

ORDINANCE NO. 2017-1

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S INTERIM LAND DEVELOPMENT CODE, ARTICLE 3, CHAPTER D, SECTION 1(D)(5), WHICH PROVIDES EXCEPTIONS IN THE SETBACKS, SAID AMENDMENT SHALL INCLUDE POOL EQUIPMENT AND UTILITIES AS A SETBACK EXCEPTION; 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, the pursuant to 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, or amendments thereto; and

WHEREAS, the Developer has requested review of a provision of the land development codes regarding permitted exceptions allowed within the side yard setback; and

WHEREAS, the Developer's requested changes to the City of Westlake's interim land development code are shown in underline for the additions to the code and strike through for the deletions to the code, as set forth in the attached Exhibit "A"; and

WHEREAS, the City of Westlake's Planning and Zoning Board, sitting as the Local Planning Agency(LPA), had the opportunity to review the requested changes at a public hearing, and to make a recommendation to the City Council for the City of Westlake; and

WHEREAS, the staff for the City of Westlake has reviewed the request of the applicant and the addition of paragraphs 12 and 23, to the Article 3, Chapter D, Section 1(D)(5), of the City's interim land development code, which addition, will allow for the installation of pool equipment and utilities into the side yard setbacks for residential construction; 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 land development text amendment to Article 3, Chapter D, Section 1(D)(5), will preserve the public health, safety and welfare, enhance the value and character of the community and implement the interim adopted comprehensive plan.

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

Exhibit "A"

City of Westlake Amendment to Article 3, Chapter D, Section 1(D)(5)

Section 1. Amendment: The City of Westlake hereby amends the interim Land Development Code, Article 3, Chapter D, Section 1(D)(5) Setback Exceptions as shown in underline and strikethrough format, in the Exhibit "A" attached hereto and incorporated herein, said amendments are applicable to single family residential properties within the jurisdictional boundaries of the City of Westlake.

Section 2. 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 3. Effective Date: This ordinance shall be effective upon adoption on second reading.

PASSED this 8th day of May, 2017, on first reading.

PASSED AND ADOPTED this 12th day of June, 2017, on second reading.



City of Westlake
Roger Manning, Mayor



Sandra DeMarco, City Clerk



City Attorney
Pam E. Booker, Esq.

City of Westlake Amendment to Article 3, Chapter D, Section 1(D)(5)

D. Setbacks

5.

Setback Exceptions

The following structures, projections, and improvements shall be allowed within required setbacks:

a. Structures Projections and Improvements Permitted in Setbacks

- 1) Arbors and trellises less than ten feet in height, subject to a minimum three foot setback;
- 2) Balconies projecting a maximum of three feet into the front setback of a SFD or ZLL home, subject to the following limitations:
 - (a) Limited to the front setback only, not including reduced setbacks allowed for side loading garages;
 - (b) Total combined width of balconies projecting into front setback shall not exceed 25 percent of the total width of the front façade;
 - (c) ZLL homes with balconies projecting into the front setback shall have a minimum ten foot side setback from the ZLL; and
 - (d) Excluding side loading garages.
- 3) Permanent/retractable awnings, canopies or Bahama shutters projecting a maximum of three feet into a setback, and having no support other than provided by the wall or structure to which it is attached;
- 4) Bay windows projecting a maximum of three feet into a setback;
- 5) Chimneys projecting a maximum of three feet into a setback
- 6) Clothes poles or clothes lines in rear yard setbacks;
- 7) Driveways, subject to Art. 6.C.1.A, Driveways;
- 8) Fire escapes projecting a maximum of three feet into a setback, provided the riser is retractable and at least 50 percent open;
- 9) Flagpoles, subject to Article 8, Signage
- 10) Fountains
- 11) Heating, ventilation and air conditioning units (including compressors and condensers);
- 12) Pool Equipment, screen enclosures, pumps, heating units, and related equipment in the side yard setback
- 13) Mailboxes
- 14) Open terraces and patios, including walkways and ground level decks;
- 15) Open, uncovered stoops;
- 16) Recreational equipment and structures in the rear setback of residential districts;
- 17) Roof overhands projecting into the required setback a maximum of two and one-half feet;
- 18) Sculpture and other similar objects of art;
- 19) Signs, subject to Article 8, Signage;
- 20) Off-street parking areas, unless otherwise specifically prohibited; Art. 5.B.1.A.2, Fences and Walls (excluding corner clips for intersections);
- 21) Landscaping planted in the ground or in planters;
- 22) Wells;
- 23) Utility, Electric, and Gas transmission lines, distribution lines, meters, and associated structures;

- 24) Basketball goals, provided there is a minimum three foot setback from the rear and side property lines and a minimum 15 foot setback from the front and side street property lines;
- 25) Light poles having only one structural ground member;
- 26) An accessory residential dock, shared by abutting residential parcels only, subject to the submittal of an executed construction and maintenance agreement, prepared in a manner and form acceptable to the ~~County~~ City Attorney and the Zoning Director;
- 27) Bus shelters and bus benches;
- 28) Fire hydrants and other government service/utility structures required to be in certain locations by applicable Codes and ordinances;
- 29) Impact shutter projecting a maximum of 18 inches into the setback.
- 30) Decorative architectural treatment such as lintels, stone veneer or stucco banding, projecting a maximum of six inches into a setback.