

CITY OF WESTLAKE



AGENDA

City Council Regular Meeting

Monday, July 12, 2021 at 6:30 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:

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- 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:

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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

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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 - REV. 1]

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. Approval of Meeting Minutes
 - [1.](#) June 14, 2021 - Regular City Council Meeting Minutes - DRAFT
- B. Approval Finance Statement
 - [1.](#) Financial Report - May 2021

PRESENTATIONS/PROCLAMATIONS

- A. Legislative Update

Presented By: Senator Bobby Powell

PUBLIC HEARING - FIRST READING

- [A.](#) **FIRST READING:** ORDINANCE 2021-08 – Establishing Qualifying Dates for the March 2022 Municipal Election

Submitted By: City Clerk

ORDINANCE 2021-08

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING QUALIFYING DATES FOR THE MARCH 2022 GENERAL MUNICIPAL ELECTIONS, IN ACCORDANCE WITH THE DIRECTION OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING - SECOND READING

- [A.](#) **SECOND READING:** Ordinance 2021-01 - Chapter 23 Nuisances, Code of Ordinances, "Noise Ordinance"

Submitted By: Planning & Zoning

ORDINANCE 2021-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA TO INCLUDE A CHAPTER TO BE KNOWN AS "NUISANCE" AND ARTICLE TO BE KNOWN AS "NOISE"; PROVIDING FOR DEFINITIONS; PROVIDING FOR NOISE RESTRICTIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF CONFLICTING LAWS; PROVIDING FOR SEVERABILITY OF INVALID PROVISIONS; PROVIDING AN EFFECTIVE DATE.

- B. SECOND READING:** Ordinance 2021-02 Amending Ordinance 2017-7 to authorize a Residential Solid Waste Services Special Assessment

Submitted By: Administration

ORDINANCE 2021-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, TO AMEND ORDINANCE 2017-7 "SOLID WASTE COLLECTION" TO AUTHORIZE AND PROVIDE FOR THE LEVY AND COLLECTION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT RELATED TO THOSE SERVICES WITHIN CITY OF WESTLAKE; AMENDING DEFINITIONS IN ORDINANCE 2017-7 AND PROVIDING FOR ADDITIONAL DEFINITIONS AND FINDINGS RELATING TO THE SPECIAL ASSESSMENT; CREATING A NEW SECTION 10A TO ORDINANCE 2017-7, ENTITLED "RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT," AND SUBSECTIONS 10A-1 THROUGH 10A-19, AUTHORIZING THE IMPOSITION AND COLLECTION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF THE RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT ROLL AND FOR CORRECTING ERRORS AND OMISSIONS; PROVIDING THAT RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT ROLL; ESTABLISHING PROCEDURES AND METHODS FOR THE COLLECTION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENTS; ESTABLISHING THE PRIORITY OF THE LIEN OVER PRIOR RECORDED LIENS OR MORTGAGES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- C. SECOND READING:** Ordinance 2021-03 - 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.

- D.** **SECOND READING:** Ordinance 2021-04 – Chapter 5 Subdivision and Site Development Standards, Land Development Regulations

Submitted By: Engineering

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.

- E.** **SECOND READING:** Ordinance 2021-05 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: Administration

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.

PUBLIC HEARING - QUASI JUDICIAL

- A.** A Resolution for the FPU Temp Gas Time Extension

Submitted By: Planning & Zoning

RESOLUTION 2021-13

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING A SEVENTH (7TH) TIME EXTENSION FOR A SPECIAL PERMIT APPLICATION OF A TEMPORARY GAS UTILITY, WITHIN POD F OF WESTLAKE TTD. FLORIDA PUBLIC UTILITIES COMPANY (FPU) IS REQUESTING A SIXTH (6) MONTH TIME EXTENSION TO DECEMBER 31, 2021, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

B. A Resolution for the Fitness Trail Site Plan

Submitted By: Planning & Zoning

RESOLUTION 2021-18

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE SITE PLAN FOR AN APPROXIMATELY 39 ACRES WELLNESS AND FITNESS TRAIL LOCATED AT 16302 GREEN LANE– POD I IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

C. A Resolution for the Pod H Master Sign Plan

Submitted By: Planning & Zoning

RESOLUTION 2021-19

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE MASTER SIGN PLAN FOR THE WESTLAKE LANDINGS, COMMERCIAL PLAZA, LOCATED AT 16860 PERSIMMON BOULEVARD WEST ON APPROXIMATELY 50.826 ACRES, PURSUANT TO CHAPTER 6, OF THE SIGN CODE, MINTO PBHL LLC IS REQUESTING A MASTER SIGN PLAN APPROVAL FOR GROUND AND DIRECTIONAL SIGNAGE AND FOUR WAIVERS OF CODE PROVISIONS, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

D. A Resolution for the Self Storage - Master Sign Plan

Submitted By: Planning & Zoning

RESOLUTION 2021-20

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE MASTER SIGN PLAN FOR A SELF SERVICE STORAGE FACILITY LOCATED IN THE WESTLAKE LANDINGS PLAZA ON POD H – PARCEL E AT 4701 SEMINOLE PRATT WHITNEY ROAD ON APPROXIMATELY 5.75 ACRES, PURSUANT TO CHAPTER 6, OF THE SIGN CODE; APPROVING WALL IDENTIFICATION SIGNS, WINDOW AND DOOR SIGNS, GROUND POST DIRECTORY SIGN AND APPROVING ONE WAIVER OF CODE PROVISIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

PUBLIC HEARING

A. Resolution 2021-22 Establishing the Estimated Rate for the Residential Solid Waste Services

Submitted By: Administration

RESOLUTION 2021-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE SERVICES IN THE CITY OF WESTLAKE, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE FOR THE RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021; DIRECTING THE PREPARATION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

NEW BUSINESS

- A.** Second Addendum to professional services agreement between City of Westlake and NZ Consultants
Submitted By: Administration
- B.** Second Addendum to the Law Enforcement Service Agreement
Submitted By: Administration
- C.** Proposed Millage Rate for the Fiscal Year 2022 Ad Valorem Tax and a Date, Time and Place for the First Public Budget Hearing
Submitted By: Finance

RESOLUTION 2021-21

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AUTHORIZING THE CITY MANAGER TO SEND A PROPOSED MILLAGE RATE OF _____ MILLS TO THE PROPERTY APPRAISER FOR THE FISCAL YEAR 2022 AD VALOREM TAX AND SETTING MONDAY SEPTEMBER 13, 2021 AT 6:30 P.M. AT THE WESTLAKE COUNCIL CHAMBERS, 4005 SEMINOLE PRATT WHITNEY ROAD, WESTLAKE, FLORIDA AS THE DATE, TIME AND PLACE FOR THE FIRST PUBLIC HEARING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

CITY COUNCIL COMMENTS

- A. Councilwoman Katrina Long-Robinson
- B. Councilwoman Kara Crump
- C. Councilman Patric Paul
- D. Vice Mayor JohnPaul O'Connor
- E. Mayor Roger Manning

REPORT - STAFF

- A.** Palm Beach County Sheriff's Office - Monthly Report: June
Submitted By: Captain Craig Turner
For Informational Purposes Only

REPORT - CITY ATTORNEY

REPORT - CITY MANAGER

PUBLIC COMMENTS - AGENDA ITEMS ONLY

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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: July 1, 2021, Revised: July 2, 2021

File Attachments for Item:

1. June 14, 2021 - Regular City Council Meeting Minutes - DRAFT

CITY OF WESTLAKE



MINUTES - DRAFT

City Council Regular Meeting

Monday, June 14, 2021 at 6:30 PM

Westlake Council Chambers, 4005
Seminole Pratt Whitney Road Westlake,
Florida 33470 | Via Communications Media

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.

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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

A Regular meeting of the City Council of the City of Westlake was held on Monday, June 14, 2021 at 6:30 PM., at the Westlake Community Center, 4005 Seminole Pratt Whitney Road.

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

Ms. Burgess noted that City Manager Kenneth Cassel, Interim City Attorney Donald J. Doody, Planning & Zoning Director, Nilsa Zacarias, City Engineer Suzanne Dombrowski were present physically. City Clerk, Zoie Burgess was present via communications media technology at City Hall, 4001 Seminole Pratt Whitney Road.

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 can 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 City of Westlake Regular City Council meeting of June 14, 2021 to order at 6:32 PM.

ROLL CALL

Present and constituting a quorum:

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

Also, present:

Kenneth Cassel, City Manager
Donald J. Doody, Interim City Attorney
Zoie P. Burgess, CMC, City Clerk
Suzanne Dombrowski, City Engineer
Nilsa Zacarias, Planning & Zoning Director

PLEDGE OF ALLEGIANCE

Mayor Manning led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor Manning called for any additions, deletions, or modifications to the Agenda.

Motion by Councilwoman Crump to approve agenda, seconded by Vice Mayor O'Connor.

UPON ROLL CALL:

Councilwoman Long-Robinson	YES
Councilwoman Crump	YES
Councilman Paul	YES
Vice Mayor O'Connor	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (5-0).

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

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Mayor Manning inquired of any public comments.

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

Alicia Torres - 5847 Whippoorwill Circle- Ms. Torres inquired on Seminole Improvement District's (SID) emergency number for water issues; how residents can communicate with SID for inquires during regular working hours for immediate issues; and why water quality varies if everyone receives it from the same supply.

Mr. Cassel advised that SID and the City are two separate government entities. He advised that there is information on SID's website that residents may use for contact. He further explained the phone system and options to select when calling in. He explained how water quality is checked, tested, and sampled on a quarterly basis. He noted that SID is within the water parameter limits and identified SID's responsibilities

Vice Mayor O'Connor inquired if SID would test water for residents if there were issues within the home.

Mr. Cassel explained SID's responsibilities and the residents' responsibilities.

Councilman Paul commented that it is not acceptable that residents are not able to get a hold of anyone in the City or SID for issues.

Mr. Cassel explained the phone tree system for emergencies. He mentioned that SID will be instituting an on-call answering service in the next 10 days. He said that SID will look at ways to improve communications.

Mayor Manning inquired on emergency alert text messages.

Mr. Cassel responded that SID could work with the City on pushing out emergency notifications.

Vice Mayor O'Connor inquired on an app for the City.

Mr. Cassel said that the City is working on it. He further explained what impacts the variations in water supply.

There being no further comments, 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.

Mayor Manning introduced the Consent Agenda Item.

A. Approval of Meeting Minutes

1. April 26, 2021 - City Council Workshop Meeting Minutes - DRAFT
2. May 10, 2021 - Regular City Council Meeting Minutes - DRAFT

B. Approval Finance Statement

1. Financial Report - April 2021

Motion by Vice Mayor O'Connor to approve Consent Agenda, seconded by Councilwoman Crump.

UPON ROLL CALL:

Councilwoman Crump	YES
Councilman Paul	YES
Vice Mayor O'Connor	YES
Mayor Manning	YES
Councilwoman Long-Robinson	YES

With all in favor, motion carried without dissent (5-0).

PRESENTATIONS/PROCLAMATIONS

A. Proclamation – Pride Month

Submitted By: Administration/Councilmember Long-Robinson

Mayor Manning introduced the item and noted that it was submitted by Councilwoman Long-Robinson.

Mayor Manning read the proclamation on the record.

B. Universal Health Services Update

Presented By: Pam Tahan, Chief Executive Officer

Mayor Manning introduced Pam Tahan, Chief Executive Officer Universal Health Services.

Ms. Pam Tahan, Chief Executive Officer, Universal Health Services introduced herself and staff Luz Jordan, Manager of Emergency, and JohnMark Ashley, Chief Financial Officer. Ms. Tahan presented a PowerPoint presentation regarding staff, services offered, awards, and accreditation.

Ms. Luz Jordan, Emergency Manager further discussed Community Outreach events, facility tours and health screenings. She noted that the facility held two events for COVID-19 along with vaccination clinics.

Ms. Tahan noted the continued expansion of Westlake and the request for feedback on what the community and City would like to see.

Mayor Manning inquired of Council questions.

Councilwoman Long-Robinson thanked Ms. Tahan for the presentation. She inquired on communication and marketing for Westlake.

Ms. Tahan responded how communication and marketing is being done.

Councilwoman Long-Robinson inquired to how COVID-19 testing and vaccinations were communicated to the community.

Ms. Tahan advised that staff worked with Mr. Carter, and the HOA.

Councilwoman Long-Robinson inquired on development for 2022.

Ms. Tahan responded that they would like to start as soon as possible.

Council discussion on the Westlake development and communication with the City.

Ms. Tahan responded to Council inquires.

Mr. Cassel requested that Ms. Tahan include the City Manager and City Clerk for communications with Council and the City's social media and website.

Further Council discussion and inquiries.

Ms. Tahan responded to Council inquires.

There being no further comments, the next item followed.

C. Back & Beyond Campaign

Presented By: S.A. Nelson

Mayor Manning introduced Back & Beyond Campaign S.A. Nelson & Associates

Sophia Nelson, Chief Executive Officer, introduced Charisma Kendrick-Adams to present the PowerPoint presentation Back & Beyond Campaign

Charisma Kendrick-Adams – S.A. Nelson & Associates presented Back & Beyond Campaign, Timeline and Delivery Channels and explained the next steps.

Mr. Cassel said that the City will make sure that the release is taken care of.

Council Discussion and Mayor Manning inquired on a motion to move forward with the video.

Mr. Cassel explained the next steps with S.A. Nelson and the projects that are upcoming.

Mayor Manning inquired if Council wants to hold a workshop.

Further Council Discussion.

Motion by Vice Mayor O'Connor to approve the video presented by S.A. Nelson Back & Beyond Cam, seconded by Councilwoman Long-Robinson.

UPON ROLL CALL:

Councilman Paul	YES
Vice Mayor O'Connor	YES
Mayor Manning	YES
Councilwoman Long-Robinson	YES
Councilwoman Crump	YES

With all in favor, motion carried without dissent (5-0).

PUBLIC HEARING - FIRST READING

- A. **FIRST READING:** An Ordinance to be known as the "Noise Ordinance", Chapter 23 Nuisances, Code of Ordinances

Submitted By: Planning & Zoning

ORDINANCE 2021-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA TO INCLUDE A SECTION TO BE KNOWN AS THE "NUISANCE ORDINANCE"; PROVIDING FOR DEFINITIONS; PROVIDING FOR NOISE RESTRICTIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF CONFLICTING LAWS; PROVIDING FOR SEVERABILITY OF INVALID PROVISIONS; PROVIDING AN EFFECTIVE DATE.

Mayor Manning introduced item for first reading, An Ordinance to be known as the "Noise Ordinance", Chapter 23 Nuisances, Code of Ordinances

Ms. Burgess read into record, by title only, Ordinance 2021-01.

Mr. Cassel explained the reason for the revised ordinance.

Vice Mayor O'Connor noted the reason for the prior comments and said that he recommends this ordinance for approval.

Mayor Manning inquired if Planning & Zoning had any additions.

Ms. Zacarias advised that staff had been coordinating with Ms. Rossmell on this item.

Kathryn Rossmell of Lewis, Longman & Walker on behalf of Minto PBLH, LLC thanked staff for their coordination.

Councilman Paul commented that he is not clear on noise levels and inquired how the noise is measured.

Mr. Cassel read Table 1. Allowable Exterior Sound Levels per Sound Zone (Sound Standards) from the Ordinance and explained how the noise levels are measured.

Council discussion on measurements and decibel levels.

Mayor Manning inquired of Council questions.

Mayor Manning noted this item is first reading.

Motion by Councilwoman Crump to adopt Ordinance 2021-01 on first reading, seconded by Vice Mayor O'Connor.

UPON ROLL CALL:

Vice Mayor O'Connor	YES
Mayor Manning	YES
Councilwoman Long-Robinson	YES
Councilwoman Crump	YES
Councilman Paul	NO

Motion carried, with dissent (4-1, Councilman Paul dissenting).

Mayor Manning inquired on second reading.

Mr. Cassel responded July 12th.

- B. **FIRST READING:** Ordinance amending Ordinance 2017-7 to authorize a Residential Solid Waste Services Special Assessment

Submitted By: Interim City Attorney

ORDINANCE 2021-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, TO AMEND ORDINANCE 2017-7 "SOLID WASTE COLLECTION" TO AUTHORIZE AND PROVIDE FOR THE LEVY AND COLLECTION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT RELATED TO THOSE SERVICES WITHIN CITY OF WESTLAKE; AMENDING DEFINITIONS IN ORDINANCE 2017-7 AND PROVIDING FOR ADDITIONAL DEFINITIONS AND FINDINGS RELATING TO THE SPECIAL ASSESSMENT; CREATING A NEW SECTION 10A TO ORDINANCE 2017-7, ENTITLED "RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT," AND SUBSECTIONS 10A-1 THROUGH 10A-19, AUTHORIZING THE IMPOSITION AND COLLECTION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF THE RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT ROLL AND FOR CORRECTING ERRORS AND OMISSIONS; PROVIDING THAT RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT ROLL; ESTABLISHING PROCEDURES AND METHODS FOR THE COLLECTION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENTS; ESTABLISHING THE PRIORITY OF THE LIEN OVER PRIOR RECORDED LIENS OR MORTGAGES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Manning introduced item for first reading, Ordinance amending Ordinance 2017-7 to authorize a Residential Solid Waste Services Special Assessment

Ms. Burgess read into record, by title only, Ordinance 2021-02.

Mayor Manning inquired of comments.

Mr. Doody advised that the Mr. Cassel requested Counsel to review Ordinance and explained the amendments made.

Mayor Manning inquired if any items adopted by Council was inappropriate.

Mr. Doody advised that it was not.

Mayor Manning called for any questions.

Mr. Cassel advised that the circumstances at the time of adoption of Ordinance 2017-17 reflected what the City was and had to be. He said that as the City continues to grow and change items will need to be modified.

Mr. Doody followed up on Mr. Cassel's point and advised that as the City progresses, amendments of existing ordinances is a standard practice and should not be taken as any indication of a miss step. This ordinance is being used as the foundation.

Vice Mayor O'Connor inquired if this is one of the last steps to adding the trash to the tax roll.

Mr. Cassel responded that it was and explained the next steps for the tax roll.

Mr. Cassel mentioned that Ms. Rossmell has spoken with him before and noted that there is one thing that needs to be clarified between first and second reading. The assessments are on those single-family residents that already have Certificate of Occupancy (CO) and not just platted, the City is not collecting trash or garbage from anything that does not have a CO; it will be effective at the CO.

Ms. Rossmell commented that they want to make sure that there will be no assessments on vacant lots and there is a minor change that can govern this.

Mayor Manning inquired of public comments.

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.

Ms. Torres inquired if comments are for items on the agenda.

Ms. Burgess advised that comments are for this item.

Motion by Vice Mayor O'Connor to adopt Ordinance 2021-02, seconded by Councilwoman Long-Robinson.

UPON ROLL CALL:

Mayor Manning	YES
Councilwoman Long-Robinson	YES
Councilwoman Crump	YES
Councilman Paul	YES
Vice Mayor O'Connor	YES

With all in favor, motion carried without dissent (5-0).

Mayor Manning mentioned that he does not believe that he inquired of public comments for the prior Ordinance 2021-01.

Mayor Manning inquired of public comments for Ordinance 2021-01.

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.

Alicia Torres - 5847 Whipoorwill Circle- Ms. Torres asked for clarification on the 92-maximum decibel.

Vice Mayor O'Connor said that the use level varies.

Mr. Cassel read Table 1. Allowable Exterior Sound Levels per Sound Zone (Sound Standards) from the ordinance. He said that Table 1 and Table 2 lay out the levels for the community.

Mayor Manning inquired on additional comments.

Ms. Burgess advised that there were no additional comments.

C. FIRST READING: Ordinance 2021-03 - 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.

Mayor Manning introduced item for first reading ,Ordinance 2021-03 - Chapter 3 Additional Medical Uses as Permitted in the Mixed Use Zoning District

Mayor Manning advised that Ordinance 2021-03 was heard at the Local Planning Agency meeting this evening.

Ms. Burgess read into record, by title only, Ordinance 2021-03.

Mayor Manning inquired of public comments.

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.

Mayor Manning inquired of Council comments.

Motion by Councilwoman Crump to adopt Ordinance 2021-03, seconded by Councilwoman Long-Robinson.

UPON ROLL CALL:

Councilwoman Long-Robinson	YES
Councilwoman Crump	YES
Councilman Paul	YES
Vice Mayor O'Connor	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (5-0).

D. FIRST READING: Article 5: Subdivision and Site Development Standards, Land Development Regulations - First Reading

Submitted By: Engineering

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.

Mayor Manning introduced item on first reading, Article 5: Subdivision and Site Development Standards, Land Development Regulations - First Reading

Mayor Manning advised that the item was heard at the Local Planning Agency Meeting.

Ms. Burgess read into record, by title only, Ordinance 2021-04.

Mayor Manning inquired of public comments.

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.

Mayor Manning inquired of Council Comments.

Motion by Councilwoman Crump to adopt Ordinance 2021-04, seconded by Vice Mayor O'Connor.

UPON ROLL CALL:

Councilwoman Crump	YES
Councilman Paul	YES

Vice Mayor O'Connor	YES
Mayor Manning	YES
Councilwoman Long-Robinson	YES

With all in favor, motion carried without dissent (5-0).

- E. FIRST READING:** Amending Ordinance 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.

Mayor Manning introduced item on first reading, Amending Ordinance 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

Mayor Manning mentioned that the Ordinance was heard at the Local Planning Agency Meeting.

Ms. Burgess read into record, by title only, Ordinance 2021-05.

Mayor Manning inquired of public comments.

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.

Mayor Manning inquired of Council comments.

Mayor Manning no Council comments.

Motion by Vice Mayor O'Connor to adopt Ordinance 2021-05, seconded by Councilwoman Crump.

UPON ROLL CALL:

Councilman Paul	YES
Vice Mayor O'Connor	YES
Mayor Manning	YES
Councilwoman Long-Robinson	YES
Councilwoman Crump	YES

With all in favor, motion carried without dissent (5-0).

PUBLIC HEARING - SECOND READING

There being no Public Hearing - Second Reading, the next item followed.

PUBLIC HEARING - QUASI JUDICIAL

- A. A Resolution for the Pod H "Landings" Master Plan

Submitted By: Planning & Zoning

RESOLUTION 2021-08

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE MASTER SITE PLAN AMENDMENT FOR WESTLAKE LANDINGS, CONTAINING A CONVENIENCE STORE WITH A GAS STATION ON PARCEL A1; FAST FOOD RESTAURANT WITH DRIVE THROUGH ON PARCEL A2; RETAIL AND FAST FOOD RESTAURANT WITH DRIVE THROUGH ON PARCEL B1; RETAIL AND FAST FOOD RESTAURANT WITH DRIVE THROUGH ON PARCEL B2; FAST FOOD RESTAURANT WITH DRIVE THROUGH ON PARCEL C1; FAST FOOD RESTAURANT WITH DRIVE THROUGH ON PARCEL C2; SELF SERVICE STORAGE ON PARCEL E; COMMERCIAL RECREATION ON PARCEL F AND OFFICE AND LIGHT INDUSTRIAL ON PARCEL G, LOCATED AT 16860 PERSIMMON BOULEVARD WEST IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Mayor Manning introduced the item.

Mayor Manning inquired on public comments.

Mr. Doody advised the City Clerk will need to swear in participants for the Quasi-Judicial proceedings.

Ms. Burgess swore in all participants that will be speaking on this item.

Ms. Zacarias presented a PowerPoint Presentation Pod H Westlake "Landings" Master Site Plan. She advised that the Site Plan has been reviewed by Wesley Jolin with the Palm Beach County Fire Rescue (PBCFR), the City Engineer and Seminole Improvement District (SID) have reviewed the drainage; and City Engineer has reviewed Traffic. She advised that staff is recommending with two conditions of approval.

Donaldson Hearing, of Coteleur & Hearing on behalf of applicant Minto PBLH, LLC., presented a PowerPoint. He advised that they agree with staff's recommendation for approval and pointed out that all the uses proposed are fully consistent with compliance in the Comprehensive Plan and the permitted uses as defined by the Land Development Regulations subject to site plan review approvals.

Tara Duhy of Lewis, Longman & Walker on behalf of Minto PBLH, LLC asked that the application materials submitted be made part of the record.

Mayor Manning inquired of Council questions.

Vice Mayor O'Connor inquired on Phase II construction; the plan to mitigate construction traffic; and asked if there will be temporary egress and ingress entrances away from the main roads.

Mr. Hearing noted that the City can anticipate construction on Persimmon West where there is no development now. There will be multiple access points along Persimmon and noted that there is only one point of access on Seminole Pratt Whitney Road and Persimmon. He mentioned that it is likely that construction for Publix and the parcels will happen; and the land development will happen simultaneously.

Vice Mayor O'Connor inquired of Mr. Hearing if the construction traffic will have a great effect on traffic for the residents.

Mr. Hearing responded that it should be no greater than the construction traffic that serves the communities that are growing.

Vice Mayor O'Connor inquired of golf cart access.

Mr. Hearing mentioned that the access points of the multimodal pathways are a full 12 foot wide and explained how the paths were brought in. He said that Council will be able to see this once presented.

Mayor Manning inquired on further questions.

Ms. Burgess read into record, by title only, Resolution 2021-08.

Mayor Manning inquired of public comments.

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.

Alicia Torres 5847 Whipporwill Circle - Ms. Torres inquired about the East to West exits and if there will be a light or yield type of crossover.

Mr. Hearing responded that a channelized intersection exists currently, and there is an ability to turn left if driving northbound; he noted that there is a signalized intersection at Persimmon Boulevard and identified the other available intersections.

Mayor Manning inquired on additional questions.

Ms. Burgess asked Ms. Torres if she had any additional questions.

Ms. Torres responded no.

Mayor Manning inquired of Council and audience comments.

Mr. Cassel reminded Council that there is a Master Property Owners Associations (MPOA) that all the parcels belong to.

Motion by Vice Mayor O'Connor to approve Resolution 2021-08, seconded by Councilwoman Crump.

UPON ROLL CALL:

Vice Mayor O'Connor	YES
Mayor Manning	YES
Councilwoman Long-Robinson	YES
Councilwoman Crump	YES
Councilman Paul	YES

With all in favor, motion carried without dissent (5-0).

B. A Resolution for the Pod H Pinnacle Self Storage Site Plan

Submitted By: Planning & Zoning

RESOLUTION 2021-15

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE SITE PLAN FOR AN APPROXIMATELY 107,290 SQUARE FOOT SELF SERVICE STORAGE; AND APPROXIMATELY HALF-ACRE OUTDOOR AREA FOR STORAGE OF BOATS AND RECREATIONAL VEHICLES LOCATED IN THE WESTLAKE LANDINGS PLAZA ON PARCEL H AT 4701 SEMINOLE PRATT WHITNEY ROAD IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Due to a client conflict, the Interim City Counsel, Mr. Doody, recused himself and stepped down from dais. Attorney Pamala Ryan sat in for the Agenda item. Mr. Cassel provided further explanation for the recusal of duties.

Mayor Manning introduced the item.

Ms. Burgess read into record, by title only, Resolution 2021-15.

Ms. Ryan advised that participants need to be sworn in.

Ms. Burgess swore in all participants that will be speaking on this item.

Ms. Zacarias presented a PowerPoint presentation Self Storage at Westlake Landing's (Pod H) Site Plan Review. She advised that the application does not include signage as it will come in a separate application.

Mr. Hearing presented a Powerpoint presentation "Pod H" Westlake Landings Parcel E - Self Service Facility. He mentioned that Chris Perry, Owner/Developer of Pinnacle Self Storage and Kenneth Carlson, Project Architect are in attendance. He commented that this is a great driver for business and mentioned that these types of facilities have a great tax revenue and place very little burden on services. He advised that the sign plan will come before Council in July or August.

Mayor Manning inquired on Council comments.

Vice Mayor O'Connor inquired on landscaping in front of the main building.

Mr. Hearing advised that there is 80 feet of buffer with a three (3) to five (5) foot berm that will not be seen.

Mayor Manning inquired of public comments.

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.

Ms. Burgess advised that Sam B. inquired of the proposed access hours.

Mr. Hearing responded that a final determination has not been made, but there are office hours and access via keypad.

Motion by Councilwoman Long-Robinson to approve Resolution 2021-15, seconded by Vice Mayor O'Connor.

UPON ROLL CALL:

Mayor Manning	YES
Councilwoman Long-Robinson	YES
Councilwoman Crump	YES
Councilman Paul	YES
Vice Mayor O'Connor	YES

With all in favor, motion carried without dissent (5-0).

C. A Resolution for the Winn-Dixie Site Plan Modification

Submitted By: Planning & Zoning

RESOLUTION 2021-16

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE SITE PLAN MODIFICATION FOR AN APPROXIMATELY 49,610 SQUARE FOOT WINN-DIXIE GROCERY STORE AND AN APPROXIMATELY 2,535 SQUARE FOOT LIQUOR STORE LOCATED IN THE GROVE MARKET SHOPPING CENTER AT 5042 SEMINOLE PRATT WHITNEY ROAD IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Mayor Manning introduced the item.

Ms. Burgess swore in all participants that will be speaking on this item.

Ms. Burgess read into record, by title only, Resolution 2021-16.

Ms. Zacarias presented a PowerPoint presentation for the Winn-Dixie Site Plan Modification. She advised that Planning & Zoning and Engineering recommends approval of the subject application and there are no conditions of approval.

Ms. Rebecca K. Wright, Applicant of Southeastern Grocers, LLC presented the proposed Site Plan, discussed parking, and demolition of the exterior. She advised that the Fire Department has given full approval and mentioned that 130 new jobs will be added.

Mr. John Ziebarth, Lead Architect of Cuhaci & Peterson Architects showed renderings of the Winn-Dixie Fixture Plan, Retail Exterior Material Specifications, and Exterior Material Specifications.

Council inquired of square footage, landscaping, and parking lot.

Ms. Wright responded to Council questions.

Councilwoman Long-Robinson thanked the presenters for giving Winn-Dixie a face lift in Westlake. She advised that the residents and surrounding areas will be given an option. She mentioned the Construction Academy at Seminole High School and inquired if conversations have been had regarding apprenticeship or internship for students to help construct Winn-Dixie.

Councilman Long-Robinson requested Mr. Cassel to set up a meeting between the principal and Ms. Wright to discuss.

Ms. Wright said that she will work with Southeastern Grocers and commented that it is a good opportunity for the students.

Vice Mayor O'Connor inquired if the prototype will be different from the other Winn-Dixies.

Ms. Wright responded this is the first opportunity for a clean slate; this will be a brand-new store that is more systems based moving Winn Dixie into the 2020's.

Mr. Ziebarth said that this is a curve-in refresh with a new décor package to meet the needs of a modern society that we live in.

Vice Mayor O'Connor inquired of the products.

Ms. Wright advised that she cannot speak to this for certainty, but she does know that they are looking to tie it all together.

Mayor Manning thanked the presenters.

Mr. Cassel inquired if standby generation systems will be part of this project.

Ms. Wright advised that generators will be on site and said that there will be an automatic transfer switch as well as quick connection.

Mr. Cassel advised that natural gas will be available.

Ms. Wright said that she will have a conversation with the contractor for generators and have him get in contact with Mr. Cassel.

Mayor Manning inquired of public comments.

Alicia Torres -5847 Whippoorwill Circle- Ms. Torres inquired if there are any provisions for curb side pick options in the new prototype.

Ms. Wright responded yes, the store will have dedicated pick-up spaces that are being tested.

Councilman Paul inquired if there are provisions for electric cars.

Ms. Zacarias responded that there will be a proposed Ordinance before Council in July for parking.

Motion by Vice Mayor O'Connor to approve Resolution 2021-16, seconded by Councilwoman Long-Robinson.

UPON ROLL CALL:

Councilwoman Long-Robinson	YES
Councilwoman Crump	YES
Councilman Paul	YES
Vice Mayor O'Connor	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (5-0).

D. A Resolution for the Grove Market Site Plan

Submitted By: Planning & Zoning

RESOLUTION 2021-17

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE SITE PLAN MODIFICATION FOR EXTERIOR ARCHITECTURAL FAÇADE FOR GROVE MARKET SHOPPING CENTER LOCATED AT 5060 SEMINOLE PRATT WHITNEY ROAD IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Mayor Manning introduced item.

Ms. Burgess swore in all participants speaking on this item.

Ms. Burgess read into record, by title only, Resolution 2021-17.

Ms. Zacarias presented a PowerPoint presentation for the Grove Market Shopping Center Site Plan Modification. She advised that signage is not included in this application that will come before Council in a separate application. She advised that it is paramount to update the parking area as it needs to be updated to the standards of the ADA provisions. Planning and Zoning and Engineering Departments recommends approval.

Rob Spiak, Crossman & Company on behalf of 5060 Loxahatchee Retail, LLC advised that the application before Council is to get the aesthetics for review, comment, and approval. He mentioned that a master sign plan; update of the master site plan; and mentioned the improvements being made the landlord. He said that an ADA report is prepared for the facility and it will be submitted in June for the August meeting.

Mayor Manning inquired on the coordination timeframe.

Mr. Spiak responded Winn-Dixie is planning to open in November. He said they are willing to move as quickly as the City wants in efforts to have completed.

Mayor Manning identified his concern of getting plans together and submitted by November, noting that he would have liked to have seen the site plans prior to this item.

Mr. Spiak said that the plans will be submitted June 25th.

Mayor Manning advised that there is no Council meeting on June 25th.

Mr. Cassel explained the submittal date to have items into staff is June 25th for August.

Mayor Manning said three (3) months is very aggressive and he would like for the comments to be addressed.

Mr. Michael Narula, 5060 Loxahatchee Retail, LLC advised that they have been working closely with Planning and Zoning and Mr. Cassel. He said that all of the resources have been coordinated to make sure that they are ready to begin once the permits are issued.

Mayor Manning identified further concerns and asked Mr. Cassel what happens if there is no approval at the August meeting.

Mr. Cassel advised that it leave the external of the parking lot the way that it is. There is no trigger that he can recall that requires for the landscaping to be updated totally; the parking would remain in its current state.

Mr. Narula advised that there are no plans to do a reconfiguration of the parking lot, but noted that they are going to improve what is existing and address some minor ADA deficiencies that are in the report.

Mayor Manning inquired of Council comments.

Vice Mayor O'Connor commented that he loves the plan and inquired if there will be a name change as the City is no longer Loxahatchee.

Mr. Narula said they will bring some suggestions before Council.

Councilman Paul inquired of outdoor space for vendors to utilize.

Ms. Narula responded that it was suggested, and the vendors did not want to do this. He noted the vendors that have outdoor spacing, and he advised that there is an area near the old Fire station that he would like to use for outdoor space. They are happy to address any other issues later and he identified the main goal before Council.

Councilwoman Long-Robinson commented that she would have like to have seen some images of what the parking would look like.

Mr. Cassel advised that as soon as the item is submitted it will be submitted for Council review; a thorough staff review will be done to make sure that the item complies.

Further Council Comments.

Mr. Narula responded to Council comments.

Mayor Manning inquired of public comments.

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.

Alicia Torres -5847 Whippoorwill Circle- Ms. Torres inquired if the outer parcel on the corner off of Persimmon and Seminole Pratt Whitney will be for lease or will it be dedicated in the new plan. She asked if the old Fire Station is part of Grove Market if so, what will happen to it.

Mr. Narula responded that the outer parcel is not controlled by 5060 Loxahatchee Retail, LLC. The former Fire station is part of the shopping center and we are actively seeking new tenants.

Mayor Manning inquired on further Public comments.

Motion by Vice Mayor O'Connor to approve Resolution 2021-17, seconded by Councilwoman Crump.

UPON ROLL CALL:

Councilwoman Crump	YES
Councilman Paul	YES
Vice Mayor O'Connor	YES
Mayor Manning	YES
Councilwoman Long-Robinson	YES

With all in favor, motion carried without dissent (5-0).

NEW BUSINESS

- A. Agreement for Enforcement of the Traffic Control Jurisdiction Laws of the State between the City of Westlake and The Meadows of Westlake Homeowners Association, Inc.

Submitted By: Administration

Mayor Manning introduced item, An Agreement for Enforcement of the Traffic Control Jurisdiction Laws of the State between the City of Westlake and The Meadows of Westlake Homeowners Association, Inc.

Mr. Cassel explained the reason for the item before Council. He advised that the next two items are the same: one for Meadows and the other for Sky Cove. He said that staff is working with Cresswind to start their agreement; he mentioned that the agreement for the Groves will be before Council as people are starting to close there.

Mayor Manning inquired if the speed indicator sign is working.

Mr. Cassel responded that it is working. He mentioned that Palm Beach Sheriff Office (PBSO) is also monitoring and enforcing traffic issues on Town Center Parkway.

Mr. Cassel responded that this is a motion to approve the agreement between the traffic enforcement between the Meadows and City of Westlake.

Motion by Vice Mayor O'Connor to approve the agreement, seconded by Councilwoman Long-Robinson.

UPON ROLL CALL:

Councilman Paul	YES
Vice Mayor O'Connor	YES
Mayor Manning	YES
Councilwoman Long-Robinson	YES
Councilwoman Crump	YES

With all in favor, motion carried without dissent (5-0).

- B. Agreement for Enforcement of the Traffic Control Jurisdiction Laws of the State between the City of Westlake and Sky Cove Homeowners Association, Inc.

Submitted By: Administration

Mayor Manning introduced item, an Agreement for Enforcement of the Traffic Control Jurisdiction Laws of the State between the City of Westlake and Sky Cove Homeowners Association, Inc.

Motion by Councilwoman Crump to enter into an agreement with Sky Cove and the City of Westlake, seconded by Vice Mayor O'Connor.

UPON ROLL CALL:

Vice Mayor O'Connor	YES
Mayor Manning	YES
Councilwoman Long-Robinson	YES
Councilwoman Crump	YES
Councilman Paul	YES

With all in favor, motion carried without dissent (5-0).

Vice Mayor O'Connor inquired on the agreement for the Hammocks Homeowners Association (HOA).

Mr. Cassel responded that it must come from the HOA itself.

Councilwoman Crump advised that the HOA has been turned over.

Vice Mayor O'Connor advised that he check on it.

- C. Fiscal Year 2020 Audited Financial Report

Submitted By: Finance

Mayor Manning introduced the item.

Mr. Cassel advised that there are no findings in the audit and the motion is to accept the audit.

Mayor Manning inquired on questions.

Motion by Councilwoman Long-Robinson to accept the audit, seconded by Vice Mayor O'Connor.

UPON ROLL CALL:

Mayor Manning	YES
Councilwoman Long-Robinson	YES
Councilwoman Crump	YES
Councilman Paul	YES
Vice Mayor O'Connor	YES

With all in favor, motion carried without dissent (5-0).

CITY COUNCIL COMMENTS

A. Councilwoman Katrina Long-Robinson

Councilwoman Long-Robinson commented that she would like for staff to talk about the Ordinance for Art in Public Places as it highlights diversity and inclusion. She noted a follow up Ms. Tahan's presentation for Wellington Regional and advised that she would like the record to show approval for the FDE, so that Council may understand what was communicated. Councilwoman Long-Robinson noted that what was communicated tonight was not what was communicated to Council. She would like to know the total number of acres sold.

Mr. Cassel advised that the record can be pulled.

Mayor Manning said that he agrees and commented thanks for bringing it up.

B. Councilwoman Kara Crump

No Comment.

C. Councilman Patric Paul

No Comment.

D. Vice Mayor JohnPaul O'Connor

Vice Mayor O'Connor mentioned the notice of grant funding by the Florida League of Cities. He was going to lobby for a Fourth of July fireworks display. He said that it takes a lot of planning and if Council agreed he would like for staff to budget for it.

Mr. Cassel said that he will make sure that there is a line item in the budget for fireworks. Staff will work at other ways to fund such as contributions and maybe partnerships etc.

Vice Mayor O'Connor inquired on traffic shift for the culverts and if it could be completed at night.

Mr. Cassel responded that the due to the type of work it can not be done at night. He mentioned that the next lane shift will ease up some of the traffic and noted the lanes will be done. He said that there will be three (3) total traffic shifts.

Vice Mayor O'Connor inquired on the project.

Mr. Cassel responded that it has been moving fast; it noted that it was projected to be 120-160 days and construction is on target.

Vice Mayor O'Connor thanked everyone and wished everyone a Happy Fourth of July.

E. Mayor Roger Manning

Mayor Manning commented that it is going on (5) years and the City does not have a City Hall. He said that he will reach out to Mr. Carter again to meet and he will follow up with Mr. Cassel.

Mr. Cassel said that he has some alternatives that he has been working on as well. He advised that he is working on two or three different places to lease space and noted there are coming out of the ground very shortly that potential lease space or lease purchase. He mentioned that he has been in discussions with various individuals to secure a home.

Mayor Manning said that this needs to be remedied one way or another. He appreciates the work that Mr. Cassel is doing.

REPORT - STAFF

A. Palm Beach County Fire Rescue Office - Monthly Report: May

Submitted By: Anthony Tozzi, District Chief

For Informational Purposes Only

Mayor Manning introduced the item.

Anthony Tozzi, District Chief provided updates. He said he hopes everyone has a healthy and safe month.

B. Palm Beach County Sheriff's Office - Monthly Report: May

Submitted By: Captain Craig Turner

For Informational Purposes Only

Mayor Manning introduced the item.

REPORT - CITY ATTORNEY

Mayor Manning thanked the Interim City Attorney for being here and his appreciation for the weekly reports.

Mr. Doody said that it is a pleasure to be here and meet everyone. He is glad to be part of the growing process.

REPORT - CITY MANAGER

Mr. Cassel said that the preliminary budget will be brought before Council at the July meeting and the millage rate will be set first. He will present a follow up from the planning process that Inframark is working on for 2022/2023. He further provided an update on development and noted the number of houses being closed.

PUBLIC COMMENTS - AGENDA ITEMS ONLY

This section of the agenda allows for comments from the public to speak on items only 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.

Mayor Manning called for any public comments.

Mayor Manning noted the excitement of what is going on in the City and that it is promising to see developers wanting to develop within the City.

Mr. Cassel noted that he was thrilled that the Building Department worked with Winn-Dixie to issue the demolition permit.

Mayor Manning mentioned his ride around in the City before the meeting. He noted the 80-130 jobs that will come from the development.

Ms. Burgess noted that Luis Park inquired on the cost of the video created by S.A. Nelson.

Mr. Cassel said that he will check what was approved for the first agreement and get back with the amount.

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.

Alicia Torres - 5847 Whipoorwill Circle- Ms. Torres commented that she agrees with Mayor Manning that this is the best fun she has had in the last year. She commented that she is shocked by the presentation by Ms. Tahan saying that Westlake's land was dedicated to Medical Office Space. She inquired what is medical office space and if this is strictly medical office space. She inquired on the current City Hall situation and asked if the paint can be scraped off; and what will happen to buildings once there is a real City Hall.

Mr. Cassel responded that the buildings are occupied by SID and leased from Minto. He said that he will speak with them regarding the exterior. He advised what will happen to the building and mentioned that SID is working on new facilities next to the sub station adjacent to the County's refueling site.

Mr. Torres requested for clarification for the Wellington Regional Medical Center medical office space.

Mr. Cassel responded he does not know , but staff will go back and look at the record to see what played out as the original vision and go back and push for the fulfillment of the vision that was sold to the City.

There being no further comments, the next item followed.

ADJOURNMENT

Mayor Manning identified the next Regular Council Meeting and adjourned at 10:02 PM.

Zoie P. Burgess, City Clerk

Roger Manning, Mayor

File Attachments for Item:

1. Financial Report - May 2021



MEMORANDUM

TO: Members of the City Council, City of Westlake
FROM: Steven Fowler, Accountant; Trumaine Easy, Accounting Director
CC: Ken Cassel, City Manager
DATE: June 23, 2021
SUBJECT: May Financial Report

Please find attached the May 2021 financial report. During your review, please keep in mind that the goal is for revenue to meet or exceed the year-to-date budget and for expenditures to be at or below the year-to-date budget. An overview of the City's funds is provided below. Should you have any questions or require additional information, please contact me at Steven.Fowler@inframark.com.

General Fund

- Total Revenues through May were approximately 50% of the annual budget. FY2021 Ad Valorem Tax collections were approximately 96%. The annual budget includes revenue from a funding agreement with the Developer. The Developer is invoiced quarterly for any year-to-date excess of actual expenditures over actual revenue.
- Total Expenditures through May were approximately 59% of the annual budget.

Special Revenue Fund – Housing Assistance Program

- Total Revenues through May were approximately 516% of the annual budget, which is a result of a higher than anticipated rate of residential construction. A donation of \$1,500 per Single Family Residence building permit is paid into the Housing Assistance Program.

Special Revenue Fund – Comprehensive Planning Services

- Total Revenues through May were approximately 113% of the annual budget.
- Total Expenditures through May were approximately 59% of the annual budget.

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City of Westlake

Financial Statements

May 31, 2021

Balance Sheet
May 31, 2021

ACCOUNT DESCRIPTION	GENERAL FUND	SPECIAL REVENUE FUND - HOUSING ASSISTANCE PROGRAM	SPECIAL REVENUE FUND - COMPREHENSIVE PLANNING SVCS	TOTAL
ASSETS				
Cash - Checking Account	\$ 1,322,499	\$ -	\$ -	\$ 1,322,499
Accounts Receivable	670	-	-	670
Due From Other Funds	-	-	1,312,688	1,312,688
Investments:				
Money Market Account	614,780	1,899,720	-	2,514,500
Deposits	641	-	-	641
Mortgages Receivable	-	289,146	-	289,146
TOTAL ASSETS	\$ 1,938,590	\$ 2,188,866	\$ 1,312,688	\$ 5,440,144
LIABILITIES				
Accounts Payable	\$ 122,897	\$ -	\$ 127,525	\$ 250,422
Accrued Expenses	2,300	-	48,800	51,100
DBPR surcharge	4,204	-	-	4,204
DCA surcharge	6,193	-	-	6,193
Unearned Revenue	106,017	-	-	106,017
Due To Other Districts	4,382	-	-	4,382
Deferred Revenue-Developer Submittals (Minto)	-	-	16,342	16,342
Other Current Liabilities	429,578	-	-	-
Due To Other Funds	1,312,688	-	-	1,312,688
TOTAL LIABILITIES	1,988,259	-	192,667	2,180,926
FUND BALANCES				
Nonspendable:				
Deposits	641	-	-	641
Restricted for:				
Special Revenue	-	2,188,866	1,120,021	3,308,887
Unassigned:				
	(50,310)	-	-	(50,310)
TOTAL FUND BALANCES	\$ (49,669)	\$ 2,188,866	\$ 1,120,021	\$ 3,259,218
TOTAL LIABILITIES & FUND BALANCES	\$ 1,938,590	\$ 2,188,866	\$ 1,312,688	\$ 5,440,144

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending May 31, 2021

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
REVENUES				
Interest - Investments	\$ -	\$ -	\$ 351	\$ 351
Ad Valorem Taxes	1,164,549	1,164,549	1,119,844	(44,705)
Ad Valorem Taxes - Discounts	(46,582)	(46,582)	(43,037)	3,545
Local Option Gas Tax	100	67	-	(67)
FPL Franchise	113,700	75,800	80,797	4,997
Electricity	152,900	101,933	80,110	(21,823)
Water	27,000	18,000	25,367	7,367
Gas	19,000	12,667	18,025	5,358
Communication Services Taxes	17,800	11,867	17,157	5,290
Occupational Licenses	5,000	3,333	1,525	(1,808)
Building Permits - Admin Fee	45,500	30,333	74,944	44,611
Other Licenses, Fees & Permits	2,300	1,533	635	(898)
State Revenue Sharing Proceeds	4,700	3,133	3,457	324
Administrative Fees	10,500	7,000	8,144	1,144
Other Public Safety Chrgs/Fees	2,500	1,667	3,019	1,352
Garbage/Solid Waste Revenue	3,600	2,400	140,524	138,124
Other Operating Revenues	13,200	8,800	12,138	3,338
Judgements and Fines	-	-	482	482
Interest - Tax Collector	-	-	175	175
Developer Contribution	1,512,933	756,467	-	(756,467)
Lien Search Fee	-	-	3,325	3,325
TOTAL REVENUES	3,048,700	2,152,967	1,546,982	(605,985)
EXPENDITURES				
Legislative				
Mayor/Council Stipend	146,400	97,600	97,600	-
FICA Taxes	11,200	7,466	7,466	-
ProfServ-Legislative Expense	24,000	16,000	-	16,000
Public Officials Insurance	3,900	2,600	4,025	(1,425)
Misc-Event Expense	25,000	16,667	-	16,667
Council Expenses	15,000	10,000	5,265	4,735
Dues, Licenses, Subscriptions	1,900	1,900	1,395	505
Total Legislative	227,400	152,233	115,751	36,482
City Manager				
Contracts-City Manager	222,900	148,600	148,600	-
Office Supplies	15,500	10,333	8,486	1,847
Dues, Licenses, Subscriptions	2,200	1,467	2,078	(611)
Total City Manager	240,600	160,400	159,164	1,236

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending May 31, 2021

<u>ACCOUNT DESCRIPTION</u>	<u>ANNUAL ADOPTED BUDGET</u>	<u>YEAR TO DATE BUDGET</u>	<u>YEAR TO DATE ACTUAL</u>	<u>VARIANCE (\$) FAV(UNFAV)</u>
<u>City Clerk</u>				
ProfServ-Web Site Maintenance	18,000	12,000	9,067	2,933
Contracts-City Clerk	125,100	83,400	83,400	-
Postage and Freight	1,400	933	862	71
Printing	22,500	15,000	1,459	13,541
Legal Advertising	28,200	18,800	15,497	3,303
Miscellaneous Services	-	-	341	(341)
Dues, Licenses, Subscriptions	1,400	1,400	8,395	(6,995)
Total City Clerk	196,600	131,533	119,021	12,512
<u>Finance</u>				
Auditing Services	5,300	5,300	5,250	50
Contracts-Finance	92,700	61,800	61,800	-
Total Finance	98,000	67,100	67,050	50
<u>Legal Counsel</u>				
ProfServ-Legal Services	404,000	269,333	363,060	(93,727)
Outside Legal Services	115,000	76,667	-	76,667
Miscellaneous Services	-	-	180	(180)
Miscellaneous Expenses	10,100	6,733	5,891	842
Total Legal Counsel	529,100	352,733	369,131	(16,398)
<u>Other Administrative Services</u>				
ProfServ-Info Technology	144,700	96,467	102,457	(5,990)
ProfServ-Compliance Service	25,000	16,667	-	16,667
Contracts-Admin. Service	158,700	105,800	105,800	-
Misc-Public Relations	50,000	33,333	-	33,333
General Government	115,000	76,667	8,552	68,115
Emergency Comm. Program	25,000	16,667	-	16,667
Total Other Administrative Services	518,400	345,601	216,809	128,792
<u>Facility Services</u>				
Telephone, Cable & Internet Service	21,200	14,133	9,858	4,275
Lease - Copier	20,500	13,667	10,653	3,014
Lease - Building	12,500	8,500	500	8,000
Insurance (Liab,Auto,Property)	4,000	4,000	4,088	(88)
Miscellaneous Services	1,200	800	812	(12)
Cleaning Services	43,500	29,000	19,986	9,014
Principal-Capital Lease	7,600	4,970	3,712	1,258
Interest-Capital Lease	2,600	1,820	1,396	424
Total Facility Services	113,100	76,890	51,005	25,885

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending May 31, 2021

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<u>Community Services</u>				
Contracts-Solid Waste	-	-	163,106	(163,106)
Contracts-Sheriff	662,000	441,333	433,333	8,000
Electricity	43,300	28,867	54,658	(25,791)
R&M-Community Maintenance	26,700	17,800	17,800	-
Operating Supplies	25,000	16,667	27,238	(10,571)
Total Community Services	757,000	504,667	696,135	(191,468)
<u>Other Fees and Charges</u>				
Misc-Contingency	134,000	89,333	6,148	83,185
Total Other Fees and Charges	134,000	89,333	6,148	83,185
<u>Reserves</u>				
1st Quarter Operating Reserves	234,500	156,333	-	156,333
Total Reserves	234,500	156,333	-	156,333
TOTAL EXPENDITURES & RESERVES	3,048,700	2,036,823	1,800,214	236,609
Excess (deficiency) of revenues				
Over (under) expenditures	-	116,144	(253,232)	(369,376)
Net change in fund balance	\$ -	\$ 116,144	\$ (253,232)	\$ (369,376)
FUND BALANCE, BEGINNING (OCT 1, 2020)	203,563	203,563	203,563	
FUND BALANCE, ENDING	\$ 203,563	\$ 319,707	\$ (49,669)	

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending May 31, 2021

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
REVENUES				
Interest - Investments	\$ -	\$ -	\$ 2,549	\$ 2,549
Donations	150,000	100,000	771,000	671,000
TOTAL REVENUES	150,000	100,000	773,549	673,549
EXPENDITURES				
Public Assistance				
Misc-Admin Fee (%)	11,300	7,533	8,144	(611)
Assistance Program	138,700	92,467	-	92,467
Total Public Assistance	150,000	100,000	8,144	91,856
TOTAL EXPENDITURES	150,000	100,000	8,144	91,856
Excess (deficiency) of revenues Over (under) expenditures	-	-	765,405	765,405
Net change in fund balance	\$ -	\$ -	\$ 765,405	\$ 765,405
FUND BALANCE, BEGINNING (OCT 1, 2020)	1,423,461	1,423,461	1,423,461	
FUND BALANCE, ENDING	\$ 1,423,461	\$ 1,423,461	\$ 2,188,866	

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending May 31, 2021

<u>ACCOUNT DESCRIPTION</u>	<u>ANNUAL ADOPTED BUDGET</u>	<u>YEAR TO DATE BUDGET</u>	<u>YEAR TO DATE ACTUAL</u>	<u>VARIANCE (\$) FAV(UNFAV)</u>
REVENUES				
Building Permits	\$ 1,159,200	\$ 772,802	\$ 1,664,755	\$ 891,953
Reinspection Fees	8,600	5,733	34,750	29,017
Building Permits - Surcharge	2,000	1,333	4,957	3,624
Other Building Permit Fees	15,000	10,000	57,150	47,150
Building Permits - Admin Fee	64,400	42,933	103,249	60,316
Engineering Permits	590,900	393,933	419,802	25,869
Planning & Zoning Permits	231,000	154,000	61,136	(92,864)
TOTAL REVENUES	2,071,100	1,380,734	2,345,799	965,065
EXPENDITURES				
Comprehensive Planning				
ProfServ-Engineering	562,900	375,267	199,036	176,231
ProfServ-Info Technology	28,100	18,733	25,623	(6,890)
ProfServ-Planning/Zoning Board	231,000	154,000	191,379	(37,379)
ProfServ-Consultants	28,000	18,667	4,325	14,342
ProfServ-Building Permits	1,219,900	813,267	798,714	14,553
Postage and Freight	-	-	19	(19)
Telephone, Cable & Internet Service	1,200	800	763	37
Lease - Copier	-	-	3,378	(3,378)
Printing	-	-	681	(681)
Miscellaneous Services	-	-	213	(213)
Office Supplies	-	-	1,647	(1,647)
Total Comprehensive Planning	2,071,100	1,380,734	1,225,778	154,956
TOTAL EXPENDITURES	2,071,100	1,380,734	1,225,778	154,956
Excess (deficiency) of revenues Over (under) expenditures	-	-	1,120,021	1,120,021
Net change in fund balance	\$ -	\$ -	\$ 1,120,021	\$ 1,120,021
FUND BALANCE, BEGINNING (OCT 1, 2020)	-	-	-	-
FUND BALANCE, ENDING	\$ -	\$ -	\$ 1,120,021	\$ 1,120,021

City of Westlake

Supporting Schedules

May 31, 2021

Cash and Investment Report

May 31, 2021

GENERAL FUND

<u>Account Name</u>	<u>Bank Name</u>	<u>Investment Type</u>	<u>Yield</u>	<u>Balance</u>
Checking Account - Operating	BankUnited	Checking Account	n/a	\$1,322,499
Money Market	BankUnited	MMA	0.20%	\$614,780
		Subtotal		<u>\$1,937,280</u>

SPECIAL REVENUE FUND

Money Market	BankUnited	MMA	0.20%	\$1,899,720
		Subtotal		<u>\$1,899,720</u>
		Total		<u><u>\$3,837,000</u></u>

City of Westlake

Bank Reconciliation

Bank Account No. [REDACTED] Bank United GF
 Statement No. 0521
 Statement Date 5/31/2021

G/L Balance (LCY)	1,322,499.15	Statement Balance	1,326,679.23
G/L Balance	1,322,499.15	Outstanding Deposits	187.92
Positive Adjustments	0.00		
	<hr/>		
Subtotal	1,322,499.15	Subtotal	1,326,867.15
Negative Adjustments	0.00	Outstanding Checks	4,368.00
	<hr/>	Differences	0.00
Ending G/L Balance	1,322,499.15	Ending Balance	1,322,499.15
Difference	0.00		

Posting Date	Document Type	Document No.	Description	Amount	Cleared Amount	Difference
Outstanding Checks						
5/18/2021	Payment	[REDACTED]	MYGOV, LLC	4,368.00	0.00	4,368.00
Total Outstanding Checks.....				4,368.00		4,368.00
Outstanding Deposits						
5/27/2021		DEP01711	TRASH BIN PURCHASE	G/L Acc 98.52	0.00	98.52
5/28/2021		DEP01708	GP GOLF CART REGISTRATION	G/L Acc 40.00	0.00	40.00
5/28/2021		DEP01712	TRASH BIN PURCHASE	G/L Acc 49.40	0.00	49.40
Total Outstanding Deposits.....				187.92		187.92

File Attachments for Item:

A. FIRST READING: ORDINANCE 2021-08 – Establishing Qualifying Dates for the March 2022 Municipal Election

Submitted By: City Clerk

ORDINANCE 2021-08

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING QUALIFYING DATES FOR THE MARCH 2022 GENERAL MUNICIPAL ELECTIONS, IN ACCORDANCE WITH THE DIRECTION OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		July 12, 2021	Submitted By: City Clerk	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		FIRST READING: ORDINANCE 2021-08 – Establishing Qualifying Dates for the March 2022 Municipal Election		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve Ordinance 2021 Establishing Qualifying Dates for the March 2022 Municipal Election		
SUMMARY and/or JUSTIFICATION:		<p>The City's general municipal election is held annually on the second Tuesday in March. Currently the City's qualifying period for the general election begins on the last Tuesday of January to the second Tuesday of February.</p> <p>The PBC Supervisor of Elections (SOE) is strongly recommending that all municipalities change their qualifying periods for the March 2022 Municipal Election (March 8, 2022) so that qualifying ends on or before the 95th day before election (December 3, 2021) to accommodate statutory vote-by-mail requirements and allow SOE staff the appropriate time for election preparations.</p>		
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 2021-08 EXHIBIT "A" - Palm Beach County Supervisor of Elections Memo			
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>	<p style="text-align: center;">ORDINANCE 2021-08</p> <p>AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING QUALIFYING DATES FOR THE MARCH 2022 GENERAL MUNICIPAL ELECTIONS, IN ACCORDANCE WITH THE DIRECTION OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE</p>			
FISCAL IMPACT (if any):	N/A		\$ --	

ORDINANCE 2021-08

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING QUALIFYING DATES FOR THE MARCH 2022 GENERAL MUNICIPAL ELECTIONS, IN ACCORDANCE WITH THE DIRECTION OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 11 (Elections) of the City Charter sets the dates for qualifying for municipal elections from and including noon on the last Tuesday in January to and including noon on the second Tuesday in February, of the year in which the election is held; and

WHEREAS, in order to accommodate the statutory vote-by-mail requirements, the Palm Beach County Supervisor of Elections (“SOE”) has “strongly recommended” that the City amend its qualifying period to ensure that it ends no later than Friday, December 3, 2021, ninety-five (95) days before Election Day. A copy of the SOE’s request is attached hereto as Exhibit “A” and incorporated herein; and

WHEREAS, the SOE has further advised that it may not be able to accommodate the elections of those municipalities that do not change their qualifying dates, as requested; and

WHEREAS, Section 166.021(4), F.S., authorizes the City Council, by ordinance, to amend the qualifying dates set forth in the City Charter; and

WHEREAS, in response to the SOE’s request, the City Council seeks to change the qualifying dates for the City’s March 2022 general election to Tuesday, November 2, 2021, at 12:00 p.m., through Tuesday, November 9, 2021 at 12:00 p.m.; and

WHEREAS, the City Council finds that changing the dates of the City’s March 2022 general municipal election, as requested by the SOE, is in the best interests of the citizens and residents of the City.

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

Section 1: Incorporation. The facts and recitations contained in the preamble of this ordinance are adopted and incorporated by reference as if set forth herein. All exhibits attached hereto are expressly incorporated herein and made a part of this ordinance.

Section 2: In accordance with Section 166.021(4), F.S., and at the request of the Palm Beach County Supervisor of Elections, the qualifying dates for the City's March 2022 general election are hereby established as Tuesday, November 2, 2021, at 12:00 p.m., through Tuesday, November 9, 2021 at 12:00 p.m.

Section 3: Conflicts. All ordinances and parts of ordinances which conflict with this ordinance are hereby repealed.

Section 4: 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 5: Effective Date: This Ordinance shall be effective upon adoption on second reading.

THE REST OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.

PASSED AND APPROVED on this ____ day of _____, 2021, on first reading.

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

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

CITY OF WESTLAKE, FLORIDA

Mayor, Roger Manning

ATTEST:

City Clerk, Zoie P. Burgess, CMC

Approved as to Form and Sufficiency

Interim City Attorney's Office



Dear Municipal Clerks, Commissions, and Councils,

Congratulations to those of you who participated in a successful 2021 election cycle! The recent March Elections demonstrated the municipalities' commitment to democracy and to the voters of Palm Beach County. We were honored to work with you.

The Palm Beach County Supervisor of Elections office (SOE) is committed to facilitating secure, transparent, and accurate elections. To that end, due to updates in Florida Law in recent years, we have determined that certain changes in municipal charters and ordinances are necessary to ensure the efficient and cost-effective administration of future elections.

Qualifying Dates

To accommodate statutory vote-by-mail requirements, the SOE strongly recommends that each municipality who has not already done so amend its qualifying period so that its qualifying period ends on or before the 95th day before Election Day.

For example, qualifying for the March 8, 2022 election would end no later than Friday, December 3, 2021, allowing the SOE staff to program the necessary elections, create and proofread the ballot language, submit ballot templates to participating municipalities for approval, print vote-by-mail ballots, and prepare those ballots for mailing. We mail the military and overseas ballots 45 days before the election.

Failure to amend the qualifying period may result in the inability of the SOE to accommodate the elections of those municipalities. Our system does not allow us to "close" or move forward one city at a time, so any delay by one municipality results in our inability to move forward with the others.

Runoff Elections

While many municipalities no longer hold runoff elections, several still maintain provisions requiring a majority vote to win an election. Many municipalities have mentioned to us that the runoff elections are detrimental to their budgets because often the municipality has not budgeted for that expense. With so few holding runoff elections, the municipality does not benefit from the same degree of cost sharing as a Uniform Municipal Election that is held simultaneously with other municipalities. The county does not fund the municipal elections.

Please understand that we are happy to hold runoff elections, but are cognizant of the cost burden it places on municipalities. If you determine that you no longer wish to have runoff elections, please revise your charters or ordinances accordingly.



Polling Locations

It has come to our attention that some charters include provisions requiring specific polling locations or specifying that polling locations be within city or town limits. While this may not present an issue for stand-alone elections, when municipalities wish to participate in uniform or countywide elections, this becomes logistically problematic and expensive, if not impossible. The SOE urges municipalities to remove any provisions to this effect, as it will be impossible to guarantee specific polling locations in future elections if the municipality is joining a countywide election.

Single Canvassing Board for Uniform Municipal Elections

The final question presented for consideration by the municipalities is the designation of the Palm Beach County Supervisor of Elections as the official Supervisor of each Uniform Municipal Election, such that one single Canvassing Board may be empowered to canvass all of the municipal elections held simultaneously on a given day. The municipal clerks would still be qualifying officers for their municipality's candidates.

This is an optional service, and each municipality can make its own determination as to whether they want to designate the Palm Beach County Supervisor of Elections as the official Supervisor of their election. As required under the Florida election laws, at least one (1) member of the Canvassing Board is required to be present during activities such as the pre-election testing of tabulation equipment (the Logic and Accuracy test), opening, tabulation, duplication, and the canvassing of ballots. A municipality may choose to maintain its own Canvassing Board; however, if they choose to do so, the Supervisor of Elections may elect not to serve as a Canvassing Board member for that municipality.

In some municipalities, an election may be required in order to make these changes. The Secretary of State has called for a Special Primary Election on November 2, 2021, for the U.S. House of Representatives District 20 seat. While this district may not include a municipality that would be required to have an election, we will be happy to accommodate a municipality that wishes to do so. (If the municipality is within Congressional District 20, it would also result in a cost savings to that municipality.) Please let the Supervisor of Elections know by July 15, 2021, whether your municipality plans to participate in the November 2, 2021 election. We will not be able to hold an election outside of this date.



Wendy Sartory Link
Palm Beach County Supervisor of Elections
www.pbcelections.org

Again, congratulations on a successful election season. The Palm Beach County Supervisor of Elections looks forward to many future elections in partnership with our local governments.

Sincerely,

Wendy Sartory Link
Supervisor of Elections Palm Beach County

240 South Military Trail, West Palm Beach, FL 33415 | Post Office Box 22309, West Palm Beach, FL 33416
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File Attachments for Item:

A. SECOND READING: Ordinance 2021-01 - Chapter 23 Nuisances, Code of Ordinances, "Noise Ordinance"

Submitted By: Planning & Zoning

ORDINANCE 2021-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA TO INCLUDE A CHAPTER TO BE KNOWN AS "NUISANCE" AND ARTICLE TO BE KNOWN AS "NOISE"; PROVIDING FOR DEFINITIONS; PROVIDING FOR NOISE RESTRICTIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF CONFLICTING LAWS; PROVIDING FOR SEVERABILITY OF INVALID PROVISIONS; PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		July 12, 2021	Submitted By: Planning & Zoning		
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		SECOND READING: Ordinance 2021-01 - Chapter 23 Nuisances, Code of Ordinances, "Noise Ordinance"			
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve Second Reading of Ordinance 2021-01 - Chapter 23 Nuisances, "Noise Ordinance"			
SUMMARY and/or JUSTIFICATION:		<p>Noise Ordinance to establish rules, regulations, and guidelines regarding noise limits within the corporate limits of the City of Westlake.</p> <p>The City of Westlake declares excessive sound, or noise, adversely impacts the public health, and quality of life. Residents have a right and should be insured an environment free from excessive sound that may jeopardize their health or welfare.</p>			
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>		Agenda Item Cover Sheet Exhibit A: Ordinance 2021-01 Nuisances: Noise Ordinance			
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>		AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA TO INCLUDE A CHAPTER TO BE KNOWN AS "NUISANCE" AND ARTICLE TO BE KNOWN AS "NOISE"; PROVIDING FOR DEFINITIONS; PROVIDING FOR NOISE RESTRICTIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF CONFLICTING LAWS; PROVIDING FOR SEVERABILITY OF INVALID PROVISIONS; PROVIDING AN EFFECTIVE DATE.			
FISCAL IMPACT (if any):		No Fiscal Impact		\$	

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA TO INCLUDE A CHAPTER TO BE KNOWN AS "NUISANCE" AND ARTICLE TO BE KNOWN AS "NOISE"; PROVIDING FOR DEFINITIONS; PROVIDING FOR NOISE RESTRICTIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF CONFLICTING LAWS; PROVIDING FOR SEVERABILITY OF INVALID PROVISIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the purpose of this ordinance is to establish rules, regulations, and guidelines regarding noise limits within the corporate limits of the City of Westlake, and

WHEREAS, excessive or unusually loud noise interferes with the peaceful enjoyment of residential property, can cause hearing loss, interferes with sleep, distracts from individual pursuits, and can cause serious annoyance and irritation to residents of the City of Westlake; and

WHEREAS, the City of Westlake City Council finds and declares that excessive sound, or noise, adversely impacts the public health, and quality of life; and

WHEREAS, the City of Westlake City Council determines that the regulation of sound is necessary and appropriate to further the public's health, safety and general welfare;

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: Nuisance. The code of ordinances for the City of Westlake shall contain a chapter entitled "Nuisances" which code shall contain the provisions as specifically set forth.

CHAPTER 23: NUISANCES

ARTICLE 23.1 Noise

Section 1: Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All technical definitions not defined above shall be in accordance with applicable publications and standards of the American National Standards Institute (ANSI) S1.4-1983 (R2006) and ANSI S1.1-2013.

A-weighted sound level means the total sound level of all sound measured with a sound level meter with reference to a pressure of 20 micropascals using the A-weighting network (scale) and slow time response. The unit of measurement is the A-weighted dBA.

Certified outdoor venue means a property that has been approved by the City Council for an exception to the sound regulations regarding hours of operation and frequency of events and has met all of the requirements of Subsection 23.1(4)(B), and, if applicable, the conditions of developmental approval.

Decibel (dB) means the measure used in describing the amplitude of sound as set forth in American National Standards Institute specifications ANSI S1.1-2013.

Equivalent Continuous Sound Pressure Level (LEQ/LAEQ) means the steady sound pressure level which, over a given period of time, has the same total energy as the actual fluctuating noise.

Sound zone means that area designated as R-1, R-2, mixed use, medical, or town center on the official city zoning map.

Sound amplification device means a machine, equipment or device used to make sounds greater or louder.

Sound level meter means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of sound levels as specified in American National Standards Institute specifications for sound-level meters (ANSI S1.4-1983 (R2006)).

Section 2: Generally

- A) **Sound disturbances prohibited.** It shall be unlawful for persons to make, continue or cause to be made, any excessive, unnecessary or unusually loud sound, or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensibilities, within the city limits, as prohibited in this chapter.

Section 3: Indoor Noise Limitations

- A) **Operation of indoor sound amplification devices.** It is unlawful to use, operate or permit to be played, used or operated any indoor or in-vehicle sound amplification device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, pedestrians, or operators of vehicles with sound emanating therefrom. The operation of any such device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from a pedestrian, room, building, structure or vehicle in which said machine or device is being operated shall be prima facie evidence of a violation of this section.
- B) **Enclosed places of public entertainment.** It shall be unlawful to sustain in any enclosed place of public entertainment including, but not limited to, a restaurant, bar, cafe, club, nightclub, discotheque, or dance hall, a sound decibel equal to or in excess of 97 dBA sustained for more than 30 seconds. Such sound to be measured by a sound level meter approved by the American National Standards Institute from any area to which the public is invited within any enclosed place of public entertainment.

Section 4: Other Noise Limitations

- A) **Outdoor sound.**
 - (1) It is unlawful to create or to allow to be created any outdoor sound or to use, operate or permit to be played, used, or operated any outdoor sound amplification or device for the production or reproduction of sound that exceeds the levels established in Table 1 below when measured on any other property unless the venue has is a certified outdoor venue or unless a special events permit has been obtained.

- (2) The following sound standards, as measured at a three-minute, A-weighted equivalent continuous sound level (Leq), shall apply to all property within a designated sound zone:

Table 1. Allowable Exterior Sound Levels per Sound Zone (Sound Standards)

<i>Zone</i>	<i>Sunday – Thursday</i>	<i>Sunday – Thursday</i>	<i>Friday – Saturday; Holiday</i>	<i>Friday – Saturday; Holiday</i>
	<i>7:00 a.m. - 10:00 p.m.</i>	<i>10:00 p.m. - 7:00 a.m.</i>	<i>7:00 a.m. – 1:00 a.m.</i>	<i>1:00 a.m. – 7:00 a.m.</i>
R-1 and R-2 Sound Zone	78 dBA	55 dBA	78 dBA	55 dBA
Mixed Use Sound Zone	85 dBA	75dBA	85 dBA	65 dBA
Town Center Sound Zone	85 dBA	60 dBA	85 dBA	65 dBA
Medical Sound Zone	78 dBA	55 dBA	78 dBA	55 dBA

B) **Certified Outdoor Venue.** Certified outdoor venues are exempt from the sound standards found in Table 1 but must not exceed the sound standards found in Table 2 below unless a special events permit has been obtained.

- (1) An outdoor venue may be approved as a certified outdoor venue provided the following standards are met:
- (a) The City Council has approved a site plan which identifies the location and details of all sound amplification devices within a property intended to be an outdoor venue. The plan shall illustrate the means and methods the property owner will implement to minimize the projection of sound beyond the outdoor venue’s upland property lines to the upland property line of adjacent properties. The City Council may approve a site plan with conditions.
 - (b) Details and specifications of the proposed sound amplification system device which demonstrates that the sound is being transmitted through a professional sound system.
 - (c) The use of a professional sound system to control sound amplification with an automatic sound limiter and tamper-resistant volume control limiter. The volume shall be set and locked at and below the maximum permitted decibel level for the property at its upland property line. The sound levels from the outdoor venue shall not exceed the decibel levels established at the property line for properties located in adjacent zoning districts. The City shall be provided with the sound data report from the automatic sound limiter and access to the sound system upon request. The failure to provide the City with the sound data, or the refusal to provide the City with access to the data from the automatic sound limiter shall be a violation of this section.
 - (d) The installation of such sound attenuation at an adequate height, length, and density such as perimeter walls, berming or other barriers around the perimeter of the outdoor venue as necessary to ensure that the sound standards herein are met.
 - (e) Property owners who have an approved certified outdoor venue shall submit an annual event program schedule to the City by October 1st of each year identifying the events for the following calendar year, and designate which events, if any recurring events and those which require a separate special permit. The annual event program schedule shall be subject to the City Council’s review and approval regarding the frequency of the events proposed and to ensure the public’s safety at the outdoor venue. Property owners may apply for an amendment to the schedule at any time.

- (2) The following sound standards, as measured at a three-minute, A-weighted equivalent continuous sound level (Leq), shall apply to certified outdoor venues within a designated sound zone:

Table 2. Allowable Exterior Sound Levels per Sound Zone for Outdoor Venues Approved With Extended Hours (Sound Standards)

<i>Zone</i>	<i>Sunday – Thursday</i>	<i>Sunday - Thursday</i>	<i>Friday – Saturday; Holiday</i>	<i>Friday – Saturday; Holiday</i>
	<i>7:00 a.m. - 11:00 p.m.</i>	<i>12:00 a.m. - 7:00 a.m.</i>	<i>7:00 a.m. – 2:00 a.m.</i>	<i>2:00 a.m. – 7:00 a.m.</i>
R-1 and R-2 Sound Zone	78 dBA	55 dBA	78 dBA	55 dBA
Mixed Use Sound Zone	85 dBA	75dBA	90dBA	65dBA
Town Center Sound Zone	85 dBA	60dBA	90 dBA	65dBA
Medical Sound Zone	78 dBA	55 dBA	78dBA	55 dBA

Section 5: Vehicular Noises and Internal Combustion Engines.

- A) **Horns, signaling devices, etc.** It is unlawful to sound any horn or signaling device on any automobile, motorcycle, truck, or other vehicle on any street or public place of the city, or on private property, if the noise exceeds the standards established herein as measured from any private property or public place which is adjacent thereto, except as a danger warning, which creates any unreasonably loud or harsh sound for an unnecessary and unreasonable period of time, including the use of any signaling device, except one operated by engine exhaust, and the use of any such signaling device when traffic is for any reason held up.
- B) **Tire screeching.** The intentional and/or repeated creation of a noise disturbance through the acceleration, turning, or stopping of any motor vehicle is prohibited.
- C) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, is prohibited.
- D) **Defect in vehicle or load.** The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in any other such manner as to create loud and unnecessary grating, grinding, rattling or other noise or noise disturbance is prohibited.

Section 6: Yelling, shouting, etc. It is unlawful to repeatedly, unnecessarily, and unreasonably yell, shout, hoot, whistle, or sing on the public streets at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence or of any persons in the vicinity.

Section 7: Hawkers; peddlers.

- A) Within the R-1 and R-2 zoning districts, the shouting and crying of peddlers, hawkers and vendors that disturbs the peace and quiet of the neighborhood is prohibited.
- B) The use of any drum or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show or sale is prohibited.
- C) However, the selling by shouting or outcry of merchandise, food, and beverages at licensed sporting events, stadiums, parades, fairs, circuses, approved special events, and other similar public entertainment events is permitted.

Section 8: Animals and birds.

- A) It shall be unlawful to keep or maintain any dog, cat, bird or other animal, within residential zones of the city which causes a noise disturbance by habitually howling, barking, meowing, squawking, or other noise making plainly audible at a distance of one hundred (100) feet from the building, structure, or yard in which the animal is located. It shall also be unlawful to cause any animal, bird or fowl to make or create any excessive or unnecessary noise by taunting, beating or coercing the animal, bird or fowl, or by depriving same of necessary food, water or shelter.
- B) The city manager or designee shall investigate an alleged violation of this section upon the receipt of either:
 - (1) Sworn affidavits of complaint signed by 2 unrelated residents living in separate dwellings in the close vicinity of the alleged violation; or
 - (2) Sworn affidavit of complaint signed by a resident living in the close vicinity of the alleged violation together with a video tape of the activity complained of recorded by, or recorded in the physical presence of, such resident.
- C) The affidavit(s) shall specify the address or location of the alleged violation, the nature, time and date(s) of the act, the name and address of the owner or custodian, if known, and a description of the animal, if known. The video tape shall include the date and time of the event being recorded and shall provide evidence of the nature and extent of the violation.
- D) Upon receipt of the materials set forth in either 23.1(4)(i) or (4)(ii), enforcement procedures pursuant to the City's Code may be instituted against the owner or custodian of any animal alleged to be in violation of this section.

Section 9: Emergency Generators in all residential districts.

The following provisions shall apply to emergency generators in all residential districts.

Emergency generators shall be exempt from the sound standards set forth in Table 1 when operated during power outages; provided however, in no event shall the sound rating value of emergency generators in any residential district exceed 72 dBA from 10:00 p.m. – 7:00 a.m. Emergency generators in all residential districts may be operated for testing purposes for a period not to exceed 30 minutes in any 7-day period. Testing of emergency generators is prohibited between the hours of 8:00 p.m. and 7:00 a.m. Emergency generators shall be exempt from the sound standards set forth in section Table 1 when operated during the normal course of installation or repair.

Section 10: Loading, unloading, and unpacking.

No person shall load, unload, pack or unpack or open crates, boxes or containers on any vehicle as to create a noise disturbance within the R-1 or R-2 sound zones between the hours of 10:00 p.m. and 7:00 a.m. This section shall not apply to holders of solid waste franchises or to any solid waste collection.

Section 11: Construction or repairing of buildings.

The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays (Monday through Friday), and on Saturdays between the hours of 8:00 a.m. and 4:00 p.m. (collectively, the "permitted work hours"), except in case of urgent necessity in the interest of public health and safety, is prohibited without specific permission from the city manager. Permission may be granted for a period not to exceed three days while the emergency continues and may be renewed for periods of three days or less while the emergency continues. If the city manager determines that the public health and safety will not be impaired by the erection,

demolition, alteration or repair of any building or the excavation of streets and highways outside the permitted work hours, and if he/she determines that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done outside the permitted work hours. Application for such permission shall be made to the city manager at the time the permit for the work is awarded or during the progress of the work.

Section 12: Schools, courts, churches, and hospitals.

The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, is prohibited. Conspicuous signs shall be displayed in such streets indicating that it is a street in which there is a school, church, hospital or court.

Section 13: Lawn maintenance equipment.

The operation of lawn mowers, edgers, trimmers, chainsaws, and power-driven hedge shears in a residential noise zone, or within 300 feet thereof, is prohibited between the hours of 10:00 p.m. and 7:00 a.m.

Section 14: Power tools.

No person shall operate within a residential noise zone, or within 300 feet thereof, any power equipment, excluding construction equipment used for construction activities, such as, but not limited to, chain saws, pavement breakers, log chippers, riding tractors, and power hand tools, between the hours of 10:00 p.m. and 7:00 a.m. This section shall not apply if the sound produced by such power equipment cannot be heard outside that person's property boundary.

Section 15: Blowers, fans, or internal combustion engines.

The operation of any noise-creating blower or power fan is prohibited unless the noise from such blower or fan is muffled sufficiently to reduce such noise to meet the applicable noise zone standards as set forth in Table 1.

Section 16: EXEMPTIONS.

The provisions of this Chapter shall not apply to:

- A) Radios, sirens, horns and bells and other sounds created by police, fire, and other emergency response vehicles.
- B) Parades, fireworks displays, and other activities for which a permit has been obtained from the City Manager or his/her designee, within such hours and in accordance with such restrictions as may be imposed as conditions for the issuance of the permit.
- C) The emission of sound in the performance of an activity for which the City Manager or designee has expressly approved, subject to any conditions imposed by the City Manager or designee.
- D) Noises resulting from emergency work, including but not limited to the use of generators or other equipment by communications and public utility companies in connection with a commercial power outage and/or restoration of service operations and the use of emergency generators due to loss of power other than non-payment of utility services.
- E) Indoor and outdoor activities within Amenity Center parcels that are owned or operated by homeowners/property owners' associations; however, all events at such locations that create noise in excess of the limits in Table 1 shall end no later than 11:00 p.m.

Section 17: Enforcement program.

- A) The purpose and intent of this article goes beyond the mere issuance of citations and filing of prosecutions for violations hereof. Code enforcement officers or others charged with the enforcement of this Chapter are directed to help and assist those persons creating excessive and unusual loud noise to conform to the standards as herein provided whenever possible by voluntary compliance.
- B) If the potential noise violation is being investigated as a result of a complaint, the sound measurement shall be taken from 50 feet from the property about which the complaint has been made or at any location on the receiving property. If the sound level on the receiving property exceeds the applicable sound standard in Table 1 or Table 2 for such receiving property, a noise violation will be deemed to have occurred.
- C) If no complaint has been made, the sound measurement shall be taken 50 feet from the property generating the noise. If the sound level at the place of sound measurement exceeds the applicable sound standard in Table 1 or Table 2 for the property generating the sound, a noise violation will be deemed to have occurred.
- D) If an acoustically effective intervening wall or barrier exists between the sound source of concern and a receiving property, the effects of the wall shall be considered.

SECTION 3: REPEAL:

The provisions of Ordinance No. 2019-04 enumerated below are hereby repealed:

~~**22.50 – Noise and Inoperable Vehicles**~~

~~**22.51 – Shouting and yelling.**~~

~~From 10:00 p.m. on each day from Sunday through Thursday through 7:00 a.m. on the next day, from 12:00 a.m. on Friday through 7:0 a.m. on Saturday, and from 12:00 a.m. on Saturday through 12:00 noon on Sunday, no person on property within a residential district or a conservation district within the city shall yell, shout, or otherwise verbally create noise, either individually or in concert with other persons at the same time and place, that can be heard at a distance of more than seventy five feet from the boundary line of such property.~~

~~**22.52 – Loudspeakers, amplifiers, and sound trucks.**~~

- ~~(a) No person shall, either as principal, agent, or employee, play, use or operate for any purpose whatsoever, on or upon the public streets, alleys, parks, or thoroughfares in the city, any device known as a sound truck, loudspeaker, or sound amplifier, or any other electronic or mechanical device with a loud speaker or sound amplifier, or any other instrument known as a calliope, which is attached to or located upon any vehicle or other device, equipment, or mechanism capable of moving or being moved upon the streets or public places of the city and which emits noise intended to be heard by persons other than those occupying the vehicle or other device, equipment, or mechanism on which such loudspeaker, sound amplifier, or other instrument is attached or located.~~
- ~~(b) An exception to the provisions of this section may be permitted for public or charitable purposes as written permission for same is granted by the city, provided that use shall not be permitted before 7:00 a.m. or after 7:00 p.m. and use shall not~~

~~be permitted with ½ mile of any hospital nor within ½ mile of any school or church while it is in session.~~

SECTION 4: 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 5: 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 6: 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.

SECTION 7: EFFECTIVE DATE. This ordinance shall be effective upon adoption on second reading.

PASSED this ____ day _____, 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.

City of Westlake
Roger Manning, Mayor

Zoie Burgess, City Clerk

Approved as to Form and Sufficiency
Donald Doody, City Attorney

Roll Call

Mayor Manning

File Attachments for Item:

B. SECOND READING: Ordinance 2021-02 Amending Ordinance 2017-7 to authorize a Residential Solid Waste Services Special Assessment

Submitted By: Administration

ORDINANCE 2021-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, TO AMEND ORDINANCE 2017-7 “SOLID WASTE COLLECTION” TO AUTHORIZE AND PROVIDE FOR THE LEVY AND COLLECTION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT RELATED TO THOSE SERVICES WITHIN CITY OF WESTLAKE; AMENDING DEFINITIONS IN ORDINANCE 2017-7 AND PROVIDING FOR ADDITIONAL DEFINITIONS AND FINDINGS RELATING TO THE SPECIAL ASSESSMENT; CREATING A NEW SECTION 10A TO ORDINANCE 2017-7, ENTITLED “RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT,” AND SUBSECTIONS 10A-1 THROUGH 10A-19, AUTHORIZING THE IMPOSITION AND COLLECTION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF THE RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT ROLL AND FOR CORRECTING ERRORS AND OMISSIONS; PROVIDING THAT RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT ROLL; ESTABLISHING PROCEDURES AND METHODS FOR THE COLLECTION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENTS; ESTABLISHING THE PRIORITY OF THE LIEN OVER PRIOR RECORDED LIENS OR MORTGAGES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:	July 12, 2021	Submitted By: Administration	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>	SECOND READING: ORDINANCE 2021-02 Amending Ordinance 2017-7 to authorize a Residential Solid Waste Services Special Assessment		
STAFF RECOMMENDATION: (MOTION READY)	Motion to Approve Ordinance 2021-02 Amending Ordinance 2017-7 to authorize a Residential Solid Waste Services Special Assessment		
SUMMARY and/or JUSTIFICATION:	<p>The City Council adopted Ordinance 2017-7 on January 8, 2017. Ordinance 2017-7 authorizes the collection of solid waste and recyclable materials within the City and provides for definitions relating to those services.</p> <p>On July 22, 2019, the City entered into an Agreement with Advanced Disposal Services Solid Waste Services, Inc., for the collection of solid waste and recyclable materials in the City.</p> <p>On December 14, 2020, the City Council adopted Resolution 2020-40, referred to as the Intent Resolution, in order to commence the process to levy and collect a special assessment for the collection and disposal costs of the mandatory solid waste services for residential properties in the City using the statutory Uniform Assessment Collection Act (“Uniform Method”) to collect the special assessment on the annual property tax bills commencing with the tax bills mailed in November 2021.</p> <p>The proposed ordinance would authorize a Residential Solid Waste Services Special Assessment. The special assessment would fund the costs of providing Residential Solid Waste Collection Services and Residential Recycling Collection Services.</p> <p>The proposed ordinance amends definitions in Ordinance 2017-7 and replaces and adds definitions relating to the special assessment. The ordinance provides the process for levying and enforcing the special assessment, including required resolutions, notices and public hearings, all consistent with the requirements for collecting the special assessment using the Uniform Method. The ordinance also provides for alternate methods of collection and enforcement of the special assessment.</p> <p>Note that the proposed ordinance does not actually levy the special assessment. The City Council will need to take further action in the form of adoption of resolutions and conducting a public hearing, as described in the proposed ordinance.</p>		
SELECT, if applicable	AGREEMENT:		BUDGET:
	STAFF REPORT:		PROCLAMATION:
	EXHIBIT(S):		OTHER:

<p>IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i></p>	<p>Ordinance 2021-02 Ordinance 2017-7 Resolution 2020-40</p>		
<p>SELECT, if applicable</p>	<p>RESOLUTION:</p>	<p>ORDINANCE:</p>	<p>X</p>
<p>IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is not a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <u>Please keep text indented.</u></p>	<p style="text-align: center;">ORDINANCE 2021-02</p> <p>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, TO AMEND ORDINANCE 2017-7 “SOLID WASTE COLLECTION” TO AUTHORIZE AND PROVIDE FOR THE LEVY AND COLLECTION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT RELATED TO THOSE SERVICES WITHIN CITY OF WESTLAKE; AMENDING DEFINITIONS IN ORDINANCE 2017-7 AND PROVIDING FOR ADDITIONAL DEFINITIONS AND FINDINGS RELATING TO THE SPECIAL ASSESSMENT; CREATING A NEW SECTION 10A TO ORDINANCE 2017-7, ENTITLED “RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT,” AND SUBSECTIONS 10A-1 THROUGH 10A-19, AUTHORIZING THE IMPOSITION AND COLLECTION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF THE RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT ROLL AND FOR CORRECTING ERRORS AND OMISSIONS; PROVIDING THAT RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT ROLL; ESTABLISHING PROCEDURES AND METHODS FOR THE COLLECTION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENTS; ESTABLISHING THE PRIORITY OF THE LIEN OVER PRIOR RECORDED LIENS OR MORTGAGES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.</p>		
<p>FISCAL IMPACT <i>(if any):</i></p>			<p>\$</p>

1st Reading June 14, 2021
2nd Reading July 12, 2021

ORDINANCE 2021-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, TO AMEND ORDINANCE 2017-7 "SOLID WASTE COLLECTION" TO AUTHORIZE AND PROVIDE FOR THE LEVY AND COLLECTION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT RELATED TO THOSE SERVICES WITHIN CITY OF WESTLAKE; AMENDING DEFINITIONS IN ORDINANCE 2017-7 AND PROVIDING FOR ADDITIONAL DEFINITIONS AND FINDINGS RELATING TO THE SPECIAL ASSESSMENT; CREATING A NEW SECTION 10A TO ORDINANCE 2017-7, ENTITLED "RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT," AND SUBSECTIONS 10A-1 THROUGH 10A-19, AUTHORIZING THE IMPOSITION AND COLLECTION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF THE RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT ROLL AND FOR CORRECTING ERRORS AND OMISSIONS; PROVIDING THAT RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT ROLL; ESTABLISHING PROCEDURES AND METHODS FOR THE COLLECTION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENTS; ESTABLISHING THE PRIORITY OF THE LIEN OVER PRIOR RECORDED LIENS OR MORTGAGES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 8, 2018, the City Council of the City of Westlake enacted Ordinance 2017-7 to provide for a mandatory solid waste collection program, and that the City would provide for the collection of solid waste, bulk waste, vegetative waste and recyclable materials from all residential dwelling units in the City; and,

WHEREAS, Ordinance 2017-7 included definitions and other matters that provide for the intent of the City to enter into a services contract for solid waste and recycling services, as well as the levy of a special assessment to collect the costs of providing such services; and,

WHEREAS, the City Westlake has an Agreement with Advanced Disposal Services/Solid Waste Southeast, Inc., dated July 22, 2019 (hereinafter the "Contract"), pursuant to which the City provides Residential Solid Waste and Residential Recycling Collection Services to, among others, all residential properties that receive Residential Solid Waste Services within the City; and,

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WHEREAS, the City believes it is in the best interests of the residents and residential properties owners to collect funds for the costs of the City’s Residential Solid Waste Services, including the costs of collecting recyclable materials since that service is included in the charges for Residential Solid Waste Services, to all residential units that receive Residential Solid Waste Services from the City, through the Contract, with the levy and collection of a special assessment, as such will eliminate direct quarterly or monthly billing and charges to residents, permit the payment for the services on an annual basis along with properties taxes and other special assessments, reduce the administrative costs of the Residential Solid Waste Collection Program to the City, and ensure that all properties that receive Residential Solid Waste Services from the City through the Contract pay for such so that no property is over-charged by virtue of the failure of other properties to pay for such; and,

WHEREAS, Residential Solid Waste Services, as defined herein, by the City through the Contract provide the requisite special benefit to Assessed Property such that they may be funded through a special assessment; and,

WHEREAS, the City Council determines that it is fair and equitable to levy and collect a non-ad valorem special assessment to fund the Residential Solid Waste Services provided by the City through the Contract or residential units, consistent with the methodology and allocation as provided hereinafter.

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

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

Section 2. Amendment to Ordinance 2017-7: Section 4, entitled “Definitions”:
The City Council hereby amends Ordinance 2017, Section 4 entitled “Definitions” as follows:

Definitions. When used in this Ordinance, the following terms shall have the following meanings, unless the context clearly requires otherwise:

- (1) *Assessed ~~Unit~~Property* means any Collection unit which is subject to the Solid Waste Collection Special Assessment.
- (2) *Authority* means the Solid Waste Authority of Palm Beach County.
- (3) *Biohazardous or biomedical waste* shall mean those wastes which may cause disease or reasonably be suspected of harboring pathogenic organisms; included, but not limited to waste resulting from the operation of medical clinics, hospitals, and other facilities producing wastes which may consist, but are not limited to, diseased human and animal;

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parts, contaminated bandages, pathological specimens, hypodermic needles, contaminated clothing and surgical gloves.

(4) *Bulk Trash* shall mean any non-vegetative item which cannot be containerized, bagged or bundled; including, but not limited to, inoperative and discarded refrigerators, ranges, toilets, pool heaters, water softeners, pianos, washers, dryers, bath tubs, water heaters, sinks, bicycles, and other similar domestic appliances, household goods and furniture and shall not be commingled with vegetative waste. There shall be no weight limit for any item of bulk trash.

(5) City means City of Westlake, Florida, a municipal corporation duly organized and validly existing under the laws of the State of Florida.

(6) City Manager means the City Manager of the City, or such person's designee.

(7) City Council means the City Council for the City.

(8) Clerk means the City Clerk, or such other person as may be duly authorized to act on such person's behalf.

~~(5)~~(9) *Collection unit* means any parcel of improved real property located within the city that generates or is capable of generating solid waste and that contains buildings, structures or other improvements designed or constructed for and capable of use by or used for human habitation, human activity or commercial enterprises.

~~(6)~~(10) *Collection* shall mean the process whereby solid waste, garbage, trash, bulk, trash vegetative waste, recyclable materials, construction and demolition debris is removed and transported to a designated facility.

~~(7)~~(11) *Commercial Recycling Collection Service* shall mean the collection of recyclable materials by a contractor for entities within the service area that are not serviced by residential recycling collection service.

~~(8)~~(12) *Commercial Solid Waste* shall include any garbage, bulk trash, trash or vegetative waste that is not residential solid waste. Substantial effort shall be make not to commingle garbage, trash or bulk trash with vegetative waste.

~~(9)~~(13) *Commercial Solid Waste Collection Service* includes any garbage, bulk trash, trash or vegetative waste that is not residential solid waste. Substantial effort shall be made not to commingle garbage, trash or bulk trash with vegetative waste.

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~~(10)~~(14) *Commercial Solid Waste Collection Service* shall mean the collection of the commercial solid waste within the service area. Such service includes both containers and compactors, but does not include roll-off collection services.

~~(11)~~(15) *Compactor* shall mean a container which has compaction mechanisms(s) whether stationary or mobile, all inclusive.

~~(12)~~(16) *Construction and Demolition Debris (C&D)* shall mean materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, roofing material, pipe, gypsum wallboard, and lumber from the construction or destruction of a structure as part of a construction or demolition project. Mixing of a de-Minimis amount of waste other than C&D from the construction site will not automatically cause it to be classified as other than C&D.

~~(13)~~(17) *Container* shall mean and include any container designed or intended to be mechanically dumped into a loader packer type truck or recycling vehicle. All containers must be of the specifications as designated by the City Manager, or designee, in writing.

~~(14)~~(18) *Containerized Residential Recycling Collection Services* shall mean the collection of recyclable materials by the contractor from dwelling units in the service area that requires the use of containers for the collection of recyclable materials and which also receive residential collection services for solid waste, and the delivery of those recyclable materials to a materials recycling facility.

~~(15)~~(19) *Containerized Residential Solid Waste Collection Service* shall mean solid waste collection service of all dwelling units whose garbage, trash bulk trash or vegetative waste is collected by means of a central or shared container and not by means of a garbage can. Vegetative waste shall not be commingled with garbage, trash, or bulk trash.

~~(16)~~(20) *Contract* shall mean an agreement, executed between the City and the contractor for the performance of the specified solid waste and recycling collection agreement, as amended from time to time.

~~(17)~~(21) *Contractor* means the person, firm, corporation or entity designated by the City to perform the specified services in accordance with the terms of the contract.

~~(18)~~(22) *Contract Administrator* shall mean the person(s) designated by the City Manager who shall act as the City's representative in the administration and supervision of the contract and any other contractual agreement(s) relating to solid waste management and solid waste collection program.

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~~(19)~~(23) *Curbside Residential Recycling Collection Service* shall mean the collection of recyclable materials by a contractor from all dwelling units in the service area that also receive curbside residential solid waste collection for solid waste and other dwelling units as are designated by the city, and the delivery of those recyclable materials to the solid waste authority's materials recycling facility or designated solid waste authority transfer station.

~~(20)~~(24) *Curbside Residential Solid Waste Collection Service* shall mean residential solid waste and vegetative waste collection service for all dwelling units whose garbage is collected by means of a garbage can at curbside or roadway.

~~(21)~~(25) *Department* shall mean the Florida Department of Environmental Protection.

~~(22)~~(26) *Disposal Costs* shall mean the "tipping fees" or landfill costs charged by others for disposal of the waste collected.

~~(23)~~(27) *Designated Facility* shall mean a Solid Waste Authority or Palm Beach County owned disposal, processing, recovery, recycling or transfer facility, or a processing facility permitted by the Solid Waste Authority of Palm Beach County.

~~(24)~~(28) *Dwelling Unit* shall mean type of structure or building unit intended for a capable of being utilized for residential living other than a licensed hotel or motel unit, **for which a certificate of occupancy has been issued by the City.**

~~(25)~~(29) *Fiscal Year* means the period between October 1 of a given year and September 30 of the following year.

(30) *Final Assessment Resolution* means the Resolution described in Section 10A-8 hereof, which shall confirm, modify, or repeal the Initial Assessment Resolution and which shall be the final proceeding for the imposition of the initial Residential Solid Waste Services Special Assessment.

(31) *Fiscal Year* means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the City.

~~(26)~~(32) *Garbage* shall mean all putrescible waste which generally includes, but is not limited to, kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with or results from the storage, preparation, cooking or handling of food materials whether attributed to residential or commercial activities. Vegetative waste shall to be commingled with garbage in the same collection. Garbage shall not include any material that falls within the definition of special waste.

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~~(27)~~(33) *Garbage Receptacle or Can* shall mean any commonly available rotationally molded, rubberized, plastic, or galvanized receptacle of a non-absorbent material, closed at one end and open at the other, furnished with a closely fitted top or lid and handle(s). A garbage can is also defined as a heavy duty, securely tied, plastic bag designated for use as a garbage receptacle. Such container, including materials, shall not exceed 50 gallons in capacity or 50 pounds in weight, unless a contractor implements an automated or semi-automated collection system requiring the use of some other standard receptacle compatible with the contractor's equipment supplied by the contractor and approved by the city.

~~(28)~~(34) *Governmental Agencies* means all state, federal, and local units of government, or any agency or department thereof, which is the owner of any collection unit within the city.

~~(29)~~(35) *Hazardous Waste* shall mean solid waste as defined by the State of Florida Department of Environmental Protection as a hazardous waste in the State of Florida Administrative Code, or by any future legislative action or by federal, state or local law.

~~(30)~~(36) *Hotel or Motel* shall mean a structure or building unit(s) capable of being utilized for residential living where such unit or a group of such units is regularly rented to transients or held out or advertised to the public as a place regularly rented to transients for periods of seven days or less. To meet this definition the hotel or motel must be licensed to operate as such. Transient has the meaning as defined in F.S. ch. 509, or its successor law.

~~(31)~~(37) *Illegal Dumping* shall mean the act of depositing solid waste, bulk trash, vegetative waste or C&D on property which has not been permitted as a designated facility by the solid waste authority.

(38) *Initial Assessment Resolution* means the Resolution described in Section 10A-4 hereof, which shall be the initial proceeding for the imposition of the Residential Solid Waste Services Special Assessment.

~~(32)~~(39) *Litter* shall mean solid waste or any other waste material which is thrown, cast, scattered, dropped, spilled or deposited on public or private property, including rights of way and parking lots, through intent or negligence which tends to create a danger to public, health, safety and welfare.

~~(33)~~(40) *Mixed Paper* shall be defined as a mixture of paper products including magazines, catalogues, phone books, cereal boxes, soda and beer can boxes, chipboard, file folders, envelopes, letter paper, junk mail, notebook paper and any other clean paper products.

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~~(34)~~(41) *Non-assessed Unit* means any collection unit or portion thereof that is not an assessed unit.

(42) *Ordinance* means this Ordinance as amended from time to time.

~~(35)~~(43) *Owner* means the person or persons owning an interest in a collection unit, assessed unit or non-assessed unit.

~~(36)~~(44) *Person* means any natural person, or partnership, firm, corporation or other legal entity.

(45) *Preliminary Assessment Resolution* means the Resolution described in Section 10A-9 hereof, which sets forth the preliminary assessment rates for the upcoming fiscal year, establishing the public hearing, and other related matters.

~~(37)~~(46) *Property Appraiser* means the Palm Beach County Property Appraiser.

~~(38)~~(47) *Public Awareness Program* shall mean that program developed by the City to inform and encourage residential and commercial solid waste collection customers to use all solid waste and recycling collection services offered by or through the City. It shall also mean information concerning level of service and changes in scope of service.

~~(39)~~ *Rate Resolution* means resolutions of the City described in this ordinance relating to rates and fees charged for the operation, maintenance and administration of the solid waste program and mandatory solid waste collection program.

~~(40)~~(48) *Recyclable Materials* shall mean newspapers (including inserts), aluminum, plastic containers, glass bottles and jars, milk and juice cartons, aseptic containers, corrugated cardboard, brown paper bags, mixed paper, tin and ferrous cans, household dry-cell batteries (no wet-cell batteries), and other solid waste materials added upon agreement between the city and its contractor, when such materials have been either diverted from the remaining solid waste stream or removed prior to their entry into the remaining solid waste stream.

~~(41)~~(49) *Recycling* means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

~~(42)~~(50) *Recycling Container* shall mean a rigid container made of plastic or other suitable substance that is used for the storage of recyclable materials.

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~~(43)~~(51) *Residential Recycling Collection Service* shall mean curbside residential recycling collection services and containerized residential recycling collection service.

~~(44)~~(52) *Residential Solid Waste* shall mean garbage, trash and bulk trash resulting from the normal housekeeping activities of a dwelling unit, but shall not include vegetative waste. Residential solid waste shall also mean construction and demolition debris (C&D) resulting from minor home repair from the dwelling unit.

~~(45)~~(53) *Residential Solid Waste Collection ~~Services~~* shall mean curbside residential solid waste collection service and/or containerized residential solid waste collection service provided by the City for residential properties with dwelling units for which the City has issued certificates of occupancy.

(54) *Residential Solid Waste Services* shall mean, collectively, Residential Recycling Collection Services and Residential Solid Waste Collection Services.

(55) *Residential Solid Waste Services Special Assessment* means a special assessment imposed by the City upon residential properties within the City for which a certificate of occupancy has been issued by the City to fund, collectively, the City's provision of Residential Solid Waste Services to such properties, including Disposal Costs; provided that the Residential Solid Waste Collection Special Assessment may not include the Disposal Costs of such collected solid waste if the cost of disposal of such solid waste is separately imposed upon such assessed unit by the authority.

(56) *Residential Solid Waste Services Special Assessment Roll* means the roll created that includes all parcels within the City and their assigned Residential Solid Waste Services Special Assessment approved by a Final Assessment Resolution or an Annual Assessment Resolution pursuant to Sections 15-10 and 15-12 hereof.

(57) *Residential Solid Waste Services Cost* means the estimated amount for any Fiscal Year of all expenditures and reasonable reserves that are properly attributable to the Residential Solid Waste Services provided to Residential properties within the City under generally accepted accounting principles, including, without limiting the generality of the foregoing, contract costs and franchise fees charged by a service provider pursuant to an agreement with the City to provide the Residential Solid Waste Services, costs and charges for transporting residential solid waste for disposal, Disposal Costs, reimbursement to the City for any moneys advanced for the Residential Solid Waste Services, and costs associated with levying the special assessment, including, but not limited to, legal and administrative fees, and charges for services provided by the Palm Beach County Property Appraiser and Palm Beach County.

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~~(46)~~(58) *Roll-off Collection Service* shall mean the collection of C&D only roll-off containers, or the collection of C&D by other mechanical means, within temporary locations in the service area, limited to new construction sites and remodeling or refurbishment sites. Roll-off collection service shall also mean the collection of horticultural or agricultural waste at horticultural or agricultural nurseries, but only when the customer chooses to use roll-off containers for horticultural or agricultural waste and horticultural and agricultural waste shall not include any other type of waste including, but not limited to, special waste, garbage or recyclable material.

~~(47)~~(59) *Roll-off Collection Service Provider* shall mean the person(s), firm(s), corporation(s), or other legal entity(ies) permitted by the City to provide temporary roll off or similar C&D collection services within the service area in accordance with terms and conditions established by the city. The city may determine that the contractor may provide this service as an exclusive part of the contract to provide mandatory solid waste collection service within the service area.

~~(48)~~(60) *Service Area* shall mean the area within the incorporated boundaries of the City of Westlake, Florida, for which the solid waste management and mandatory solid waste collection program is administered as provided in the contract as it may be amended from time to time.

~~(49)~~(61) *Sludge* shall mean a solid or semi-solid or liquid generated from any waste water treatment plant, water supply treatment plant, air pollution control facility, septic tank, grease trap, portable toilets and related operations, or any other such waste having similar characteristics or effects.

~~(50)~~(62) *Solid Waste* shall mean garbage, bulk trash, C&D debris, litter, trash, vegetative waste or other discarded material resulting from domestic, industrial, commercial, agriculture or governmental operations excluding special waste as defined herein.

~~(51)~~(63) *Solid Waste Authority Disposal Facility* shall mean place or places specifically managed or operated by the solid waste authority of Palm Beach County.

~~(52)~~(64) *Solid Waste Collection Program* means the services and means of collecting solid waste from a collection unit through the use of equipment, trucks, containers, personnel, contracted or permitted services, and all real or personal property owned, leased, operated or used by the City of Westlake for the purpose of providing the solid waste collection services generally described in this ordinance.

~~(53)~~ ~~*Solid Waste Collection Special Assessment* means the special assessment imposed by the City of Westlake upon an assessed unit for the collection of solid waste for the applicable fiscal year based upon the classification of the use of such assessed unit~~

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as set forth in the rate resolution. The solid waste collection special assessment may not include the cost of disposal of such collected solid waste if the cost of disposal of such solid waste is separately imposed upon such assessed unit by the authority.

~~(54)~~ ~~*Solid Waste Collection Special Assessment Roll*~~ means the list prepared by and adopted by the City of Westlake each fiscal year containing a summary description of each assessed unit, the name and address of the owner of each such assessed unit as indicated on the records maintained by the property appraiser and the amount of the solid waste collection special assessment applicable to each assessed unit.

~~(55)~~(65) *Solid Waste Management Program* means the program of managing the generation, storage, collection, transporting, processing and disposal of solid waste within the City of Westlake. The program provides for the regulation, permitting, contracting and enforcement of all aspects of this program.

~~(56)~~(66) *Special Services* shall mean any services requested or required by the customer which are in addition to, or a change in, residential solid waste collection service, residential recycling collection service, commercial recycling collection service and commercial solid waste collection service as set out or similar to those provided for in the contract.

~~(57)~~(67) *Special Waste* shall include automobiles, boats, internal combustion engines, non- automobile tires, sludge, dead animals, septic tank waste biohazardous or biomedical waste liquid waste and hazardous waste. Special waste may also include items determined by the contract administrator to be reasonably unmanageable.

~~(58)~~(68) *Tax Collector* means the Palm Beach County Tax Collector.

(69) *Tax Roll* means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

~~(59)~~(70) *Trash* shall mean all refuse accumulation of paper, rags, wooden or paper boxes and containers, sweepings, broken toys, tools, utensils, and all other accumulations of a similar nature other than garbage which are usual to housekeeping and to the operation of stores, offices and other business places, but shall not include vegetative waste.

~~(60)~~(71) *Uncontrollable Forces* shall mean any event which results in the prevention or delay of performance by a party of its obligations under the contract and which is beyond the reasonable control of the nonperforming party. It includes, but is not limited to fires, flood, hurricanes, earthquakes, storms, lightning, epidemic, war, riot, civil disturbances, sabotage, and governmental actions.

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(72) Uniform Assessment Collection Act means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

~~(61) Uniform Method means the "Uniform Method for the Levy, Collection and Enforcement of Non Ad Valorem Assessments" prescribed by F.S. ch. 197, as amended and supplemented.~~

~~(62)~~(73) Vegetative Waste shall mean any vegetative matter resulting from yard and landscaping maintenance by any party and shall include materials such as tree and shrub materials, grass clippings, palm fronds, tree branches and similar other matter usually produced as refuse in the care of lawns, landscaping and yards. AH grass clippings, leaves, pine needles, and similar loose items must be bagged or containerized. Vegetative waste, except palm fronds, must be no more than six feet in length and no single item shall weigh more than 50 pounds, and shall be placed neatly at the curb. Natural Christmas trees will be collected as vegetative waste and any section must not be more than eight feet in length and must be under 50 pounds.

Section 3. Amendment to Ordinance 2017-7: Section 10A, entitled "Residential Solid Waste Services Special Assessment": The City Council hereby amends Ordinance 2017, to add a new Section 10A entitled Residential Solid Waste Services Special Assessment," and subsections 10A-1 through 10A-19, as follows:

SECTION 10A – RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT

SECTION 10A-1. GENERAL FINDINGS. It is hereby ascertained, determined, and declared that:

(A) Pursuant to Article VIII, Section 2(b), Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the City has all powers of local self-government to perform municipal functions and render municipal services except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of City ordinances.

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(B) The City Council may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the City Council may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes, are not relevant to the imposition of Residential Solid Waste Services Special Assessments by the City.

(C) The purpose of this Ordinance is to (1) provide procedures and standards for the imposition of Residential Solid Waste Services Special Assessments under the constitutional and statutory power of the City; (2) authorize a procedure for the funding of Residential Solid Waste Services provided to Residential properties within the City; and (3) legislatively determine the special benefit provided to Assessed Properties from the Residential Solid Waste Services.

SECTION 10A-2. LEGISLATIVE DECLARATIONS OF SPECIAL BENEFIT. It is hereby ascertained and declared that the Residential Solid Waste Services provide a special benefit to the Assessed Property based upon the following legislative determinations:

(A) The recipients of the City's Residential Solid Waste Services will enjoy protection and enhancement of public health and safety by the provision of reliable and effective service to persons who own or use such property, and enrichment of property

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value and minimization of potential liability attendant with the use of the assessed property.

(B) The special benefit received by Assessed Property is the collection and removal and disposal of solid waste, and removal and processing of recyclable materials from the Assessed Properties through a service provided by the City that ensures that real properties do not become polluted or overrun by solid waste generated by the residential use on the property, or if no Solid Waste Services were made available the potential overrun of solid waste and recyclable materials onto the property from adjacent properties.

SECTION 10A-3. RESIDENTIAL SOLID WASTE SERVICES ASSESSMENTS

AUTHORIZED. The City Council is hereby authorized to impose Residential Solid Waste Services Special Assessments against Residential property located within the City for which certificates of occupancy have been issued by the City. The Residential Solid Waste Services Cost may be assessed against such Residential properties within the City at a rate of assessment based upon the special benefit accruing to such property from the Residential Solid Waste Services provided by the City.

SECTION 10A-4. INITIAL ASSESSMENT RESOLUTION. The initial proceeding for imposition of the Residential Solid Waste Services Special Assessments shall be the City Council's adoption of an Initial Assessment Resolution. The Initial Assessment Resolution shall (A) describe the Residential Solid Waste Services proposed for funding from the proceeds of the Residential Solid Waste Services Special Assessments; (B) estimate the

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Residential Solid Waste Services Cost; (C) describe the proposed method of apportioning the Residential Solid Waste Services Cost among the Assessed Properties, as applicable, such that the owner of any parcel of property can objectively determine the amount of the Residential Solid Waste Services Special Assessments upon the Assessed Property; and (D) include specific legislative findings that recognize the equity provided by the apportionment methodology and specific legislative findings that recognize the special benefit provided by the Residential Solid Waste Services.

SECTION 10A-5. RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT

ROLL.

(A) The City Manager shall prepare, or direct the preparation of, a preliminary Residential Solid Waste Services Special Assessment Roll that contains the following information:

(1) a summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Residential Solid Waste Services Special Assessment;

(2) the name of the owner of record of each parcel as shown on the Tax Roll, in compliance with applicable state statutes on exempt and confidential information; and

(3) the estimated Residential Solid Waste Services Special Assessment to become due in the Fiscal Year;

(B) Copies of the Initial Assessment Resolution and the preliminary Residential Solid Waste Services Special Assessment Roll shall be on file in the office of the City Clerk

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and open to public inspection. The foregoing shall not be construed to require that the Residential Solid Waste Services Special Assessment Roll be in printed form if the amount of the Residential Solid Waste Services Special Assessment for each parcel of property can be determined by use of a computer terminal available for use by the public.

SECTION 10A-6. NOTICE BY PUBLICATION. After filing the Residential Solid Waste Services Special Assessment Roll in the office of the City Clerk, as required by Section 10A-5 hereof, the City Manager shall cause to be published once in a newspaper of general circulation within the City a notice stating that a public hearing of the City Council will be held on a certain day and hour, not earlier than twenty (20) calendar days from such publication, at which hearing the City Council will receive written comments and hear testimony from all interested persons regarding adoption of the Final Assessment Resolution in the initial year and Annual Assessment Resolution in subsequent years, and approval of the Residential Solid Waste Services Special Assessment Roll. Notwithstanding that the City may use a different collection procedure in any fiscal year, the published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act for purposes of the Residential Solid Waste Services Special Assessment.

SECTION 10A-7. NOTICE BY MAIL. In addition to the published notice required by Section 10A-6, the City Manager shall cause to be provided notice of the proposed Residential Solid Waste Services Special Assessments to the owner of each parcel of property subject to the Residential Solid Waste Services Special Assessments.

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The form of such notice shall conform to the requirements set forth in the Uniform Assessment Collection Act, notwithstanding that the City may use a different collection procedure in any fiscal year. The notice shall be mailed by either first class mail, or by use of the Annual Truth in Millage Notice should the City utilize the Uniform Assessment Collection Act, at least twenty (20) calendar days prior to the hearing to each property owner, at such address as is shown on the Tax Roll at the time the notices are prepared for mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. Failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the Residential Solid Waste Services Special Assessment Roll nor release or discharge any obligation for the payment of a Residential Solid Waste Services Special Assessment imposed by the City Council pursuant to this Ordinance.

SECTION 10A-8. FINAL ASSESSMENT RESOLUTION. In the initial year of the Residential Solid Waste Services Special Assessment, at the time named in such notice, or such time to which an adjournment or continuance may be taken, the City Council shall receive written objections and hear testimony of interested persons and may then, or at any subsequent meeting of the City Council, adopt the Final Assessment Resolution which shall (A) confirm, modify, or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the City Council; (B) approve the Residential Solid Waste Services Special Assessment Roll, with such amendments as it deems just and right; and (C) determine the method of collection. All objections to

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adoption of the Final Assessment Resolution shall be made in writing, and filed with the Clerk at or before the time or adjourned time of such hearing.

SECTION 10A-9. PRELIMINARY RATE RESOLUTION. Prior to the adoption of the Annual Assessment Resolution pursuant to Section 10A-10 herein, the City Council shall adopt a Preliminary Assessment Resolution, which shall include without limitation:

(A) A brief description of the Residential Solid Waste Services to be provided by the City;

(B) The amount of the cost of providing Residential Solid Waste Services to be assessed upon specially benefited properties within the City;

(C) Setting forth the date, time and location for the City Council to consider public comments on the adoption of the Annual Assessment Rate Resolution;

(D) Directing the City Manager, or designee, to update the Assessment Roll; and,

(E) Directing the requisite notice be provided to affected property owners for a public hearing to adopt the Annual Assessment Resolution.

SECTION 10A-10. ANNUAL ASSESSMENT RESOLUTION. During its budget adoption process, the City Council shall adopt an Annual Assessment Resolution for each Fiscal Year following adoption of the Final Assessment Resolution. The Final Assessment Resolution shall constitute the Annual Assessment Resolution for the initial Fiscal Year. The Annual Assessment Resolution shall approve the Residential Solid Waste Services Special Assessment Roll for such Fiscal Year. The Residential Solid Waste Services Special

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Assessment Roll shall be prepared in accordance with the Preliminary Rate Resolution, as confirmed or amended by the Annual Assessment Resolution. The City shall provide notice to the owners of such property in accordance with Sections 15-6 and 15-7 hereof and conduct a public hearing prior to adoption of the Annual Assessment Resolution; provided that should the City use the Uniform Assessment Collection Act, a public hearing is necessary only when such is required under the Act. Failure to adopt an Annual Assessment Resolution during the budget adoption process for a Fiscal Year may be cured at any time.

SECTION 10A-11. EFFECT OF FINAL OR ANNUAL ASSESSMENT RESOLUTIONS.

The adoption of the Final Assessment Resolution or Annual Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the apportionment methodology, the rate of assessment, the adoption of the Residential Solid Waste Services Special Assessment Roll and the levy and lien of the Residential Solid Waste Services Special Assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of City Council adoption of the Final Assessment Resolution or Annual Assessment Resolution. The Residential Solid Waste Services Special Assessments for each Fiscal Year shall be established upon adoption of the Final Assessment Resolution or Annual Assessment Resolution. The Residential Solid Waste Services Special Assessment Roll, as approved by the Final Assessment Resolution or Annual Assessment Resolution shall be delivered to

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the Tax Collector or such other official as the City Council, by Resolution, deems appropriate.

SECTION 10A-12. LIEN OF RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENTS.

(A) Upon adoption of the Final Assessment Resolution or Annual Assessment Resolution for each Fiscal Year, the Residential Solid Waste Services Special Assessment to be collected under the Uniform Assessment Collection Act shall constitute a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the City Council of the Final Assessment Resolution or Annual Assessment Resolution and shall attach to the property included on the Residential Solid Waste Services Special Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

(B) For Residential Solid Waste Services Special Assessments to be collected under the alternative method of collection provided in Section 10A-14, the adoption of the Final Assessment Resolution or Annual Assessment Resolution shall constitute a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, titles and

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claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the Official Records of Palm Beach County, Florida.

SECTION 10A-13. METHOD OF COLLECTION OF RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENTS. Unless directed otherwise by the City Council, the Residential Solid Waste Services Special Assessment shall be collected pursuant to the Uniform Assessment Collection Act, and the City shall comply with all applicable provisions thereof. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

SECTION 10A-14. ALTERNATIVE METHOD OF COLLECTION OF THE RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT. In lieu of using the Uniform Assessment Collection Act, the City may elect to collect the Residential Solid Waste Services Special Assessment by any other method which is authorized by law or under an alternative collection method provided by this Section.

(A) The City shall have the right to record a lien for unpaid assessments in the public records of Palm Beach County, Florida.

(B) The City shall have the right to appoint or retain an agent to foreclose and collect all delinquent Residential Solid Waste Services Special Assessments in the manner provided by law. A Residential Solid Waste Services Special Assessment shall become delinquent if it is not paid within thirty (30) days from the date any payment is due. In the event the City exercises its rights to foreclose and collect a delinquent Residential Solid Waste Services Special Assessment, the City or its agent shall notify any property

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owner who is delinquent in payment of his or her Residential Solid Waste Services Special Assessment within sixty (60) days from the date the Residential Solid Waste Services Special Assessment was due. Such notice shall state in effect that the City or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent Residential Solid Waste Services Special Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law.

(C) All costs, fees and expenses, including reasonable attorney fees and title search expenses related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the City may be the purchaser to the same extent as an individual person or corporation. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City and its agents, including reasonable attorney fees, in collection of such delinquent Residential Solid Waste Services Special Assessments and any other costs incurred by the City as a result of such delinquent Residential Solid Waste Services Special Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

(D) In lieu of foreclosure, any delinquent Residential Solid Waste Services Special Assessment and costs, fees, and expenses attributable thereto, may be rolled into the Special Assessment for such parcel in a subsequent fiscal year.

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(E) In lieu of foreclosure, any delinquent Residential Solid Waste Services Special Assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the owner in the manner required by law and this Ordinance; and (2) any existing lien of record on the affected parcel for the delinquent Residential Solid Waste Services Special Assessment is supplanted by the lien resulting from certification of the Residential Solid Waste Services Special Assessment Roll to the Tax Collector.

SECTION 10A-15. REVISIONS TO RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENTS. If any Residential Solid Waste Services Special Assessment made under the provisions of this Ordinance is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the City Council is satisfied that any such Residential Solid Waste Services Special Assessment is so irregular or defective that the same cannot be enforced or collected, or if the City Council has failed to include any property on the Residential Solid Waste Services Special Assessment Roll that should have been so included, the City Council may take all necessary steps to impose a new Residential Solid Waste Services Special Assessment against any such property, following as nearly as may be practicable the provisions of this Ordinance and in case such second Residential Solid Waste Services Special Assessment is annulled, the City Council may obtain and impose other Residential Solid Waste Services Special Assessments until a valid Residential Solid Waste Services Special Assessment is imposed.

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SECTION 10A-16. PROCEDURAL IRREGULARITIES. Any irregularity in the proceedings in connection with the levy of any Residential Solid Waste Services Special Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Residential Solid Waste Services Special Assessment as finally approved shall be competent and sufficient evidence that such Residential Solid Waste Services Special Assessment was duly levied, that the Residential Solid Waste Services Special Assessment was duly made and adopted, and that all other proceedings adequate to such Residential Solid Waste Services Special Assessment were duly had, taken and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this Section, any party objecting to a Residential Solid Waste Services Special Assessment imposed pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed in Section 10A-11 of this Ordinance.

SECTION 10A-17. CORRECTION OF ERRORS AND OMISSIONS.

(A) No act of error or omission on the part of the City Council, City Manager, Property Appraiser, Tax Collector, City Clerk, or their respective deputies, employees or designees, shall operate to release or discharge any obligation for payment of any Residential Solid Waste Services Special Assessment imposed by the City Council under the provisions of this Ordinance.

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(B) The assessment amount on any Assessed Property may be corrected at any time by the City Manager when an error is confirmed. Any such correction which reduces a Residential Solid Waste Services Special Assessment shall be considered valid from the date on which the Residential Solid Waste Services Special Assessment was imposed and shall in no way affect the enforcement of the Residential Solid Waste Services Special Assessment imposed under the provisions of this Ordinance. Any such correction which increases a Residential Solid Waste Services Special Assessment or imposes a Residential Solid Waste Services Special Assessment on omitted property shall first require notice to the affected owner in the manner described in Section 10A-7 hereof, providing the date, time and place that the City Council will consider confirming the correction and offering the owner an opportunity to be heard.

(C) After the Residential Solid Waste Services Special Assessment Roll has been delivered to the Tax Collector, any changes, modifications or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

SECTION 10A-18. APPLICABILITY. This Ordinance and the City's authority to impose the Residential Solid Waste Services Special Assessment pursuant hereto shall be applicable throughout the City.

SECTION 10A-19. ALTERNATIVE METHOD. This Ordinance shall be deemed to provide an additional and alternative method for the completing the tasks set forth herein, and shall be regarded as supplemental and additional to powers conferred by

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other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This Ordinance, being necessary for the welfare of the inhabitants of the City, shall be liberally construed to effect the purposes hereof.

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.

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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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File Attachments for Item:

C. SECOND READING: Ordinance 2021-03 - 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.



Meeting Agenda Item Coversheet

MEETING DATE:		July 12, 2021	Submitted By: Planning & Zoning	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		SECOND READING: Ordinance 2021-03 - Chapter 3 Additional Medical Uses as Permitted in the Mixed-Use Zoning District		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve Second 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):		OTHER:
			X	
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 style="text-align: center;">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		\$

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

File Attachments for Item:

D. SECOND READING: Ordinance 2021-04 – Chapter 5 Subdivision and Site Development Standards, Land Development Regulations

Submitted By: Engineering

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.



Meeting Agenda Item Coversheet

MEETING DATE:		July 12, 2021	Submitted By: Engineering	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Second Reading: Ordinance 2021-04 – Chapter 5 Subdivision and Site Development Standards, Land Development Regulations		
STAFF RECOMMENDATION: (MOTION READY)		Motion to Approve		
SUMMARY and/or JUSTIFICATION:		The regulations and procedures described in Chapter 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 2021-04 – Chapter 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 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.			
FISCAL IMPACT (if any):			\$	98



STAFF MEMORANDUM

DATE: 6/25/2021

DESCRIPTION: Second Reading: Ordinance 2021-04 – Chapter 5 Subdivision and Site Development Standards, Land Development Regulations

Introduction

Chapter 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.

Chapter 5 was presented to the Council for first reading on June 14th, 2021. The purpose of this report is to summarize the changes to the document between first reading and second reading. All changes have been marked with redlines unless otherwise noted in this report.

Summary of Chapter 5 Revisions

1. Minor changes for section references and formatting of the references were made.
2. A requirement for all infrastructure to connect to SID facilities was added. The addition of this language supports policies within the City's Comprehensive Plan.
3. A change was made to the surety language to clarify that it is upon failure to complete the improvements that City or SID could perform these improvements, and to allow City Manager rather than City Attorney to administer certain portions. This provides more clarity on the timing that the City or SID would complete the required improvements.
4. A sentence was removed that requires developer to maintain a facility for one (1) year after it is turned over in addition to providing a maintenance bond. The one (1) year maintenance period is not standard practice after final acceptance, and the maintenance bond provides the funding mechanism if any corrections to the work are required.
5. Graphics for road standards were removed from the Chapter. After further discussions, it is believed that a separate book of City Engineering Standards would be the appropriate place for these graphics. The development of these City Engineering Standards is underway and will be brought to the City Council for review and adoption. Language was added to refer to these Engineering Standards. **NOTE: for ease in review, the removal of these graphics was not shown via redline.**
6. Language was added to define legal access to a parcel.
7. The minimum design standards for roadways were clarified to correspond to the zoning districts within the City of Westlake.
8. An inconsistency relating to water systems providing fire protection was corrected by deleting a section. The standards for fire protection were already present in the document and are sufficient for the City.

9. Language was added to clarify that lighting improvements are required for development but are not required prior to plat recordation or guaranteed.
10. Language was added to clarify that lighting requirements for non-residential developments also includes areas within residential developments that do not have residential uses, such as amenity centers and parking lots.
11. Language was added to the end of the document for codification purposes.

Conclusion

The revisions between the first and second reading of Chapter 5 were made to provide greater clarity to the applicants. The Engineering Department recommends approval of Chapter 5 Land Development Regulations.

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 (also known as stormwater 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) All surface water management and drainage, potable water, wastewater, reclaimed water, irrigation water, and roadways and transportation infrastructure must connect to SID facilities and/or infrastructure.

(C) 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.
- (D) 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.
- (E) 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 completion per Article 5.7.3(c)(4) or a surety has been furnished to and approved by the City Manager 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 Manager 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 applicable development order or approval for the parcel. If the applicant fails to complete the required public improvements as required, the City or SID, as applicable, may complete them as described below:

- (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. 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 an 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. Legal access means the permanent legal rights of ingress and egress to a property that is secured by a dedication or grant to the public of road right-of-way, a road easement, fee simple ownership, a plat dedication, or other legal instrument approved by the City Attorney; and, the presence of a road sufficient to meet all LOS requirements, LDR requirements, and applicable SID standards. 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.** Roads shall meet the requirements found in the **City Engineering Standards Book**, which shall be adopted by City Council and is hereby incorporated herein.

(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 construction 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 within R-1 and R-2 Zoning Districts	44 ft.	2	10 ft.	2 ft.	8 ft (optional)	No	5 ft.	10 ft.	5 ft
Local Road within Town Center Zoning District	44 ft	2	11 ft	2 ft.	8 ft. (One side)	No	8 ft.	No	5 ft
Local Road within all zoning districts other than R-1, R-2, and Town Center	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)	8 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. Sidewalks are required on both sides of the road. 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 except in the Town Center Zoning District. Within the Town Center Zoning District, tree lawns may be incorporated into the sidewalk. Tree lawns may not overlap utility easements.
6. Sidewalks shall provide a minimum of 5' clearance and may be located within easements.

(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 subsection.
- (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.

(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.

Section 3: Additional Requirements. The following improvements are mandatory, but are not required to be installed prior to plat recordation or guaranteed.

(A) **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 applies to non-residential developments and to residential areas with multifamily dwellings. It does not apply to residential areas in residential developments with single family detached dwellings and/or single family attached dwellings, but does apply to non-residential areas within such residential developments, such as amenity centers, parking lots, and similar areas.
- (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 5.7.3(A)(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 luminaires 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 luminaires 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 luminaires 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 to Min Ratio
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:				
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 4: *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.

Section 4. 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 5. Codification: It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance entitled "**Land Development Regulations**" 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 6. Scrivener's Error: The City Attorney is hereby authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk without the need for approval by the City Council.

Section 7. Effective Date: This ordinance shall be effective upon adoption on second reading.

PASSED this 14th day of June 2021, on first reading.

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

PASSED AND ADOPTED this 19th day of July 2021, on second reading.

City of Westlake
Roger Manning, Mayor

Zoie P. Burgess, City Clerk

Approved as to Form and Sufficiency

Donald J. Doody, City Attorney

File Attachments for Item:

E. SECOND READING: Ordinance 2021-05 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: Administration

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.



Meeting Agenda Item Coversheet

MEETING DATE:	July 12, 2021	Submitted By: Administration		
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>	SECOND READING: ORDINANCE 2021-05 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)	Motion to adopt Ordinance 2021-05 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			
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 ordinance 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:	x

<p>IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <u>Please keep text indented.</u></p>	<p style="text-align: center;">ORDINANCE 2021-05</p> <p>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.</p>	
<p>FISCAL IMPACT <i>(if any):</i></p>		\$

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.

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 October 24, 2016 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 for

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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

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

File Attachments for Item:

A. A Resolution for the FPU Temp Gas Time Extension

Submitted By: Planning & Zoning

RESOLUTION 2021-13

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING A SEVENTH (7TH) TIME EXTENSION FOR A SPECIAL PERMIT APPLICATION OF A TEMPORARY GAS UTILITY, WITHIN POD F OF WESTLAKE TTD. FLORIDA PUBLIC UTILITIES COMPANY (FPU) IS REQUESTING A SIXTH (6) MONTH TIME EXTENSION TO DECEMBER 31, 2021, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		7/12/21	Submitted By: Gina Lawrence	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		A Resolution for the FPU Temp Gas Time Extension		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve Resolution 2021-13, the FPU Temp Gas Time Extension		
SUMMARY and/or JUSTIFICATION:		The Applicant is requesting approval of a seventh time extension for a special permit application of a temporary gas utility use within Pod F of Westlake TTD. The applicant is requesting a sixth (6) month extension to December 31, 2021.		
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>	Resolution 2021-13, Staff report, Resubmittal Application, CNG Tankers Westlake			
SELECT, if applicable	RESOLUTION:	X	ORDINANCE:	
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>	A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING A SEVENTH (7 TH) TIME EXTENSION FOR A SPECIAL PERMIT APPLICATION OF A TEMPORARY GAS UTILITY, WITHIN POD F OF WESTLAKE TTD. FLORIDA PUBLIC UTILITIES COMPANY (FPU) IS REQUESTING A SIXTH (6) MONTH TIME EXTENSION TO DECEMBER 31, 2021, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.			
FISCAL IMPACT (if any):				\$

RESOLUTION 2021-13

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING A SEVENTH (7TH) TIME EXTENSION FOR A SPECIAL PERMIT APPLICATION OF A TEMPORARY GAS UTILITY, WITHIN POD F OF WESTLAKE TTD. FLORIDA PUBLIC UTILITIES COMPANY (FPU) IS REQUESTING A SIXTH (6) MONTH TIME EXTENSION TO DECEMBER 31, 2021, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's Interim Land Development Regulations provides procedures for the review and adoption of site plans by the City Council; and

WHEREAS, on December 19, 2017 Florida Public Utilities Company (FPU) requested an approval of a special permit application to allow a temporary gas utility use within Pod F of Westlake TTD. The subject application was approved by the City Council on January 11, 2018.

WHEREAS, the proposed temporary gas utility is needed to provide gas service to the City residents of Hammocks, Meadows, Sky Cove, Cresswind, and the Grove. The temporary facility includes two (2) gas tanks, perimeter fencing, and a screening fence; and

WHEREAS, on June 10, 2021, Florida Public Utilities Company (FPU), submitted an application for a six (6) months extension of a special permit application of a temporary gas utility use within Pod F of Westlake TTD to December 31, 2021; and

WHEREAS, previous extensions were granted on:

1. On January 11, 2018, the first application {SPEC-2017-03} was approved for six (6) months with one three (3) month time extension.
2. On July 11, 2018 the applicant was granted a second Time Extension for an additional three (3) months.
3. On October 29, 2018 the applicant was granted a third Time Extension for an additional nine {9} months that expires on July 31, 2019.
4. On July 8, 2019 the applicant was granted a fourth Time Extension for an additional six (6) months that expires on January 31, 2020.
5. On January 13, 2020 the applicant was granted a fifth Time Extension for an additional six (6) months that expires on July 31, 2020.
6. On July 13, 2020 the applicant was granted a sixth Time Extension for and additional twelve (12) months that expires on July 13, 2021.

WHEREAS, staff has reviewed and recommends approval of the proposed time extension provided in the attached Exhibit "A", (Staff Report); and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in Palm Beach County, notifying the public of this proposed resolution and of the public hearing; and

WHEREAS, the City Council for the City of Westlake finds that the adoption and implementation of this resolution is in the best interest and welfare of the residents of the City of Westlake.

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

Section 1: Recitals: The above recitals are true and correct and are incorporated herein by this reference.

Section 2: Approval of Special Permit Application: The City Council for the City of Westlake hereby approves the request for a 6-months extension filed by Florida Public Utilities Company of a special permit application of a temporary gas utility use within Pod F of Westlake TTD, which is located in the City of Westlake, and in Palm Beach County, Florida.

Section 3: Conditions of Approval: The Applicant shall provide written progress reports to the City Council every three months until the permanent lines are installed. The extension is subject to the applicant meeting all of the conditions set forth in the Staff Report, as attached hereto as Exhibit "A", which is incorporated herein and made a part hereof.

Section 4. Implementation: The City Manager and the Interim City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of the Resolution.

Section 5: Effective Date: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 12th day of July, 2021.

PUBLISHED on 2nd day of July, 2021 in the Palm Beach Post.

City of Westlake
Roger Manning, Mayor

Zoie Burges, City Clerk

Approved as to Form and Sufficiency
Donald Doody, Interim City Attorney

“EXHIBIT A”



City of Westlake
Planning and Zoning Department – Staff Report
City Council Meeting 7/12/2021

PETITION DESCRIPTION

PETITION NUMBER: SPEC-2017-03 Florida Public Utilites Company (FPU) Temporary Gas Facility (Pod F) – SEVENTH TIME EXTENSION

APPLICANT: Florida Public Utilities Company (FPU)

OWNER: Minto PBLH, LLC

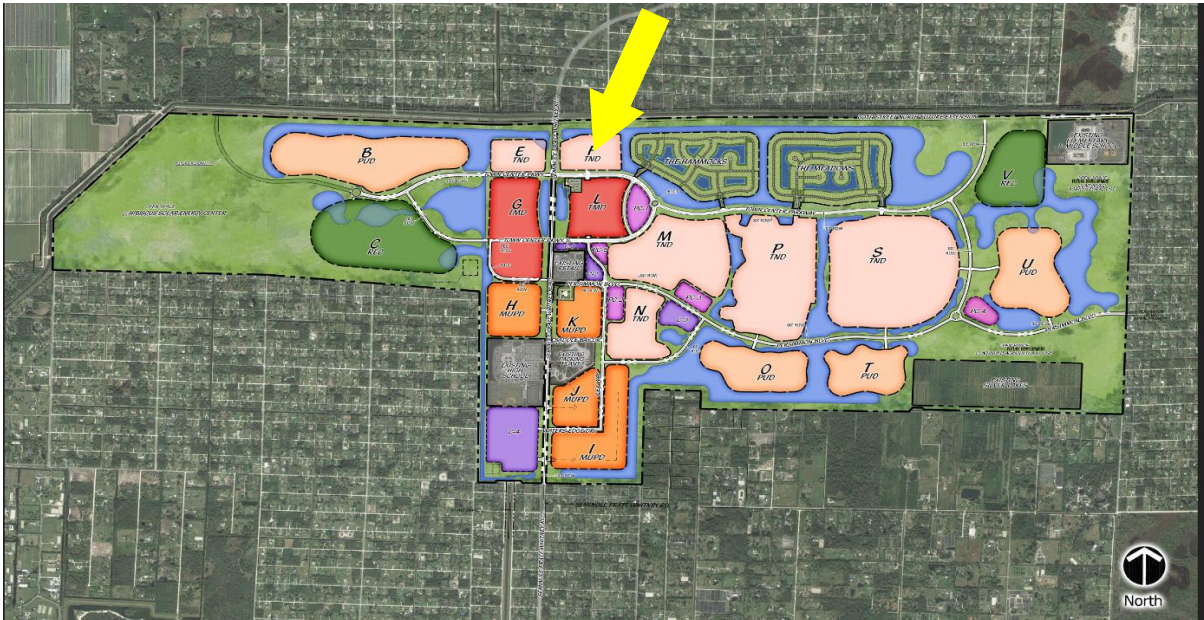
REQUEST: The Applicant is requesting approval of a seventh time extension for a special permit application of a temporary gas utility use within Pod F of Westlake TTD. The applicant is requesting a sixth (6) month extension to December 31, 2021.

LOCATION: City of Westlake, Pod F / FPU Temporary Gas Facility

PARCEL NUMBER: 77-40-43-01-00-000-1010

LOCATION MAP

POD F



PETITION FACTS - Temporary Gas Facility – SEVENTH TIME EXTENSION

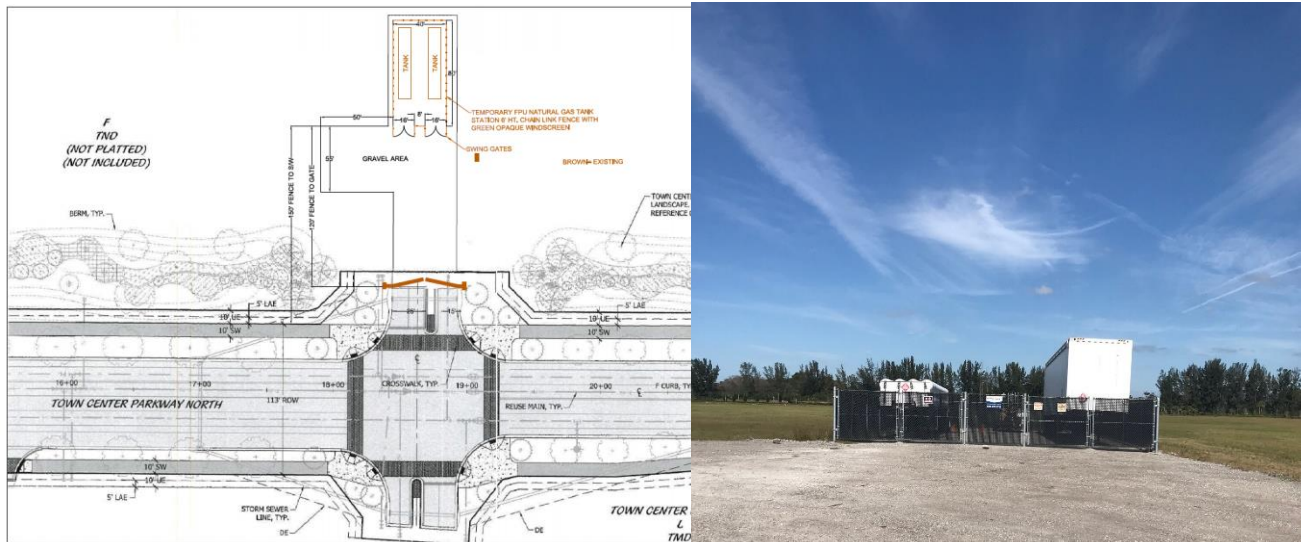
- a. Total Gross Site Area: 358.5 acres
- b. Total Affected Area: 0.28 acres
- c. Land Use and Zoning
 - Land Use: R2. City’s adopted Future Land Use Map, March 12, 2018.
 - Zoning: R2

BACKGROUND

On December 19, 2017 Florida Public Utilities Company (FPU) requested an approval of a special permit application to allow a temporary gas utility use within Pod F of Westlake TTD. The subject application was approved by the City Council on January 11, 2018.

The proposed temporary gas utility is needed to provide gas service to the City residents of Hammocks, Meadows, Sky Cove, Cresswind, and the Grove **The City has issued a total of 850 Certificate of Occupancy up today (6/18/21).**

The temporary facility includes two (2) gas tanks, perimeter fencing, and a screening fence, see below Site Plan.



The following Time Extensions were granted to the applicant:

1. On January 11, 2018, the **first** application (SPEC-2017-03) was approved for six (6) months with one three (3) month time extension.
2. On July 11, 2018 the applicant was granted a **second** Time Extension for an additional three (3) months

3. On October 29, 2018 the applicant was granted a **third** Time Extension for an additional nine (9) months that expires on July 31, 2019.
4. On July 8, 2019 the applicant was granted a **fourth** Time Extension for an additional six (6) months that expires on January 31, 2020.
5. On January 13, 2020 the applicant was granted a **fifth** Time Extension for an additional six (6) months that expires on July 31, 2020.
6. On July 13, 2020 the applicant was granted a **sixth** Time Extension for an additional twelve (12) months that expires on July 31, 2021.

STAFF ANALYSIS

The applicant is requesting a Seventh Time Extension to allow a temporary gas facility to provide service to City's residents. **The applicant is requesting an additional sixth (6) months extension to December 31, 2021.**

The permanent gas pipeline will run from south to north on Seminole Pratt Whitney Road from FPU gate station located near Southern Blvd (State Road 80). Florida Public Utilities Company worked with a number of agencies to obtain the necessary permits for the installation of the natural gas pipeline. In addition to the City of Westlake, SID and Palm Beach County, FPU worked with the Florida Department of Environmental Protection, U.S. Army Corps of Engineers, and Indian Trail Improvement District

*Per the applicant statement, "Florida Public Utilities is requesting an six(6) month extension to the temporary gas utility to provide gas within the Westlake community. Florida Public Utilities is in the process of installing a permanent pipeline to supply the City. After the permanent lines are installed, the temporary tankers will be removed from the property. The temporary facility will include two gas tankers, perimeter fencing & screen. Florida Public Utilities has secured all permits to construct the new line with exception of the SID permit. SID sent the Draft Permit to FPU on April 29th, 2021, FPU responded on May 3, 2021 with comments, and agreement to pay legal review fees. No response since then. **FPU plans to start construction the end of July 2021 with an estimated construction time of 12-16 week.**"*

Currently, FPU and SID are resolving pertinent legal matters to finalize the subject permits and initiate construction.

FINAL REMARKS

The subject application will be heard by the City Council per the City' LDR Code, Chapter 2, Article 2.2, Section 1 (C)(3), "Applications for extensions of more than 90 days require the same type of approval as the original application".

Florida Public Utility (FPU) is requesting a Seventh Time Extension to allow a temporary gas facility to provide service to City's residents. The applicant is

requesting an additional **sixth (6) months extension to December 31, 2021**. Once the permanent lines are installed, the temporary gas utility will be removed from the property. The proposed temporary gas utility is needed to provide gas service to the City residents of Hammocks, Meadows, Sky Cove, Cresswind and the Grove. The City has issued a total of 850 Certificate of Occupancy up today (6/18/21).

Once, construction of permanent gas lines start, the approximately timeline to complete the project is four (4) months.

Staff is recommending the applicant submits a written Progress Report every three (3) months to communicate the status of the project to the City Council.



City of Westlake

Planning and Zoning Department – Staff Report

City Council Meeting 7/12/2021

PETITION DESCRIPTION

PETITION NUMBER: SPEC-2017-03 Florida Public Utilities Company (FPU) Temporary Gas Facility (Pod F) – SEVENTH TIME EXTENSION

APPLICANT: Florida Public Utilities Company (FPU)

OWNER: Minto PBLH, LLC

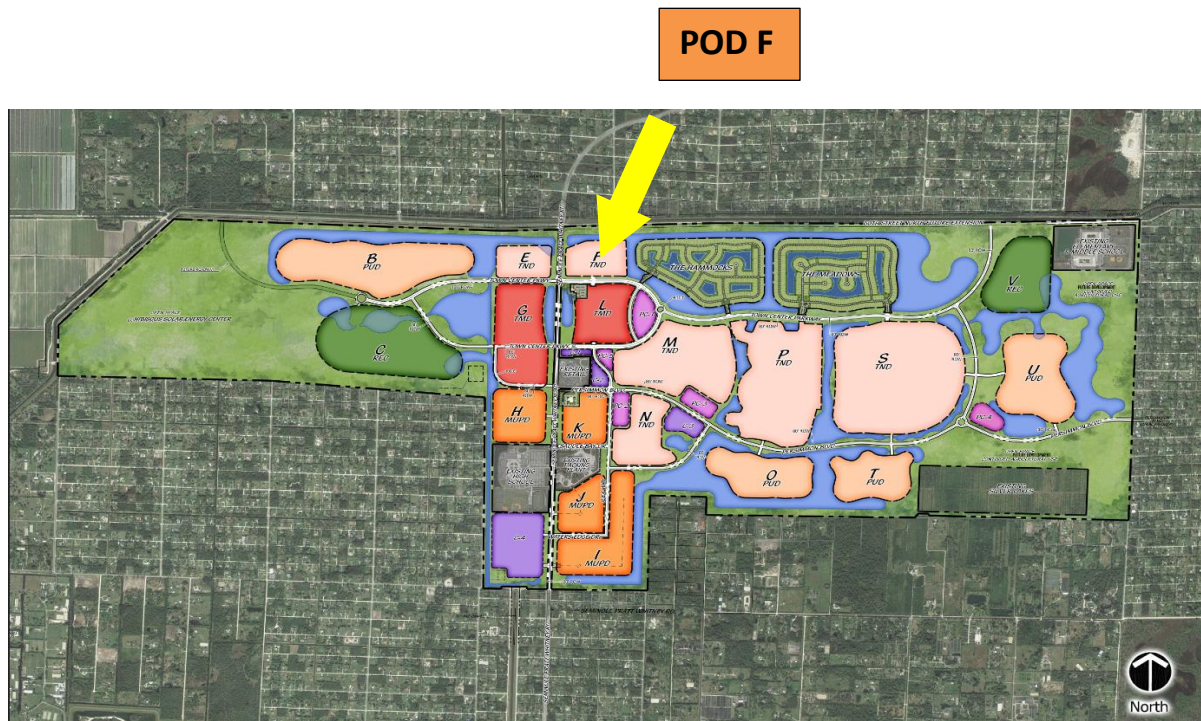
REQUEST: The Applicant is requesting approval of a **seventh time extension** for a special permit application of a temporary gas utility use within Pod F of Westlake TTD.

The applicant is requesting a sixth (6) month extension to December 31, 2021.

LOCATION: City of Westlake, Pod F / FPU Temporary Gas Facility

PARCEL NUMBER: 77-40-43-01-00-000-1010

LOCATION MAP



PETITION FACTS - Temporary Gas Facility – SEVENTH TIME EXTENSION

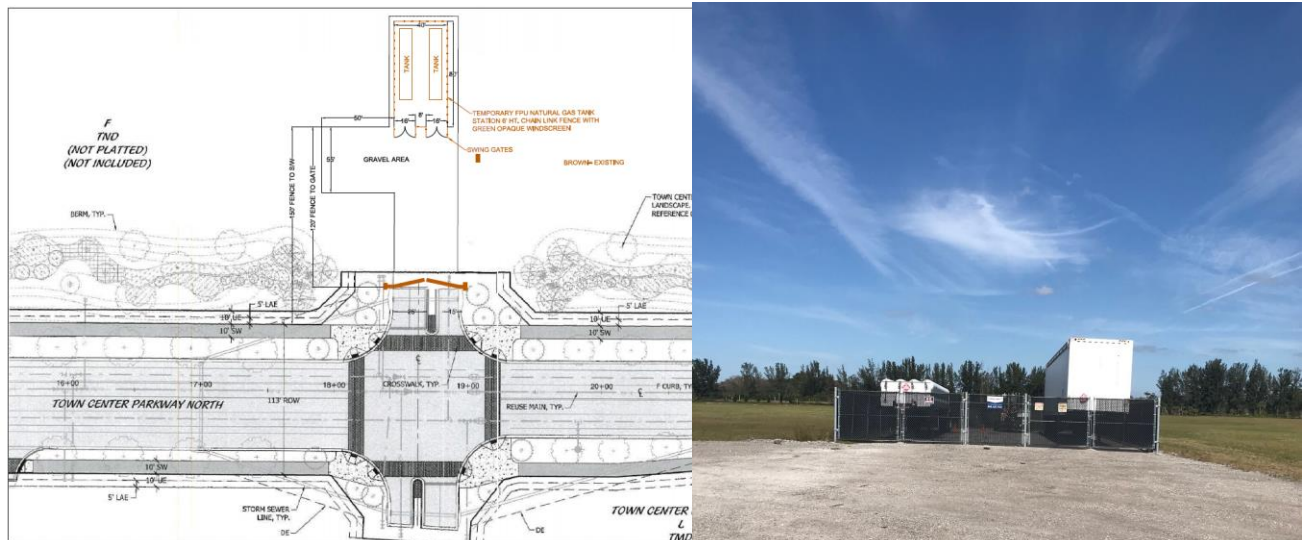
- a. Total Gross Site Area: 358.5 acres
- b. Total Affected Area: 0.28 acres
- c. Land Use and Zoning
 - Land Use: R2. City’s adopted Future Land Use Map, March 12, 2018.
 - Zoning: R2

BACKGROUND

On December 19, 2017 Florida Public Utilities Company (FPU) requested an approval of a special permit application to allow a temporary gas utility use within Pod F of Westlake TTD. The subject application was approved by the City Council on January 11, 2018.

The proposed temporary gas utility is needed to provide gas service to the City residents of Hammocks, Meadows, Sky Cove, Cresswind, and the Grove **The City has issued a total of 850 Certificate of Occupancy up today (6/18/21).**

The temporary facility includes two (2) gas tanks, perimeter fencing, and a screening fence, see below Site Plan.



The following Time Extensions were granted to the applicant:

- 1. On January 11, 2018, the **first** application (SPEC-2017-03) was approved for six (6) months with one three (3) month time extension.
- 2. On July 11, 2018 the applicant was granted a **second** Time Extension for an additional three (3) months
- 3. On October 29, 2018 the applicant was granted a **third** Time Extension for an additional nine (9) months that expires .n July 31, 2019.
- 4. On July 8, 2019 the applicant was granted a **fourth** Time Extension for an additional six (6) months that expires on January 31, 2020.
- 5. On January 13, 2020 the applicant was granted a **fifth** Time Extension for an additional six (6) months that expires on July 31, 2020.
- 6. On July 13, 2020 the applicant was granted a **sixth** Time Extension for an additional twelve (12) months that expires on July 31, 2021.

STAFF ANALYSIS

The applicant is requesting a Seventh Time Extension to allow a temporary gas facility to provide service to City's residents. **The applicant is requesting an additional sixth (6) months extension to December 31, 2021.**

The permanent gas pipeline will run from south to north on Seminole Pratt Whitney Road from FPU gate station located near Southern Blvd (State Road 80). Florida Public Utilities Company worked with a number of agencies to obtain the necessary permits for the installation of the natural gas pipeline. In addition to the City of Westlake, SID and Palm Beach County, FPU worked with the Florida Department of Environmental Protection, U.S. Army Corps of Engineers, and Indian Trail Improvement District

*Per the applicant statement, "Florida Public Utilities is requesting an six(6) month extension to the temporary gas utility to provide gas within the Westlake community. Florida Public Utilities is in the process of installing a permanent pipeline to supply the City. After the permanent lines are installed, the temporary tankers will be removed from the property. The temporary facility will include two gas tankers, perimeter fencing & screen. Florida Public Utilities has secured all permits to construct the new line with exception of the SID permit. SID sent the Draft Permit to FPU on April 29th, 2021, FPU responded on May 3, 2021 with comments, and agreement to pay legal review fees. No response since then. **FPU plans to start construction the end of July 2021 with an estimated construction time of 12-16 week."***

Currently, FPU and SID are resolving pertinent legal matters to finalize the subject permits and initiate construction.

FINAL REMARKS

The subject application will be heard by the City Council per the City' LDR Code, Chapter 2, Article 2.2, Section 1 (C)(3), "Applications for extensions of more than 90 days require the same type of approval as the original application".

Florida Public Utility (FPU) is requesting a Seventh Time Extension to allow a temporary gas facility to provide service to City's residents. The applicant is requesting an additional **sixth (6) months extension to December 31, 2021**. Once the permanent lines are installed, the temporary gas utility will be removed from the property. The proposed temporary gas utility is needed to provide gas service to the City residents of Hammocks, Meadows, Sky Cove, Cresswind and the Grove. The City has issued a total of 850 Certificate of Occupancy up today (6/18/21).

Once, construction of permanent gas lines start, the approximately timeline to complete the project is four (4) months.

Staff is recommending the applicant submits a written Progress Report every three (3) months to communicate the status of the project to the City Council.



City of Westlake Zoning Division
4001 Seminole Pratt Whitney Road
Loxahatchee, FL 33470
Phone: (561) 530-5880
www.Westlakegov.com

ADMINISTRATIVE REVIEW GENERAL APPLICATION

Check (✓) type of application:

- Zoning Review [] Agency Review [] Special Permit; Event Date: 12/31/2021 [✓]
Type IA Variance [] Type IB Variance [] Concurrency Determination []
Potentially Buildable Lot [] Legal Lot of Record [] Concurrency Equivalency []
Reasonable Accommodation [] Unity of Title Release [] Concurrency Administrative Exemption []
Congregate Living Facility (CLF) Type I & Type II (RM District only) []

In the box below, please provide a brief description of the Zoning Administration Review / Request:

Florida Public Utilities is requesting an six(6) month extension to the temporary gas utility to provide gas within the Westlake community. Florida Public Utilities is in the process of installing a permanent pipeline to supply the City. After the permanent lines are installed, the temporary tankers will be removed from the property. The temporary facility will include two gas tankers, perimeter fencing & screen. Florida Public Utilities has secured all permits to construct the new line with exception of the SID permit. SID sent the Draft Permit to FPU on April 29th, 2021, FPU responded on May 3, 2021 with comments, and agreement to pay legal review fees. No response since then. FPU plans to start construction the end of July 2021 with an estimated construction time of 12-16 weeks.

I. PROPERTY LOCATION

- A. Control No. 77-40-43-01-00-000-1010 Control Name: MINTO PBLH, LLC Application Name: N/A
B. Property Control Number (PCN): List additional PCN(s) on separate sheet and attach to application. PCN: 77-40-43-01-00-000-1010
C. Section/Township/Range: 01/43/40 Gross Acreage of Subject Property: 358.5 Gross Acreage of Affected Area: 0.28
D. Location of Subject Property (proximity to closest major intersection or road): Town Center Parkway North, Approx. 1850' east of Seminole Pratt Whitney Road
E. Address: N/A Project No: N/A
F. Subdivision Name: N/A Plat Name: N/A
G. Water/Sewer Provider: PBCWUD Drainage District: Seminole Improvement District
H. Is Subject Property located in an Overlay District or Zone? If yes, provide the District or Zone: SID
I. What is the Use/Type of Development Temporary Gas Utility Square Footage/Number of Units N/A

II. FUTURE LAND USE (FLU) AND ZONING

- A. Current Zoning District: TND Future Land Use Designation: TND
B. Existing Use(s) on Subject Property: Not Developed yet Proposed Use(s): Temporary Gas Utility

III. PLAT INFORMATION FOR AGENCY REVIEW ONLY

- A. Has Subject Property been platted? [] Yes [✓] No If Yes, OR Book & Page Number:
B. Will existing plat be affected by request? [] Yes [✓] No If Yes, explain in Justification Statement

IV. APPLICANT INFORMATION

Applicant's Name: Florida Public Utilities Company
Address: 1635 Meathe Drive City West Palm Beach State FL Zip 33411
Phone: 561-629-6433 Fax: (use email) Email: Jburke@chpk.com

Current Property Owner(s): John Carter
Address: 4400 W Sample Rd, Suite 200 City Coconut Creek State FL Zip 33073
Phone: 954-973-4490 Fax: 954-978-5330 Email: Jcarter@mintofla.com

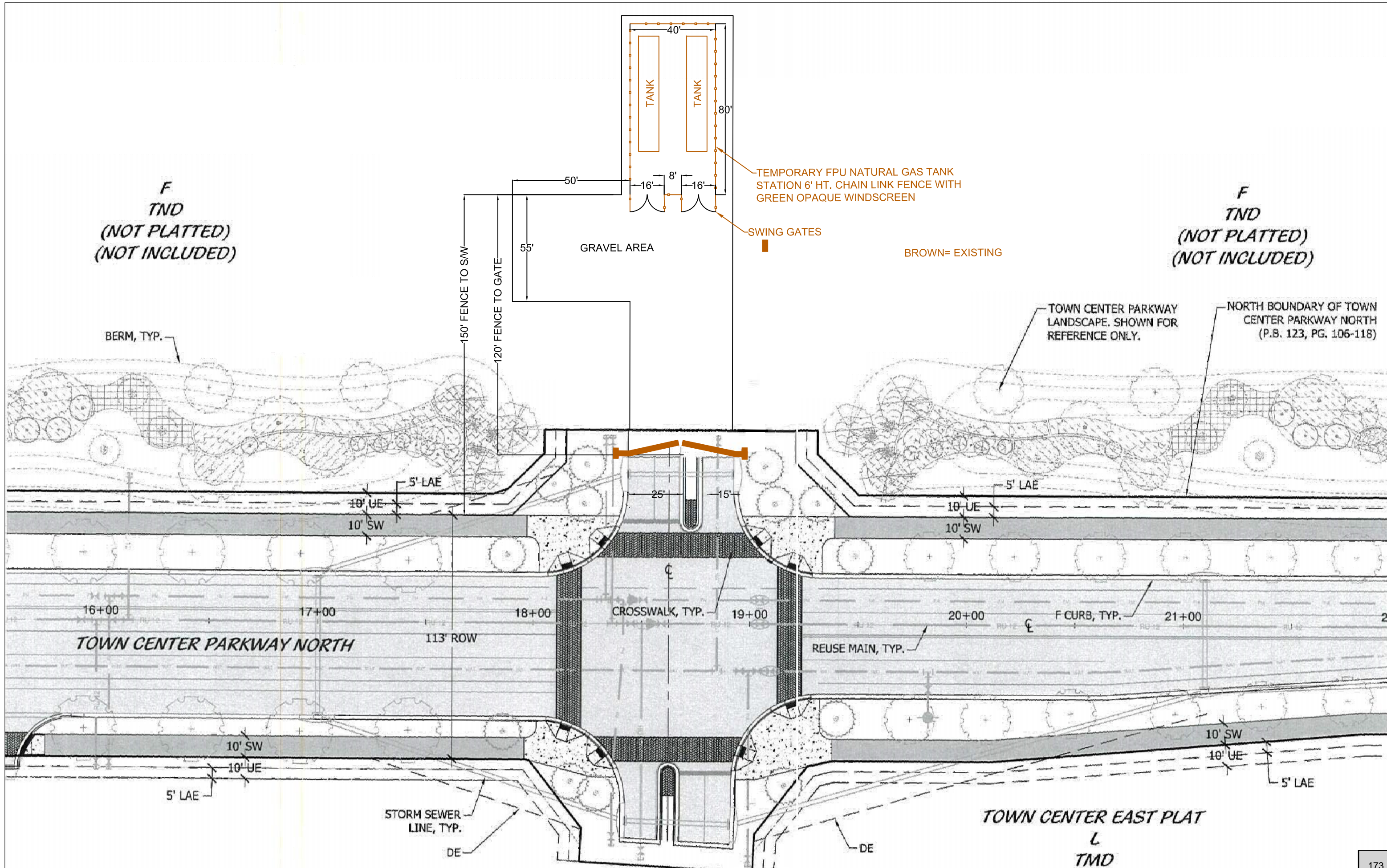
[] Check (X) here if applicant is a contract purchaser. Consent is required from the contract purchaser if a contract is pending to purchase the subject property. HOA or POA consent will be required if subject property is under common ownership or request is to modify any aspect of the project which applies to the entire development (i.e. condition of approval, internal roadway, etc.).

Agent*: John Burke Name of Firm: Florida Public Utilities Company
Address: 1635 Meathe Drive City West Palm Beach State FL Zip 33411
Phone: 561-629-6433 Fax: (use email) Email: Jburke@chpk.com

*All correspondence will be sent to agent unless otherwise specified.

F
TND
(NOT PLATTED)
(NOT INCLUDED)

F
TND
(NOT PLATTED)
(NOT INCLUDED)



File Attachments for Item:

B. A Resolution for the Fitness Trail Site Plan

Submitted By: Planning & Zoning

RESOLUTION 2021-18

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE SITE PLAN FOR AN APPROXIMATELY 39 ACRES WELLNESS AND FITNESS TRAIL LOCATED AT 16302 GREEN LANE- POD I IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		7/12/21	Submitted By: Gina Lawrence	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		A Resolution for the Fitness Trail Site Plan		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve Resolution 2021-18, the Fitness Trail Site Plan		
SUMMARY and/or JUSTIFICATION:	<p>The applicant is requesting approval for of a site plan for a 39-acre Wellness & Fitness Trail for the City of Westlake. The subject Westlake Wellness and Fitness Trail is equipped with nine (9) fitness stations and consisting of a walking, running, and biking trail.</p> <p>This trail will be located within the Lake 8 open space & water management tract, which has been dedicated to Seminole Improvement District (SID). The subject fitness trail is located on Pod I and the entrance is at 16302 Green Lane, Westlake, Florida 33470.</p> <p>The Wellness and Fitness Trail will run along the east and south perimeter of Pod I and will be accessible from the Westlake Multi-Modal Pathway network along Green Lane. The trail can be accessed from Green Lane (Access Point 1) just east of the intersection of Ilex Way as well as from Seminole Pratt Whitney (SPW) (Access Point 2) at the South West corner of Pod I. Bicycle and golf cart parking is provided on the main entrance (Access Point 1). Access Point 2 is gated and only accessible to the residents of Westlake via a key fob system compatible with the Adventure Park facility.</p> <p>Staff is recommending that when the adjacent site is developed by the International Soccer Training Facility (ISTF), this organization can provide gates for pedestrian and bicycle to allow direct access to proposed Wellnes and Fitness Trail.</p>			
	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>	Resolution 2021-18, Staff report, Application, Westlake Fitness Park Justification Statement, Site Plan, Landscape Plan			
SELECT, if applicable	RESOLUTION:	X	ORDINANCE:	

**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.**

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE SITE PLAN FOR AN APPROXIMATELY 39 ACRES WELLNESS AND FITNESS TRAIL LOCATED AT 16302 GREEN LANE- POD I IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

FISCAL IMPACT *(if any):*

\$

RESOLUTION 2021-18

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE SITE PLAN FOR AN APPROXIMATELY 39 ACRES WELLNESS AND FITNESS TRAIL LOCATED AT 16302 GREEN LANE– POD I IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's Land Development Regulations provides procedures for the review and adoption of site plans by the City Council; and

WHEREAS, the developer Minto PBLH, LLC, submitted an application for a Site Plan approval for a Wellness and Fitness Trail, located at 16302 Green Lane, Westlake, Florida, 33470, legally described as part of Pod I in the attached Exhibit "A", and

WHEREAS, the City staff has reviewed the proposed Site Plan, SPR 2020-12, which consists of approximately 39 acres of wellness and fitness trail for walking, running and biking equipped with fitness stations and signage as detailed in the attached Exhibit "B", (Site Plan); and

WHEREAS, the Site Plan is consistent with all of the requirements of the City of Westlake's Interim Land Development Regulations and the City's Codes, the city staff recommends approval of the Site Plan Review;

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in Palm Beach County, notifying the public of this proposed resolution and of the public hearing; and

WHEREAS, the City Council for the City of Westlake finds that the adoption and implementation of this resolution is in the best interest and welfare of the residents of the City of Westlake.

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

Section 1: Recitals: The above recitals are true and correct and are incorporated herein by this reference.

Section 2: Approval of Site Plan Modification: The City Council for the City of Westlake hereby approves the Site Plan Review SPR 2020-12, for Westlake Wellness and Fitness Trail, located at 16302 Green Lane, Westlake, Florida, 33470, as described in the Site Plan Review.

Section 4. Implementation: The City Manager and the Interim City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of the Resolution.

Section 5: Effective Date: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 12th day of July, 2021.

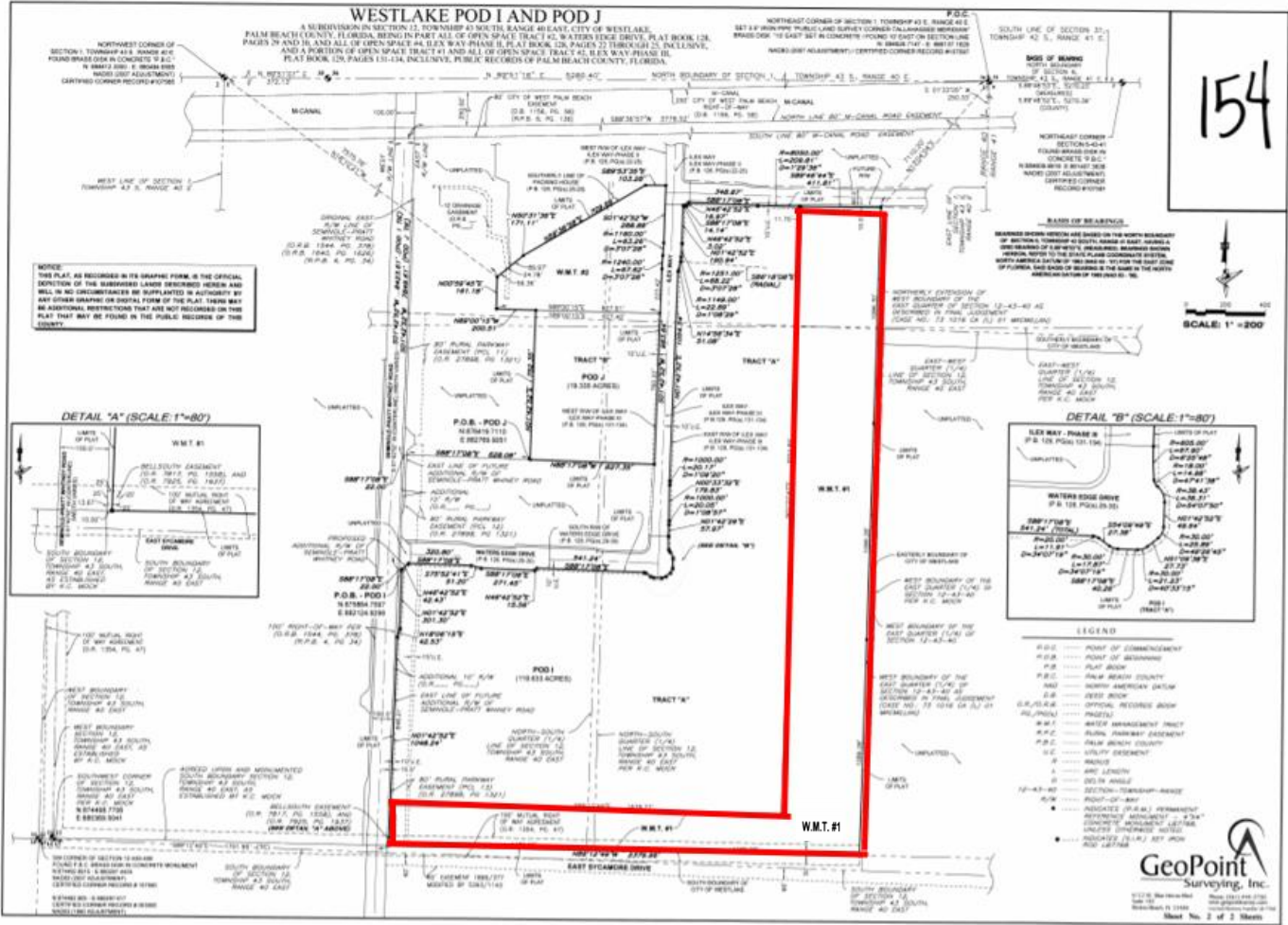
PUBLISHED on ----day of July, 2021 in the Palm Beach Post.

City of Westlake
Roger Manning, Mayor

Zoie Burges, City Clerk

Approved as to Form and Sufficiency
Donald Doody, Interim City Attorney

**EXHIBIT "A"
LEGAL DESCRIPTION**

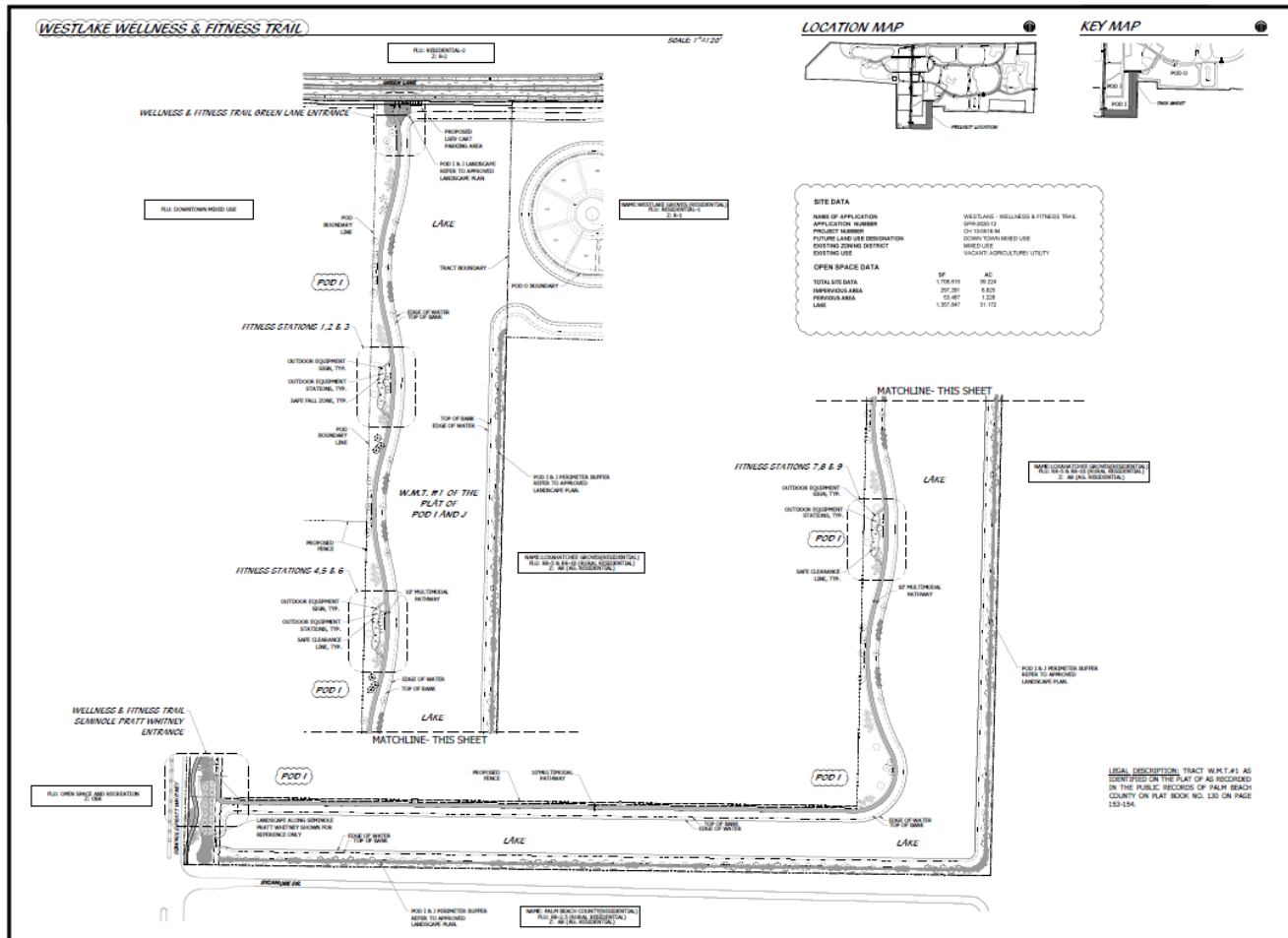


WATER MANAGEMENT TRACTS

WATER MANAGEMENT TRACTS W.M.T. #1 AND W.M.T. #2, AS SHOWN HEREON, ARE HEREBY DEDICATED TO THE SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, ITS SUCCESSORS AND ASSIGNS, IN FEE SIMPLE, FOR STORMWATER MANAGEMENT AND DRAINAGE PURPOSES AND ARE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID DISTRICT, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO THE CITY OF WESTLAKE.

CITY OF WESTLAKE SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO CONSTRUCT AND MAINTAIN ANY PORTION OF THE DRAINAGE SYSTEM ENCOMPASSED BY THIS PLAT WHICH IS ASSOCIATED WITH THE DRAINAGE OF PUBLIC STREETS, INCLUDING THE RIGHT TO UTILIZE FOR DRAINAGE PURPOSES ANY AND ALL DRAINAGE, LAKE MAINTENANCE, AND LAKE MAINTENANCE ACCESS EASEMENTS, AND PRIVATE STREETS ASSOCIATED WITH SAID DRAINAGE SYSTEM.

EXHIBIT "B" SITE PLAN



Cofeur & Hearing
Landscape Architects
Landscape Architects
Environmental Consultants
1324 Commerce Lane
Suite 1
Jupiter, Florida 33458
888-747-6268 Fax: 561-747-1377
www.cofeurhearing.com
LIC# LC-000020

MINTO WESTLAKE
WESTLAKE WELLNESS & FITNESS TRAIL
SITE PLAN
City of Westlake, Florida

DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
APP. NUMBER	15-000000
TITLE	15-000000
REVISION	15-000000



SHEET 1 OF 4



City of Westlake

Planning and Zoning Department – Staff Report

City Council Meeting 7/12/2021

PETITION DESCRIPTION

PETITION NUMBER: SPR-2020-12 Westlake Wellness & Fitness Trail Site Plan Review

OWNER: Minto PBLH, LLC

APPLICANT: Cotleur & Hearing

ADDRESS: 16302 Green Lane, Westlake, Florida 33470

PCN: 77-40-43-12-00-000-1010

REQUEST: The applicant is requesting approval of a Site Plan Review for a 39-acre fitness trail equipped with nine (9) fitness stations and consisting of a walking, running, and biking trail.

SUMMARY

The applicant is requesting approval for of a site plan for a 39-acre Wellness & Fitness Trail for the City of Westlake. The subject Westlake Wellness and Fitness Trail is equipped with nine (9) fitness stations and consisting of a walking, running, and biking trail.

This trail will be located within the Lake 8 open space & water management tract, which has been dedicated to Seminole Improvement District (SID). The subject fitness trail is located on Pod I and the entrance is at 16302 Green Lane, Westlake, Florida 33470.

The Wellness and Fitness Trail will run along the east and south perimeter of Pod I and will be accessible from the Westlake Multi-Modal Pathway network along Green Lane. The trail can be accessed from Green Lane (Access Point 1) just east of the intersection of Ilex Way as well as from Seminole Pratt Whitney (SPW) (Access Point 2) at the South West corner of Pod I. Bicycle and golf cart parking is provided on the main entrance (Access Point 1). Access Point 2 is gated and only accessible to the residents of Westlake via a key fob system compatible with the Adventure Park facility.

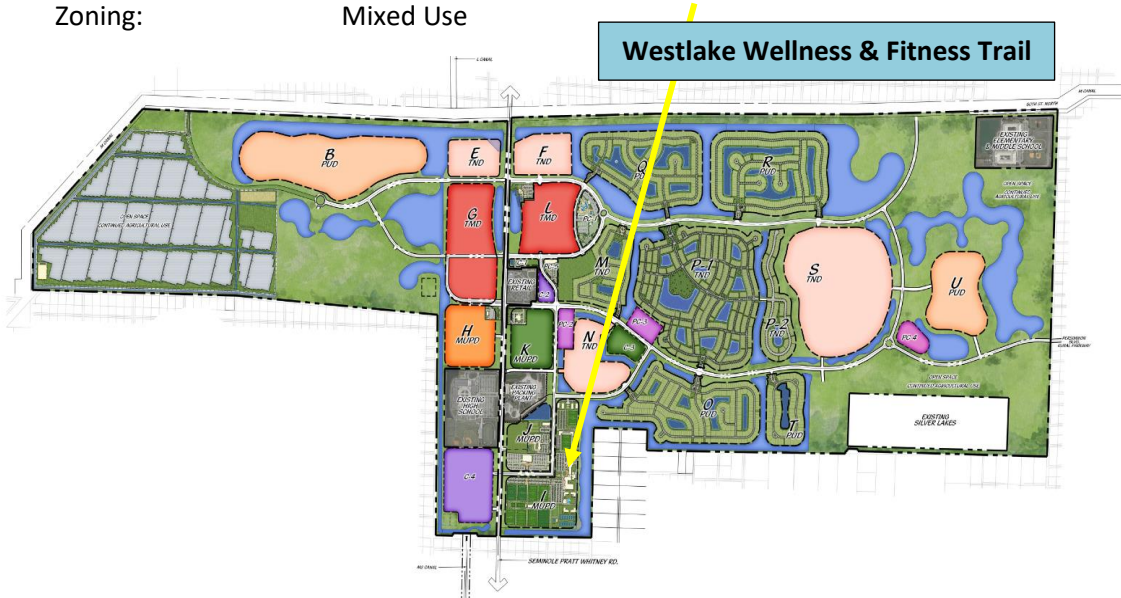
Staff is recommending that when the adjacent site is developed by the International Soccer Training Facility (ISTF), this organization can provide gates for pedestrian and bicycle to allow direct access to proposed Wellnes and Fitness Trail.

STAFF RECOMMENDATION

Based upon the facts and findings contained herein, the **Planning and Zoning and Engineering Departments** recommend approval of the subject application.

PETITION FACTS

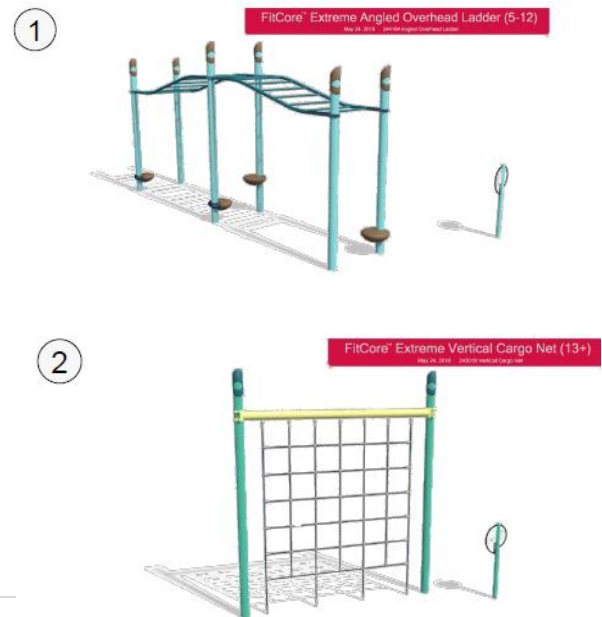
- a. Total Gross Site Area: 39 acres
- b. Park Data: 39 acre fitness trail equipped with nine (9) fitness stations and consisting of a walking, running, and biking trail
- c. Land Use and Zoning
 - Existing Land Use: Vacant/Agricultural/Utility
 - Future Land Use: Downtown Mixed Use
 - Zoning: Mixed Use



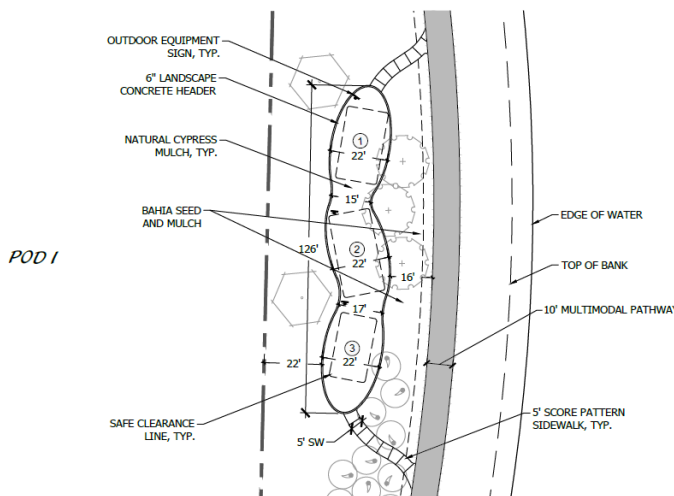
STAFF ANALYSIS

The applicant is requesting approval of a Site Plan Review for a 39-acre fitness park equipped with nine (9) fitness stations and consisting of a walking, running, and biking trail. Proposed stations will be situated within a one (1) mile path and include open green space for extra outdoor activities.

Examples of Fitness Stations



OUTDOOR FITNESS STATIONS 1, 2 & 3



Accessways and Connecting Sidewalks

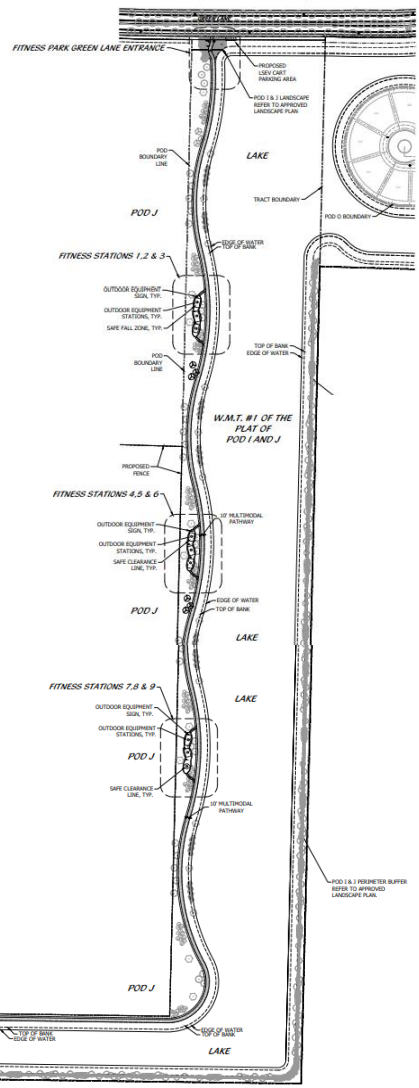
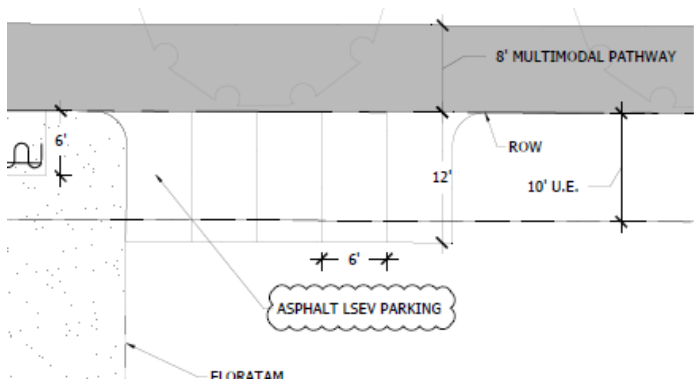
The Wellness and Fitness trail provides **two** (2) points of access to the site, from the north on Green Lane and from the west on Seminole Pratt Whitney Road. The subject Trail will run along the east and south perimeter of Pod I and will be accessible from the Westlake Multi-Modal Pathway network along Green Lane.

The trail can be accessed from Green Lane (**Access Point 1**) just east of the intersection of Ilex Way as well as from Seminole Pratt Whitney (SPW) (**Access Point 2**) at the South West corner of Pod I. Bicycle and golf cart parking is provided on the main entrance (Access Point 1). Access Point 2 is gated and only accessible to the residents of Westlake via a key fob system compatible with the Adventure Park facility.

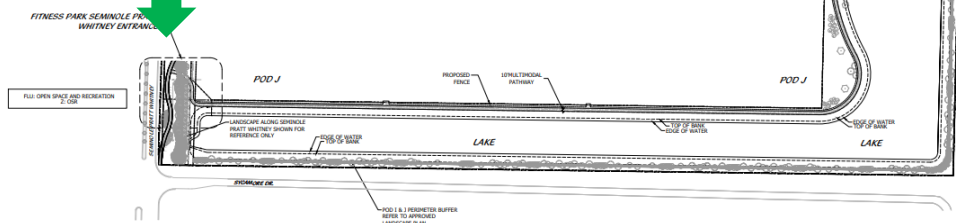
Access Point 1 – Green Lane



Low Speed Electric Vehicle Parking and Bicycle Racks will be provided only at the main entrance at Green Lane.



Access Point 2 – Seminole Pratt Whitney Road



Wellness and Fitness Trail Signage

The proposed aesthetics for the subject Trail entrance and signage is consistent with the Westlake Adventure Park desing, materials and colors.



Drainage

Runoff from the proposed fitness trail will be minimal, and will be directed to the adjacent lake.

Landscape

The trail head off of Green Lane features a trellis, signage, and surrounding trees, palms, shrubs and groundcover. The remainder of the trail is flanked by shade trees, palms and flowering trees in an alternating fashion along the trail and lakeside. The existing landscaping along Seminole Pratt Whitney will be field adjusted to accommodate the trails' connection to the existing multimodal pathway.

Additional Engineering Comment

The access gates that are provided at each entrance are wide enough for a police vehicle to enter in case of an emergency. Entrances have been oriented so the pathway can connect to the shared use pathways on Green Lane and Seminole Pratt Whitney Road. The Palm Beach Sherrif's Office was consulted by the City Manager's office during review. The Sherriff's Office had no objection to the proposed improvements.

Fire Rescue

The site plan application was reviewed by Mr. Wesley Jolin, IAAI-CFI, Fire Safety Specialist, from Palm Beach County Fire Rescue.

FINAL REMARKS

SPR-2020-12 will be heard by the City Council on July 12, 2021. The public hearing was advertised in compliance with the City’s code.

Staff is recommending that when the adjacent site is developed by the International Soccer Training Facility (ISTF), this organization can provide gates for pedestrian and bicycle to allow direct access to proposed Wellnes and Fitness Trail.

The subject application was reviewed by the City of Westlake staff (Planning and Zoning, Engineering), Seminole Improvement District (SID) and Palm Beach County Fire Rescue. *Based upon the facts and findings contained herein, the Planning and Zoning and Engineering Department recommends approval of the subject application.*



CITY OF WESTLAKE
 Planning and Zoning Department
 4001 Seminole Pratt Whitney Road
 Westlake, Florida 33470
 Phone: (561) 530-5880
 www.westlakegov.com

DEPARTMENTAL USE ONLY	
Ck. #	_____
Fee:	_____
Intake Date:	_____
PROJECT #	<input type="text"/>

APPLICATION FOR SITE PLAN REVIEW

PLANNING & ZONING BOARD

Meeting Date: _____

CITY COUNCIL

Meeting Date: _____

INSTRUCTIONS TO APPLICANTS:

1. Please complete all sections of this application. If not applicable, indicate with N/A.
2. Provide all required documents as shown on the attached checklist. If not applicable, indicate with N/A.

The Planning & Zoning Board meets the second Monday of the month at 6:00 p.m., as needed in the City Council Chambers, 4005 Seminole Pratt Whitney Road. The applicant will be informed in writing of their scheduled meeting date. After review and recommendation by the Planning & Zoning Board, applications will be heard by the City Council. The City Council meets on the second Monday of the month at 6:30 p.m., in the City Council Chambers.

I. PROJECT DESCRIPTION & APPLICANT INFORMATION

PROJECT NAME: SPR-2020-12 Westlake Wellness & Fitness Park

PROJECT ADDRESS: A portion of 4001 Seminole Pratt Whitney Road

DESCRIPTION OF PROJECT: A 39-acre fitness park consisting of a walking/running/biking trail ; equipped with fitness stations.

Property Control Number (PCN), list additional on a separate sheet: 77-40-43-12-00-000-1010

Estimated project cost: TBD

Property Owner(s) of Record (Developer) Minto PBLH, LLC

Address: 16604 Town Center Parkway, Suite B, Westlake, FL 33470

Phone No.: 954-973-4490 Fax No.: _____ E-mail Address: JFCarter@mintousa.com

Agent (if other than owner complete consent section on page 3):

Name: Donaldson E. Hearing – Cotleur & Hearing

Address: 1934 Commerce Lane, Suite 1

Phone No.: 561-747-6336 Fax No.: _____ E-mail Address: dhearing@cotleur-hearing.com

II. LAND USE & ZONING

- A) **ZONING MAP DESIGNATION** Mixed Use B) **FUTURE LAND USE MAP DESIGNATION** Downtown Mixed Use
- C) Existing Use(s) Vacant
- D) Proposed Use(s), as applicable Downtown Mixed Use - Public Park and Trail

III. ADJACENT PROPERTIES

	Name of Business/ Subdivision	Land Use Designation	Zoning Designation	Existing Use(s)	Approved Use(s)
NORTH	Pod N – Sky Cove South	Residential 2	R-2	Under Construction	Residential
SOUTH	Lake 8 WMT (SID)	Lake Tract	Lake Tract	Vacant	Lake Tract
EAST	Lake 8 WMT (SID)	Lake Tract	Lake Tract	Vacant	Lake Tract
WEST	ISTF	Downtown Mxd Use	Mixed Use	Vacant	ISTF

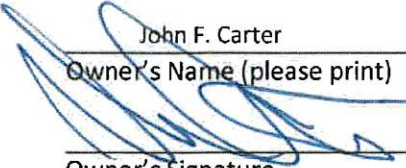
V. OWNER/APPLICANT ACKNOWLEDGEMENT AND CONSENT

Consent statement (to be completed if owner is using an agent)

I/we, the owners, hereby give consent to Cotleur & Hearing to act on my/our behalf to submit this application, all required material and documents, and attend and represent me/us at all meetings and public hearings pertaining to the application and property I/we own described in the application.

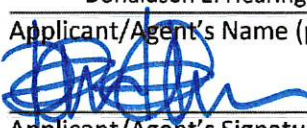
By signing this document, I/we affirm that I/we understand and will comply with the provisions and regulations of the City of Westlake, Florida, Code of Ordinances. I/we further certify that all of the information contained in this application and all the documentation submitted is true to the best of my/our knowledge.

John F. Carter
 Owner's Name (please print)


 Owner's Signature

5-5-21
 Date

Donaldson E. Hearing
 Applicant/Agent's Name (please print)


 Applicant/Agent's Signature

5.5.21
 Date

Westlake Wellness & Fitness Park

Site Plan Review (SPR-2020-12)

Justification Statement

(Revised May 27, 2021)

Minto is pleased to submit plans for the Westlake Wellness & Fitness Park, proposing an exciting new concept for the Residents of Westlake. This park will be located on 39-acres within the Lake 8 water management tract, which has been dedicated to Seminole Improvement District (SID).

Background

The Minto Westlake site is located East and West of Seminole Pratt Whitney Blvd., South of 60th Street North, and North of 50th Street N, East of Mead Hill Drive, and 44th Street North, East of 190th Terrace North and West of 140th Avenue North. Per the newly adopted Comprehensive Plan, the 3,788.60-acre property has FLU designations of R1, R2, DTMU, Civic, OS&R and SE Overlay. To provide consistency with the Development Order and existing zoning, the plan states the FLU designation is Agricultural Enclave. The property is currently in active construction.

Westlake is roughly co-extensive with Seminole Improvement District (SID), a legislatively created special district with the authority to provide public infrastructure and services and to operate district facilities. SID provides drainage, water, and wastewater services for the subject property, and owns a canal right-of-way and/or easement for access and drainage from the subject site running approximately four miles south to the C-51 Canal.

Historic and Recent Planning and Zoning Entitlements

On October 29, 2014, the property received approval from the Board of County Commissioners for a Comprehensive Plan Amendment (Ordinance 2014-030), Rezoning and Preliminary Master Plan (Resolution 2014-1646), and Requested Uses (Resolutions 2014-1647 and 1648).

Ordinance No. 2014-030 approved an amendment to the Comprehensive Plan for the site-specific Agricultural Enclave, including a Conceptual Master Plan and Implementing Principles. The Ordinance also made various text changes to the Plan related to the Agricultural Enclave Future Land Use. These Amendments were codified and are included as part of the Palm Beach County's Comprehensive Plan.

Resolution No. 2014-1646 approved the Zoning application for the Minto West Traditional Development District. The Resolution included rezoning the property from Agricultural

Westlake Fitness Park
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Residential (AR) and Public Ownership (PO) Zoning Districts to the Traditional Town Development (TTD) Zoning District.

Resolution No. R-2014-1647 approved a Requested Use for a College or University to be located within the property.

Resolution No. R-2014-1648 approved a Requested Use for a Hotel to be located within the property.

The Board of County Commission approved a corrective resolution (No. R-2014-1892), which amended Engineering Condition E.9 of Resolution 2014-1646 to add "iii. Notwithstanding the foregoing, no connection of Persimmon Boulevard shall be made to 140th prior to the issuance of the 2700th dwelling unit permit."

On June 20, 2016, the City of Westlake became the 39th municipality in Palm Beach County.

On November 13, 2017, Resolution No. 2017-09 approved the final plat for Persimmon Boulevard East Plat 1.

On March 12, 2018, Ordinance No. 2017-05 approved the adoption of the City of Westlake Comprehensive Plan and Future Land Use Map.

On April 4, 2018, Resolution No. 2018-12 approved the final plat for Town Center Parkway South, Phase II.

On May 14, 2018, Resolution No. 2018-11 approved the final plat for Town Center Parkway Phase II.

On July 3, 2018, Resolution No. 2018-14 approved the amended final plat for Town Center Parkway South, Phase II.

On July 3, 2018, Resolution No. 2018-15 approved the final plat for Ilex Way Phase 1.

On September 10, 2018, Resolution No. 2018-16 approved the final plat for the Meadows of Westlake Phase 1.

On September 10, 2018, Resolution No. 2018-20 approved the final plat for Del Webb at Westlake. This application has been formally withdrawn.

On September 24, 2018, Resolution No. 2018-24 approved the final plat for the School Site C-3.

On September 24, 2018, Resolution No. 2018-25 approved the final plat for Persimmon Boulevard East, Plat 2.

On October 8, 2018, Resolution No. 2018-28 approved the final plat for Waters Edge Drive.

On December 14, 2018, the City of Westlake approved an amendment (MPA-2018-02) to the Final Master Plan, which allowed minor adjustments to the pod dwelling units of Pods M, O, P, S and to modify the pod acreages of Pods M, P, S, PC-2, and PC-3.

On January 14, 2019, Resolution No. 2019-01 approved the final plat for Ilex Way II.

On January 14, 2019, Resolution No. 2019-02 approved the final plat for Ilex Way III.

On January 14, 2019, Resolution No. 2019-03 approved the final Packing House plat.

On January 14, 2019, Resolution No. 2019-04 approved the final plat for Cresswind 'Pod P'.

On March 11, 2019, Resolution No. 2019-07 approved the final plat for Meadows of Westlake Phase II.

On March 11, 2019, Resolution No. 2019-08 approved the final plat for Westlake Civic Tract.

On March 20, 2019, The City of Westlake approved an amendment (MPA-2019-01) to the Final Master Plan, which allowed minor adjustments to the boundaries, acreages and dwelling unit allocation in Pods P, S, and N.

On April 8, 2019, Resolution No. 2019-10 approved the final plat for Sky Cove Phase 1A (Pod M).

On April 8, 2019, Resolution No. 2019-11 approved the final plat for Sky Cove Phase 1B (Pod M).

On July 8, 2019, Resolution No. 2019-12 approved the final plat for 7-Eleven Gas Station.
On July 8, 2019, Resolution No. 2019-15 approved the Site Plan for 7-Eleven Gas Station.

On July 8, 2019, Resolution No. 2019-16 approved the Requested Use for 7-Eleven Gas Station.

On August 12, 2019 Resolution No. 2019-18 approved the Plat for Pod K.

On August 12, 2019, Resolution No. 2019-19 approved the Plat for Pod R (Meadows Phase 2).

On August 12, 2019 Resolution No. 2019-20 approved the Plat for Kingfisher.

On September 9, 2019, Ordinance No. 2019-06 established the Mandatory Signage Design.

On September 9, 2019, Ordinance No. 2019-07 established the Mandatory Landscaping Design and Buffers.

On September 23, 2019, Ordinance No. 2019-09 established Chapter 3 and Adopting of the Zoning Map.

On February 10, 2020, Ordinance No. 2019-10 established Regulations for Parking within the City of Westlake.

On October 28, 2019, Resolution No. 2019-28 approved the Re-plat of Persimmon West.

On October 28, 2019, Resolution No. 2019-32 approved the Requested Use for ISTF.

On October 28, 2019, Resolution No. 2019-31 approved the Site Plan for ISTF Phase 1A.

On October 28, 2019, Resolution No. 2019-33 approved the ISTF Plat.

On October 28, 2019, Resolution No. 2019-35 approved the 7-Eleven 2.0 Requested Use.

On October 28, 2019, Resolution No. 2019- 34 approved the Site Plan for 7-Eleven 2.0.

On October 28, 2019, Resolution No. 2019-36 approved the Plat for Pod H.

On November 4, 2019, Resolution No. 2019-29 approved the Plat for Ilex Way Phase III.

On November 4, 2019, Ordinance 2019-12 approved Chapter 1 (Administration).

On November 4, 2019, Ordinance 2019-13 approved Chapter 2 (Land Development).

On November 4, 2019, Resolution 2019-38 approved the Plat for Christ Fellowship Church West Campus.

On December 9, 2019, Resolution No. 2019-39 approved the Site Plan for Christ Fellowship Church West Campus.

On December 9, 2019, Resolution No. 2019-40 approved the Site Plan for the International Soccer Training Facility Phase 1B (ISTF).

On May 11, 2020, Resolution No. 2020-09 approved the Plat for Cresswind Palm Beach Phase 2 (Pod P), A/K/A (Pod P-1).

On May 11, 2020, Resolution No. 2020-08 approved the final plat for Persimmon Boulevard East Plat 3.

On June 08, 2020, Resolution 2020-10 approved the Plat for Sky Cove Phase 1B (Pod M).

On June 08, 2020, Resolution 2020-12 approved the Plat for Groves of Westlake (Pod O).

On June 08, 2020, Resolution 2020-13 approved the Plat for Tract PC-5 (PBC Tax Collector's and DMV offices)

On June 08, 2020, Resolution 2020-14 approved the Site Plan for the PBC Tax Collector's and DMV offices.

On July 13, 2020, Resolution 2020-16 approved the Site Plan for the Cresswind Palm Beach Amenity Center.

On July 13, 2020, Resolution 2020-11 approved the Final Plat for Green Lane.

On August 10, 2020, Resolution 2020-03 approved a Site Plan Amendment for 7-Eleven 1.0 .

On August 10, 2020, Resolution 2020-04 approved a Site Plan Amendment for 7-Eleven 2.0.

On August 10, 2020, Resolution 2020-05 approved the Final Plat for Persimmon Boulevard East Plat 4.

On August 10,2020, Resolution 2020-22 approved the Final Plat for Groves of Westlake Phase 2.

On September 14, 2020, Resolution 2020-26 approved the Final Plat for Pod T – Estates of Westlake.

On November 09, 2020, Resolution 2020-32 approved the Final Plat for the Westlake Plaza (Publix).

Westlake Fitness Park
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On November 09, 2020, Resolution 2020-33, approved the Master Site Plan for the Publix at Westlake Plaza.

On November 09, 2020, Resolution 2020-34, approved the Site Plan for the Publix Grocery Store, Drive through Pharmacy, Liquor Store , and 9,600 sf of Inline retail.

On November 12, 2020, the City of Westlake approved an amendment (MPA-2020-04) to the Final Master Plan, which allowed minor adjustments to the dwelling unit allocations and land area in Pods N, S, and U.

On December 14, 2020, Resolution 2020-36, approved the Final Plat for Sky Cove South, Phase 1A (Pod N).

On December 14, 2020, Resolution 2020-37, approved the Final Plat for Sky Cove South, Phase 1B (Pod N).

On December 14, 2020, Resolution 2020-38, approved the Master Sign Plan for 7-Eleven 1.0.

On December 14, 2020, Resolution 2020-39, approved the Master Sign Plan for the Publix at Westlake Plaza.

On December 15, the City of Westlake approved an amendment (MPA-2020-05) to the Final Master Plan, which allowed minor adjustments in Pod S.

On January 11, 2021, Resolution 2020-01, approved the Final Plat for Town Center Parkway South-West.

On January 11, 2021, Resolution 2020-02, approved the Final Plat for Pod G South-West.

On February 8, 2021, Resolution 2021-03, approved the Final Plat for Pod S - Phase I, Orchards of Westlake.

On March 8, 2021, Resolution 2021-06, approved the Final Plat for Pod M – Crossings of Westlake.

On March 8, 2021, Resolution 2021-07, approved the Final Plat for Pod S - Phase II, Orchards of Westlake.

April 12, 2021, Resolution PZ-2021-01, approved a variance to Pod M-2 The Crossings of Westlake.

On May 10, 2021, Resolution 2021-04, Council approved a variance to Pod M-2 The Crossings of Westlake.

On May 10, 2021, Resolution 2021-11, approved the Final plat for Cresswind Palm Beach, Phase 3 (Pod P-1 Phase 3).

Subject Request

Minto is proposing a Wellness & Fitness Park for the residents of Westlake. This park will be located on 39-acres within the Lake 8 open space & water management tract, which has been dedicated to Seminole Improvement District (SID). The wellness and fitness park will run along the east and south perimeter of Pod I and will be accessible from the Westlake Multi-Modal Pathway network. The park can be accessed from Green Lane (Access Point 1) just east of the intersection of Ilex Way as well as from Seminole Pratt Whitney (SPW) (Access Point 2) at the South West corner of Pod I, just north of Sycamore. Access Point 1 contains a Westlake branded, pedestrian scaled, entry portal located on the east side of Green Lane. Bicycle and golf cart parking is provided for the convenience of the residents. Access Point 2 is gated and only accessible to the residents of Westlake via a key fob system compatible with the Adventure Park. Access will be available from dawn to dusk. Automobile parking is not proposed now or planned for the future.

Users will be able to take advantage of 9 Fitness Stations set alongside a one-mile-long linear multimodal path. Clusters of palms, flowering trees and shade trees have been provided to create the appearance of outdoor rooms. Large open lawn areas provide the opportunities for impromptu play such as frisbee, kick ball and other similar activities

Minto intends to process this site plan for approval with the City and construct all the improvements of the park for subsequent turnover to the SID for the long-term operation/maintenance of the park asset. As such, this park will be open to the public for use. Access control will be provided as noted above. Minto is seeking the required approvals/permits and intends have this park operational as soon as possible. The proposed 39-acre Wellness & Fitness park is a great complement to the Westlake Adventure Park and the amenities provided internal to the residential communities. In addition to the recreational aspect the proposed amenity provides a significant multi-modal linkage connecting the areas east of SPW to the future 40-acre park south of Seminole Ridge High School.

Conclusion

The Applicant is requesting approval of the Wellness & Fitness Park, as presented. The Applicant will work closely with Staff to bring this application to completion as quickly as

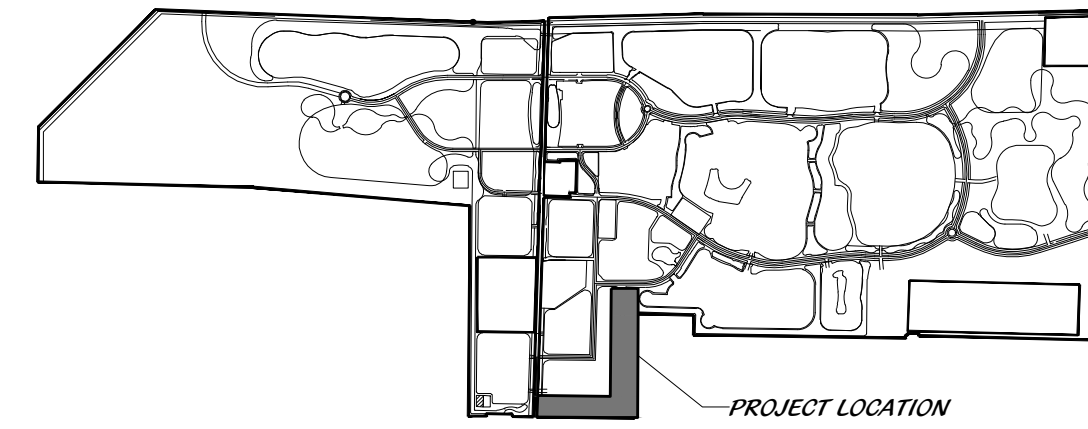
Westlake Fitness Park
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May 27, 2021

possible. The Applicant and the entire development team are available to answer any questions Staff might have and/or provide necessary information to supplement the information provided in the submittal.

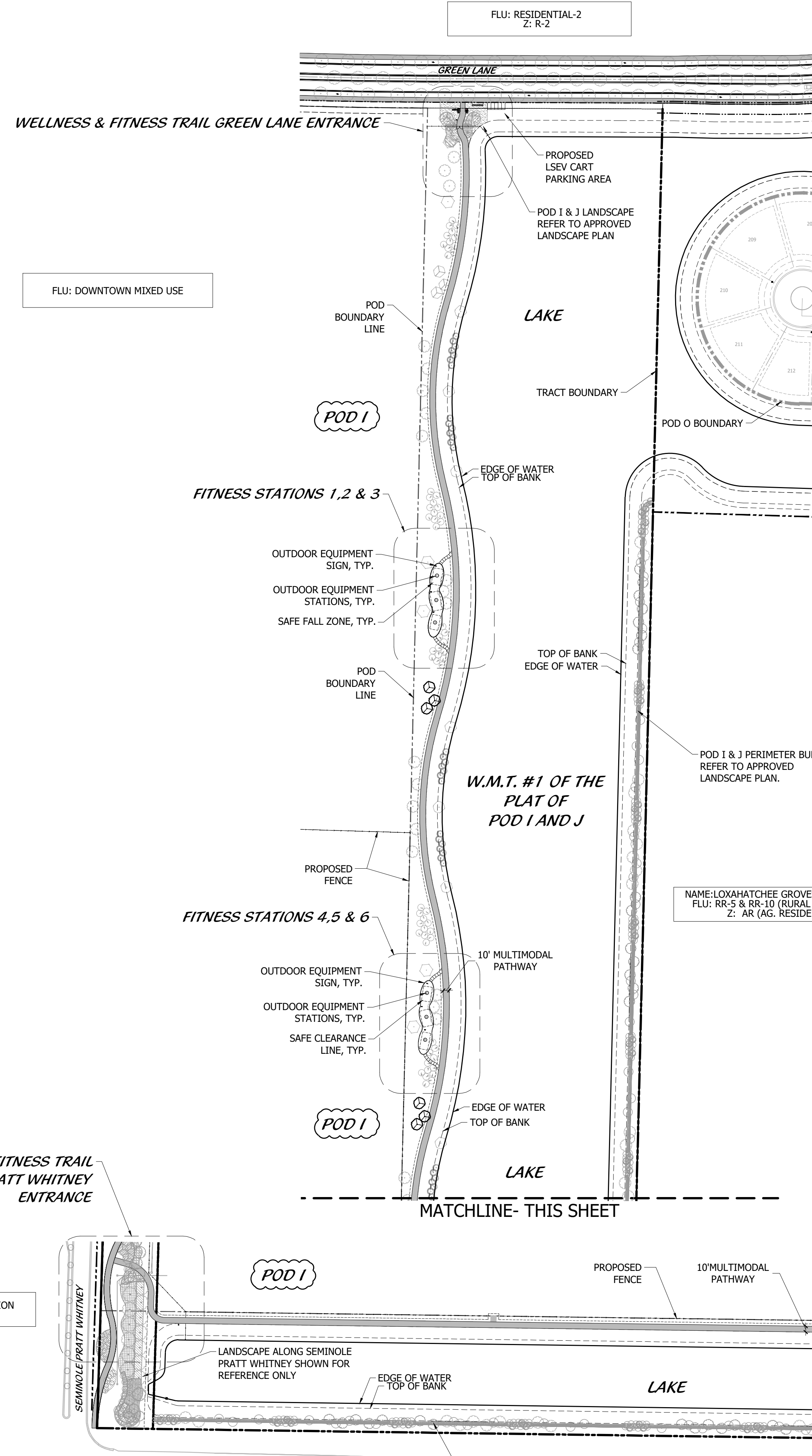
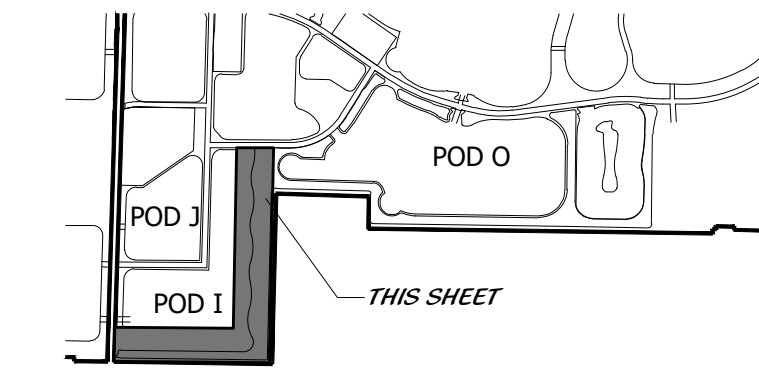
WESTLAKE WELLNESS & FITNESS TRAIL

SCALE: 1"=120'

LOCATION MAP



KEY MAP

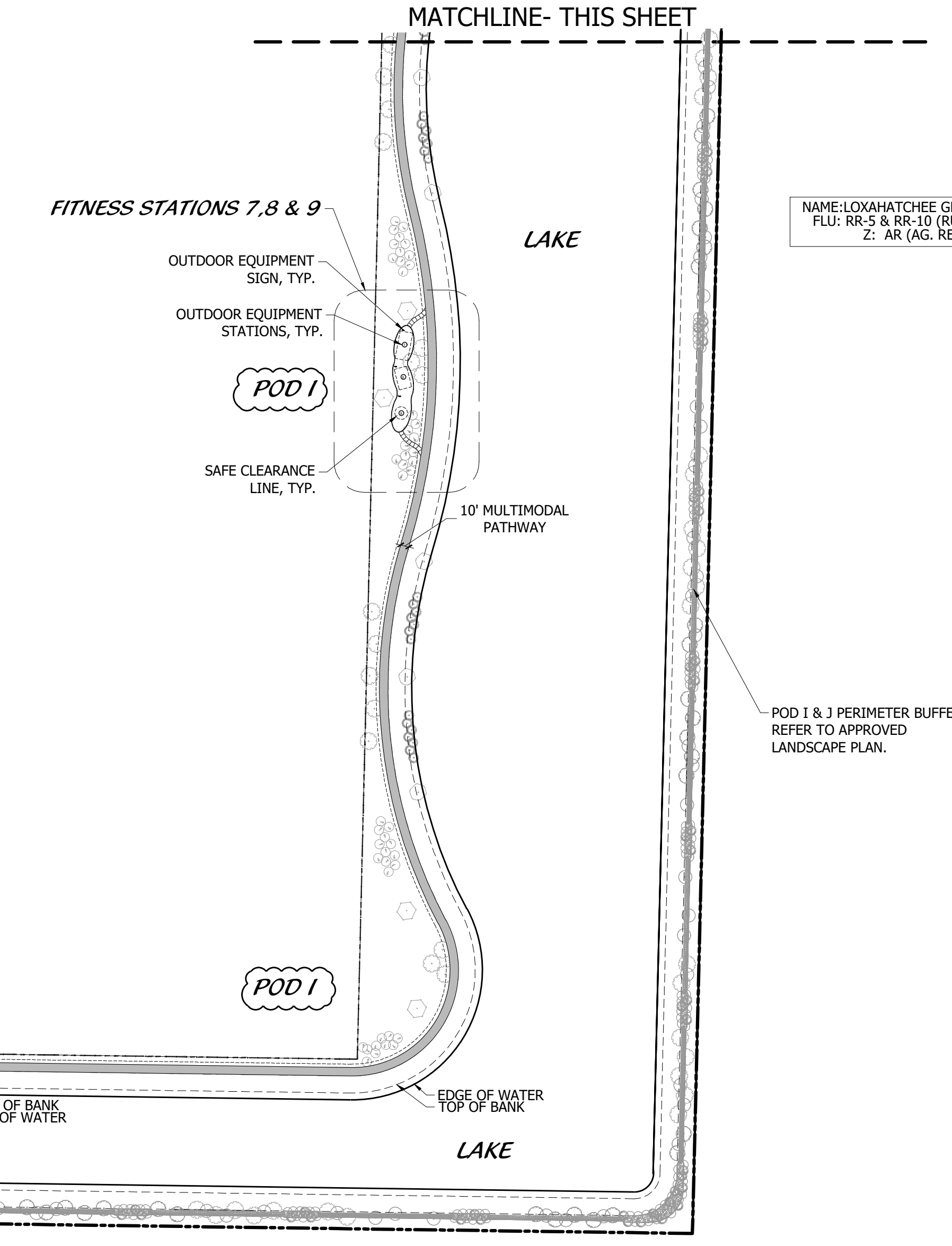


SITE DATA

NAME OF APPLICATION	WESTLAKE - WELLNESS & FITNESS TRAIL	
APPLICATION NUMBER	SPR-2020-12	
PROJECT NUMBER	CH 13-0518.94	
FUTURE LAND USE DESIGNATION	DOWN TOWN MIXED USE	
EXISTING ZONING DISTRICT	MIXED USE	
EXISTING USE	VACANT/ AGRICULTURE/ UTILITY	

OPEN SPACE DATA

	SF	AC
TOTAL SITE DATA	1,708,615	39,224
IMPERVIOUS AREA	297,281	6,825
PERVIOUS AREA	53,487	1,228
LAKE	1,357,847	31,172



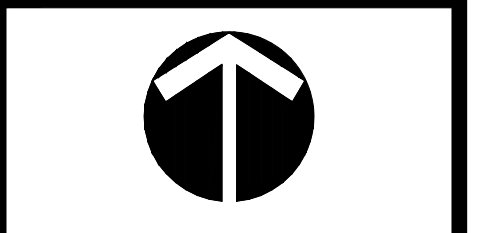
LEGAL DESCRIPTION: TRACT W.M.T.#1 AS IDENTIFIED ON THE PLAT OF AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY ON PLAT BOOK NO. 130 ON PAGE 153-154.

MINTO WESTLAKE WESTLAKE WELLNESS & FITNESS TRAIL SITE PLAN

City of Westlake, Florida

Cotleur & Hearing
 Landscape Architects
 Land Planners
 Environmental Consultants
 1934 Commerce Lane
 Suite 1
 Jupiter, Florida 33458
 561.747.6336 · Fax 747.1377
 www.cotleurhearing.com
 Lic# LC-C000239

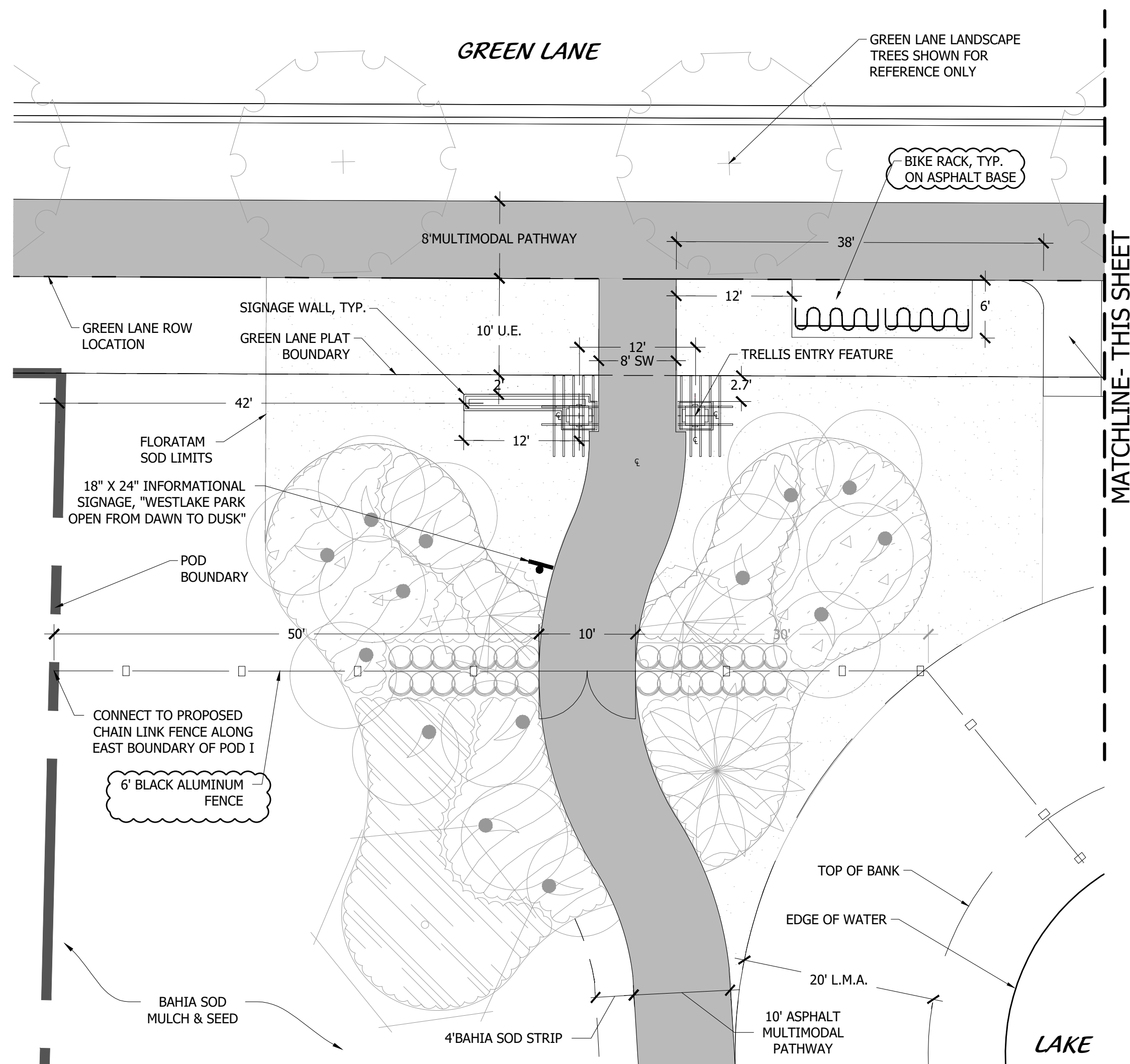
DESIGNED	DEH
DRAWN	JCO
APPROVED	DEH
JOB NUMBER	13-0518.88
DATE	08-25-20
REVISIONS	05-24-21
	06-08-21



June 08, 2021 7:06:11 p.m.
 Drawing: 13-0518.94_FITNESS TRAIL.SP.DWG

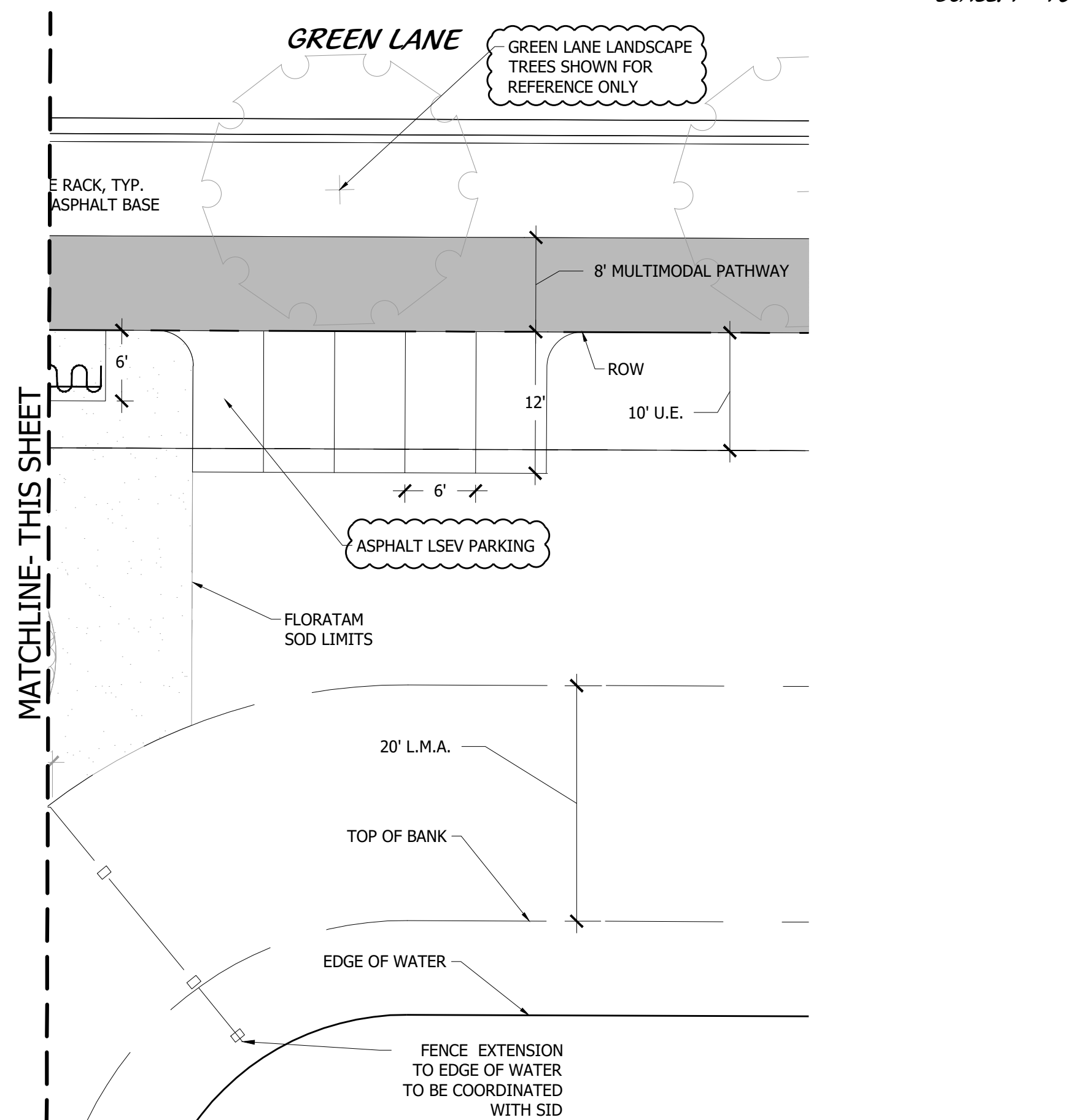
GREENLANE FITNESS TRAIL ENTRANCE DETAIL

SCALE: 1"=10'

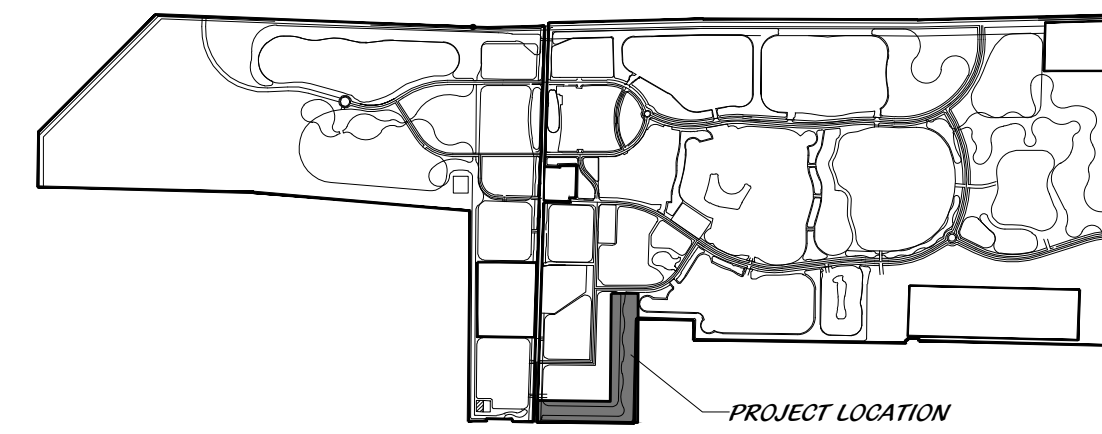


LOW SPEED ELECTRIC VEHICLE PARKING DETAIL

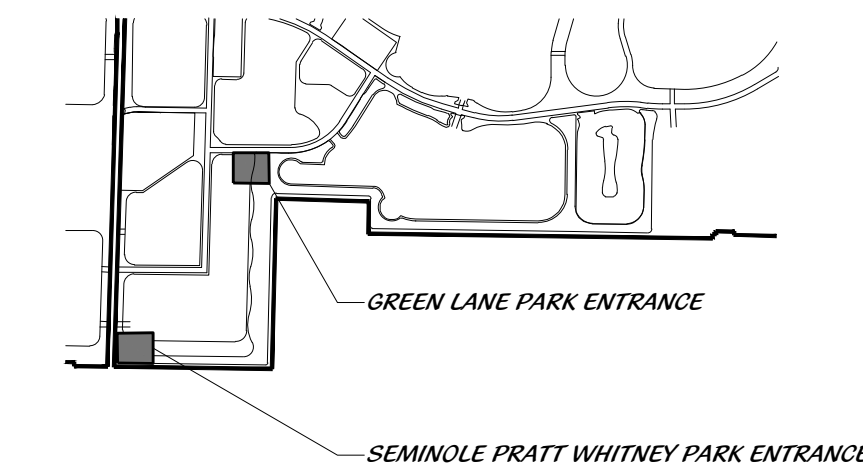
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LOCATION MAP

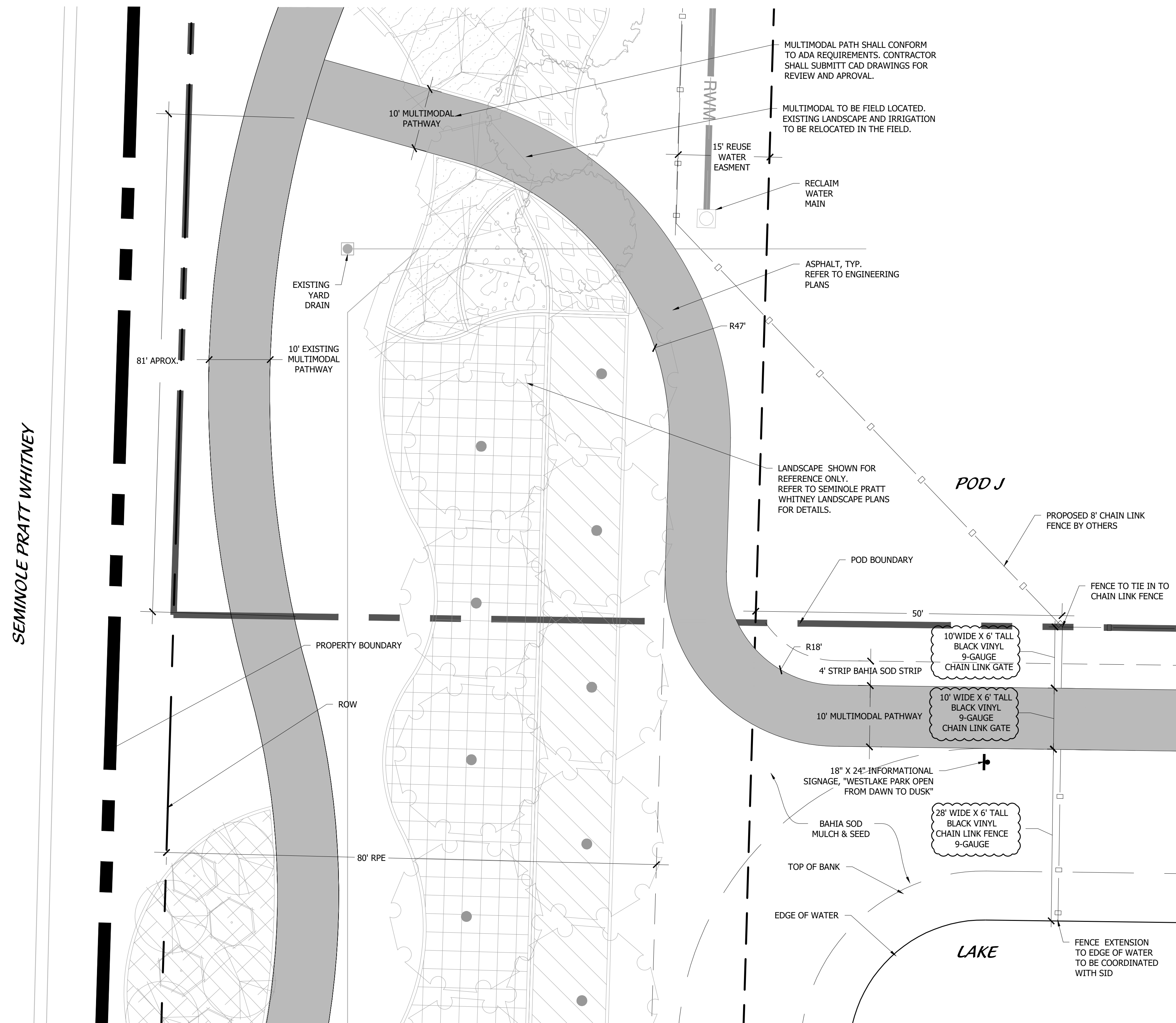


KEY MAP



SEMINOLE PRATT WHITNEY FITNESS TRAIL ENTRANCE DETAIL

SCALE: 1"=10'



West Lake Fitness Trail Entrances

MINTO WESTLAKE WESTLAKE WELLNESS & FITNESS TRAIL

SITE DETAILS
City of Westlake, Florida

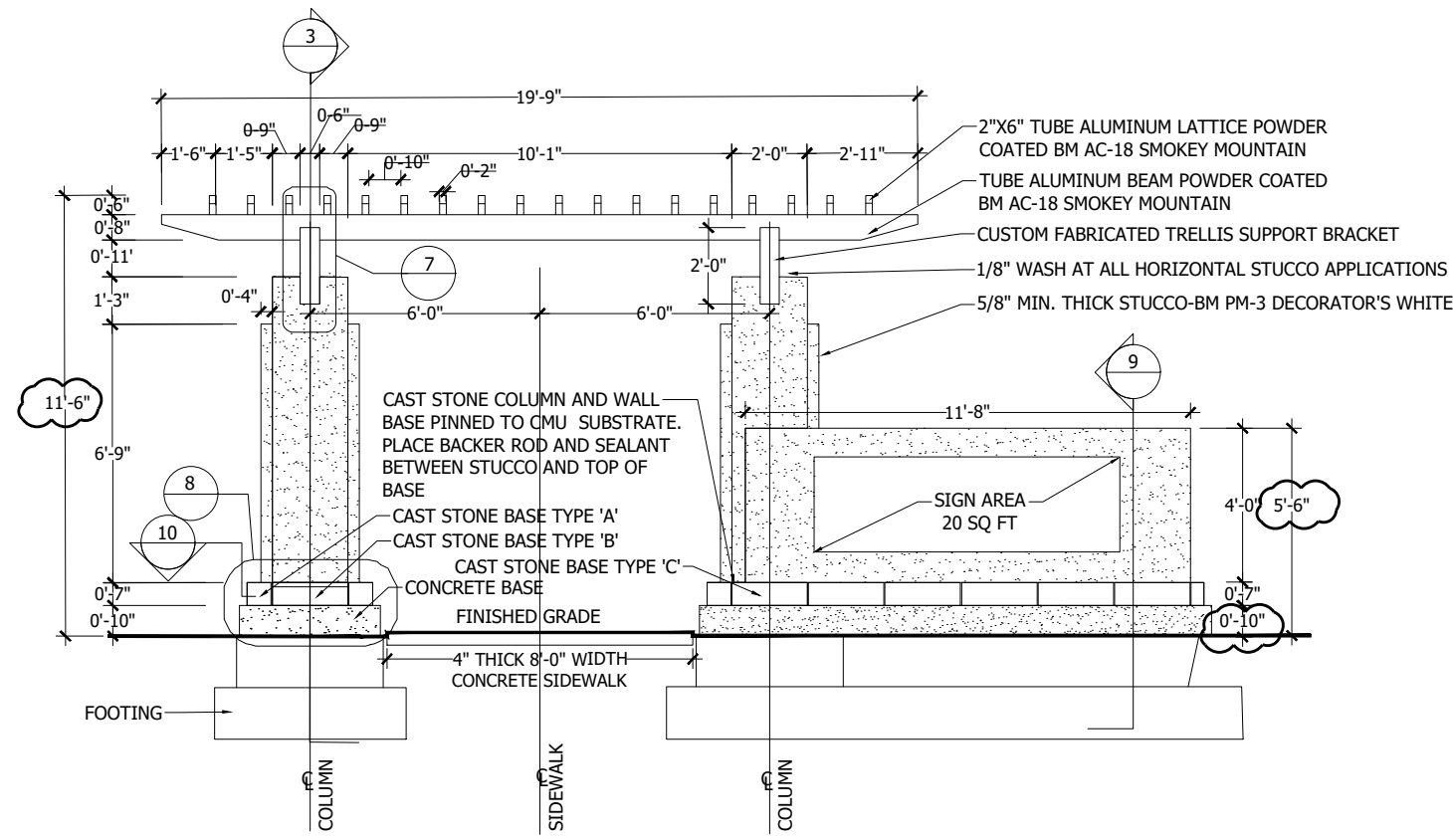
DESIGNED	DEH
DRAWN	JCO
APPROVED	DEH
JOB NUMBER	13-0518.88
DATE	08-25-20
REVISIONS	05-24-21
	06-08-21

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Drawing: 13-0518.84_FITNESS TRAIL.SP.DWG

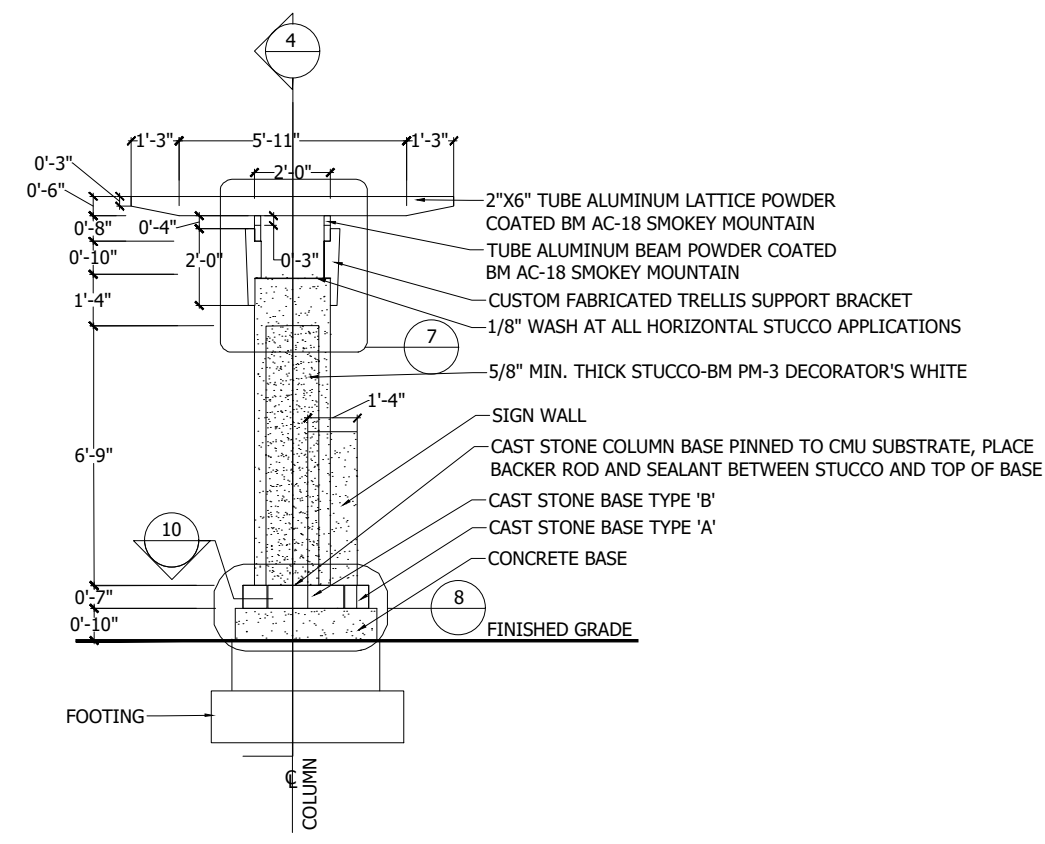
SHEET 2 OF 4

© COTLEUR & HEARING, INC.
These drawings are the property of the architect and are not to be used for extensions or on other projects except by agreement in writing with the architect. Immediately report any discrepancies to the architect.

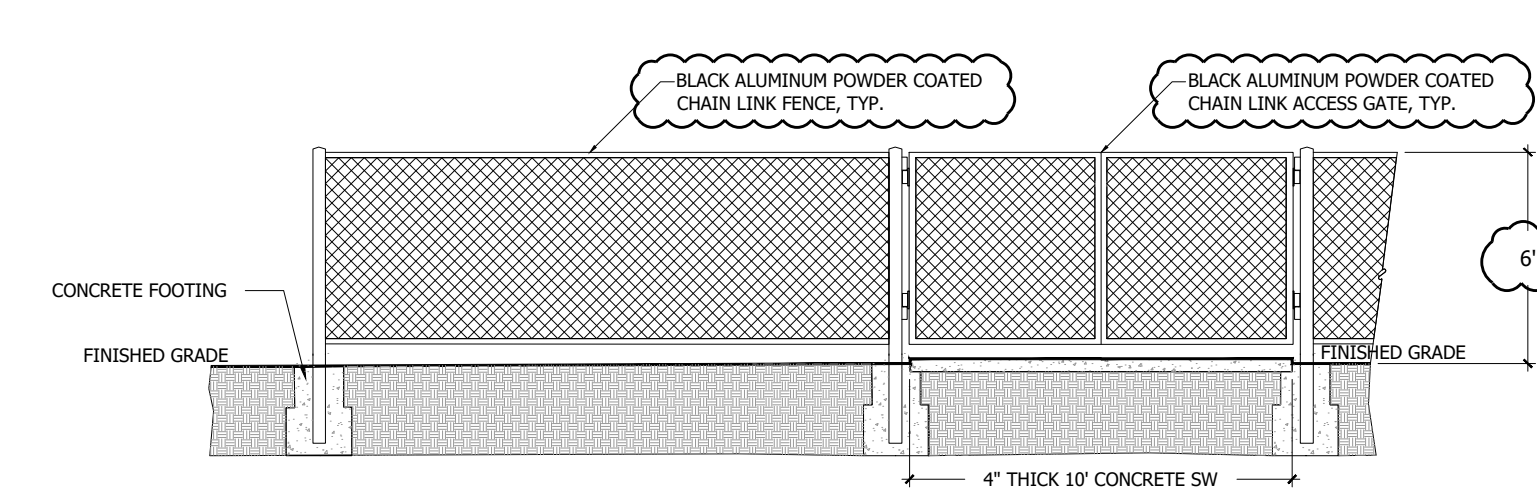
1 SIGN TRELLIS-FRONT ELEVATION SCALE: 1"=50'



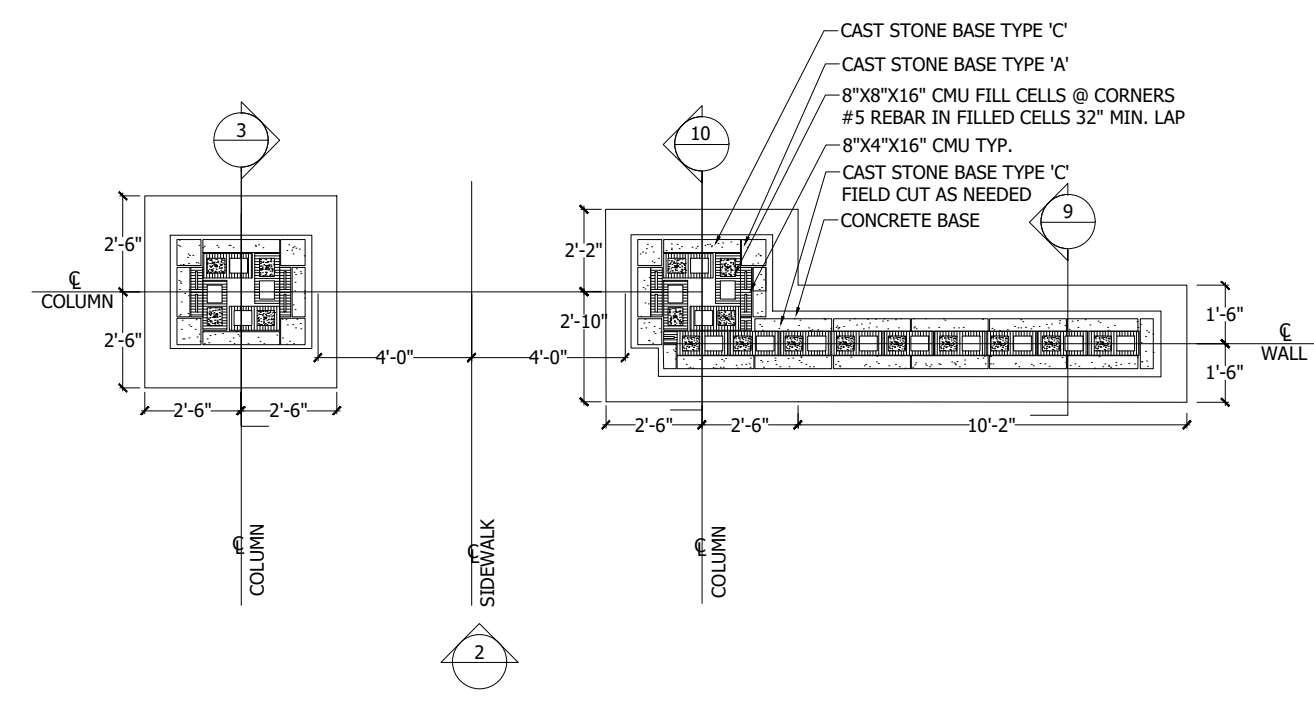
5 SIGN TRELLIS-SIDE ELEVATION SCALE: 1"=50'



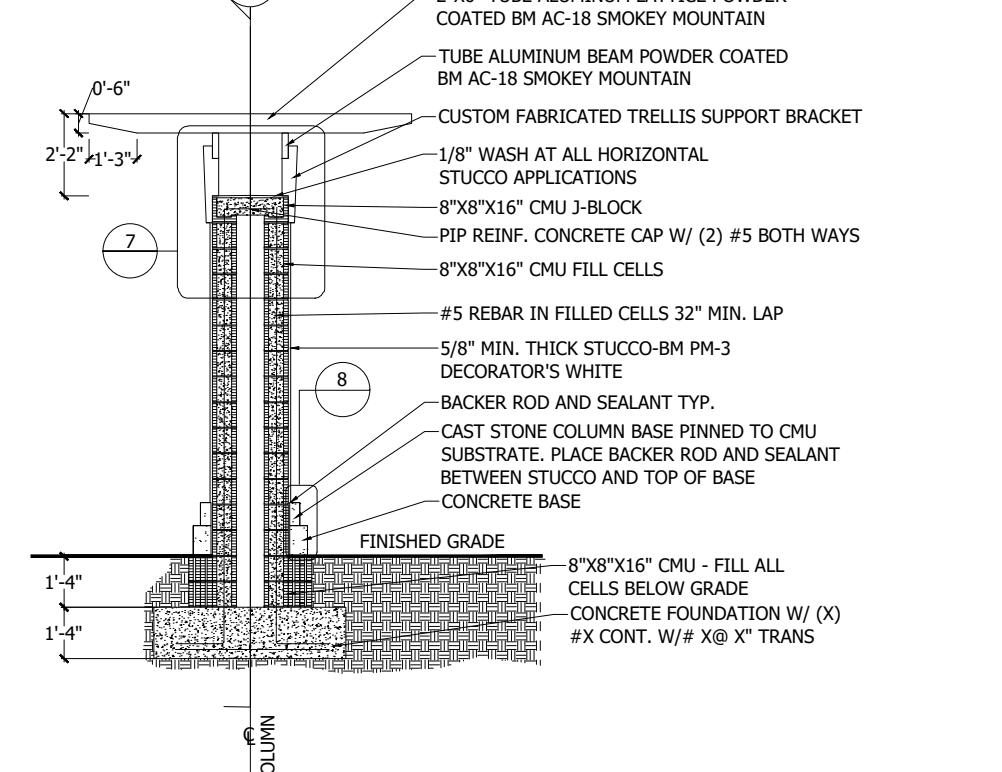
9 GOLF CART/MAINTENANCE ACCESS GATE DETAIL SCALE: 1"=50'
FINISH IS TO BE BLACK ALUMINUM POWDER COAT



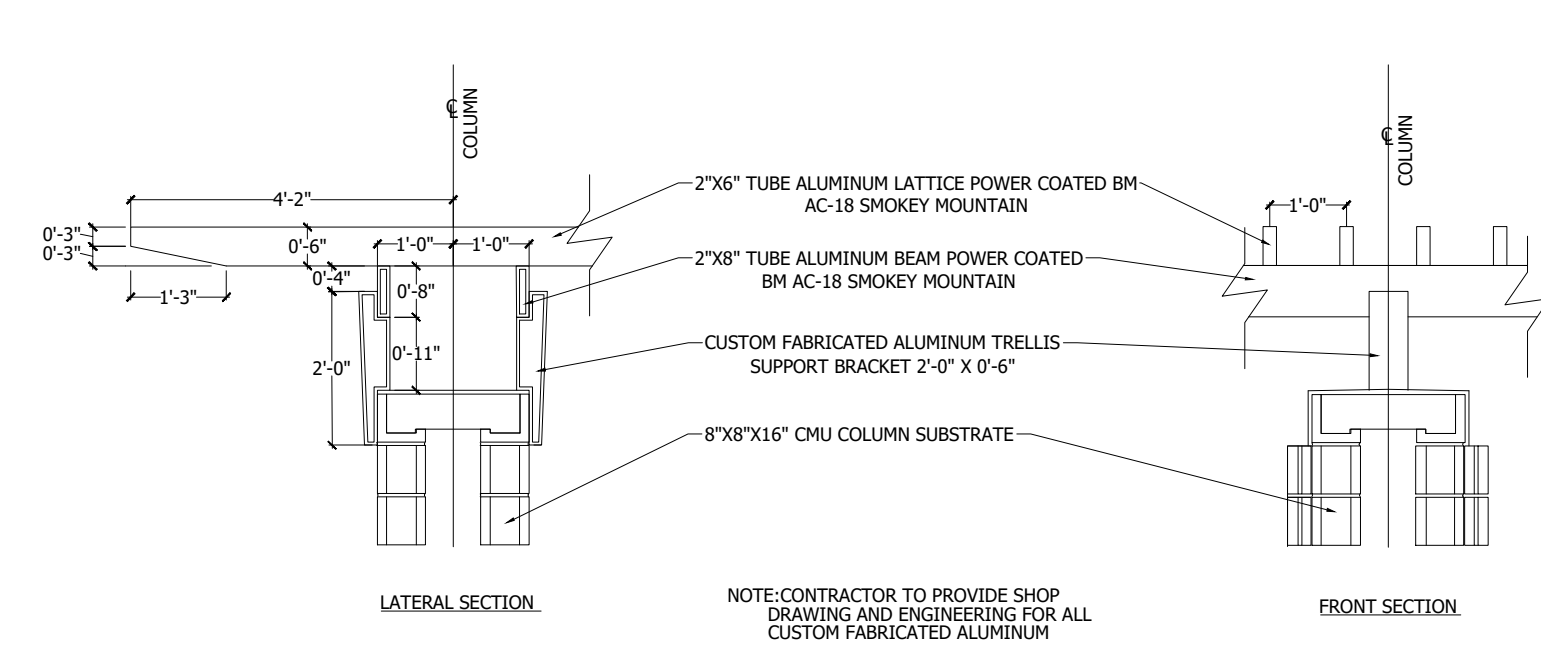
2 SIGN TRELLIS-FOUNDATION PLAN SCALE: 1"=50'



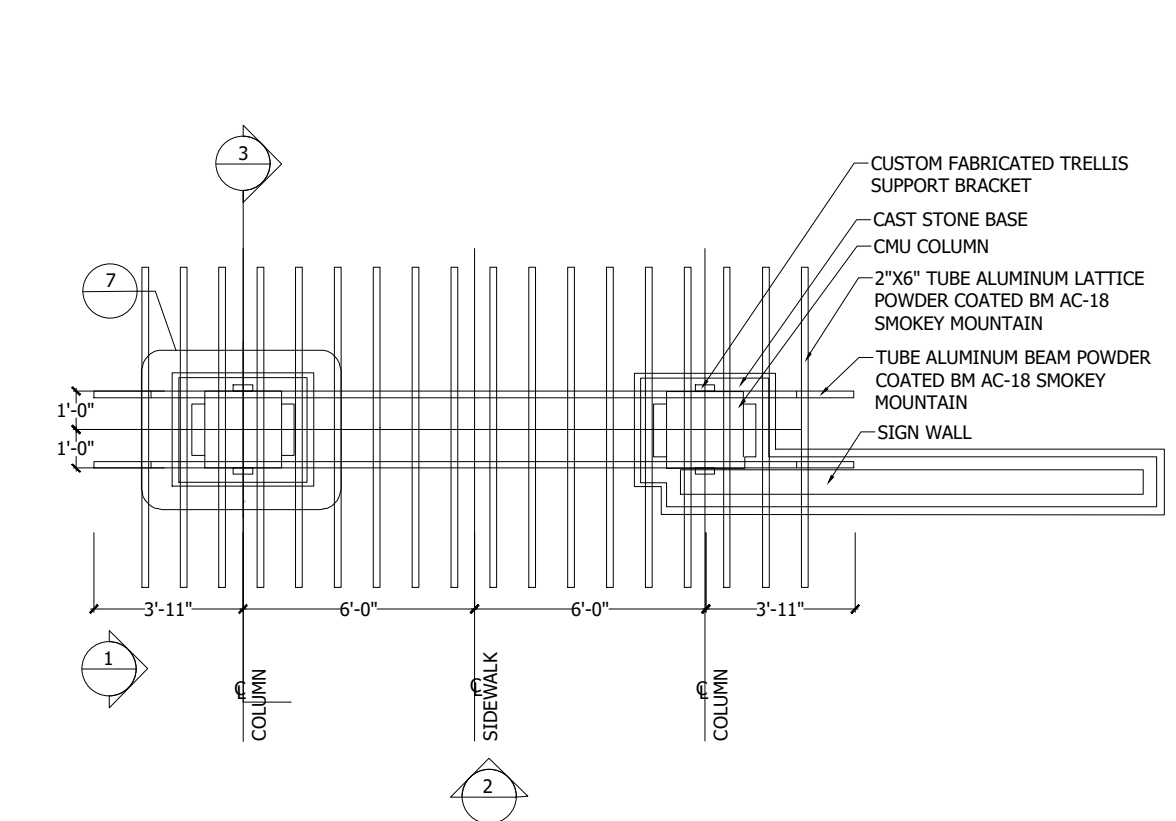
6 SIGN TRELLIS-LONGITUDINAL SECTION SCALE: 1"=50'



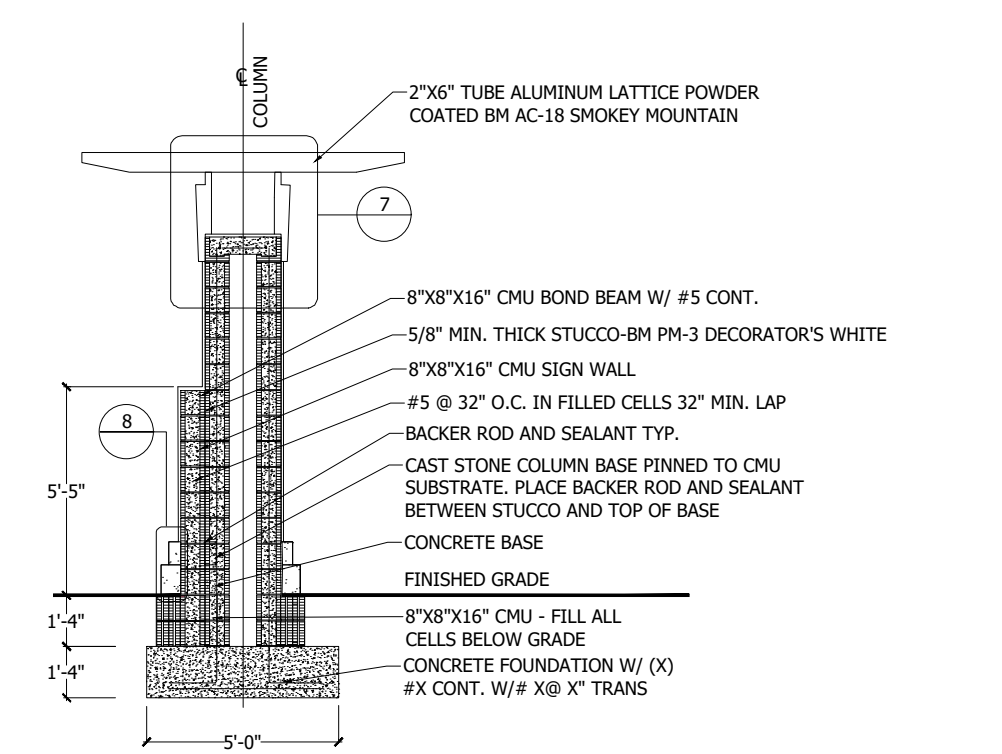
10 SIGN TRELLIS-ALUMINUM BRACKET DETAIL SCALE: 1"=50'



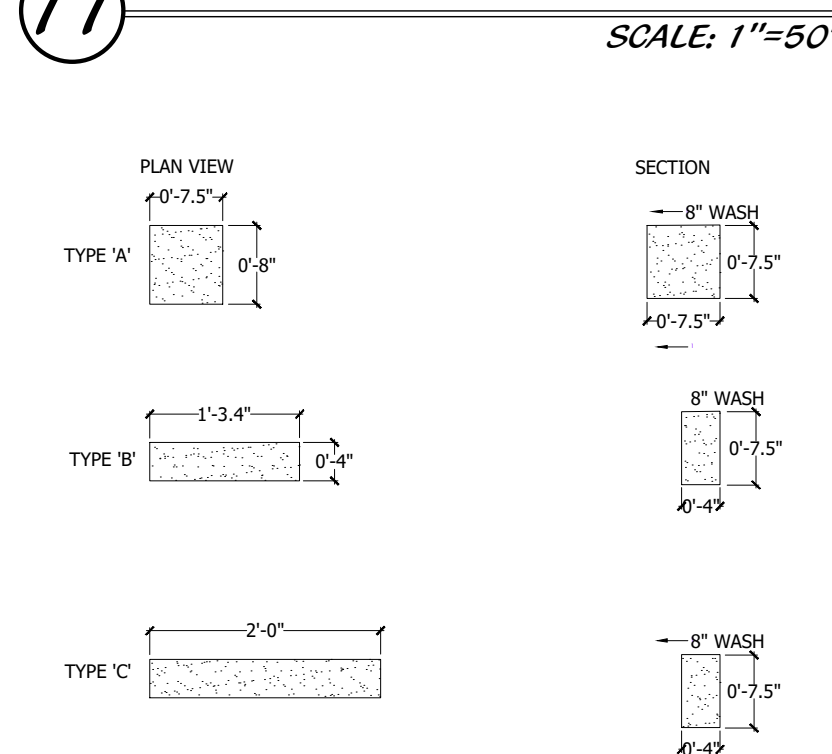
3 SIGN TRELLIS-FRAMING PLAN SCALE: 1"=50'



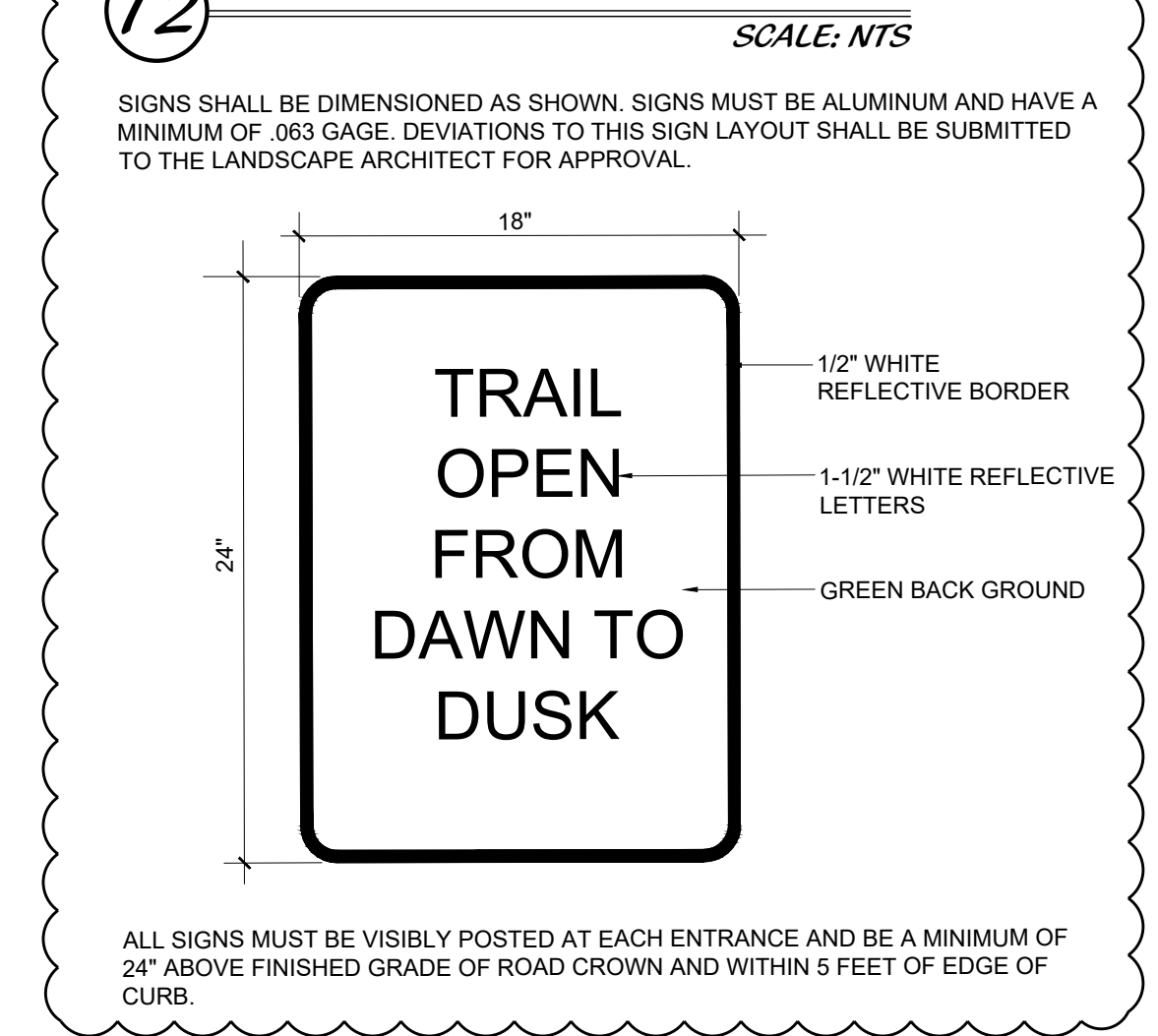
7 SIGN TRELLIS-SECTION AT COLUMN INTERFACE SCALE: 1"=50'



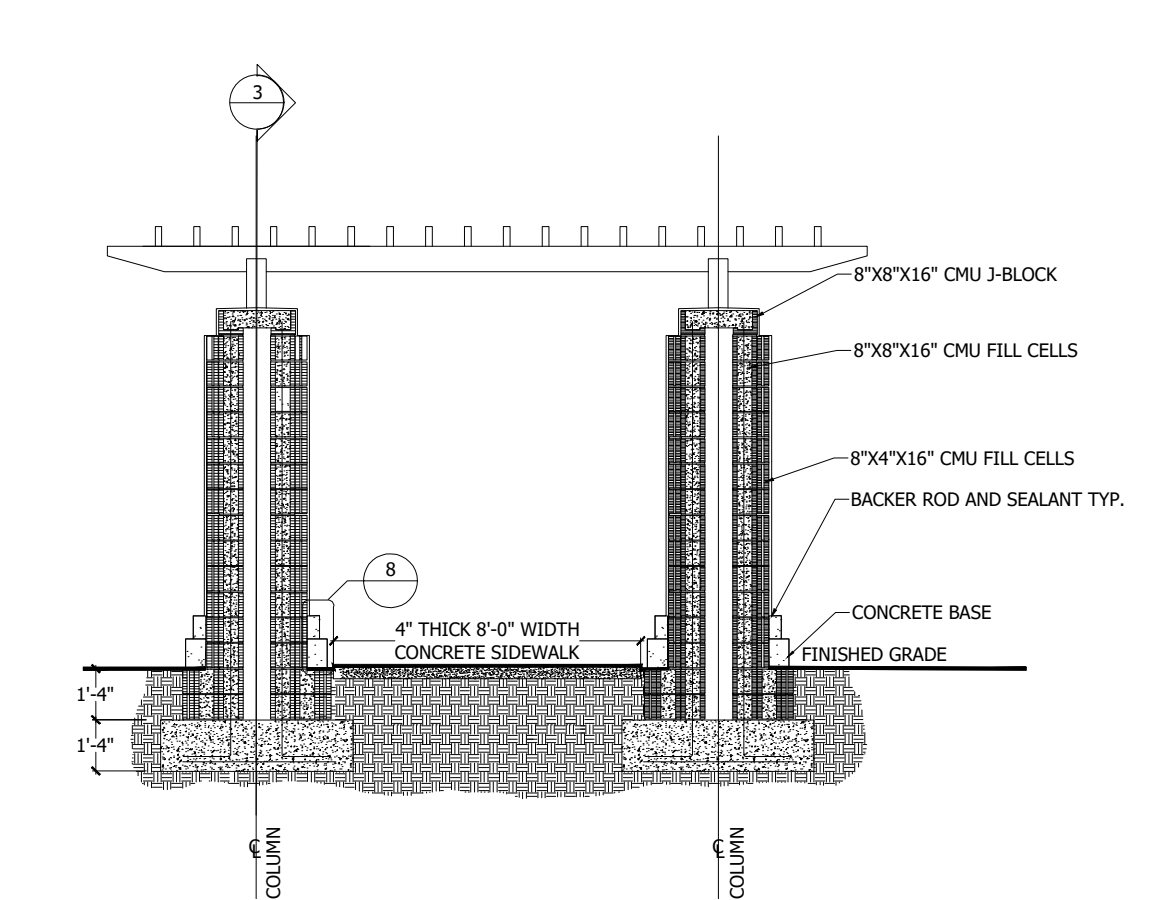
11 SIGN TRELLIS-CAST STONE BASE DETAILS SCALE: 1"=50'



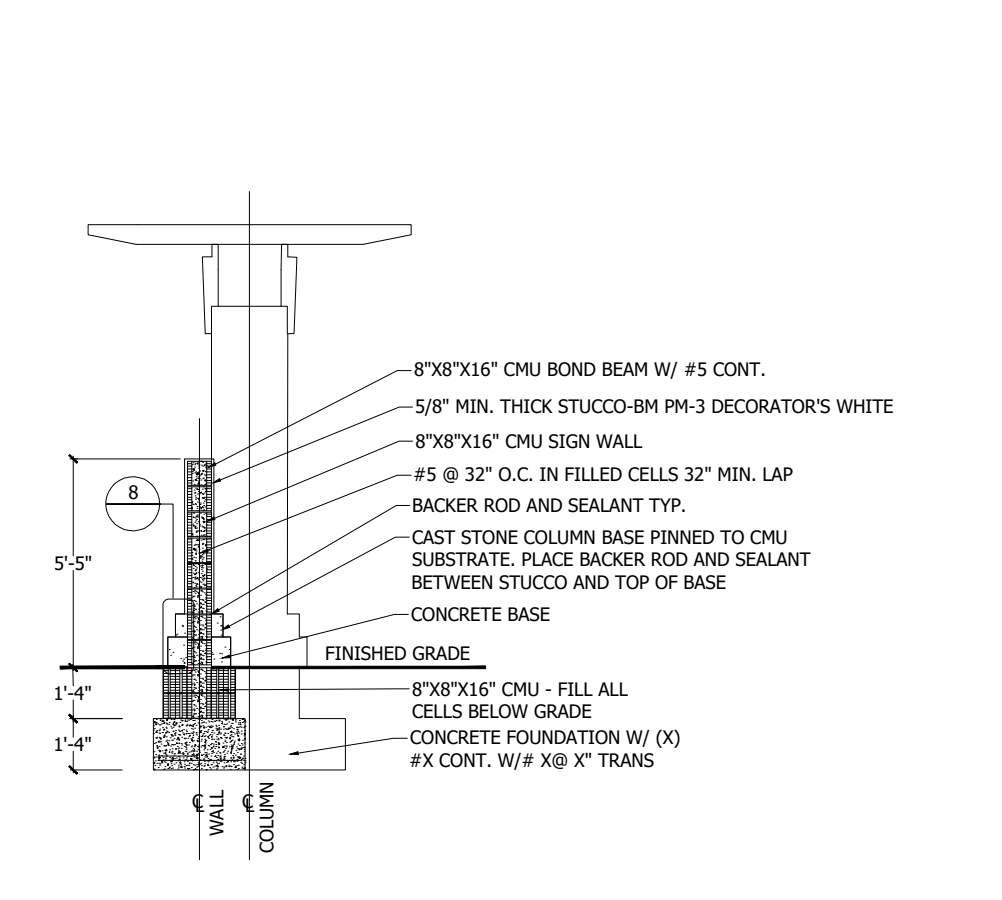
12 INFORMATIONAL SIGNAGE "TRAIL OPEN DAWN TO DUSK" SCALE: NTS



4 SIGN TRELLIS-LATERAL SECTION SCALE: 1"=50'



8 SIGN TRELLIS - SECTION AT SIGN WALL SCALE: 1"=50'



NOTE: COLORS & MATERIAL FINISHES SHALL MATCH THE WESTLAKE ADVENTURE PARK.

Cotleur & Hearing
Landscape Architects
Land Planners
Environmental Consultants
1934 Commerce Lane
Suite 1
Jupiter, Florida 33458
561.747.6336 · Fax 747.1377
www.cotleurhearing.com
Lic# LC-C000239

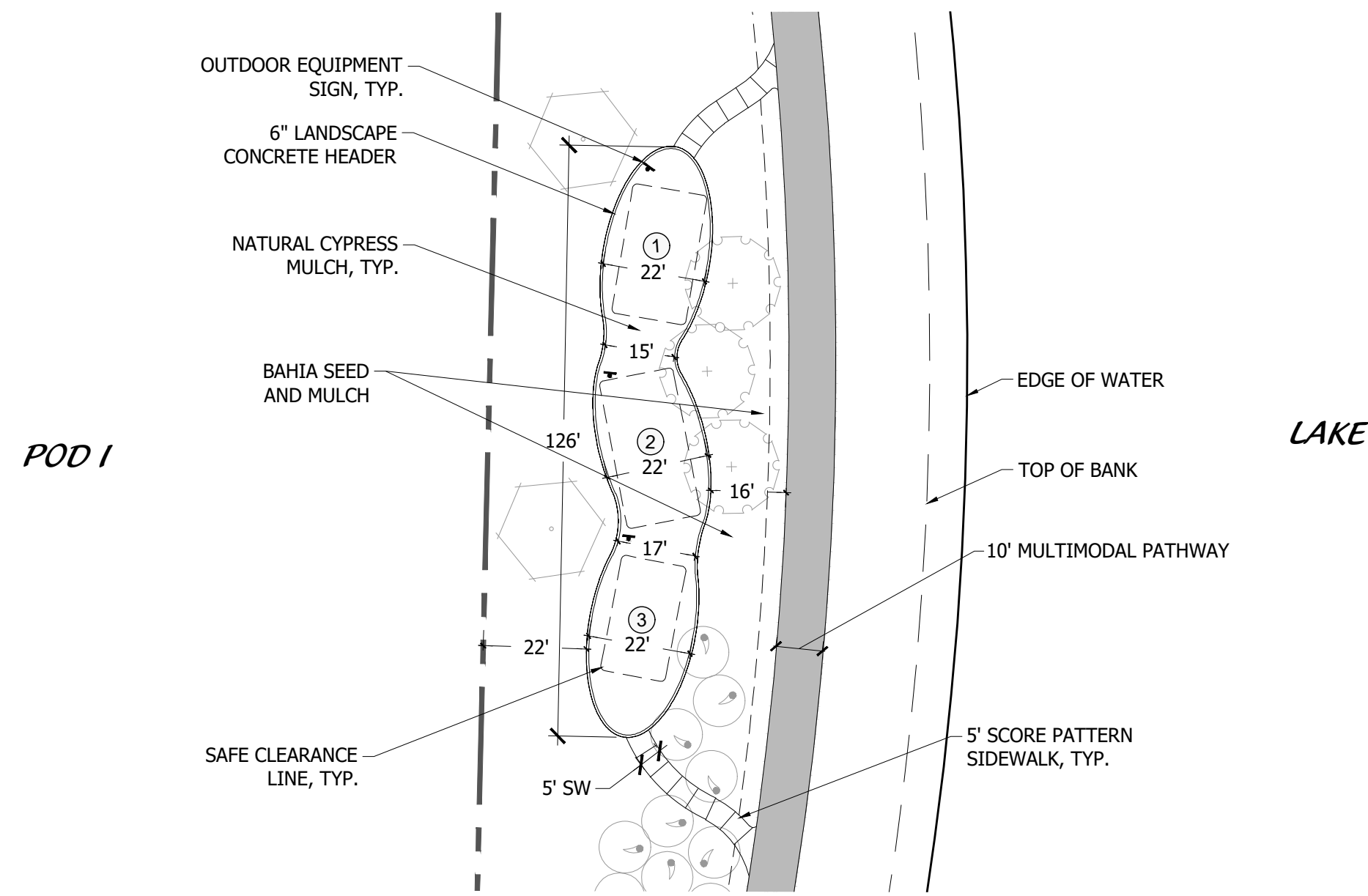
MINTO WESTLAKE WESTLAKE WELLNESS & FITNESS TRAIL
SITE DETAILS
City of Westlake, Florida

DESIGNED	DEH
DRAWN	JCO
APPROVED	DEH
JOB NUMBER	13-0518.88
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	06-08-21

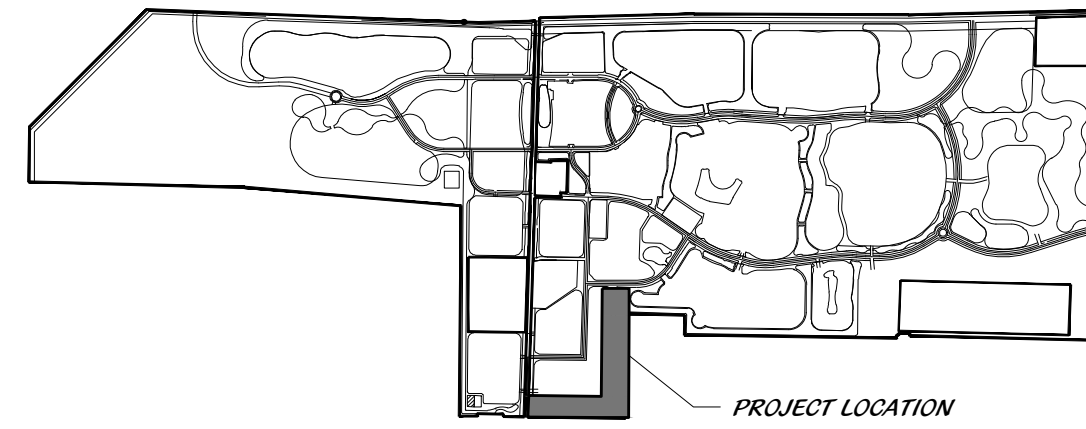
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Drawn: 13-0518.94_FITNESS TRAIL.SP.DWG

OUTDOOR FITNESS STATIONS 1,2 & 3

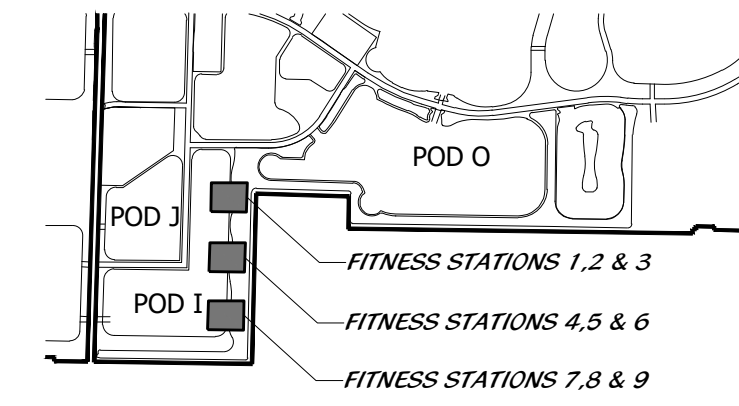
SCALE: 1"=30'



LOCATION MAP

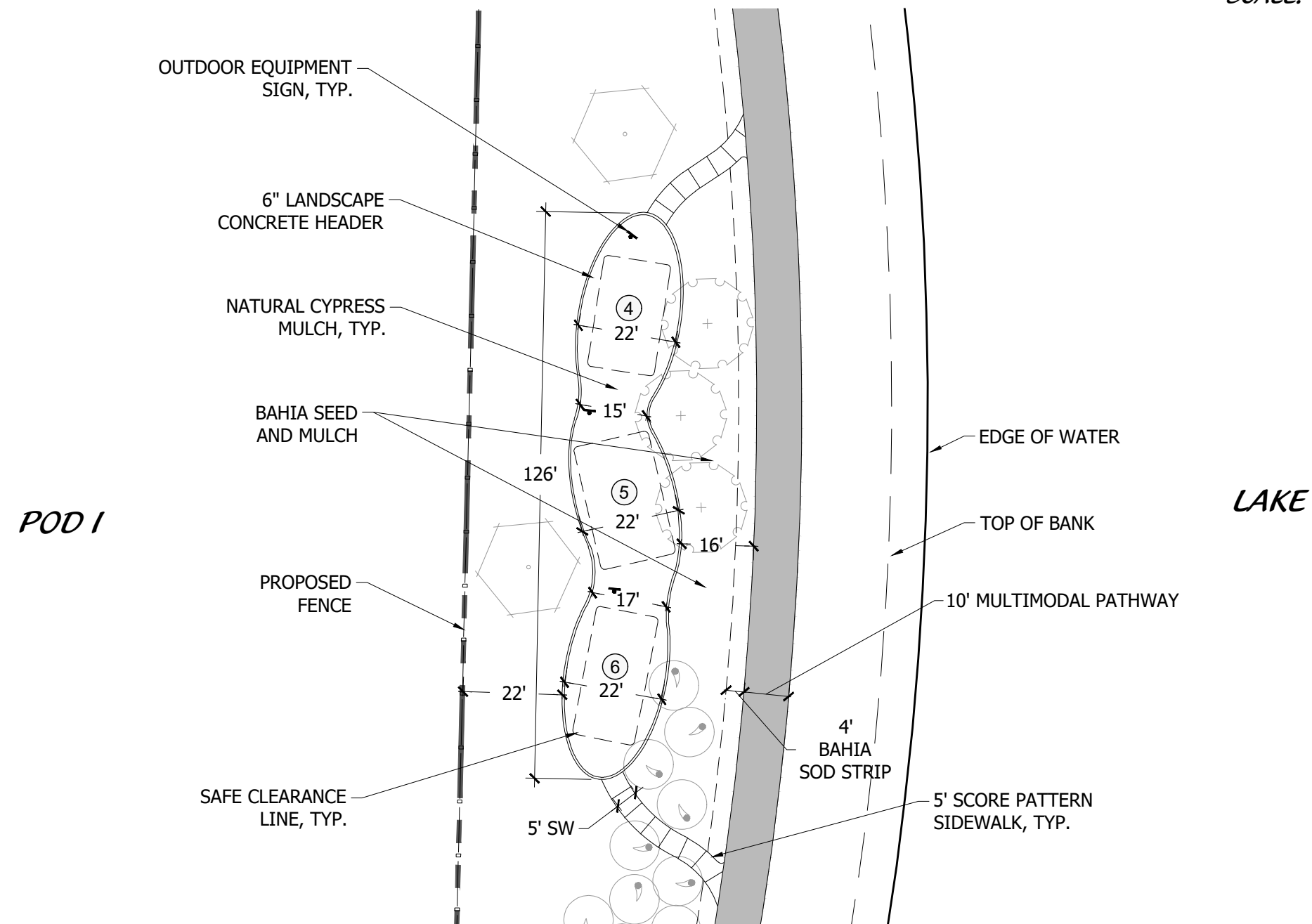


KEY MAP



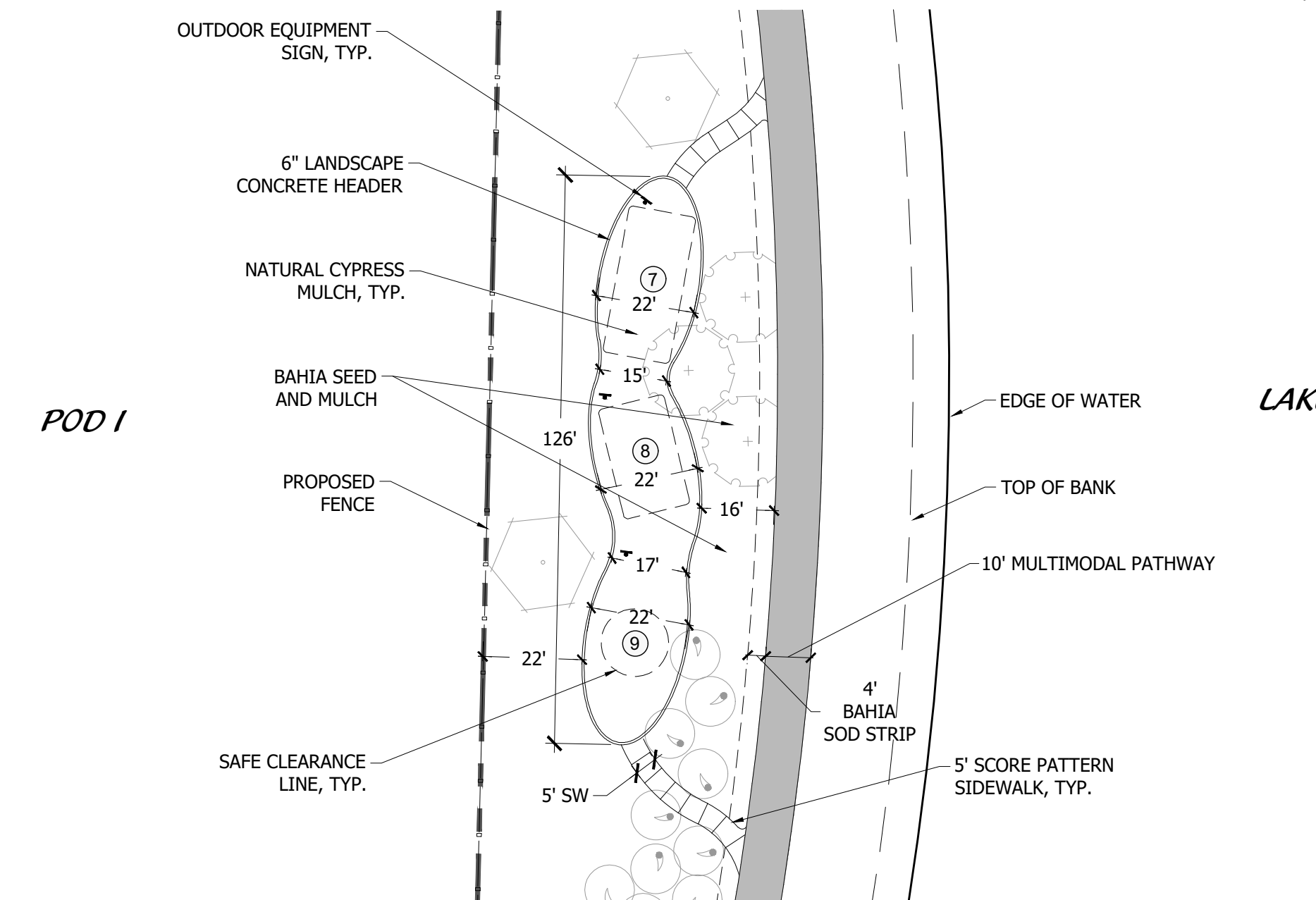
OUTDOOR FITNESS STATIONS 4,5 & 6

SCALE: 1"=30'



OUTDOOR FITNESS STATIONS 7,8 & 9

SCALE: 1"=30'



OUTDOOR FITNESS STATION DETAILS

① **FitCore® Extreme Angled Overhead Ladder (5-12)**

② **FitCore® Extreme Vertical Cargo Net (13+)**

③ **FitCore® Extreme Peg Bridge (5-12)**

④ **FitCore® Extreme Ledge Hanger (13+)**

⑤ **FitCore® Extreme High Step (13+)**

⑥ **FitCore® Extreme Wheel Bridge (13+)**

⑦ **FitCore® Extreme Unstable Bridge (13+)**

⑧ **FitCore® Extreme Spiderwalk (13+)**

⑨ **FitCore® Extreme Rope Climb (13+)**

USER GROUP:
DESIGNED FOR AGES 13 YEARS AND OLDER

SURFACE:
NATURAL CYPRESS MULCH OR APPROVED EQUAL

EQUIP. COLOR:
METALLIC SILVER COLOR FROM MANUFACTURER'S SELECTION OR APPROVED EQUAL

CONTACT INFORMATION:
FITCORE EXTREME
REP: LANDSCAPE STRUCTURES
<https://www.playlsi.com/en/playgrounds/fitness-equipment>

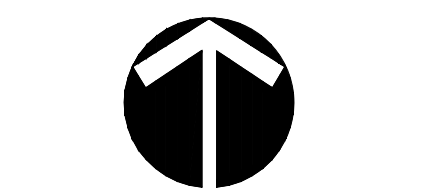
CONTRACTOR TO SUBMIT LAYOUT SHOP DRAWINGS FOR APPROVAL

Fitness Station Details

Cotleur & Hearing
Landscape Architects
Land Planners
Environmental Consultants
1934 Commerce Lane
Suite 1
Jupiter, Florida 33458
561.747.6336 · Fax 747.1377
www.cotleurhearing.com
Lic# LC-C000239

**MINTO WESTLAKE
WESTLAKE WELLNESS & FITNESS TRAIL
SITE DETAILS
City of Westlake, Florida**

DESIGNED	DEH
DRAWN	JCO
APPROVED	DEH
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REVISIONS	05-24-21
	06-08-21



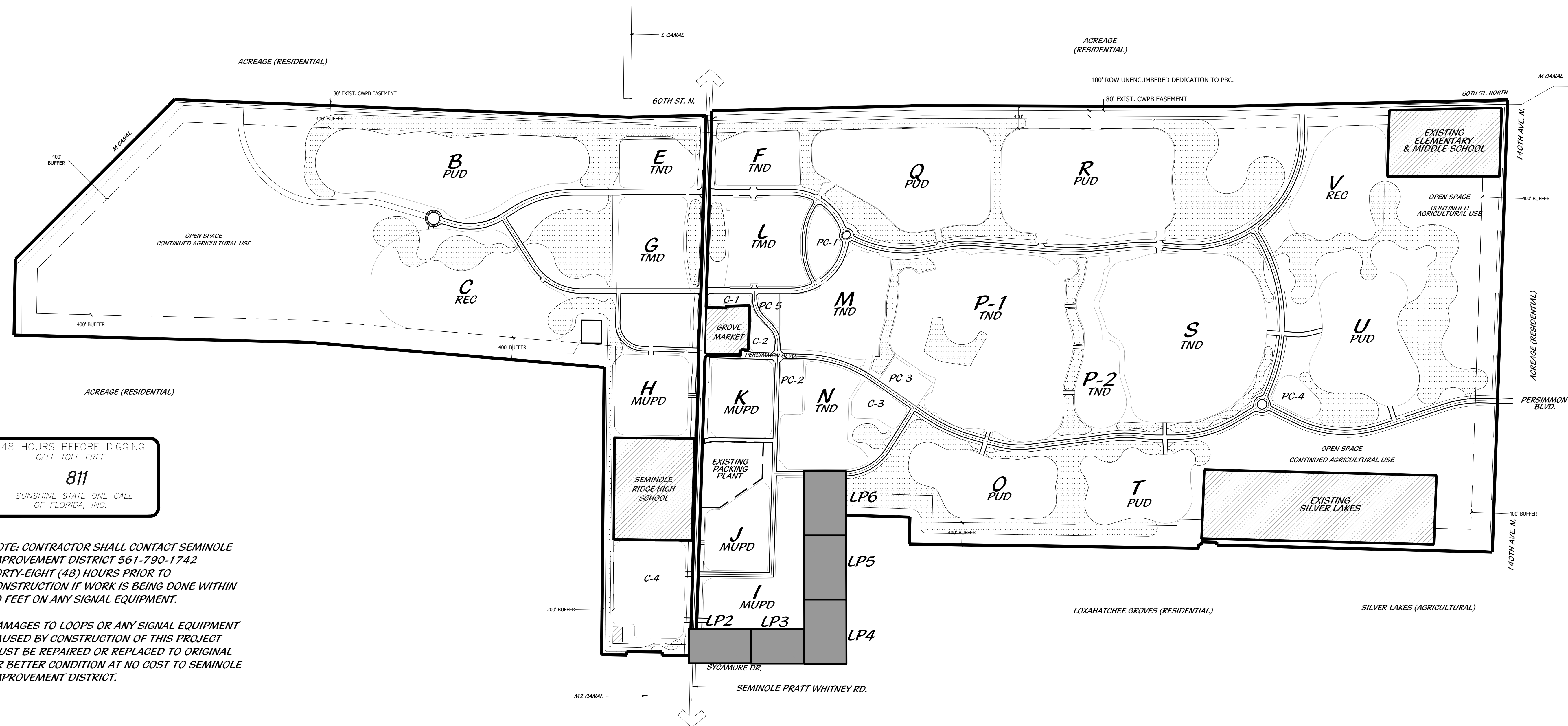
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Drawing: 13-0518.94_FITNESS TRAIL_SP.DWG

SHEET 4 OF 4

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MINTO WESTLAKE

Wellness & Fitness Trail Landscape Plan



48 HOURS BEFORE DIGGING
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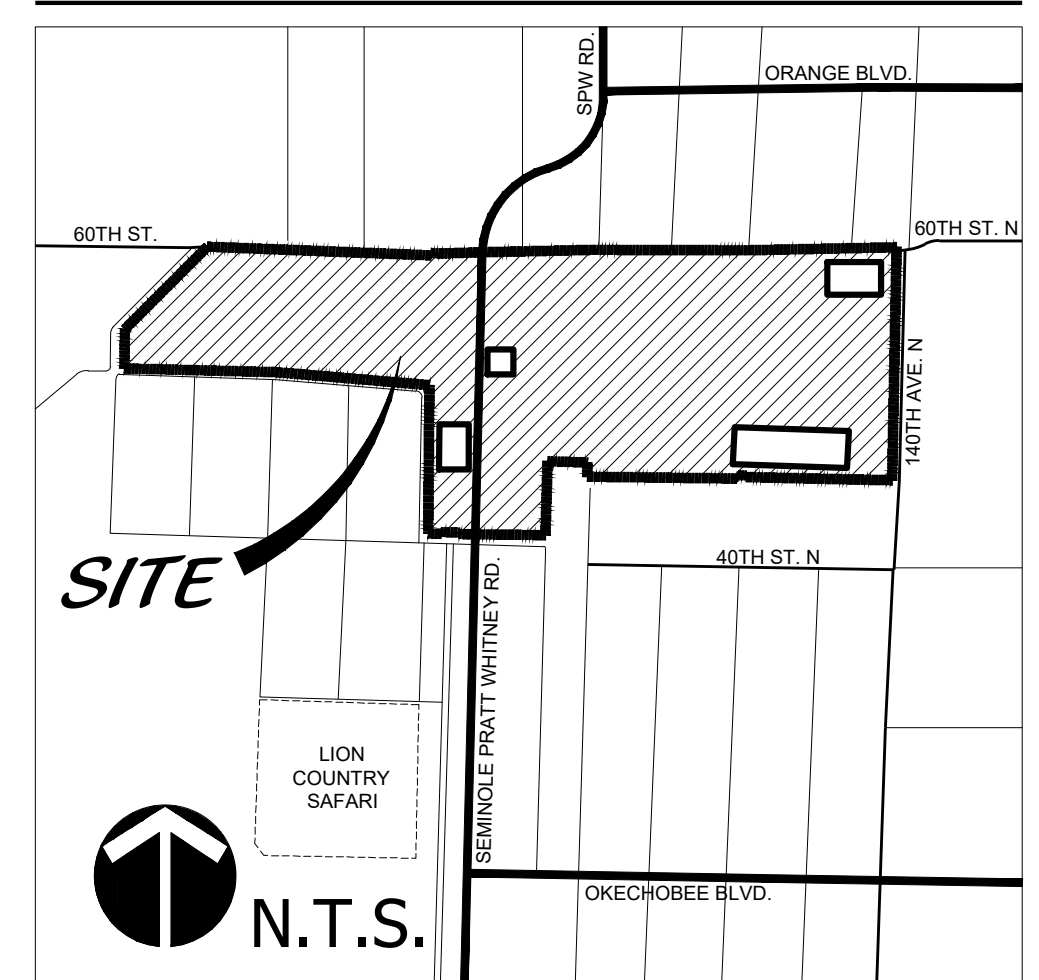
PROJECT TEAM

- | | |
|---|---|
| PROPERTY OWNER
PBLH, LLC
4400 WEST SAMPLE RD. SUITE 200
COCONUT CREEK, FLORIDA 33073
PHONE: 954-373-4400
FAX: 954-978-5330 | SURVEYOR
GEOPPOINT SURVEYING INC.
4152 WEST BLUE HERON BOULEVARD, SUITE 105
RIVIERA BEACH, FLORIDA 33404
PHONE: 561-444-2720
FAX: 813-248-2266 |
| SITE PLANNER
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PHONE: 561-747-4336
FAX: 561-747-1377 | TRAFFIC ENGINEER
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FAX: 561-684-6336 |
| CIVIL ENGINEER
BARRACO AND ASSOCIATES, INC.
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PHONE: 239-461-3170
FAX: 239-461-3169 | ENVIRONMENTAL CONSULTANT
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STUART, FLORIDA 34996
PHONE: 772-287-8771
MOBILE: 772-495-1700 |
| SEMINOLE IMPROVEMENT DISTRICT ENGINEER
FARNER BARLEY & ASSOCIATES, INC.
4450 NE 83RD ROAD
WILDWOOD, FLORIDA 34785 | CIVIL ENGINEER
SIMMONS & WHITE
5601 CORPORATE WAY, SUITE 200
WEST PALM BEACH, FLORIDA 33407
PHONE: 561-478-7648 |

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| Landscape Plan | LP6 |
| Landscape Specifications & Details | LP7 |

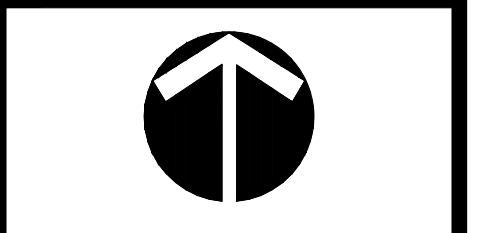
LOCATION MAP



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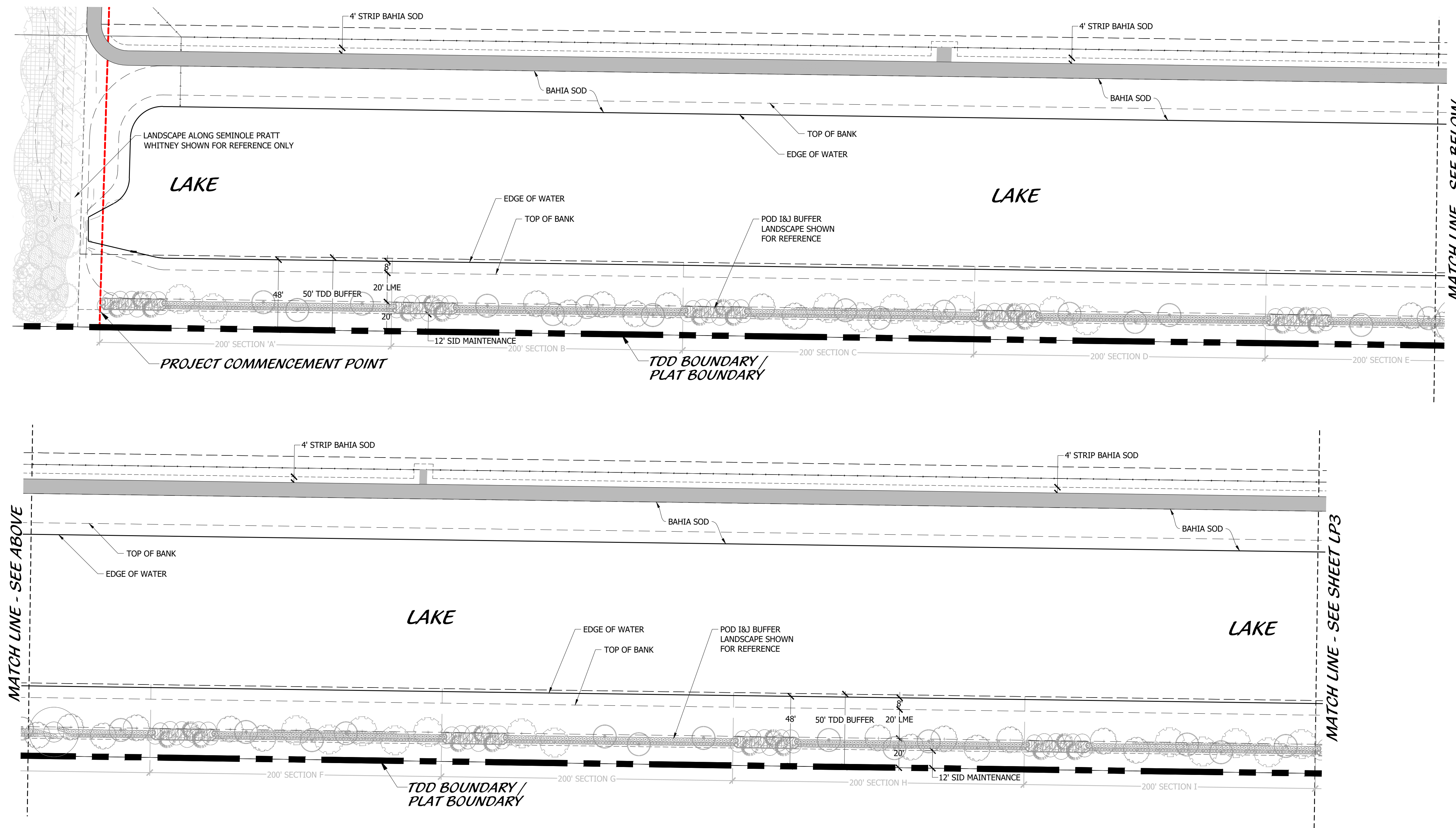
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 City of Westlake, Florida

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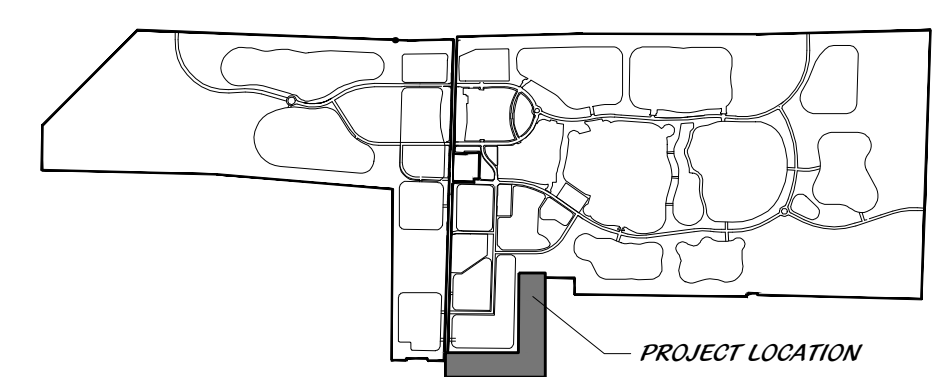


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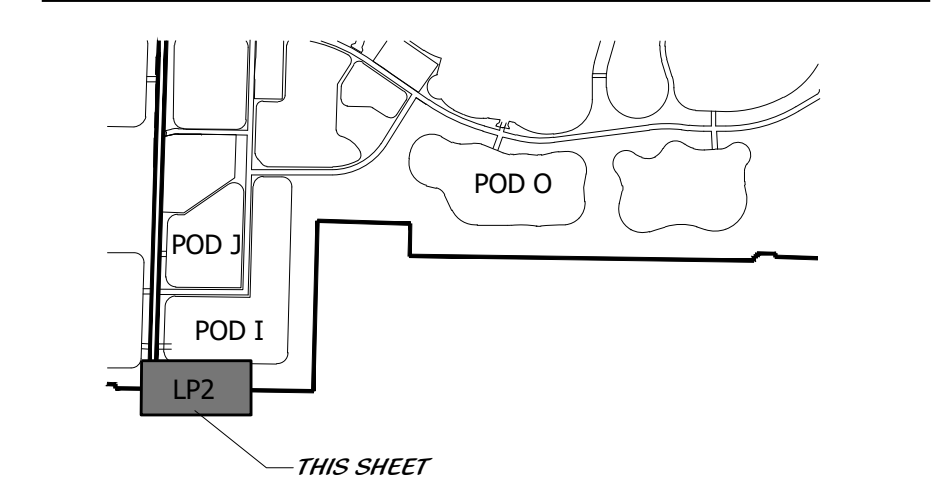
LANDSCAPE PLAN



LOCATION MAP



KEY MAP



NOTES

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LEGEND

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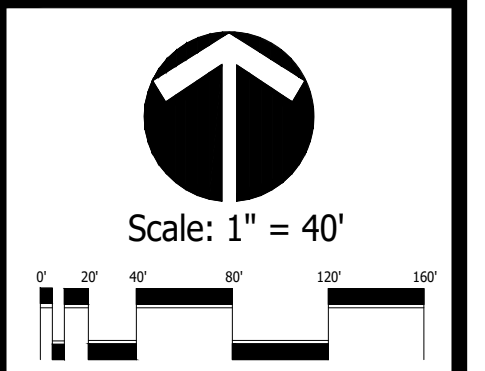
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Westlake Wellness & Fitness Trail

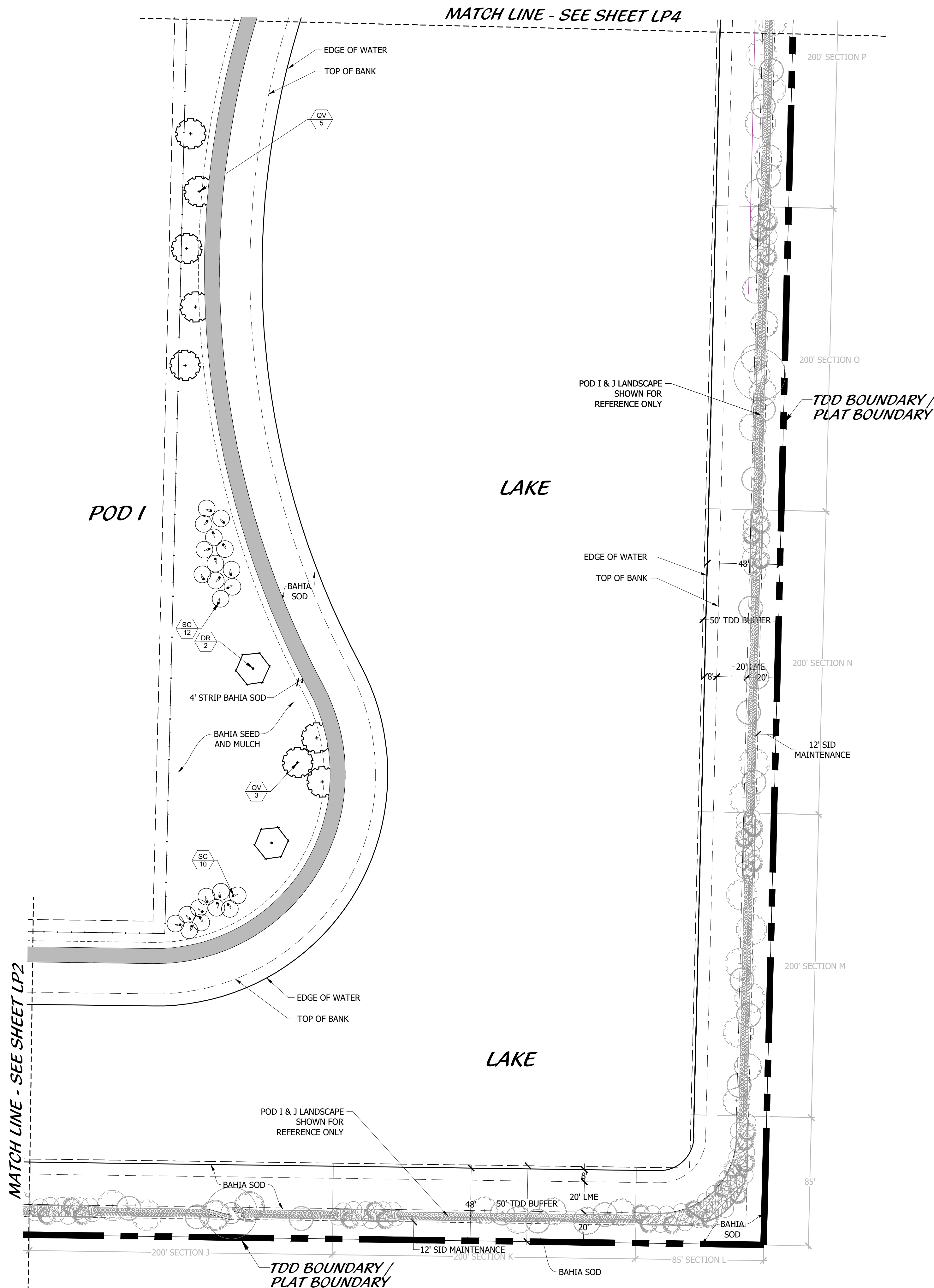
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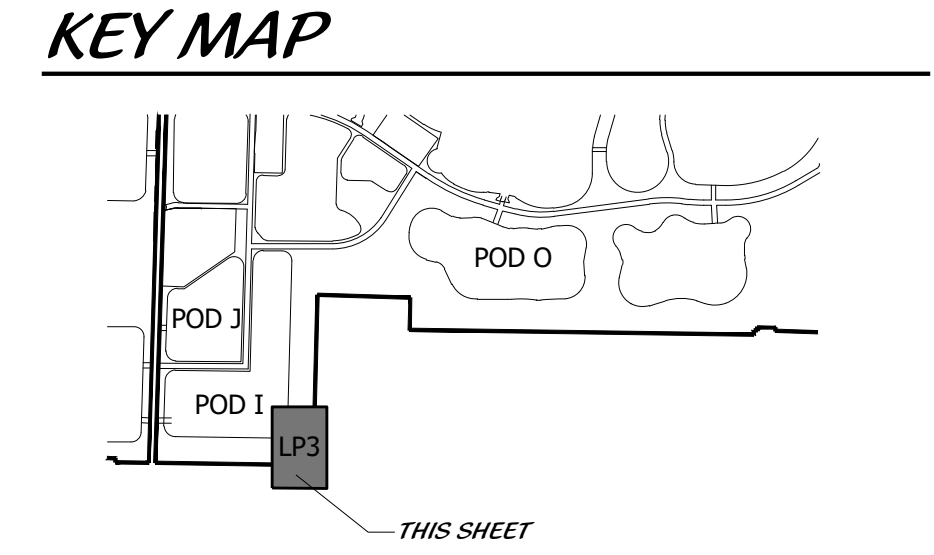
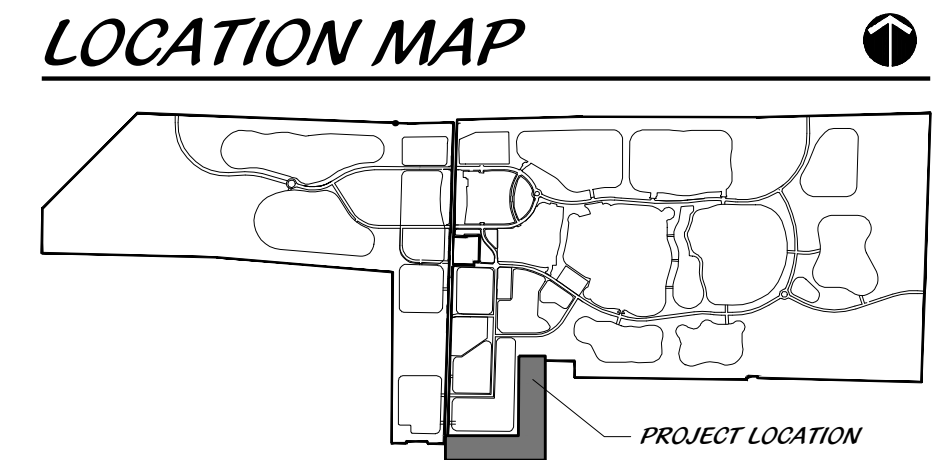
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SHEET LP3 PLANT LIST - BUFFER

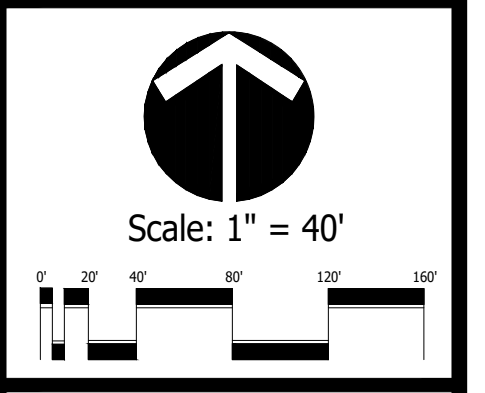
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DR	2	DELONIX REGIA	ROYAL POINCIANA	45 GAL	2.5" CAL	12'-14' HT, 6'-8' SPRD	N	SINGLE STRAIGHT TRUNK. FULL CANOPY. FLORIDA FANCY.
QV	8	QUERCUS VIRGINIANA	LIVE OAK	FIELD GROWN	2.5" CAL	12'-14' HT, 6'-8' SPD	Y	SINGLE, STRAIGHT TRUNK. FULL CANOPY, SYMMETRICAL. 6' CT MIN.
PALM TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NATIVE	REMARKS
SC	22	SABAL PALMETTO	CURVED CABBAGE PALM	FIELD GROWN	N/A	18', 22', 26' O.A. STGG.	Y	STRONG, UNIQUE CURVES, SLICK TRUNKS.

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Westlake Wellness & Fitness Trail

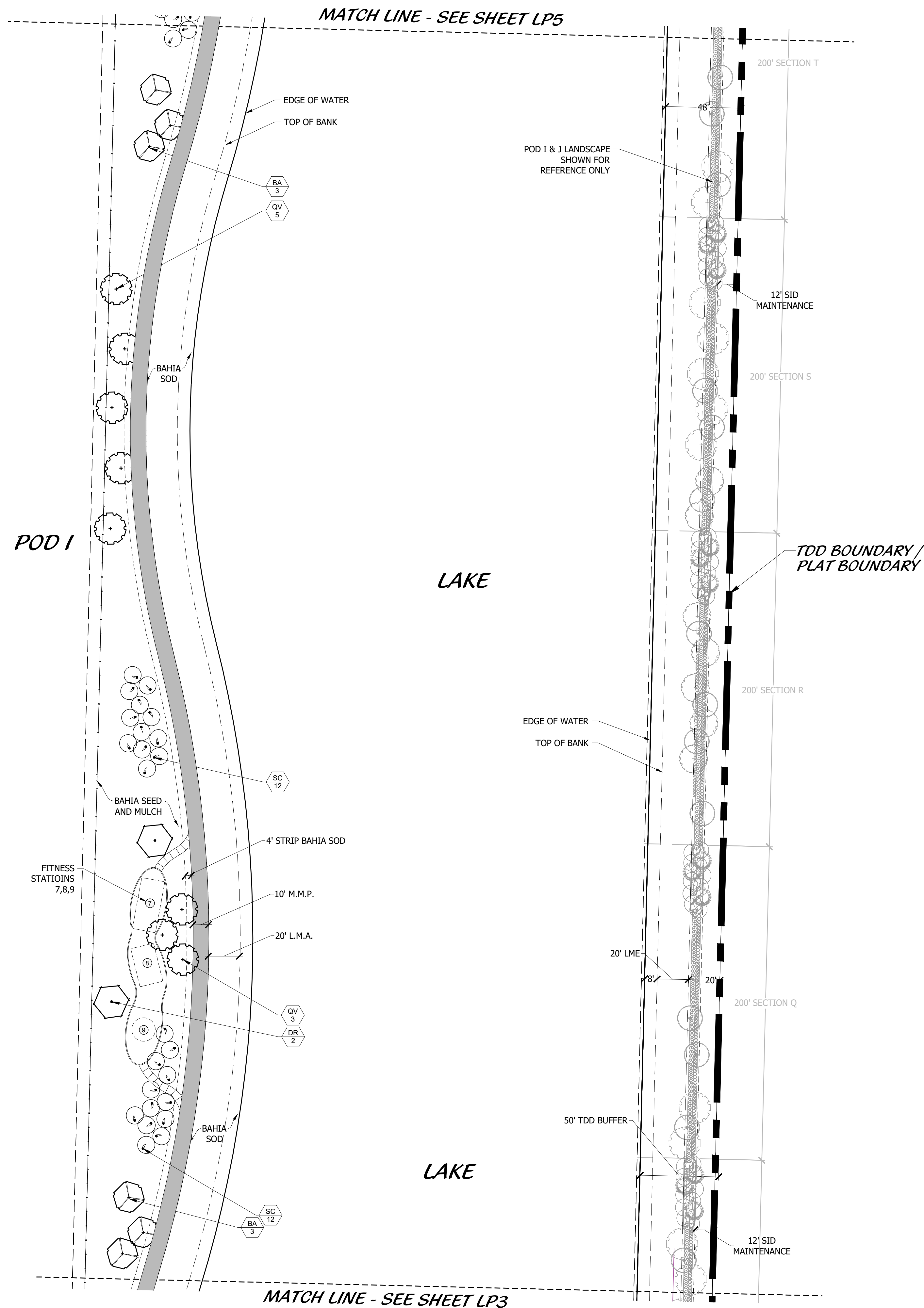
MINTO WESTLAKE
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City of Westlake, Florida

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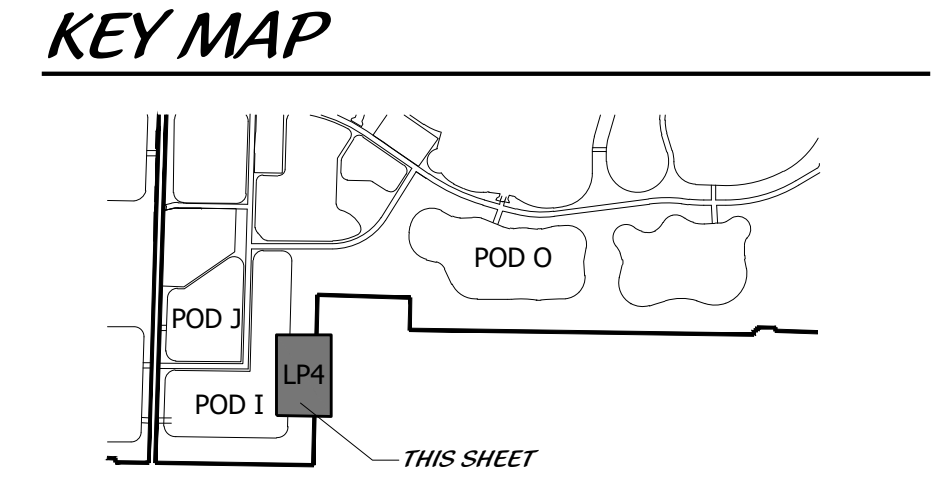
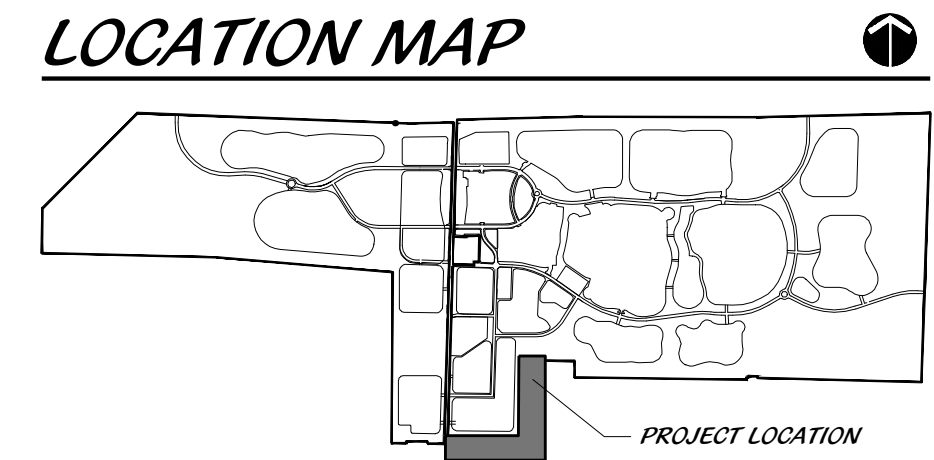
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LANDSCAPE PLAN



48 HOURS BEFORE DIGGING
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SHEET LP4 PLANT LIST - WEST OF LAKE

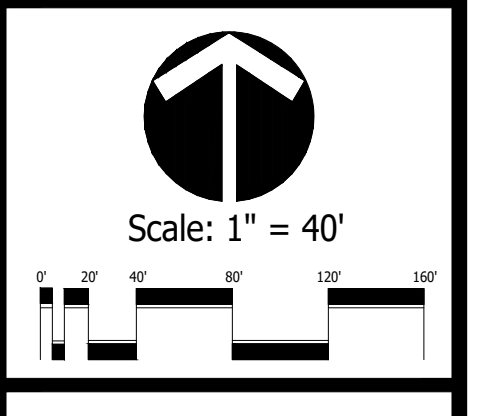
CANOPY TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NATIVE	REMARKS
BA	6	BULNESIA ARBOREA	VERAWOOD	65 GAL	2.5" CAL	12'-14' HT, 6'-8' SPRD	N	SINGLE STRAIGHT TRUNK. FULL CANOPY.
DR	2	DELONIX REGIA	ROYAL POINCIANA	45 GAL	2.5" CAL	12'-14' HT, 6'-8' SPRD	N	SINGLE STRAIGHT TRUNK. FULL CANOPY. FLORIDA FANCY.
QV	8	QUERCUS VIRGINIANA	LIVE OAK	FIELD GROWN	2.5" CAL	12'-14' HT, 6'-8' SPD	Y	SINGLE, STRAIGHT TRUNK. FULL CANOPY, SYMMETRICAL. 6" CT MIN.
PALM TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NATIVE	REMARKS
SC	26	SABAL PALMETTO	CURVED CABBAGE PALM	FIELD GROWN	N/A	18', 22', 26' O.A. STGG.	Y	STRONG, UNIQUE CURVES, SLICK TRUNKS.

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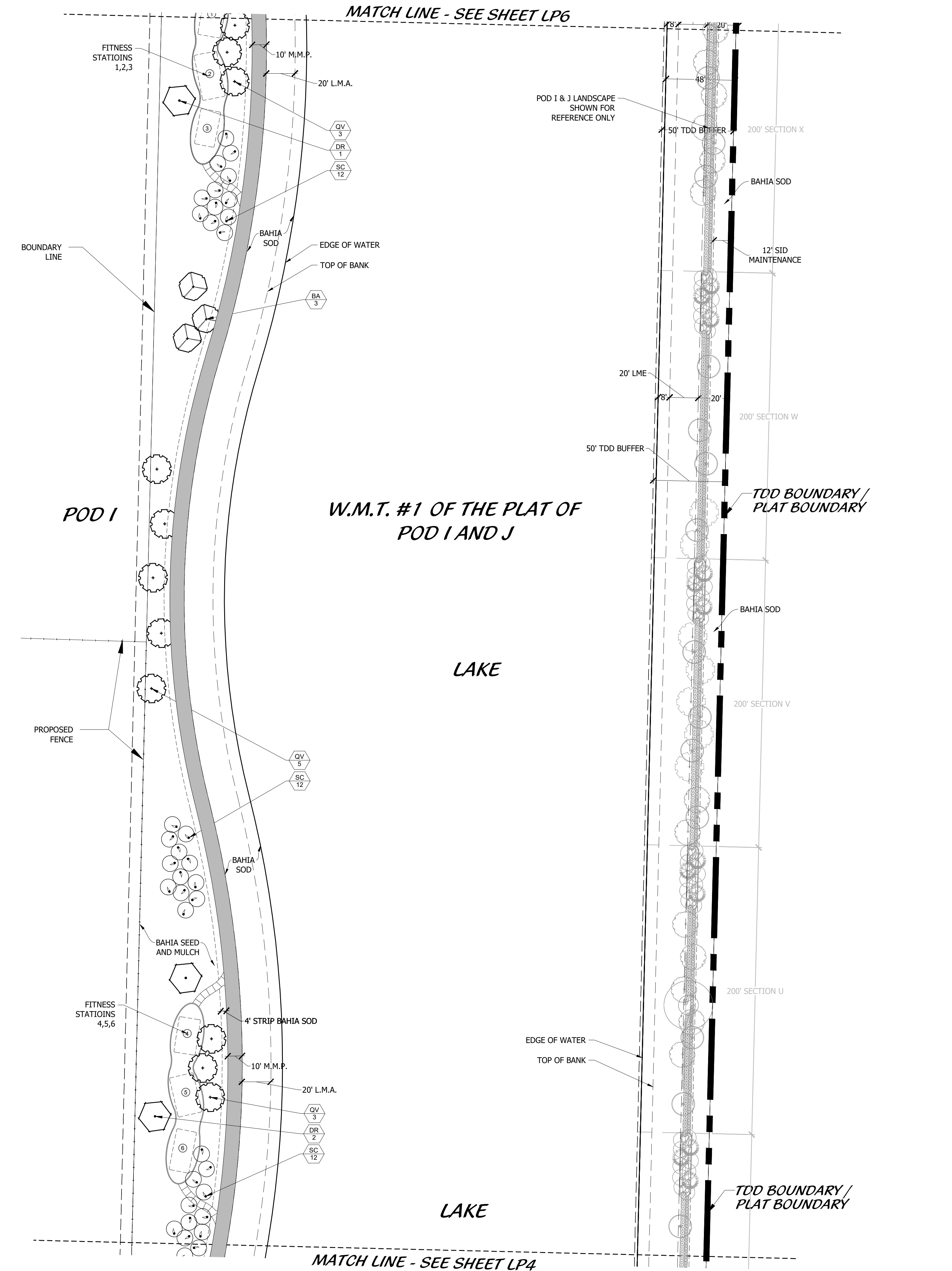
Westlake Wellness & Fitness Trail

MINTO WESTLAKE
LANDSCAPE PLAN
City of Westlake, Florida

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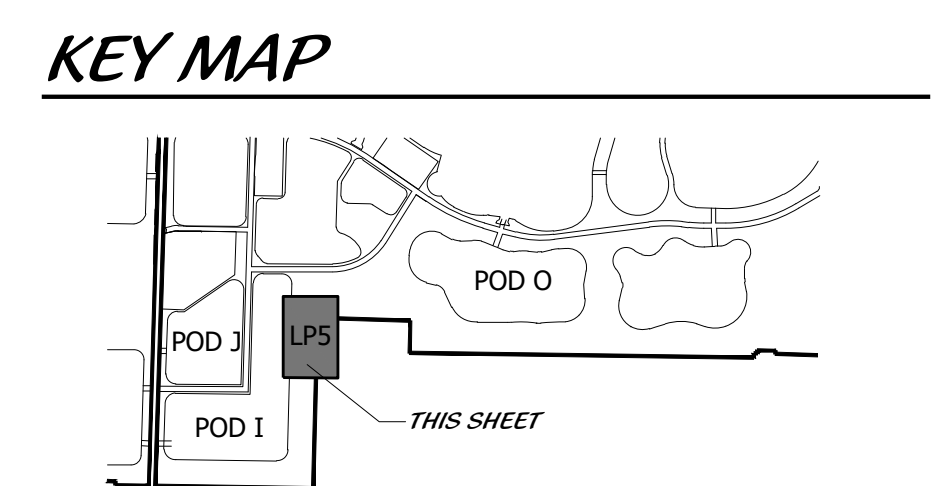
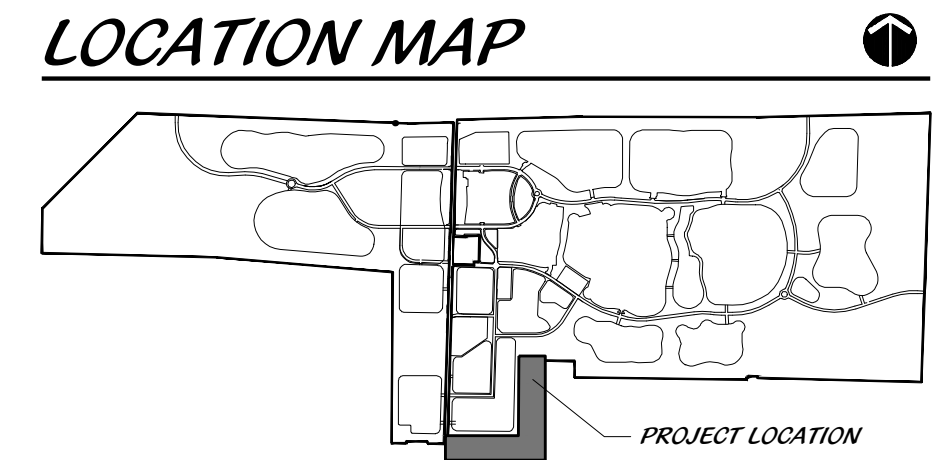


LANDSCAPE PLAN



48 HOURS BEFORE DIGGING
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SUNSHINE STATE ONE CALL
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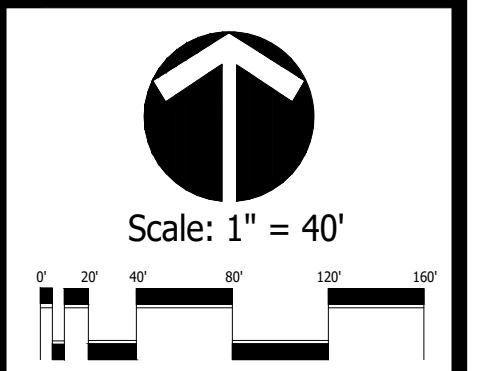
SHEET LP5 PLANT LIST - WEST OF LAKE

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BA	3	BULNESIA ARBOREA	VERAWOOD	65 GAL	2.5" CAL	12'-14' HT, 6'-8' SPRD	N	SINGLE STRAIGHT TRUNK. FULL CANOPY.
DR	3	DELONIX REGIA	ROYAL POINCIANA	45 GAL	2.5" CAL	12'-14' HT, 6'-8' SPRD	N	SINGLE STRAIGHT TRUNK. FULL CANOPY. FLORIDA FANCY.
QV	11	QUERCUS VIRGINIANA	LIVE OAK	FIELD GROWN	2.5" CAL	12'-14' HT, 6'-8' SPD	Y	SINGLE, STRAIGHT TRUNK. FULL CANOPY, SYMMETRICAL. 6" CT MIN.
PALM TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NATIVE	REMARKS
SC	34	SABAL PALMETTO	CURVED CABBAGE PALM	FIELD GROWN	N/A	18', 22', 26' O.A. STGG.	Y	STRONG, UNIQUE CURVES, SLICK TRUNKS.

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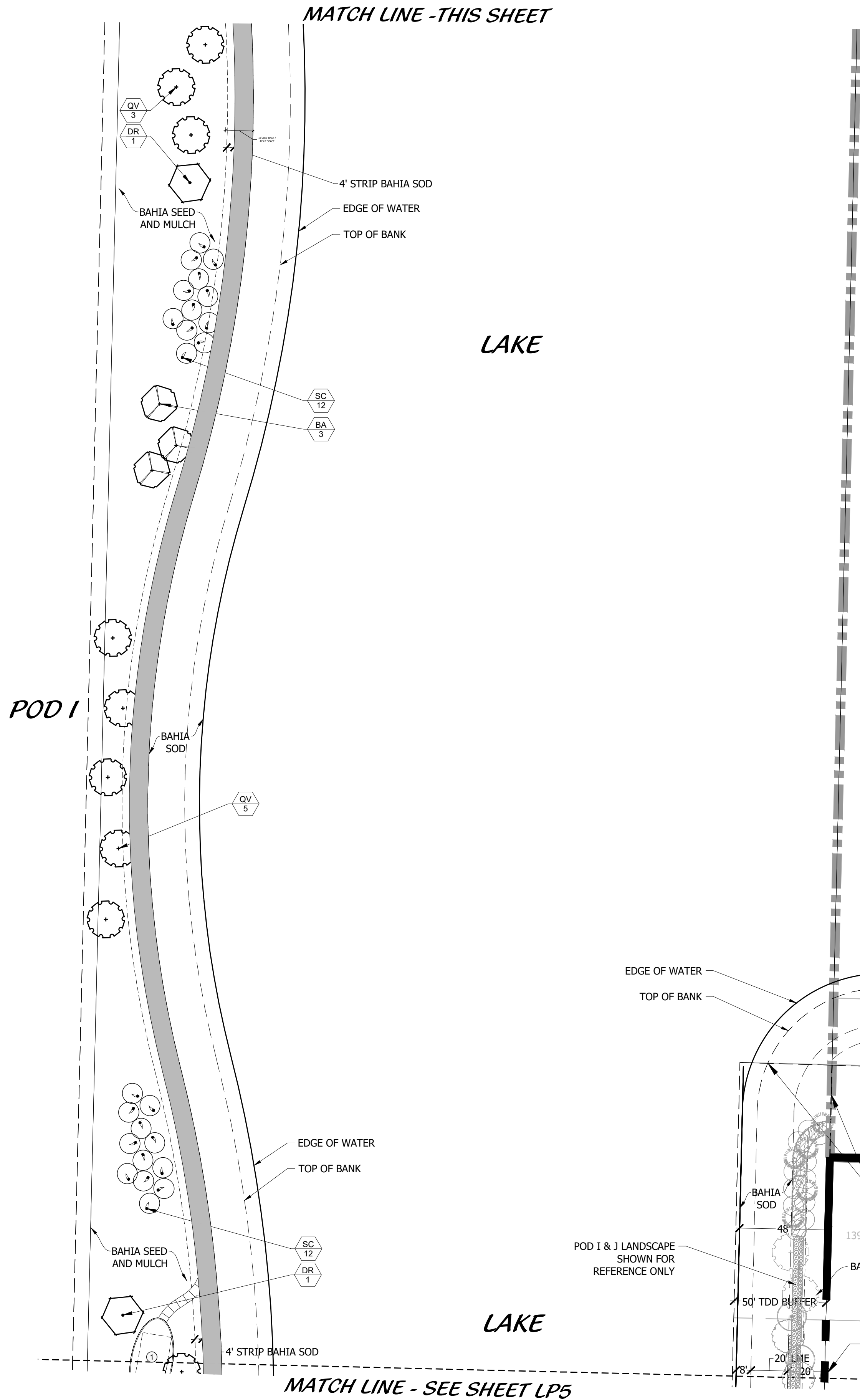
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LANDSCAPE PLAN

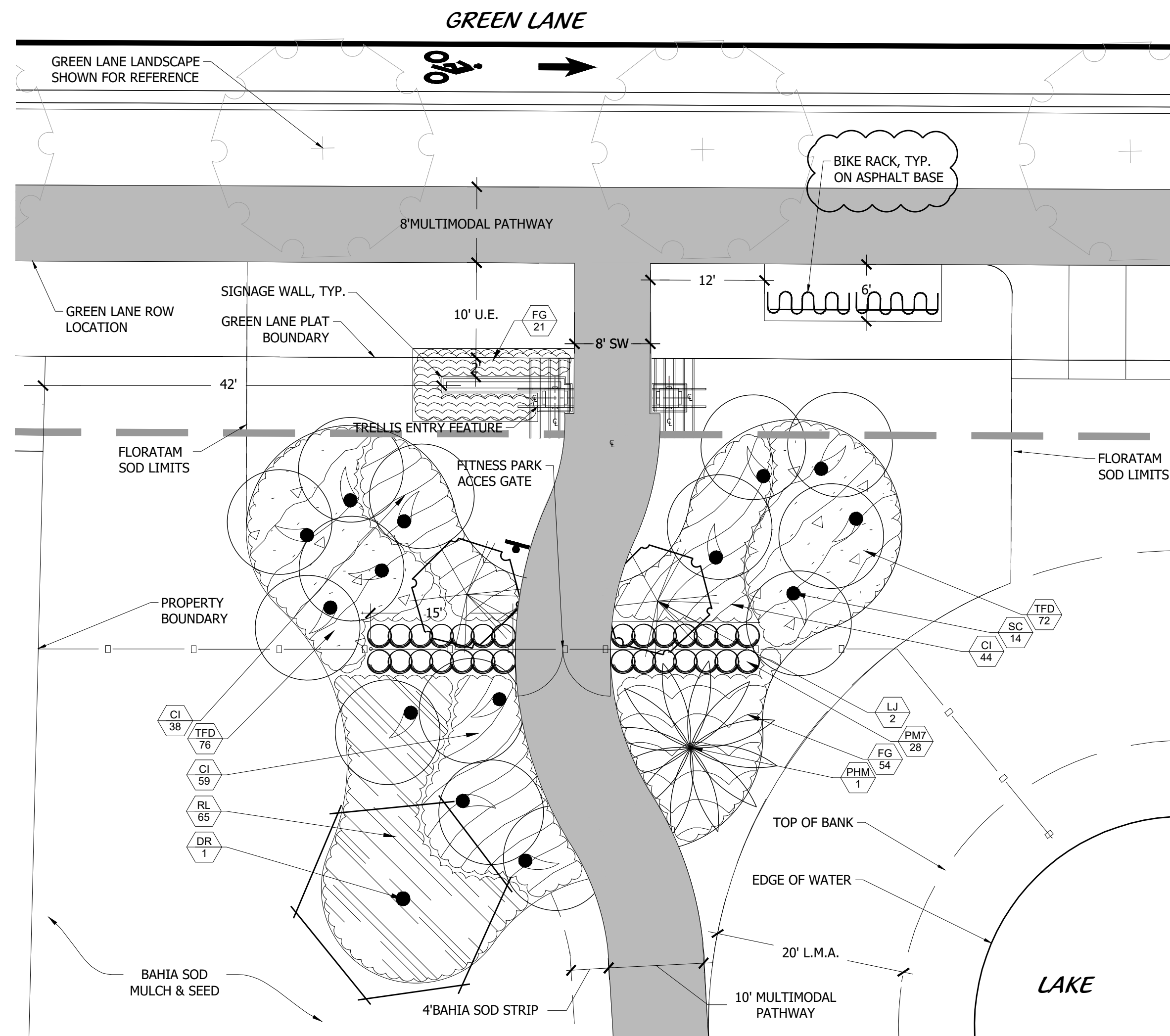
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MATCH LINE - THIS SHEET



MATCH LINE - SEE SHEET LP5

TRAIL ENTRANCE DETAIL



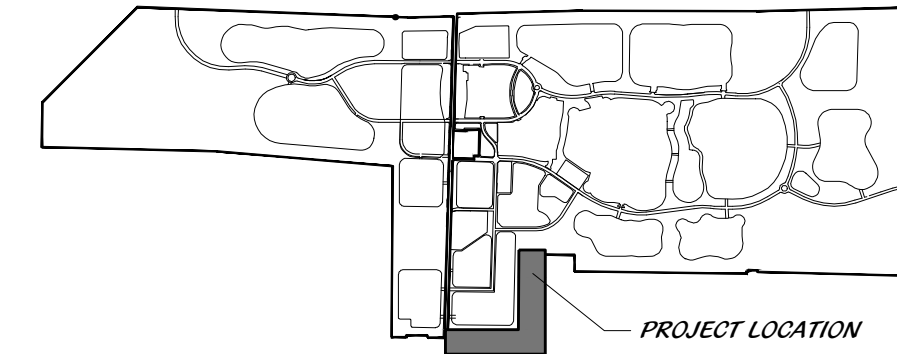
SHEET LP6 PLANT LIST - WEST OF LAKE

CANOPY TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NATIVE	REMARKS
BA	3	BULNESIA ARBOREA	VERAWOOD	65 GAL	2.5" CAL	12'-14' HT, 6'-8' SPRD	N	SINGLE STRAIGHT TRUNK. FULL CANOPY.
DR	2	DELONIX REGIA	ROYAL POINCIANA	45 GAL	2.5" CAL	12'-14' HT, 6'-8' SPRD	N	SINGLE STRAIGHT TRUNK. FULL CANOPY. FLORIDA FANCY.
QV	8	QUERCUS VIRGINIANA	LIVE OAK	FIELD GROWN	2.5" CAL	12'-14' HT, 6'-8' SPD	Y	SINGLE, STRAIGHT TRUNK. FULL CANOPY, SYMMETRICAL. 6" CT MIN.
PALM TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NATIVE	REMARKS
SC	24	SABAL PALMETTO	CURVED CABBAGE PALM	FIELD GROWN	N/A	18", 22", 26" O.A. STGG.	Y	STRONG, UNIQUE CURVES, SLICK TRUNKS.

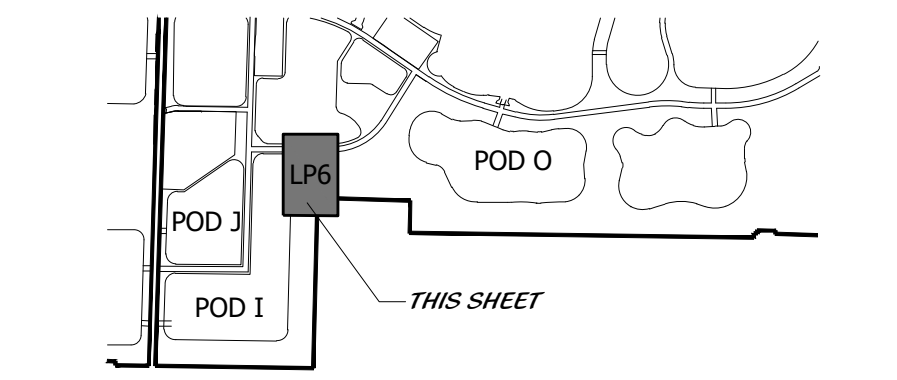
FITNESS PARK ENTRANCE PLANT LIST

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NATIVE	REMARKS
LJ	2	LIGUSTRUM JAPONICUM	JAPANESE PRIVET	30 gal	3 TRK MIN., 1"-2" CAL. EA.	6" HT., 6' SPD.	N	FULL CANOPY, MULTI TRUNK, LIMB UP 3'
CANOPY TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NATIVE	REMARKS
DR	1	DELONIX REGIA	ROYAL POINCIANA	45 GAL	2.5" CAL	12'-14' HT, 6'-8' SPRD	N	SINGLE STRAIGHT TRUNK FULL CANOPY. FLORIDA FANCY.
PALM TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NATIVE	REMARKS
PHM	1	PHOENIX DACTYLIFERA 'MEDJOOOL'	MEDJOOOL DATE PALM	FIELD GROWN	N/A	9' CT	N	STRAIGHT TRUNK, FULL CANOPY, DIAMOND CUT.
PALM TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NATIVE	REMARKS
SC	14	SABAL PALMETTO	CURVED CABBAGE PALM	FIELD GROWN	N/A	18", 22", 26" O.A. STGG.	Y	STRONG, UNIQUE CURVES, SLICK TRUNKS.
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE	SPACE	NATIVE	REMARKS
PH7	28	PODOCARPUS MACROPHYLLUS	PODOCARPUS	7 GAL.	3" X 2"	2.5' O.C.	N	FULL & THICK
GROUND COVERS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE	SPACE	NATIVE	REMARKS
FG	75	FIGUS MACROPHYLLA 'GREEN ISLAND'	GREEN ISLAND FIGUS	3 gal	12" x 12"	2' O.C.	N	FULL & THICK
RL	65	RONDELETIA LEUCOPHYLLA	PANAMA ROSE	3 gal	18" X 18"	30" O.C.	N	FULL & THICK
TFD	148	TRIPSACUM DACTYLOIDES	DWARF FAKAHATCHEE GRASS	3 GAL	24" X 24"	2' O.C.	Y	FULL & THICK
SMALL SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE	SPACE	NATIVE	REMARKS
CI	140	CHRYSOBALANUS ICACO	COCOPLUM	3 GAL	1.5" X 1.5"	2' OC	Y	FULL & THICK

LOCATION MAP



KEY MAP



NOTES

TREES SHOWN ON THIS PLAN ARE FOR GRAPHIC REPRESENTATION ONLY. TREE SPACING IS BASED ON SEMINOLE IMPROVEMENT DISTRICT (S.I.D.) STREETScape STANDARDS AND THE TREES SHOWN ON THESE PLANS ATTEMPT TO ACCOMPLISH THAT SPACING WHILE MAINTAINING THE REQUIRED SETBACKS FROM S.I.D. UTILITIES. TREES MAY BE FIELD ADJUSTED TO AVOID CONFLICTS WITH DRIVEWAYS AND UNDERGROUND UTILITIES. IN ANY CASE THE TREES SHALL BE LOCATED IN THE FIELD IN ACCORDANCE WITH THE PLANTING DETAILS SHOW HEREIN.

ADDITIONALLY, TREES ARE TO BE INSTALLED WITH A TEN FOOT (10') SEPARATION FROM ANY WATER OR SEWER MAIN AND/OR SERVICE, HYDRANTS AND LIFT STATIONS. IF A TEN FOOT (10') SEPARATION CANNOT BE ACHIEVED, THE TREE SHALL BE INSTALLED WITH A ROOT BARRIER SYSTEM. REFER TO THE "ROOT BARRIER" DETAIL FOR INSTALLATION REQUIREMENTS. HOWEVER, IN NO CASE SHALL TREE ENCRoACH INTO A S.I.D.U.E. WITHOUT PRIOR S.I.D. APPROVAL AND ONLY SOD CAN BE INSTALLED WITHIN 7.5' OF A FIRE HYDRANT UNLESS OTHERWISE APPROVED.

NOTE: CONTRACTOR SHALL CONTACT SEMINOLE IMPROVEMENT DISTRICT 561-790-1742 FORTY-EIGHT (48) HOURS PRIOR TO CONSTRUCTION IF WORK IS BEING DONE WITHIN 10 FEET ON ANY SIGNAL EQUIPMENT.

DAMAGES TO LOOPS OR ANY SIGNAL EQUIPMENT CAUSED BY CONSTRUCTION OF THIS PROJECT MUST BE REPAIRED OR REPLACED TO ORIGINAL OR BETTER CONDITION AT NO COST TO SEMINOLE IMPROVEMENT DISTRICT.

LEGEND

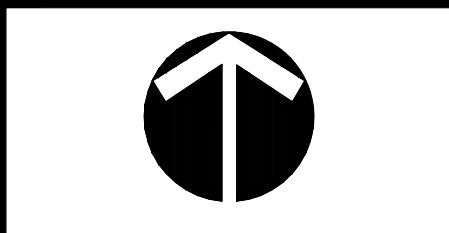
- SID: SEMINOLE IMPROVEMENT DISTRICT
- ROW: RIGHT OF WAY
- AC: ACRES
- UE: UTILITY EASEMENT
- DE: DRAINAGE EASEMENT
- LAE: LIMITED ACCESS EASEMENT
- TTD: TRADITIONAL TOWN DEVELOPMENT
- ESMT: EASEMENT
- CL: CENTER LINE
- SW: SIDEWALK
- PBC: PALM BEACH COUNTY
- LME: LAKE MAINTENANCE EASEMENT
- WMT: WATER MANAGEMENT TRACT

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www.cotleurhearing.com
Lic# LC-C000239

MINTO WESTLAKE
Westlake Wellness & Fitness Trail
LANDSCAPE PLAN
City of Westlake, Florida

DESIGNED	DEH
DRAWN	JCO
APPROVED	DEH
JOB NUMBER	13-0518.94
DATE	10-06-20
REVISIONS	05-24-21
	06-08-21



June 08, 2021 7:34:08 p.m.
Drawing: 13-0518.94_FITNESS TRAIL LP.DWG

File Attachments for Item:

C. A Resolution for the Pod H Master Sign Plan

Submitted By: Planning & Zoning

RESOLUTION 2021-19

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE MASTER SIGN PLAN FOR THE WESTLAKE LANDINGS, COMMERCIAL PLAZA, LOCATED AT 16860 PERSIMMON BOULEVARD WEST ON APPROXIMATELY 50.826 ACRES, PURSUANT TO CHAPTER 6, OF THE SIGN CODE, MINTO PBHL LLC IS REQUESTING A MASTER SIGN PLAN APPROVAL FOR GROUND AND DIRECTIONAL SIGNAGE AND FOUR WAIVERS OF CODE PROVISIONS, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		7/12/20	Submitted By: Gina Lawrence		
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		A Resolution for the Pod H Master Sign Plan			
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve Resolution 2021-19, the Pod H Master Sign Plan			
SUMMARY and/or JUSTIFICATION:		<p>The applicant is requesting approval for a Master Sign Plan for Westlake Landings, per <i>Chapter 6. Sign. Section 6.9 Master Sign Plan</i>. The Master Sign Plan includes ground, and directional signs for the 50.826 acre commercial plaza to be developed in multiple phases. Also, the applicant is requesting approval of four (4) waivers as follows:</p> <ol style="list-style-type: none"> 1. Ground Sign for commercial Building within Pod (Primary Ground Sign). The applicant is requesting to increase the height of the sign to fourteen (14) feet when the code requires eight (8) feet. Regarding these signs, the applicant is also requesting multiple code deviation in terms of width, copy area, number of tenants and height of base area, as detailed in the Master Sign Plan. 2. Ground Sign for Commercial Building within Pod (Secondary Signs- 6 Tenants). The applicant is requesting to reduce the height of the sign to six (6) feet when the code requires eight (8) feet. Regarding these signs, the applicant is also requesting multiple code deviation in terms of width, copy area and height of the base. 3. Ground Sign for Commercial Building within Pod (Secondary Signs- 3 Tenants). The applicant is requesting to reduce the height of the sign to six (6) feet when the code requires eight (8) feet. Regarding these signs, the applicant is also requesting multiple code deviation in terms of width, copy area, number of tenants and height of the base. 4. Individual Ground Sign. The applicant is requesting to increase the height of the sign to five (5) feet when the code requires eight (4) feet. Regarding these signs, the applicant is also requesting multiple code deviation in terms of width, copy area, and height of the base. 			
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>		Resolution 2021-19, Staff report, Application, Justification Statement, Pod H Master Signage Program			
SELECT, if applicable		RESOLUTION:	X	ORDINANCE:	

<p>IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is not a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <u>Please keep text indented.</u></p>	<p>A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE MASTER SIGN PLAN FOR THE WESTLAKE LANDINGS, COMMERCIAL PLAZA, LOCATED AT 16860 PERSIMMON BOULEVARD WEST ON APPROXIMATELY 50.826 ACRES, PURSUANT TO CHAPTER 6, OF THE SIGN CODE, MINTO PBHL LLC IS REQUESTING A MASTER SIGN PLAN APPROVAL FOR GROUND AND DIRECTIONAL SIGNAGE AND FOUR WAIVERS OF CODE PROVISIONS, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.</p>	
<p>FISCAL IMPACT <i>(if any):</i></p>		<p>\$</p>

July 12, 2021

RESOLUTION 2021-19

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE MASTER SIGN PLAN FOR THE WESTLAKE LANDINGS, COMMERCIAL PLAZA, LOCATED AT 16860 PERSIMMON BOULEVARD WEST ON APPROXIMATELY 50.826 ACRES, PURSUANT TO CHAPTER 6, OF THE SIGN CODE, MINTO PBHL LLC IS REQUESTING A MASTER SIGN PLAN APPROVAL FOR GROUND AND DIRECTIONAL SIGNAGE AND FOUR WAIVERS OF CODE PROVISIONS, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's Land Development Regulations, Chapter 6, Signs, Section 6.9, provides procedures for the review and adoption of Master Sign Plans by the City Council; and

WHEREAS, the applicant, Cotleur & Hearing, submitted an application for a Master Sign Plan review and approval for the Westlake Landings Plaza, located at 16860 Persimmon Boulevard West, Westlake, Florida, 33470, containing approximately 50.826 acres, legally described in the attached Exhibit "A", and

WHEREAS, the City staff have reviewed the proposed Master Sign Plan, MSP 2021-01, which consists of Pod Entry Monument signs, a primary ground sign, a secondary ground sign, individual ground signs, directional signage and approval of four (4) waivers to the sign code provisions, all as more specifically detailed in the attached Exhibit "B", (Master Sign Plan); and

WHEREAS, the Westlake Landings Plaza is a commercial plaza in the Downtown Mixed Use zoning district fronting on Seminole Pratt Whitney road and includes a rural parkway easement, Parcel A 1 with a 4,500 Sq. Ft. Convenience Store with Gas Station (Phase One); Parcel A 2 -1 with a 3,500 Sq. Ft. Fast Food Restaurant with a drive through; Parcel B 1 with a 4,500 Sq. Ft. Retail and 2,500 Sq. Ft. Fast Food Restaurant with a drive through; Parcel B 2 with a 4,500 Sq. Ft. Retail and 2,500 Sq. Ft. Fast Food Restaurant with a drive through; Parcel C 1 with a 3,585 Sq. Ft. Fast Food Restaurant with a drive through; Parcel D with 3,585 Sq. Ft. Fast Food Restaurant with a drive through; Parcel E with a 140,000 Sq. Ft. Self Service Storage; Parcel F with designation for Commercial Recreation; and Parcel G with a 35,000 Sq. Ft. Office and 150,000 Sq. Ft. Light Industrial ; and

WHEREAS, the Master Sign Plan is consistent with all of the requirements of the City of Westlake's Sign Codes, the City Manager and the city staff recommends approval of the Master Sign Plan with conditions as set forth herein; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in Palm Beach County, notifying the public of this proposed resolution and of the public hearing; and

WHEREAS, the City Council for the City of Westlake finds that based upon the evidence submitted the adoption an implementation of this resolution as approved with the conditions contained herein, is in the best interest and welfare of the residents of the City of Westlake.

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

Section 1: Recitals: The above recitals are true and correct and are incorporated herein by this reference.

Section 2: Approval of Master Sign Plan: The City Council for the City of Westlake hereby approves the Master Sign Plan MSP 2021-01, for Westlake Landings Plaza, consisting of Pod Entry Monument signs, a primary ground sign, a secondary ground sign, individual ground signs, and approval of four (4) waivers to the sign code provisions, located at 16860 Persimmon Boulevard West, Westlake, Florida, 33470, as described in the Master Sign Plan, attached hereto as Exhibit "B", located on approximately 50.826 acres, in the City of Westlake, and in Palm Beach County, Florida.

Section 3: Approval of Waivers: The City Council for the City of Westlake hereby approves the following four (4) waivers for the Westlake Landings Plaza:

1. Ground Sign for commercial Building within Pod (Primary Ground Sign). The applicant is requesting to increase the height of the sign to fourteen (14) feet when the code requires eight (8) feet. Regarding these signs, the applicant is also requesting multiple code deviation in terms of width, copy area, number of tenants and height of base area, as detailed in the Master Sign Plan.
2. Ground Sign for Commercial Building within Pod (Secondary Signs- 6 Tenants). The applicant

is requesting to reduce the height of the sign to six (6) feet when the code requires eight (8) feet. Regarding these signs, the applicant is also requesting multiple code deviation in terms of width, copy area and height of the base.

3. Ground Sign for Commercial Building within Pod (Secondary Signs- 3 Tenants). The applicant is requesting to reduce the height of the sign to six (6) feet when the code requires eight (8) feet. Regarding these signs, the applicant is also requesting multiple code deviation in terms of width, copy area, number of tenants and height of the base.
4. Individual Ground Sign. The applicant is requesting to increase the height of the sign to five (5) feet when the code requires eight (4) feet. Regarding these signs, the applicant is also requesting multiple code deviation in terms of width, copy area, and height of the base.

Section 3: Conditions of Approval: The Master Sign Plan approval is subject to the applicant meeting all of the conditions set forth in the development approval, as attached hereto as Exhibit "C", which is incorporated herein and made a part hereof.

Section 4. Implementation: The City Manager and the Interim City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of the Resolution.

Section 5: Effective Date: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 12th day of July, 2021.

PUBLISHED on __ day of June, 2021 in the Palm Beach Post.

City of Westlake

Roger Manning, Mayor

Zoie Burges, City Clerk

Approved as to Form and Sufficiency

Donald Doody, Interim City Attorney

Exhibit 'A'
Legal Description
Westlake Landings Plaza

A PARCEL OF LAND LYING IN SECTIONS 1 AND 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.00°59'17"W., ALONG THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 349.11 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF M-CANAL, A 250 FOOT WIDE CITY OF WEST PALM BEACH RIGHT-OF-WAY, DESCRIBED IN DEED BOOK 1156, PAGE 58, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE S.87°46'28"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY OF M-CANAL, AS FOUND MONUMENTED, A DISTANCE OF 370.84 FEET; THENCE N.88°36'57"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY OF M-CANAL, AS FOUND MONUMENTED, A DISTANCE OF 1,406.04 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD, A 100 FOOT WIDE RIGHT-OF-WAY, DESCRIBED IN OFFICIAL RECORD BOOK 1544, PAGE 378, AND ROAD PLAT BOOK 4, PAGE 34, BOTH OF SAID PUBLIC RECORDS; THENCE S.01°42'52"W., ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 3,416.52 FEET TO THE NORTHERLY MOST CORNER OF ADDITIONAL RIGHT-OF-WAY FOR SEMINOLE-PRATT WHITNEY ROAD, DESCRIBED IN OFFICIAL RECORD BOOK 10289, PAGE 488, OF SAID PUBLIC RECORDS; THENCE ALONG THE WEST LINE OF SAID ADDITIONAL RIGHT-OF-WAY OF SEMINOLE-PRATT WHITNEY ROAD FOR THE FOLLOWING THREE (3) COURSES: 1) S.02°59'15"W., A DISTANCE OF 540.13 FEET; 2) THENCE S.01°42'52"W., A DISTANCE OF 280.00 FEET; 3) THENCE S.00°26'29"W., A DISTANCE OF 193.91 FEET; THENCE N.89°33'31"W., A DISTANCE OF 62.32 FEET TO A POINT ON THE WEST LINE OF RIGHT-OF-WAY PARCEL 101, AS RECORDED IN OFFICIAL RECORDS BOOK 28479, PAGE 822, OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF SAID EXISTING RIGHT-OF-WAY FOR THE FOLLOWING FIFTEEN (15) COURSES: 1) S.43°17'00"E., A DISTANCE OF 56.57 FEET; 2) THENCE S.01°42'52"W., A DISTANCE OF 274.62 FEET; 3) THENCE S.15°12'36"W., A DISTANCE OF 51.43 FEET; 4) THENCE S.01°42'52"W., A DISTANCE OF 202.70 FEET; 5) THENCE S.00°43'28"W., A DISTANCE OF 58.80 FEET; 6) THENCE S.45°43'28"W., A DISTANCE OF 36.57 FEET; 7) THENCE N.89°16'32"W., A DISTANCE OF 40.00 FEET; 8) THENCE S.00°43'28"W., A DISTANCE OF 62.00 FEET; 9) THENCE S.89°16'32"E., A DISTANCE OF 52.00 FEET; 10) THENCE S.44°16'32"E., A DISTANCE OF 56.57 FEET; 11) THENCE S.00°43'28"W., A DISTANCE OF 320.20 FEET; 12) THENCE S.01°42'52"W., A DISTANCE OF 62.51 FEET; 13) THENCE S.13°52'24"W., A DISTANCE OF 56.97 FEET; 14) THENCE S.01°42'52"W., A DISTANCE OF 224.37 FEET; 15) THENCE S.46°13'31"W., A DISTANCE OF 57.04 FEET TO A POINT ON THE NORTH LINE OF THE PARCEL CONVEYED TO THE SCHOOL BOARD OF PALM BEACH COUNTY, AS RECORDED IN OFFICIAL RECORDS BOOK 14566, PAGE 1779, OF SAID PUBLIC RECORDS; THENCE N.89°14'58"W., ALONG SAID NORTH LINE, A DISTANCE OF 1402.37 FEET TO A POINT ON THE EAST LINE OF M-2 CANAL EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 1687, PAGE 1749, OF SAID PUBLIC RECORDS; THENCE N.00°29'31"E., ALONG SAID EAST LINE OF M-2 CANAL EASEMENT, A DISTANCE OF 1260.89 FEET; THENCE N.00°29'11"E., ALONG SAID EAST LINE OF M-2 CANAL EASEMENT, A DISTANCE OF 755.66 FEET TO THE NORTHWESTERLY MOST CORNER OF TRACT M-2, AS SHOWN ON SAID PLAT OF PERSIMMON BOULEVARD WEST - REPLAT; THENCE N.89°42'52"E., ALONG THE NORTH LINE OF SAID TRACT M-2, A DISTANCE OF 2.34 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD WEST, PERSIMMON BOULEVARD WEST - REPLAT; THENCE THE FOLLOWING COURSES BEING ALONG THE WESTERLY AND SOUTHERLY LINE OF THE RIGHT-OF-WAY FOR PERSIMMON BOULEVARD WEST, AS SHOWN ON SAID PLAT OF PERSIMMON BOULEVARD WEST - REPLAT; THENCE S.02°39'52"E., A DISTANCE OF 38.71 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 515.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 85°37'22", A DISTANCE OF 769.62 FEET TO A POINT OF TANGENCY; THENCE S.88°17'15"E., A DISTANCE OF 36.60 FEET; THENCE S.75°52'48"E., A DISTANCE OF 51.21 FEET; THENCE S.88°17'15"E., A DISTANCE OF 374.75 FEET; THENCE N.89°12'00"E., A DISTANCE OF 91.32 FEET; THENCE S.88°17'17"E., A DISTANCE OF 326.83 FEET TO A POINT ON THE WEST LINE OF RIGHT-OF-WAY PARCEL 101, AS RECORDED IN OFFICIAL RECORDS BOOK 28479, PAGE 822, OF SAID PUBLIC RECORDS; THENCE S.88°17'04"E., ALONG SAID WEST LINE OF RIGHT-OF-WAY PARCEL 101, A DISTANCE OF 52.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 2,213,986 SQUARE FEET OR 50.826 ACRES MORE OR LESS.

Exhibit "B"

Westlake Landings Master Sign Plan

SIGN LOCATION MAP - PROPOSED SIGNS



SIGN LOCATION MAP

- NON RESIDENTIAL POD ENTRY SIGN
- PRIMARY GROUND SIGN
- SECONDARY GROUND SIGN- 6 TENANTS
- SECONDARY GROUND SIGN- 3 TENANTS
- INDIVIDUAL GROUND SIGN (NOTE: LOCATIONS OF INDIVIDUAL GROUND SIGNS ARE CONCEPTUAL AND WILL BE FINALIZED DURING SITE PLAN REVIEW OF EACH PARCEL.)
- ✱ MSP BY OTHER

NOTE: PARCEL C + D WILL CONTAIN 3 BUILDINGS THEREFORE 3 INDIVIDUAL GROUND SIGNS ARE PROPOSED



WESTLAKE LANDINGS
Sign Location Map

SHEET NO.
1

EXHIBIT "C"
Condition of
Approval

1. Only one (1) Individual Ground Sign per building is authorized.



City of Westlake

Planning and Zoning Department – Staff Report

City Council Meeting 7/12/2021

PETITION DESCRIPTION

PETITION NUMBER: MSP-2021-01 Pod H Westlake Landings Master Sign Plan
OWNER: Minto PBLH LLC
APPLICANT: Cotleur & Hearing
ADDRESS: 16604 Town Center Parkway North Westlake, FL 33470 (Pod H)
PCN: 77-40-43-12-00-000-1010
REQUEST: The applicant is requesting approval for a Master Sign Plan for WestlakeLandings, a 50.826 acres commercial plaza, per *Chapter 6. Sign. Section 6.9 Master Sign Plan*. The subject application includes four (4) waivers.

SUMMARY

The applicant is requesting approval for a Master Sign Plan for Westlake Landings, per *Chapter 6. Sign. Section 6.9 Master Sign Plan*. The Master Sign Plan includes ground, and directional signs for the 50.826 acre commercial plaza to be developed in multiple phases. Also, the applicant is requesting approval of four (4) waivers as follows:

1. Ground Sign for commercial Building within Pod (Primary Ground Sign). The applicant is requesting to increase the height of the sign to fourteen (14) feet when the code requires eight (8) feet. Regarding these signs, the applicant is also requesting multiple code deviation in terms of width, copy area, number of tenants and height of base area, as detailed in the Master Sign Plan.
2. Ground Sign for Commercial Building within Pod (Secondary Signs- 6 Tenants). The applicant is requesting to reduce the height of the sign to six (6) feet when the code requires eight (8) feet. Regarding these signs, the applicant is also requesting multiple code deviation in terms of width, copy area and height of the base.
3. Ground Sign for Commercial Building within Pod (Secondary Signs- 3 Tenants). The applicant is requesting to reduce the height of the sign to six (6) feet when the code requires eight (8) feet. Regarding these signs, the applicant is also requesting multiple code deviation in terms of width, copy area, number of tenants and height of the base.
4. Individual Ground Sign. The applicant is requesting to increase the height of the sign to five (5) feet when the code requires eight (4) feet. Regarding these signs, the applicant is also requesting multiple code deviation in terms of width, copy area, and height of the base.

STAFF RECOMMENDATION

Based upon the facts and findings contained herein, the Engineering Department recommends approval of the subject application. The Planning and Zoning Department recommends the following Condition of Approval:

1. Only one (1) Individual Ground Sign per building is authorized.

BACKGROUND

The following application regarding Westlake Landings Plaza was approved by the City Council (5-0) on June 14, 2021:

1. Master Site Plan (MPA-2021-01) for a 50.826 acres Commercial Plaza in Pod H “Westlake Landings”. The subject application includes 1.39 acres of Canal; 1.00 acres of Dry Retention; **Parcel A 1** -2.48 acres- with a 4,500 Sq. Ft. Convenience Store with Gas Station (**Phase One**); **Parcel A 2** -1.18 acres- with a 3,500 Sq. Ft. Fast Food Restaurant with a drive through; **Parcel B 1** -1.68 acres- with a 4,500 Sq. Ft. Retail and 2,500 Sq. Ft. Fast Food Restaurant with a drive through; **Parcel B 2** -1.82 acres- with a 4,500 Sq. Ft. Retail and 2,500 Sq. Ft. Fast Food Restaurant with a drive through; **Parcel C 1** -1.87 acres- with a 3,585 Sq. Ft. Fast Food Restaurant with a drive through; **Parcel D** -1.81 acres- with 3,585 Sq. Ft. Fast Food Restaurant with a drive through; **Parcel E** -5.75 acres- with a 140,000 Sq. Ft. Self Service Storage; **Parcel F** -14.44 acres- with designation for Commercial Recreation; and **Parcel G** -17.41 acres- with a 35,000 Sq. Ft. Office and 150,000 Sq. Ft. Light Industrial.

STAFF ANALYSIS

The applicant is requesting approval for a Master Sign Plan for Westlake Landings, a 50.826 acre commercial plaza developed in multiple phases located in Pod H per Chapter 6. Sign. Section 6.9 Master Sign Plan. In addition to the three (3) Non-Residential Pod Entry Monument Signs and two (2) Secondary Ground Signs within Pod H that are consistent with the code, the subject application includes four (4) waivers.

The proposed Master Sign Plan includes all of the following signs:



SIGN LOCATION MAP

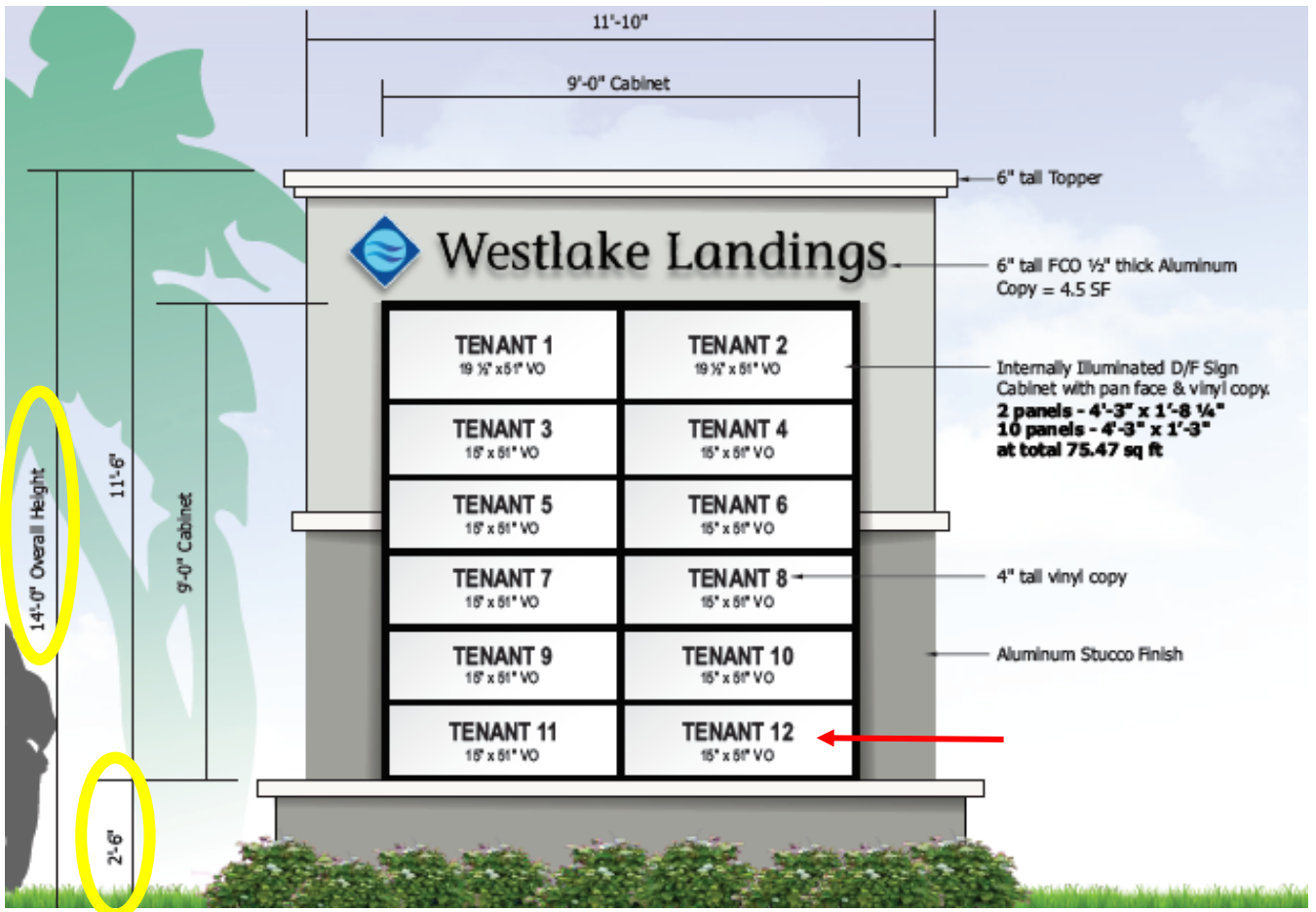
- NON RESIDENTIAL POD ENTRY SIGN
- PRIMARY GROUND SIGN
- SECONDARY GROUND SIGN- 6 TENANTS
- SECONDARY GROUND SIGN- 3 TENANTS
- INDIVIDUAL GROUND SIGN (NOTE: LOCATIONS OF INDIVIDUAL GROUND SIGNS ARE CONCEPTUAL AND WILL BE FINALIZED DURING SITE PLAN REVIEW OF EACH PARCEL)
- ★ MSP BY OTHER

Per Chapter 6. Sign. Section 6.9 Master Sign Plan: *The City Council, at the time of development order or site plan approval or amendment, may waive one or more of the requirements of this chapter as part of a master sign plan. A master sign plan may be considered for two or more signs.*

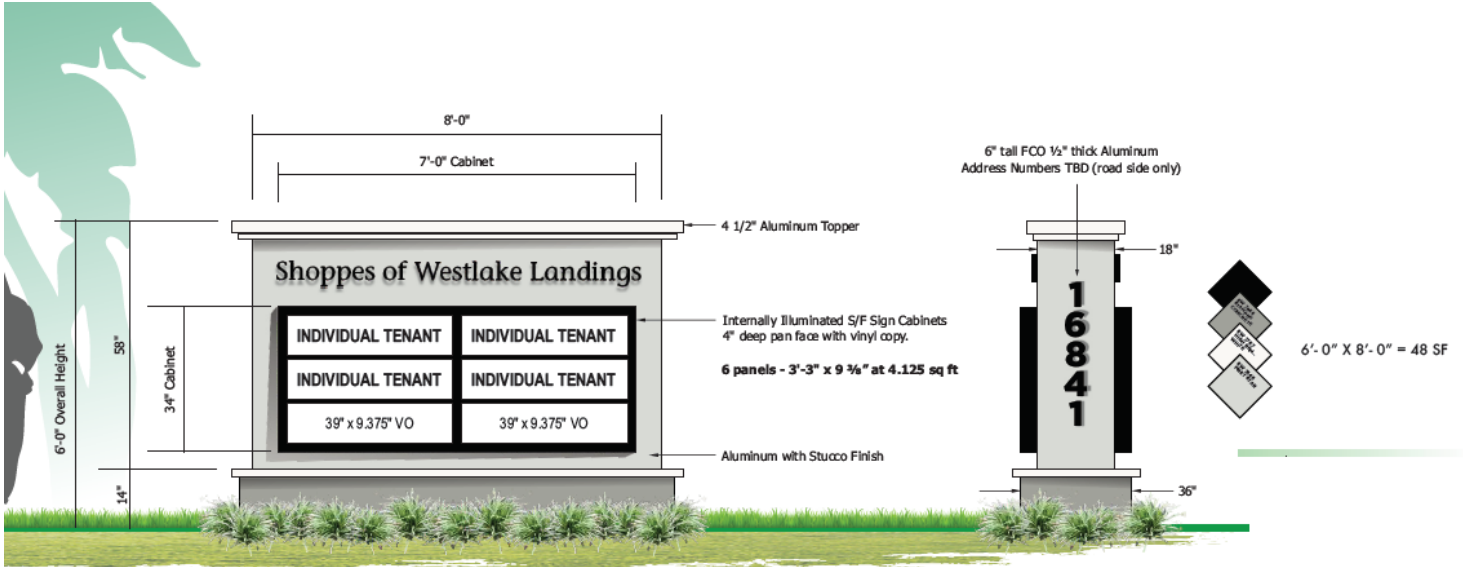
(A) *The City Council may vary the size, setback requirements, number, and type of signs as part of a master sign plan application, provided the city council determines an application complies with the general intent and purpose of this chapter.*

As part of the subject Master Sign Plan, the applicant is requesting the following four (4) waiver's from the provisions of the Sign Code:

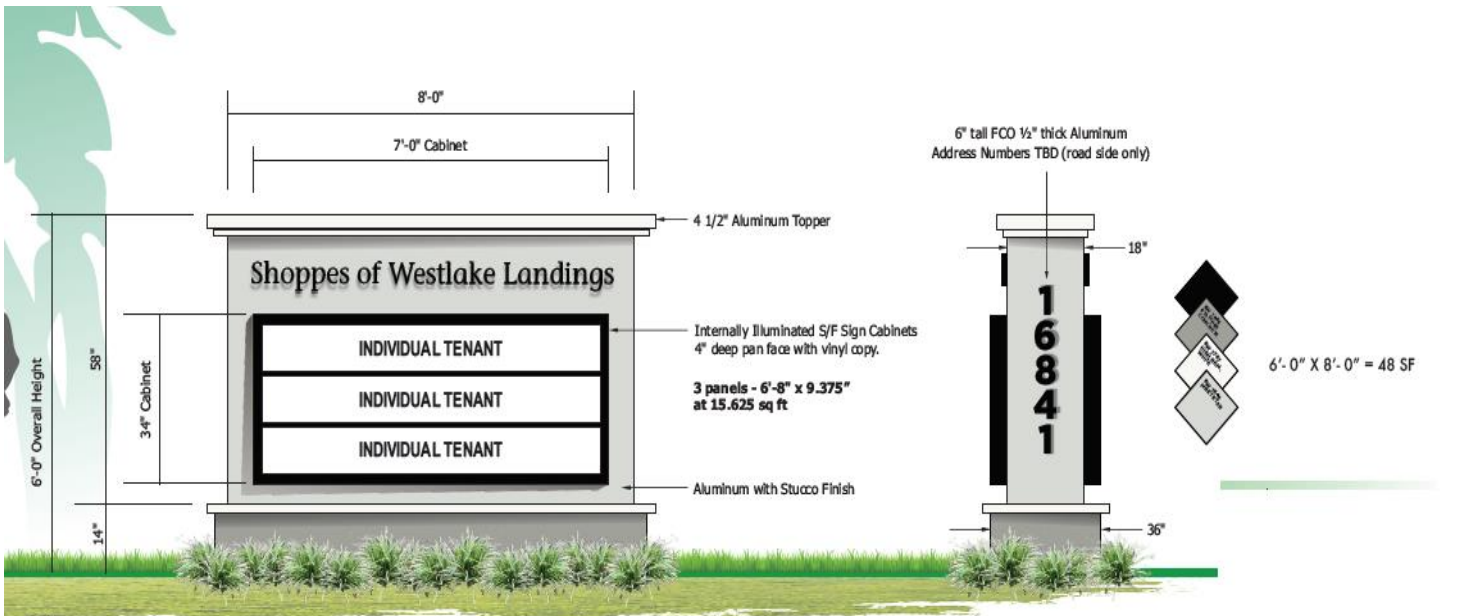
1. Ground Sign for commercial Building within Pod (Primary Ground Sign). The applicant is requesting to increase the height of the sign to fourteen (14) feet when the code requires eight (8) feet. Regarding these signs, the applicant is also requesting multiple code deviation in terms of width, copy area, number of tenants and height of base area, as detailed in the Master Sign Plan:
 - a. Sign to be fourteen feet (14') in height, exceeding code requirement of eight feet (8').
 - b. An overall sign area of 165.66 square feet, exceeding allowable 120 feet.
 - c. Ground Sign Copy area is 75.47 square feet, exceeding code requirement of 60 square feet.
 - d. Sign contains twelve (12) tenant names, exceeding the allowance by 6.
 - e. Base of sign is 2.6', in which the code only allow two feet (2 ft).



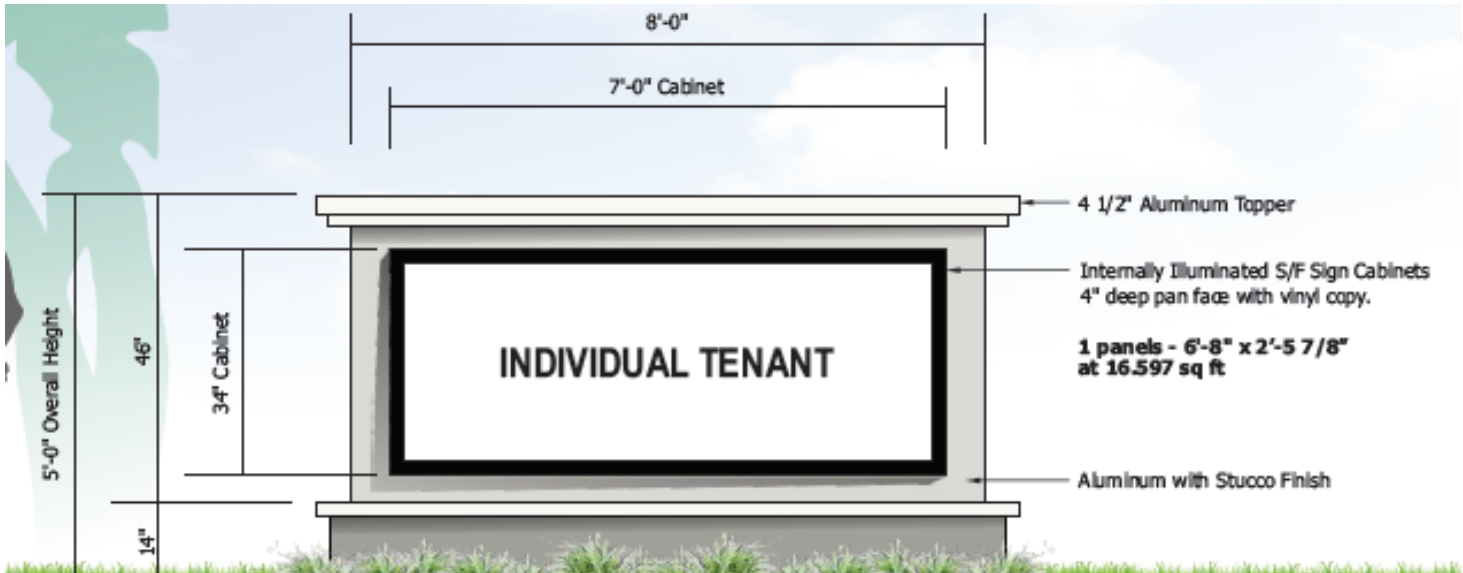
- Ground Sign for Commercial Building within Pod (Secondary Signs- 6 Tenants). The applicant is requesting to reduce the height of the sign to six (6) feet when the code requires eight (8) feet. Regarding these signs, the applicant is also requesting multiple code deviation in terms of width, copy area and height of the base.



- Ground Sign for Commercial Building within Pod (Secondary Signs- 3 Tenants). The applicant is requesting to reduce the height of the sign to six (6) feet when the code requires eight (8) feet. Regarding these signs, the applicant is also requesting multiple code deviation in terms of width, copy area, number of tenants and height of the base.

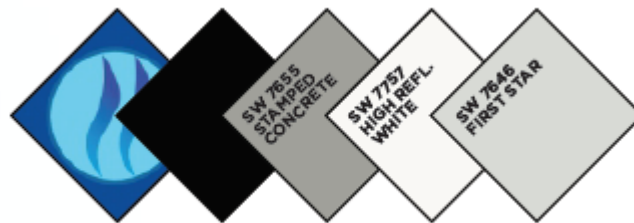


4. Individual Ground Sign. The applicant is requesting to increase the height of the sign to five (5) feet when the code requires eight (4) feet. Regarding these signs, the applicant is also requesting multiple code deviation in terms of width, copy area, and height of the base.
 - a. Each sign is proposed to be five feet (5'), which exceeds code requirement of four feet (4').
 - b. Signs copy area are 16.5 square feet, exceeding allowable requirement by 12.5 square feet.



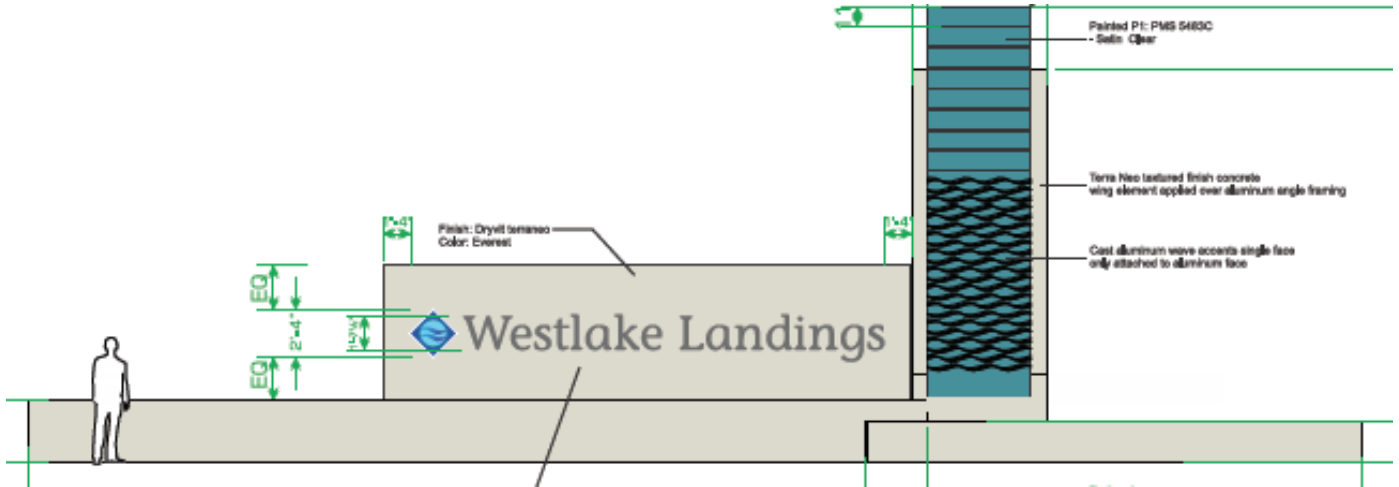
Tenant Sign Specifications

Tenant Signs will follow criteria set forth by the Master Sign Plan and remain consistent with the color scheme below. Tenants can have channel letters in the following two fonts: Helvetica Medium or Americana Extra Bold. Regional and National chains are permitted to use brand logo if approved by Landlord.



Non-Residential Pod Entry Monument Signs

The applicant proposes (three) 3 Non-Residential Pod Entry Monument Signs. One is provided at the outhwest sintersection of Persimmon Boulevard and Seminole Pratt Whitney (SPW) and the second and third will be provided at the westbound entrance into Pod H, off Seminole Pratt Whitney. All Monumnet Signs are consistent with the location, size and design criteria of Section 6.20.



FINAL REMARKS

MSP-2021-01 will be heard by the City Council on July 12, 2021. The public hearing was advertised in compliance with the City’s code.

Based upon the facts and findings contained herein, the Engineering Department recommends approval of the subject application. The Planning and Zoning Department recommends the following Condition of Approval:

- 2. Only one (1) Individual Ground Sign per building is authorized.



CITY OF WESTLAKE
 Planning and Zoning Department
 4001 Seminole Pratt Whitney Road
 Westlake, Florida 33470
 Phone: (561) 530-5880
 www.westlakegov.com

DEPARTMENTAL USE ONLY
 Ck. # _____
 Fee: _____
 Intake Date: _____
 PROJECT #

APPLICATION FOR SITE PLAN REVIEW

PLANNING & ZONING BOARD

Meeting Date: _____

CITY COUNCIL

Meeting Date: _____

INSTRUCTIONS TO APPLICANTS:

1. Please complete all sections of this application. If not applicable, indicate with N/A.
2. Provide all required documents as shown on the attached checklist. If not applicable, indicate with N/A.

The Planning & Zoning Board meets the second Monday of the month at 6:00 p.m., as needed in the City Council Chambers, 4005 Seminole Pratt Whitney Road. The applicant will be informed in writing of their scheduled meeting date. After review and recommendation by the Planning & Zoning Board, applications will be heard by the City Council. The City Council meets on the second Monday of the month at 6:30 p.m., in the City Council Chambers.

I. PROJECT DESCRIPTION & APPLICANT INFORMATION

PROJECT NAME: Pod H "Westlake Landings" Master Sign Plan

PROJECT ADDRESS: TBD

DESCRIPTION OF PROJECT: Pod H Master Sign Plan

Property Control Number (PCN), list additional on a separate sheet: 77-40-43-12-00-000-1010

Estimated project cost: TBD

Property Owner(s) of Record (Developer) Minto PBLH LLC

Address: 16604 Town Center Pkwy N, Suite B, Westlake, FL 33470

Phone No.: 954-973-4490 Fax No.: _____ E-mail Address: jfcarter@mintousa.com

Agent (if other than owner complete consent section on page 3):

Name: Cotleur & Hearing

Address: 1934 Commerce Lane, Suite 1, Jupiter, FL 33458

Phone No.: 561-747-6336 Fax No.: _____ E-mail Address: dhearing@cotleur-hearing.com

II. LAND USE & ZONING

- A) **ZONING MAP DESIGNATION** Mixed Use B) **FUTURE LAND USE MAP DESIGNATION** Downtown MXD
- C) Existing Use(s) Vacant, AG
- D) Proposed Use(s), as applicable Commercial, retail, office, restaurant, self-service storage, industrial and commercial recreation.

III. ADJACENT PROPERTIES

	Name of Business/ Subdivision	Land Use Designation	Zoning Designation	Existing Use(s)	Approved Use(s)
NORTH	PUBLIX/Pod G (SW)	Mixed Use	Mixed Use	Pre-Construction/ Vacant	PUBLIX/Mixed Use
SOUTH	Seminole Ridge High School	Civic	Civic - Education	Public School	Public School
EAST	WRMC/Pod K	Downtown Mixed Use	Mixed Use	Medical Center/ Vacant	Medical Center/ Medical District
WEST	Loxahatchee	Rural Residential	Residential	Rural Residential	Rural Residential

V. OWNER/APPLICANT ACKNOWLEDGEMENT AND CONSENT

Consent statement (to be completed if owner is using an agent)

I/we, the owners, hereby give consent to Coteleur & Hearing to act on my/our behalf to submit this application, all required material and documents, and attend and represent me/us at all meetings and public hearings pertaining to the application and property I/we own described in the application.

By signing this document, I/we affirm that I/we understand and will comply with the provisions and regulations of the City of Westlake, Florida, Code of Ordinances. I/we further certify that all of the information contained in this application and all the documentation submitted is true to the best of my/our knowledge.

John F. Carter
 Owner's Name (please print)


 Owner's Signature

4-29-21
 Date

Donaldson Hearing
 Applicant/Agent's Name (please print)


 Applicant/Agent's Signature

5-27-2021
 Date

POD H – Westlake Landings

Master Sign Plan

Justification Statement

May 28, 2021

Revised: June 17, 2021

Introduction

Westlake is pleased to soon become home to a mixed-use project to contain a variety of commercial, retail, and industrial uses on 50.826 acres centrally located within the TTD on the west side of Seminole Pratt Whitney Road. “Westlake Landings” will include the previously approved 7-Eleven 2.0 located on Lot 1 of Pod H together with 8 new development parcels to be located on Lot 2 of Pod H. Pod H is uniquely positioned, as contemplated in the master planning process of Westlake, to be conveniently located to serve the residents of Westlake, but also serving the western community.

Pod H is currently under review for a master plan amendment, and as such, this proposed master signage plan will complement that approval. A Master Signage Plan will allow for a comprehensive and coordinated approach to signage for the entire parcel. Master Signage Plans are encouraged as they provide for greater flexibility to serve the specific needs of a development and result in a more aesthetically pleasing design.

Background

The Minto Westlake site is located East and West of Seminole Pratt Whitney Blvd., South of 60th Street North, and North of 50th Street N, East of Mead Hill Drive, and 44th Street North, East of 190th Terrace North and West of 140th Avenue North. Per the newly adopted Comprehensive Plan, the 3,788.60-acre property has FLUA designations of R1, R2, DTMU, Civic, OS&R and SE Overlay. To provide consistency with the Development Order and existing zoning, the plan states the FLUA designation as Agricultural Enclave. The property is currently in active construction.

Minto Westlake is roughly co-extensive with SID, a legislatively created special district with the authority to provide public infrastructure and services and to operate district facilities. SID provides drainage, water, and wastewater services for the subject property, and owns a canal right-of-way and/or easement for access and drainage from the subject site running approximately four miles south to the C-51 Canal.

Historic and Recent Planning and Zoning Entitlements

On October 29, 2014, the property received approval from the Board of County Commissioners for a Comprehensive Plan Amendment (Ordinance 2014-030), Rezoning and Preliminary Master Plan (Resolution 2014-1646), and Requested Uses (Resolutions 2014-1647 and 1648).

Ordinance No. 2014-030 approved an amendment to the Comprehensive Plan for the site-specific Agricultural Enclave, including a Conceptual Master Plan and Implementing Principles.

The Ordinance also made various text changes to the Plan related to the Agricultural Enclave Future Land Use. These Amendments were codified and are included as part of the Palm Beach County's Comprehensive Plan.

Resolution No. 2014-1646 approved the Zoning application for the Minto West Traditional Development District. The Resolution included rezoning the property from Agricultural Residential (AR) and Public Ownership (PO) Zoning Districts to the Traditional Town Development (TTD) Zoning District.

Resolution No. R-2014-1647 approved a Requested Use for a College or University to be located within the property.

Resolution No. R-2014-1648 approved a Requested Use for a Hotel to be located within the property.

The Board of County Commission approved a corrective resolution (No. R-2014-1892), which amended Engineering Condition E.9 of Resolution 2014-1646 to add "iii. Notwithstanding the foregoing, no connection of Persimmon Boulevard shall be made to 140th prior to the issuance of the 2700th dwelling unit permit."

On June 20, 2016, the City of Westlake became the 39th municipality in Palm Beach County.

On January 23, 2017, the City approved an amendment to the Final Master Plan (MPA-2016-01), which allowed minor adjustments to the pod boundaries and acreages of Pods F, P, Q, R, L, and PC-1, dwelling unit allocations, and rights-of-way.

On November 13, 2017, the City approved an amendment (MPA-2017-01) to the Final Master Plan, which allowed minor adjustments to the pod boundaries, acreages, and dwelling units of Pods R and Q. Eleven dwelling units were transferred from Pod R to Pod Q.

On March 12, 2018, Ordinance No. 2017-05 approved the adoption of the City of Westlake Comprehensive Plan and Future Land Use Map.

Ordinance No. 2018-04 approved an amendment to the City's interim Land Development Code to modify the TDD Block Dimensions and Street Design Standards.

Ordinance No. 2018-05 approved an amendment to the City's interim Land Development Code to modify the TND land use, general standards, lot size and setback regulations.

On April 4, 2018, Resolution No. 2018-12 approved the final plat for Town Center Parkway South, Phase II.

On May 14, 2018, Resolution No. 2018-11 approved the final plat for Town Center Parkway Phase II.

On July 3, 2018, Resolution No. 2018-14 approved the amended final plat for Town Center Parkway South, Phase II.

On July 3, 2018, Resolution No. 2018-15 approved the final plat for Ilex Way Phase 1.

On September 10, 2018, Resolution No. 2018-16 approved the final plat for the Meadows of Westlake Phase 1.

On September 10, 2018, Resolution No. 2018-20 approved the final plat for Del Webb at Westlake. This application has been formally withdrawn.

On September 24, 2018, Resolution No. 2018-24 approved the final plat for the School Site C-3.

On September 24, 2018, Resolution No. 2018-25 approved the final plat for Persimmon Boulevard East, Plat 2.

On October 8, 2018, Resolution No. 2018-28 approved the final plat for Waters Edge Drive.

On December 14, 2018, the City of Westlake approved an amendment (MPA-2018-02) to the Final Master Plan, which allowed minor adjustments to the pod dwelling units of Pods M, O, P, S and to modify the pod acreages of Pods M, P, S, PC-2, and PC-3.

On January 14, 2019, Resolution No. 2019-01 approved the final plat for Ilex Way II.

On January 14, 2019, Resolution No. 2019-02 approved the final plat for Ilex Way III.

On January 14, 2019, Resolution No. 2019-03 approved the final Packing House plat.

On January 14, 2019, Resolution No. 2019-04 approved the final plat for Cresswind 'Pod P'.

On March 11, 2019, Resolution No. 2019-07 approved the final plat for Meadows of Westlake Phase II.

On March 11, 2019, Resolution No. 2019-08 approved the final plat for Westlake Civic Tract.

On March 20, 2019, The City of Westlake approved an amendment (MPA-2019-01) to the Final Master Plan, which allowed minor adjustments to the boundaries, acreages and dwelling unit allocation in Pods P, S, and N.

On May 9, 2019, The City of Westlake approved an amendment to (MPA-2019-02) to the final Master Plan which allowed minor adjustments to the dwelling unit allocation in Pods M and R.

On April 8, 2019, Resolution No. 2019-10 approved the final plat for Sky Cove Phase 1A (Pod M).

On April 8, 2019, Resolution No. 2019-11 approved the final plat for Sky Cove Phase 1B (Pod M).

On July 8, 2019, Resolution No. 2019-12 approved the final plat for 7-Eleven Gas Station.

On July 8, 2019, Resolution No. 2019-15 approved the Site Plan for 7-Eleven Gas Station.

On July 8, 2019, Resolution No. 2019-16 approved the Requested Use for 7-Eleven Gas Station.

On August 12, 2019, Resolution No. 2019-18 approved the Plat for Pod K.

On August 12, 2019, Resolution No. 2019-19 approved the Plat for Pod R (Meadows Phase 2).

On August 12, 2019, Resolution No. 2019-20 approved the Plat for Kingfisher.

On September 9, 2019, Ordinance No. 2019-6 established the Mandatory Signage Design.

On September 9, 2019, Ordinance No. 2019-7 established the Mandatory Landscaping Design and Buffers.

On September 23, 2019, Ordinance No. 2019-9 established Chapter 3 and Adopting of the Zoning Map.

On February 10, 2020, Ordinance No. 2019-10 established Regulations for Parking within the City of Westlake.

On October 28, 2019, Resolution No. 2019-28 approved the Re-plat of Persimmon West.

On October 28, 2019, Resolution No. 2019-32 approved the Requested Use for ISTF.

On October 28, 2019, Resolution No. 2019-31 approved the Site Plan for ISTF Phase 1A.

On October 28, 2019, Resolution No. 2019-33 approved the ISTF Plat.

On October 28, 2019, Resolution No. 2019-35 approved the 7-Eleven 2.0 Requested Use.

On October 28, 2019, Resolution No. 2019- 34 approved the Site Plan for 7-Eleven 2.0.

On October 28, 2019, Resolution No. 2019-36 approved the Plat for Pod H.

On November 4, 2019, Resolution No. 2019-29 approved the Plat for Ilex Way Phase III.

On November 4, 2019, Ordinance 2019-12 approved Chapter 1 (Administration).

On November 4, 2019, Ordinance 2019-13 approved Chapter 2 (Land Development).

On November 4, 2019, Resolution 2019-38 approved the Plat for Christ Fellowship Church West Campus.

On December 9, 2019, Resolution No. 2019-39 approved the Site Plan for Christ Fellowship Church West Campus.

On December 9, 2019, Resolution No. 2019-40 approved the Site Plan for the International Soccer Training Facility Phase 1B (ISTF).

On May 11, 2020, Resolution No. 2020-09 approved the Plat for Cresswind Palm Beach Phase 2 (Pod P), A/K/A (Pod P-1).

On May 11, 2020, Resolution No. 2020-08 approved the final plat for Persimmon Boulevard East Plat 3.

On June 08, 2020, Resolution 2020-10 approved the Plat for Sky Cove Phase 1B (Pod M).

On June 08, 2020, Resolution 2020-12 approved the Plat for Groves of Westlake (Pod O).

On June 08, 2020, Resolution 2020-13 approved the Plat for Tract PC-5 (PBC Tax Collector's and DMV offices)

On June 08, 2020, Resolution 2020-14 approved the Site Plan for the PBC Tax Collector's and DMV offices.

On July 13, 2020, Resolution 2020-16 approved the Site Plan for the Cresswind Palm Beach Amenity Center.

On July 13, 2020, Resolution 2020-11 approved the Final Plat for Green Lane.

On August 10, 2020, Resolution 2020-03 approved a Site Plan Amendment for 7-Eleven 1.0 .

On August 10, 2020, Resolution 2020-04 approved a Site Plan Amendment for 7-Eleven 2.0.

On August 10, 2020, Resolution 2020-05 approved the Final Plat for Persimmon Boulevard East Plat 4.

On August 10,2020, Resolution 2020-22 approved the Final Plat for Groves of Westlake Phase 2.

On September 14, 2020, Resolution 2020-26 approved the Final Plat for Pod T – Estates of Westlake.

On November 09, 2020, Resolution 2020-32 approved the Final Plat for the Westlake Plaza (Publix).

On November 09, 2020, Resolution 2020-33, approved the Master Site Plan for the Publix at Westlake Plaza.

On November 09, 2020, Resolution 2020-34, approved the Site Plan for the Publix Grocery Store, Drive through Pharmacy, Liquor Store , and 9,600 sf of Inline retail.

On November 12, 2020, the City of Westlake approved an amendment (MPA-2020-04) to the Final Master Plan, which allowed minor adjustments to the dwelling unit allocations and land area in Pods N, S, and U.

On December 14, 2020, Resolution 2020-36, approved the Final Plat for Sky Cove South, Phase 1A (Pod N).

On December 14, 2020, Resolution 2020-37, approved the Final Plat for Sky Cove South, Phase 1B (Pod N).

On December 14, 2020, Resolution 2020-38, approved the Master Sign Plan for 7-Eleven 1.0.

On December 14, 2020, Resolution 2020-39, approved the Master Sign Plan for the Publix at Westlake Plaza.

On December 15, the City of Westlake approved an amendment (MPA-2020-05) to the Final Master Plan, which allowed minor adjustments in Pod S.

On January 11, 2021, Resolution 2020-01, approved the Final Plat for Town Center Parkway South-West.

On January 11, 2021, Resolution 2020-02, approved the Final Plat for Pod G South-West.

On February 8, 2021, Resolution 2021-03, approved the Final Plat for Pod S - Phase I, Orchards of Westlake.

On March 8, 2021, Resolution 2021-06, approved the Final Plat for Pod M – Crossings of Westlake.

On March 8, 2021, Resolution 2021-07, approved the Final Plat for Pod S - Phase II, Orchards of Westlake.

On April 12, 2021, Resolution PZ-2021-01, approved a variance to Pod M- The Crossings of Westlake.

On May 10, 2021, Resolution 2021-04, Council approved a variance to Pod M-2 The Crossings of Westlake.

On May 10, 2021, Resolution 2021-11, approved the Final plat for Cresswind Palm Beach, Phase 3 (Pod P-1 Phase 3).

On June 14, 2021, Resolution 2021-08, approved the Amended Master Plan for Pod H, Westlake Landings.

On June 14, 2021, Resolution 2021-15, approved the Site Plan for Pod H – Self-Storage Facility on Parcel E in Pod H, Westlake Landings.

On June 14, 2021, Resolution 2021-16, approved the site plan modification for the Winn-Dixie grocery store in the Groves Market.

On June 14, 2021, Resolution 2021-17, approved the site plan modification for the Groves Market shopping center.

Subject Request

The applicant is requesting approval of a “Master Sign Plan” for Westlake Landings pursuant to Section 6.9 of the City Signage Code. The Master Sign Plan details the proposed Non-residential Pod Entry Sign, Primary and Secondary Ground Signs and Individual Ground Signs contemplated for future tenants. (The Pod H Master Plan Amendment is currently undergoing review by the City and anticipated to be approved shortly). This Master Signage Plan conforms to the requirements of Section 6.9 (C) (1-5).

Non-Residential Pod Entry Monument Signs

The MSP includes 3 Non-Residential Pod Entry Monument Signs (NRPES). One is provided at the southwest intersection of Persimmon Boulevard and Seminole Pratt Whitney (SPW). The second and third will flank the westbound entrance road into Pod H, off of SPW. The NRPES is consistent with the location, size, and design criteria of Section 6.20 Figure 6.3. Non-Residential Pod entry signs are consistent with the overall theme and expectation within Westlake. These signs are identified on the Master Monument Plan and have always been anticipated.

Primary Ground Signs for Commercial Buildings within Pods

There will be 1 Primary Ground Sign which will be 14’ in height, exceeding the height allowance of 8’ in height provided for in LDR Section 6.20 -Table 6.1. The Ground Sign is 14’ in height and 11’ in width. The Overall sign area is 165.66 sq.ft., exceeding the allowable 120 sq.ft. requirement of Table 6.1. This is a deviation of 45.66 sq.ft. The Ground Sign Copy area is 75.47 sq.ft., exceeding the 60 sq.ft. allowance of Table 6.1. This is a deviation of 15.47 sq.ft. The Primary Ground Sign contains 12 tenant names, exceeding the allowance by 6. The base of the

Primary Ground Sign is 2.6' which exceeds the minimum of 2' requirement by 6 inches and also deviates from the 30% of height requirement by 1.8' ($14 \times 30\% = 4.2$ feet).

Secondary Ground Signs for Commercial Buildings within Pods

There will be two types of Secondary Ground Signs: one housing 6 tenant names and the other housing 3 tenant names. Both of these sign types scale well below the maximum 8' height and 15' width. The Secondary Ground Signs are intended to be informative and directional in nature. Pod H as a whole is anticipated to have a number of different tenants and uses. To date staff has been focusing the frontage parcel along Seminole Pratt Whitney, which will be known as The Shoppes at Westlake Landing and the Self-Storage Facility. Parcels F and G will also have a number of different tenants. The Secondary Ground Signs are intended to provide wayfinding and some form of identification for all of the users within Pod H. While we have not determined which 6 tenants will be on the 6 ground signs in question, we would anticipate not having the individual tenants within the Shoppes of Westlake to be displayed on the Secondary Ground Signs; however, a major tenant within the Shoppes of Westlake could possibly be on the Secondary Ground Signs. Each of the 3 quick serve restaurants will have individual Ground Signs and will not be identified on the Secondary Ground Sign. As the 6 opportunities will be reserved for the priority tenants.

6-Tenant Sign:

The sign dimensions of the 6-tenant sign are 6' x 8' or 48 sq.ft.. This sign area is significantly less than the maximum 120 sq.ft. allowed. The sign face (copy area) is 4.125 sq.ft., again significantly less than the maximum 60 sq.ft. allowed. The sign will allow for the maximum number of tenants allowed.

3-Tenant Sign:

The sign dimensions of the 3-tenant sign are also 48 sq.ft., also significantly less than the maximum 120 sq.ft. allowed. The sign face is 15.625 sq.ft., again significantly less than the maximum 60 sq.ft. allowed. The sign allows for 3 less than the maximum number of tenant signs allowed by code.

Tenant Specific Directional Signs (Individual Ground Signs) Up to ten (10) individual ground (tenant) signs are proposed. These signs are just 1 foot higher than the allowable maximum of 4' and will have a copy area of approximately 16.5 sq.ft., which is 12.5 sq.ft. larger than the code allows.

Waivers are being requested for the **Primary Ground Sign** and the **Individual Ground Signs**. The increased sign areas requested for the Primary Ground Signs are justified given the extreme lack of visibility from Seminole Pratt Whitney. An 80 foot densely planted and bermed landscape buffer exists along Seminole Pratt Whitney which completely obscures all visibility to the retail shopping center from the primary arterial roadway serving the property. Visibility to

signage is paramount for the survival of retail uses. With the rapid structural shift to online shopping, brick and mortar signage identification has never been more important.

The Individual Ground Sign will be used as individual ID signs for each tenant at each parcel within Pod H. These tenants are anticipated to be popular franchise food establishments and will have the same visibility challenge from SPW. Therefore, a more prominent identifying ground sign within Westlake Landings will assist and direct motorists more efficiently.

The locations of these ground signs are conceptual and will be finalized during Site Plan Review of each parcel.

The table below summarizes all of the sign types proposed, and identifies any deviations from code where it occurs, and as explained herein.

Sign Type	Code Req'mt.	Applicant Request	Deviation
Ground Sign for Commercial Building Within Pod Primary Ground Sign	Height – 8' Width – 15' Sign Area – 120 sf. Copy Area – 60 sf. 6 Tenants Base – 2' or 30% of OH (2.4')	Height – 14' Width – 11'-10" Sign Area – 155.40 sf. Copy Area – 81 sf. 10 Tenants Base – 2.6'/4.2'	+ 6' - 3.9' + 35.40 sf. + 21 sf. + 4 Tenants + 6"/+1.8'
Ground Sign for Commercial Building Within Pod Secondary Ground Sign – 6 Tenants	Height – 8' Width – 15' Sign Area – 120 sf. Copy Area – 60 sf. 6 Tenants Base – 2' or 30% of OH (1.8')	Height – 6' Width – 8' Sign Area – 48 sf. Copy Area – 4.125 sf. 6 Tenants Base – 14"	- 2' - 7' - 72 sf. - 56 sf. No Change - .6"
Ground Sign for Commercial Building Within Pod Secondary Ground Sign – 3 Tenants	Height – 8' Width – 15' Sign Area – 120 sf. Copy Area – 60 sf. 6 Tenants Base – 2' or 30% of OH (1.8')	Height – 6' Width – 8' Sign Area – 48 sf. Copy Area – 15.625 sf. 3 Tenants Base – 14"	- 2' - 7' - 72 sf. - 44.5 sf. - 3 Tenants - .6"

Tenant Specific Directional Sign	Height – 4’ Copy Area – 4 sf. (Base – Exempt)	Height – 5’ Copy Area – 16.5 sf.	+ 1’ + 12.5 sf
1) Individual Ground Sign			

Conclusion

The Applicant is requesting approval of their Master Sign Plan for Westlake Landings and will work closely with Staff to bring this application to completion as quickly as possible. The Applicant and the entire development team are available to answer any questions Staff might have and/or provide necessary information to supplement the information provided in the submittal.

WESTLAKE™
LANDINGS



LAND PLANNING + LANDSCAPE ARCHITECTURE

Cotleur & Hearing

1934 COMMERCE LANE, SUITE 1
JUPITER, FL 33458
561-747-6336
www.cotleurhearing.com

MASTER SIGNAGE PROGRAM

MAY 2021

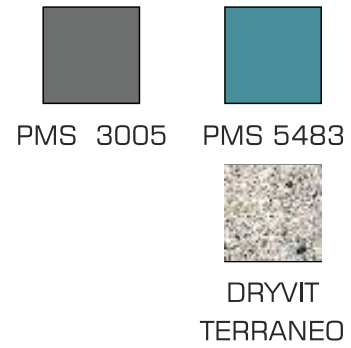
- 1** SIGN LOCATION MAP
- 2** NON RESIDENTIAL POD ENTRY SIGN
- 3** PRIMARY GROUND SIGN
- 4** SECONDARY GROUND SIGN - 6 TENANTS
- 5** SECONDARY GROUND SIGN - 3 TENANTS
- 6** INDIVIDUAL GROUND SIGN



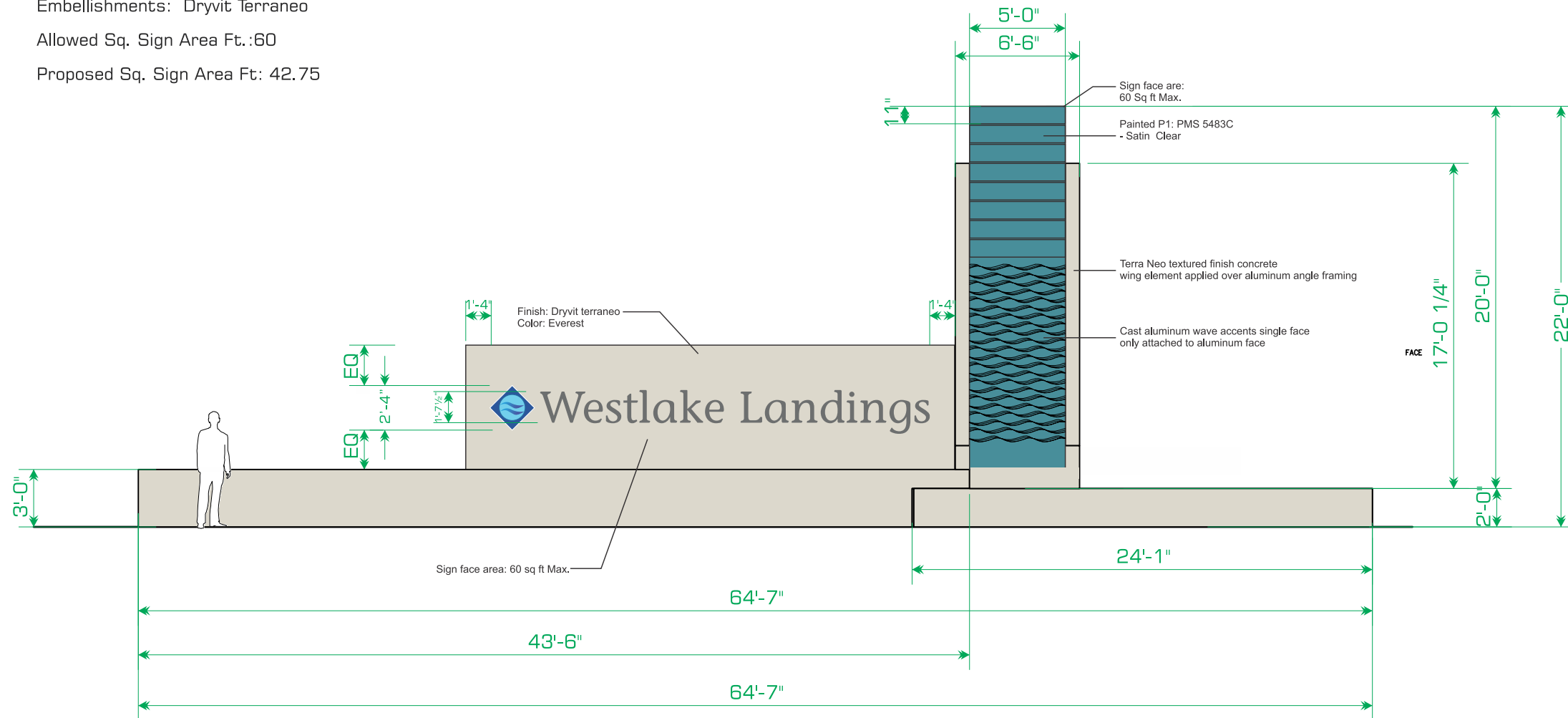
SIGN LOCATION MAP

- NON RESIDENTIAL POD ENTRY SIGN
- PRIMARY GROUND SIGN
- SECONDARY GROUND SIGN- 6 TENANTS
- SECONDARY GROUND SIGN- 3 TENANTS
- INDIVIDUAL GROUND SIGN (NOTE: LOCATIONS OF INDIVIDUAL GROUND SIGNS ARE CONCEPTUAL AND WILL BE FINALIZED DURING SITE PLAN REVIEW OF EACH PARCEL.)
- MSP BY OTHER

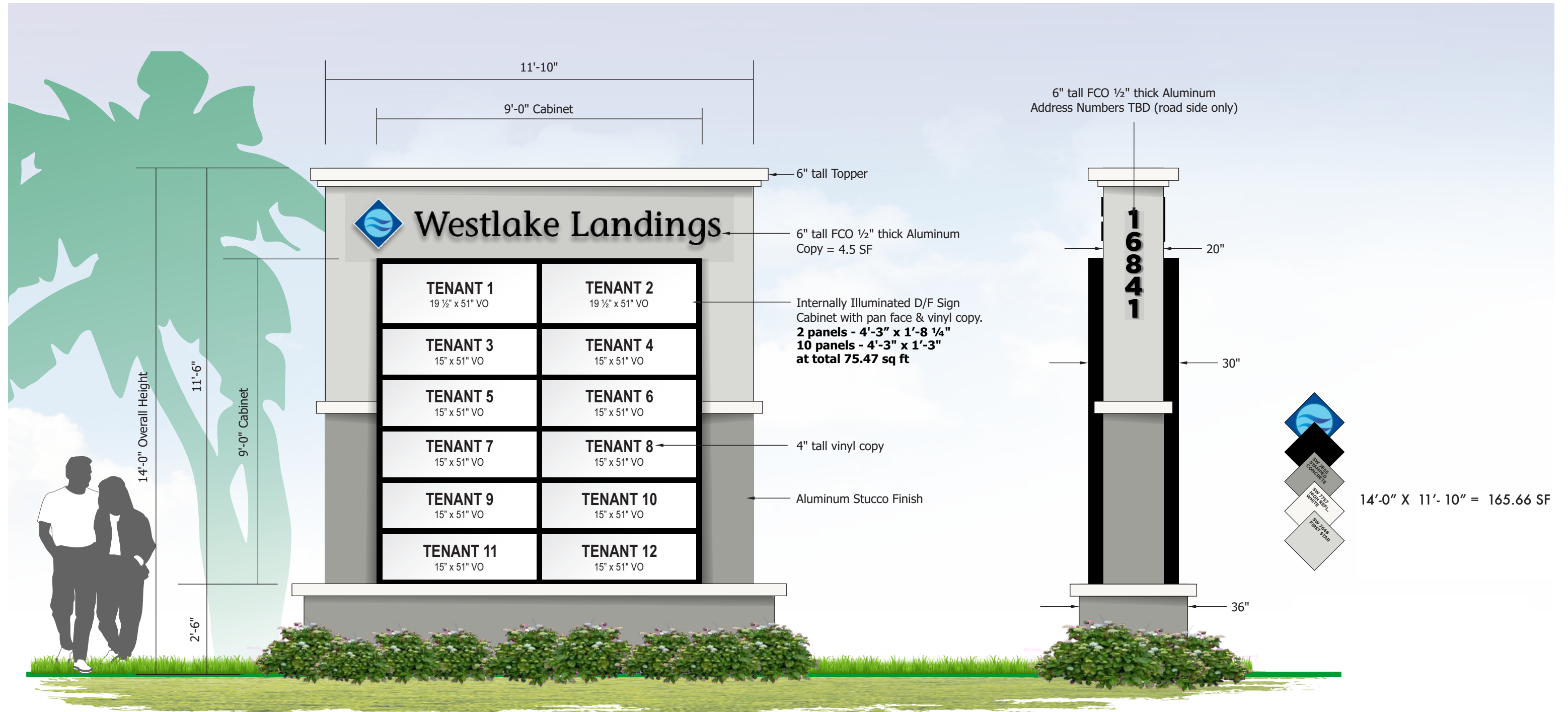
NOTE: PARCEL C + D WILL CONTAIN 3 BUILDINGS THEREFORE 3 INDIVIDUAL GROUND SIGNS ARE PROPOSED



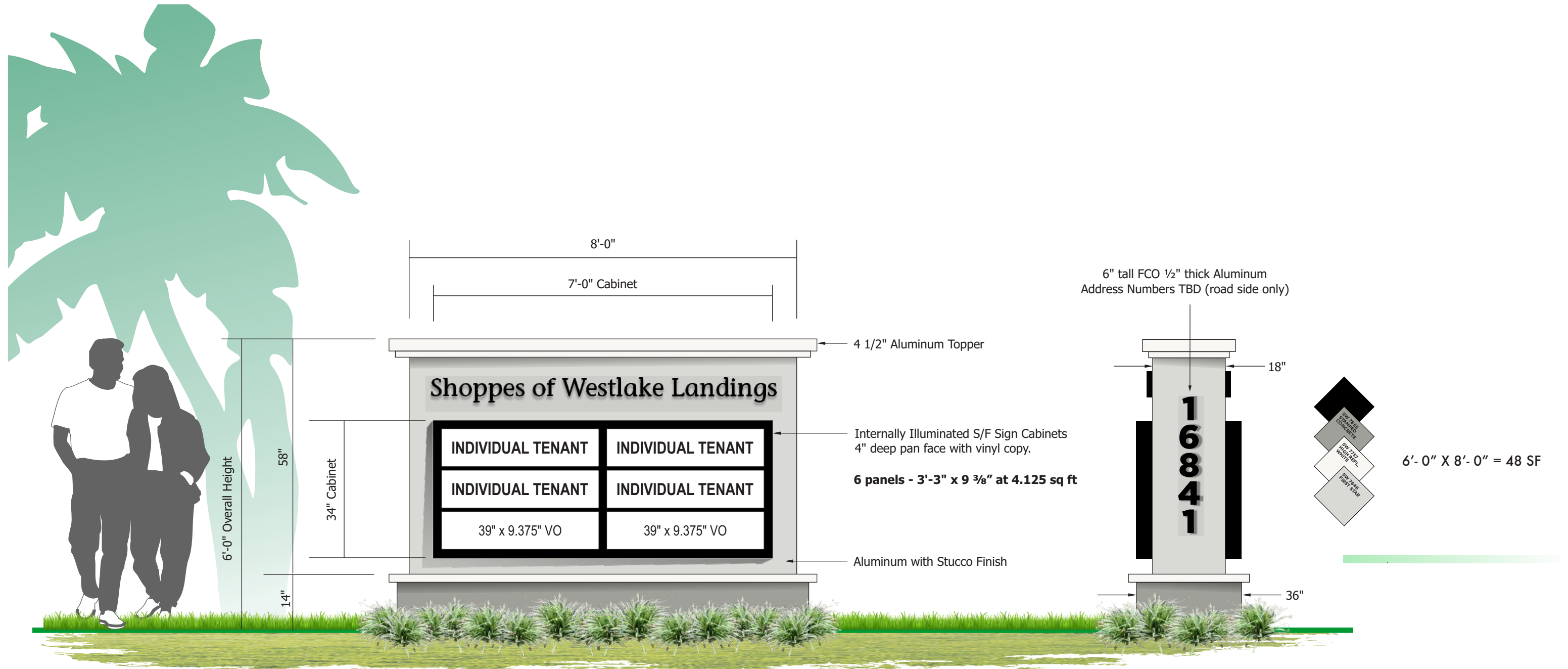
Main cabinet color: Dryvit Terraneo Everest
 Header color: Grey
 Pole cover: PMS 5483
 Embellishments: Dryvit Terraneo
 Allowed Sq. Sign Area Ft.: 60
 Proposed Sq. Sign Area Ft.: 42.75



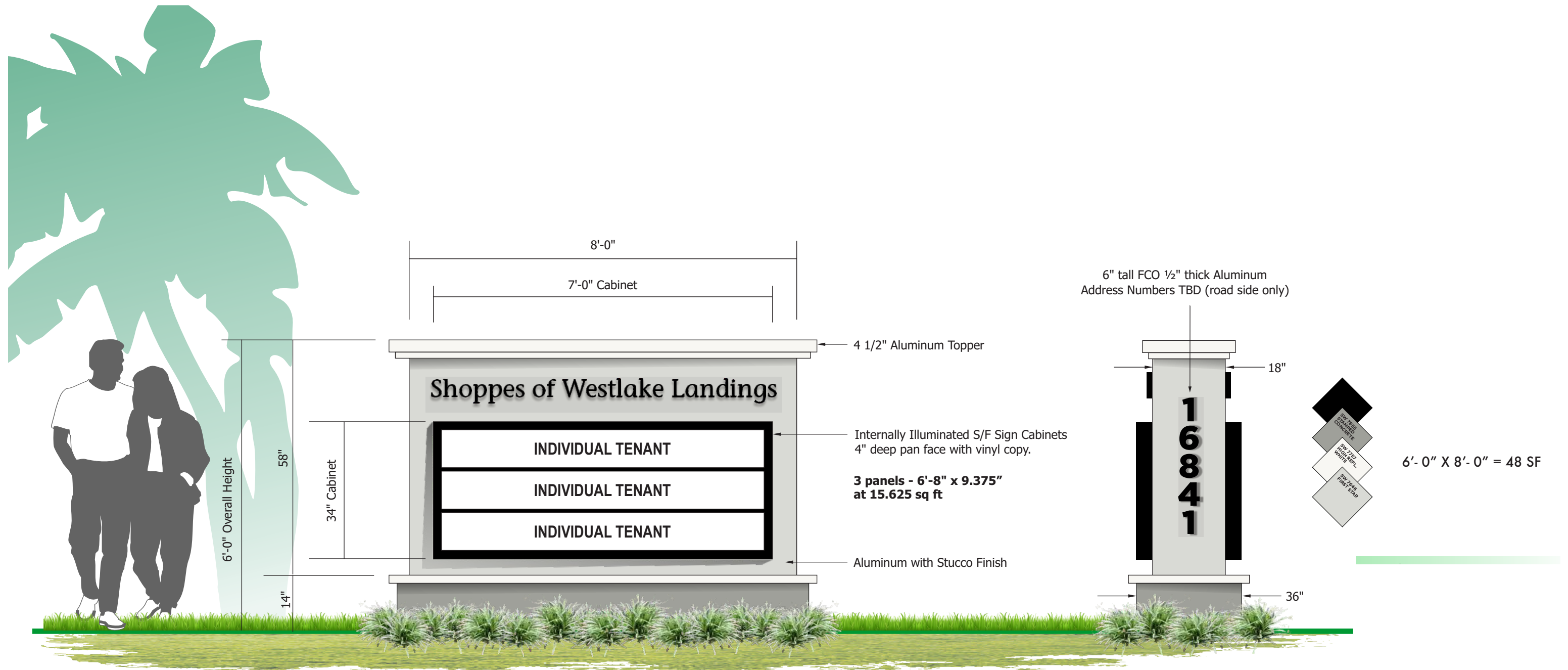
INTERNALLY-ILLUMINATED SINGLE SIDED MONUMENT SIGN WITH REVERSE CHANNEL LETTERS



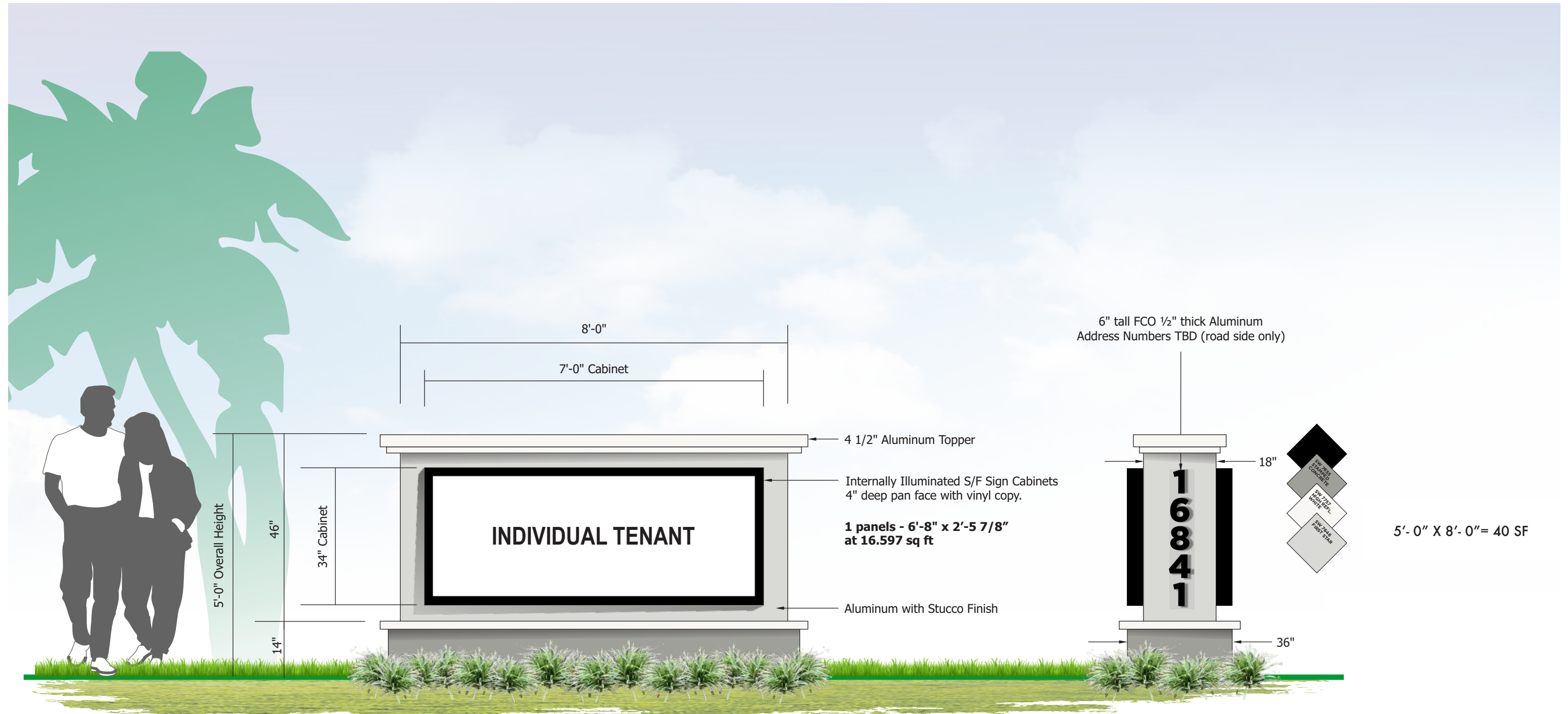
- Channel letters shall be Helvetica medium or Americana Extra Bold.
- Letters shall be all caps unless approved by Landlord.
- Regional and National chains are permitted to use brand logo if approved by Landlord.



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- Letters shall be all caps unless approved by Landlord.
- Regional and National chains are permitted to use brand logo if approved by Landlord.

File Attachments for Item:

D. A Resolution for the Self Storage - Master Sign Plan

Submitted By: Planning & Zoning

RESOLUTION 2021-20

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE MASTER SIGN PLAN FOR A SELF SERVICE STORAGE FACILITY LOCATED IN THE WESTLAKE LANDINGS PLAZA ON POD H – PARCEL E AT 4701 SEMINOLE PRATT WHITNEY ROAD ON APPROXIMATELY 5.75 ACRES, PURSUANT TO CHAPTER 6, OF THE SIGN CODE; APPROVING WALL IDENTIFICATION SIGNS, WINDOW AND DOOR SIGNS, GROUND POST DIRECTORY SIGN AND APPROVING ONE WAIVER OF CODE PROVISIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		7/12/21	Submitted By: Gina Lawrence	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		A Resolution for the Self Storage - Master Sign Plan		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve Resolution 2021-20, the Self Storage - Master Sign Plan		
SUMMARY and/or JUSTIFICATION:		<p>The applicant is requesting approval for a Master Sign Plan for a Self Service Storage located in the Westlake Landings Plaza within Parcel E of Pod H on approximately 5.75 acres per Chapter 6. Section 6.9 Master Sign Plan. including wall identification signs, window and door signs, and a ground post directory sign . The subject application includes a request for approval of one (1) waiver to the sign code provisions as follows:</p> <p>1. Wall Signs not fronting a Right-of-Way. The applicant is requesting to install a number of wall signs on building façade not facing a Right-of-Way when the code requires that Wall Signs for Principal Structure or Building Identification be installed on façade (s) fronting Right-of-Way.</p>		
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>		Resolution 2021-20, Staff report, Application, Justification Statement, Pod H Self Storage Signage Program		
SELECT, if applicable		RESOLUTION:		X ORDINANCE:
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>A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE MASTER SIGN PLAN FOR A SELF SERVICE STORAGE FACILITY LOCATED IN THE WESTLAKE LANDINGS PLAZA ON POD H – PARCEL E AT 4701 SEMINOLE PRATT WHITNEY ROAD ON APPROXIMATELY 5.75 ACRES, PURSUANT TO CHAPTER 6, OF THE SIGN CODE; APPROVING WALL IDENTIFICATION SIGNS, WINDOW AND DOOR SIGNS, GROUND POST DIRECTORY SIGN AND APPROVING ONE WAIVER OF CODE PROVISIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.</p>		
FISCAL IMPACT (if any):				\$

RESOLUTION 2021-20

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE MASTER SIGN PLAN FOR A SELF SERVICE STORAGE FACILITY LOCATED IN THE WESTLAKE LANDINGS PLAZA ON POD H – PARCEL E AT 4701 SEMINOLE PRATT WHITNEY ROAD ON APPROXIMATELY 5.75 ACRES, PURSUANT TO CHAPTER 6, OF THE SIGN CODE; APPROVING WALL IDENTIFICATION SIGNS, WINDOW AND DOOR SIGNS, GROUND POST DIRECTORY SIGN AND APPROVING ONE WAIVER OF CODE PROVISIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's Land Development Regulations, Chapter 6, Signs, Section 6.9, provides procedures for the review and adoption of Master Sign Plans by the City Council; and

WHEREAS, the applicant, Cotleur & Hearing, submitted an application for a Master Sign Plan review and approval for the Self-Service Storage Facility at Westlake Landings Plaza, located at 4701 Seminole Pratt Whitney Road, Westlake, Florida, 33470, on approximately 5.75 acres, legally described in the attached Exhibit "A", and

WHEREAS, the City staff has reviewed the proposed Master Sign Plan, MSP 2021-02, which consists of wall identification signs, window and door signs, ground post directory sign and of the request for one (1) waiver to the sign code provisions, all as more specifically detailed in the attached Exhibit "B", (Master Sign Plan); and

WHEREAS, the Self-Service Storage Facility at Westlake Landings Plaza is in the Downtown Mixed Use zoning district fronting on Seminole Pratt Whitney road and consists of an approximately 76,510 sq. ft. three (3) story limited access storage building, an approximately 30,780 sq. ft. one (1) story multiaccess storage buildings and 0.71-acre outdoor area for storage of boats and recreational vehicles; and

WHEREAS, the Master Sign Plan is consistent with all of the requirements of the City of Westlake's Sign Codes, and the City Manager and the city staff recommend approval of the Master Sign Plan with conditions as set forth herein; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in Palm Beach County, notifying the public of this proposed resolution and of the public hearing; and

WHEREAS, the City Council for the City of Westlake finds that based upon the evidence submitted the adoption an implementation of this Resolution as approved with the conditions contained herein, is in the best interest and welfare of the residents of the City of Westlake.

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

Section 1: Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2: Approval of Master Sign Plan. The City Council for the City of Westlake hereby approves the Master Sign Plan MSP 2021-02, for the Self Service Storage Facility at Westlake Landings Plaza, consisting of wall identification signs, window and door signs, ground post directory sign and approval of one (1) waiver to the sign code provisions located at 4701 Seminole Pratt Whitney Road, Westlake, Florida, 33470, as described in the Master Sign Plan, attached hereto as Exhibit "B", located on approximately 5.75 acres, in the City of Westlake, and in Palm Beach County, Florida.

Section 3: Approval of Waivers. The City Council for the City of Westlake hereby approves the following one (1) waiver request for the Self -Service Storage Facility:

1. Wall Signs not fronting a Right-of-Way. The applicant is requesting to install a number of wall signs on building façade not facing a Right-of-Way when the code requires that Wall Signs for Principal Structure or Building Identification be installed on façade (s) fronting Right-of-Way.

Section 4: Implementation. The City Manager and Legal Counsel are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of the Resolution.

Section 5: Effective Date: This Resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 12th day of July, 2021.

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

City of Westlake
Roger Manning, Mayor

Zoie Burges, City Clerk

Approved as to Form and Sufficiency
Pamala H. Ryan, Esq.

EXHIBIT "A"
Legal Description

DESCRIPTION: POD H - PARCEL "E"

BEING A PORTION OF LOT 2, WESTLAKE - POD H, AS RECORDED IN PLAT BOOK 129, PAGES 135 THROUGH 137, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN A PORTION OF SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 1, WESTLAKE - POD H, AS RECORDED IN PLAT BOOK 129, PAGES 135 THROUGH 137, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S.01°42'45"W., A DISTANCE OF 835.68 FEET TO THE POINT OF BEGINNING; THENCE S.88°17'15"E., A DISTANCE OF 393.75 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF PARCEL 101, AS RECORDED IN OFFICIAL RECORDS BOOK 28479, PAGE 822, OF SAID PUBLIC RECORDS; THENCE THE FOLLOWING THREE (3) COURSES BEING ALONG SAID WEST RIGHT-OF-WAY: 1) S.01°42'52"W., A DISTANCE OF 32.38 FEET; 2) THENCE S.13°52'24"W., A DISTANCE OF 56.97 FEET; 3) THENCE S.01°42'52"W., A DISTANCE OF 222.40 FEET TO A POINT ON THE NORTH LINE OF OPEN SPACE TRACT #1, AS SHOWN ON SAID PLAT OF WESTLAKE - POD H; THENCE N.89°12'10"W., ALONG SAID NORTH LINE, A DISTANCE OF 788.71 FEET; THENCE N.01°42'45"E., A DISTANCE OF 323.07 FEET; THENCE S.88°17'15"E., A DISTANCE OF 406.87 FEET TO THE POINT OF BEGINNING.

CONTAINING: 250,535 SQUARE FEET OR 5.751 ACRES, MORE OR LESS.

EXHIBIT "B"

Master Sign Plan

SELF-SERVICE STORAGE WESTLAKE, FLORIDA

ST4 = ● (31 total)



SEMINOLE RIDGE HIGH SCHOOL

SIGN LOCATION MAP





City of Westlake

Planning and Zoning Department – Staff Report

City Council Meeting 7/12/2021

PETITION DESCRIPTION

PETITION NUMBER: MSP-2021-02 Pod H Self Storage Master Sign Plan

OWNER: Minto PBLH LLC

APPLICANT: Cotleur & Hearing

ADDRESS: 4701 Seminole Pratt Whitney Road, Westlake, FL 33470

PCN: 77-40-43-01-17-000-0020

REQUEST: The applicant is requesting approval for a Master Sign Plan for a Self Service Storage located in the Westlake Landigs Plaza within Parcel E of Pod H on approximately 5.75 acres, per Chapter 6. Section 6.9 Master Sign Plan. The subject application includes one (1) waiver to the sign code provisions.

SUMMARY

The applicant is requesting approval for a Master Sign Plan for a Self Service Storage located in the Westlake Landigs Plaza within Parcel E of Pod H on approximately 5.75 acres per Chapter 6. Section 6.9 Master Sign Plan. including wall identification signs, window and door signs, and a ground post directory sign . The subject application includes a request for approval of one (1) waiver to the sign code provisions as follows:

1. Wall Signs not fronting a Right-of-Way. The applicant is requesting to install a number of wall signs on building façade not facing a Right-of-Way when the code requires that Wall Signs for Principal Structure or Building Identification be installed on façade (s) fronting Right-of-Way.

STAFF RECOMMENDATION

Based upon the facts and findings contained herein, the Departments of Planning and Zoning and Engineering recommends approval of the subject application.

BACKGROUND

The following two (2) applications regarding Westlake Landings Plaza were approved by the City Council (5-0) on June 14, 2021:

1. Master Site Plan (MPA-2021-01) for a 50.826 acres Commercial Plaza in Pod H “Westlake Landings”. The subject application includes 1.39 acres of Canal; 1.00 acres of Dry Retention; **Parcel A 1** -2.48 acres- with a 4,500 Sq. Ft. Convenience Store with Gas Station (**Phase One**); **Parcel A 2** -1.18 acres- with a 3,500 Sq. Ft. Fast Food Restaurant with a drive through; **Parcel B 1** -1.68 acres- with a 4,500 Sq. Ft. Retail and 2,500 Sq. Ft. Fast Food Restaurant with a drive through; **Parcel B 2** -1.82 acres- with a 4,500 Sq. Ft. Retail and 2,500 Sq. Ft. Fast Food Restaurant with a drive through; **Parcel C 1** -1.87 acres- with a 3,585 Sq. Ft. Fast Food Restaurant with a drive through; **Parcel D** -1.81 acres- with 3,585 Sq. Ft. Fast Food Restaurant with a drive through; **Parcel E** -5.75 acres- with a 140,000 Sq. Ft. Self Service Storage; **Parcel F** -14.44 acres- with designation for Commercial Recreation; and **Parcel G** -17.41 acres- with a 35,000 Sq. Ft. Office and 150,000 Sq. Ft. Light Industrial.
2. Site Plan Review (SPR-2021-04) for a self service storage facility along with the following structures (total sq. ft. 107,290) and site improvements located in 5.75 acre site (Parcel E):
 - 76,510 sq. ft. three (3) story limited access storage building;
 - 30,780 sq. ft. one (1) story multiaccess storage buildings;
 - 0.71 acres outdoor area for storage of boats and recreational vehicles.

STAFF ANALYSIS

The applicant is requesting approval for a Master Sign Plan for a Self Service Storage located in the Westlake Landings Plaza within Parcel E of Pod H on approximately 5.75 acres per Chapter 6. Section 6.9 Master Sign Plan.

The self service storage facility includes seven (7) buildings; one principal structure-a three story limited access storage building-; and, six (6) accessory structures-one story multiaccess storage buildings-. The subject Master Sign Plan includes a request for approval of one (1) waiver to the sign code provisions as follows:

1. Wall Signs not fronting a Right-of-Way. The applicant is requesting to install a number of wall signs on building façade not facing a Right-of-Way when the code requires that Wall Signs for Principal Structure or Building Identification be installed on façade (s) fronting Right-of-Way.

Principal Structure Signs (Three Story Limited Access Building)

The following signs are proposed on the principal structure-a three story limited access storage building-

1. One sign on the east elevation facing Seminole Pratt Whitney.
2. One sign on the south elevation facing Seminole Ridge High School.
3. One sign on the north elevation.
4. One window address sign.
5. Two window logo signs on the west elevation.

Additional Structure Signs (One Story Multiaccess Storage Buildings)

Each individual storage unit will have a sign of unit ID number; Building five (5) proposes a principal tenant sign that will be visible from the entrance of the parcel.

The subject Master Sign Plan includes the following type of signs indicated on the below graphic:

- ST1 Primary ID Sign – Building 1
- ST2 (Building 1) ST7 (Building 5) Secondary ID Sign
- ST3 Window & Door Vinyl
- ST4 Covered Open Storage ID Panel
- ST5 Directory Sign
- ST6 Building ID Sign

The proposed Master Sign Plan includes the following signs:



The following table summarized the types of signs and dimensions per Building:

BUILDING	PROPOSED SIGNS AND DIMENSIONS
Building 1	ST1 – LIFE STORAGE (233 1/4" x 7 7/8") ST2 – SELF STORAGE (196 1/2" x 18") ST3.1 – 4701 (25 7/8" x 7 7/8") ST3.2 – LIFE STORAGE (18 5/8" x 8 3/4") ST3.3 – 4701 (25 7/8" x 7 7/8")
Building 2	ST6.2 – 2 (x2) (12" x 12")
Building 3	ST6.3 – 3 (x2) (12" x 12")
Building 4	ST6.4 – 4 (x2) (12" x 12")
Building 5	ST6.5 – 5 (x2) (12" x 12") ST7 – LIFE STORAGE (194 3/4" x 30")
Building 6	ST6.6 – 6 (x2) (12" x 12")
Building 7	ST6.1 – 7 (x2) (12" x 12")

The applicant is proposing the following signs for the principal building (Three Story Limited Access Building):

Primary ID Sign on East Elevation facing Seminole Pratt Whitney



Secondary ID Sign on South Elevation facing Seminole Ridge High School and North Elevation



ST3.2 FRONT VIEW | Door Logo | Detail View
SCALE: 1/12" = 1"

ST3.1 FRONT VIEW | Address Vinyl | QTY 1
SCALE: 1/12" = 1"

SPECIFICATIONS:
8" TALL WHITE ADDRESS VINYL.
TYPESTYLE: HELVETICA 65 MEDIUM

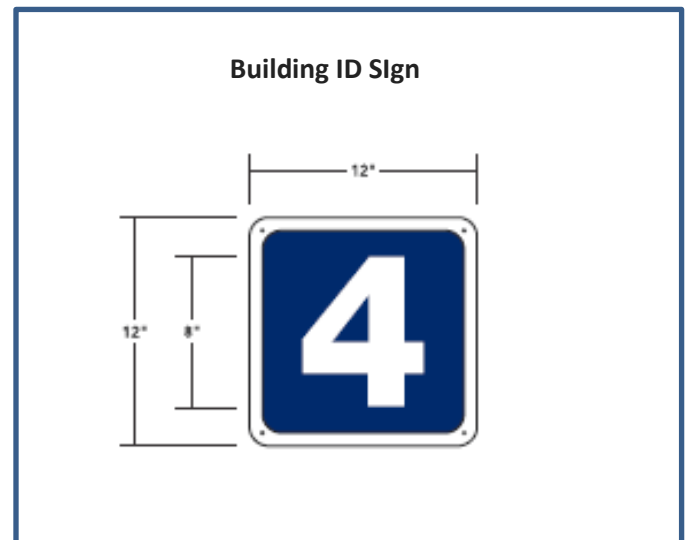
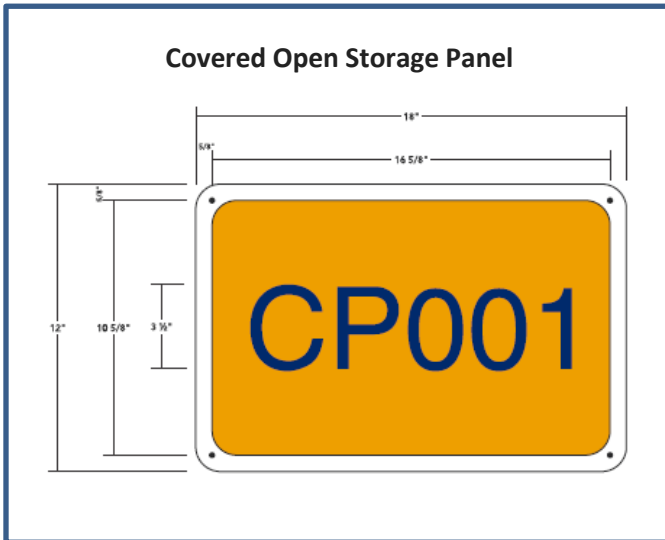
COLOR SCHEDULE:
 3M OPAQUE WHITE VINYL

ST3.2 FRONT VIEW
SCALE: 1/4" = 1"

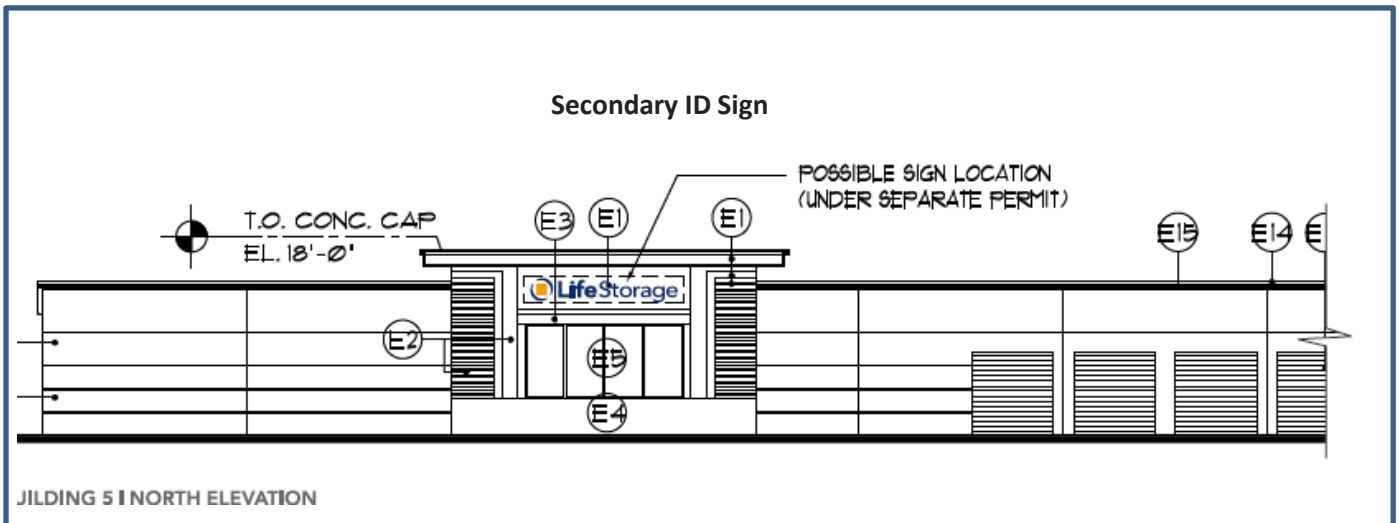
A WEST ELEVATION | LAYOUT
SCALE: 1/8" = 1"

Additional Structure Signs (One Story Multiaccess Storage Buildings)

Each individual storage unit will have a sign of unit ID number as shown below:



Building five (5) proposes a principal tenant sign that will be visible from the entrance of the parcel as indicated below:



FINAL REMARKS

MSP-2021-02 will be heard by the City Council on July 12, 2021. The public hearing was advertised in compliance with the City's code. The subject application was reviewed by the City of Westlake staff (Planning and Zoning, Engineering), Seminole Improvement District (SID) and Palm Beach County Fire Rescue.

Based upon the facts and findings contained herein, the Departments of Planning and Zoning and Engineering recommends approval of the subject application.



CITY OF WESTLAKE
 Planning and Zoning Department
 4001 Seminole Pratt Whitney Road
 Westlake, Florida 33470
 Phone: (561) 530-5880
 www.westlakegov.com

DEPARTMENTAL USE ONLY	
Ck. #	_____
Fee:	_____
Intake Date:	_____
PROJECT #	<input type="text"/>

APPLICATION FOR SITE PLAN REVIEW

PLANNING & ZONING BOARD

Meeting Date: _____

CITY COUNCIL

Meeting Date: _____

INSTRUCTIONS TO APPLICANTS:

1. Please complete all sections of this application. If not applicable, indicate with N/A.
2. Provide all required documents as shown on the attached checklist. If not applicable, indicate with N/A.

The Planning & Zoning Board meets the second Monday of the month at 6:00 p.m., as needed in the City Council Chambers, 4005 Seminole Pratt Whitney Road. The applicant will be informed in writing of their scheduled meeting date. After review and recommendation by the Planning & Zoning Board, applications will be heard by the City Council. The City Council meets on the second Monday of the month at 6:30 p.m., in the City Council Chambers.

I. PROJECT DESCRIPTION & APPLICANT INFORMATION

PROJECT NAME: Pod H. Phase 2, Parcel E

PROJECT ADDRESS: 4701 Seminole Pratt Whitney Road

DESCRIPTION OF PROJECT: Pinnacle Self-Service Storage Master Sign Plan

Property Control Number (PCN), list additional on a separate sheet: 77-40-43-01-17-000-0020

Estimated project cost: TBD

Property Owner(s) of Record (Developer) Minto PBLH LLC

Address: 16604 Town Center Pkwy N, Suite B, Westlake, FL 33470

Phone No.: 954-973-4490 Fax No.: _____ E-mail Address: jfcarter@mintousa.com

Agent (if other than owner complete consent section on page 3):

Name: Coteleur & Hearing

Address: 1934 Commerce Lane, Suite 1, Jupiter, FL 33458

Phone No.: 561-747-6336 Fax No.: _____ E-mail Address: dhearing@coteleur-hearing.com

II. LAND USE & ZONING

A) ZONING MAP DESIGNATION Mixed Use B) FUTURE LAND USE MAP DESIGNATION Downtown Mixed Use

C) Existing Use(s) Vacant/Agriculture/Utility

D) Proposed Use(s), as applicable Self-Storage

III. ADJACENT PROPERTIES

	Name of Business/ Subdivision	Land Use Designation	Zoning Designation	Existing Use(s)	Approved Use(s)
NORTH	PUBLIX/Pod G (SW)	Mixed Use	Mixed Use	Pre-Construction/ Vacant	PUBLIX/Mixed Use
SOUTH	Seminole Ridge High School	Public School	Public School	Public School	Public School
EAST	Pod K	Downtown Mixed Use	Medical District	Vacant	Medical District
WEST	Unincorporated Single- Family	Unincorporated Single- Family	Unincorporated Single- Family	Unincorporated Single- Family	Unincorporated Single- Family

V. OWNER/APPLICANT ACKNOWLEDGEMENT AND CONSENT

Consent statement (to be completed if owner is using an agent)

I/we, the owners, hereby give consent to Cotleur & Hearing to act on my/our behalf to submit this application, all required material and documents, and attend and represent me/us at all meetings and public hearings pertaining to the application and property I/we own described in the application.

By signing this document, I/we affirm that I/we understand and will comply with the provisions and regulations of the City of Westlake, Florida, Code of Ordinances. I/we further certify that all of the information contained in this application and all the documentation submitted is true to the best of my/our knowledge.

John F. Carter
Owner's Name (please print)

[Signature]
Owner's Signature

4.29.21
Date

Donaldson Hearing
Applicant/Agent's Name (please print)

[Signature]
Applicant/Agent's Signature

5.13.2021
Date



Life Storage

Westlake

SELF-SERVICE STORAGE WESTLAKE, FLORIDA

ST4 = ● (31 total)



SEMIMOLE RIDGE HIGH SCHOOL

SIGN LOCATION MAP



Life Storage

ST1 PRIMARY ID SIGN - Building 1
Face Illuminated Channel Letters



SPECIFICATIONS:

5" DEEP, FACE ILLUMINATED CHANNEL LETTERS AND LOGO, FLUSH MOUNTED TO WALL AND ILLUMINATED WITH SLOAN LED'S.

- 3/16" THICK LEXAN FACES WITH 1" TRIMCAP FOR ICON ARMS AND MIDDLE BOX.
- 3/4" THICK WHITE TRANSLUCENT ACRYLIC FOR LETTERS. ROUTED AND RECESSED 1/2".
- PROPOSED SQUARE FOOTAGE: 58.4 S.F.

- QTY.(1) SET.

COLOR SCHEDULE:

- CHANNEL LETTERS RETURNS: PRE-FINISHED GLOSS WHITE
- ICON ARMS RETURN: WRISCO SUNOCO BLUE - TRIMCAP: JEWELITE BLUE
- ICON BOX RETURN: WRISCO CAUTION YELLOW - TRIMCAP: GEMINI 2540 MANGO YELLOW
- CHANNEL LETTERS VINYL COLOR: 3M 3630-157 PERFORATED SULTAN BLUE TRANSLUCENT VINYL
- ICON ARMS COLOR: 3M 3630-157 SULTAN BLUE
- ICON BOX LOGO: 3M 3630-025 TRANSLUCENT SUNFLOWER YELLOW
- LED'S COLOR: WHITE



DRAWING INFO	CLIENT NAME	PROJECT	CUSTOMER APPROVAL	REVISIONS																				
Sales/Project MGR: Glen Designer: BB Design Time: 2hr Date: 04.26.21	Pinnacle Storage of Westlake	Life Storage Westlake	Please verify colors, spelling, and layout prior to signing: _____ Date _____	<table border="1"> <thead> <tr> <th>Version</th> <th>Time</th> <th>Date</th> <th>Intls.</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>30min</td> <td>4.29.21</td> <td>BB</td> </tr> <tr> <td>2</td> <td>1hr</td> <td>5.10.21</td> <td>BB</td> </tr> <tr> <td>3</td> <td>30min</td> <td>5.13.21</td> <td>BB</td> </tr> <tr> <td>4</td> <td>45min</td> <td>6.16.21</td> <td>BB</td> </tr> </tbody> </table>	Version	Time	Date	Intls.	1	30min	4.29.21	BB	2	1hr	5.10.21	BB	3	30min	5.13.21	BB	4	45min	6.16.21	BB
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* Due to varying sizes of raw material, sizes may vary.
SHEET NO: **3**

Life Storage

ST2 SECONDARY ID SIGN - Building 1

Face Illuminated Channel Letters



ST2 FRONT VIEW | BUILDING 1
SCALE: 3/4" = 1'

ST2 END VIEW
SCALE: 3/4" = 1'

SPECIFICATIONS:

5" DEEP, FACE ILLUMINATED CHANNEL LETTERS, FLUSH MOUNTED TO WALL AND ILLUMINATED WITH SLOAN LED'S. USE WHITE TRIMCAP.

- 3/16" THICK WHITE ACRYLIC FACES.
- PROPOSED SQUARE FOOTAGE: 24.6 S.F.

- QTY.(2) SET.

COLOR SCHEDULE:

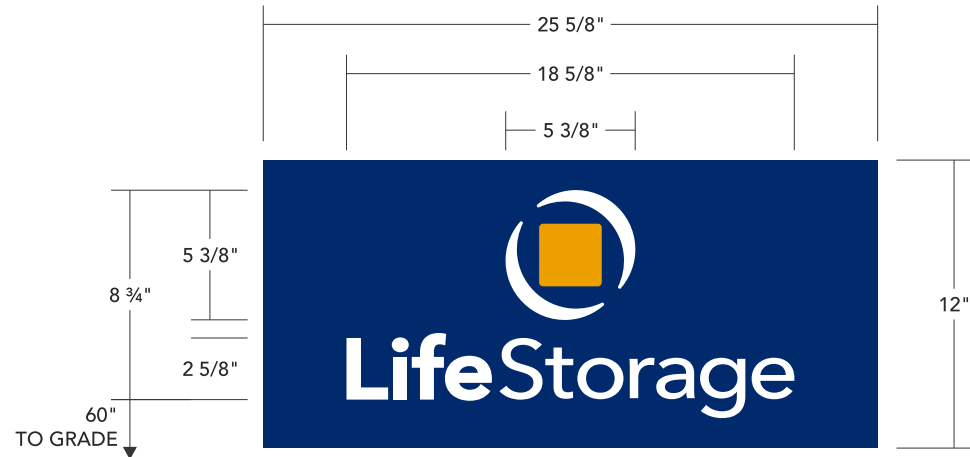
- CHANNEL LETTERS RETURNS: PRE-FINISHED GLOSS WHITE
- LED'S COLOR: WHITE
- CHANNEL LETTERS VINYL COLOR: 3M 3630-157 PERFORATED SULTAN BLUE TRANSLUCENT VINYL
- TRIMCAP: JEWELITE BLUE



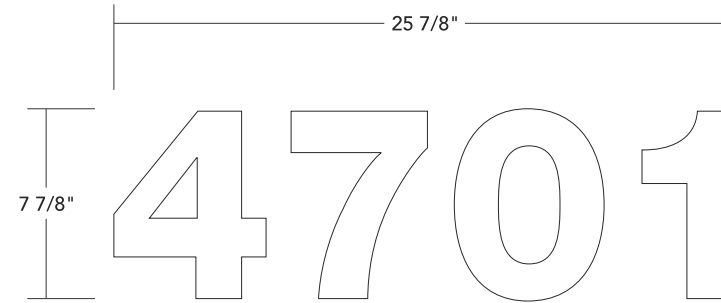
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Life Storage

ST3 WINDOW & DOOR VINYL White Vinyl Address Numbers



ST3.2 FRONT VIEW | Door Logo | Detail View
SCALE: 1-1/2" = 1'



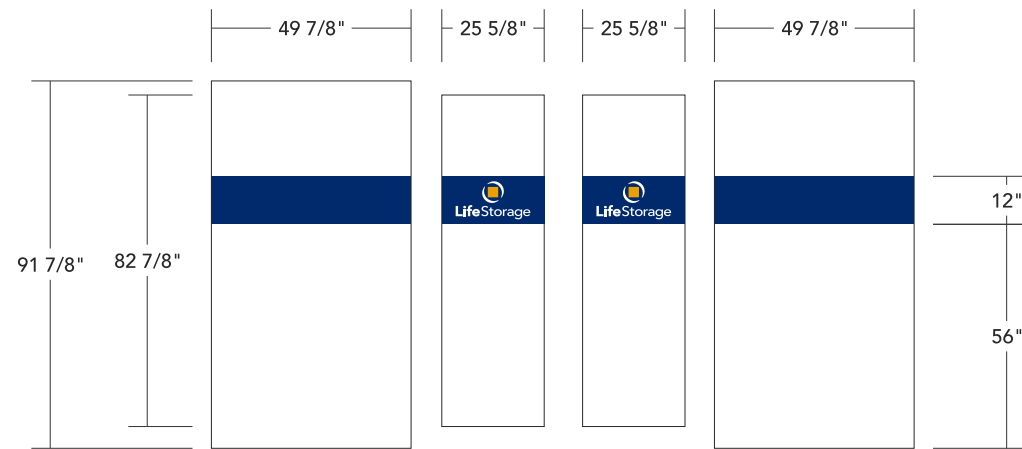
ST3.1 FRONT VIEW | Address Vinyl | QTY 1
SCALE: 1-1/2" = 1'

SPECIFICATIONS:

8" TALL WHITE ADDRESS VINYL.
TYPESTYLE: HELVETICA 65 MEDIUM

COLOR SCHEDULE:

3M OPAQUE WHITE VINYL



ST3.2 FRONT VIEW
SCALE: 1/4" = 1'

SPECIFICATIONS:

SULTAN BLUE WINDOW BAND TO BE INSTALLED 2ND SURFACE.
LOGO TO BE INSTALLED FIRST SURFACE.
LOGO TO BE CENTERED AND 5'-0" AFF.
VINYL APPLIED 1ST SURFACE.

COLOR SCHEDULE:

- 3M 3630-157 SULTAN BLUE
- 3M 3630-024 SUNFLOWER YELLOW
- WHITE VINYL



A WEST ELEVATION | LAYOUT
SCALE: 1/8" = 1'



DRAWING INFO
Sales/Project MGR: Glen Designer: BB Design Time: 2hr Date: 04.26.21

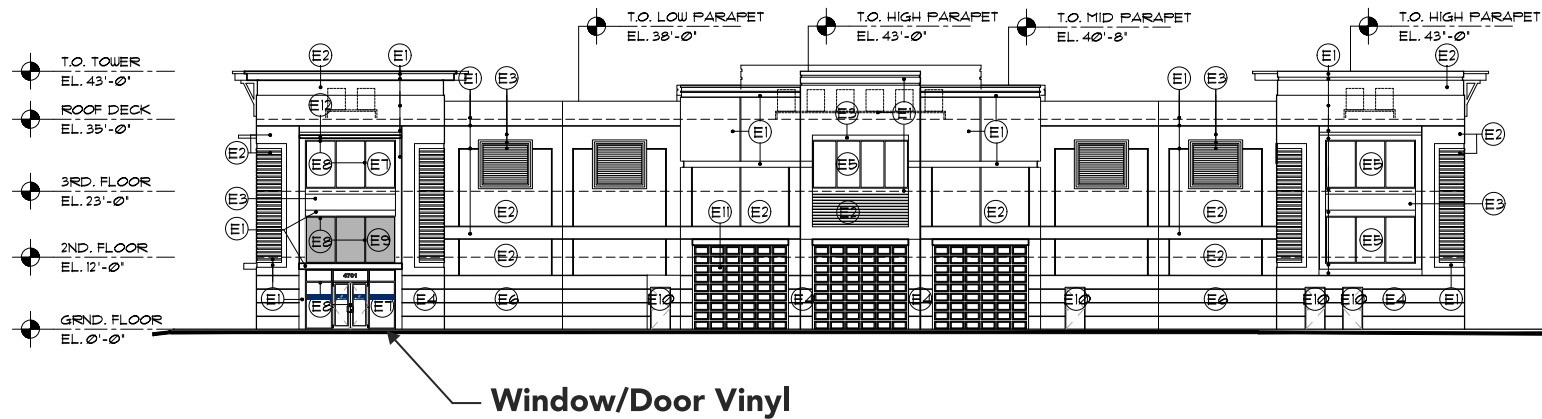
CLIENT NAME
Pinnacle Storage of Westlake

PROJECT
Life Storage Westlake

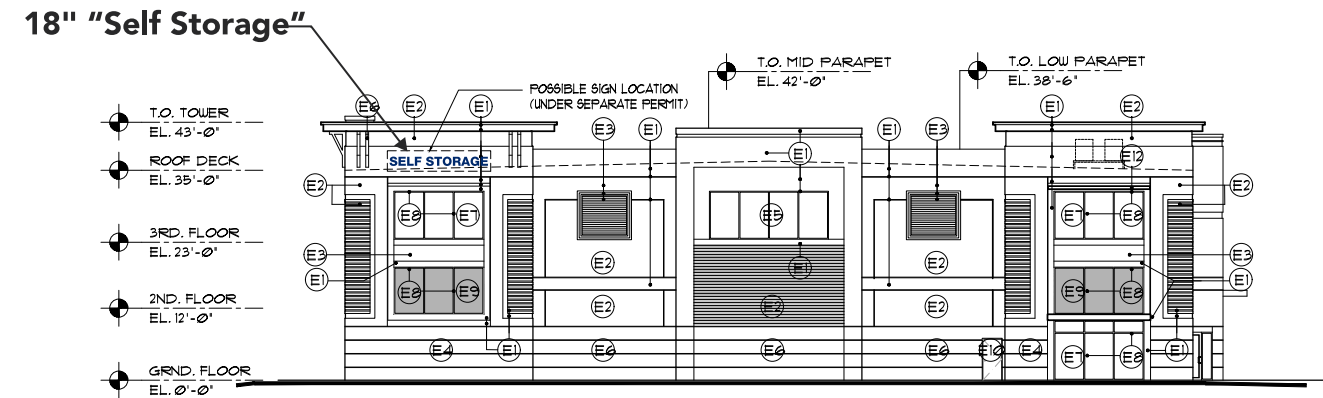
CUSTOMER APPROVAL
Please verify colors, spelling, and layout prior to signing: _____ Date _____

REVISIONS			
Version	Time	Date	Intls.
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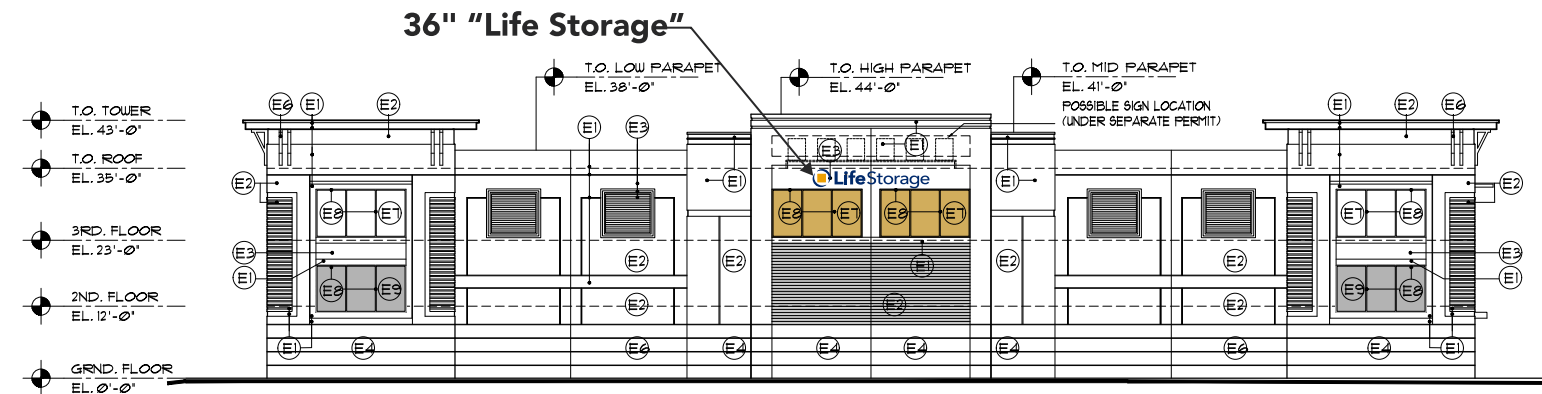
* Due to varying sizes of raw material, sizes may vary.
SHEET NO: **5**



1 WEST ELEVATION BUILDING 1
 SCALE: 1/32" = 1'
 GRAPHIC SCALE (in feet)

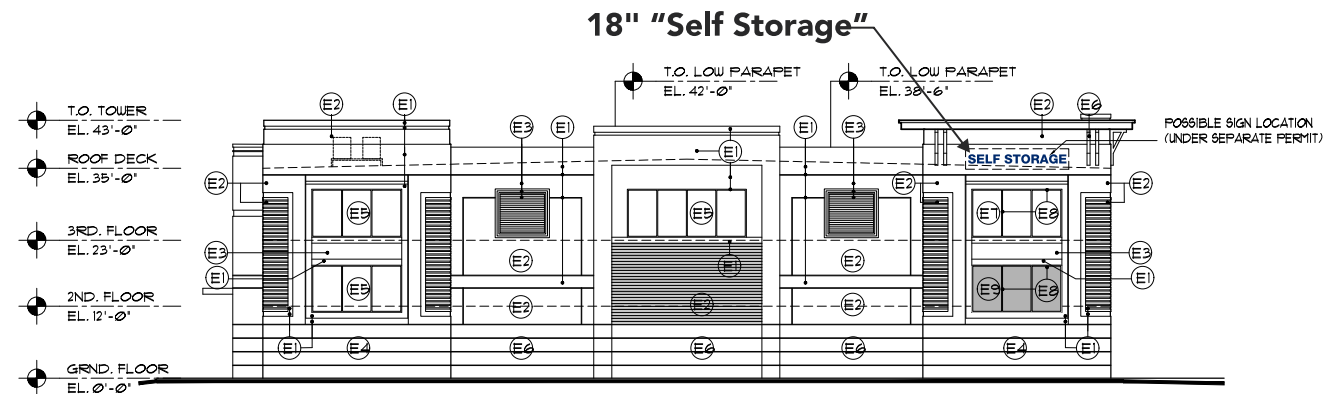


3 NORTH ELEVATION BUILDING 1
 SCALE: 1/32" = 1'
 GRAPHIC SCALE (in feet)



3 EAST ELEVATION BUILDING 1
 SCALE: 1/32" = 1'
 GRAPHIC SCALE (in feet)

NOTE:
 Interior faux bay doors may be visible through upper elevation windows, whose function is solely for advertisement. They may be colored some version of orange or yellow, TBD.



4 SOUTH ELEVATION BUILDING 1
 SCALE: 1/32" = 1'
 GRAPHIC SCALE (in feet)

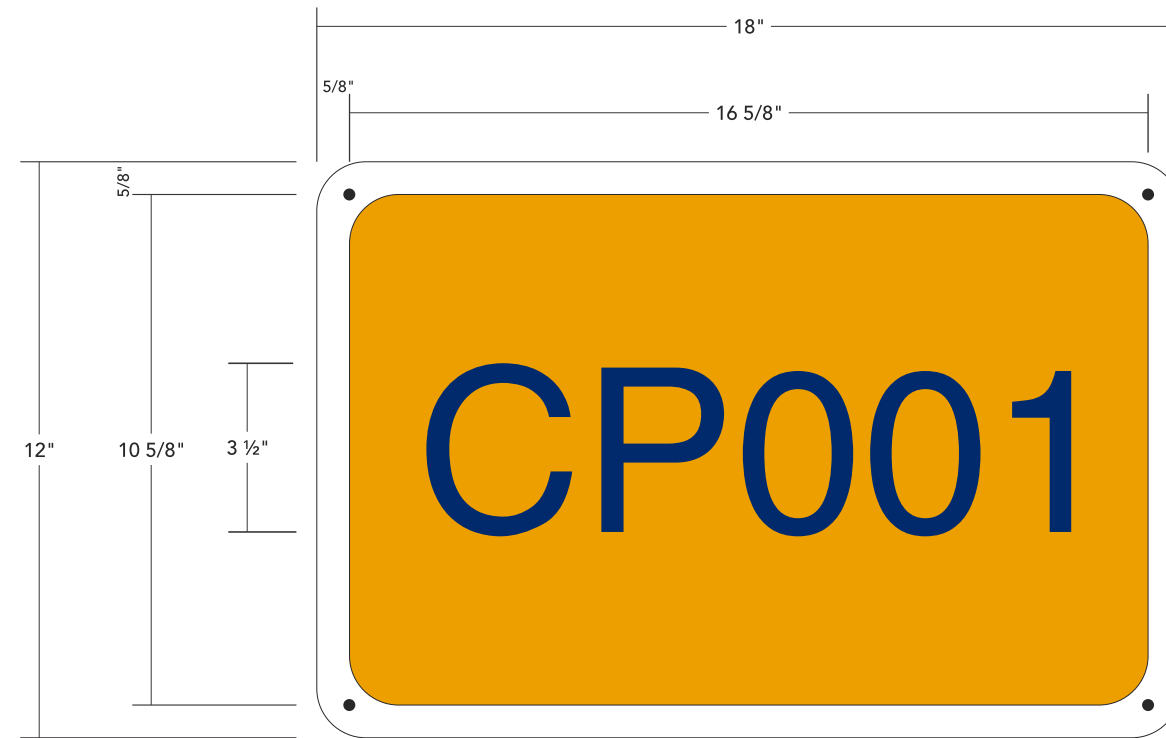


<p>DRAWING INFO</p> <p>Sales/Project MGR: Glen Designer: BB Design Time: 4hr Date: 04.26.21</p>	<p>CLIENT NAME</p> <p>Pinnacle Storage of Westlake</p>	<p>PROJECT</p> <p>Life Storage Westlake</p>	<p>CUSTOMER APPROVAL</p> <p>Please verify colors, spelling, and layout prior to signing:</p> <p>_____ Date _____</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>Version</th> <th>Time</th> <th>Date</th> <th>Intls.</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>30min</td> <td>4.29.21</td> <td>BB</td> </tr> <tr> <td>2</td> <td>1hr</td> <td>5.10.21</td> <td>BB</td> </tr> <tr> <td>3</td> <td>30min</td> <td>5.13.21</td> <td>BB</td> </tr> <tr> <td>4</td> <td>45min</td> <td>6.16.21</td> <td>BB</td> </tr> </tbody> </table>	Version	Time	Date	Intls.	1	30min	4.29.21	BB	2	1hr	5.10.21	BB	3	30min	5.13.21	BB	4	45min	6.16.21	BB	<p>* Due to varying sizes of raw material, sizes may vary.</p> <p>SHEET NO: 6</p>
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Life Storage

ST4 COVERED OPEN STORAGE ID PANEL

Digitally Printed Aluminum ID Panel



ST4 FRONT VIEW | TYPICAL SHOWN | QTY 31 (TBC)
SCALE: 3" = 1'

SPECIFICATIONS:

.063" THICK WHITE ALUMINUM PANEL WITH DIGITALLY PRINTED GRAPHICS.
1" RADIUS ROUNDED CORNERS.
(4) .25" HOLES FOR MOUNTING

NOTE: TYPICAL SHOWN, AWAITING CONFIRMATION ON TOTAL QUANTITY.

COLOR SCHEDULE:

- DIGITAL PRINT TO MATCH: 3M 3630-157 SULTAN BLUE
- DIGITAL PRINT TO MATCH: 3M 3630-024 SUNFLOWER YELLOW



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* Due to varying sizes of raw material, sizes may vary.
SHEET NO: **7**

Life Storage

ST5 DIRECTORY SIGN Aluminum Post and Panel

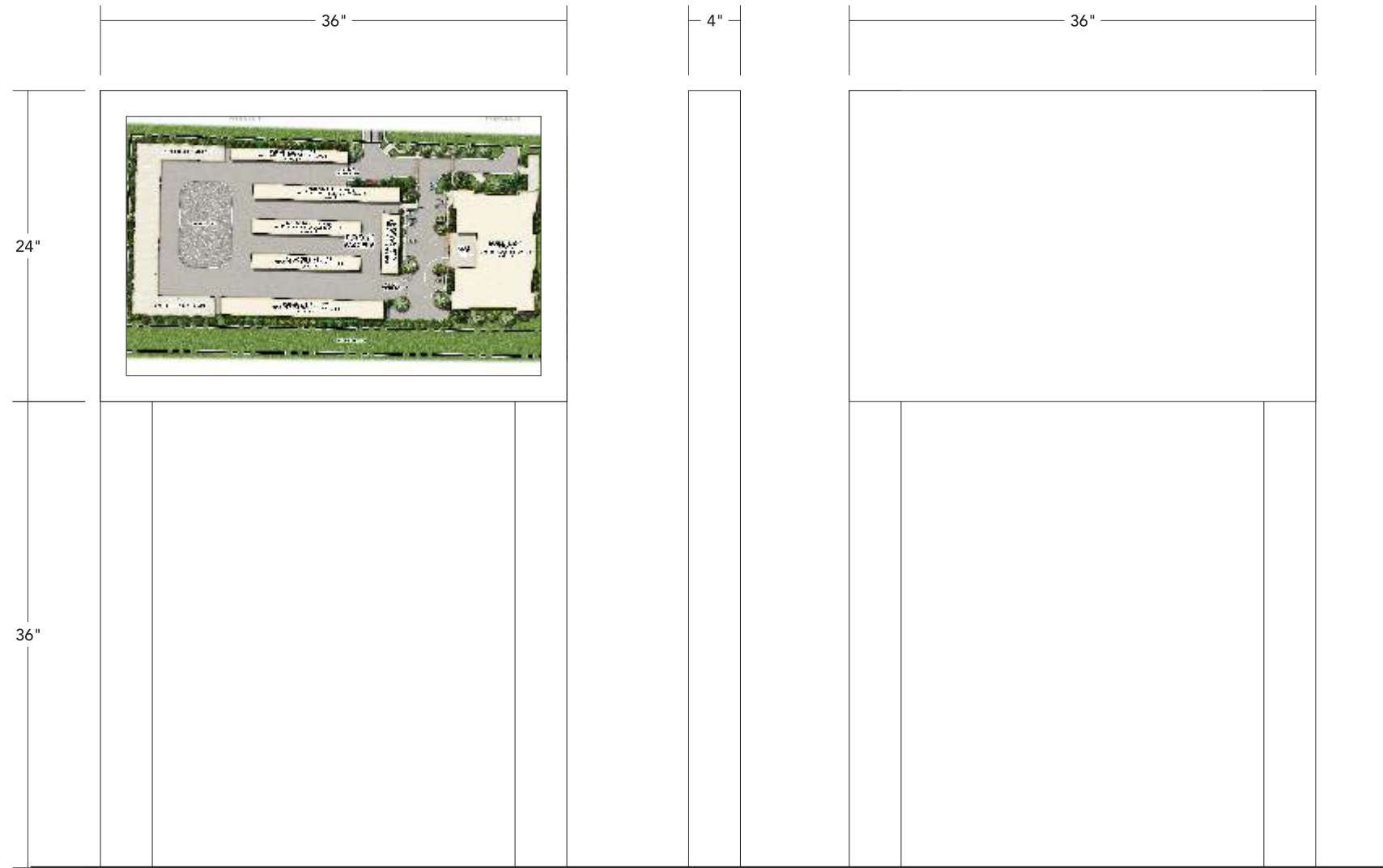
SPECIFICATIONS:

SINGLE SIDED ALUMINUM POST/PANEL SIGN.
4" ALUMINUM SQ. TUBE AS LEGS, .080 ALUMINUM SKIN
WITH DIGITAL PRINT MAP ATTACHED WITH COUNTER-SUNK SCREWS.
ALL SIDES TO BE COVERED.
MAP AND SPECIFICATIONS ARE TBD.

- QTY.(1) SET.

COLOR SCHEDULE:

- PAINT ALL SURFACES WHITE
- DIGITALLY PRINTED MAP



ST5 FRONT VIEW
SCALE: 1" = 1'



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* Due to varying sizes of raw material, sizes may vary.
SHEET NO: **8**

Life Storage

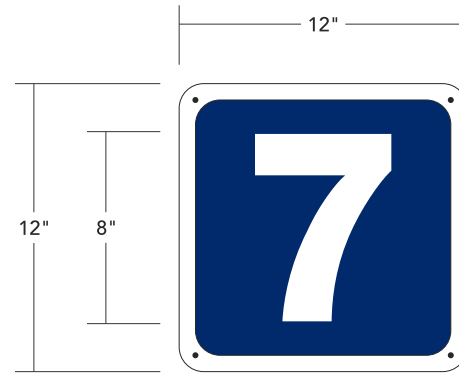
ST6 BUILDING ID SIGN 1/4" Thick Aluminum FCO

SPECIFICATIONS:

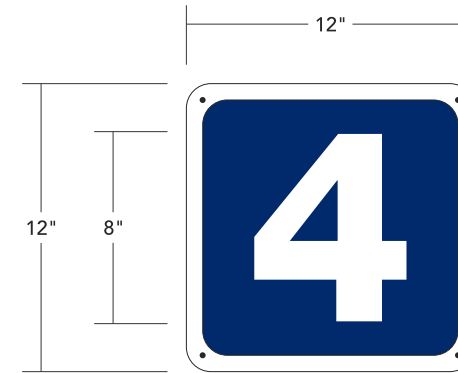
.090" THICK WHITE ALUMINUM PANEL WITH DIGITALLY PRINTED GRAPHICS.
NUMBER TO BE REVERSED OUT.
1" RADIUS ROUNDED CORNERS. (4) .25" HOLES FOR MOUNTING

COLOR SCHEDULE:

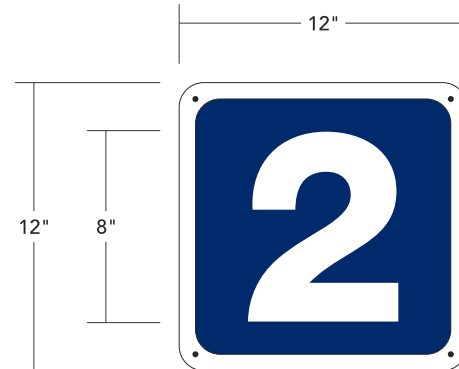
■ DIGITAL PRINT TO MATCH: 3M 3630-157 SULTAN BLUE



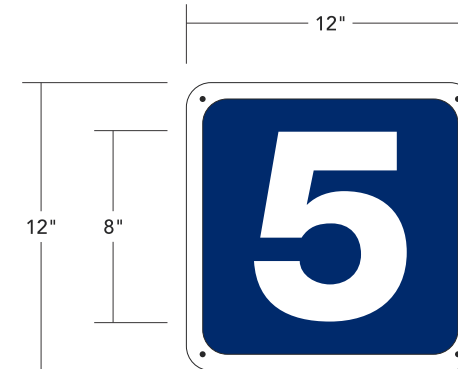
ST6.1 - QTY 2



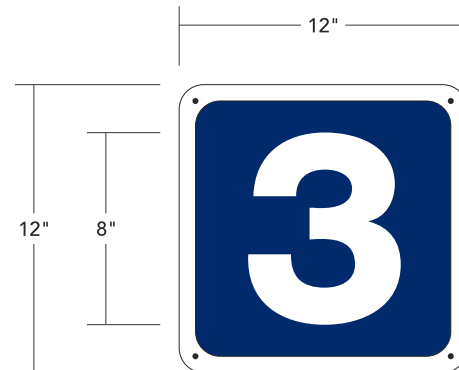
ST6.4 - QTY 2



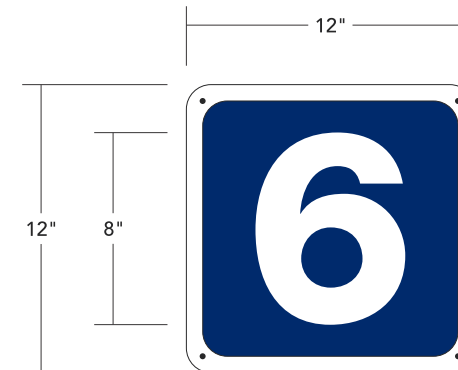
ST6.2 - QTY 2



ST6.5 - QTY 1



ST6.3 - QTY 2



ST6.6 - QTY 2

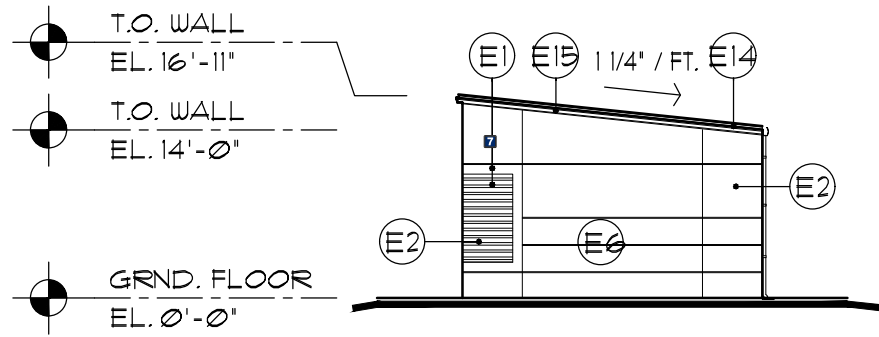
ST6 FRONT VIEW | QTY AS NOTED

SCALE: 1-1/2" = 1'

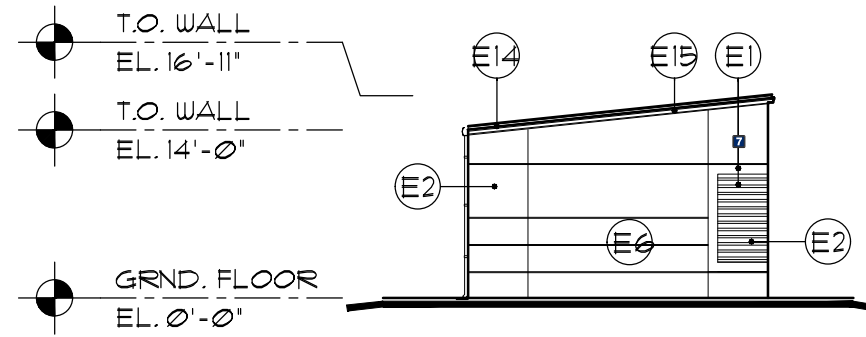


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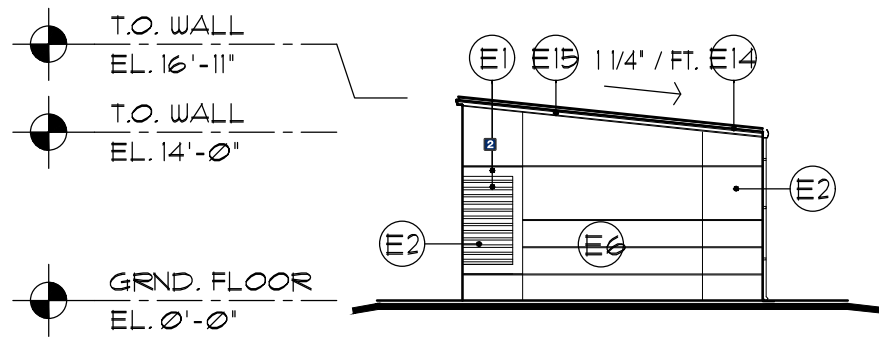
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SHEET NO: 9



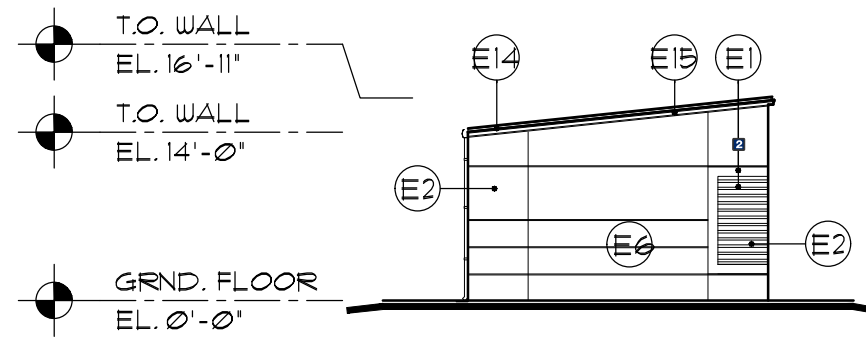
B7 BUILDING 7 | NORTH ELEVATION
SCALE: 1/16" = 1'



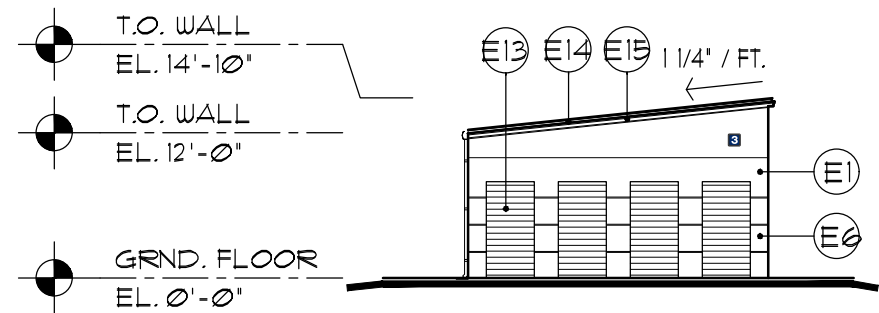
B7 BUILDING 7 | SOUTH ELEVATION
SCALE: 1/16" = 1'



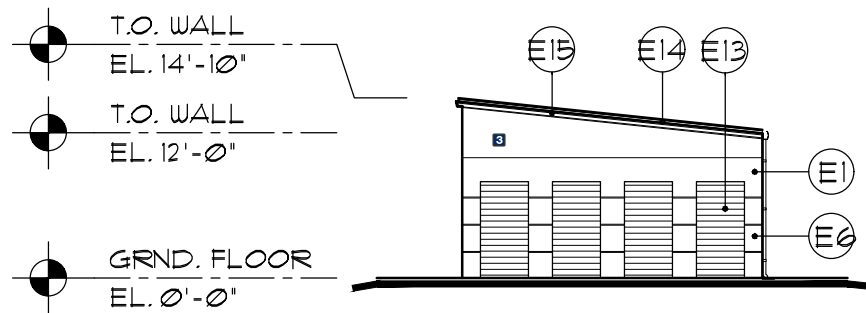
B2 BUILDING 2 | EAST ELEVATION
SCALE: 1/16" = 1'



B2 BUILDING 2 | WEST ELEVATION
SCALE: 1/16" = 1'



B3 BUILDING 3 | EAST ELEVATION
SCALE: 1/16" = 1'

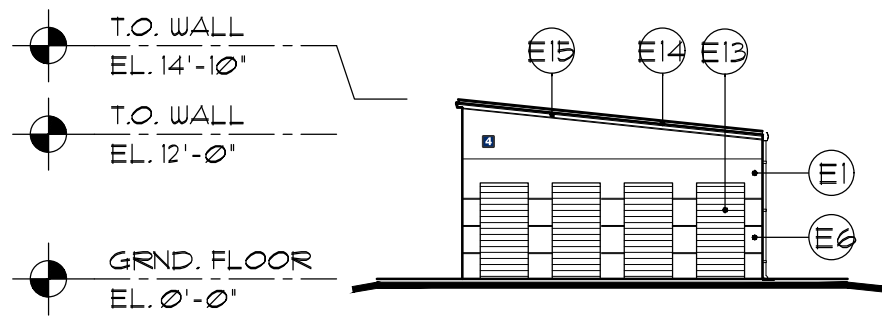


B3 BUILDING 3 | WEST ELEVATION
SCALE: 1/16" = 1'

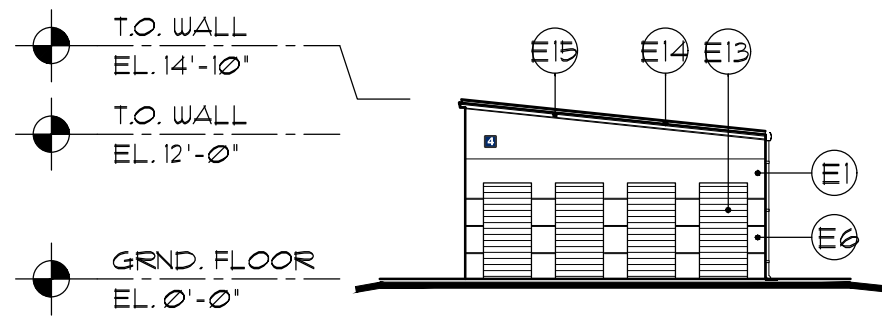


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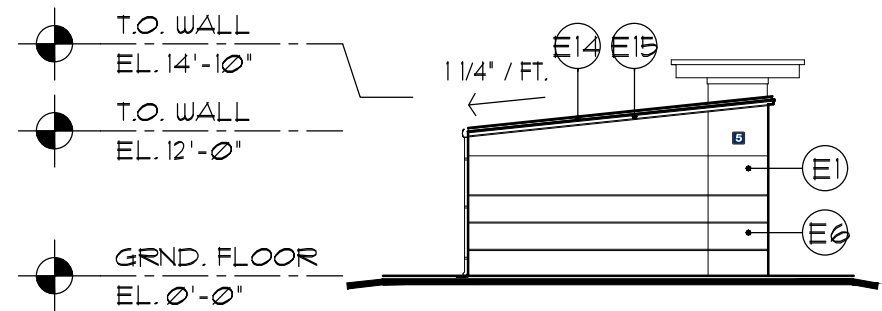
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SHEET NO: **10**



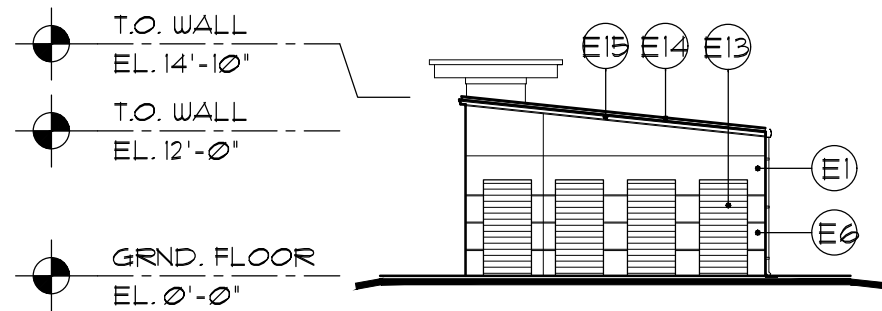
B4 BUILDING 4 | EAST ELEVATION
SCALE: 1/16" = 1'



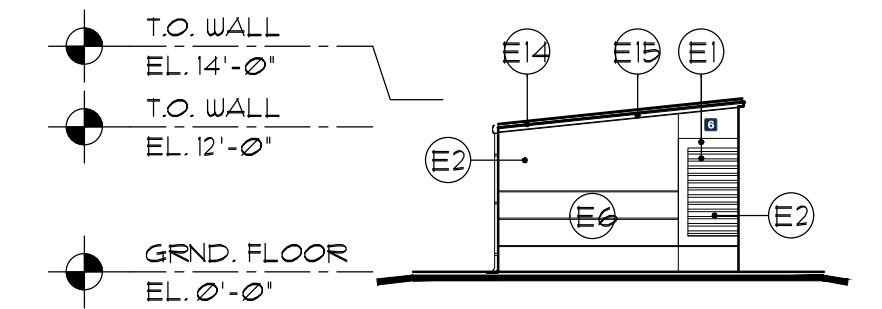
B4 BUILDING 4 | WEST ELEVATION
SCALE: 1/16" = 1'



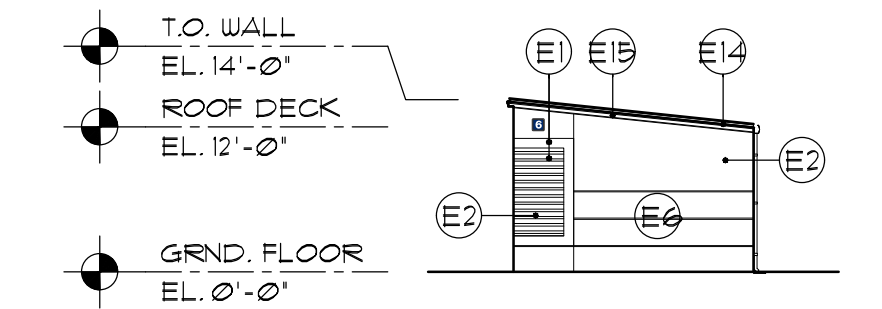
B5 BUILDING 5 | EAST ELEVATION
SCALE: 1/16" = 1'



B5 BUILDING 5 | WEST ELEVATION
SCALE: 1/16" = 1'



B6 BUILDING 6 | EAST ELEVATION
SCALE: 1/16" = 1'



B6 BUILDING 6 | WEST ELEVATION
SCALE: 1/16" = 1'



DRAWING INFO
Sales/Project MGR: Glen
Designer: BB Design Time: 2hr
Date: 04.26.21

CLIENT NAME
Pinnacle Storage of Westlake

PROJECT
Life Storage Westlake

CUSTOMER APPROVAL
Please verify colors, spelling, and layout prior to signing:
_____ Date _____

REVISIONS			
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SHEET NO: **11**

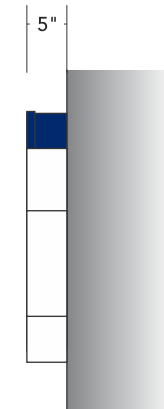
Life Storage

ST7 SECONDARY ID SIGN - Building 5

Face Illuminated Channel Letters



ST7 FRONT VIEW | BUILDING 5
SCALE: 1/2" = 1'



ST7 END VIEW
SCALE: 1/2" = 1'

SPECIFICATIONS:

5" DEEP, FACE ILLUMINATED CHANNEL LETTERS AND LOGO, FLUSH MOUNTED TO WALL AND ILLUMINATED WITH SLOAN LED'S.

- 3/16" THICK LEXAN FACES WITH 1" TRIMCAP FOR ICON ARMS AND MIDDLE BOX.
- 3/4" THICK WHITE TRANSLUCENT ACRYLIC FOR LETTERS. ROUTED AND RECESSED 1/2".
- PROPOSED SQUARE FOOTAGE: 32.2 S.F.

- QTY.(1) SET.

COLOR SCHEDULE:

- CHANNEL LETTERS RETURNS: PRE-FINISHED GLOSS WHITE
- ICON ARMS RETURN: WRISCO SUNOCO BLUE - TRIMCAP: JEWELITE BLUE
- ICON BOX RETURN: WRISCO CAUTION YELLOW - TRIMCAP: GEMINI 2540 MANGO YELLOW
- CHANNEL LETTERS VINYL COLOR: 3M 3630-157 PERFORATED SULTAN BLUE TRANSLUCENT VINYL
- ICON ARMS COLOR: 3M 3630-157 SULTAN BLUE
- ICON BOX LOGO: 3M 3630-025 TRANSLUCENT SUNFLOWER YELLOW
- LED'S COLOR: WHITE

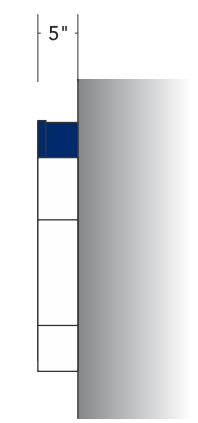


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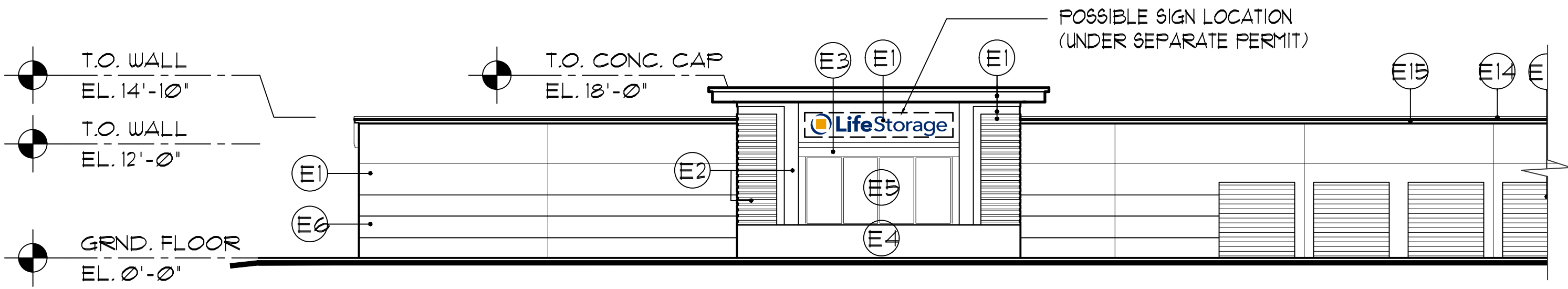
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SHEET NO: **12**



ST7 FRONT VIEW | BUILDING 5
SCALE: 1/2" = 1'



ST7 END VIEW
SCALE: 1/2" = 1'



ST7 BUILDING 5 | NORTH ELEVATION
SCALE: 3/32" = 1'



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SHEET NO: **13**

POD H Pinnacle Self-Service Storage

Site Plan Review

Justification Statement

May 12, 2021

Revised: June 17, 2021

Introduction

The Applicant is pleased to submit this request for the site plan approval of a Self-Service storage facility within the southern portion of Pod H, to be situated on Lot 2, Parcel E, of the previously platted Pod H site. The self-service storage site is 5.62 acres and will contain both limited and multi-access storage units comprising approximately 108,000 sq.ft. as well as a half-acre outdoor area for the storage of boats and recreation vehicles. Pod H located centrally within the TTD on the west side of Seminole Pratt Whitney Road. This self-service storage facility is a welcome addition to the Westlake community, giving the residents a convenient and easily accessible option for additional storage.

Background

The Minto Westlake site is located East and West of Seminole Pratt Whitney Blvd., South of 60th Street North, and North of 50th Street N, East of Mead Hill Drive, and 44th Street North, East of 190th Terrace North and West of 140th Avenue North. Per the newly adopted Comprehensive Plan, the 3,788.60-acre property has FLUA designations of R1, R2, DTMU, Civic, OS&R and SE Overlay. To provide consistency with the Development Order and existing zoning, the plan states the FLUA designation as Agricultural Enclave. The property is currently in active construction.

Minto Westlake is roughly co-extensive with Seminole Improvement District (SID), a legislatively created special district with the authority to provide public infrastructure and services and to operate district facilities. SID provides drainage, water, and wastewater services for the subject property, and owns a canal right-of-way and/or easement for access and drainage from the subject site running approximately four miles south to the C-51 Canal.

Historic and Recent Planning and Zoning Entitlements

On October 29, 2014, the property received approval from the Board of County Commissioners for a Comprehensive Plan Amendment (Ordinance 2014-030), Rezoning and Preliminary Master Plan (Resolution 2014-1646), and Requested Uses (Resolutions 2014-1647 and 1648).

Ordinance No. 2014-030 approved an amendment to the Comprehensive Plan for the site-specific Agricultural Enclave, including a Conceptual Master Plan and Implementing Principles. The Ordinance also made various text changes to the Plan related to the Agricultural Enclave Future Land Use. These Amendments were codified and are included as part of the Palm Beach County's Comprehensive Plan.

Resolution No. 2014-1646 approved the Zoning application for the Minto West Traditional Development District. The Resolution included rezoning the property from Agricultural Residential (AR) and Public Ownership (PO) Zoning Districts to the Traditional Town Development (TTD) Zoning District.

Resolution No. R-2014-1647 approved a Requested Use for a College or University to be located within the property.

Resolution No. R-2014-1648 approved a Requested Use for a Hotel to be located within the property.

The Board of County Commission approved a corrective resolution (No. R-2014-1892), which amended Engineering Condition E.9 of Resolution 2014-1646 to add "iii. Notwithstanding the foregoing, no connection of Persimmon Boulevard shall be made to 140th prior to the issuance of the 2700th dwelling unit permit."

On June 20, 2016, the City of Westlake became the 39th municipality in Palm Beach County.

On November 13, 2017, Resolution No. 2017-09 approved the final plat for Persimmon Boulevard East Plat 1.

On March 12, 2018, Ordinance No. 2017-05 approved the adoption of the City of Westlake Comprehensive Plan and Future Land Use Map.

On April 4, 2018, Resolution No. 2018-12 approved the final plat for Town Center Parkway South, Phase II.

On May 14, 2018, Resolution No. 2018-11 approved the final plat for Town Center Parkway Phase II.

On July 3, 2018, Resolution No. 2018-14 approved the amended final plat for Town Center Parkway South, Phase II.

On July 3, 2018, Resolution No. 2018-15 approved the final plat for Ilex Way Phase 1.

On September 10, 2018, Resolution No. 2018-16 approved the final plat for the Meadows of Westlake Phase 1.

On September 10, 2018, Resolution No. 2018-20 approved the final plat for Del Webb at Westlake. This application has been formally withdrawn.

On September 24, 2018, Resolution No. 2018-24 approved the final plat for the School Site C-3.

On September 24, 2018, Resolution No. 2018-25 approved the final plat for Persimmon Boulevard East, Plat 2.

On October 8, 2018, Resolution No. 2018-28 approved the final plat for Waters Edge Drive.

On December 14, 2018, the City of Westlake approved an amendment (MPA-2018-02) to the Final Master Plan, which allowed minor adjustments to the pod dwelling units of Pods M, O, P, S and to modify the pod acreages of Pods M, P, S, PC-2, and PC-3.

On January 14, 2019, Resolution No. 2019-01 approved the final plat for Ilex Way II.

On January 14, 2019, Resolution No. 2019-02 approved the final plat for Ilex Way III.

On January 14, 2019, Resolution No. 2019-03 approved the final Packing House plat.

On January 14, 2019, Resolution No. 2019-04 approved the final plat for Cresswind 'Pod P'.

On March 11, 2019, Resolution No. 2019-07 approved the final plat for Meadows of Westlake Phase II.

On March 11, 2019, Resolution No. 2019-08 approved the final plat for Westlake Civic Tract.

On March 20, 2019, The City of Westlake approved an amendment (MPA-2019-01) to the Final Master Plan, which allowed minor adjustments to the boundaries, acreages and dwelling unit allocation in Pods P, S, and N.

On April 8, 2019, Resolution No. 2019-10 approved the final plat for Sky Cove Phase 1A (Pod M).

On April 8, 2019, Resolution No. 2019-11 approved the final plat for Sky Cove Phase 1B (Pod M).

On July 8, 2019, Resolution No. 2019-12 approved the final plat for 7-Eleven Gas Station.
On July 8, 2019, Resolution No. 2019-15 approved the Site Plan for 7-Eleven Gas Station.

On July 8, 2019, Resolution No. 2019-16 approved the Requested Use for 7-Eleven Gas Station.

On August 12, 2019 Resolution No. 2019-18 approved the Plat for Pod K.

On August 12, 2019, Resolution No. 2019-19 approved the Plat for Pod R (Meadows Phase 2).

On August 12, 2019 Resolution No. 2019-20 approved the Plat for Kingfisher.

On September 9, 2019, Ordinance No. 2019-06 established the Mandatory Signage Design.

On September 9, 2019, Ordinance No. 2019-07 established the Mandatory Landscaping Design and Buffers.

On September 23, 2019, Ordinance No. 2019-09 established Chapter 3 and Adopting of the Zoning Map.

On February 10, 2020, Ordinance No. 2019-10 established Regulations for Parking within the City of Westlake.

On October 28, 2019, Resolution No. 2019-28 approved the Re-plat of Persimmon West.

On October 28, 2019, Resolution No. 2019-32 approved the Requested Use for ISTF.

On October 28, 2019, Resolution No. 2019-31 approved the Site Plan for ISTF Phase 1A.

On October 28, 2019, Resolution No. 2019-33 approved the ISTF Plat.

On October 28, 2019, Resolution No. 2019-35 approved the 7-Eleven 2.0 Requested Use.

On October 28, 2019, Resolution No. 2019- 34 approved the Site Plan for 7-Eleven 2.0.

On October 28, 2019, Resolution No. 2019-36 approved the Plat for Pod H.

On November 4, 2019, Resolution No. 2019-29 approved the Plat for Ilex Way Phase III.

On November 4, 2019, Ordinance 2019-12 approved Chapter 1 (Administration).

On November 4, 2019, Ordinance 2019-13 approved Chapter 2 (Land Development).

On November 4, 2019, Resolution 2019-38 approved the Plat for Christ Fellowship Church West Campus.

On December 9, 2019, Resolution No. 2019-39 approved the Site Plan for Christ Fellowship Church West Campus.

On December 9, 2019, Resolution No. 2019-40 approved the Site Plan for the International Soccer Training Facility Phase 1B (ISTF).

On May 11, 2020, Resolution No. 2020-09 approved the Plat for Cresswind Palm Beach Phase 2 (Pod P), A/K/A (Pod P-1).

On May 11, 2020, Resolution No. 2020-08 approved the final plat for Persimmon Boulevard East Plat 3.

On June 08, 2020, Resolution 2020-10 approved the Plat for Sky Cove Phase 1B (Pod M).

On June 08, 2020, Resolution 2020-12 approved the Plat for Groves of Westlake (Pod 0).

On June 08, 2020, Resolution 2020-13 approved the Plat for Tract PC-5 (PBC Tax Collector's and DMV offices)

On June 08, 2020, Resolution 2020-14 approved the Site Plan for the PBC Tax Collector's and DMV offices.

On July 13, 2020, Resolution 2020-16 approved the Site Plan for the Cresswind Palm Beach Amenity Center.

On July 13, 2020, Resolution 2020-11 approved the Final Plat for Green Lane.

On August 10, 2020, Resolution 2020-03 approved a Site Plan Amendment for 7-Eleven 1.0 .

On August 10, 2020, Resolution 2020-04 approved a Site Plan Amendment for 7-Eleven 2.0.

Westlake POD H – Pinnacle Self-Service Storage
Justification Statement
SPR-2021-04
CH 13-0518.60.01
May 12, 2021 – Revised June 17, 2021

On August 10, 2020, Resolution 2020-05 approved the Final Plat for Persimmon Boulevard East Plat 4.

On August 10, 2020, Resolution 2020-22 approved the Final Plat for Groves of Westlake Phase 2.

On September 14, 2020, Resolution 2020-26 approved the Final Plat for Pod T – Estates of Westlake.

On November 09, 2020, Resolution 2020-32 approved the Final Plat for the Westlake Plaza (Publix).

On November 09, 2020, Resolution 2020-33, approved the Master Site Plan for the Publix at Westlake Plaza.

On November 09, 2020, Resolution 2020-34, approved the Site Plan for the Publix Grocery Store, Drive through Pharmacy, Liquor Store , and 9,600 sf of Inline retail.

On November 12, 2020, the City of Westlake approved an amendment (MPA-2020-04) to the Final Master Plan, which allowed minor adjustments to the dwelling unit allocations and land area in Pods N, S, and U.

On December 14, 2020, Resolution 2020-36, approved the Final Plat for Sky Cove South, Phase 1A (Pod N).

On December 14, 2020, Resolution 2020-37, approved the Final Plat for Sky Cove South, Phase 1B (Pod N).

On December 14, 2020, Resolution 2020-38, approved the Master Sign Plan for 7-Eleven 1.0.

On December 14, 2020, Resolution 2020-39, approved the Master Sign Plan for the Publix at Westlake Plaza.

On December 15, the City of Westlake approved an amendment (MPA-2020-05) to the Final Master Plan, which allowed minor adjustments in Pod S.

On January 11, 2021, Resolution 2020-01, approved the Final Plat for Town Center Parkway South-West.

On January 11, 2021, Resolution 2020-02, approved the Final Plat for Pod G South-West.

On February 8, 2021, Resolution 2021-03, approved the Final Plat for Pod S - Phase I, Orchards of Westlake.

On March 8, 2021, Resolution 2021-06, approved the Final Plat for Pod M – Crossings of Westlake.

On March 8, 2021, Resolution 2021-07, approved the Final Plat for Pod S - Phase II, Orchards of Westlake.

On April 12, 2021, Resolution 2021-01, approved a variance to Pod M- The Crossings of Westlake.

On May 10, 2021, Resolution 2021-11, approved the Final Plat for Cresswind Palm Beach Phase 3 (Pod P-1, Phase 3).

On June 14, 2021, Resolution 2021-08, approved the Amended Master Plan for Pod H, Westlake Landings.

On June 14, 2021, Resolution 2021-15, approved the Site Plan for Pod H – Self-Storage Facility on Parcel E in Pod H, Westlake Landings.

On June 14, 2021, Resolution 2021-16, approved the site plan modification for the Winn-Dixie grocery store in the Groves Market.

On June 14, 2021, Resolution 2021-17, approved the site plan modification for the Groves Market shopping center.

Subject Request

The Applicant is requesting the master sign plan approval of a Self-Service Storage facility within the southern portion of Pod H, “Westlake Landings”, to be situated on Lot 2, Parcel E, of the previously platted Pod H site. The self-service storage site is 5.62 acres and will contain both limited and multi-access storage units comprising approximately 108,000 sq.ft., as well as a half-acre outdoor area for the storage of boats and recreation vehicles. The master sign plan details the proposed Principal Structure and Building Identification wall signs for the Self-Service Storage facility.

With respect to “Wall Sign for Principal Structure or Building Identification or Principal Tenant Signs”; there are three signs proposed on the largest building on site (76,000 SF). One sign on the east elevation facing SPW (the largest at 58.4 SF), one sign on the south elevation facing Seminole Ridge High School (at 24.6 SF), and an identical sign on the north elevation. One

window address sign and two window logo signs are proposed on the west elevation. The north elevation of Building 5 proposes a principal tenant sign that will be visible to guests entering the site from within Pod H and will be no more than 40.6 SF. The Master Signage Plan conforms to the requirements of Section 6.9 (C) (1-5), as identified above, and as such, no waivers are required. The following table summarized the types of signs and dimensions per Building:

BUILDING	PROPOSED SIGNS AND DIMENSIONS
Building 1	ST1 – LIFE STORAGE (233 1/4" x 7 7/8") ST2 – SELF STORAGE (196 1/2" x 18") ST3.1 – 4701 (25 7/8" x 7 7/8") ST3.2 – LIFE STORAGE (18 5/8" x 8 3/4") ST3.3 – 4701 (25 7/8" x 7 7/8")
Building 2	ST6.2 – 2 (x2) (12" x 12")
Building 3	ST6.3 – 3 (x2) (12" x 12")
Building 4	ST6.4 – 4 (x2) (12" x 12")
Building 5	ST6.5 – 5 (x2) (12" x 12") ST7 – LIFE STORAGE (194 3/4" x 30")
Building 6	ST6.6 – 6 (x2) (12" x 12")
Building 7	ST6.1 – 7 (x2) (12" x 12")

Conclusion

The Applicant is requesting approval of the Self-Service Storage facility master sign plan presented. The Applicant will work closely with Staff to bring this application to completion as quickly as possible. The Applicant and the entire development team are available to answer any questions Staff might have and/or provide necessary information to supplement the information provided in the submittal.

File Attachments for Item:

A. Resolution 2021-22 Establishing the Estimated Rate for the Residential Solid Waste Services

Submitted By: Administration

RESOLUTION 2021-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE SERVICES IN THE CITY OF WESTLAKE, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE FOR THE RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021; DIRECTING THE PREPARATION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		July 12, 2021	Submitted By: Administration	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Resolution 2021-22 Establishing the Estimated Rate for the Residential Solid Waste Services		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve Resolution 2021-22 Establishing the Estimated Rate for the Residential Solid Waste Services		
SUMMARY and/or JUSTIFICATION:		<p>The City currently provides residential solid waste services within the City through an agreement entered into on July 22, 2019 with Advanced Disposal Services/Solid Waste Southeast, Inc. and wishes to collect funds for the costs for such services by levying a special assessment against residential property and eliminating direct (quarterly, monthly) billing.</p> <p>The proposed resolution, through provisions identified in Ordinance 2021-02 (before council for second reading - July 12, 2021), constitutes the Initial Assessment Resolution which imposes a Residential Solid Waste Services Non-Ad Valorem Special Assessment for the Fiscal Year beginning October 1, 2021.</p>		
SELECT, if applicable		AGREEMENT:		BUDGET:
		STAFF REPORT:		PROCLAMATION:
		EXHIBIT(S):		OTHER: X
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>		Resolution 2021-22 Appendix A – Estimated Residential Solid Waste Services Assessment Rate Schedule Appendix B – Form of Notice to be Published Appendix – C – Form of Mailed Notice		
SELECT, if applicable		RESOLUTION:	X	ORDINANCE:
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>		RESOLUTION 2021-22 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE SERVICES IN THE CITY OF WESTLAKE, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE FOR THE RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021; DIRECTING THE PREPARATION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.		
FISCAL IMPACT (if any):				\$

RESOLUTION 2021-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE SERVICES IN THE CITY OF WESTLAKE, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE FOR THE RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021; DIRECTING THE PREPARATION OF A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City of Westlake Ordinance No. 2021-02 , as adopted, provides the authority for the City to impose Residential Solid Waste Services Special Assessments against Residential property located within the City, and provides findings of special benefit to Residential property as a result of such services; and,

WHEREAS, the City has in place an Agreement with Advanced Disposal Services/Solid Waste Southeast, Inc., dated July 22, 2019 (hereinafter the "Contract"), pursuant to which the City provides Residential Solid Waste Services to, among others, all residential properties that receive Residential Solid Waste Services within the City; and,

WHEREAS, the City believes it is in the best interests of the residents and residential properties owners to collect funds for the costs of the City's Residential Solid Waste Services to all residential units that receive Residential Solid Waste Services by the City, through its Contract, through the levy and collection of a special assessment, as such will eliminate direct quarterly or monthly billing and charges to residents, permit the payment for the services on an annual basis along with property taxes and other special assessments, reduce the administrative costs of the Residential Solid Waste Collection Program to the City, and ensure that all properties that receive Residential Solid Waste Services from the City through the Contract pay for such so that no property is over-charged by virtue of the failure of other properties to pay for such; and,

WHEREAS, Residential Solid Waste Services provided by the City through its Contract as defined hereinafter provide the requisite special benefit to Assessed Property such that they may be funded through a special assessment; and,

WHEREAS, City Administration has reviewed the budget for Residential Solid Waste Services, for residential units that receive Residential Solid Waste Services by the City through the Contract, to ensure that the Residential Solid Waste Services Special Assessment meets the legal requirements for special benefit and fair apportionment; and,

WHEREAS, the City Council determines that it is fair and equitable to levy and collect a non-ad valorem special assessment to fund the Residential Solid Waste Services provided by the City through its Contract, consistent with the methodology and allocation as provided hereinafter.

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

SECTION 1. RECITALS. The foregoing "WHEREAS" clauses are hereby ratified and confirmed by the City Council and incorporated herein by this reference.

SECTION 2. AUTHORITY. This Resolution is adopted pursuant to the provisions of Ordinance No. 2021-02 (the "Ordinance"), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 3. PURPOSE. This Resolution constitutes the Initial Assessment Resolution as defined in the Ordinance which initiates the process for developing the Residential Solid Waste Services Special Assessment Roll and directs the imposition of a Residential Solid Waste Services Special Assessment as described hereinafter, for the Fiscal Year beginning October 1, 2021. Its purpose is to provide procedures and standards for the levy and collection of a Residential Solid Waste Services Special Assessment for all Assessed Properties that receive Residential Solid Waste Services under the general home rule powers of a municipality to impose special assessments, and to authorize a procedure for the funding of Residential Solid Waste Services providing special benefits to Assessed Properties within the City.

SECTION 4. DEFINITIONS. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa. As used in this Resolution, the following terms shall have the following meanings unless the context hereof otherwise requires:

"Assessed Property" means Tax Parcels with an Improvement Code of Residential Property that contain Dwelling Units that have obtained Certificates of Occupancy from the City, and which receive Residential Solid Waste Services provided by the City

"Assessment Coordinator" means the person designated by the City to administer the City's Residential Solid Waste Services, or such person's designee.

“Contract” means that Agreement with Advanced Disposal Services/Solid Waste Southeast, Inc., dated July 22, 2019, as may be amended from time to time.

"Cost Apportionment" means the apportionment of the Residential Solid Waste Services Assessed Cost among all Assessed Properties that receive Residential Solid Waste Services pursuant to the apportionment methodology described in Section 8 of this Initial Assessment Resolution.

"Estimated Residential Solid Waste Services Special Assessment Rate Schedule" means that rate schedule attached hereto as Appendix “A” and hereby incorporated herein by reference, specifying the Residential Solid Waste Services Assessed Costs determined in Section 9 of this Initial Assessment Resolution and the estimated Residential Solid Waste Services Special Assessments established in Section 9 of this Initial Assessment Resolution.

“Improvement Codes” mean the building use codes (also known as DOR codes) assigned by the Property Appraiser to Tax Parcels within the City.

"Residential Property" means those Tax Parcels with a Code Description designated as Single-Family "Residential" within the Improvement Codes and those otherwise designated as “Residential” within the Improvement Codes that are Collection Units that receive curbside Residential Solid Waste Services by the City through the Contract.

"Tax Parcel" means a parcel of property located within the City to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

SECTION 5. PROVISION AND FUNDING OF RESIDENTIAL SOLID WASTE SERVICES.

(A) Upon the imposition of the Residential Solid Waste Services Special Assessment for Residential Solid Waste Services upon Assessed Property located within the City, the City shall provide Residential Solid Waste Services to such Assessed Property through the Contract. The cost to provide such Residential Solid Waste Services to Assessed Properties, as described herein, shall be funded from the proceeds of the Residential Solid Waste Services Special Assessment.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the City will be benefited by the City's provision of Residential Solid Waste Services in an amount not less than the Residential Solid Waste Services Special Assessment imposed against such parcel, computed in the manner set forth in this Initial Assessment Resolution.

SECTION 6. IMPOSITION AND COMPUTATION OF RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENTS. Residential Solid Waste Services Special Assessments shall be imposed against all Assessed Properties that receive Residential Solid Waste Services, as provided herein. The Cost Apportionment described herein is approved and adopted as the methodology to impose and compute the Residential Solid Waste Services Special Assessment.

SECTION 7. LEGISLATIVE DETERMINATIONS OF AUTHORITY, SPECIAL BENEFIT AND FAIR APPORTIONMENT. The City Council incorporates and adopts the legislative findings relating to the Residential Solid Waste Services within the Ordinance, and makes the following additional legislative findings.

7.1 Section 403.706(1), Florida Statutes, provides that the City is responsible to collect and transport solid waste from within its boundaries to a solid waste disposal facility.

7.2 To fulfill its obligations, the City entered into the Contract.

SPECIAL BENEFIT

7.3 The City provides Residential Solid Waste Services to the Assessed Properties through its Contract. All Assessed Properties receive Residential Solid Waste Services, and therefore are required to receive the City's Residential Solid Waste Services through the City's Contract.

7.4 The special benefit provided to the Assessed Properties as a result of the provision of Residential Solid Waste Services by the City through its Contract, and as a result of the Residential Solid Waste Services Special Assessment include by way of example and not limitation, the availability and use of Residential Solid Waste Services by the owners and occupants of the Assessed Properties, the

enhancement of environmentally responsible use and enjoyment of developed residential properties in the City, the protection of public health and safety, ensuring sanitary collection and disposal of solid waste from residential units in the City, a potential increase in value to property, and better service to landowners and tenants.

7.5 The City's provision of Residential Solid Waste Services through its Contract possesses a logical relationship to the use and enjoyment of the Assessed Properties by:

7.5.1 protecting and potentially increasing the value of the Assessed Properties by providing solid waste services;

7.5.2 enhancing the environmentally responsible use of residential land in the City;

7.5.3 protecting the health of intended occupants in the use and enjoyment of Assessed Properties by ensuring the proper collection and disposal of solid waste from the Assessed Properties;

7.6 Commercial properties, and multi-family residential properties in the City that do not receive curbside collection services, are not specially benefited by the City's Residential Solid Waste Services funded by the Residential Solid Waste Collection Special Assessment in that those properties receive volume-based Solid Waste Services. Given the fact that commercial properties, and residential properties with containerized collection services receive Solid Waste Services on a volume basis, it is not possible to determine the exact annual costs that can be apportioned to each property; therefore, it is not possible to ensure that an assessment levied upon these properties can be fairly apportioned. As a result, it is fair and reasonable not to levy a special assessment for the funding of residential Solid Waste Services upon those properties.

IMPOSITION AND COLLECTION

7.7 The Residential Solid Waste Services Special Assessments to be imposed pursuant to this

Resolution shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

7.8 The Residential Solid Waste Services Special Assessment imposed pursuant to this Resolution is imposed by the City Council of the City of Westlake, not the Palm Beach County Board of County Commissioners, Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution, and pursuant to the City's agreements with such entities, shall be construed as ministerial.

7.9 So long as the Residential Solid Waste Services Special Assessment is levied, the Assessed Properties will no longer be billed directly by the City for the Residential Solid Waste Services they receive from the City through the Contract.

APPORTIONMENT

7.10 The size or the value of the Residential Property does not determine the scope of the required solid waste services. The potential demand for Residential Solid Waste Services is driven by the existence of a Residential unit.

7.11 Apportioning the Residential Solid Waste Assessed Costs for Residential Solid Waste Services attributable to Assessed Properties on a per Residential unit basis is required to avoid cost inefficiency and unnecessary administration and is a fair and reasonable method.

7.12 Because commercial properties, and multi-family residential properties that are containerized collection do not benefit from the provision of Residential Solid Waste Services by the City through the Contract, the Residential Solid Waste Services Assessed Costs are not apportioned to those properties.

SECTION 8. COST APPORTIONMENT METHODOLOGY. The Contract provides for an annual charge to the Assessed Properties for the Residential Solid Waste Services provided by the City through its Contract. The Residential Solid Waste Services Assessed Costs include other costs associated with the

Residential Solid Waste Collection Special Assessment, including a factor for early payment of tax bills, which are then allocated to the Assessed Properties in addition to the annual charge in the Contract to determine the Assessment Amount. The Assessment Amount is then multiplied by the number of Residential units on such Tax Parcel. For the Fiscal Year commencing October 1, 2021, the annual charge for Assessed Properties shall be \$280.60 per Residential Unit, as reflected in Appendix "A."

Interim special assessments are authorized to be levied upon Assessed Properties at the time of issuance of certificates of occupancy by the City. The assessment amount due at the time of issuance of a certificate of occupancy shall be pro-rated on a monthly basis, and pursuant to a schedule created by the Assessment Coordinator and available in the building department. The interim assessment will also include the estimated assessment for the full following fiscal year in order to recover the costs of providing Residential Solid Waste Services to the Assessed Property until such time as the special assessment is placed on a future property tax bill. The Assessment Coordinator is authorized to address issues where an Interim Assessment is collected and an annual assessment is levied on a property tax bill for the same Dwelling Unit for the same period of time to ensure no overpayments for the Residential Solid Waste Services provided by the City.

SECTION 9. DETERMINATION OF RESIDENTIAL SOLID WASTE SERVICES ASSESSED COSTS; ESTABLISHMENT OF ANNUAL RESIDENTIAL SOLID WASTE SERVICES ASSESSMENT RATES.

(A) The Residential Solid Waste Collection Service Assessed Costs to be assessed and apportioned among Assessed Properties pursuant to the Cost Apportionment for the Fiscal Year commencing October 1, 2021, is the amount determined in the manner described in Section 8 above. The Estimated Residential Solid Waste Services Special Assessment Rate Schedule is attached hereto as Appendix A. The approval of the Estimated Residential Solid Waste Services Special Assessment Rate Schedule by the adoption of this Initial Assessment Resolution determines the amount of the Residential Solid Waste Services Assessed Costs.

(B) The estimated Residential Solid Waste Services Special Assessments specified in the Estimated Residential Solid Waste Services Special Assessment Rate Schedule are hereby established to fund the Residential Solid Waste Services Assessed Costs determined to be assessed in the Fiscal Year commencing October 1, 2021.

(C) The estimated Residential Solid Waste Services Special Assessments established in this Initial Assessment Resolution shall be the estimated assessment rates applied by the Assessment Coordinator in the preparation of the updated Residential Solid Waste Services Special Assessment Roll for the Fiscal Year commencing October 1, 2021, as provided in Section 10 of this Initial Assessment Resolution.

SECTION 10. ANNUAL RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT ROLL.

(A) The Assessment Coordinator is hereby directed to prepare, or cause to be prepared, a Residential Solid Waste Services Special Assessment Roll for the Fiscal Year commencing October 1, 2021, in the manner provided in this Initial Assessment Resolution. The Assessment Coordinator shall apportion the estimated Residential Solid Waste Collection Service Assessed Cost to be recovered through Residential Solid Waste Services Special Assessments in the manner set forth in this Initial Assessment Resolution. A copy of this Initial Assessment Resolution, the Ordinance, and the Residential Solid Waste Services Special Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the Residential Solid Waste Services Special Assessment Roll proposed for the Fiscal Year commencing October 1, 2021 be in printed form if the amount of the Residential Solid Waste Services Special Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(B) It is hereby ascertained, determined, and declared that the method of determining the Residential Solid Waste Services Special Assessments for the City's Residential Solid Waste Services as set forth in this Initial Assessment Resolution is a fair and reasonable method of apportioning the Residential Solid Waste Services Assessed Cost among parcels of Assessed Property located within the City, as the

methodology and apportionment assures that no property is assessed an amount greater than the benefit which it receives from the Residential Solid Waste Services provided by the City through its Contract.

SECTION 11. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 6:30 p.m., on September 13, 2021, in City of Westlake Council Chambers, 4005 Seminole Pratt Whitney Road, Westlake, Florida, 33470, at which time the City Council will receive and consider any comments on the Residential Solid Waste Services Special Assessment from the public and affected property owners and consider imposing the Residential Solid Waste Services Special Assessment and collecting such assessments on the same bill as ad valorem taxes.

SECTION 12. NOTICE BY PUBLICATION. The Assessment Coordinator shall publish notice of the public hearing authorized by Section 11 hereof, in the manner and time provided within the Ordinance. The notice shall be published no later than August 24, 2021, in substantially the form attached hereto as Appendix B.

SECTION 13. NOTICE BY MAIL. The Assessment Coordinator shall also ensure timely notice by mail, in the manner and time provided within the Ordinance. The notice shall be mailed no later than August 24, 2021, in substantially the form attached hereto as Appendix C.

SECTION 14. PROOF OF NOTICE. The Assessment Coordinator may provide proof of such notice by affidavit, if any is required pursuant to the Ordinance or Resolution.

SECTION 15. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City from the Residential Solid Waste Services Special Assessments will be utilized for the provision of Residential Solid Waste Services, facilities, and programs by the City, through its Contract, as described herein.

SECTION 16. CONFLICT. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 17. SEVERABILITY. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

SECTION 18. EFFECTIVE DATE. This Initial Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 12th day of July, 2021.

City of Westlake
Roger Manning, Mayor

Zoie Burgess, City Clerk

Approved as to Form and Sufficiency
Interim City Attorney

APPENDIX A

**ESTIMATED RESIDENTIAL SOLID WASTE SERVICES
ASSESSMENT RATE SCHEDULE**

SECTION A-1 DETERMINATION OF RESIDENTIAL SOLID WASTE SERVICES ASSESSED COSTS. The estimated Residential Solid Waste Services Assessed Costs to be assessed for the Fiscal Year commencing October 1, 2021, is **\$241,596.60**

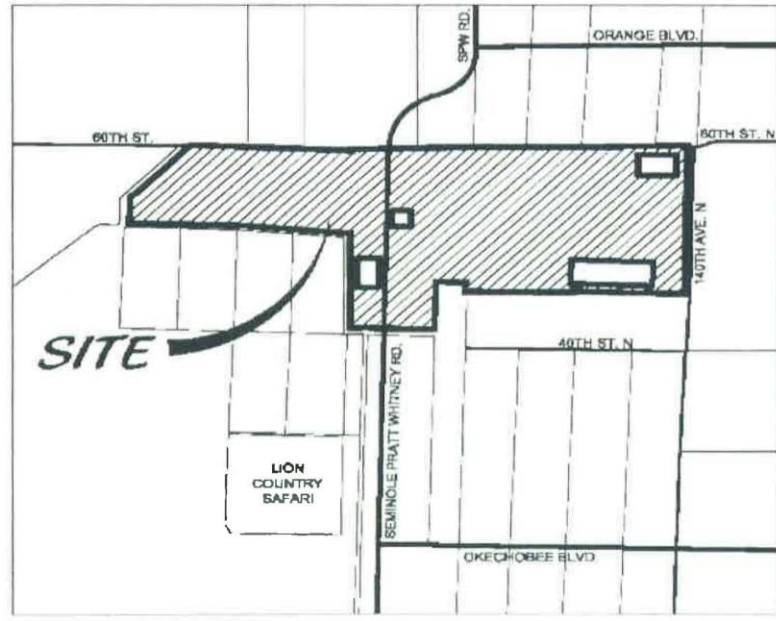
SECTION A-2 ESTIMATED RESIDENTIAL SOLID WASTE SERVICES ASSESSMENTS. The estimated Residential Solid Waste Services Special Assessments to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment Methodology to generate the estimated Residential Solid Waste Services Assessed Cost for the Fiscal Year commencing October 1, 2021, are hereby established as follows for the purpose of this Initial Assessment Resolution:

\$ 280.60 PER RESIDENTIAL UNIT

APPENDIX B

FORM OF NOTICE TO BE PUBLISHED

To be published no later than August 24, 2021



**NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENTS**

Notice is hereby given that the City Council of the City of Westlake will conduct a public hearing to consider imposing Residential Solid Waste Services Special Assessments upon Residential Units that receive Residential Solid Waste Services, for the provision by the City of Residential Solid Waste Services to such properties within the City of Westlake.

The hearing will be held at 6:30 p.m., on September 13, 2021, in City of Westlake Council Chambers, 4005 Seminole Pratt Whitney Road, City of Westlake, Florida, 33470 for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice. If a person decides to appeal any decision made by the City Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In

accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Clerk of the City at (561) 530-5880, at least seven days prior to the date of the hearing.

The assessment for each parcel of residential property that receives Residential Solid Waste Services from the City will be based upon the total number of Residential units attributed to that parcel. The annual assessment shall be \$280.60 per Residential Unit.

Copies of the Assessment Ordinance, the Initial Assessment Resolution and the Residential Solid Waste Services Special Assessment Roll are available for inspection at the City Clerk's Office, Westlake City Hall, 4001 Seminole Pratt Whitney Road, Westlake, Florida, 33470.

The assessments will be collected by the Tax Collector on the ad valorem tax bill to be mailed in November 2021, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in a loss of title.

If you have any questions, please contact the City Clerk at (561) 530-5880, Monday through Friday between 9:00 a.m. and 4:00 p.m.

Zoie Burgess, CMC
City Clerk, City of Westlake
Publish: Friday, July 16, 2021

APPENDIX C

FORM OF MAILED NOTICE

August 1, 2021

[Name]

[Address]

Westlake, Florida 33470

RE: *Tax Parcel #*

**CITY OF WESTLAKE, FLORIDA
NOTICE OF HEARING TO IMPOSE AND PROVIDE
FOR RESIDENTIAL SOLID WASTE SERVICES - NON-AD VALOREM ASSESSMENTS**

Dear Property Owner:

As required by Section 197.3632, Florida Statutes, and City of Westlake Ordinance No. 2021-02, notice is given by the City of Westlake that a special assessment for Residential Solid Waste Services using the tax bill collection method may be levied by the City of Westlake on your property for the fiscal year October 1, 2021 - September 30, 2022.

The purpose of this assessment is to collect the Residential Solid Waste Services Special Assessment benefiting property located within the City of Westlake. The total Residential Solid Waste Services Special Assessment revenue to be collected within the City of Westlake is **\$241,596.60**. The Residential Solid Waste Services Special Assessment is based on the number of Residential Units that receive curbside Residential Solid Waste Services, including curbside collection of solid waste and recyclable materials on your property. The special assessment is **\$280.60** per Residential Unit. Your property has 1 Residential Unit. The total special assessment for your property is **\$280.60**.

A public hearing will be held at 6:30 p.m. on September 13, 2021, in City of Westlake Council Chambers, 4005 Seminole Pratt Whitney Road, Westlake, Florida 33470, for the purpose of receiving public comment on the proposed assessment. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice. If you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk's office at (561) 530-5880, at least three days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Council action at the above hearing (including the method of apportionment,

the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the Residential Solid Waste Services Special Assessment Ordinance, the Initial Assessment Resolution, and the assessment roll are available for inspection at Westlake City Hall - City Clerk's Office, 4001 Seminole Pratt Whitney Road, Westlake, Florida 33470.

The Residential Solid Waste Services non-ad valorem assessment amount shown on this notice for the above parcel will be collected on the ad valorem tax bill mailed in November 2021. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions regarding your Residential Solid Waste Services Special Assessment, please contact the City Clerk at (561) 530-5880, Monday through Friday between 9:00 a.m. and 4:00 p.m.

*** * * * * THIS IS NOT A BILL * * * * ***

File Attachments for Item:

A. Second addendum to professional services agreement between City of Westlake and NZ Consultants

Submitted By: Administration



Meeting Agenda Item Coversheet

MEETING DATE:		July 12, 2021	Submitted By: Administration	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Second addendum to professional services agreement between City of Westlake and NZ Consultants		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve and direct City Manger to execute second addendum to professional services agreement between City of Westlake and NZ Consultants		
SUMMARY and/or JUSTIFICATION:		<p>The City of Westlake entered into an agreement for professional planning services with NZ Consultants on September 19, 2016 under a competitive selection process. This agreement was entered into under a three-year term with an option to renew for an additional two-year term upon mutual agreement.</p> <p>On September 9, 2019, the City authorized the City Manager to execute an addendum for professional services continuing the contract with NZ Consultants, which is set to expire in September of this year.</p> <p>The proposed Addendum is agreeing to extend services for a term of an additional five years up to and including September 18, 2026.</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>		Addendum to Professional Services Agreement Agreement for Professional Services – September 19, 2016 Addendum to Professional Services – September 9, 2019		
SELECT, if applicable		RESOLUTION:		ORDINANCE:
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>				
FISCAL IMPACT (if any):				\$

**SECOND ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF WESTLAKE AND NZ CONSULTANTS, INC.**

THIS SECOND ADDENDUM TO AGREEMENT (“Second Addendum”), dated the ____ day of _____, 2021, between:

THE CITY OF WESTLAKE, a Florida municipal corporation, hereinafter referred to as "CITY,"

and

NZ CONSULTANTS, INC., a Florida corporation hereinafter referred to as "CONSULTANT".

WHEREAS, on or about September 19, 2016, the CITY entered into an agreement with CONSULTANT for professional services (the "Original Agreement") pursuant to Section 287.055, F.S.; and

WHEREAS, on or about September 9, 2019, the CITY and CONSULTANT entered into an Addendum to Professional Services Agreement to renew the term of the Original Agreement for an additional two (2) years (“First Addendum”); and

WHEREAS, the CITY and CONSULTANT agree to extend the term of the Original Agreement, as amended for five (5) additional years and provide for certain provisions required under Florida Statutes; and

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements herein contained and other good and valuable consideration, the receipt of which are hereby acknowledged, the CITY and CONSULTANT agree to amend the Original Agreement, as amended, as follows:

1. RECITALS: Each whereas clause set forth above is true and correct and incorporated herein by this reference.

2. TERM: The term under Article 1 of the Original Agreement, as amended, is hereby extended. The CITY and CONSULTANT agree to extend the term for an additional five (5) year period up to an including September 18, 2026.

3. The Original Agreement is hereby amended to specifically create Article 20 & Article 21 as follows:

ARTICLE 20. SCRUTINIZED COMPANIES. CONSULTANT certifies that it and any of its affiliates are not scrutinized companies as identified in Section 287.135, F.S. In addition, CONSULTANT agrees to observe the requirements of Section 287.135, F.S., for applicable sub-agreements entered into for the performance of services under this Agreement. Pursuant to Section 287.135, F.S., the CITY may immediately terminate this Agreement for cause if the CONSULTANT, its affiliates, or its subcontractors are found to have submitted a false certification; or if the

CONSULTANT, its affiliates, or its subcontractors are placed on any applicable scrutinized companies list or engaged in prohibited contracting activity during the term of the Agreement. As provided in Subsection 287.135(8), F.S., if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

ARTICLE 21. Registration Requirement; Termination. Pursuant to Section 448.095, Florida Statutes, effective January 1, 2021, CONSULTANTS, shall register with and use the E-verify system in order to verify the work authorization status of all newly hired employees. CONSULTANT shall register for and utilize the U.S. Department of Homeland Security's E-Verify System to verify the employment eligibility of:

(i) All persons employed by a CONSULTANT to perform employment duties within Florida during the term of the contract; and

(ii) All persons (including subvendors/subconsultants/subcontractors) assigned by CONSULTANT to perform work pursuant to the contract with the City of Westlake. The CONSULTANT acknowledges and agrees that registration and use of the U.S. Department of Homeland Security's E-Verify System during the term of the contract is a condition of the contract with the City of Westlake; and

(iii) The CONSULTANT shall comply with the provisions of Section 448.095, Fla. Stat., "Employment Eligibility," as amended from time to time. This includes, but is not limited to registration and utilization of the E-Verify System to verify the work authorization status of all newly hired employees. CONSULTANT shall also require all subcontractors to provide an affidavit attesting that the subcontractor does not employ, contract with, or subcontract with, an unauthorized alien. The CONSULTANT shall maintain a copy of such affidavit for the duration of the contract. Failure to comply will lead to termination of this Contract, or if a subcontractor knowingly violates the statute, the subcontract must be terminated immediately. Any challenge to termination under this provision must be filed in the Circuit Court no later than twenty (20) calendar days after the date of termination. Termination of this Contract under this Section is not a breach of contract and may not be considered as such. If this contract is terminated for a violation of the statute by the CONSULTANT, the CONSULTANT may not be awarded a public contract for a period of one (1) year after the date of termination.

4. ORIGINAL AGREEMENT: All of the terms and conditions of the Original Agreement, as amended from time to time, shall be binding and remain in full force and effect except as expressly amended hereinabove. In the event of a conflict between the Original Agreement, First Addendum, and this Second Addendum, this Second Addendum shall prevail.

IN WITNESS OF THE FOREGOING, the parties have set their hands and seal the day and year first written above.

CITY OF WESTLAKE:

Attest:

BY: _____
Kenneth G. Cassel, City Manager

Zoie Burgess, CMC
City Clerk

Approved as to form and legal
sufficiency:

Donald J. Doody, Esq.
Interim City Attorney

**NZ CONSULTANTS, INC., a Florida
corporation**

ATTEST:

Nilsa Zacarias, AICP, President

Name: _____

**AGREEMENT BETWEEN THE CITY OF WESTLAKE
AND
NZ CONSULTANTS, INC.**

THIS AGREEMENT made and entered into this 19th day of September, 2016 by and between:

The City of Westlake ("CITY"), a municipality, located in Palm Beach County, Florida and whose address is 4005 Seminole Pratt Whitney Road, Loxahatchee, Florida 33470, and NZ Consultants, as professional planners whose address is 1851 W. Indiantown Road, Suite 100, Jupiter, Florida 33458 ("Planner").

RECITALS

WHEREAS, the City was incorporated on June 20, 2016, and whereas the City does not intend to have employees of the City, and the City has selected a firm to provide planning and zoning services to the City as such services would be provided as a part of municipal services; and

WHEREAS, pursuant to the Consultants' Competitive Negotiations Act, Section 287.055, Florida Statutes, the City solicited proposals from qualified firms to provide professional planning services on a continuing basis; and

WHEREAS, Planner submitted a proposal to serve in this capacity; and

WHEREAS, the City Council determined that Planner is qualified to serve as Planner for the City and authorized negotiation of a contract pursuant to Florida Statutes; and

WHEREAS, City intends to employ Planner to provide professional planning services to the City, which may include, but are not limited to, creation of a comprehensive plan, creation of land development regulations, planning functions, zoning functions, landscaping, financial and economic studies, mapping and GIS services and any other services as directed by the City Manager; and

WHEREAS, Planner shall serve as City's professional representative in each service or project to which this Agreement applies and will give consultation and advice to the City during the performance of its services.

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained the acts and deeds to be performed by the parties, and the payments by the City to the Planner of the sums of money herein specified, the City and Planner wish to enter into this agreement between them, as follows:

ARTICLE 1. TERM OF AGREEMENT.

This Agreement shall commence upon full execution by all parties hereto and shall be for a term of three (3) years, with the option to renew for an additional two (2) year term upon mutual agreement of the parties.

ARTICLE 2. SCOPE OF SERVICES.

A detailed specification for the scope of services is set forth in the attached composite **Schedule "A"**. A general description of the services to be provided are as follows:

- **CREATION OF COMPREHENSIVE PLAN**

The Planner will draft and create a comprehensive plan consistent with Florida Statutes, Chapter 163, and the requirements of Palm Beach County's regulations, by coordinating with required state and local agencies. The planner shall establish goals, policies and objectives for the City of Westlake. The elements in the comprehensive plan shall include, but not be limited to a future land use element, capital improvement element, transportations element, utility element, public facilities element and a housing element. The plan shall include goals, policies and objectives.

- **CREATION OF WESTLAKE LAND DEVELOPMENT REGULATIONS**

The Planner should be familiar with the Palm Beach County approvals for Minto PBLH, LLC, the Unified Land Development Code for Palm Beach County, and other regulations which will be utilized for project review and reports to the City Council as applications are submitted to the City of Westlake.

- **CREATION OF DOCUMENTS**

The Planner shall create documents for applicants to complete with the various submittals to the City. The Planner shall create a schedule of review dates and turn around time frames for applications. The Planner shall create forms, applications and checklists for review by the Planner on applications submitted for review and approval by the Planner and/or the City of Westlake.

- **CREATION OF FEE SCHEDULE**

The Planner shall create a fee schedule for review and approval by the City for the various applications required for development purposes.

- **REVIEW OF PLANS AND APPLICATIONS SUBMITTED TO CITY**

The Planner shall review and prepare staff reports to the City regarding all applications which are submitted to the City for review, processing and approval. The reports shall include a recommendation to the City Manager and the City Council. Any other items requested by the City Manager or his designee.

- **PUBLIC HEARINGS FOR TRANSMITTAL**

The Planner will present the Comprehensive plan to the local planning agency, the City Council and the Department of Economic Opportunity for the state required review and approval. This phase shall include responses to the objections, recommendations and comments from the state and any public hearings which will be necessary.

ARTICLE 3. COMPENSATION. It is understood and agreed that the payment of compensation for services under this contract shall be as follows:

- A. The Planner will issue an invoice once per month for the work, which has been completed, in the City Manager's sole discretion. If the City Manager determines that the work specified in the invoice has been performed according to the job specifications, the City shall pay the invoice within 30 days.
- B. The Planner's invoice shall show a complete breakdown of the project components, the quantities completed and the amount due, and any other supporting documentation as may be required by the Contract documents for approval.
- C. Hourly Personnel Rates — For services or projects where scope of services is not clearly defined, or recurring services or other projects where the City desires the use of the hourly compensation rates outlined in **Schedule B**. This Agreement provides for the renegotiation of hourly rates outlined in Schedule B on the annual anniversary of this Agreement.

ARTICLE 4. REIMBURSABLE EXPENSES. Reimbursable expenses consist of actual expenditures made by Planner, its employees, or its consultants in the interest of the project for the incidental expenses listed as follows:

- A. Expenses of transportation and living when traveling in connection with District projects, for long distance calls and telegrams, and fees paid for securing approval by agencies. All expenditures shall be made in accordance with Chapter 112, Florida Statutes.
- B. Expenses of reproduction, postage and handling of drawings and specifications.

ARTICLE 5. ACCOUNTING RECORDS. For a period of five (5) years, financial records of Planner pertaining to the services provided hereunder shall be kept on a basis of generally accepted accounting principles and shall be available to the City or its authorized representative for observation or audit at mutually agreeable times.

ARTICLE 6. REUSE OF DOCUMENTS. All documents including drawings and specifications furnished by the Engineer pursuant to this Agreement are the property of the City. The Planner does not represent that the documents may be suitable for reuse by the City or others for any extensions of the work for which they were provided or any other project without consent by the Planner.

ARTICLE 7. INSURANCE. Planner will maintain throughout this AGREEMENT the following insurance:

- (a) Worker's compensation and employer's liability insurance as required by the state where the work is performed.
- (b) Comprehensive automobile and vehicle liability insurance covering claims for injuries to members of the public and/or damages to property of others arising from use of motor vehicles, including onsite and offsite operations, and owned, non-owned, or hired vehicles, with \$1,000,000 combined single limits.
- (c) Commercial general liability insurance covering claims for injuries to members of the public or damages to property of others arising out of any covered negligent act or omission of PLANNER or of any of its employees, agents or subcontractors, with \$1,000,000 per occurrence and in the aggregate.
- (d) Professional liability insurance of \$1,000,000 per occurrence and in the annual aggregate.
- (e) CITY will be named as an additional insured with respect to PLANNER's liabilities hereunder in insurance coverages identified in items (b) and (c) and PLANNER waives subrogation against CITY as to said policies.

Planner shall provide CITY with a certificate evidencing compliance with the above terms and naming the CITY and its council members, agents and staff as additional insureds. Planner shall provide the CITY with thirty (30) days notice of cancellation. For the duration of the Agreement, Planner shall be insured in the above amounts.

ARTICLE 8. PROHIBITION AGAINST CONTINGENT FEE. The Planner warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Planner, to solicit or secure this Agreement and that it has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the Planner, any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this Agreement.

ARTICLE 9. AUDIT. The Planner agrees that the CITY or any of its duly authorized representatives shall, until the expiration of three years after expenditure of funds under this Agreement, have access to and the right to examine any books, documents, papers, and records of the Planner involving transactions related to the Agreement. The Planner agrees that payment made under the Agreement shall be subject to reduction for amounts charged thereto that are found on the basis of audit examination not to constitute allowable costs. All required records shall be maintained until an audit is completed and all questions arising therefrom are resolved, or five years after completion of all work under the Agreement.

ARTICLE 10. INDEMNIFICATION. The Planner agrees, to the fullest extent permitted by law, to indemnify, defend, and hold the CITY harmless of and from any and all liabilities, claims, causes of action, demands, suits, or losses arising from the negligent acts, errors or omissions of the Planner, Planner's agents or employees, in the performance of professional services under this Agreement. Planner agrees and covenants that nothing herein shall constitute or be construed as a waiver of the CITY's sovereign immunity pursuant to section 768.28, Florida Statutes.

The CITY agrees, to the extent permitted by section 768.28, Florida Statutes, and other applicable law, to indemnify and hold the Planner harmless from any damage, liability or cost to the extent caused by the CITY's own negligent acts, errors or omissions and those of the CITY's agents or employees arising from the obligations and duties of the CITY under this Agreement.

ARTICLE 11. PUBLIC RECORDS. The Planner shall allow access to all documents, papers, letters, or other materials subject to the provisions of Chapter 119, Florida Statutes, and made or received by the Planner in conjunction with this Agreement.

ARTICLE 12. CONTROLLING LAW. Planner and the CITY agree that this Agreement shall be controlled and governed by the laws of the State of Florida. Venue for any legal dispute in a court of law shall be Palm Beach County, Florida.

ARTICLE 13. ASSIGNMENT. Neither the CITY nor the Planner shall assign, sublet, or transfer any rights under or interest in this Agreement without the express written consent of the other. Nothing in this paragraph shall prevent the Planner from employing such independent professional associates and consultants as Planner deems appropriate, pursuant to Article 5 herein.

ARTICLE 14. TERMINATION. The CITY or Planner may terminate this Agreement without cause upon sixty (60) days written notice. At such time as Planner receives notification of the intent of the CITY to terminate the contract, Planner shall not perform any further services unless directed to do so by the City Manager. In the event of any termination without cause, Planner will be paid for services rendered to the date of termination and all reimbursable expenses incurred to date of termination.

The City may terminate this Agreement with cause upon written notice to Planner. In the event of any termination for cause, Planner shall not perform any further services for the CITY after Planner's receipt of notification of termination for cause, but Planner shall be paid for services rendered to the date of termination and all reimbursable expenses incurred to the date of termination.

ARTICLE 15. RECOVERY OF COSTS AND FEES. In the event either party is required to enforce this Agreement by court proceedings or otherwise, then the prevailing party shall be entitled to recover from the other party direct costs incurred, including reasonable attorneys' fees.

ARTICLE 16. WAIVER. OWNER waives all claims against PLANNER, including those for latent defects, that are not brought within five (5) years of substantial completion of the facility designed or final payment to PLANNER, whichever is earlier.

ARTICLE 17. All notices, requests, consents and other communications under this Agreement ("Notices") shall be in writing and shall be delivered, mailed by First Class Mail, postage prepaid, or overnight delivery service, to the parties, as follows:

A. As to the City: Ken Cassel, Manager
4001 Seminole Pratt Whitney Road
Westlake, Florida 33470

With a copy to: Pam E. Booker, Esquire
4001 Seminole Pratt Whitney Road
Westlake, FL 33470

B. As to the Planner: Nilsa Zacarias, AICP
1851 W. Indiantown Road
Suite 100
Jupiter, Florida 33458

Except as otherwise provided in this Agreement, any Notice shall be deemed received only upon actual delivery at the address set forth above. Notices delivered after 5:00 p.m. (at the place of delivery) or on a non-business day, shall be deemed received on the next business day. If any time for giving Notice contained in this Agreement would otherwise expire on a non-business day, the Notice period shall be extended to the next succeeding business day. Saturdays, Sundays, and legal holidays recognized by the United States government shall not be regarded as business days. Counsel for the City and counsel for the Engineer may deliver Notice on behalf of the City and the Engineer. Any party or other person to whom Notices are to be sent or copied may notify the other parties and addressees of any change in name or address to which Notices shall be sent by providing the same on five (5) days written notice to the parties and addresses set forth herein.

ARTICLE 18. ACCEPTANCE. Acceptance of this Agreement is indicated by the signature of the authorized representative of the City and the Planner in the spaces provided below.

ARTICLE 19. COUNTERPARTS. This instrument may be executed in any number of counterparts, each of which, when executed and delivered, shall constitute an original, and such counter parts together shall constitute one and the same instrument. Signature and acknowledgement pages, if any, may be detached from the counterparts and attached to a single copy of this document to physically form one document.


IN WITNESS WHEREOF, the parties hereto have caused these present to be executed the day and year first above written.

Attest:

CITY OF WESTLAKE, FLORIDA



City Clerk, Sandra DeMarco

By: 

Kenneth G. Cassel, City Manager

NZ CONSULTANTS



Witness

By: 

Nilsa Zacarias, AICP, President

City of Westlake
EXHIBIT A -SCOPE OF WORK
COMPREHESIVE PLAN



Please see the following tasks to prepare and approve the City of Westlake Comprehensive Plan:

- *Kick of Meeting with City*
- 1 Assist City in creation of LPA and its functions, establish procedures, and fulfill other requirements of Ch. 163.3174, F.S.
- 2 Create a Comprehensive Plan, pursuant to Ch. 163.3177, F.S.
 - a. Due Diligence: Identification of general data & analysis to support plan in general and study all existing documentation and approvals
 - b. Development of principles and a vision for the Comprehensive Plan
 - i. Write Up
 - ii. Data and Analysis
 - c. Definition of Comp Plan format and structure
 - d. Population projections/ Develop Methodology
- 3 Prepare required Comprehensive Plan Elements and Map Series
 - a. **Map Series (by others)**
 - b. Future Land Use Element
 - c. Housing Element
 - d. *Transportation Element ***
 - e. *Infrastructure (Sanitary Sewer, solid waste, drainage, potable water)***
 - f. Conservation Element (Natural Groundwater Aquifer Recharge)
 - g. Recreation and Open Space
 - h. Intergovernmental Element
 - i. Capital Improvements Element
- 4 Coordinate Comp Plan with Land Development Regulations
- 5 Prepare Comp Plan package for the LPA Hearing.
 - a. Prepare public hearing/Legal Ad
- 6 Prepare package for the Transmittal Hearing – Council Hearing
 - a. Prepare public hearing/Legal Ad
- 7 Initiate State Coordinated Review process and Timeframes
 - a. Transmittal to the State
 - b. Receipt by DEO
 - c. State review agencies comments. Includes SFWMD and TCRPC
 - d. Objections, Recommendations and Comments (ORC)
 - e. Adoption hearing/Legal Ad
 - f. Transmittal to the State
 - g. DEO Letter of Completeness
 - h. Notice of Intent to find in compliance

*** There will be coordination and review meetings with the City through the Comprehensive Plan Process**

**** The Transportation and Infrastructure Elements will require coordination and input from City's Engineers.**



SCHEDULE B - NZ CONSULTANTS

PROFESSIONAL HOURLY RATE SCHEDULE- 2016

PRINCIPAL PLANNER	\$145
SENIOR PLANNER	\$125
PLANNER	\$100
ASSISTANT PLANNER	\$85
ARCHIT. DESIGN	\$145
GIS	\$125

**ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF WESTLAKE AND NZ CONSULTANTS, INC.**

This Addendum to Professional Services Agreement (“Addendum”) dated September 9, 2019, between the City of Westlake (“City”), a Florida municipal corporation, located at 4001 Seminole Pratt Whitney Road, Whitney Road, Westlake Florida, 33470, and NZ Consultants, Inc. (“Planner”), a Florida profit corporation, located at 1851 W. Indiantown Road, Suite 100, Jupiter, FL 33458, collectively referred to as “Parties”.

WHEREAS, the City previously entered into a contract for Professional Services with NZ Consultants Inc., on or about September 19, 2016; and

WHEREAS, the term of the agreement provides for a term of three years, with the option to renew upon mutual agreement of the Parties; and

WHEREAS, the City desires to continue to utilize the professional services of NZ Consultants, Inc., as the planner for the City; and

WHEREAS, the Parties intend to extend the Agreement for an additional two (2) years and to modify provisions for public records request to comply with recent legislative changes.

NOW THEREFORE, the Parties hereby agree to the following amendments to the Agreement effective September 9, 2019.

1. Article 1. Tem of Agreement existing provision shall be deleted as follows and repladec with underline provision:

This Agreement shall be renewed for a term of two (2) years.

2. Article 11. Public Recodes provisions shall be modified as follows.

The Planner shall allow access to all documents, paper, letters, or other materials subject to provisions of Chapter 119, Florida Statutes, and made or received by the Planner in conjunction with this Agreement.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, THE CONTRACTOR’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (954) 603-0033. SANDRA.DEMARCO@INFRAMARK.COM. 210 N. UNIVERSITY DRIVE, SUITE 702, CORAL SPRINGS, FL 33071.

3. Except as otherwise expressly set forth in the Addendum, the Agreement shall remain unchanged and in full force and effect in accordance with the terms and provision contained therein.

IN WITNESS WHEREOF, the Parties have executed this Agreement, this day and year first above written.

Attest:



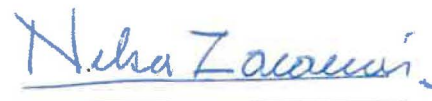
City Clerk, Sandra DeMarco

CITY OF WESTLAKE, FLORIDA



Kenneth G. Cassel, City Manager

NZ CONSULTANTS, INC.



BY: NILSA ZACARIAS, AICP, President

File Attachments for Item:

B. Second Addendum to the Law Enforcement Service Agreement

Submitted By: Administration



Meeting Agenda Item Coversheet

MEETING DATE:		July 12, 2021	Submitted By: Administration		
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Second Addendum to the Law Enforcement Service Agreement			
STAFF RECOMMENDATION: (MOTION READY)		Motion to Approve Second Addendum to the Law Enforcement Service Agreement			
SUMMARY and/or JUSTIFICATION:		<p>The City entered into an agreement for law enforcement services with the Palm Beach County Sheriff's Office on or around August 12, 2019 for a five-year term at a cost of \$650,000.00.</p> <p>In keeping with the agreement, the Sherriff Office shall submit cost for services in anticipation of the City's budget process. The attached second addendum identifies the anticipated cost for Fiscal Year October 1, 2021 through September 30, 2021.</p> <p>The annual cost for services remains unchanged.</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>		Second Addendum to the Law Enforcement Service Agreement			
SELECT, if applicable		RESOLUTION:		ORDINANCE:	
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is not a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <u>Please keep text indented.</u>					
FISCAL IMPACT (if any):		Annual Budget		\$ 650,000.00	

SECOND ADDENDUM TO THE LAW ENFORCEMENT SERVICE AGREEMENT
SHERIFF RIC L. BRADSHAW AND CITY OF WESTLAKE

This Second Addendum to the Law Enforcement Service Agreement is made by and between the City of Westlake (hereinafter referred to as “Westlake”) located in Palm Beach County, and Ric L. Bradshaw, Sheriff of Palm Beach County, Florida (hereinafter referred to as “Sheriff”). Westlake and the Sheriff shall hereinafter be referred to as the “Parties.”

WHEREAS, the Parties executed a Law Enforcement Service Agreement effective October 01, 2019, and a First Addendum effective October 01, 2020, (the “Agreement”), by which the Sheriff agreed to perform law enforcement services; and

WHEREAS, the Parties wish to set forth the consideration for the Third Year of the Contract Term, October 01, 2021 through September 30, 2022.

NOW, THEREFORE, in consideration of the mutual covenants herein contained the receipt and sufficiency of which are hereby acknowledged, it is agreed upon as follows:

1. Article 5, Section 5.1 of the Law Enforcement Service Agreement is amended as to the total amount due for services for the period beginning October 01, 2021 through September 30, 2022 as follows: The total amount due for the annual period referenced above shall be \$650,000.00. Monthly payments shall be \$54,166.67. The last monthly payment shall be \$54,166.63.
2. In all other respects and unless otherwise stated, the terms and conditions of the Agreement shall continue unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed the Addendum to this Agreement as of the last date all signatures below are affixed.

PALM BEACH COUNTY SHERIFF'S OFFICE

CITY OF WESTLAKE

BY: _____
Ric L. Bradshaw

BY: _____
Roger Manning

Title: Sheriff

Title: Mayor

Witness: _____
Eric Coleman, Major

Witness: _____
Zoie P. Burgess, City Clerk

DATE: _____

DATE: _____

AGREEMENT FOR LAW ENFORCEMENT SERVICES BY AND BETWEEN THE PALM BEACH COUNTY SHERIFF’S OFFICE AND THE CITY OF WESTLAKE

This Agreement is made by and between the CITY OF WESTLAKE, a municipal corporation organized and existing under the laws of the State of Florida which municipality is wholly located within the boundaries of Palm Beach County, Florida (hereinafter referred to as “CITY”) and Ric L. Bradshaw, Sheriff of Palm Beach County Sheriff’s Office, Florida, (hereinafter referred to collectively as “SHERIFF”).

WITNESSETH:

WHEREAS, the CITY is desirous of maintaining a high level of competent professional law enforcement services in conjunction and harmony with its fiscal policies of sound, economical management; and

WHEREAS, the SHERIFF has agreed to provide the CITY a high level of professional law enforcement services and the CITY is desirous of contracting for such services upon the terms and conditions hereinafter set forth; and

WHEREAS, the CITY is desirous of obtaining its law enforcement services through a contractual relationship with the SHERIFF.

NOW THEREFORE, in consideration of the sums hereinafter set forth and for other good and valuable considerations, the receipt and legal sufficiency of which are hereby acknowledged, **IT IS HEREBY AGREED AS FOLLOWS:**

ARTICLE 1 – DEFINITIONS

1.1 For the purposes of this Agreement, the following terms shall have the respective meanings hereinafter set forth:

- A. Executive Officer shall mean a non-exempt employee who is appointed by the SHERIFF as a deputy sheriff holding the rank of lieutenant who shall perform duties and functions as specifically set forth in Article 2 of this Agreement.
- B. Sergeant shall mean an individual who is appointed by the SHERIFF as a deputy sheriff who shall plan, direct, patrol, supervise, and/or perform the activities of a deputy sheriff as set forth in Article 2 of this Agreement.

- C. Deputy Sheriff shall mean an individual, other than those described in A, and B, of this Article, who is appointed by the SHERIFF in accordance with Section 30.07, Florida Statutes, and who has executed any necessary oath which is required by law to serve in the position of a certified law enforcement deputy sheriff and perform the duties and responsibilities as set forth in Article 2 of this Agreement.
- D. Patrol Unit shall mean one staffed marked patrol car/truck and all standard equipment as defined by the SHERIFF's general orders.
- E. Service shall mean comprehensive law enforcement protection provided each day of the year on a twenty-four (24) hour per day basis.
- F. City Manager shall mean the chief administrative officer of the CITY and shall include any individual employed by the CITY or any contracted third party who is delegated to perform the duties and responsibilities of the management and oversight of the CITY functions related to law enforcement services.

ARTICLE 2 – LEVELS OF SERVICE

2.1 Law Enforcement Patrol Services

- A. The SHERIFF shall provide to the CITY, for the term hereinafter set forth, as the same may be extended in accordance with the provisions hereof, competent professional law enforcement services within and throughout the corporate limits of the CITY to the extent and in the manner herein described.
- B. The SHERIFF shall assign personnel, through request and consultation with the City to provide the level of professional law enforcement services as established in Exhibit A, attached hereto and incorporated herein, or as such service has been supplemented and enhanced as a result of this Agreement and any amendments and supplements thereto.
- C. Law enforcement services shall encompass all those duties and functions of the type coming within the jurisdiction of, and customarily provided by, municipal police departments, which include receiving of 911 calls, dispatch of calls for law enforcement services, arrest of criminal offenders and citations issued to traffic violators, traffic control, testifying in court, community policing, high visibility patrol within the CITY (including all CITY facilities and parks), and Seminole Improvement District facilities wholly within the corporate limits of the CITY, and other duties in accordance with the SHERIFF's general orders, the CITY Charter and ordinances, Palm Beach County Charter and ordinances that are applicable within the CITY, and statutes of the State of

Florida. The Sheriff's deputies will not act as Code Enforcement officers, however, Sheriff's deputies may enforce City Ordinances to the extent the ordinance authorizes arrest and provides for fines and/or imprisonment, as set forth in Chapter 162, Florida Statutes. Performance of all duties of sheriff's deputies shall be in accordance with Sheriff's Office General Orders and any applicable Collective Bargaining Agreement. Additionally, law enforcement patrol services shall encompass response to alarm calls, and the SHERIFF shall respond to alarm calls consistent with the Palm Beach County Alarm Ordinance as it may from time-to-time be amended.

D. THE SHERIFF shall additionally provide to the CITY when necessary, at no additional cost to the CITY the following expertise, services, and facilities, which the SHERIFF would normally provide to other law enforcement agencies:

1. Full service crime lab.
2. Aviation and helicopter unit.
3. Organized Crime investigations (includes Vice & Narcotics).
4. Prisoner and jails services.
5. Criminal Investigations.
6. Marine Patrol.
8. Evidence Custodian.
9. Other support services, such as Traffic Homicide, Canine, etc. (as available to other SHERIFF districts or law enforcement jurisdictions).

E. The SHERIFF shall provide the CITY, upon the request of the CITY, such supplemental law enforcement services of a deputy sheriff, beyond those services described herein, as may be needed from time-to-time that cannot be accommodated through flexible scheduling of on-duty sheriff's deputies. Compensation shall be in accordance with Article 5.3. Those services typically include, but are not limited to, providing services at:

1. CITY Council meetings.
2. Board and Committee meetings.
3. Special Events sponsored by the CITY.

- F. Unless exigent circumstances exist, all deputies assigned to the City of Westlake shall remain within the corporate limits of the City of Westlake.
- G. Unless operational necessity dictates otherwise, there shall be a minimum of one (1) patrol zone with a minimum staffing of one (1) deputy per shift.
- H. Law enforcement patrol supervision shall be provided by a Sergeant or higher ranking officer each day of the year, twenty-four (24) hours per day through District 15. Sergeants shall not be included in calculating the deputy sheriff staffing requirements set forth in this agreement.
- I. Each patrol unit shall prominently display on the vehicle's exterior "City of Westlake" and the City logo, designed to match the scheme of Sheriff's vehicles.

2.2 Executive and Administrative Services

- A. Performance of all duties and responsibilities of the Executive Officer of District 15 shall be in accordance with SHERIFF's general orders, any applicable collective bargaining agreements, and this Agreement.

2.3 Administrative Responsibilities

- A. The Executive Officer of District 15 or designee will notify the City Manager in a timely manner of any major/significant crimes, incidents or emergencies that occur within the CITY.
- B. From time to time, upon reasonable notice, the Executive Officer of District 15 or designee shall meet with the CITY to discuss law enforcement issues related to services impacting the CITY.

2.4 Fiscal Responsibilities

- A. The SHERIFF shall provide to the CITY cost changes associated with the renewal of law enforcement services by no later than May 31st of each prior fiscal year through the term of the agreement.
- B. Staffing increases for deputy sheriffs shall be supported by crime and law enforcement activity analysis and shall be approved by the City Council prior to implementation.

2.5 The SHERIFF shall furnish to and maintain for the benefit of the CITY, without additional cost therefore, all necessary labor, supervision, equipment, vehicles, and supplies necessary and proper for the purpose of performing the services, duties, and responsibilities set forth and as necessary to maintain the level of service to be rendered hereunder.

ARTICLE 3 – OTHER RESPONSIBILITIES

3.1 Employment Responsibility

- A. All sheriffs' deputies and other persons employed by the SHERIFF in the performance of such services, functions and responsibilities, as described and contracted for herein, for the CITY are deemed Palm Beach County Sheriff's Office employees and not employees of the CITY.
- B. The SHERIFF shall be responsible for all insurance benefits, compensation, and/or any status or right during the course of employment with the SHERIFF. Accordingly, the CITY shall not be called upon to assume any liability for, or direct payment of, any salaries, wages, contribution to the Florida Retirement System, insurance premiums or payments, workers' compensation benefits under Chapter 440, Florida Statutes, or any other amenities of employment to any SHERIFF personnel performing services, duties, and responsibilities hereunder for the benefit of the CITY and residents thereof.

3.2 Employment: Right of Control

- A. The SHERIFF shall have and maintain the responsibility for and control of the delivery of services, the standards of performance, the discipline of personnel and other matters incident to the performance of services, duties, and responsibilities as described and contemplated herein.
- B. The CITY does hereby vest in each deputy sheriff, to the extent allowed by law, the police powers of the CITY which are necessary to implement and carry forth the services, duties, and responsibilities imposed upon the SHERIFF hereby, for the sole and limited purpose of giving official and lawful status and validity to the performance thereof by such deputy sheriff.

ARTICLE 4 – CITY RESPONSIBILITIES

4.1 Office Space

- A. All positions provided for in this agreement will be located at the SHERIFF's District 15 office and will carry out their job functions as required under this Service Agreement.
- B. Future space planning shall be coordinated with the SHERIFF and the CITY.

4.2 The CITY shall provide two (2) copies of CITY'S ordinances as adopted and two (2) copies of the Code of Ordinances with updates as received.

ARTICLE 5 – CONSIDERATION

5.1 The total amount due for all services beginning October 1, 2019 through September 30, 2020, (excepting those costs identified and funded as set forth in Article 5.5), shall be based on an annual amount of \$650,000.00.

5.2 The total amount due for all law enforcement services for subsequent years shall be based upon the cost submitted by the SHERIFF as set forth in Article 2, Section 2.4, during the CITY'S budget process and approved by the CITY Council.

5.3 Additional law enforcement services as set forth in Article 2.1(E) shall be compensated at a rate of \$90.00 per hour and will be billed by the SHERIFF to the CITY on a monthly basis. This rate is subject to annual review and change upon agreement between the CITY and SHERIFF. Alternatively, the CITY may opt to submit an application for an off-duty permit.

5.4 The CITY agrees to pay the SHERIFF in equal monthly installments on or before the 25th day of the month preceding the month of service.

5.5 The CITY shall fund the cost of any third-party agreements related to the performance of this Law Enforcement Services Agreement, including additional crime analysis and audit functions as determined necessary and approved by the CITY.

5.6 The consideration recited herein constitutes the entire consideration to be paid herein under and upon the payment thereof, in the manner and at the times prescribed herein.

ARTICLE 6 – AUDIT OF RECORDS

- 6.1 The CITY may, upon reasonable notice to the SHERIFF and in accordance with Florida law, examine the existing SHERIFF's records relating to the services provided pursuant to the terms of this Agreement.
- 6.2 Records not prepared by the SHERIFF in the ordinary course of business may be provided as the CITY and SHERIFF may agree.
- 6.3 The CITY may elect to perform the audit itself or to have an outside third party do so.

ARTICLE 7 – FINES AND FORFEITURES

7.1 Law Enforcement Education Funds

All law enforcement education funds levied and collected by the Clerk of the Court and earmarked for the CITY pursuant to Section 938, Florida Statutes, shall be assigned over to the SHERIFF and used by the SHERIFF for the law enforcement education purposes for those officers assigned to the City of Westlake. Apart from such funds, the SHERIFF shall have no claim or right to any other monies or things of value which the CITY receives or may hereinafter receive by way of entitlement programs, grants or otherwise in connection with police or law enforcement activities.

7.2 Chapter 316, Florida Statutes, Fines

All fines and forfeitures levied and collected pursuant to Chapter 316 Florida Statutes, as the same may be amended from time-to-time, shall be forwarded to the CITY consistent with the distribution requirements of Section 318.21 Florida Statutes.

7.3 Alarm Ordinance Fines and Fees.

The CITY shall be entitled to receive a portion of the fines and alarm permit revenues generated within the jurisdictional limits of the CITY pursuant to the Palm Beach County Alarm Ordinance, as currently adopted and as it may be amended from time to time. The Sheriff will deduct a maintenance fee of twenty five percent (25%) from the proceeds of the alarm fines and alarm permit revenues for those costs associated with the administration of the alarm ordinance, which includes but is not limited to: Maintenance of equipment, postage, paper, envelopes and support staff related to the billing processing of alarm permits.

ARTICLE 8 – INSURANCE

- 8.1 The SHERIFF is a self-insured entity pursuant to Chapter 768, Florida Statutes, and will maintain sufficient general liability and automobile liability self-insurance funds as required by law.
- 8.2 Self-insurance funds necessary to cover general liability and automobile liability will remain throughout the term of this Agreement, as the same may be extended in accordance with provisions thereof.

ARTICLE 9 – HOLD HARMLESS

- 9.1 To the extent permitted by Florida law and without waiving any statutory and constitutional Sovereign Immunity protections, the SHERIFF holds the CITY harmless from any and all manner of action and actions, cause and causes of action, suits, trespasses, damages, judgments, executions, claims, and demands of any kind whatsoever, in law or in equity, which may result from or arise out of the intentional or negligent acts of the employees or appointees of the SHERIFF while in the performance of this Agreement, and the SHERIFF shall indemnify the CITY for any and all damages, judgments, claims, costs, expenses, including reasonable attorney's fees, which the CITY might suffer in connection with or as a result of the intentional or negligent acts and the alleged intentional or alleged negligent acts of the employees or appointees of the SHERIFF while in the performance of this Agreement.

In no event shall the SHERIFF hold harmless or indemnify the CITY from liability, suits, cause and causes of action, trespasses, damages, judgments, executions, claims, and demands of any kind whatsoever, in law or equity, which may result from or arise out of intentional or negligent acts of the CITY, its employees, agents, servants, visitors, and/or any other third parties.

- 9.2 To the extent permitted by Florida Law and without waiving any statutory and constitutional Sovereign Immunity protections, the CITY holds the SHERIFF harmless from any and all manner of action and actions, cause and causes of action, suits, trespasses, damages, judgments, executions, claims, and demands of any kind whatsoever, in law or in equity, which may result from or arise out of the intentional or negligent acts of the employees or appointees of the CITY while in the performance of this Agreement, and the CITY shall indemnify the SHERIFF for any and all damages, judgments, claims, costs, expenses, including reasonable attorney's fees, which the SHERIFF might suffer in connection with or as a result of the intentional or negligent acts and the alleged intentional or alleged negligent acts of the employees or appointees of the CITY while in the performance of this Agreement.

In no event shall the CITY hold harmless or indemnify the SHERIFF from liability, suits, cause and causes of action, trespasses, damages, judgments, executions, claims, and demands of any kind whatsoever, in law or equity, which may result from or arise out of the intentional or negligent acts of the SHERIFF, its employees, agents, servants, visitors, and/or any other third parties.

ARTICLE 10 – INDEPENDENT CONTRACTOR

10.1 The SHERIFF, for the purposes of this Agreement, is and shall remain an independent contractor; provided, however, such independent contractor status shall not diminish the power and authority vested in the SHERIFF and his Deputies pursuant to law and Article 3.

ARTICLE 11 – TERM

11.1 This Agreement shall remain in full force and effect commencing October 1, 2019 and ending September 30, 2025, all dates inclusive, and shall automatically renew for an additional five (5) year term, unless the Agreement is otherwise extended, amended, or terminated in accordance with the terms thereof.

11.2 In the absence of a notice of termination in accordance with Article 12, this Agreement shall automatically renew annually subject to the costing proposal by the SHERIFF and subsequent to approval by the CITY.

ARTICLE 12 – TERMINATION

12.1 The CITY or the SHERIFF may terminate this Agreement with or without cause upon written notice to the other party of this Agreement as set forth in this subsection. Written notice shall be delivered by June 30th of any given year for termination effective as of October 1st of that same year. This written notice must be hand delivered and/or sent by Certified Mail, Return Receipt Requested, to the SHERIFF or the City Manager.

ARTICLE 13 – TRANSITION

13.1 In the event of the termination or expiration of this Agreement, the SHERIFF and the CITY shall cooperate in good faith in order to effectuate a smooth and harmonious transition from the SHERIFF's Office to a CITY Police Department, and to maintain during such period of transition the same high quality of law enforcement services otherwise afforded to the residents of the CITY pursuant to the terms hereof.

ARTICLE 14 – AUTHORITY TO EXECUTE; NO CONFLICT CREATED

- 14.1 The SHERIFF, by his execution hereof, does hereby represent to the CITY that he has full power and authority to make and execute this Agreement pursuant to the power so vested in him under the Constitution and Laws of the State of Florida to the effect that:
 - A. His making and executing this Agreement shall create a legal obligation upon himself and the Palm Beach County Sheriff’s Office.
 - B. This Agreement shall be enforceable by the CITY according and to the extent of the provisions hereof.
- 14.2 Nothing herein contained and no obligation on the part of the SHERIFF to be performed hereunder shall in any way be contrary to or in contravention of any policy of insurance or surety bond required of the SHERIFF pursuant to the laws of the State of Florida.
- 14.3 The City Mayor, by his execution hereof, does represent to the SHERIFF that he/she has full power and authority to make and execute this Agreement on behalf of the City of Westlake, pursuant to Resolution No. R2019-___ of the City Council.
- 14.4 Nothing herein contained is any way contrary to or in contravention of the Charter of the City of Westlake or the laws of the State of Florida.

ARTICLE 15 – NOTICE

- 15.1 The persons to receive notice under this Agreement are:

CITY MANAGER:
Kenneth Cassel
4001 Seminole Pratt Whitney Road
Westlake, FL 33470

CITY ATTORNEY:
Pam E. Booker
4001 Seminole Pratt Whitney Road
Westlake, FL 33470

SHERIFF:
Ric L. Bradshaw
Palm Beach County Sheriff’s Office
3228 Gun Club Road
West Palm Beach, FL 33406

SHERIFF'S AGENCY ATTORNEY:
Department of Legal Affairs
Palm Beach County Sheriff's Office
3228 Gun Club Road
West Palm Beach, FL 33406

ARTICLE 16 – NON-ASSIGNABILITY

16.1 The SHERIFF shall not assign any of the obligations or benefits imposed hereby or contained herein, unless upon written consent of the City Council, which consent must be evidenced by a duly passed resolution.

ARTICLE 17 – THIRD PARTIES

17.1 In no event shall any of the terms of this Agreement confer upon any third person, corporation, or entity other than the parties hereto any right or cause of action for damages claimed against any of the parties to this Agreement arising from the performance of the obligation and responsibilities of the parties herein or for any other reason.

ARTICLE 18 – JOINT PREPARATION

18.1 The preparation of this Agreement has been a joint effort of the parties, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.


ARTICLE 19 – ENTIRE AGREEMENT

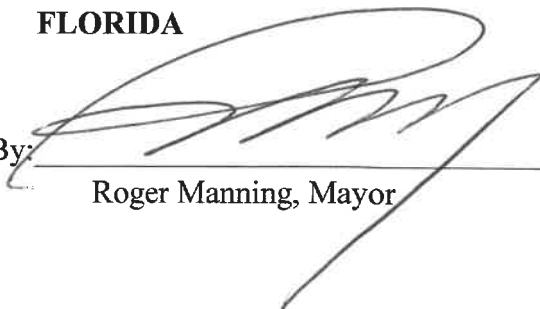
19.1 The parties acknowledge, one to the other, that the terms hereof constitute the entire understanding and agreement of the parties with respect hereof. No modification hereof shall be effective unless in writing, executed with the same formalities as this Agreement is executed.

IN WITNESS WHEREOF, the parties hereto execute this instrument, at the time set forth below.

ATTEST:

CITY OF WESTLAKE,
FLORIDA

By: 
Sandra Demarco, City Clerk

By: 
Roger Manning, Mayor


Dated: 8/19/19

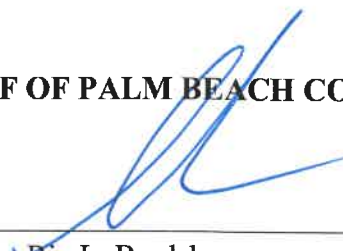
APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

By: 
Pam E. Booker, City Attorney

ATTEST:

SHERIFF OF PALM BEACH COUNTY

By: 
Eric Coleman, Major

By: 
Ric L. Bradshaw

Dated: 8-21-19

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

By:  #7028
Sheriff's Agency Attorney

EXHIBIT A

This Exhibit A was adopted as part of the Agreement effective October 01, 2019.

Palm Beach County Sheriff's Office Allocations	
Title	Quantity
Deputy Sheriff LE	5
TOTAL	5

The total of 5 Deputy Sheriffs covers 1 Deputy on duty 24 hours a day, 7 days per week.

As the City grows, future allocations will be provided through systematic tiered increases and will be mutually agreed upon.

File Attachments for Item:

C. Proposed Millage Rate for the Fiscal Year 2022 Ad Valorem Tax and a Date, Time and Place for the First Public Budget Hearing

Submitted By: Finance

RESOLUTION 2021-21

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AUTHORIZING THE CITY MANAGER TO SEND A PROPOSED MILLAGE RATE OF _____ MILLS TO THE PROPERTY APPRAISER FOR THE FISCAL YEAR 2022 AD VALOREM TAX AND SETTING MONDAY SEPTEMBER 13, 2021 AT 6:30 P.M. AT THE WESTLAKE COUNCIL CHAMBERS, 4005 SEMINOLE PRATT WHITNEY ROAD, WESTLAKE, FLORIDA AS THE DATE, TIME AND PLACE FOR THE FIRST PUBLIC HEARING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		July 12, 2021	Submitted By: Finance	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Proposed Millage Rate for the Fiscal Year 2022 Ad Valorem Tax and a Date, Time and Place for the First Public Budget Hearing		
STAFF RECOMMENDATION: (MOTION READY)		Approval of FY22 Tentative Millage Rate and Date of First Public Budget Hearing		
SUMMARY and/or JUSTIFICATION:		Florida Statute 200.065 (TRiM-Truth in Millage) requires all municipalities, within 35 days of receipt of the City's certification of taxable value, to advise the Property Appraiser of a tentative millage rate and a date of first budget hearing to be included in the TRiM notice sent to each taxpayer.		
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:	
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <u>Please keep text indented.</u>		<p>PROPOSED MILLAGE RATE FOR THE FISCAL YEAR 2022 AD VALOREM TAX AND A DATE, TIME AND PLACE FOR THE FIRST PUBLIC BUDGET HEARING</p> <p>A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AUTHORIZING THE CITY MANAGER TO SEND A PROPOSED MILLAGE RATE OF 5.125 MILLS TO THE PROPERTY APPRAISER FOR THE FISCAL YEAR 2022 AD VALOREM TAX AND SETTING MONDAY SEPTEMBER 13, 2021 AT 6:30 P.M. AT THE WESTLAKE COUNCIL CHAMBERS, 4005 SEMINOLE PRATT WHITNEY ROAD, WESTLAKE, FLORIDA AS THE DATE, TIME AND PLACE FOR THE FIRST PUBLIC HEARING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE</p>		
FISCAL IMPACT (if any):				\$

RESOLUTION 2021-21

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AUTHORIZING THE CITY MANAGER TO SEND A PROPOSED MILLAGE RATE OF _____ MILLS TO THE PROPERTY APPRAISER FOR THE FISCAL YEAR 2022 AD VALOREM TAX AND SETTING MONDAY SEPTEMBER 13, 2021 AT 6:30 P.M. AT THE WESTLAKE COUNCIL CHAMBERS, 4005 SEMINOLE PRATT WHITNEY ROAD, WESTLAKE, FLORIDA AS THE DATE, TIME AND PLACE FOR THE FIRST PUBLIC BUDGET HEARING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute 200.065 (TRiM-Truth in Millage) requires all municipalities, within 35 days of receipt of the City's certification of taxable value, to advise the Property Appraiser of a tentative millage rate to be included in the TRiM notice sent to each taxpayer; and

WHEREAS, a tentative millage rate should be proposed which would allow the City to meet Fiscal Year 2022 TRiM requirements; and

WHEREAS, Florida Statute 200.065 requires that a budget hearing date, other than that scheduled by the Palm Beach Bounty Commission and the Palm Beach County School Board, be set by each municipality and be included in the TRiM Notice sent to each taxpayer; and

WHEREAS, the City recommends that the tentative millage rate be set at _____ mills for Fiscal Year 2022, and that the first public budget hearing be set at 6:30 p.m. on Monday September 13, 2021 in the City Council Chambers, 4005 Seminole Pratt Whitney Road, Westlake, Florida 33470; and

WHEREAS, the City Council deems it to be in the best interest of the citizens and residents of the City of Westlake to allow the City Manager to send a tentative millage rate of _____ mills to the Property Appraiser and to set a date, time and place for the first public budget hearing; and

WHEREAS, the City Council retains full authority and discretion to reduce said millage rate in the adoption process;

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

SECTION 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution.

SECTION 2. That the City Manager is authorized to send a tentative millage rate of _____ mills to the Property Appraiser. This is an estimate and constitutes the maximum millage and the adopted millage rate may be lower.

SECTION 3. That this Resolution shall become in full force and effect immediately upon its passage and adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 12th day of July 2021.

Roger Manning, Mayor
City of Westlake

Zoie Burgess, City Clerk

Approved as to Legal Form and Sufficiency:

Office of City Attorney

City of Westlake



FISCAL YEAR 2022

ANNUAL BUDGET

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City of Westlake

Budget Calendar - Fiscal Year 2022 Annual Budget

Key Dates	Activity / Tasks
By June 1	Receipt of Estimated Assessable Property Values
Thu July 1	Property Appraiser certifies the taxable values
Mon July 12	City of Westlake Regular Council Meeting – Preliminary Budget Presentation; Approve Tentative Millage Rate and date of first public hearing; Set Assessment Rate for Solid Waste Collection.
Mon July 26	City of Westlake Budget Workshop – Budget Presentation with Council changes
Wed July 28	County School Board Budget 1st Hearing
Wed August 4	Deadline for submitting DR 420 to Property Appraiser & Tax Collector a) Include Proposed Millage Rate b) the current rollback rate c) The date, time, and meeting place of the tentative budget hearing
Mon August 23	City of Westlake Budget Workshop – As needed
Thu September 9	County Budget 1st Hearing
Mon September 13	City of Westlake Regular Council Meeting – 1st Budget & Millage Rate Hearing; Assessment Rates for Solid Waste Collection
Tue September 14	County School Board Budget 2nd Hearing
Mon September 20	County Budget 2nd Hearing
Thu September 23	Publish Notice of Budget Increase and Budget Summary in PB Post
Mon September 27	City of Westlake Special Council Meeting - 2nd and Final Budget Hearing
Thu September 30	Deadline to Send Adopted Millage Rate to Property Appraiser & Tax Collector
Wed October 27	Deadline to Certify Compliance with Florida Department of Revenue

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** Per Florida Statutes, the hearing dates scheduled by the county commission and school board shall not be utilized by any other taxing authority within the county for its public hearings.



Budget Summary

**City of Westlake
Fiscal Year 2022 Budget**

All Funds – Total Budget

Description	FY 2021			FY 2022		
	Amended Budget	Forecast	Fav / (Unfav)	Budget	Incr./(Decr.) Over Budget	% Budget Incr./(Decr.)
FUNDING						
Total Revenue	\$5,269,800	\$7,480,670	\$ 2,210,869	\$6,010,500	\$ 740,700	14.1%
Total Fund Bal. Use / (Addition)	-	(2,940,060)	(2,940,060)	-	-	NA
Total Funding	\$5,269,800	\$4,540,611	\$ (729,191)	\$6,010,500	\$ 740,700	14.1%
EXPENDITURES						
Personnel Expenditures	\$ 157,600	\$ 157,600	\$ -	\$ 118,800	\$ (38,800)	-24.6%
Operating Expenditures	4,743,700	4,376,863	366,837	5,226,400	482,700	10.2%
Debt Service Expenses	-	-	-	-	-	NA
Capital Expenditures	-	-	-	50,000	50,000	NA
Contingency	134,000	6,148	127,852	151,000	17,000	12.7%
Reserves	234,500	-	234,500	464,300	229,800	98.0%
Total Expenditures	\$5,269,800	\$4,540,611	\$ 729,189	\$6,010,500	\$ 740,700	14.1%



General Fund

**City of Westlake
Fiscal Year 2022 Budget**

General Fund – Summary

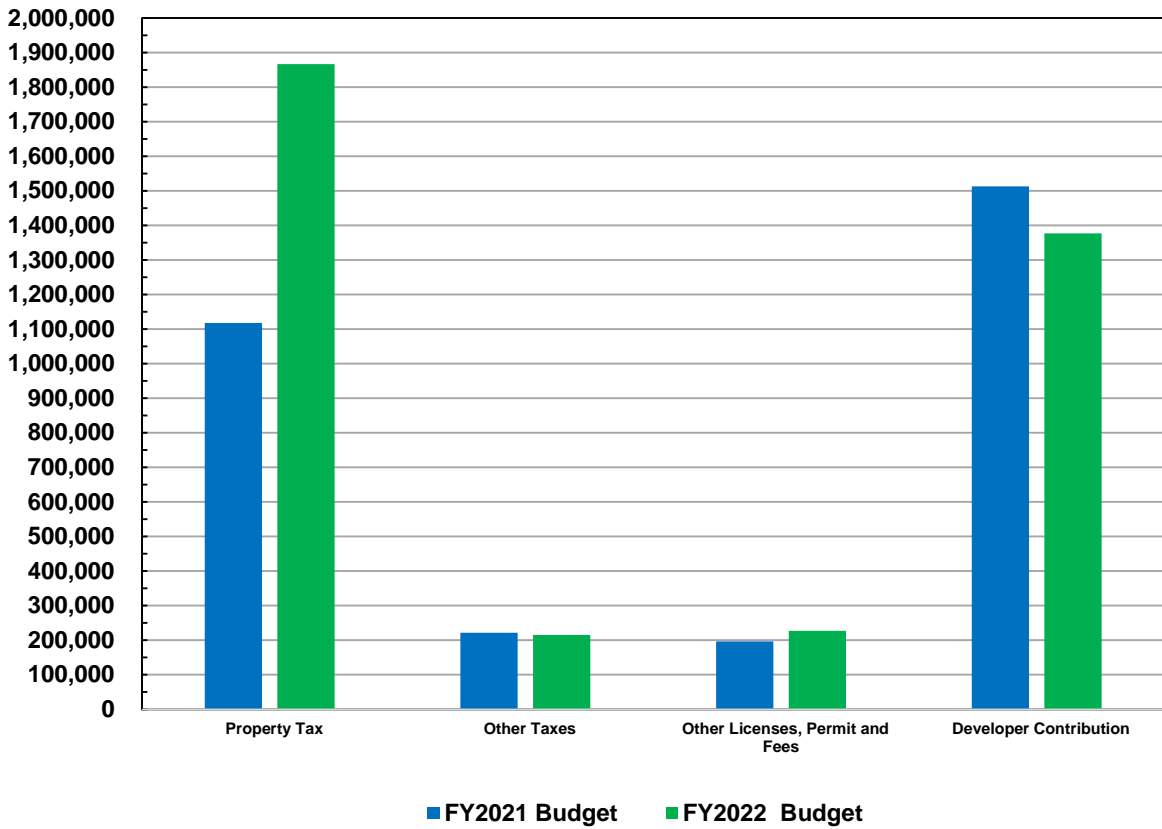
Description	FY 2021			FY 2022		
	Amended Budget	Forecast	Fav / (Unfav)	Budget	Incr./ (Decr.) Over Budget	% Budget Incr./ (Decr.)
<u>FUNDING</u>						
Total Revenue	\$3,048,700	\$2,606,284	\$ (442,417)	\$3,685,700	\$ 637,000	20.9%
Total Funding	\$3,048,700	\$2,606,284	\$ (442,417)	\$3,685,700	\$ 637,000	20.9%
<u>EXPENDITURES</u>						
Personnel Expense	\$ 157,600	\$ 157,600	\$ -	\$ 118,800	\$ (38,800)	-24.6%
Operating Expense	2,522,600	2,442,536	80,064	2,901,600	379,000	15.0%
Capital Expenditures	-	-	-	50,000	50,000	NA
Contingency	134,000	6,148	127,852	151,000	17,000	12.7%
Reserves	234,500	-	234,500	464,300	229,800	98.0%
Total Expenditures	\$3,048,700	\$2,606,284	\$ 442,416	\$3,685,700	\$ 637,000	20.9%
<u>AVAILABLE FUND BALANCE</u>						
Opening Balance	\$ 203,643	\$ 203,643	\$ -	\$ 203,643	\$ -	0.0%
Closing Balance	\$ 203,643	\$ 203,643	\$ -	\$ 203,643	\$ -	0.0%
Closing Bal % Of Total Exp	6.7%	7.8%	1.1%	5.5%	0.0%	N/A

City of Westlake Fiscal Year 2022 Budget

General Fund – Source of Funds

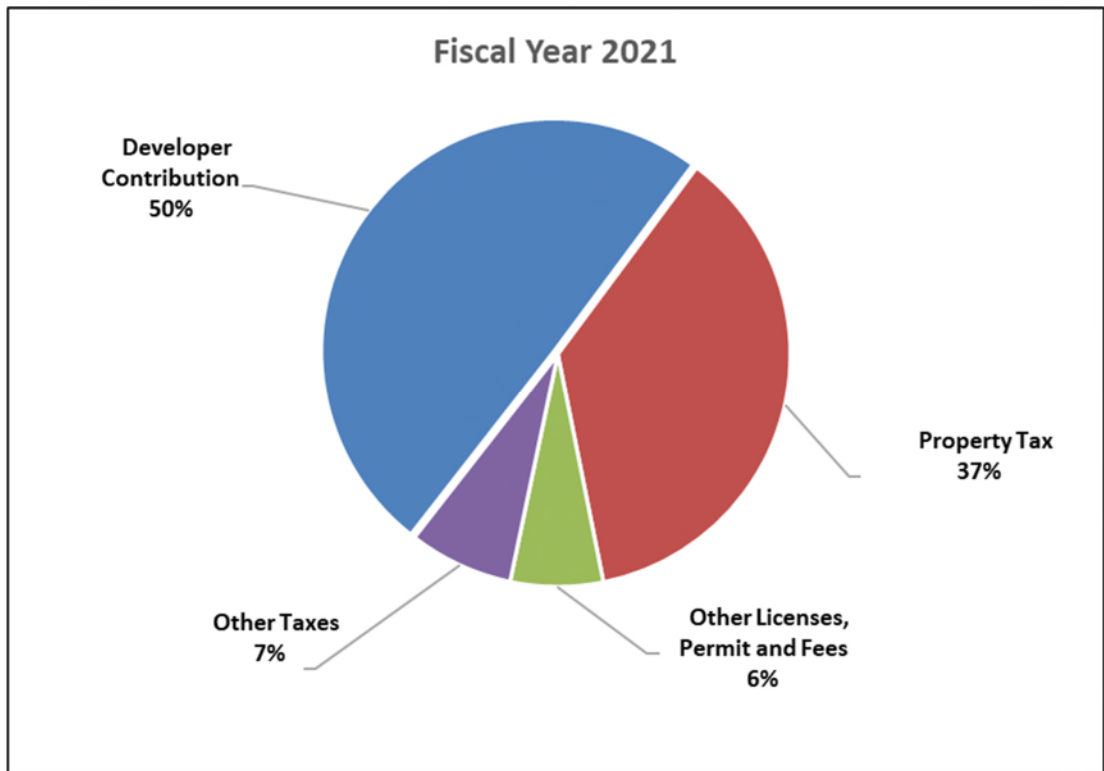
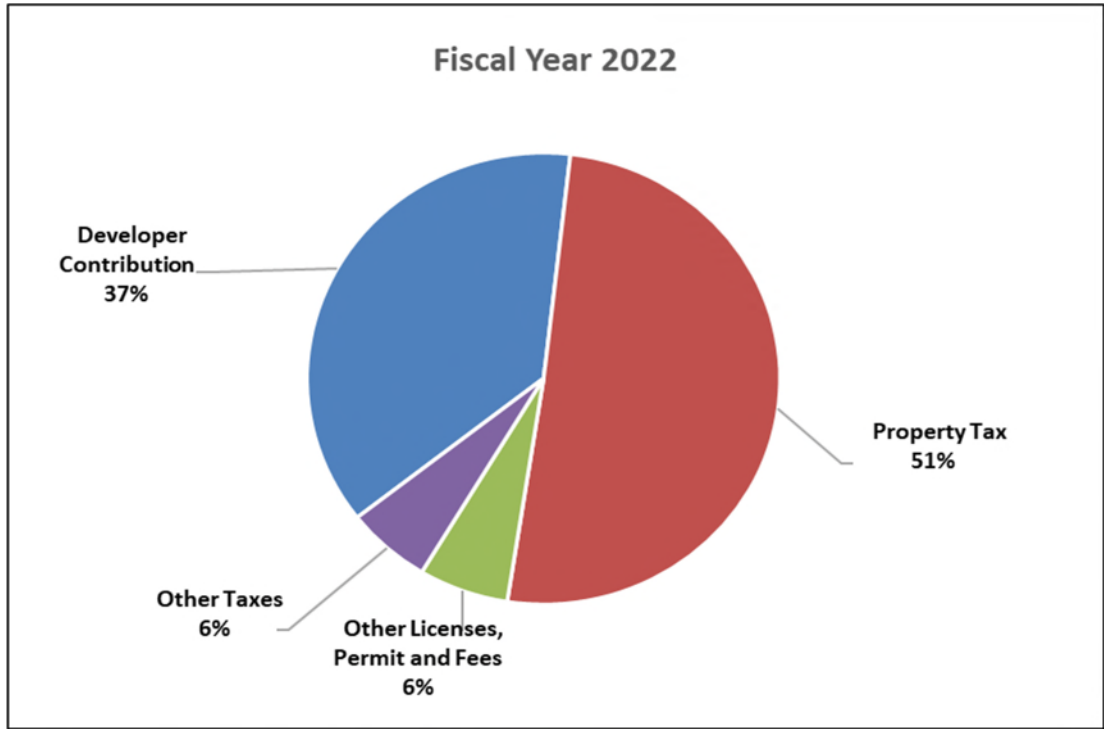
Description	FY 2021			FY 2022		
	Amended Budget	Forecast	Fav / (Unfav)	Budget	Incr./(Decr.) Over Budget	% Budget Incr./(Decr.)
Property Tax	\$1,117,967	\$1,076,807	\$ (41,160)	\$1,866,704	\$ 748,737	67.0%
Other Taxes	221,500	216,226	(5,274)	214,900	(6,600)	-3.0%
Other Licenses, Permit and Fees	196,300	491,014	294,714	226,800	30,500	15.5%
Developer Contribution	1,512,933	821,535	(691,398)	1,377,296	(135,637)	-9.0%
Interest Income	-	702	702	-	-	NA
Total Source of Funds	\$3,048,700	\$2,606,284	\$ (442,417)	\$3,685,700	\$ 637,000	20.9%

FY2021 Budget vs. FY2022 Budget



City of Westlake Fiscal Year 2022 Budget

General Fund – Source of Funds



**City of Westlake
Fiscal Year 2022 Budget**

General Fund – Revenue Detail

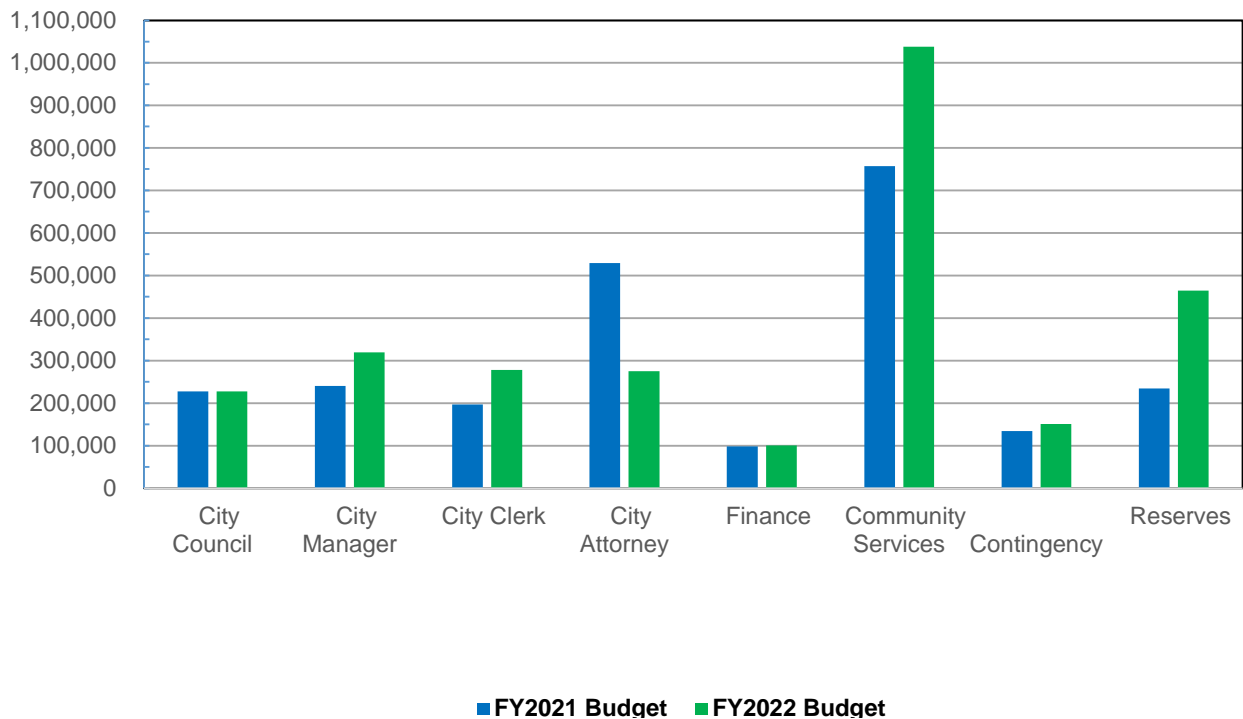
Description	FY 2019	FY 2020	FY 2021			FY 2022		
	Actual	Actual	Amended Budget	Forecast	Fav / (Unfav)	Budget	Incr./ (Decr.) Over Budget	% Budget Incr./ (Decr.)
Property Tax								
Tax Receipts - Current Year	\$ 229,571	\$ 554,887	\$ 1,164,549	\$1,119,844	\$ (44,705)	\$1,711,879	\$ 547,330	47.0%
Tax Receipts - Discounts	(7,573)	(19,605)	(46,582)	(43,037)	3,545	(68,475)	(21,893)	47.0%
Special Assessments-Tax Collector	-	-	-	-	-	232,600	232,600	NA
Special Assmnts- Discounts	-	-	-	-	-	(9,300)	(9,300)	NA
Total - Property Tax	\$ 221,998	\$ 535,282	\$ 1,117,967	\$1,076,807	\$ (41,160)	\$1,866,704	\$ 748,737	67.0%
Other Taxes								
Local Option Fuel Tax	47	138	100	50	(50)	100	-	0.0%
Municipal Revenue Sharing	-	864	4,700	5,186	486	4,700	-	0.0%
Local Gov. Half Cent Sales Tax	-	-	-	-	-	-	-	NA
Public Service Tax-Electricity	28,645	119,672	152,900	120,165	(32,735)	111,500	(41,400)	-27.1%
Public Service Tax-Water	4,603	20,755	27,000	38,051	11,051	43,900	16,900	62.6%
Public Service Tax-Gas	8,118	17,573	19,000	27,038	8,038	36,900	17,900	94.2%
Communications Svcs. Tax	16,353	15,190	17,800	25,736	7,936	17,800	-	0.0%
Total - Other Taxes	\$ 57,766	\$ 174,192	\$ 221,500	\$ 216,226	\$ (5,274)	\$ 214,900	\$ (6,600)	-3.0%
Other Licenses, Permits and Fees Fees								
FPL Franchise Fee	\$ 83,563	\$ 94,338	\$ 113,700	\$ 121,196	\$ 7,496	\$ 112,400	\$ (1,300)	-1.1%
Occupational Licenses	8,700	6,060	5,000	5,000	-	6,100	1,100	22.0%
Building Reinspection Fees	13,400	24,550	-	-	-	-	-	NA
State Building Surcharge Admin.Fees	1,461	3,497	-	-	-	-	-	NA
FPL TUG Program Admin.Fee	16,800	49,500	-	-	-	-	-	NA
Solid Waste Disposal Fees	-	53,917	3,600	210,786	207,186	29,100	25,500	708.3%
County Impact Fee Admin.Fees	63,229	149,209	45,500	112,416	66,916	48,100	2,600	5.7%
County Solid Waste Admin.Fees	5,728	-	-	-	-	-	-	NA
Contractor Registration Fees	4,775	2,175	2,300	953	(1,347)	1,000	(1,300)	-56.5%
Impact Fees	-	-	-	-	-	-	-	NA
Lien Search Fees	570	1,330	-	4,988	4,988	1,300	1,300	NA
Administrative Fees	-	-	10,500	12,216	1,716	21,000	10,500	100.0%
Burgler Alarm Fees	-	2,438.00	2,500	4,529	2,029	2,400	(100)	-4.0%
Other Fees	40,324	7,508	13,200	18,930	5,730	5,400	(7,800)	-59.1%
Total - Other Licenses, Permits and Fees	\$ 238,550	\$ 394,522	\$ 196,300	\$ 491,014	\$ 294,714	\$ 226,800	\$ 30,500	15.5%
Developer Contribution	\$1,100,000	\$ 625,000	\$ 1,512,933	\$ 821,535	\$ (691,398)	\$1,377,296	\$ (135,637)	-9.0%
Interest Income								
Interest Income	\$ 1,161	\$ 28	\$ -	\$ 527	\$ 527	\$ -	\$ -	NA
Interest Income - Tax Collector	42	610	-	175	175	-	-	NA
Total - Interest Income	\$ 1,203	\$ 638	\$ -	\$ 702	\$ 702	\$ -	\$ -	NA
Total Revenue	\$2,492,761	\$3,921,070	\$ 3,048,700	\$2,606,284	\$ (442,417)	\$3,685,700	\$ 637,000	20.9%
Use / (Add't) Fund Balance	161,016	116,791	-	-	-	-	-	NA
Total Funding	\$2,653,777	\$4,037,861	\$ 3,048,700	\$2,606,284	\$ (442,417)	\$3,685,700	\$ 637,000	20.9%

City of Westlake Fiscal Year 2022 Budget

General Fund – Expenditures by Function

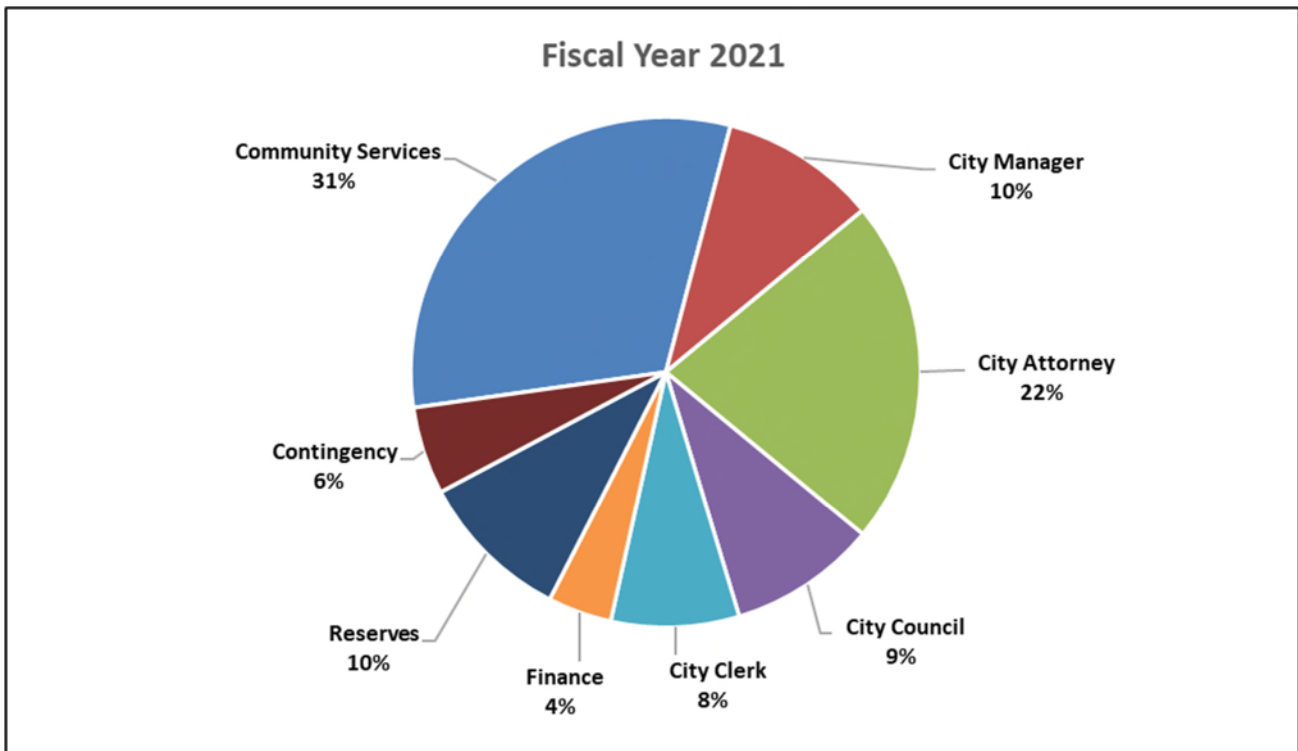
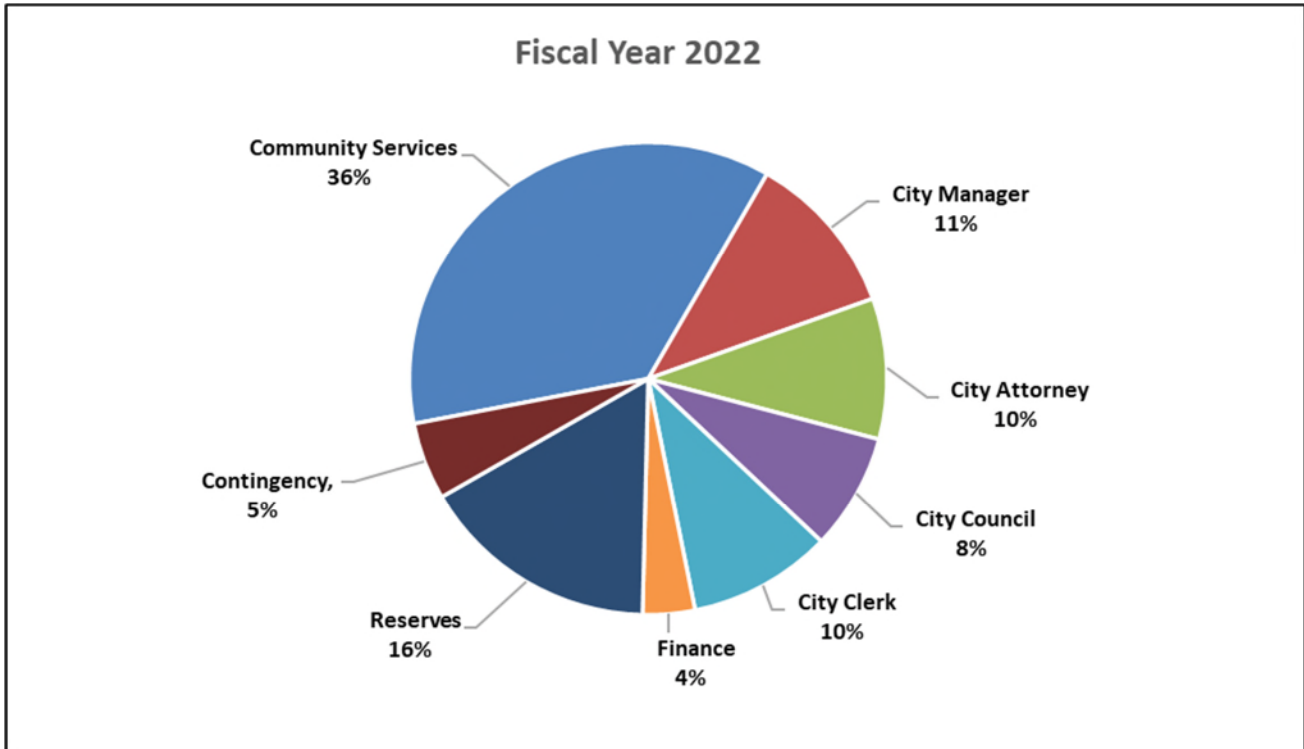
Description	FY 2021			FY 2022		
	Amended Budget	Forecast	Fav / (Unfav)	Budget	Incr./(Decr.) Over Budget	% Budget Incr./(Decr.)
City Council	\$ 227,400	\$ 169,018	\$ 58,382	\$ 227,400	\$ -	0.0%
City Manager	240,600	238,033	2,567	319,500	78,900	32.8%
City Clerk	196,600	175,413	21,187	278,100	81,500	41.5%
City Attorney	529,100	460,798	68,302	275,000	(254,100)	-48.0%
Finance	98,000	97,950	50	100,800	2,800	2.9%
Community Services	757,000	1,029,094	(272,094)	1,037,300	280,300	37.0%
Contingency	134,000	6,148	127,852	151,000	17,000	12.7%
Reserves	234,500	-	234,500	464,300	229,800	98.0%
Total Expense	\$2,417,200	\$2,176,454	\$ 240,747	\$2,853,400	\$ 436,200	18.0%

FY2021 Budget vs. FY2022



City of Westlake Fiscal Year 2022 Budget

General Fund – Expenditures by Function



City of Westlake Fiscal Year 2022 Budget

General Fund – City Council Department

Summary

The form of government used by the City of Westlake is a Council-Manager form. The City Council shall conduct regular meetings, special meetings, adopt codes and ordinances, and approve the annual budget by September 30th each year by resolution.

Mission

To serve as the legislative body in accordance with the Charter and applicable statutes.

Current Year Highlights

- Approved over eight plats for future development.
- Adopted ordinances for additional chapters of the City’s Land Development regulations.
- Approved three site plans for nonresidential properties.
- Conducted annual budget workshops with the City Manager and staff.
- Approved plans to remodel the Grove Market Place and Winn Dixie.
- Implemented an evaluation process for applicable staff.
- Released the first video of “Back and Beyond” describing the City’s origin and future.

Next Year Goals

- Improve Communication with the Residents through multiple media methods.
- Finish the adoption of the remaining chapters of the City’s Land Development regulations.
- Approve additional plats as presented by staff.
- Approve nonresidential site plans for developments in conformance with the City’s Land Development Regulations (LDRs).

Description	FY 2019	FY 2020	FY 2021			FY 2022		
	Actual	Actual	Amended Budget	Forecast	Fav / (Unfav)	Budget	Incr./(Decr.) Over Budget	% Budget Incr.(Decr.)
Personal Services								
Mayor/Council Stipend	\$ 204,000	\$ 175,200	\$ 146,400	\$ 146,400	\$ -	\$ 110,400	\$ (36,000)	-24.59%
FICA	15,606	13,403	11,200	11,200	-	8,400	(2,800)	-25.00%
Total Personal Services	\$ 219,606	\$ 188,603	\$ 157,600	\$ 157,600	\$ -	\$ 118,800	\$ (38,800)	-24.62%
Operating Expenses								
ProfServ-Legislative Expense	\$ -	\$ -	\$ 24,000	\$ -	\$ 24,000	\$ 24,000	\$ -	0.00%
Public Officials Insurance	-	3,500	3,900	4,025	(125)	4,400	500	12.82%
City Events	-	-	25,000	-	25,000	63,800	38,800	155.20%
Election Fees	-	560	-	-	-	-	-	NA
Council Expenses	4,617	8,068	15,000	5,998	9,002	15,000	-	0.00%
Dues, Licenses, Subscriptions	-	-	1,900	1,395	505	1,400	(500)	-26.3%
Total Operating Expenses	\$ 4,617	\$ 12,128	\$ 69,800	\$ 11,418	\$ 58,382	\$ 108,600	\$ 38,300	55.6%
Total City Council	\$ 224,223	\$ 200,731	\$ 227,400	\$ 169,018	\$ 58,382	\$ 227,400	\$ (500)	0.0%

City of Westlake Fiscal Year 2022 Budget

General Fund – City Manager Department

Summary

The City Manager is the chief administrative officer of the City and is responsible for directing and supervising the administration of all departments, offices, and agencies of the City except the City Attorney, unless otherwise directed in the City Charter. The City Manager shall:

- Execute all laws and provisions of the Charter and acts of the City Council.
- Make recommendations to the City Council concerning the affairs of the City.
- Prepare the annual operating and capital budgets.
- Ensure that the City Clerk prepares the agendas for City Council meetings.
- Draw and sign vouchers as provided by ordinance.
- Provide administrative services to support the City Council.
- Keep the City Council advised as to the financial condition of the City.
- Provide reports to the City Council on the finances and administrative services of the City.
- Perform other duties as outlined in the Charter or requested by the City Council.

Mission

To implement the policies and direction of the City Council, serve the residents of the community by fulfilling duties as the legislative body directs through developing policies designed to successfully perform municipal functions and render other municipal services.

Major Challenges

- Planning for sufficient space or alternate means to provide City services.
- Final implementation of the Building Department software allowing the electronic submission, approval and inspections reporting of the Building Department.
- Maintaining the proper level of service while minimizing the overall cost for services.
- Drafting and passage of the remaining Land Development Regulations in order to move from the interim code.
- Identifying services needed in the future and available revenues.
- Maintaining cooperation with other agencies surrounding and impacting the City.
- Working with the developers and other third parties to maintain the original vision of the City.

Current Year Highlights

- Completed drafting and first reading of Chapter 5 “Land Development”.
- Completed drafting of the Noise ordinance.
- Held monthly “Coffee with the Manager” online discussions with the residents.
- Ensured that development complied with the comprehensive master plan and current LDRs.
- Processed eight additional plats for development within the City.
- Continued to implement the GIS program for all facilities located within the City.
- Made progress toward implementation of a building department software system.
- Made progress toward implementation of administrative processes and software that improves efficiency and minimizes additional staffing requirements.
- Implemented additional social media outreach to the residents through the City Clerk’s office.
- Implemented the Public Relations video for the “Back and Beyond” messaging.

City of Westlake Fiscal Year 2022 Budget

General Fund – City Manager Department

Next Year Goals

- Continue monthly “Coffee with the Manager” to keep residents informed of what is happening within the city.
- Work on City Hall planning and facilities.
- Draft and adopt the final chapters of the City’s Land Development regulations.
- Codify the LDR ordinances in Municode.
- Review all LDRs and modify as necessary.
- Review new commercial and residential plats as submitted for future development and ensure that conflicts with developers and the Seminole Improvement District are minimized.
- Review and draft contracts for additional services as needed.
- Work with new commercial and residential developers to ensure compliance with the City code.
- Improve community outreach through the appropriate combination of meetings and media.
- Improve the City website and ensure compliance with applicable ADA requirements.

Description	FY 2019	FY 2020	FY 2021			FY 2022		
	Actual	Actual	Amended Budget	Forecast	Fav / (Unfav)	Budget	Incr./(Decr.) Over Budget	% Budget Incr./((Decr.)
Operating Expenses								
Contracts - City Manager	\$ -	\$ 251,882	\$ 222,900	\$ 222,900	\$ -	\$ 251,900	\$ 29,000	13.0%
Office Supplies	8,817	14,851	15,500	12,729	2,771	14,900	(600)	-3.9%
Dues, Licenses, Subscriptions	4,929	5,032	2,200	2,404	(204)	2,700	500	22.7%
Management Services	413,956	-	-	-	-	-	-	NA
Total Operating Expenses	\$ 427,702	\$ 271,765	\$ 240,600	\$ 238,033	\$ 2,567	\$ 269,500	\$ 28,900	12.0%
Capital Expenses								
Capital Outlay	39,646	-	-	-	-	50,000	50,000	NA
Total Capital Expenses	\$ 39,646	\$ -	\$ -	\$ -	\$ -	\$ 50,000	\$ 50,000	NA
Total City Manager	\$ 467,348	\$ 271,765	\$ 240,600	\$ 238,033	\$ 2,567	\$ 319,500	\$ 78,900	32.8%

City of Westlake Fiscal Year 2022 Budget

General Fund – City Clerk Department

Summary

The City Clerk reports to the City Manager and serves as a liaison between the City Council, City staff, the public, other local governing bodies, and governmental agencies at various levels. The City Clerk's office renders unbiased and impartial service to all residents. The City Clerk is the official record keeper responsible for maintaining, preserving, and recording official actions, documents, and legislative history for the City and is responsible for ensuring the order, accessibility, and transparency of such records. The Clerk's office is the local supervisor of elections for the City. The City Clerk administers the City's website and other social media.

Mission

To serve Establish confidence and trust in municipal government while providing efficient, effective, and transparent public service to the City Council, City Departments, and the Citizens of Westlake, safeguarding accurate records of municipal activities in accordance with applicable federal, state, and local laws. The City Clerk shall:

- Prepare and publish meeting notices, including legally required advertisements, and prepare and distribute agenda packets in advance of City Council meetings and public hearings.
- Provide clerical support to the City Council.
- Prepare and publish meeting notices and prepare and distribute agenda packets in advance of Advisory Board meetings and facilitate recruitment of Advisory Board members.
- Maintain the City's official records, provide information and records to the public and staff, maintain data on legislative history, and update the City Charter and City Code.
- Coordinate and manage municipal elections and serve as the filing clerk.
- Draft and disseminate public information through various modes of communication.
- Oversee website updates, site navigations, and ensure document accuracy and accessibility.

Current Year Highlights

- Filled a Deputy Clerk position.
- Created an additional social media platform to improve resident communications, in conjunction with an archiving platform to maintain compliance with public records law.
- Expanded various website features for enhanced resident communications and transparency.
- Modified and oversaw systems for public meeting notification, publication, virtual meeting broadcasting, and sustained civic engagement.
- Continue developing operating procedures and a manual for the Clerk's department.
- Implemented business registration software including online application and renewal processes.
- Established various electronic city processes.

City of Westlake Fiscal Year 2022 Budget

General Fund – City Clerk Department

Next Year Goals

- Enhance and promote accessibility to ensure services are provided in an open and transparent manner.
- Maintain and seek strong cooperative partnerships, relationships, and opportunities to improve services, meeting the changing needs of the community, including the rapidly increasing size and variety of its population.
- Develop additional records management policies and procedures in accordance with State guidelines.
- Oversee the 2022 municipal election process.
- Improve virtual meeting access.
- Implement codification project to ensure that accurate information is available and organized for dissemination.
- Improve website redevelopment for enhanced user experience.
- Improve business licensing processes.
- Pursue municipal clerk education opportunities.
- Maintain relationships with local and state municipal clerk associations.

Description	FY 2019	FY 2020	FY 2021			FY 2022		
	Actual	Actual	Amended Budget	Forecast	Fav / (Unfav)	Budget	Incr./(Decr.) Over Budget	% Budget Incr./(Decr.)
Operating Expenses								
Website Support	\$ 5,904	\$ 14,641	\$ 18,000	\$ 10,601	\$ 7,399	\$ 10,600	\$ (7,400)	-41.1%
Contracts-City Clerk	-	123,764	125,100	125,100	-	206,000	80,900	64.7%
Postage and Freight	855	866	1,400	1,056	344	1,100	(300)	-21.4%
Printing	3,370	7,047	22,500	3,582	18,918	19,400	(3,100)	-13.8%
Advertising	21,442	31,177	28,200	24,887	3,313	31,200	3,000	10.6%
Miscellaneous Services	532	1,094	-	341	(341)	-	-	NA
Dues, Licenses, Subscriptions	-	-	1,400	9,846	(8,446)	9,800	8,400	600.0%
Total City Clerk	\$ 32,103	\$ 178,589	\$ 196,600	\$ 175,413	\$ 21,187	\$ 278,100	\$ 81,500	41.5%

City of Westlake Fiscal Year 2022 Budget

General Fund – City Attorney

Summary

The City Attorney is a designated Charter Officer appointed by a majority vote of the City Council and serves at its pleasure. The City Attorney provides legal support and advice to the City Council, City Manager, Staff, and Advisory Boards on all legal matters affecting or involving the City. The City Attorney works with the City Manager drafting policies as requested by the City Council. The City Attorney provides services as outlined in the City Charter. The City Attorney is a contracted service.

Mission

To provide efficient, effective, and competent legal advice to the City Council, the City Manager and staff on legal matters and their impacts on the City of Westlake, including legislative and statutory changes.

Current Year Highlights

- Drafted the remaining Land Development Regulations with the City Manager and Planning & Zoning and Engineering personnel.
- Reviewed and approved the plat language and bonds on eight new plats for development.
- Drafted appropriate mortgage documents for Housing Assistance awards.
- Monitored the legislature for potential impacts on the City.
- Advised City Council on plats and LDRs.

Next Year Goals

- Draft and adopt the remaining chapters of the City’s Land Development regulations.
- Provide legal review for the Housing Assistance program to the City Manager and staff.
- Review plat language for consistency with the City’s interests.
- Provide legal advice and reviews as needed and directed by the City Council.

Description	FY 2019	FY 2020	FY 2021			FY 2022		
	Actual	Actual	Amended Budget	Forecast	Fav / (Unfav)	Budget	Incr./(Decr.) Over Budget	% Budget Incr./ (Decr.)
Operating Expenditures								
ProfServ-Legal Services	\$ 369,100	\$ 414,079	\$ 404,000	\$ 454,727	\$ (50,727)	\$ 275,000	\$ (129,000)	-31.9%
Miscellaneous Services	-	119	-	180	(180)	-	-	NA
Outside Legal Services	-	23,970	115,000	-	115,000	-	(115,000)	-100.0%
Miscellaneous Expenses	-	-	10,100	5,891	4,209	-	(10,100)	-100.0%
Total City Attorney	\$ 369,100	\$ 438,168	\$ 529,100	\$ 460,798	\$ 68,302	\$ 275,000	\$ (254,100)	-48.0%

City of Westlake Fiscal Year 2022 Budget

General Fund – Community Services Department

Summary

The Community Services department consists of solid waste collection, law enforcement, electricity and community service functions.

Solid Waste Collection – Costs related to the collection and disposal of resident solid waste are accounted for in the Community Service Department

Law Enforcement - The current contract with the Palm Beach County Sheriff’s department calls for one 24/7 deputy. To accomplish this coverage, five deputies are required. The contract includes dedicated officers, vehicles, and dispatch. The contract also includes the supervisory personnel, K-9, detectives, crime lab, SWAT, and other resource necessary for the safety of the residents.

Electricity – Expenditures for roadway lighting and traffic control are accounted for in the Community Service Department.

Community Service – Expenditures for personnel performing community-wide maintenance are accounted for in the Community Service Department, along with the cost to purchase trash collection bins and other necessary maintenance supplies.

Description	FY 2019	FY 2020	FY 2021			FY 2022		
	Actual	Actual	Budget	Forecast	Fav / (Unfav)	Budget	Incr./ (Decr.) Over Budget	% Budget Incr./ (Decr.)
Operating Expenditures								
Contracts-Solid Waste	\$ -	\$ 51,350	\$ -	\$ 244,659	\$(244,659)	\$ 248,600	\$ 248,600	N/A
Contracts-Sheriff	74,067	650,451	662,000	650,000	12,001	656,500	(5,500)	-0.8%
Electricity-Streetlighting	3,866	47,255	43,300	80,497	(37,197)	98,600	55,300	127.7%
R&M-Community Service	-	26,700	26,700	26,700	-	27,500	800	3.0%
Operating Supplies	-	6,121	25,000	27,238	(2,238)	6,100	(18,900)	-75.6%
Total Community Services	\$77,933	\$781,877	\$757,000	\$1,029,094	\$(272,094)	\$1,037,300	\$ 280,300	37.0%

**City of Westlake
Fiscal Year 2022 Budget**

General Fund – Other Departments

Description	FY 2019	FY 2020	FY 2021			FY 2022		
	Actual	Actual	Amended Budget	Forecast	Fav / (Unfav)	Budget	Incr./(Decr.) Over Budget	% Budget Incr./(Decr.)
Finance								
Auditing Services	\$ 3,225	\$ 5,250	\$ 5,300	\$ 5,250	\$ 50	\$ 5,300	\$ -	0.0%
Contracts - Finance	-	91,769	92,700	92,700	-	95,500	2,800	3.0%
Total Finance	\$ 3,225	\$ 97,019	\$ 98,000	\$ 97,950	\$ 50	\$ 100,800	\$ 2,800	2.9%
Comprehensive Planning								
Engineering	188,591	352,565	-	-	-	-	-	NA
Planning & Zoning	237,434	240,146	-	-	-	-	-	NA
Building	738,120	999,480	-	-	-	-	-	NA
Total Comprehensive Planning	\$1,164,145	\$1,592,191	\$ -	\$ -	\$ -	\$ -	\$ -	NA
Other Administrative Services								
ProfServ-Information Technology	190,948	164,744	144,700	160,648	(15,948)	195,100	50,400	34.8%
ProfServ-Compliance Service	-	-	25,000	-	25,000	25,000	-	0.0%
ProfServ-Consultants	13,775	9,625	-	-	-	-	-	NA
Contracts-Admin. Service	-	156,997	158,700	158,700	-	257,000	98,300	61.9%
Misc-Assessmnt Collection Cost	-	-	-	-	-	2,300	2,300	NA
Misc-Public Relations	-	1,244	50,000	-	50,000	75,000	25,000	50.0%
General Government	51,189	278	115,000	34,828	80,172	84,800	(30,200)	-26.3%
Misc. Late Fees	455	-	-	-	-	-	-	NA
Emergency Comm. Program	-	-	25,000	-	25,000	25,000	-	0.0%
Total Community Services	\$ 256,367	\$ 332,888	\$ 518,400	\$ 354,176	\$ 164,224	\$ 664,200	\$ 145,800	28.1%
Facility Services								
Telephone, Cable and Internet Service	22,237	19,104	21,200	13,887	7,313	13,200	(8,000)	-37.7%
Lease - Building	500	500	12,500	500	12,000	86,700	74,200	593.6%
Lease-Copier	-	52,207	20,500	15,980	4,521	16,000	(4,500)	-22.0%
Insurance(Liab,Auto,Property)	7,120	3,620	4,000	4,088	(88)	4,500	500	12.5%
Miscellaneous Services	-	-	1,200	1,021	179	1,000	(200)	-16.7%
Cleaning Services	-	36,497	43,500	29,979	13,521	36,500	(7,000)	-16.1%
Principal-Capital Lease Payments	5,524	6,848	7,600	7,600	-	8,500	900	11.8%
Interest-Capital Lease Payments	2,988	3,366	2,600	2,600	-	1,700	(900)	-34.6%
Total Facility Services	\$ 38,369	\$ 122,142	\$ 113,100	\$ 75,655	\$ 37,445	\$ 168,100	\$ 55,000	48.6%
Contingency	\$ 20,964	\$ 22,491	\$ 134,000	\$ 6,148	\$ 127,852	\$ 151,000	\$ 17,000	12.7%
Reserves								
1st Quarter Operating	-	-	234,500	-	234,500	264,300	29,800	12.7%
Building	-	-	-	-	-	200,000	200,000	NA
Total Reserves	\$ -	\$ -	\$ 234,500	\$ -	\$ 234,500	\$ 464,300	\$ 229,800	98.0%
Total Other Departments	\$ 318,925	\$ 574,540	\$1,098,000	\$ 533,929	\$ 564,071	\$1,548,400	\$ 450,400	41.0%



**City of Westlake
Fiscal Year 2022 Budget**

Special Revenue Fund Summary

Description	FY 2021			FY 2022		
	Amended Budget	Forecast	Fav / (Unfav)	Budget	Incr./(Decr.) Over Budget	% Budget Incr./(Decr.)
<u>FUNDING</u>						
Revenue	\$2,221,100	\$4,874,387	\$ 2,653,287	\$2,324,800	\$ 103,700	4.7%
Addition to Fund Balance	-	(2,940,059)	(2,940,059)	-	-	NA
Total Funding	\$2,221,100	\$1,934,327	\$ (286,773)	\$2,324,800	\$ 103,700	4.7%
<u>EXPENDITURES</u>						
Expense	2,221,100	1,934,327	(286,773)	2,324,800	103,700	4.7%
Total Expenditures	\$2,221,100	\$1,934,327	\$ 286,773	\$2,324,800	\$ 103,700	4.7%

**City of Westlake
Fiscal Year 2022 Budget**

Special Revenue Fund Detail-Comprehensive Planning Services

Description	FY 2019	FY 2020	FY 2021			FY 2022		
	Actual	Actual	Amended Budget	Forecast	Fav / (Unfav)	Budget	Incr./(Decr.) Over Budget	% Budget Incr./(Decr.)
Revenue								
Building Permits	\$ -	\$ -	\$1,159,200	\$2,497,133	\$ 1,337,933	\$1,208,900	\$ 49,700	4.3%
Reinspection Fees	-	-	8,600	52,125	43,525	24,600	16,000	186.0%
Building Permits-Surcharge	-	-	2,000	7,436	5,436	2,700	700	35.0%
Other Building Permit Fees	-	-	15,000	85,725	70,725	30,000	15,000	100.0%
Building Permits-Admin Fee	-	-	64,400	154,874	90,474	68,100	3,700	5.7%
Engineering Permits	-	-	590,900	629,703	38,803	374,600	(216,300)	-36.6%
Planning/Zoning Permits	-	-	231,000	287,069	56,069	287,100	56,100	24.3%
Developer Contributions	-	-	-	-	-	25,000	25,000	NA
Total Revenue	\$ -	\$ -	\$2,071,100	\$3,714,063	\$ 1,642,963	\$2,021,000	\$ (75,100)	-2.4%
Expenditures								
ProfServ-Engineering	\$ -	\$ -	\$ 562,900	\$ 298,554	\$ 264,346	\$ 352,600	\$ (210,300)	-37.4%
ProfServ-Information Technology	-	-	28,100	119,146	(91,046)	84,000	55,900	198.9%
ProfServ-Planning/Zoning Board	-	-	231,000	287,069	(56,069)	287,100	56,100	24.3%
ProfServ-Consultants	-	-	28,000	6,488	21,513	22,000	(6,000)	-21.4%
ProfServ-Building Permits	-	-	1,219,900	1,198,071	21,829	1,198,100	(21,800)	-1.8%
Postage and Freight	-	-	-	19	(19)	-	-	NA
Telephone, Cable and Internet Service	-	-	1,200	1,145	56	1,100	(100)	-8.3%
Lease - Building	-	-	-	-	-	43,400	43,400	NA
Lease - Copier	-	-	-	5,067	(5,067)	5,100	5,100	NA
Printing	-	-	-	981	(981)	1,000	1,000	NA
Miscellaneous Services	-	-	-	213	(213)	-	-	NA
Office Supplies	-	-	-	1,647	(1,647)	1,600	1,600	NA
Capital Improvements	-	-	-	-	-	25,000	25,000	NA
Total Expenditures	\$ -	\$ -	\$2,071,100	\$1,918,398	\$ 152,702	\$2,021,000	\$ (98,300)	-2.4%
Change in Fund Balance	\$ -	\$ -	\$ -	\$1,795,665	\$ (1,795,665)	\$ -	\$ -	NA
Beginning Fund Balance	\$ -	\$ -	\$ -	\$ -	\$ -	\$1,795,665	\$ 1,795,665	NA
Ending Fund Balance	\$ -	\$ -	\$ -	\$1,795,665	\$ (1,795,665)	\$1,795,665	\$ 1,795,665	NA

**City of Westlake
Fiscal Year 2022 Budget**

Special Revenue Fund Detail-Housing Assistance

Description	FY 2019	FY 2020	FY 2021			FY 2022		
	Actual	Actual	Amended Budget	Forecast	Fav / (Unfav)	Budget	Incr./ (Decr.) Over Budget	% Budget Incr./ (Decr.)
Revenue								
Interest-Investments	\$ 7,549	\$ 6,775	\$ -	\$ 3,824	\$ 3,824	\$ 3,800	\$ 3,800	NA
Donations	349,608	736,863	150,000	1,156,500	1,006,500	300,000	150,000	100.0%
Total Revenue	\$ 357,157	\$ 743,638	\$ 150,000	\$1,160,324	\$ 1,010,324	\$ 303,800	\$ 153,800	102.5%
Expenditures								
Assistance Program	3,713	10,550	138,700	3,713	134,987	282,800	144,100	103.9%
Administration Fee	-	-	11,300	12,216	(916)	21,000	9,700	85.8%
Bank Charges	24	-	-	-	-	-	-	NA
Total Expenditures	\$ 3,737	\$ 10,550	\$ 150,000	\$ 15,929	\$ 134,071	\$ 303,800	\$ 153,800	102.5%
Change in Fund Balance	\$ 353,420	\$ 733,088	\$ -	\$1,144,395	\$(1,144,395)	\$ -	\$ -	NA
Beginning Fund Balance	\$ 336,953	\$ 690,373	\$1,423,461	\$1,423,461	\$ -	\$2,567,856	\$ 1,144,395	80.4%
Ending Fund Balance	\$ 690,373	\$1,423,461	\$1,423,461	\$2,567,856	\$(1,144,395)	\$2,567,856	\$ 1,144,395	80.4%

File Attachments for Item:

A. Palm Beach County Sheriff's Office - Monthly Report: June

Submitted By: Captain Craig Turner

For Informational Purposes Only

District 18 City of Westlake Monthly Report: June 2021



Calls for Service	Monthly
Business/Residence Checks	1,665
Traffic Stops	61
Calls for Service (Excluding 1061's)	151
All CAD Calls – Total*	1,816

Traffic Summary	Monthly
Warnings (Written and Verbal)	56
Citations	21
Total	77

Data Source: Motorola Premier 1
*Omit Miscellaneous Calls

Summary: During the month of June, there were 1,816 generated calls within the district. 95% of these calls were self-initiated.

Crimes	Monthly
Homicide	0
Robbery	0
Sexual Assault	0
Shooting	0
Stabbing	0
Burglary- Business	0
Burglary- Construction	1
Burglary- Residential	0
Burglary- Vehicle	0
Larceny	0
Motor Vehicle Theft	0
Motor Vehicle Recovery	0
Vandalism	1
Fire	0
Total	2

Construction Burglaries:

REPORT #	DATE/TIME FROM	DATE/TIME TO	ADDRESS	NOTATIONS
21080652	06/25/21 00:00	06/28/21 08:00	Persimmon Blvd E/Persimmon Blvd W	Unknown suspect(s) removed copper wire from a home under construction.

Vandalism:

REPORT #	RECEIVED DATE	RECEIVED TIME	ADDRESS	NOTATIONS
21079096	06/24/21	9:40	Woodlands Wy	Unknown suspect(s) entered the construction site and caused \$600 in damages to plumbing lines, pipes and PVC.