

# CITY OF WESTLAKE



## AGENDA

### 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

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 provided via the City website:

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

### 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  
[TENTATIVE: SUBJECT TO REVISION]

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

**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.*

**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

**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.**

- [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.**

**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:** September 7, 2020, REVISED September 11, 2020

**MINUTES OF MEETING  
CITY OF WESTLAKE  
LOCAL PLANNING AGENCY MEETING**

A meeting of the City Council, sitting as the Local Planning Agency of the City of Westlake was held on Monday, February 10, 2020 at 6:00 p.m., at the Westlake Community Center, 4005 Seminole Pratt Whitney Road, Westlake, Florida.

**1. CALL TO ORDER**

Mayor Manning called the meeting to order at 6:00 PM.

**2. ROLL CALL**

Present and constituting a quorum were: Roger Manning, Mayor; and John Stanavitch, Councilman; Kara Crump, Councilwoman; and Phillip Everett, Councilman. Absent: Katrina Long Robinson, Vice Mayor

Staff Members Present: Kenneth Cassel, City Manager; Pam E. Booker, Esquire, City Attorney; Zoie P. Burgess, City Clerk; Efrem Owens, Paralegal; and Ms. Nilsa Zacarias – NZ Consultants

**3. PLEDGE OF ALLEGIANCE**

Mayor Manning led the Pledge of Allegiance.

**4. ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

Mayor requested and confirmed there were no additions, deletions or modifications to agenda as presented, and asked for a motion to approve.

**On motion by Councilwoman Crump to approve the agenda as presented, seconded by Councilman Everett.**

**UPON ROLL CALL:**

Councilwoman Crump:	Yes
Councilman Everett:	Yes
Mayor Manning:	Yes
Councilman Stanavitch:	Yes

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

**5. PUBLIC COMMENTS AND REQUESTS**

The floor was opened to audience comments. There being no comments, the next item followed.

**6. CONSENT AGENDA**

A. Approval of Meeting Minutes

- October 7, 2019 – Local Planning Agency Meeting Minutes
- December 9, 2019 – Local Planning Agency Meeting Minutes

**On motion by Councilman Stanavitch to approve the Consent Agenda, seconded by Councilwoman Crump.**

**UPON ROLL CALL:**

Councilman Everett:	Yes
Mayor Manning:	Yes
Councilman Stanavitch:	Yes
Councilwoman Crump:	Yes

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

**7. PUBLIC HEARING**

A. Ordinance 2019-10 – Establishing Regulations for Parking

- Staff Presentation on Ordinance 2019-10 – Establishing Regulations for Parking (NZ Consulting)

Ms. Zacarias provided PowerPoint presentation. Presentation highlights the changes initially provided to Council for first reading at the October 7, 2019, Local Planning Agency.

For the record, Mr. Cassel read Ordinance 2019-10 by title only:

**ORDINANCE 2019-10**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING REGULATIONS FOR PARKING WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESIDENTIAL AND COMMERCIAL PROPERTY PARKING STANDARDS; ALL OF WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED “PARKING REGULATIONS”, PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

**On motion by Councilwoman Crump to recommend to City Council Ordinance 2019-10, Establishing Regulations for Parking, seconded by Councilman Everett.**

**UPON ROLL CALL:**

Councilwoman Crump:	Yes
Councilman Everett:	Yes
Mayor Manning:	Yes
Councilman Stanavitch:	Yes

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

B. Ordinance 2020-01 – Establishing Regulations for the Sale and Consumption of Alcoholic Beverages

- Staff Presentation/Discussion of Ordinance 2020-01 – Establishing Regulations for the Sale and Consumption of Alcoholic Beverages (City Attorney)

Ms. Booker provided explanation of changes and identified that given the timeframe since the first reading, it is coming before Council again for first reading and noted that second reading will be February 24, 2020.

Ms. Booker noted two typos in the title were corrected, the dates were modified, page 5, Section 19.5, 3 there was a clarification added for outdoor entertainment and speakers may be permitted when the minimum distance from a single-family residential home is 1500 feet measured from property line to property line.

Ms. Booker continued and read into record changes on page 6, F regarding cocktail lounges, breweries and bars as it relates to the Downtown Mixed Use area, noting that they were initially not permitted, and now it has been updated to allow for a location with a minimum of 200 feet apart.

Ms. Booker noted a change on page 10, Section 5 regarding scribes' errors and giving the City attorney permission to make necessary corrections.

- Recommendation to Council for Ordinance 2020-01 – Establishing Regulations for the Sale and Consumption of Alcoholic Beverages

Mayor Manning called for any questions. There being no further questions or discussions, Mr. Cassel read Ordinance 2020-01 by title only:

**ORDINANCE 2020- 01**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING REGULATIONS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR CLASSIFICATION OF VENDORS AND DISTRIBUTORS; PROVIDING FOR LICENSING OF NON-RESTAURANT RETAIL BEVERAGE STORES AND RETAIL LIQUOR STORES; PROVIDING ADVERTISING GUIDELINES FOR RETAIL BEVERAGE STORES, RETAIL LIQUOR STORES SITUATED WITHIN A HOTEL OR RESTAURANT; PROVIDES FOR PAYMENT OF EXCISE TAXES; PROVIDES FOR THE SALE OF LICENSE SPECIFIC ALCOHOLIC BEVERAGES; PROVIDES THE OPERATING HOURS OF RETAIL PACKAGE STORES, RETAIL BEVERAGE STORES, RETAIL LIQUOR STORES AND CLUB VENDORS; PROHIBITS SUNDAY DELIVERIES OF ALCOHOLIC BEVERAGES AND INTOXICATING**

**LIQUORS BY RETAIL VENDORS; PROVIDES RESTRICTIONS AS TO PUBLIC CONSUMPTION IN A PUBLIC OR IN CERTAIN PRIVATE PLACES, WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED "ALCOHOLIC BEVERAGE CODE", PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

**On motion by Councilman Stanavitch to recommend to City Council Ordinance 2020-01, Establishing Regulations for the Sale and Consumption of Alcoholic Beverages, seconded by Councilwoman Crump.**

**UPON ROLL CALL:**

Mayor Manning:	Yes
Councilman Stanavitch:	Yes
Councilwoman Crump:	Yes
Councilman Everett:	Yes

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

**8. ADJOURNMENT**

There being no further business, Mayor Manning adjourned the meeting at 6:27 PM

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Zoie P. Burgess, City Clerk

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Roger Manning, Mayor

**MINUTES OF MEETING  
CITY OF WESTLAKE  
LOCAL PLANNING AGENCY MEETING**

A meeting of the City Council, sitting as the Local Planning Agency of the City of Westlake was held on Monday, March 9, 2020 at 6:00 p.m., at the Westlake Community Center, 4005 Seminole Pratt Whitney Road, Westlake, Florida.

**1. CALL TO ORDER**

Mayor Manning called the meeting to order at 6:00 PM.

**2. ROLL CALL**

Present and constituting a quorum were: Roger Manning, Mayor; Katrina Long Robinson, Vice Mayor; John Stanavitch, Councilman; Kara Crump, Councilwoman; and Phillip Everett, Councilman.

Staff Members Present: Kenneth Cassel, City Manager; Pam E. Booker, Esquire, City Attorney; Zoie P. Burgess, City Clerk; Efreem Owens, Paralegal; and Ms. Nilsa Zacarias – NZ Consultants

**3. PLEDGE OF ALLEGIANCE**

Mayor Manning led the Pledge of Allegiance.

**4. ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

Mayor requested and confirmed there were no additions, deletions or modifications to agenda as presented, and asked for a motion to approve.

**On motion by Councilman Stanavitch to approve the agenda as presented, seconded by Councilwoman Crump.**

**UPON ROLL CALL:**

Councilwoman Crump:	Yes
Councilman Everett:	Yes
Mayor Manning:	Yes
Vice Mayor Long-Robinson	Yes
Councilman Stanavitch:	Yes

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

**5. PUBLIC COMMENTS AND REQUESTS**

The floor was opened to public comments. There being no comments, the next item followed.



**6. CONSENT AGENDA**

A. Approval of Meeting Minutes

- October 28, 2019 – Local Planning Agency Meeting Minutes

**On motion by Councilwoman Crump to approve the Consent Agenda, seconded by Councilman Everett.**

**UPON ROLL CALL:**

Councilman Everett:	Yes
Vice Mayor Long-Robinson	Yes
Mayor Manning:	Yes
Councilman Stanavitch:	Yes
Councilwoman Crump:	Yes

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

**7. PUBLIC HEARING**

A. Ordinance 2020-03 – Amending the Comprehensive Plan to Adopt by Reference an Updated 10-Year Water Supply Facilities Work Plan (*Published February 27, 2020- Palm Beach Post*)

- Exhibit “A” – 10-Year Water Supply Work Plan
- Exhibit “B” – Water supply related amendments to current Comprehensive Plan

1. Staff Presentation on Ordinance 2020-03 (NZ Consultants)

Ms. Denise Malone, with NZ Consultants provided presentation to recommend Amending the Comprehensive Plan to Adopt by Reference an Updated 10-Year Water Supply Facilities Work Plan.

For the record, Mr. Cassel read Ordinance 2020-03 by title only.

**ORDINANCE 2020-03**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN TO ADOPT BY REFERENCE AN UPDATED 10-YEAR WATER SUPPLY FACILITIES WORK PLAN AS REQUIRED BY 163.3177, FLORIDA STATUTES; PROVIDING FOR THE ADOPTION OF AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN TO IMPLEMENT THE UPDATED WATER SUPPLY FACILITIES WORK PLAN; PROVIDING FOR ADOPTION OF UPDATED POLICIES WITHIN THE COMPREHENSIVE PLAN INFRASTRUCTURE ELEMENT; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

2. Recommendation to Council for Transmittal Hearing and First Reading of Ordinance 2020-03

**On motion by Vice Mayor Long Robinson to recommend to Council for approval and transmittal of amendment package, seconded by Councilman Everett.**

**UPON ROLL CALL:**

Councilwoman Crump:	Yes
Councilman Everett:	Yes
Mayor Manning:	Yes
Councilman Stanavitch:	Yes

**8. ADJOURNMENT**

There being no further business, Mayor Manning adjourned the meeting at 6:12 PM

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Zoie P. Burgess, City Clerk

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Roger Manning, Mayor



# Meeting Agenda Item Coversheet

<b>MEETING DATE:</b>		September 14, 2020	<b>Submitted By:</b> Engineering	
<b>SUBJECT:</b> <i>This will be the name of the Item as it will appear on the Agenda</i>		An Ordinance allowing the use of golf carts upon designated Rights-of-Ways, Rural Parkway Easements and Multi-Modal Paths throughout the City.		
<b>STAFF RECOMMENDATION:</b> (MOTION READY)		Recommendation from Staff to approve Ordinance 2020-11 on first reading		
<b>SUMMARY and/or JUSTIFICATION:</b>		<p>The City of Westlake has been marketed as a golf cart friendly community. Many of the residents utilize golf carts on a regular basis. Section 316.212(1), Florida Statutes, permits golf carts to be operated on street(s) that have been designated by a municipality provided the municipality first determines that they may safely travel on or cross such public roads upon considering the speed, volume, and character of motor vehicle traffic using those roads or streets.</p> <p>The ordinance has been reviewed by the Engineering division for determinations of safety. The ordinance has been reviewed and approved by legal as to form and sufficiency. The City Manager recommends approval of the ordinance.</p>		
<b>SELECT, if applicable</b>	<b>AGREEMENT:</b>		<b>BUDGET:</b>	
	<b>STAFF REPORT:</b>		<b>PROCLAMATION:</b>	
	<b>EXHIBIT(S):</b>	X	<b>OTHER:</b>	
<b>IDENTIFY EACH ATTACHMENT.</b> <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 Memo Ordinance Map of Permitted Travel locations and Prohibited Travel locations			
<b>SELECT, if applicable</b>	<b>RESOLUTION:</b>		<b>ORDINANCE:</b>	X
<b>IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE</b> <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>	<b>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.</b>			
<b>FISCAL IMPACT (if any):</b>				\$



## CITY OF WESTLAKE

### Engineering Department

4001 Seminole Pratt Whitney Road

Westlake, Florida 33470

Phone: (561) 530-5880

[www.westlakegov.com](http://www.westlakegov.com)

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## STAFF MEMORANDUM

**DATE:** 8/27/2020

**DESCRIPTION:** GOLF CARTS ORDINANCE 2020-11

### Final Recommendation

The Office of the City Engineer has reviewed the draft document "GOLF CARTS ORDINANCE 2020-11" and based on a comparison of applicable criteria and codes recommends approval by the Council. It is also recommended that an acceptance of the ordinance includes a request that appropriate City staff prepare necessary guidance documents to assist with the implementation of the ordinance.

### Discussion

The City of Westlake is being developed with a sustainable framework that encourages multimodal transportation. New infrastructure will provide consideration to multiple transportation modes such as walking, bicycling, vehicles, and golf carts and will encourage various types of movements. Effectively integrating multiple modes of transportation can help advance various environmental, health, and congestion-mitigating benefits for communities.

In October of 2019 an ordinance was accepted by the City Council allowing the use of paved facilities by pedestrians, bicyclists, and/or other users that has separation from vehicular traffic. Golf carts may be used on these multi-modal paths in certain areas, under certain circumstances. The proposed ordinance clarifies this usage and some of the implementation of the golf cart use within the City boundaries.

### Ordinance Criteria

Florida State Statute 316.212 "Operation of golf carts on certain roadways", addresses acceptable usages and necessary restrictions of the activity. Counties or municipalities shall designate which roads golf carts are to be allowed to operate on. Traffic control and safety devices shall be considered for this use. It requires that when the entity makes a determination of the roads to allow golf carts on, speed, traffic volume, and character of motor vehicular traffic on the road should be considered. Golf carts within the right-of-way of the road should not impede the safe and efficient flow of motor vehicular traffic. Guidance with respect to acceptable speed limits for golf carts can be found by looking at the limits placed on streets that the state operates and allows golf carts on. This limit is 35 miles per hour or less. Also, golf carts may be operated only during the hours between sunrise and sunset, unless the responsible governmental entity has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield. Additionally, golf carts must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear, including horns

or other warning devices. There should be a minimum age not less than 14 years for drivers. and when golf carts share paths with other potential modes of transportation such as pedestrians and bicyclists the path should be no less than 8-feet in width and the speed limit on the path should be 15 mph.

#### Other Applicable Code Review

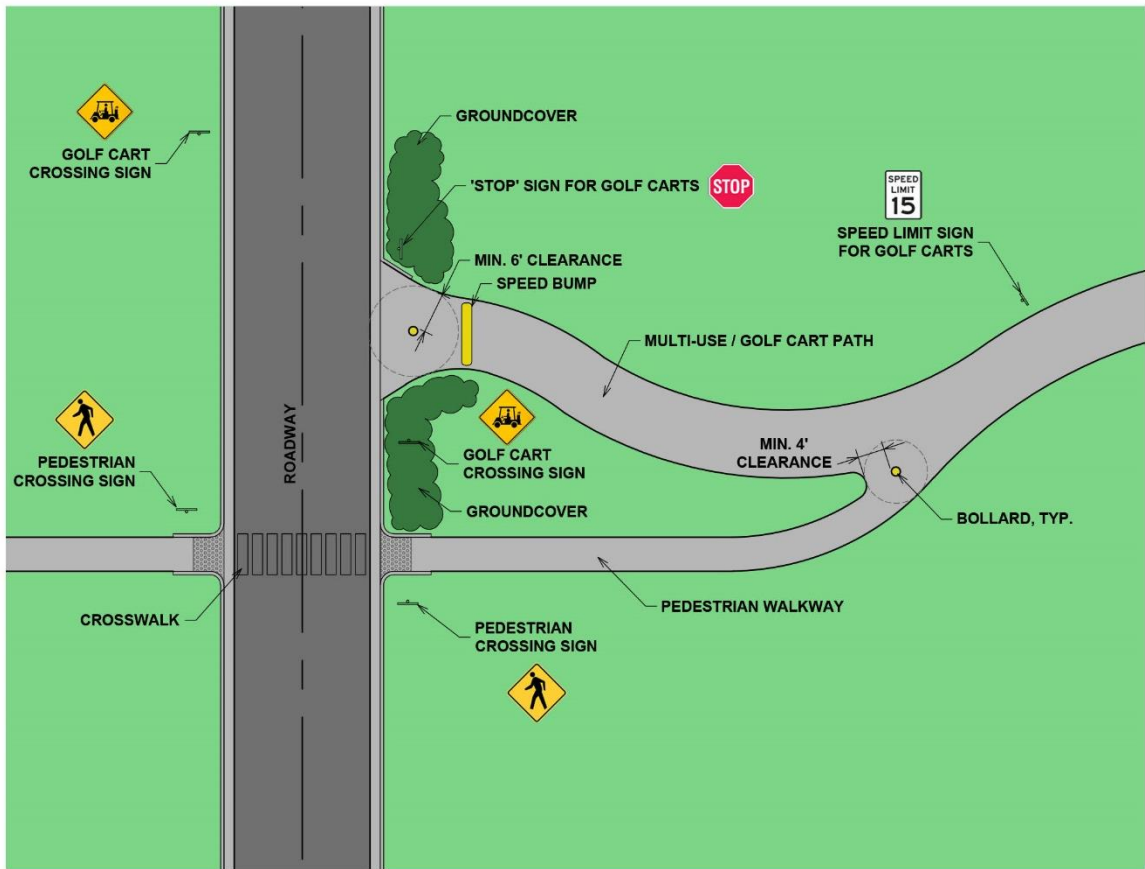
In addition to reviewing the state statute the Engineering Department reviewed ordinances and guidelines that other municipalities have adopted in Florida. It was found in this review that most municipalities adopted the requirements outlined in the state statute in a similar way that the ordinance was developed. It is our opinion that the ordinance meets the intent of the state statute and is similar to other codes and ordinances that have been adopted. The City staff is reaching out to the Florida Department of Transportation parallel to this report and will report if the Department has any comments on the proposed ordinance.

#### Use of Golf Carts within the City of Westlake

The City reviewed the Right-of-Ways within the City for speed, volume, and character of motor vehicular traffic. It was found that the design speed limit of roads in the City varies between 15 to 45 mph. Roads that have a speed limit of 35 mph and greater include Town Center Parkway West of the roundabout of the intersection of Town Center Parkway and Town Center Parkway South, Persimmon Boulevard west of Ilex Way and all of Seminole Pratt Whitney Road. For the most part, these roads are being designed with a multimodal path that will allow residence via this ordinance to move between private roads and points of interest, unless an existing facility conflicts with this pathway. These roads are not safe for the golf carts to travel on the vehicular roadway.

Traffic control devices (signs and pavement markings) shall be utilized for guidance and protection of the various types of users of the roadways, sidewalks and multi-modal pathways. Some examples of traffic safety devices are show in Exhibit A.

#### **EXHIBIT A – EXAMPLE TRAFFIC & SAFETY DEVICES**



## Conclusion

The Engineering Department recommends that golf carts be permitted on City roads with a posted speed limit of 35 mph or less. Golf carts shall also be permitted on multi-modal pathways that are 8-feet in width or greater and shall operate at a speed of 15 mph on these pathways. Further coordination should occur with the Florida Department of Transportation for review of the implementation. Also, coordination with Palm Beach County should occur for crossings of County Roads.

**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.**

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**WHEREAS**, Section 316.212(1), Florida Statutes, permits golf carts to be operated on a street(s) that has been designated by a municipality, provided the municipality first determines that they may safely travel on or cross such public roads upon considering the speed, volume, and character of motor vehicle traffic using those roads or streets; and

**WHEREAS**, Section 316.212(5), Florida Statutes, states that golf carts may only operate on such public roads during the hours between sunrise and sunset, unless the governmental agency specifically determines that such golf carts may also safely operate during the hours between sunset and sunrise and the golf carts possess headlights, brake lights, turn signals and windshields; and

**WHEREAS**, Section 316.212(8), Florida Statutes, allows a local government to enact restrictions and regulations regarding golf cart operations that are more restrictive than those contained in Section 316.212 on unlicensed golf cart operators; and

**WHEREAS**, the City of Westlake City Engineer is responsible for conducting studies to determine whether golf carts may safely travel on or cross public roads located within the City of Westlake, after considering the following factors: speed, volume, and the character of motor vehicle traffic using the relevant roads; and

**WHEREAS**, the City of Westlake City Engineer has determined that golf carts may safely be operated in a limited manner on certain roads within its geographical boundaries; and

**WHEREAS**, the City of Westlake City Engineer desires to provide additional regulations for the operation of golf carts on designated roads within its geographical boundaries; and

**WHEREAS**, the Seminole Improvement District is the owner of the streets/roads, the Rural Parkway Easements and the multi-modal paths located within the jurisdictional boundaries for the City; and

**WHEREAS**, the Seminole Improvement District and the City have entered into an Interlocal Agreement which recognizes it is the City's responsibility to regulate traffic laws and traffic safety within their mutual boundary; and

**WHEREAS**, the City of Westlake City Council believes that regulations proposed in this Ordinance promote and enhance the health, safety and welfare of its citizens; and

**WHEREAS**, Seminole Improvement District consents and agrees with said street/roads, Rural Parkway Easements and multi-modal paths being utilized for the operation of golf carts.

**NOW THEREFORE, BE IT ORDAINED 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: DEFINITIONS**

As used in this ordinance, the following words and terms shall have the meaning ascribed thereto:

**Designated roads** means all streets and roads within the City, except for prohibited streets and roads.

**Golf cart** means a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour as defined in Florida Statutes 316.003(27) and 320.01(22).

**Hybrid golf cart** is a golf cart, which shares its electric motive power with another source, such as a gasoline engine.

**Low speed vehicle** is any four-wheeled electric vehicle whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour, including neighborhood electric vehicles.

**Shared Use Path** is a paved facility for use by pedestrians, bicyclists, and/or other users that is separated from vehicular traffic.

**Neighborhood electric vehicle (NEV)** is an electrically driven vehicle designed for speeds of twenty (20) to twenty-five (25) miles per hour. A NEV is considered a low speed vehicle.

**Speed modified golf cart** is a golf cart originally manufactured for at speeds up to twenty (20) miles per hour that has been modified after initial manufacture to travel at speeds over twenty (20) miles per hour.

**Permit Owner** means an official authorization designating that the golf cart to which the authorization is affixed meets the requirements of state law and the City of Westlake Code of Ordinances.

**Prohibited streets** mean Seminole Pratt Whitney Road, 60<sup>th</sup> Street, portions of Town Center Parkway East, Persimmon Boulevard East of Ilex Way and Sycamore Drive West.

**Roads/Streets** means the entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic as defined in Florida State Statutes 320.01(16).

**Slow moving vehicles** means any vehicle designed for use and speeds less than 25 miles per hour.

**Unlicensed driver** means a driver who does not hold and possess a valid state-issued driver's license.

**Homeowners' Association** shall mean a Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel. The term "homeowners' association" does not include a community development district or other similar special taxing district created pursuant to statute.



### **SECTION 3: USE OF GOLF CARTS UPON DESIGNATED ROADS IN THE CITY OF WESTLAKE**

#### **A. ROADS and STREETS**

1. Golf carts may be operated on those streets and roads or portions thereof as designated by the City of Westlake Planning and Zoning Board based upon recommendations of the City Engineer. These designations shall be in accordance with Florida Statute, Section 316.212 and shall be made in accordance with City of Westlake Code of Ordinances.

2. The city council may, by resolution designate and approve certain city streets and roads as streets and roads authorized for golf cart use. The city council may at any time revoke the designation and approval for golf cart use of any designated street or road. Upon designating any streets or roads as authorized for use by golf carts, the city shall ensure that proper signage to identify the designate the streets and roads for golf cart utilization.

3. Golf carts may be utilized on the Rural Parkway Easements and the multi-modal paths that are eight (8') feet or greater in width at a reduced speed of fifteen (15) miles per hour within the jurisdictional boundaries of the City.

4. In addition to the requirements of Florida Statutes, Section 316.212, which is applicable to the operation of golf carts on the aforementioned designated streets and roads, the following restrictions shall also apply:

- (a) No golf carts shall be operated upon those streets or roads that the City has identified as arterial or collector roads unless otherwise authorized by the enabling ordinance.
- (b) No persons shall operate golf carts on designated street or roads or shared use path without a valid driver's license issued in his or her home state.
- (c) It shall be unlawful for an unlicensed driver, defined as a driver who does not hold and possess a valid state-issued driver's license, to operate a golf cart upon streets and roads or shared use paths within the jurisdictional boundaries of the City.
- (d) Golf carts may not operate on a public road or street by anyone under the age of fourteen (14).
- (e) All golf carts operated under this Ordinance shall be restricted to a maximum attainable speed of twenty (20) miles per hour.
- (f) Golf carts and utility vehicles may cross a portion of a county road if the county has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.
- (g) All golf carts operating subject to this Ordinance must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear at all times while operated on the designated streets or roads.
- (h) Golf carts may only be operated on the designated streets or roads during the hours between sunrise and sunset, unless otherwise designated by the City of Westlake City Engineer.
- (i) Golf carts equipped with headlights, brake lights, turn signals, and windshields may operate at night, if nighttime operation is designated by the City of Westlake City Engineer.
- (j) In accordance with the provisions of Florida Statute 322.16, a person who holds a driver's license and who is under 17 years of age, when operating a golf cart after 11:00 p.m. and before 6:00 a.m., must be accompanied by a driver who holds a valid license to operate the type of vehicle being operated and is at least 21 years of age, unless that person is driving directly to or from work.

(k) In accordance with the provisions of Florida Statute 322.16, a person who holds a driver's license who is 17 years of age, when operating a golf cart after 1:00 a.m. and before 5:00 a.m., must be accompanied by a driver who holds a valid license to operate the type of vehicle being operated, and is at least 21 years of age, unless that person is driving directly to or from work.

**B.** The City of Westlake shall ensure the posting of signs along the designated streets or roads and shared use paths where golf cart operation is allowed advising motorists of the possible presence of golf cart traffic and alerting the public that the operation of such golf carts is subject to the various requirements of this Ordinance.

**C.** The individual Homeowner's Associations or the Master Homeowner's Association shall be responsible for the posting of signs along the designated streets and roads where golf cart operation is allowed behind the gates in each respective community advising motorist of the possible presence of golf cart traffic alerting the public that the operation of such golf carts is subject to the various requirements of this Ordinance.

#### **SECTION 4: MINIMUM REQUIRED EQUIPMENT**

- (a) All golf carts operated on designated streets and roads pursuant to this ordinance shall at a minimum be equipped with the following:
- (1) Properly functioning brakes.
  - (2) Two (2) properly functioning brake lights.
  - (3) Properly functioning steering apparatus.
  - (4) Safe tires.
  - (5) A rearview mirror.
  - (6) Florida Department of Transportation approved lap safety belts for the driver and all passengers.
  - (7) Reflectorized warning devices in the front and the rear of the golf cart.
- (b) All golf carts operated on designated city streets or roads in fog, smoke and rain and/or operated earlier than thirty (30) minutes after sunrise or later than thirty (30) minutes before sunset shall at a minimum be equipped with the following:
- (1) Two (2) properly functioning headlights.
  - (2) A properly functioning horn.
  - (3) Two (2) properly functioning brake lights.
  - (4) Properly functioning left and right turn signals.
  - (5) An approved windshield.
  - (6) Reflective devices or reflective tape on both sides of the of the golf cart.

#### **SECTION 5: RESTRICTIONS**

- (a) Only electric or power golf carts are authorized by this ordinance for use upon designated streets or roads.
- (b) "Speed-modified golf carts", "hybrid golf carts", and "neighborhood electric vehicles" (NEV) or other "low speed vehicles" are not authorized by this ordinance for use upon designated streets or roads.

(c) Owners and operators of all golf carts shall comply with applicable state laws pertaining to insurance requirements.

**SECTION 6: GOLF CART REGISTRATION**

(a) Each golf cart owner shall present an affidavit to the City demonstrating that the golf cart meets all City and state law requirements prior to operating on a designated street and road.

(b) The owner of any golf cart to be operated on designated streets and roads pursuant to this section shall first register said golf cart with the City of Westlake. The owner registering the golf cart must be at least eighteen (18) years of age. The City shall charge an initial registration fee of \$40.00.

(c) All owners of properly registered golf cart shall be issued a registration sticker which sticker shall be placed and maintained on the left front quarter panel. The City of Westlake shall maintain a list of all golf cart registrations.

(d) Golf carts shall not carry more passengers than those for which the golf cart was designed.

(e) Golf cart operators shall not obstruct or interfere with traffic flow.

(f) Each golf cart owner shall provide an affidavit to the City demonstrating that the golf cart meets all City and state law requirements prior to operating on a designated street or roads.

(g) Upon submitting a completed permit application, affidavit, proof of insurance and the payment of a \$40.00 application fee, the City shall issue a permit to operate a golf cart.

**SECTION 7: INDEMNIFICATION AND INSURANCE**

(a) **Hold Harmless.** Any person operating a golf cart on any designated streets, roads, rural parkway easements or multi-modal paths does so at his/her own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists, and pedestrians. The City in designating certain city streets, roads, rural parkway easements or multi-modal paths for the operation of golf carts, extends such operating privileges on the express condition that the operators of any golf carts under this ordinance undertakes such operation at their own risk and assumes sole liability for operating the vehicle on the designated streets, roads, rural parkways or multi-modal paths and by such operation agrees to defend, release, indemnify, and hold harmless the City, its officials and employees for and regarding any and all claims, demands, or damages of any nature whatsoever arising from such operation by any person.

(b) **Liability insurance required.** Any operator of a golf cart on the designated streets, roads, rural parkway easements or multi-modal paths shall be covered by motor vehicle or other liability insurance that includes operation of the golf cart insuring the owner and/or operator against loss from liability for bodily injury, death, and property damage arising out of the ownership, maintenance, or use of a motor vehicle of not less than the limits described in Section 324.021(7), Florida Statutes, as may be amended.

**SECTION 8: ENFORCEMENT**

(a) Violations of this section shall constitute a non-criminal infraction enforceable by all duly authorized law enforcement officers pursuant to the provisions of Florida Statutes, Sections 316.212(9) and 318.14.

(b) The City shall have the authority to enforce the provisions set forth herein and applicable traffic laws, provided however, that the enforcement of rules and regulations created and established by home owners associations shall be the sole responsibility of those communities.

(c) City of Westlake may enforce the provisions of this ordinance through any legal means including prosecuting violations of this ordinance pursuant to Florida Statute 162, or the procedures for civil citations contained in the City of Westlake Code Compliance Ordinance.

(d) The operation of an unregistered golf cart, the operation of a golf cart which has been modified so as to no longer comply with the provisions of this ordinance, the operation of a golf cart without minimum required equipment for the conditions, and the operation of any golf cart on non-designated city streets presents an immediate threat to the health, safety and welfare. Accordingly, anyone adjudged by a court of competent jurisdiction, a code compliance board, a code compliance special magistrate or the city council, sitting in a quasi-judicial capacity, shall be subject to revocation of golf cart registration.

**SECTION 9: CODIFICATION AND SCRIVENER'S ERRORS**

The City of Westlake intends that this Ordinance will be made part of the City of Westlake Code of Ordinances; and that sections of this Ordinance can be renumbered or re-lettered and the word "Ordinance" can be changed to "Section," "Article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or re-lettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the City Manager and City Attorney without the need for public hearing.

**SECTION 10: CONFLICT OF LAW**

In the event this Ordinance conflicts with any other Ordinance of the City of Westlake or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

**SECTION 10: SEVERABILITY**

The provisions of this Ordinance are severable and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided for. If any provision of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

**SECTION 11: EFFECTIVE DATE.** This ordinance shall be effective upon adoption on second reading.

**PASSED** this 14th day September, 2020, on first reading.

**PUBLISHED** on this \_\_\_\_ day of \_\_\_\_\_, 2020 in the Palm Beach Post.

**PASSED AND ADOPTED** this 12th day October, 2020, on second reading.

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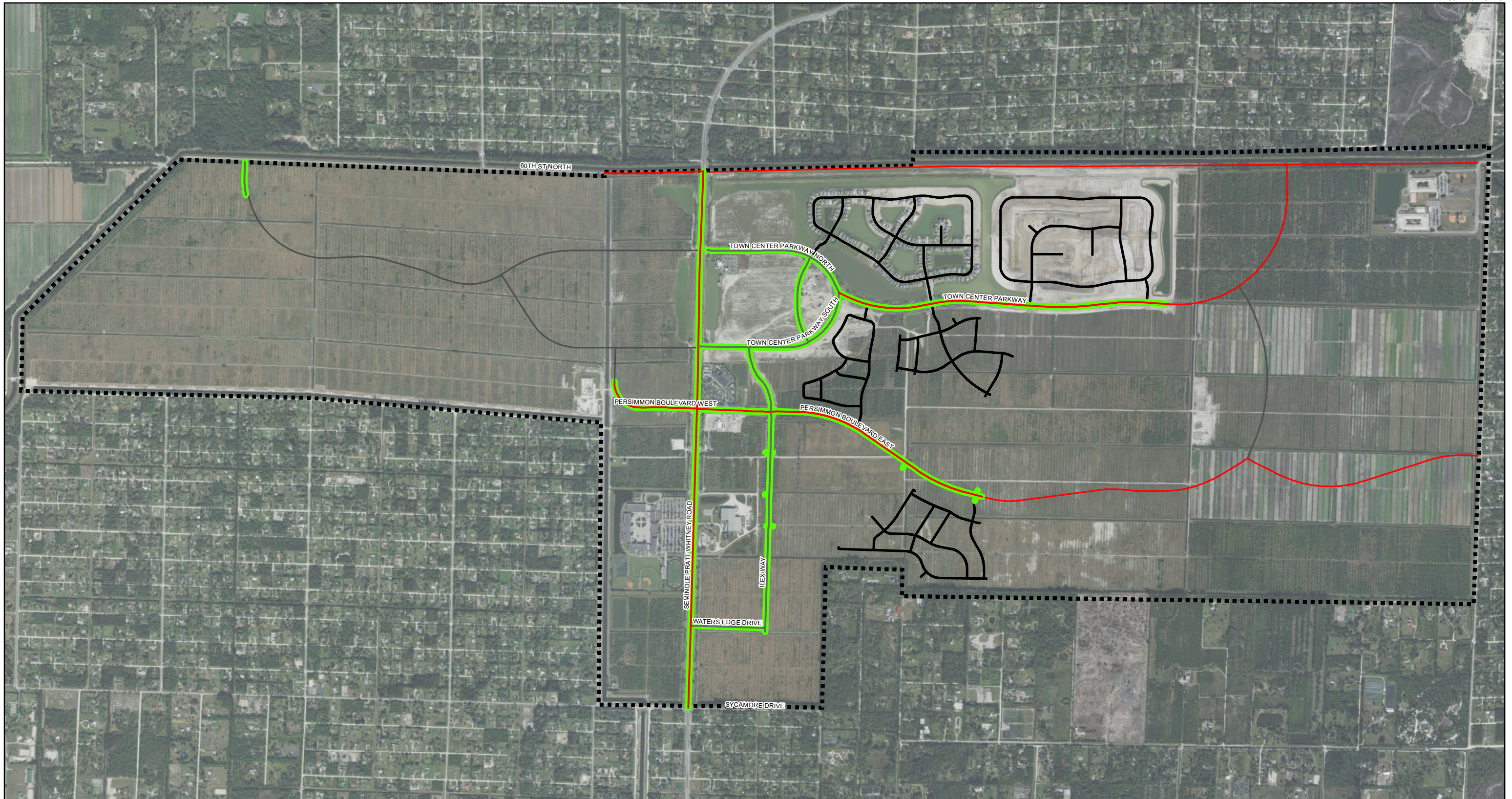
City of Westlake  
Roger Manning, Mayor

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Zoie Burgess, City Clerk

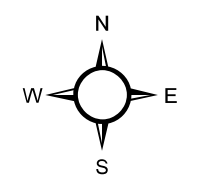
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Approved as to Form and Sufficiency  
Pam E. Booker, City Attorney



**Legend**

- Major Collector Roadways
- Multi Modal Path Golf Carts Allowed
- Westlake City Boundary
- Golf Carts Prohibited on Roadway
- Private Community Roads



Golf Cart Access Map



**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.**

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**WHEREAS**, the City of Westlake deems it in the best interest of the City to establish amend Chapter 3, Article 3.3, of the existing City code to establish additional regulations for setback exceptions applicable to residential developments within the City; and

**WHEREAS**, the City of Westlake amended the Interim Unified Land Development Code in 2017, which allowed pool equipment, screen enclosures, pumps heating units and other associated structures in the side yard setbacks; and

**WHEREAS**, the City of Westlake has adopted Chapter 3, entitled Zoning Districts and Uses, which provides for setback criteria in multiple Zoning Districts and the prior provisions in the Interim Unified Land Development Code from Palm Beach County will no longer be applicable; and

**WHEREAS**, the City of Westlake believes additional guidelines will assist property owners with the maximum utilization of their property and allow for adequate safety and security measures to be implemented with the installation of generators; and

**WHEREAS**, the City of Westlake has evaluated the various options for placement of generators on single family residential properties within the Residential Zoning Districts of R-1 and R-2, and based upon that evaluation, the City Council finds that allowing the generators to be installed in the side yard setbacks is in the best interest of the residents; 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), had the opportunity to review the proposed amendment to Chapter 3, Article 3.3(C), regulations at a public hearing, and to make a recommendation 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 amendment to Chapter 3, Article 3.3(C) will preserve the public health, safety and welfare, enhance the value and character of the community and is consistent with the Comprehensive Plan.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:**

**Section 1: Purpose and Applicability.** The City of Westlake hereby adopts this Amendment to Chapter 3, Article 3.3, to add a section (C) which creates exceptions for structures and improvement which are allowable in the setbacks. The exceptions are applicable to single family residential properties located in the single family residential Zoning Districts designated R-1 and R-2.

**Section 2. Article 3.3 (C) Setback Exception(s) for Residential-1 (R-1) and Residential-2 (R-2) Zoning Districts.**

(1) The following structures, projections and improvements may be allowed within the required setbacks for single family residential properties located in the residential zoning districts designated Residential-1 (R-1) and Residential-2 (R-2).

1. Arbors and trellises less than ten(10) feet in height, subject to a minimum three(3) feet setback in the rear yard.
2. Balconies projecting a maximum of three(3) feet into the rear yard setback.
3. Permanent or retractable awnings, canopies or Bahama shutters projecting a maximum of three feet into a setback, and having no support other than provided by the wall or structure to which it is attached.
4. Bay windows projecting a maximum of three feet into a rear yard setback, measured at the point at which the face of the building or structure touches the ground.
5. Chimneys projecting a maximum of three feet into a rear yard setback.
6. Clothes poles or clothes lines in rear yard setbacks.
7. Fountains, subject to a minimum three (3) feet setback in the rear yard.
8. Heating, ventilation and air conditioning units, including compressors and condensers in the side yard setback.
9. Pool equipment, pumps, heating units and related mechanical equipment in the side yard setback. Visual screening from the right-of-way shall be provided.
10. Permanent standby generators consistent with the building, electrical and manufacturer's installation and maintenance requirements in the side yard setback. Visual screening from the right-of-way shall be provided.
11. Open terraces and patios, including walkways and ground level decks, subject to a minimum three (3) feet setback in the rear and side yard.
12. Recreational equipment and structures in the rear yard setback, subject to a minimum three (3) feet setback in the rear yard.
13. Sculptures and other similar objects of art in the rear yard, subject to a three (3) feet minimum.
14. Landscape planted in the ground or in planters in the rear and side yard.
15. Basketball goals provided there is a minimum of three foot setback from the rear and side property lines, and a minimum of ten (10) foot setback from the front and side street property lines.
16. Impact shutters projecting a maximum of eighteen (18) inches into the setback.
17. Decorative architectural treatment such as lintels, stone veneer or stucco banding, projecting a maximum of six inches into a setback.
18. Roof overhangs projecting into the required setbacks a maximum of two and a half (2' 6") feet.
19. Utility, Electric and Gas transmission lines, distribution lines, meters and associated structures.

(2) Roof overhangs shall be the only front yard setback encroachment permitted a maximum of two and a half (2' 6") feet.



**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 entitled Amendment to Chapter 3, Article 3.3, 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 September, 2020.

**PASSED AND APPROVED** by City Council for the City of Westlake, on this \_\_\_\_\_ day of October, 2020.

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City of Westlake  
Roger Manning, Mayor

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Zoie Burges, City Clerk

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Approved as to Form and Sufficiency  
Pam E. Booker, City Attorney



# Meeting Agenda Item Coversheet

<b>MEETING DATE:</b>		September 14, 2020	<b>Submitted By:</b> Legal	
<b>SUBJECT:</b> <i>This will be the name of the Item as it will appear on the Agenda</i>		Amendments to Chapter 3, to add additional Setback Provisions For Residential Zoning Districts of Residential-1 (R1) and Residential-2 (R2).		
<b>STAFF RECOMMENDATION:</b> (MOTION READY)		Option 1) Approve, Option 2) Deny Option 3) Approve with Conditions		
<b>SUMMARY and/or JUSTIFICATION:</b>		<p>Pursuant to Florida Statutes, Section 163.3174(4)(C), the Westlake City Council, sitting as the Local Planning Agency (LPA), has the authority to review proposed land development regulations, land development codes and amendments thereto. In response to request for generator placement in the side yard setbacks and discussions with City Council, changes are proposed to address the generators and other permitted items within the setbacks.</p> <p>This item has been reviewed and approved by the Planning and Zoning department. This item has been reviewed and approved by the City Attorney. The City Manager recommends approval of the ordinance.</p>		
<b>SELECT, if applicable</b>		<b>AGREEMENT:</b>		<b>BUDGET:</b>
		<b>STAFF REPORT:</b>		<b>PROCLAMATION:</b>
		<b>EXHIBIT(S):</b>		X <b>OTHER:</b>
<b>IDENTIFY EACH ATTACHMENT.</b> <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>		Agenda Item Cover Sheet Staff Report Ordinance		
<b>SELECT, if applicable</b>		<b>RESOLUTION:</b>		<b>ORDINANCE:</b> X
<b>IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE</b> <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>		<b>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.</b>		
<b>FISCAL IMPACT (if any):</b>				\$