

**ORDINANCE NO. 2019-12**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, PROVIDING FOR THE ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS FOR THE CITY OF WESTLAKE; PROVIDING FOR ADOPTION OF LAND DEVELOPMENT REGULATIONS; PROVIDING FOR INTERPRETATION OF LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONSISTENCY WITH THE CITY OF WESTLAKE COMPREHENSIVE PLAN; ESTABLISHING A PLANNING AND ZONING DIRECTOR' PROVIDING FOR CITY COUNCIL PROCEDURES AND AUTHORITY; PROVIDING FOR A LOCAL PLANNING AGENCY; PROVIDING FOR A PLANNING AND ZONING BOARD; PROVIDING FOR INTERACTION WITH SID; PROVIDING FOR NON-RETROACTIVITY AND SEVERABILITY; WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED 'ADMINISTRATION', PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

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**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 the same is now the effective and controlling Comprehensive Plan for the City of Westlake ("Comprehensive Plan"); and

**WHEREAS**, the City desires to adopt provisions concerning the administration of the Land Development Regulations; and

**WHEREAS**, adoption of this chapter, entitled "Administration" will assist the City in carrying out the goals, objectives and policies of the adopted comprehensive plan; and

**WHEREAS**, the purpose of this ordinance is to provide for the administration of the land development regulations, including the interpretation and application thereof; and

**WHEREAS**, the further purpose of this ordinance is to provide for the establishment and governance of a Planning and Zoning Director, and Local Planning Agency, and a Planning and Zoning Board for the City; and

**WHEREAS**, the further purpose of this ordinance is to provide for certain City Council procedures and authority; and

**WHEREAS**, the City and the Seminole Improvement District (SID) have a special relationship governed by the City Charter and the Interlocal Agreement between the City of Westlake and the Seminole Improvement District Regarding the Provision of Certain Services, Infrastructure, and Public Facilities and for Assurance of Non-Duplication of Services originally dated February, 2018;

**WHEREAS**, the City seeks to promote quality development within the City of Westlake in the short and long term; and

**WHEREAS**, Section 163.3202, Florida Statutes encourages the use of innovative land development regulations; and

**WHEREAS**, the City Council finds it is in the public's interest to establish policies and procedures to allow for consistent, flexible, creative, and economically beneficial development within the City of Westlake while protecting health, safety, and general welfare of individuals and the community at large.

**WHEREAS**, the Local Planning Agency has conducted a hearing on October 7, 2019, and made a recommendation to the City Council with respect to the adoption of this Land Development Procedures Ordinance; and

**WHEREAS**, the City Council has conducted two public hearings on October 7, 2019 and October 28, 2019, where it considered the recommendation of the Land Planning Agency, the City staff's presentation, and comments from the public and has determined that the adoption of this Land Development Procedures Ordinance is in the best interest of the public safety and welfare of the City of Westlake;

**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 by reference.

**Section 2. Administration.** The code of ordinances for the City of Westlake shall contain a chapter entitled "Administration" which code shall contain the provisions as specifically set forth herein.

## **CHAPTER 1: ADMINISTRATION**

**ARTICLE 1.1 ADOPTION.** In accordance with the adopted Comprehensive Plan and the authority granted by the City Charter, the Florida Statutes, and the Constitution of the State of Florida, the City Council of the City of Westlake, Florida, hereby ordains and enacts the provisions of these Land Development Regulations.

### **ARTICLE 1.2 INTERPRETATION**

**Section 1: Definitions and Acronyms.**

**(A) Florida Statute Definitions.** The definitions used in Chapter 163, Florida Statutes, apply.

**(B) Words Not Defined.** Words not defined by the Florida Statutes, the Comprehensive Plan, or these LDRs shall have their plain and ordinary meaning.

**(C) Definitions.** The following words have the following meanings, and shall apply to both the single and plural forms of the words, whether or not such words are capitalized:

**ACCESSORY DWELLING UNIT:** A dwelling unit located on the same parcel of land as a principal single family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and bathroom.

**ACCESSORY SOLAR FACILITY:** A solar energy system which utilizes roof space or other space on the parcel of land to provide electricity or heat for use on the parcel of land. Export of electricity to the electrical grid is incidental and subordinate to the purpose of supplying electricity to the primary use of the parcel of land.

**ACCESSORY USE OR ACCESSORY STRUCTURE:** A use or structure incidental and subordinate to the principal use, including accessory dwelling units and accessory solar facilities.

**AGRICULTURAL USES:** The use of land for aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, plant crops, and any other form of farm product and farm production. Land areas include croplands, pasture lands, orchards, vineyards, nurseries, horticulture areas, groves, and specialty farms. Buildings, support facilities, dwelling units for farm operators and farmworkers, machinery, and other appurtenances used in the production of agricultural products are included. Agricultural uses do not include concentrated and/or confined animal feeding operations.

**ALLEY:** a through public right of way less than twenty-five feet in width commonly located to the rear or side of a property.

**AMENITY CENTER:** a facility to accommodate recreational and/or social activities such as parties, receptions, banquets, meetings, recreation, exercise, and neighborhood gatherings, for exclusive use of the residents and guests of a specific development or defined residential area and that provides opportunities for limited retail, including a leasing/real estate sales office, and property management offices.

**ANTENNA:** a transmitting and/or receiving device mounted on a telecommunications tower, building or structure and used in telecommunications services that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies, wireless communications signals and other communication signals including directional antennas such as panel and microwave dish antennas, and omnidirectional antennas such as whips, but excluding radar antennas, amateur radio antennas and satellite earth stations. This does not include telecommunications services as defined by 47 United States Code § 332.

**APARTMENT:** a room or a suite of rooms within an apartment building, arranged, intended or designed to be used as a home or residence of one family with kitchen facilities for the exclusive use of the one family.

**APARTMENT BUILDING:** a building with three or more separate apartments, each of which is used or intended to be used as a home or residence for one family, in which the yard areas, hallways, stairways, balconies and other common areas and facilities are shared by families living in the apartment units.

**APPLICANT:** Property owner and/or property owner's authorized representatives.

**ARTERIAL ROAD:** A road providing service that is relatively continuous and of relatively high traffic volume, long average trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.

**ASSISTED LIVING FACILITY:** Residential care facilities that provide housing, meals, personal care and supportive services to older persons and disabled adults who are unable to live independently.

**ATHLETIC TRAINING FACILITY:** a facility for the education and training of athletes. Such facilities may include commercial recreational uses, primary and secondary schools, colleges and universities, and associated residence halls and dormitories for students, faculty, and visitors.

**AVERAGE DAILY TRAFFIC (ADT):** The total traffic volume during a given 24-hour time period for all allowable directions on a given road.

**BACKGROUND TRAFFIC:** The projected traffic generation from previously approved but incomplete projects, and other sources of traffic growth.

**BERM:** A landscaped earthen mound in excess of two feet in vertical height designed to provide visual interest, or serve as a buffer.

**BIOSWALE:** Landscaping features (usually a swale or trench) filled with vegetation and/or organic matter, designed to collect or move stormwater and runoff and pass it through the vegetation or organic matter to remove debris and filter out pollution.

**BUFFER:** The use of vegetation, walls, fences, berms, setbacks, less intense development, and/or less dense development to mitigate the impacts of unsightly views, lights, noises, odors, and/or dust.

**BUILDING:** any structure having a roof entirely separated from any other structure by space in which there are no communicating doors or windows or any similar opening and erected for the purpose of providing support or shelter for persons, animals, things or property of any kind.

**BUILDING CODE:** the Florida Building Code, as amended from time to time.

**CANAL:** a body of water having a width of 100 feet or less for linear areas in excess of 200 feet in length and used principally for the conveyance of water.

**CHILD OR ADULT CARE CENTER:** an enterprise involving the care of five or more children and/or adults at one location at the same time, which children and/or adults are not foster children or related by blood or marriage to the operator. Adult care centers shall not include those uses meeting the definition of assisted living facilities or nursing home.

**CITY:** the City of Westlake, Florida.

**CITY COUNCIL:** the City Council members collectively in their capacity as the governing body for the City of Westlake.

**CIVIC USES:** Structures or facilities that provide cultural, social, or governmental services and/or functions. These include community centers; cultural centers; places of assembly; places of worship; museums; libraries; government administration, operations, and services; judicial facilities; post offices; public arenas and auditoriums; meeting halls; exhibition and conference center; fairgrounds; cemetery; child or adult care centers; and others owned and operated for public uses.

**COLLECTOR ROAD:** A road providing service that is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a road also collects and distributes traffic between local roads and arterial roads.

**COMMERCIAL RECREATION:** Uses that typically charge a fee or have other requirements for participation or attendance as a spectator. Uses include, but are not limited to, outdoor and indoor recreational facilities such as tennis clubs, jai alai frontons, amusement and sport centers, outdoor amphitheaters, hunting and gun clubs, marinas, vehicular and non-vehicular race tracks, outdoor zoos and wildlife attractions, fairs, parks and recreation exhibitions, entertainment, and/or other amusements, private sports and recreation clubs, golf courses, and sports stadiums and venues. Uses may include accessory uses and activities that are supportive of the activity including shops and restaurants.

**COMMERCIAL USES:** Activities within land areas that are predominantly connected with the sale, rental and distribution of products or the performance of services, including offices and medical facilities.

**COMMUNITY PARK:** A park located near collector or arterial roads designed to serve the needs of more than one neighborhood. It is designed to serve community residents within a radius of up to 3.5 miles. The term “community park” includes any related recreational facilities, and can be publically or privately owned.

**COMPLETE STREETS:** Roads including adjacent sidewalks and shared use paths that are designed and operated to enable safe access and travel for all users, which may include pedestrians, bicyclists, transit riders, and motorists. Complete streets incorporate different elements based on the different role, function, and characteristic of the facility.

**COMPREHENSIVE PLAN:** City of Westlake Comprehensive Plan, unless context clearly implies otherwise.

**CONSERVATION USES:** The use or condition of land areas designated for conserving or protecting natural resources or environmental quality, including areas designated for flood control and floodplain management, the protection of the quality or quantity of ground or surface water, commercial or recreational fish and shellfish habitat, water supply, and/or vegetative communities or wildlife habitats.

**CONTINUING CARE FACILITIES:** A variety of housing options and services designed to meet the changing needs of its residents who require varying levels of care. Housing options typically include independent living units, assisted living facilities, and/or nursing homes.

**CORNER LOT:** a lot abutting two or more streets at their intersection.

**DENSITY:** The number of dwelling units per gross acre.

**DRIVE THROUGH:** a facility designed to accommodate pickup of food, merchandise or services by a motor vehicle momentarily at rest in a driveway expressly designed for that purpose.

**DWELLING UNIT:** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**EDUCATIONAL USES:** Activities and facilities for public or private primary or secondary schools; vocational and technical schools; and colleges and universities including all campus buildings, residence halls and dormitories, fraternity and sorority housing, and recreational facilities.

**ESSENTIAL FACILITIES AND SERVICES:** Essential facilities and services include roads, bicycle lanes, shared use paths, sidewalks, bridges, transmission lines for electricity, cable, water (including reclaimed water), sewer, and gas that serve local area demands, electricity sub-stations, stormwater and drainage facilities and systems, electric car generation ports/stations, transit facilities, and accessory solar facilities. Essential facilities and services do not include wireless communication facilities.

**FAMILY:** One or more persons related by blood, adoption, or marriage or not more than two unrelated persons occupying the whole of a dwelling unit as a single housekeeping unit.

**FENCE:** an artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

**FIRE CODE:** the Florida Building Code, the Palm Beach County Local Amendments to the Florida Fire Prevention Code, and other codes adopted by the City for the prevention or control of fires.

**FLOOR AREA RATIO (FAR):** A means of measuring building intensities for nonresidential land. FAR is the ratio of total floor area of all buildings on the parcel to the gross acreage. FAR does not regulate the building height or site coverage. It does not include the area within structures used for parking and vehicular circulation or open outdoor storage or display areas.

**FOSTER CARE FACILITY:** A facility which houses foster residents, and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents.

**GROSS ACREAGE:** The total area of a parcel of land measured in acres including developed and undeveloped land, agricultural areas, open space, roads, rights-of-way, easements, and environmental features such as lakes, floodplains, and wetlands.

**GROUP HOME:** A facility which provides living quarters for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional, and social needs of the residents. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

**HEIGHT:** Unless otherwise noted, height shall be measured from the minimum finished floor elevation to the midpoint of the roof, or if the roof is flat, to the top of the parapet. Architectural features shall not count for purposes of measuring height so long as the architectural features do not exceed 10% of the height of the structure.

**HELIPAD:** The surface on which a helicopter lands and is used for helicopter parking.

**HELISTOP:** any area of land or any man-made object or facility located thereon or building rooftop area which is used, or intended for use, solely for the landing and takeoff of vertical-takeoff aircraft and which has no appurtenant areas, buildings or other facilities supporting the use, landing and takeoff of vertical-takeoff aircraft.

**HOSPITAL:** a medical facility which provides for both inpatient and outpatient treatment and has overnight accommodations, wherein professional services concerning personal health of humans are administered by medical doctors, chiropractors, osteopaths, optometrists, dentists or any other such professional.

**HOTEL:** a building within which a commercial establishment provides lodging as overnight sleeping accommodations for the public in which ingress and egress to all rental rooms shall be through an inside lobby or office supervised by a person in charge at all hours.

**INSTITUTIONAL USES:** Activities and facilities that include juvenile facilities, nursing homes/skilled-nursing facilities, mental (psychiatric) hospitals, in-patient hospice facilities, residential schools for people with disabilities, residential treatment centers for adults, and City jails/confinement facilities (excludes residential group homes for juveniles, correctional residential facilities such as halfway houses, federal detention centers, and federal and state prisons).

**INTENSITY:** The amount of non-residential development as measured by the Floor Area Ratio.

**INTERIOR LOT:** a lot other than a corner lot.

**LANDSCAPE OPEN SPACE:** Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch or decorative paving materials). Non-living landscape material shall not be used as major landscape ground cover. In no case shall these materials exceed ten percent of the landscaped area.

**LEGAL NON-CONFORMING LOT:** a lot of record, which does not meet the area or width requirements of the Comprehensive Plan and LDRs for the zoning district in which the lot is located.

**LEGAL NON-CONFORMING STRUCTURE:** A structure that was lawfully established before the adoption of the Comprehensive Plan and Land Development Regulations that does not conform to the Land Development Regulations for the zoning district in which the parcel of land is located.

**LEGAL NON-CONFORMING USE:** A use that was lawfully established before the adoption of the Comprehensive Plan and Land Development Regulations, which does not conform with the allowed uses by the Comprehensive Plan Future Land Use Category or of the zoning district in which it is located.

**LEGAL POSITIVE OUTFALL:** the permanently established connection of a stormwater discharge conveyance facility serving a development site to a watercourse or water body under the control and jurisdiction of one or more public agencies, said connection being subject to all applicable agency permitting and approval requirements.

**LEVEL OF SERVICE (LOS):** An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. LOS shall indicate the capacity per unit of demand for each public facility or performance measures for road traffic or stormwater facilities.

**LIGHT INDUSTRIAL USES:** Land uses that include construction operation and storage facilities, manufacturing, assembly, processing or storage of products when such activities have minimal and inoffensive external impacts such as smoke, noise, dust, soot, dirt, vibration, stench, or adverse visual impacts on the surrounding neighborhood. Light industrial uses may include research and development technology centers including server farms, medical and dental laboratories, warehouse and/or distribution centers, and recycling centers. Light industrial uses shall not include mining and extraction industries, electrical generation plants, or regional sewer treatment plants.

**LOCAL ROAD:** A road that carries low volumes and provides service for local traffic between land uses and collector roads, with direct property access as the primary purpose. Any road that is not an arterial or collector road and is under the jurisdiction of the City is a local road.

**LOT:** includes tract or parcel and means the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified, as defined by Section 177.031, Florida Statutes, as may be amended from time to time.

**LOT AREA:** the area contained within the boundary lines of a lot.

**LOT COVERAGE:** That portion of the area of a lot, plot, or building site, expressed as a percentage, occupied by all buildings or structures which are roofed, exclusive of its eaves. Pool decks, patios or outdoor sitting areas, even if enclosed with a screen enclosure shall not be calculated as part of lot coverage.

**LOT DEPTH:** the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries; however, for radial lots the lot depth shall be measured from the setback not the front lot line.

**LOT FRONTAGE:** means the portion of a lot nearest the street; also the front property line. Where a building has two sides that face two or more streets, the side associated with the street address shall be designated as having lot frontage, or the front property line.

**LOT LINE:** a line bounding a lot which divides one lot from another or from a road or any other public or private space.

**LOT LINE, REAR:** that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot frontage.

**LOT LINE, SIDE:** any lot line other than a front or rear lot line.

**LOT LINE, STREET:** In the case of a lot abutting multiple roads, all lot lines abutting a road except the lot frontage.

**LOT OF RECORD** means a part of the land subdivision, the map of which has been recorded in the office of the clerk of the court of the county.

**LOT WIDTH:** The horizontal distance between opposite side lot lines, measured at the root setback line to accommodate variation and radial streets. Where there is only one side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.

**MAJOR CANALS:** the M Canal and M-2 Canal.

**MANUFACTURED HOME:** A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the site, bearing a label certifying that it is built in compliance with the federal manufactured housing construction and safety standards, or inspected by an approved inspection agency conforming to the requirements of HUD, and bearing an insignia of approval.

**MULTIFAMILY DWELLING:** Multiple separate dwelling units contained within one building or several buildings including but not limited to apartment buildings, but excluding single family attached dwellings.

**MULTIMODAL TRANSPORTATION SYSTEM:** The system which provides safe and efficient movement of people, goods, and services by more than one mode of transportation.

**NEIGHBORHOOD CENTER:** Compact areas that allow a mix of commercial uses that serve neighborhoods such as retail (goods and services), restaurants, offices and clubhouses, schools, religious uses, small scale civic uses, and amenity centers.

**NEIGHBORHOOD PARK:** A park that serves the residents of a neighborhood and is accessible to bicyclists and/or pedestrians. It is designed to serve the population of a neighborhood in a radius of up



to one-half mile. Neighborhood parks include any related recreational facilities, and can be publically or privately owned.

**NET PEAK HOUR DIRECTIONAL TRIPS:** Total project trip generation minus internal trips, pass-by trips less any previously-approved traffic or traffic from any existing use established in accordance with Chapter 7.

**OFFICE:** a use where the clerical, administrative, financial or consulting aspects of business, professional medical or governmental services are conducted. Office use shall include but not be limited to: financial institutions, insurance offices, medical offices, or business consulting services.

**OPEN SPACE:** Areas open to the sky that are partly or completely covered with grass, trees, shrubs, other vegetation or water, or if partially or completely paved serve to shape or enhance urban form or provide for public use. Open spaces have little to no vertical structures and can be publicly or privately owned. Open spaces include parks, transportation corridor parkways, vegetated buffers, shared use paths, plazas, courtyards, squares and areas that provide stormwater management.

**PARCEL:** Any quantity of land capable of being described with such definiteness that its location and boundaries may be established.

**PARK:** A site that provides opportunities to partake in active or passive recreational activities, including structures associated with a park's recreational activities, including dog parks

**PEAK HOUR PEAK DIRECTION CAPACITY:** The maximum number of vehicles that can pass a given point in one direction on a road in one hour under given traffic and road conditions per the FDOT Quality/Level of Service Handbook in one hour.

**PEAK HOUR TRAFFIC:** the one hour of traffic representative of the peak period, as defined in Chapter 7, and includes two-way and peak direction volumes. Peak Hour Traffic shall be determined from actual traffic counts. The project, at the approval of the City Engineer, the Peak Hour Traffic may be determined by factoring the Average Daily Traffic by an approved "K" factor.

**PEAK SEASON:** The time from January 1 through March 31, inclusive.

**PERVIOUSNESS PERCENTAGE.** This indicates the percentage of the overall lot or parcel that must be pervious.

**PLACE OF ASSEMBLY:** a building, portion of a building or other site in or at which facilities are provided for civic, fraternal, educational, political, religious, cultural or social purposes.

**PLACE OF WORSHIP:** any church, synagogue, denomination or ecclesiastical organization having an established place for worship in the City at which nonprofit religious services and activities are regularly conducted.

**PRIMARY SOLAR FACILITY:** A solar energy system which primarily functions to provide electricity for off-site use. This term includes the structures, equipment, infrastructure, and support systems necessary for the collection, storage, and distribution of solar energy, along with all functions necessary to develop and operate a primary solar facility including construction, management, administration, maintenance, security, and safety.

**RADIUS OF DEVELOPMENT INFLUENCE:** The area surrounding a proposed project as set forth in Chapter 7. The distance shall be measured in road miles from the point at which the proposed project's traffic enters the first road, not as a geometric radius.

**RECREATIONAL USES:** Areas and development used for leisure time activities and sports in an indoor or outdoor setting, including parks and golf courses.

**RESIDENT:** A person who makes his or her home in a particular place for most of the year or for a portion of the year, including a seasonal resident.

**RESIDENTIAL USES:** Land uses consisting of dwelling units, including mobile and manufactured homes. Residential uses include assisted living facilities and group homes.

**RETAIL:** establishments engaged in selling goods or merchandise directly to the ultimate consumer for personal or household consumption and rendering services incidental to the sale of such goods. Establishments primarily engaged in providing services as opposed to products to individuals shall also be considered a retail use.

**RIGHT-OF-WAY:** Land dedicated or required for a transportation or utility use that a government entity owns in fee simple or over which it has an easement.

**SELF-STORAGE FACILITY:** a fully enclosed space used for warehousing that contains individual storage units.

**SEMINOLE IMPROVEMENT DISTRICT (SID):** Independent special purpose government established in 1970 pursuant to Chapter 70-854, Laws of Florida, codified pursuant to Chapter 2000-431, Laws of Florida, formerly known as the Seminole Water Control District. SID is coextensive with the boundaries of the City of Westlake and consists of approximately 4,142 acres of land. SID is empowered to construct and maintain a number of public works and utilities including water, sewer, drainage, irrigation, water management, parks, recreation facilities, roads and related activities.

**SENIOR HOUSING:** Age-restricted dwelling units for older adults, aged 55+, who are able to care for themselves.

**SETBACK:** the horizontal distance between the front line, side line, or rear line of the building site to the front, side, or rear of the building or structure, respectively. Setbacks shall be measured perpendicular to and parallel with the property or right-of-way lines, and shall be measured from the point at which the face of the building or structure touches the ground.

**SEXUALLY ORIENTED USES:** any place in which a principal use is the exchange, for consideration in any form, monetary or otherwise, for profit or not for profit, of materials or exhibitions, including but not limited to books, magazines, photographs, performances, videotapes, electronic media or movies which have as their dominant theme matters depicting, describing, demonstrating or relating to completely or to opaquely covered human genitals or pubic regions, buttocks, or female breasts below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered, or which have as their dominant theme matters depicting, describing, demonstrating or relating to human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, or the fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

**SHARED USE PATH:** A paved facility for use by pedestrians, bicyclists, and/or other users that is separated from vehicular traffic. Golf carts may be used on shared use paths in certain areas, under certain circumstances.

**SINGLE FAMILY ATTACHED DWELLING:** A single dwelling unit physically attached to other buildings, dwelling units, or structures through one or more shared walls, but not including multifamily dwellings.

**SINGLE FAMILY DETACHED DWELLING:** A single dwelling unit, including a manufactured home, not physically attached to other buildings, dwelling units, or structures.

**SOLAR ENERGY OVERLAY:** An area designated on the Future Land Use Map (FLU Map 2.1) that allows Primary Solar Facilities in addition to uses allowed by the underlying future land use category.

**SPECIAL EVENT:** special/community event is an activity or use that is public or quasi-public in nature and occurs once in a fiscal year, not to exceed three (3) weeks. This includes Fourth of July activities, parades, races and festivals. Events that require a Special Use may be subject to the Traffic Study requirements of this Article as determined by the City

**SUBDIVISION:** the division of land into two or more lots, or parcels, or any other division of land.

**SUSTAINABLE COMMUNITY:** An urban area with a long term planning and management vision that incorporates a multi-modal transportation network, walkable, mixed use patterns of development, denser development where infrastructure exists, civic spaces and interconnected open spaces for recreation, economic vitality and job choices, choices in housing price and size, a quality educational system, and a unique identity.

**TELECOMMUNICATIONS FACILITY:** any facility that is used to provide one or more telecommunications services, including, without limitation, radio transmitting telecommunications towers, other supporting structures, and associated facilities used to transmit telecommunications signals. Telecommunications facilities includes any antenna or broadcast equipment located outdoors, which is used for telecommunications and not otherwise defined as an antenna. Telecommunications facilities include telecommunications services as defined by 47 United States Code § 332.

**TEMPORARY USES:** are uses that are required in the construction phase of development or are uniquely temporary or seasonal in nature.

**THROUGH LOT:** a lot, other than a corner lot, having frontage on more than one street.

**TOTAL TRAFFIC:** the sum of: a) Existing Traffic, b) Net Trips, and c) Background Traffic.

**TRANSIT:** Passenger transportation services such as commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, autonomous vehicles, and local fixed route bus provided by public, private, or non-profit entities. The terms "transit" and "mass transit" are used interchangeably.

**UTILITIES:** Seminole Improvement District water, wastewater or reuse water facilities.

**VEGETATED BUFFER:** A natural or planted vegetated area used to mitigate potential impacts of unsightly views, lights, noises, and/or dust.

**WORK PLAN:** City of Westlake Water Supply Facilities Work Plan dated March 2018.

**(D) Acronyms.** The following acronyms shall have the following meanings:

**TABLE 1-1: ACRONYMS**

<b>ADA</b>	Americans with Disabilities Act
<b>ADT</b>	Average Daily Traffic
<b>ANSI</b>	American National Standards Institute
<b>BFE</b>	Base Flood Elevation
<b>CCDs</b>	The Census County Divisions
<b>CO</b>	Certificate of Occupancy
<b>CPTED</b>	Crime Prevention Through Environmental Design
<b>EPA</b>	U.S. Environmental Protection Agency
<b>FAR</b>	Floor Area Ratio
<b>FDEP</b>	Florida Department of Environmental Protection
<b>FDOT</b>	Florida Department of Transportation
<b>FEMA</b>	Federal Emergency Management Agency
<b>FIRM</b>	Flood Insurance Rate Map
<b>FLEPPC</b>	Florida Exotic Pest Plant Council
<b>GIS</b>	Geographic Information System
<b>GPD</b>	Gallons Per Day
<b>HCM</b>	Highway Capacity Manual
<b>HUD</b>	U.S. Department of Housing and Urban Development
<b>HOA</b>	Home Owner's Association
<b>LDRs</b>	City of Westlake Land Development Regulations
<b>LEC</b>	Lower East Coast
<b>LOS</b>	Level of Service
<b>LPA</b>	Local Planning Agency
<b>MGD</b>	Million Gallons per Day
<b>MUTCD</b>	Manual on Uniform Traffic Control Devices
<b>NAVD 88</b>	North American Vertical Datum of 1988
<b>NRPA</b>	National Recreation and Park Association
<b>OEDR</b>	Office of Economic and Demographic Research
<b>PD</b>	Planned Development Zoning District
<b>PM</b>	Particulate Matter
<b>PPH</b>	Population Per Household
<b>PZB</b>	Planning and Zoning Board
<b>SFWMMD</b>	South Florida Water Management District
<b>SID</b>	Seminole Improvement District
<b>SIS</b>	Strategic Intermodal System
<b>SRPP</b>	The Strategic Regional Policy Plan
<b>SWA</b>	Solid Waste Authority
<b>TAZ</b>	Traffic Analysis Zone

<b>TCRPC</b>	Treasure Coast Regional Planning Council
<b>TDM</b>	Transportation Demand Management
<b>TDP</b>	Transit Development Plan
<b>TPA</b>	Palm Beach Transportation Planning Agency
<b>TPS</b>	Traffic Performance Standards of Palm Beach County
<b>TSM</b>	Transportation Systems Management
<b>ULDC</b>	Palm Beach County Unified Land Development Code
<b>USDA</b>	U.S. Department of Agriculture

**(E) Chapter; Article; Section; Subsection; Paragraph; Subparagraph.** The terms “Chapter,” “Article,” “section,” “subsection,” “paragraph,” and “subparagraph” shall be understood to refer to the material within each part as illustrated below. For this example, “1” shall refer to any Arabic numeral, “A” and “a” shall refer to any letter, and “i” shall refer to any Roman numeral in lowercase. The terms above shall be understood as follows:

- CHAPTER 1
- Article 1.1
- Section 1.
- (A) Subsection
- (1) Paragraph
- (a) Subparagraph
- (i) Sub-subparagraph

**(F) Graphics.** Unless a graphic explicitly states it is regulatory in nature, graphics in these LDRs are illustrative and not regulatory.

**(G) Purpose and Intent Statements.** Purpose and intent statements are intended to provide context and guidance, but are not regulatory.

**ARTICLE 1.3      CONSISTENCY OF LDRs WITH THE COMPREHENSIVE PLAN; INTERPRETATION.**

**Section 1:** *Comprehensive Plan Controlling.* In the event any provision of these LDRs conflicts with any provision of the Comprehensive Plan, including the Map Series, the Comprehensive Plan shall control.

**Section 2:** *Procedure for Conflicts between LDRs and Comprehensive Plan.*

**(A)** If it appears a conflict exists between these LDRs and the Comprehensive Plan, a written request may be submitted to the Planning and Zoning Director identifying the specific provisions of the Comprehensive Plan and LDRs in conflict. The Planning and Zoning Director will respond to the request and provide an interpretation or proposed solution within 45 days. Interpretations of the Planning and Zoning Director may be appealed by submitting a written request for review to the City Attorney, who will acknowledge receipt of the request and respond within a reasonable amount of time, but no later than 45 days of receipt of the request. The request for clarification of the conflict shall be placed on the agenda of the next regularly scheduled City Council meeting for resolution by vote of the City Council. Any decision by the City Council is deemed a final decision.

- (B) All decisions of the City Council regarding conflicts between the Comprehensive Plan and the LDRS will be annotated and consolidated in a written document that will be available upon request from the City.

**Section 3:** *Procedures for Interpretation of LDRs*

- (A) When a question arises as to the meaning or intent of a phrase, or other portion of the LDRs, a written request for interpretation may be submitted to the Planning and Zoning Director for interpretation. The request must identify the applicable provision(s), the specific question regarding the meaning of the provision, and the explicit interpretation requested. The Planning and Zoning Director shall have 45 days to provide an interpretation or to elevate the question to the City Attorney for the City Attorney to interpret.
- (B) The party who requested the interpretation may appeal the interpretation of the Planning and Zoning Director to the City Attorney. The City Attorney shall acknowledge receipt of and respond to any request for interpretation within a reasonable amount of time, but no later than 45 days of receipt of the request.
- (C) The party who requested the interpretation may appeal the interpretation of the City Attorney concerning these LDRs to the Hearing Officer. Decisions of the Hearing Officer are final decisions.
- (D) All decisions regarding interpretation of these LDRs shall be annotated and consolidated in a written document that will be available upon request from the City.

**Section 4:** *Rules Governing Interpretation*

- (A) The rules of statutory construction apply to the interpretation of these LDRs.
- (B) The LDRs shall be interpreted to be consistent with the Comprehensive Plan.

**Section 5:** *Procedure for Interpretation of Zoning Map.*

- (A) When a question arises as to the zoning district designation for a particular parcel of land on the zoning map, an applicant may request a zoning confirmation letter from the Planning and Zoning Director. The request must identify the particular lot(s) or parcel(s) for which the zoning confirmation letter is requested.
- (B) The Planning and Zoning Director shall acknowledge receipt of and respond to any request for interpretation within a reasonable amount of time, but no later than 45 days from receipt of the request. Decisions of the Planning and Zoning Director are final decisions.
- (C) All decisions regarding the interpretation of the Zoning Map will be annotated and consolidated in a written document that will be available upon request from the City.

**Section 6:** *Calculation of time.*

- (A) If a procedural deadline falls on a weekend, state holiday, or federal holiday, the deadline shall fall on the next business day.

- (B) Unless otherwise indicated, “days” indicates calendar days.
- (C) “Business days” shall mean days Monday through Friday but shall not include state holidays or federal holidays.

#### **ARTICLE 1.4 PLANNING AND ZONING DIRECTOR**

**Section 1:** *Appointment.* The City Manager shall designate a Planning and Zoning Director, with approval of City Council, who shall be responsible for coordinating the City’s review of all applications subject to these LDRs, including review by the City Engineer and coordination with the Seminole Improvement District, as necessary.

**Section 2:** *Policies and Procedures.* The Planning and Zoning Director is authorized to create administrative policies and procedures as necessary to administer the responsibilities of the Planning and Zoning Director assigned by this Chapter and these LDRs.

**Section 3:** *Approval of Administrative Applications.* The Planning and Zoning Director is authorized to approve or deny applications that only require administrative approval.

#### **ARTICLE 1.5 CITY COUNCIL**

**Section 1:** *Authority and Procedures.*

(A) **Procedure.** The City Council may determine and adopt by ordinance its own rules of procedure for City Council meetings, which will govern the functioning and proceedings of the City Council except as otherwise provided by the City Charter, these LDRs, or laws of Florida. Once adopted, the rules may only be altered by an amending ordinance. The rules may be suspended by a majority vote of the City Council. In the absence of a rule by the City Council concerning procedure, Robert’s Rules of Order shall govern.

(B) **Power and Authority.** In addition to the powers and authorities described elsewhere in this Code, the City Council shall have the power and authority to:

- (1) Establish fees for the review of applications.
- (2) To initiate, consider, and render decisions concerning amendments to the text of these LDRs, the Official Zoning Map, the Comprehensive Plan and matters concerning annexation.
- (3) Consider and act upon such other business as may come before it.

**Section 2:** *Special Meeting.* Special meetings may be held upon the call of the mayor or City manager, or upon the call of three council members and upon no less than 48-hours’ notice to each member and the public, or such shorter time as a majority of the council shall deem necessary in case of an emergency affecting the healthy, safety, or welfare of the public. Only those items identified in writing by the mayor, City Council or City Manager as the reason for the special call meeting shall be placed on an agenda as substantive discussion items. The City Manager shall be responsible for preparing the agenda for all special call City Council meetings. Once the City

Manager has completed his/her review, the City Manager shall deliver the items to the City Attorney for review and legal sufficiency.

**Section 3:** *Notice.* Notice shall meet all applicable state statutory requirements. Additional notice requirements are contained in Chapter 2.

**Section 4:** *Agenda.* Publication of the agenda shall meet all applicable state statutory requirements.

## **ARTICLE 1.6 LOCAL PLANNING AGENCY**

**Section 1:** *Membership.*

(A) The Local Planning Agency (LPA) will consist of the City Council and will have the powers set forth in this Chapter. It is the intent that the LPA serve as the local planning agency referenced in § 163.3174, Florida Statutes, and the land development regulation commission as defined in § 163.3164(25) and referenced in § 163.319, Florida Statutes.

(B) In addition to the City Council members, the Board of the School District of Palm Beach County will appoint a non-voting member to the LPA to attend those meetings at which the LPA considers Comprehensive Plan amendments that would, if approved, increase residential density on the property that is the subject of the application.

**Section 2:** *Public Meetings and Records.* The LPA shall meet once a month or at times designated by the City Manager or City Council. All meetings of the LPA will be public meetings that shall be noticed once in a newspaper of general circulation in the City. The notice shall meet the requirements of all applicable state statutory requirements.

**Section 3:** *Compensation.* Members of the LPA will not be compensated for service on the LPA; however, members will be paid actual expenses incurred in the performance of their duties, which may not exceed allowances prescribed by state law.

**Section 4:** *Functions and Authority.* To effectuate its responsibilities as provided in Florida Statutes, the LPA will:

(A) Review any amendments to the Comprehensive Plan proposed for adoption and make recommendations to the City Council regarding the proposed Comprehensive Plan amendment.

(B) Recommend to the City Council any amendments to the Comprehensive Plan as may from time to time be required, including any amendments resulting from the periodic evaluation and appraisal of the Comprehensive Plan as required by Florida Statutes.

(C) Review proposed land development regulations or amendments thereto, and make recommendations to the City Council as to the consistency of the proposal with the adopted Comprehensive Plan.

(D) Take administrative actions necessary or convenient to accomplish its duties and responsibilities.

(E) The LPA must make a final recommendation regarding adoption of the Comprehensive Plan or Comprehensive Plan amendment to the City Council. The LPA may - in cooperation with the City, another person, or entity - prepare a Comprehensive Plan or Comprehensive Plan amendment. However, the LPA may not delegate its responsibility to make a



recommendation regarding the adoption of the Comprehensive Plan or Comprehensive Plan amendment to the City Council.

- (F) A recommendation by the LPA must be consistent with all applicable law and in one of the following forms: a recommendation of approval; a recommendation of approval with conditions or restrictions; or a recommendation of denial. Recommendations shall not be binding on the City Council.

#### **ARTICLE 1.7 CITY SUPPORT**

**Section 1:** The City Manager or designee shall attend the Planning and Zoning Board and LPA meetings. The City Manager or designee shall provide staff and clerical assistance for the Planning and Zoning Board and LPA members as may be required for the reasonable performance of their duties. This shall include a recording secretary to keep records of all proceedings.

**Section 2:** The City Planning and Zoning Director shall advise and assist the Planning and Zoning Board and LPA in all of its presentations, hearings, and deliberations on items which appear before the board for consideration.

**Section 3:** 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 or LPA which will assist in the decision making process.

**Section 4:** The City Attorney shall provide legal representation to the Planning and Zoning Board and LPA at all meetings of the Board.

#### **ARTICLE 1.8 PLANNING AND ZONING BOARD.**

**Section 1:** The City Council may sit as or establish a Planning and Zoning Board for the purpose of taking action on the following applications:

- (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.

**ARTICLE 1.9 INTERACTION WITH SID.** The Seminole Improvement District (SID) is an independent special purpose government, which was established in 1970 pursuant to Chapter 70-854, Laws of Florida, codified pursuant to Chapter 2000-432, Laws of Florida. SID is empowered to construct and maintain a number of public works and utilities, including water, wastewater, drainage, irrigation, water management, parks, recreation facilities, roads, and related activities. The relationship between the City and SID is governed by the City of Westlake Charter and the Interlocal Agreement between the City of Westlake and the Seminole Improvement District Regarding the Provision of Certain Services, Infrastructure, and Public Facilities and for Assurance of Non-Duplication of Services dated February, 2018, as these documents may be amended from time to time.

- (A) Pursuant to the Interlocal Agreement described above, SID shall have the exclusive authority to set requirements and standards for, review, approve, and issue permits for: the facilities in SID's Water Control Plan; parks; potable water, wastewater, and reclaimed water utility

services and facilities; irrigation water service; roadways and transportation infrastructure; and surface water management and drainage. SID and the City shall only review those items or matters over which it has jurisdiction, and no party shall deny a permit or authorization on grounds over which it has no jurisdiction.

- (B) Pursuant to the City Charter, the City shall not exercise any function or provide any service being performed by or provided by SID except as the parties may agree.
- (C) Whenever a permit, application, proposal, or development order will impact SID facilities, services, infrastructure, or property, SID shall be included in the development review process.
- (D) The City shall coordinate with SID to create joint applications and efficient processes whenever possible to facilitate the development process and the working relationship between the City and SID.
- (E) The City and SID have agreed on processes to identify, avoid, and manage potential conflicts concerning the provision of services and the sharing of powers as they may from time to time agree.

**ARTICLE 1.10 LDRS NOT RETROACTIVE.** Amendments to these LDRs are not retroactive. Developments with final development orders approved prior to the effective date of these LDRS, or prior to a modification of the LDRs, do not need to comply with the new or modified LDRs unless or until there is an application to modify the development order.

**ARTICLE 1.11 SEVERABILITY.** It is the declared legislative intent of the City Council that if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of these LDRs is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of these LDRs.

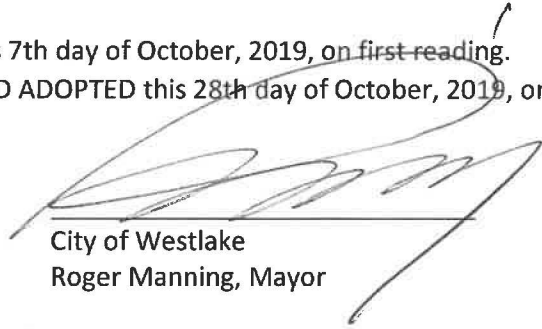
**Section 3 Severability.** Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, 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 be effective upon adoption on second reading.

PASSED this 7th day of October, 2019, on first reading.

PASSED AND ADOPTED this 28th day of October, 2019, on second reading.



City of Westlake  
Roger Manning, Mayor



Sandra Demarco, City Clerk

Approved as to Form and Sufficiency



Pam E. Booker, City Attorney