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ORDINANCE NO. 2023-01

2 **AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE,**
3 **FLORIDA, AMENDING ORDINANCE NO. 2019-9 AS SET FORTH IN THE CITY'S**
4 **CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF SECTION 3 TO BE**
5 **ENTITLED "ESSENTIAL FACILITIES AND SERVICES" ; PROVIDING FOR**
6 **ESSENTIAL FACILITIES SERVICES; PROVIDING FOR HEIGHT OF STRUCTURES;**
7 **PROVIDING FOR SCREENING AND BUFFERING; PROVIDING FOR EXEMPTIONS**
8 **FROM PROPERTY DEVELOPMENT REGULATIONS; PROVIDING FOR SETBACK**
9 **REQUIREMENTS; PROVIDING FOR CODIFICATION, PROVIDING FOR**
10 **CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE**
11 **DATE.**

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13 **WHEREAS,** the City Council finds it is in the public's interest to establish
14 policies and procedures to allow for consistent, flexible, creative, and
15 economically beneficial development within the City of Westlake.

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17 **WHEREAS,** on September 23, 2019, the City Council of the City of Westlake
18 adopted Ordinance 2019-9 which established a zoning district and set forth
19 standards for the zoning district;

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21 **WHEREAS,** the City's Planning Consultants recommend that the Code of
22 Ordinances, specifically Ordinance 2019-9 be amended to create and establish
23 regulations for essential facilities and structures.

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25 **NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE CITY**
26 **OF WESTLAKE, FLORIDA, AS FOLLOWS:**

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

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31 **SECTION 2.** The City Council hereby amends Ordinance No. 2019-9 by
32 amending Article ____ by specifically creating Section 3 entitled "Essential Facilities
and Services" as follows:

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34 **Section 3: Essential Facilities and Services.** All buildings or structures defined
35 as essential facilities and services in Chapter 1, Article 1.2 of this code (the
36 "Essential Service Facilities"), are permitted by right in all zoning districts as
37 shown in Table 3-20, when necessary for the day-to-day operation of the
38 applicable governmental entity, subject to the requirements set forth in Chapter 3
Article 3.3 Section 3.

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DJ DOODY revised 3.28.23 915a

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A) Height of structures.

No portion of any Essential Service Facility regulated by this section shall exceed 50 feet in height in any residential zoning districts or exceed 150 feet in non-residential zoning districts.

B) Screening and appearance.

Essential Service Facilities (excluding transmission poles) exceeding three (3) feet in height, shall be of a neutral, non-glare color or finish so as to make them visually unobtrusive. In the event the Essential Service Facilities are adjacent to property within a R-1 or R-2 zoning district, the Essential Service Facility shall provide shrubs or plant material acceptable to the City at least three (3) feet high at time of planting to shield the Essential Service Facility from adjacent residential properties..

C) Exemptions from property development regulations.

- (a) Essential Service Facilities shall be exempt from the property development regulations which set forth minimum dimensions and setbacks, except as provided below.
- (b) Parcels containing Essential Service Facilities shall not be required to meet the minimum required lot area and lot dimensions for the zoning district wherein located, provided that access, buffering, drainage, retention, parking and other applicable provisions of this section and the Land Development Regulations are satisfied. Essential Service Facilities shall not have a maximum lot coverage exceeding 75%, and shall provide for a minimum pervious percentage of lot coverage of 25%.

DJ DOODY revised 3.28.23 915a

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D) Setbacks.

- (a) Essential Service Facilities regulated by this section that are three (3) feet or less in height are exempt from all setback requirements.
- (b) Essential Service Facilities that are over three (3) feet but less than six (6) feet in height shall be set back a minimum of five (5) feet from any road right-of-way or public easement and shall comply with the visibility triangles (corner clips).
- (c) Essential Service Facilities that exceed six (6) feet in height shall provide for a minimum front setback of thirty (30) feet, and side and rear setback of a minimum of ten (10) feet. Essential Service Facilities shall not be located closer than twenty-five (25) feet to any body of water, measured from top of bank.

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.

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

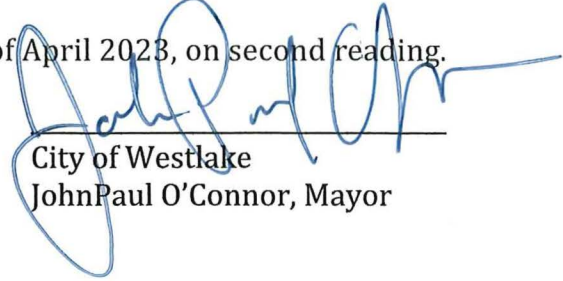
1st Reading March 14, 2023
2nd Reading April 26, 2023

DJ DOODY revised 3.28.23 915a

1 **PASSED** this 14th day of March 2023, on first reading.

2 **PUBLISHED** on this 6th day of April 2023 in the Palm Beach Post.

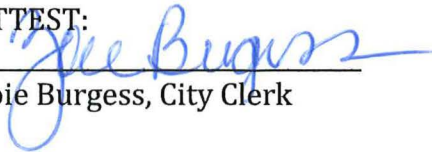
3 **PASSED AND ADOPTED** this 26th day of April 2023, on second reading.



City of Westlake
John Paul O'Connor, Mayor

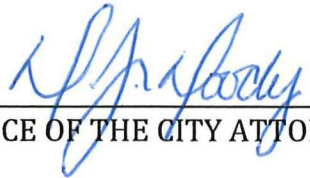
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ATTEST:



Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM:



OFFICE OF THE CITY ATTORNEY