoning Districts of Residential-1 (R1) and Residential-2 (R2).

Submitted By: Legal

ORDINANCE 2020-12 - AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER THREE ENTITLED "ZONING DISTRICTS AND STANDARDS", TO INCLUDE ADDITIONAL SETBACK PROVISIONS FOR RESIDENTIAL ZONING DISTRICTS OF RESIDENTIAL-1 (R1) AND RESIDENTIAL-2 (R2), PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Mayor Manning introduced the item.

Councilman O'Connor thanked staff for placing this item on the agenda. He recommends that permits be accepted now if approved. He noted that many residents have put down deposits on the home generators and some residents cannot afford to lose power as they have special needs people living with them. He inquired if permits can be accepted immediately if approved.

Ms. Booker advised that staff could review, but the owners would need to understand that it is at their risk if the ordinance is not approved for seconded reading. She said that the residents must understand that they cannot continue with the installation. She believes that residents can get through the review process before Council's next meeting.

Ms. Zacarias identified staff recommendation to Council. She advised that by adopting the new ordinance, staff will not use the existing code and noted R1 and R2 on installations of generators. She provided an overview of lot setbacks mentioned at a previous workshop meeting.

Mayor Manning called for any questions and public comments.

Ms. Burgess gave the audience a moment to raise their virtual hand.

Alicia Torres - 5847 Whippoorwill Circle - Ms. Torres inquired if there are any size lots that would not be feasible for generators.

Ms. Zacarias responded that the ordinance contemplates lots that are 40-50 feet, and the lots will have 5 feet setbacks.

Mayor Manning advised there being no further questions or discussions.

Ms. Burgess read Ordinance 2020-12 by title only.

Motion by Councilman O'Connor to approve Ordinance 2020-12, seconded by Councilman Paul.

Roll Call

Councilman Paul YES

Ms. Booker apologized and advised that she wanted to make sure that Council understands the additional clarification on 8, 9 and 10 that will be added.

Mr. Cassel mentioned modifications will be made between first and second reading for numbers 3 and 17.

Mayor Manning commented that just as long as it is redlined out for Council to have an understanding.

Roll Call

Councilman Paul YES

Councilwoman Crump YES

Councilman O'Connor YES, with the recommendation.

Mr. Cassel commented that this is a recommendation to approve for Council.

Ms. Burgess inquired with Ms. Booker if the motion should be restated.

Ms. Booker advised that she understands the motion.

Mayor Manning YES

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

ADJOURNMENT

There being no further business, Mayor Manning adjourned the meeting at 8:24 PM.

Zoie P. Burgess, City Clerk

Roger Manning, Mayor



Meeting Agenda Item Coversheet

MEETING DATE:		June 14, 2021	Submitted By: Engineering	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Article 5: Subdivision and Site Development Standards, Land Development Regulations - First Reading		
STAFF RECOMMENDATION: (MOTION READY)		Motion to Approve		
SUMMARY and/or JUSTIFICATION:		The regulations and procedures described in Article 5 will give the City Engineering Department the mechanism to ensure the quality of the land subdivision and development within the City. The regulations and procedures have been coordinated with SID to confirm that the roles and responsibilities of each party pertaining to land development are clear.		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:	X	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>	Agenda Item Cover Sheet Engineering Staff Report Ordinance – Article 5			
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>	ORDINANCE 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 REQUIRED IMPROVEMENTS;; PROVIDING FOR CODIFICAT
PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Item A.

FISCAL IMPACT <i>(if any):</i>		\$
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CITY OF WESTLAKE
Engineering Department
 4001 Seminole Pratt Whitney Road
 Westlake, Florida 33470
 Phone: (561) 530-5880
www.westlakegov.com

STAFF MEMORANDUM

DATE: 5/28/2021

DESCRIPTION: Article 5 Subdivision and Site Development Standards, Land Development Regulations
 First Reading

Introduction

Article 5 of the Land Development Regulations provides procedures for the subdividing and development of land within the City. The Article also describes the role of the Seminole Improvement District (SID) in the City's land development processes.

Article 5 was presented to the Council through past meetings and workshops. The most recent meeting pertaining to this article was in October of 2020, which was held to discuss intergovernmental coordination and cooperation, specifically related to stormwater, between the City and SID. Subsequent to these meetings, the City Manager's office issued a memorandum on November 30, 2020 that clarified the role of the City Engineer's office and SID in land development reviews.

The revised Article 5 presented for first reading reflects the clarifications for the role of SID in land development procedures. Other updates since 2019 have been made to ensure the quality of land development in the City.

Summary of Article 5 Components

The sections of Article 5 were included to provide guidance and regulations to applicants for subdividing land and conducting infrastructure improvements. This section provides a brief description of the regulations within Article 5.

Applicability, General Requirements, and Role and Authority of SID

The article begins with an overview of the role of SID in the City, describes facilities that are owned, operated and maintained by SID, and where SID is required to, or has the right to, review. Throughout the article references to SID are provided as applicable.

Waivers and Exemptions

This section describes the process for obtaining a waiver or exemption from platting or land development procedures.

Platting

Subdividing of land requires platting unless authorized under the waivers or exemptions. The article describes when platting is required, the standards for the preparation of that plat, parties required to approve plats, and City requirements for recording plats. The section also describes

when a guarantee is required by the developer for required infrastructure improvements as it relates to the plat recording by the City Engineer's office.

Site Development Permits

Site development permits are required prior to commencing any site improvement or construction. This section describe the types of improvements that require a Site Development Permit and the content of the construction plans that are required for the permit submittal.

Required Improvements

This section defines the minimum required improvements for all subdivisions to meet the performance standards set forth in the Comprehensive Plan. These required improvements consist of:

- Access and circulation systems (streets, sidewalks, parking areas)
- Earthwork
- Stormwater management system
- Potable water system
- Wastewater system
- Reclaimed water system
- Fire hydrants for Fire Rescue Services
- Lighting

The minimum design requirements for all of these components are detailed in this section, including reference to SID and other regulatory standards as applicable. The requirements for administering the construction are provided to ensure that the installation is in accordance with the approved plans.

It is noted that specific construction details for areas within the City jurisdiction, specifically pertaining to local roads, are under development and will be provided at second reading.

Conclusion

The regulations and procedures described in Article 5 will give the City Engineering Department the mechanism to ensure the quality of the land subdivision and development within the City. The regulations and procedures have been coordinated with SID to confirm that the roles and responsibilities of each party pertaining to land development are clear.

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 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) 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.
- (C) 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.
- (D) 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 satisfactory completion per Article 5.7(3)(c)(4)

or a guarantee has been furnished to and approved by the City Attorney 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 Attorney 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 phasing plan established for a parcel.

- (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. Following the City's acceptance of improvements, the City shall require the responsible party to maintain the improvements for a period of up to one year from the date of acceptance. In addition, 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. 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.

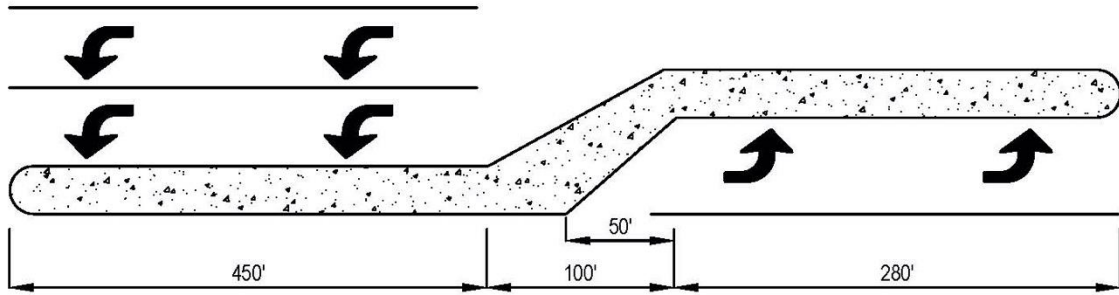
(k) **Driveways and Access.** Driveways and median openings shall be in accordance with Table 5-2 and the Figure 5-1.

Table 5-2: Driveway and Access Requirements

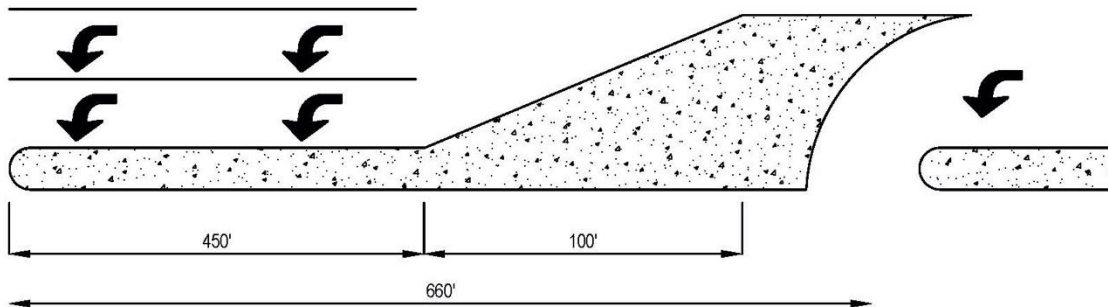
Roadway Section	Corner Clearance Distance (Arterial Road)	Corner Clearance Distance (All other Roads)	Driveway Connection Spacing*	Median Opening	Median Opening (From Arterial Road)	Signal Spacing
Collector Undivided	75 ft	50 ft	125 ft	660 ft	830 ft	0.25 mile
Collector Divided	125 ft	50 ft	125 ft	660 ft	830 ft	0.25 mile
*Does not apply for single family residential driveway connections						

(l) **Road Requirements.** The following graphics, which are individually numbered 1 through 8, are collectively called Figure 5-1: Road Standards, and are regulatory in nature.

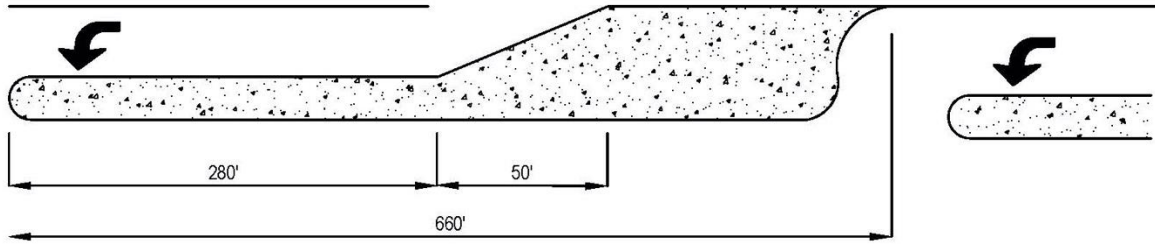
Figure 5-1: Road Standards:



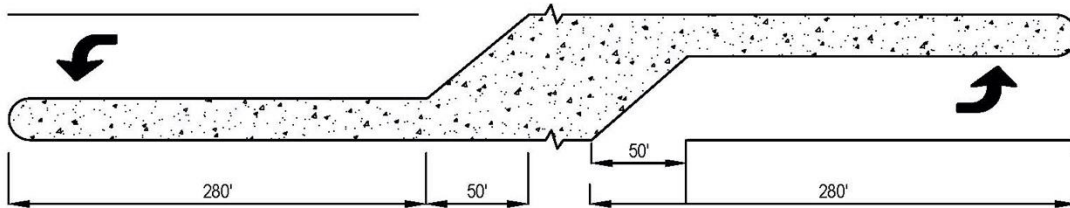
1 DUAL LEFT TURN LANES
(FULL MEDIAN OPENING)
N.T.S.



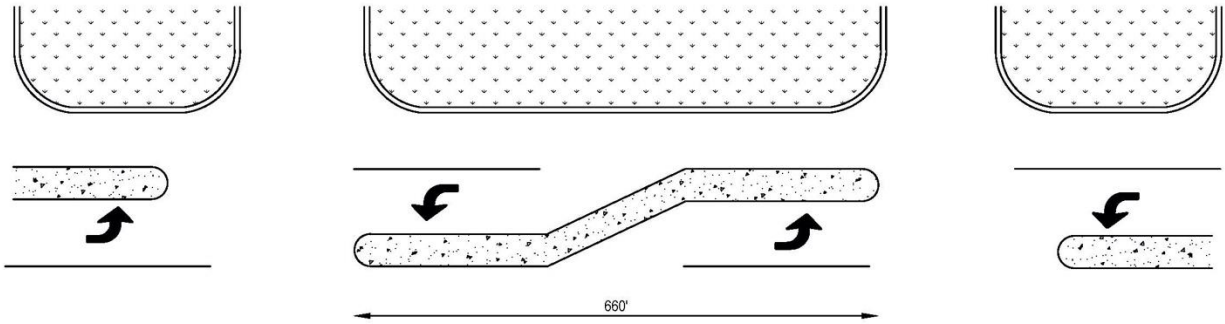
2 DUAL LEFT TURN LANES
(DIRECTIONAL MEDIAN OPENING)
N.T.S.



**LEFT TURN LANES
(DIRECTIONAL MEDIAN OPENING)**
3 N.T.S.



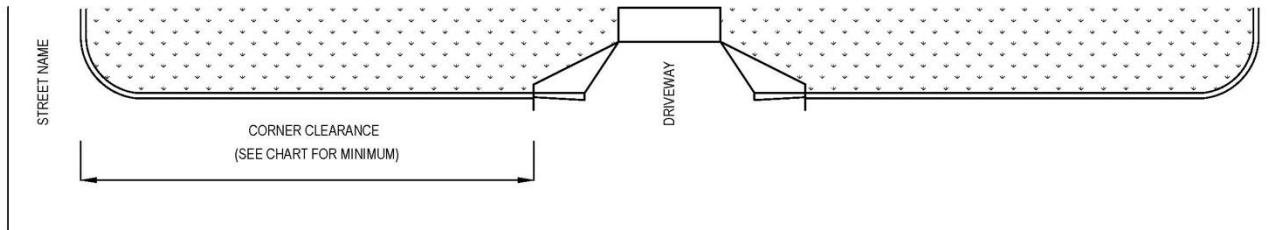
**SINGLE LEFT TURN LANES
(FULL MEDIAN OPENING)**
4 N.T.S.



DISTANCE BETWEEN DUAL LEFT TURN LANES AND FIRST MEDIAN OPENING

5

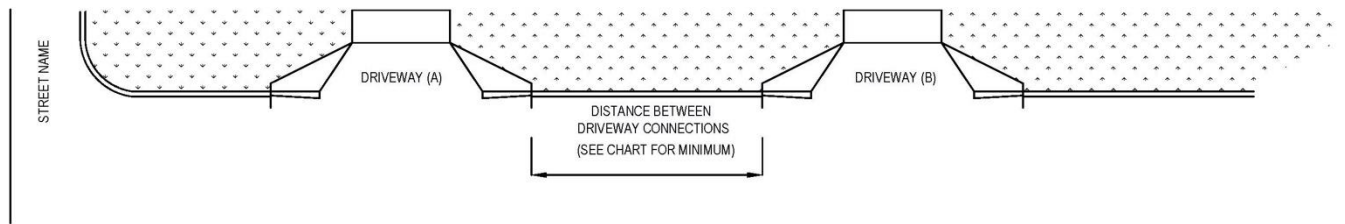
N.T.S.



6

CORNER CLEARANCE

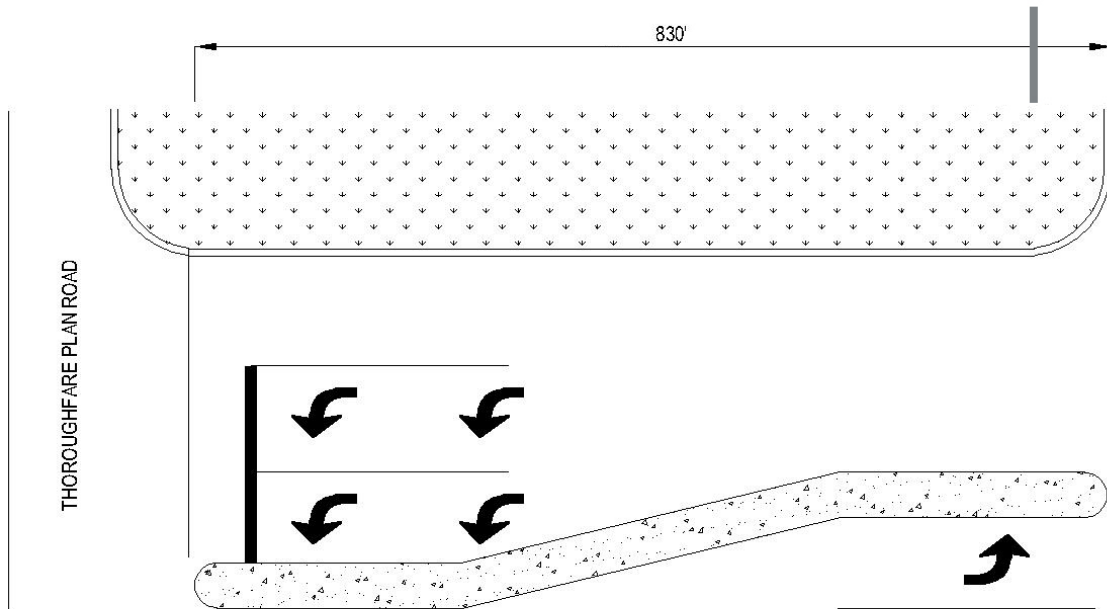
N.T.S.



7

DRIVEWAY DISTANCE

N.T.S.



8 **THOROUGHFARE RD**
N.T.S.

- (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 constructions 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	44 ft	2	11 ft	2 ft.	8 ft. (One side)	No	8 ft.	No	5 ft
Local Commercial Road	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) (5)	8 ft.	10 ft.	5 ft
Local Residential Road	44 ft.	2	10 ft.	2 ft.	8 ft (optional)	No	5 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. 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. Tree lawns may not overlap utility easements.
6. Sidewalks shall provide a minimum of 5' clearance.

- (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 section.
- (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.
- (e) Fire Hydrants located within single-family and duplex or two-family residential subdivisions shall be connected to water mains at least eight inches in diameter. Connection to dead-end stubs may be acceptable, providing the required fire flow can be achieved.
- (f) Spacing. Hydrants located in commercial, multifamily, industrial, or other nonresidential areas shall be spaced no further than 300 feet apart as measured along the roadway. The hydrant shall connect to water mains of adequate size, as determined by the city engineer, to meet the design flow demand.

(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.

(K) **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 does not apply to residential developments.
 - (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(2)(K)(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 luminaries 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 luminaries 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 luminaries 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 Min Ratio to
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:				
<ol style="list-style-type: none"> 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 3: *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.



Meeting Agenda Item Coversheet

MEETING DATE:		June 14, 2021	Submitted By: < Denise Malone >	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Chapter 3 Additional Medical Uses as Permitted in the Mixed Use Zoning District		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve First Reading of Ordinance 2021-03 "Additional Medical Uses as Permitted in the Mixed Use Zoning District"		
SUMMARY and/or JUSTIFICATION:		Designating additional certain medical uses as permitted uses within the Mixed Use Zoning District will better serve the City of Westlake and promote economic development within the City.		
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 2021-03: Chapter 3 Medical Uses in the Mixed Use Zoning District		
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>< Chapter 3 Medical Uses in the Mixed Use Zoning District ></p> <p>< AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER THREE ENTITLED "ZONING DISTRICTS AND STANDARDS", TO INCLUDE PROVISIONS FOR ADDITIONAL MEDICAL USES AS PERMITTED USES WITHIN THE MIXED USE ZONING DISTRICT; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE. ></p>		
FISCAL IMPACT (if any):		No Fiscal Impact		\$

ORDINANCE 2021-031st Reading June 14, 20212nd Reading July 12, 2021

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER THREE ENTITLED “ZONING DISTRICTS AND STANDARDS”, TO INCLUDE PROVISIONS FOR ADDITIONAL MEDICAL USES AS PERMITTED USES WITHIN THE MIXED USE ZONING DISTRICT; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Westlake previously adopted Chapter 3, entitled Zoning Districts and Uses, which eliminated the previously-applicable development criteria in the Interim Unified Land Development Code and provides the development criteria in the City’s Zoning Districts;

WHEREAS, the City of Westlake has amended Chapter 3 from time to time; and

WHEREAS, the City of Westlake deems it in the best interest of the City to amend its existing Land Development Regulations by amending Article 3.4, entitled Uses ; and

WHEREAS, the City of Westlake believes that designating certain medical uses as permitted uses within the Mixed Use Zoning District will better serve the City of Westlake and promote economic development within the City; and

WHEREAS, pursuant to Florida Statutes, 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 and amendments thereto; and

WHEREAS, the City of Westlake’s Planning and Zoning Board, sitting as the Local Planning Agency (LPA), reviewed the proposed amendment to Chapter 3 concerning the designation of certain medical uses as permitted uses within the Mixed Use Zoning District, and made a recommendation of approval to the City Council for the City of Westlake; 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 amendments to Chapter 3 will promote the public health, safety and welfare, and are consistent with the Comprehensive Plan;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL 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. Amendment to Permitted Uses Table. Table 3-20 PERMITTED USES shall be amended to designate certain medical uses as permitted uses within the Mixed Use District, as shown below:

TABLE 3-20: PERMITTED USES
(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Medical Uses¹							
Hospital				<u>P</u>			P
Pharmacy and Dispensary				P	P		P
Medical or Dental Office				P	P		P
Behavioral Health Center				<u>P</u>			P
Inpatient Rehabilitation Center				<u>P</u>			P
Free Standing Emergency Department				<u>P</u>			P
Medical marijuana dispensary							P
Emergency Department (Linked to Hospital)				<u>P</u>			P
Child Birth Center				<u>P</u>			P
Surgical Facilities (excluding in-office dental and eye surgical facilities)				<u>P</u>			P
Cardiac Catheterization Laboratory				<u>P</u>			P
Chemotherapy and Radiation/Cancer Center Treatment				<u>P</u>			P
Medical Infusion Center				<u>P</u>			P
Hyperbaric Oxygen and Wound Care Treatment Facility				<u>P</u>			P
Imaging, Diagnostic, Therapeutic, and Laboratory Services				<u>P</u>			P
Proton Center				<u>P</u>			P
Urgent Care Center				<u>P</u>			P
Hospitality House for Patients (and/or Patients' Families)				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. 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 become effective upon second reading.

PASSED AND APPROVED on First Reading on _____ of June, 2021.

PASSED AND APPROVED by City Council for the City of Westlake, on this _____ day of , July, 2021.

City of Westlake
Roger Manning, Mayor

Zoie Burges, City Clerk

Approved as to Form and Sufficiency
Donald Doody, City Attorney



Meeting Agenda Item Coversheet

MEETING DATE:		June 14, 2021	Submitted By: Interim City Attorney	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		AMENDING ORDINANCE NO. 2019-12 AND CHAPTER 1 OF THE CITY'S CODE OF ORDINANCES BY CLARIFYING THE DUTIES, RESPONSIBILITIES AND COMPOSITION OF THE PLANNING AND ZONING BOARD.		
STAFF RECOMMENDATION: (MOTION READY)		Adopt the ordinance on first reading.		
SUMMARY and/or JUSTIFICATION:		<p>The proposed ordinance clarifies the duties and responsibilities of the Planning and Zoning Board (the "Board"), and confirms the Board as the final decision-making authority on variance applications.</p> <p>Ordinance No. 2016-03 established the Board as an advisory board to make recommendations to the City Council on land use and land development matters, including variance applications.</p> <p>Ordinance No. 2019-03 established comprehensive land development procedures for the City and authorized the Board to grant variances, subject to appeal to the City Council.</p> <p>The proposed ordinances consolidates the role and responsibility of the Board, repeals Ordinance No. 2016-03, and confirms the Board role and authority to consider and grant variance applications.</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>				
SELECT, if applicable	RESOLUTION:		ORDINANCE:	

Item C.

**IDENTIFY FULL
RESOLUTION OR
ORDINANCE TITLE**

*(if Item is not a
Resolution or Ordinance,
please erase all default
text from this field's
textbox and leave blank)*

**Please keep text
indented.**

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ORDINANCE NO. 2019-12, ADOPTED OCTOBER 28, 2019; AMENDING CHAPTER 1 OF THE CITY'S CODE OF ORDINANCES BY CLARIFYING THE DUTIES, RESPONSIBILITIES AND COMPOSITION OF THE PLANNING AND ZONING BOARD; REPEALING ORDINANCE NO. 2016-3; REPEALING ORDINANCE NO. 2020-09, ADOPTED SEPTEMBER 14, 2020; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

FISCAL IMPACT *(if any):*

\$

1st Reading _____

2nd Reading _____

ORDINANCE 2021-__

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ORDINANCE NO. 2019-12, ADOPTED OCTOBER 28, 2019; AMENDING CHAPTER 1 OF THE CITY’S CODE OF ORDINANCES BY CLARIFYING THE DUTIES, RESPONSIBILITIES AND COMPOSITION OF THE PLANNING AND ZONING BOARD; REPEALING ORDINANCE NO. 2016-3; REPEALING ORDINANCE NO. 2020-09, ADOPTED SEPTEMBER 14, 2020; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with the Growth Policy Act under the Florida Statutes, Chapter 163, the City has the responsibility of planning for the future growth and development of the City of Westlake; and

WHEREAS, on _____, the City Council adopted Ordinance No. 2016-3, thereby establishing the Planning and Zoning Board (the “Board”) as an advisory board to the City Council and empowered the Board to make recommendations to the City Council on a number of land use and land development matters, including variance applications; and

WHEREAS, on October 28, 2019, the City Council adopted Ordinance No. 2019-12, thereby creating Chapter 1 of the City’s Code of Ordinances and establishing an administrative process for land development regulations for the City of Westlake, including the creation of a local planning agency and a Planning and Zoning Board; and

WHEREAS, on October 28, 2019, the City Council also adopted Ordinance No. 2019-13, thereby creating Chapter 2 of the City’s Code of Ordinances and further establishing comprehensive land development procedures for the City of Westlake; and

WHEREAS, on September 14, 2020, the City Council adopted Ordinance No. 2020-09, thereby amending Ordinance No. 2016-3 and adding to the composition of the Board and clarifying the quorum requirements for the Board; and

WHEREAS, Ordinance No. 2019-13 created Article 2.2, Section 2(B) of the City’s Code of Ordinances, establishing procedures for the consideration of variance applications, authorizing the Board to grant variances, and providing a right to appeal the denial of variances to the City Council; and

WHEREAS, the City Council seeks to consolidate the duties and responsibilities of the Board within Chapter 1 of the City’s Code of Ordinance and, in furtherance of this effort, seeks to repeal Ordinance No. 2016-3 and Ordinance No. 2020-09; and

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.

WHEREAS, by adopting this ordinance and repealing the ordinances referenced herein, the City Council seeks to consolidate certain prior actions of the City Council and establish a more streamlined and simplified Chapter 1 of the City's Code of Ordinances; and

WHEREAS, the City Council has held a public hearing in accordance with Section 166.041, F.S.; and

WHEREAS, the City Council finds that adopting this ordinance and establishing a more organized and simplified Chapter 1 of the City's Code of Ordinances is in the best interests of the citizens and residents of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL 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. Code Reference: The City Council hereby amends Chapter 1 of the City's Code of Ordinances, entitled "Administration," established pursuant to the adoption of Ordinance No. 2019-12, dated October 28, 2019, as follows:

CHAPTER 1: ADMINISTRATION

...

ARTICLE 1.8 PLANNING AND ZONING BOARD.

Section 1: *Composition, Term and Organization.*

- (A) The Planning and Zoning Board shall be composed of the five members of the City Council for the City of Westlake, and an alternate member selected by the City Council. The City Council shall select a resident of the City of Westlake to serve as an alternate in the event a board member is unable to attend the Planning and Zoning Board meeting. There shall be one nonvoting member from the School Board of Palm Beach County.
- (B) Members of the Planning and Zoning Board shall serve for a term of four (4) years. Members of the Board shall be knowledgeable as to the functions of municipal government, planning and zoning matters and municipal development and may include professions associated with development including architects, planners, attorney, engineers and contractors.
- (C) The alternate member shall be allowed to participate and vote on matters which are before the board when any regular member of the Board is unable to attend a scheduled meeting.
- (D) Three members of the Planning and Zoning Board who are in attendance shall constitute a quorum for purpose of convening a meeting and conducting business

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for the City. A meeting of the Planning and Zoning Board shall not be called to order without a quorum consisting of at least three members, which may include the alternate as well as the City Attorney being present. When a quorum does not exist, the members present may convene for the purposes of continuing a public hearing, holding a workshop, or scheduling a special meeting.

- (E) The members of the Planning and Zoning Board shall serve without compensation but shall be reimbursed for any expenses authorized by the City of Westlake, which may be incurred in the performance of their duties.
- (F) During the initial meeting of the Planning and Zoning Board, the Board shall select a chair and a vice-chair to serve for the orderly conduct of the meeting. The chair and the vice chair shall serve for a one (1) year term. The chair and the vice-chair shall be selected at the first meeting in April of each year.

Section 2. *Business Meetings and Procedures*

- (A) The meetings shall be scheduled once per month at the direction of the City Manager. The City Manager may cancel the monthly meeting if there are no business matters pending for the meeting as scheduled. The City Manager may call a special meeting if necessary in the discretion of the City Manager to facilitate the growth and development that is in the best interest of the City. The Board may schedule additional meetings as deemed necessary to conduct the business of the City, training or workshop matters.
- (B) The meetings shall be held on the second Monday of each month, commencing at six (6) o'clock (6:00pm) and duly noticed by the City Clerk. The meetings shall be held at the Westlake Community Center, located at 4005 Seminole Pratt Whitney Road, or other locations as designated by the City Manager.
- (C) The meetings of the Planning and Zoning Board shall be public meetings, open to the public. The public is encouraged to participate and attend the meetings. There shall be an official agenda for each of the regular meetings of the Planning and Zoning Board. The City Manager shall prepare the agenda for each board meeting.
- (D) Decisions of the Board shall be by motion and a roll call vote of the members present. Minutes of the proceedings of all meetings shall be kept by the City Clerk.

Section 3. *Administrative Assistance*

- (A) The City Manager shall attend the Planning and Zoning Board meetings. The City Manager shall provide staff and clerical assistance for the Planning and Zoning Board members as may be required for the reasonable performance of their duties. This shall include a recording secretary to keep records of all proceedings.
- (B) The City Planner shall advise and assist the Planning and Zoning Board in all of its presentations, hearings, and deliberations on items which appear before the board for consideration.

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- (C) 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 which will assist in the decision-making process.
- (D) The City Attorney shall provide legal representation to the Planning and Zoning Board at all meetings of the Board.

Section 4. *Powers and Duties*

- (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.

Section 3. Repealer: That Ordinance No. 2016-3 is hereby repealed in its entirety. The City Council of the City of Westlake hereby further repeals Ordinance No. 2020-09, in its entirety.

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 _____, 2021, on first reading.

PUBLISHED on this ____ day of _____, 2021 in the Palm Beach Post.

PASSED AND ADOPTED this ____ day of _____, 2021, on second reading.

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.

City of Westlake
Roger Manning, Mayor

ATTEST:

Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

OFFICE OF THE CITY ATTORNEY

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