



1 2. Non-Conforming Single Family Lots of Record: Any single family residential lot or  
2 parcel, of record prior to adoption of an amendment to the City's Code of Ordinances,  
3 that does not thereafter meet the requirements of the City's Code for lot area  
4 or lot width, may nevertheless be utilized for single-family residence purposes only,  
5 provided that the lot area and lot width are within two-thirds of that required by the  
6 terms of the regulations.

7 3. Non-conforming Structures: Where a lawful structure exists at the effective date of  
8 adoption or amendment to the City's Code by reason of restrictions on area, lot  
9 coverage, height, yards, its location on the lot, or other requirements concerning the  
10 structure, such structure may be continued so long as it remains otherwise lawful,  
11 subject to the following provisions:

12 a. No such non-conforming structure may be enlarged or altered in any way  
13 which increases its non-conformity, but any structure or portion hereof may be  
14 altered to decrease its non-conformity.

15 b. Should such non-conforming structure be destroyed by any means to an  
16 extent of more than fifty (50) percent of its replacement cost at the time of  
17 destruction, it shall not be reconstructed except in conformity with the  
18 provisions of the current City's Code of Ordinances.

19 c. Should any such structure be moved for any reason for any distance whatever,  
20 it shall thereafter conform to the regulations for the zoning district in which it is  
21 located after it is moved.

22 4. Non-Conforming Use of Structures or of Structures and Premises in Combination: If  
23 lawful use involving individual structures, or of structures and premises in  
24 combination, exists at the effective date of an amendment to the City's Code of  
25 Ordinances, that would not thereafter be allowed in the zoning district under the terms  
26 of the City's Code, the non-conforming use may be continued so long as it remain  
27 subject to the following provisions:

28 a. No existing structure devoted to a use not permitted in the zoning district in  
29 which it is located shall be enlarged, extended, constructed, reconstructed,  
30 moved, or structurally altered except in changing the use of the structure to  
31 a use permitted in the zoning district in which it is located, except that the City  
32 Council shall have the discretion to allow reasonable alterations for the purpose  
33 of allowing the non-conforming use to modernize or redesign when it is  
34 deemed that such changes are in the interest of the City's health, morals, safety  
35 and/or welfare.

36 b. Any structure, or structure and land in combination, in or on which a non-  
37 conforming use is superseded by a permitted use, shall thereafter conform to  
38 the regulations for the zoning district, and the non-conforming use may not  
39 thereafter be resumed.

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c. When a non-conforming use of a structure, or a structure and premises in combination, is discontinued or abandoned for one hundred eighty (180) calendar days from the time at which the license for said use expires (except when governmental action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.

d. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this sub-section is defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time of the destruction.

e. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.

**SECTION 3. 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 4. 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 5. 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.

Revised 7.21.22 350p

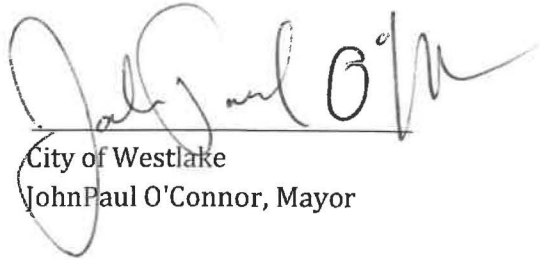
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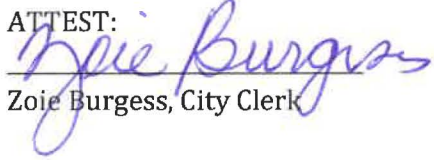
**SECTION 6.** Effective Date. This ordinance shall be effective upon adoption on second reading.

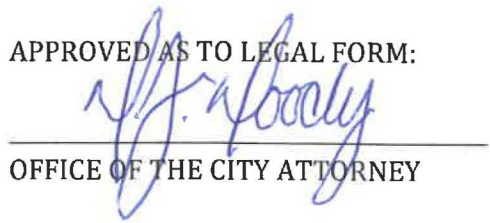
**PASSED** this 2<sup>nd</sup> day of August, 2022, on first reading.

**PUBLISHED** on this 23<sup>rd</sup> day of August, 2022 in the Palm Beach Post.

**PASSED AND ADOPTED** this 6<sup>th</sup> day of September 2022, on second reading.

  
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City of Westlake  
John Paul O'Connor, Mayor

ATTEST:  
  
\_\_\_\_\_  
Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM:  
  
\_\_\_\_\_  
OFFICE OF THE CITY ATTORNEY