

CITY OF WESTLAKE



AGENDA

Local Planning Agency Meeting

Tuesday, January 18, 2022, 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 561-530-5880 no later than one (1) business day prior to the meeting date (e.g. by 4:00 P.M. on a Friday, if the meeting is scheduled for that Monday, etc.)
- In-person attendance/participation will be based upon the order in which the preregistration requests are received by the City Clerk. For Public Hearing Quasi-Judicial meetings, precedence into the Council Chambers will be given to applicants, their representatives, and/or witnesses over all other preregistered parties.

COMMUNICATIONS MEDIA TECHNOLOGY – WEBEX:

Members of the public 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: 2630 757 3058

Password: hello

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

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

Meeting ID: 2630 757 3058

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

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

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

CITY COUNCIL:

Roger Manning, Mayor

JohnPaul O’Connor, Vice Mayor

Vacant – Seat 1

Kara Crump, Council Member – Seat 2

Katrina Long Robinson, Council Member – Seat 4

CITY STAFF:

Ken Cassel, City Manager

Zoie P. Burgess, City Clerk

Donald J. Doody, Esq., Interim City Attorney

Nilsa Zacarias, Planning and Zoning Director

Suzanne Dombrowski, City Engineer

[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.

PUBLIC HEARING

- A. ORDINANCE NO. 2022-13:** AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ADOPTING AN AMENDMENT TO ITS COMPREHENSIVE DEVELOPMENT PLAN IN ACCORDANCE WITH THE MANDATES SET FORTH IN SECTION 163.3184, ET SEQ., FLORIDA STATUTES, TO ADD AND ADOPT A PRIVATE PROPERTY RIGHTS ELEMENTS, PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Submitted By: Planning and Zoning

ADJOURNMENT

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

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

AGENDA POSTED: January 10, 2022



Meeting Agenda Item Coversheet

MEETING DATE:		1/18/22	Submitted By: Planning and Zoning	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		ORDINANCE NO. 2022-XX: AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ADOPTING AN AMENDMENT TO ITS COMPREHENSIVE DEVELOPMENT PLAN IN ACCORDANCE WITH THE MANDATES SET FORTH IN SECTION 163.3184, ET SEQ., FLORIDA STATUES, TO ADD AND ADOPT A PRIVATE PROPERTY RIGHTS ELEMENTS, PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES		
STAFF RECOMMENDATION: (MOTION READY)		Recommendation for approval of the Ordinance 2022-xx.		
SUMMARY and/or JUSTIFICATION:		The proposed City-initiated text amendment would revise the Comprehensive Plan to meet legislative requirements in House Bill 59 – Growth Management. House Bill 59 modified Chapter 163.3177, Florida Statutes to require a Property Rights Element as an additional required Element in local government comprehensive plans. The proposed Element is included in Attachment A.		
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>		Ordinance 2022-xx New Comprehensive Plan Element "Private Property Rights Element"		
SELECT, if applicable		RESOLUTION:		ORDINANCE: 2022-xx
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank) <u>Please keep text indented.</u></i>				
FISCAL IMPACT (if any):				\$

ORDINANCE NO. 2022-X

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

WHEREAS, the State Legislature of the State of Florida has mandated that all municipalities adopt comprehensive plans to regulate development and planning with regard to land within their corporate limits; and

WHEREAS, the State Legislature of the State of Florida has also mandated that all municipalities shall include in their Comprehensive Development Plans a property rights element to ensure that private property rights are considered in local decision-making; and

WHEREAS, all amendments to the Comprehensive Development Plan must be adopted in accordance with detailed procedures which must be strictly followed; and

WHEREAS, the City of Westlake, Florida, has carefully prepared an amendment to its Comprehensive Development Plan in order to add a Property Rights Element; and

WHEREAS, the City of Westlake has held all duly required public hearings; both prior to submission of the proposed amendments of the plan to the State Department of Economic Opportunity and after the proposed amendment of the plan was returned to the City of Westlake, in accordance with Chapter 163.3184, Florida Statutes; and

WHEREAS, the City Council desires to adopt certain amendments to its current Comprehensive Development Plan to guide and control the future development of the City, and to preserve, promote and protect the public health, safety and welfare.

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

Section 1. The City of Westlake Comprehensive Development Plan is hereby amended to add a “Private Property Rights Element”, as follows:

CHAPTER 10

PRIVATE PROPERTY RIGHTS ELEMENT

- Goal PPR 1.0.0** Ensure private property rights are considered in local decision-making to respect judicially acknowledged and constitutionally protected private property rights and with respect for people’s rights to participate in decisions that affect their lives and property.
- Objective PPR 1.1.0** Private property rights shall be considered in local decision-making based upon the following policies.
- Policy PPR 1.1.1** Property owners shall have the right to physically possess and control their interests in the property, including easements, leases, or mineral rights.
- Policy PPR 1.1.2** Property owners shall have the right to use, maintain, develop, and improve their property for personal use or the use of any other person, subject to state law and local ordinances.
- Policy PPR 1.1.3** Property owners shall have the right to privacy and to exclude others from the property to protect the owner’s possessions and property.
- Policy PPR 1.1.4** Property owners shall have the right to dispose of their property through sale or gift.
- Objective PPR 2.1.0** Decision-making will be transparent, reliable, and predictable so that all people may participate in decisions that affect their lives and property.
- Policy PPR 2.1.1** All development applications, including comprehensive plan amendments, shall be made available for public review and an affected person/party shall be provided equal opportunity for participation of in all associated hearings.

Section 2. A copy of the Comprehensive Development Plan, as amended, is on file in the office of the City Clerk, City of Westlake, Florida.

Section 3. The City of Westlake is hereby directed to transmit within ten (10) working days after adoption one (1) paper copy and two (2) electronic PDF format copies of the amendment to the current Comprehensive Development Plan to the State Land Planning Agency, along with one copy to any other agency or unit of local government that timely provided comments in accordance with Section 163.3184(3)(c)2, Florida Statutes.

Section 4. Each and every other section and subsection of the City of Westlake Comprehensive Development Plan shall remain in full force and effect as previously adopted.

Section 5. All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 6. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 7. Specific authority is hereby given to codify this Ordinance and make it part of the City's Comprehensive Development Plan.

Section 8. This plan amendment shall not become effective until 31 days after the State Land Planning Agency notifies the City that the plan amendment is complete. If timely challenged, this amendment does not become effective until the State Land Planning Agency or Administration Commission enters a final order determining the adopted amendment to be in compliance in accordance with Section 163.3184(3)(c)4, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

Section 9. Effective Date: This ordinance shall be effective upon adoption on second reading.

City of Westlake
Roger Manning, Mayor

Zoie Burgess, City Clerk

City Attorney
Donald J. Doody

