

Council Members

Roger Manning-Mayor
Katrina Long Robinson-Vice Mayor
John Stanavitch-Seat 1
Kara Crump-Seat 2
Phillip Everett-Seat 3



City of Westlake

4001 Seminole Pratt Whitney Rd.
Westlake, Florida 33470
Phone: 561-530-5880
Fax: 561-790-5466

Regular Meeting
Monday, May 8, 2017

Meeting Location
Westlake Council Chambers
4005 Seminole Pratt-Whitney Road
Westlake, FL 33470
7:00 PM

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings and for such purpose 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 meeting/hearing may be continued to another date and time as may be found necessary during the aforesaid meeting. In accordance with the provisions of the Americans with Disabilities Act (ADA), any person requiring special accommodations at these meetings because of disability or physical impairment should contact the Interim City Manager at (954)753-5841 at least two (2) calendar days prior to the meeting.

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May 4, 2017

City Council
City of Westlake

Dear Mayor and Council:

The City Council of the City of Westlake will hold a regular meeting on Monday, May 8, 2017 at 7:00 p.m. at the Westlake Council Chambers, 4005 Seminole Pratt Whitney Road, Westlake, Florida. Following is the advance agenda for the meeting.

1. Call to Order/ Roll Call
2. Pledge of Allegiance
3. Approval of Agenda
4. Audience Comments on Agenda Items (3) Minute Time Limit
5. Approval of the Minutes of the April 10, 2017 Meeting
6. Approval of Financial Statements as of March 30, 2017
- FIRST READING OF ORDINANCE
7. Ordinance 2017-1, Amending the City's Interim Land Development Code
8. City Manager
9. City Attorney
 - Legislative Update
10. Audience Comments on Other Items (3) Minute Time Limit
11. Adjournment

Any additional supporting material for the items listed above, not included in the agenda package, will be distributed at the meeting. Staff will present their reports at the meeting. I look forward to seeing you, but in the meantime if you have any questions, please contact me.

Sincerely,

Kenneth Cassel

Kenneth G. Cassel
City Manager

cc: Pam E. Booker, Esq
John Carter
Terry Lewis
Kelley Burke

Fifth Order of Business

**MINUTES OF MEETING
CITY OF WESTLAKE**

A regular meeting of the City Council of the City of Westlake was held on Monday, April 10, 2017 at 7:00 p.m. at the Westlake Community Center, 4005 Seminole-Pratt Whitney Road, Westlake, Florida.

Present and constituting a quorum were:

Roger Manning	Mayor
Katrina Long Robinson	Vice Mayor
John Stanavitch	City Council Seat 1
Kara Crump	City Council Seat 2
Phillip Everett	City Council Seat 3

Also present were:

Kenneth Cassel	City Manager
Pam E. Booker, Esq.	City Attorney
John Carter	Minto PBLH, LLC
Mike Belmont	Minto Communities, LLC
Christi Fearnley	District Aide to Lori Berman
Lt. David Combs	Commander, District 15 PBCSO

The following is a summary of the minutes and actions taken during the April 10, 2017 City of Westlake Council Meeting.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mayor Manning called the meeting to order and Mr. Cassel called the roll.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS

Approval of Agenda

Mayor Manning indicated *Presentation by Mr. John Carter for Minto*

PBLH, LLC needs to be added to the agenda.

On MOTION by Councilman Stanavitch seconded by Vice Mayor Long Robinson with all in favor the agenda was approved.

April 10, 2017

FOURTH ORDER OF BUSINESS

**Audience Comments on Agenda Items (3)
Minute Time Limit**

Presentation by Mr. John Carter for Minto PBLH, LLC

Mr. Carter provided the Council with a presentation of an overview of the construction progress.

FIFTH ORDER OF BUSINESS

Approval of the Minutes of the March 13, 2017 Meeting

On MOTION by Councilman Everett seconded by Councilwoman Crump with all in favor the minutes of the March 13, 2017 meeting were approved.

SIXTH ORDER OF BUSINESS

Approval of Financial Statements as of February 28, 2017

On MOTION by Vice Mayor Long Robinson seconded by Councilman Everett with all in favor the financial statements as of February 28, 2017 were approved.

SEVENTH ORDER OF BUSINESS

Discussion of Public Service Tax

Ms. Booker reviewed her memorandum and explained this is the next item on the list for potential taxes for the City of Westlake to implement over the summer and begin collecting in January of 2018.

There was consensus to move forward with consideration of the public service tax.

EIGHTH ORDER OF BUSINESS

City Manager

• State of the City

Mr. Cassel reviewed his memorandum outlining the progress of the City since its incorporation on June 20, 2016. He also stated the contractor is planning the road switch on May 4, 2017, moving all traffic from the east bound current lanes to the west bound side. SID has a meeting with the County and the City of West Palm Beach on April 21, 2017 regarding conflict resolution on the bridge.

NINTH ORDER OF BUSINESS

City Attorney

Ms. Booker updated the Council on the following:

- The court issued an order on March 31, 2017 in the case of the City of West Palm Beach versus the County, FDOT and SFWMD regarding the issuance of a permit by

April 10, 2017

- SFWMD for construction of State Road 7, between Okeechobee Boulevard and North Lake Boulevard. The conclusion of the order states SFWMD can issue the permit.
- The County approved the first reading to repeal and replace the current Workforce Housing Ordinance. The proposed ordinance sets a trust fund and a commission to evaluate and provide recommendations to the County to facilitate affordable housing.
 - Staff is continuing conversations with the Department of Revenue for implementing taxes being brought before the Council and to ensure the millage rate can be set and put in place.
 - The first draft of the Homeowner's Documents for the Hammocks of Westlake were provided by the developer and are being reviewed.
 - Staff is reviewing a draft of the Interlocal agreement between SID and the City of Westlake.
 - Staff has been in communication with the Solid Waste Authority of Palm Beach County. The agreement Westlake is currently under expires in September of 2018. The County is currently out to bid for service providers for the next five years. The City of Westlake is not obligated to be in the next proposed agreement based on the way the statute reads and the incorporation plan.

TENTH ORDER OF BUSINESS

Audience Comments on Other Items (3) Minute Time Limit

Lt. David Combs reported the following:

- Congressman Brian Mast and County Commissioner Melissa McKinlay will host a Town Hall meeting at Seminole Ridge High School on Saturday, April 15, 2017 at 10:00 a.m.
- He noted each City gets a code to receive partial funds from traffic tickets. The City of Westlake needs to be set up.
- Negotiations will take place for an Interlocal agreement between the City of Westlake and the Sheriff's office.

Mr. Neil O'Neil addressed the Commission regarding the posting of the January 9, 2017 Planning and Zoning minutes.

April 10, 2017

Vice Mayor Long Robinson reported she will be meeting with all west area school principals and will report back to the Commission. She was also invited to a meeting in Belle Glade for the Career Readiness Round Table discussion.

ELEVENTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Councilman Everett seconded by Councilman Stanavitch with all in favor the meeting was adjourned.

Kenneth Cassel
City Manager

Roger Manning
Mayor

Sixth Order of Business

MEMORANDUM

TO: Members of the City Council
FROM: Tiziana Cessna, District Accountant, Peter Brill, Accounting Manager
CC: Ken Cassel, District Manager
DATE: April 24, 2017, 2017
SUBJECT: March Financial Report

Please find attached the March 2017 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 District is provided below. Should you have any questions or require additional information, please contact me at Tiziana.Cessna@STServices.com.

General Fund

- Total Revenue includes 2nd installment per funding agreement by Minto Community LLC. (Developer).
- Total expenditures through March were approximately 82% of the year-to-date budget.
 - Legal Advertising unfavorable variance due to ads for several public notices.
 - ProfServ-Planning/Zoning/Eng Services are over budget due to permitting work which was higher than expected. Budget will be adjusted for the fiscal year 2018.

City of Westlake

Financial Report

March 31, 2017

Prepared by



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City of Westlake

Financial Statements

(Unaudited)

March 31, 2017

Balance Sheet
March 31, 2017

<u>ACCOUNT DESCRIPTION</u>	<u>TOTAL</u>
<u>ASSETS</u>	
Cash - Checking Account	\$ 373,531
Money Market Account	300,129
TOTAL ASSETS	\$ 673,660
<u>LIABILITIES</u>	
Accounts Payable	\$ 36,006
TOTAL LIABILITIES	36,006
<u>FUND BALANCES</u>	
Unassigned:	637,654
TOTAL FUND BALANCES	\$ 637,654
TOTAL LIABILITIES & FUND BALANCES	\$ 673,660

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending March 31, 2017

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)	YTD ACTUAL AS A % OF ADOPTED BUD
REVENUES					
Interest - Investments	\$ -	\$ -	\$ 128	\$ 128	0.00%
Ad Valorem Taxes	72,000	-	-	-	0.00%
Ad Valorem Taxes - Discounts	(4,000)	-	-	-	0.00%
Occupational Licenses	-	-	3,102	3,102	0.00%
Building Permits	156,000	78,000	73,734	(4,266)	47.27%
Local Govt .05c Sales Tax	1,000	-	-	-	0.00%
Other Impact Fees	-	-	98	98	0.00%
Developer Contribution	1,118,197	782,965	782,965	-	70.02%
Inspection Fees	-	-	300	300	0.00%
TOTAL REVENUES	1,343,197	860,965	860,327	(638)	64.05%
EXPENDITURES					
Legislative					
Mayor/Council Stipend	204,000	102,000	102,000	-	50.00%
FICA Taxes	16,000	7,998	7,803	195	48.77%
ProfServ-Legislative Expense	18,000	9,000	-	9,000	0.00%
Council Expenses	10,000	4,998	-	4,998	0.00%
Total Legislative	248,000	123,996	109,803	14,193	44.28%
Financial and Administrative					
Management Services	249,101	124,550	124,551	(1)	50.00%
Auditing Services	7,000	7,000	-	7,000	0.00%
Communication - Telephone	3,600	1,800	1,452	348	40.33%
Postage and Freight	1,500	750	159	591	10.60%
Utility - General	4,500	2,250	-	2,250	0.00%
Insurance - General Liability	5,040	5,040	5,000	40	99.21%
Legal Advertising	4,500	2,250	5,517	(3,267)	122.60%
General Government	79,360	39,678	2,403	37,275	3.03%
Misc-Contingency	90,000	45,000	738	44,262	0.82%
Office Supplies	2,500	1,248	3,081	(1,833)	123.24%
Total Financial and Administrative	447,101	229,566	142,901	86,665	31.96%
Legal Counsel					
ProfServ-Legal Services	276,000	138,000	138,000	-	50.00%
Total Legal Counsel	276,000	138,000	138,000	-	50.00%

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending March 31, 2017

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)	YTD ACTUAL AS A % OF ADOPTED BUD
<u>Comprehensive Planning</u>					
ProfServ-Planning/Zoning/Eng Services	97,096	48,546	160,917	(112,371)	165.73%
Total Comprehensive Planning	97,096	48,546	160,917	(112,371)	165.73%
<u>Other Public Safety</u>					
Contracts-Sheriff	275,000	137,502	736	136,766	0.27%
Total Other Public Safety	275,000	137,502	736	136,766	0.27%
TOTAL EXPENDITURES	1,343,197	677,610	552,357	125,253	41.12%
Excess (deficiency) of revenues Over (under) expenditures	-	183,355	307,970	124,615	0.00%
Net change in fund balance	\$ -	\$ 183,355	\$ 307,970	\$ 124,615	0.00%
FUND BALANCE, BEGINNING (OCT 1, 2016)	329,684	329,684	329,684		
FUND BALANCE, ENDING	\$ 329,684	\$ 513,039	\$ 637,654		

City of Westlake

Supporting Schedules

March 31, 2017

Cash and Investment Report

March 31, 2017

GENERAL FUND

<u>Account Name</u>	<u>Bank Name</u>	<u>Investment Type</u>	<u>Maturity</u>	<u>Yield</u>	<u>Balance</u>
Checking Account - Operating	BankUnited	Checking Account	n/a	n/a	\$373,531
Money Market Account	BankUnited	MMA	n/a	0.78%	\$300,129
				Total	<u><u>\$673,660</u></u>

City of Westlake

Bank Reconciliation

Bank Account No. 0300 Bank United - GF
 Statement No. 2017-03
 Statement Date 3/31/2017

G/L Balance (LCY)	373,531.36	Statement Balance	376,278.86
G/L Balance	373,531.36	Outstanding Deposits	0.00
Positive Adjustments	0.00		
	<hr/>	Subtotal	376,278.86
Subtotal	373,531.36	Outstanding Checks	2,747.50
Negative Adjustments	0.00	Differences	0.00
	<hr/>		
Ending G/L Balance	373,531.36	Ending Balance	373,531.36
Difference	0.00		

Posting Date	Document Type	Document No.	Description	Amount	Cleared Amount	Difference
Outstanding Checks						
3/13/2017	Payment	7122	ROGER B MANNING	2,747.50	0.00	2,747.50
Total Outstanding Checks.....				2,747.50		2,747.50

City of Westlake

Check register

March 1 - March 31, 2017

CITY OF WESTLAKE
Payment Register by Bank Account
 For the Period from 3/1/17 to 3/31/17
 (Sorted by Check / ACH No.)

Pymt Type	Check / ACH No.	Date	Payee Type	Payee	Invoice No.	Payment Description	Invoice / GL Description	G/L Account #	Amount Paid
BANK UNITED - GF - (ACCT# XXXXX0300)									
Check	7114	03/01/17	Vendor	SEVERN TRENT ENVIRONMENTAL SERVICES, INC.	17580	MANAGEMENT FEE-02/2017	Office Supplies	001-551002-51301	\$140.35
Check	7114	03/01/17	Vendor	SEVERN TRENT ENVIRONMENTAL SERVICES, INC.	17580	MANAGEMENT FEE-02/2017	Postage and Freight	001-541006-51301	\$4.63
Check	7114	03/01/17	Vendor	SEVERN TRENT ENVIRONMENTAL SERVICES, INC.	17580	MANAGEMENT FEE-02/2017	Management Services	001-531093-51201	\$20,758.42
Check	7114	03/01/17	Vendor	SEVERN TRENT ENVIRONMENTAL SERVICES, INC.	17580	MANAGEMENT FEE-02/2017	Legal Advertising	001-548002-51301	\$1,087.04
Check	7114	03/01/17	Vendor	SEVERN TRENT ENVIRONMENTAL SERVICES, INC.	17580	MANAGEMENT FEE-02/2017	Office Supplies	001-551002-51301	\$260.45
Check	7114	03/01/17	Vendor	SEVERN TRENT ENVIRONMENTAL SERVICES, INC.	17580	MANAGEMENT FEE-02/2017	Legal Advertising	001-548002-51301	\$172.00
Check	7114	03/01/17	Vendor	SEVERN TRENT ENVIRONMENTAL SERVICES, INC.	17580	MANAGEMENT FEE-02/2017	Office Supplies	001-551002-51301	\$78.43
Check	7114	03/01/17	Vendor	SEVERN TRENT ENVIRONMENTAL SERVICES, INC.	17580	MANAGEMENT FEE-02/2017	General Government	001-549109-51301	\$299.00
Check	7115	03/06/17	Vendor	T-MOBILE USA, INC.	955763851-2/2017	SERVICE FOR 2/17	Communication - Telephone	001-541003-51301	\$222.58
Check	7116	03/09/17	Vendor	CITY OF WESTLAKE	021317	TRANSFER TO NEW MMA	Due From Other Funds	131000	\$300,000.00
Check	7117	03/13/17	Vendor	NZ CONSULTANTS, INC.	WES-05	***Voided Voided***			\$0.00
Check	7117	03/13/17	Vendor	NZ CONSULTANTS, INC.	WES-04	***Voided Voided***			\$0.00
Check	7118	03/13/17	Vendor	ECKLER ENGINEERING, INC.	17034	***Voided Voided***			\$0.00
Check	7119	03/13/17	Employee	KARA S. CRUMP	PAYROLL	March 13, 2017 Payroll Posting			\$2,692.92
Check	7120	03/13/17	Employee	PHILLIP D EVERETT	PAYROLL	March 13, 2017 Payroll Posting			\$2,847.50
Check	7121	03/13/17	Employee	KATRINA L. LONG	PAYROLL	March 13, 2017 Payroll Posting			\$2,692.92
Check	7122	03/13/17	Employee	ROGER B MANNING	PAYROLL	March 13, 2017 Payroll Posting			\$2,747.50
Check	7123	03/13/17	Employee	JOHN A. STANAVITCH	PAYROLL	March 13, 2017 Payroll Posting			\$2,797.50
Check	7124	03/13/17	Vendor	OFFICE DEPOT	907964891001	***Voided Voided***			\$0.00
Check	7125	03/14/17	Vendor	NZ CONSULTANTS, INC.	WES-05	SERVICES 2/1/17-2/28/17	ProfServ-Planning/Zoning/Eng Services	001-531100-51501	\$9,722.50
Check	7125	03/14/17	Vendor	NZ CONSULTANTS, INC.	WES-04	SERVICES 1/1/17-1/31/17	ProfServ-Planning/Zoning/Eng Services	001-531100-51501	\$14,387.50
Check	7126	03/14/17	Vendor	ECKLER ENGINEERING, INC.	17034	SERVICES 1/26/17-2/25/17	ProfServ-Planning/Zoning/Eng Services	001-531100-51501	\$660.00
Check	7127	03/14/17	Vendor	OFFICE DEPOT	907964891001	PEN,TAPE,POST-IT,BATTERY,ETC	Office Supplies	001-551002-51301	\$49.92
Check	7128	03/15/17	Vendor	NOVA ENGINEERING AND	0138426	SERVICES 1/29/17-2/25/17	ProfServ-Planning/Zoning/Eng Services	001-531100-51501	\$9,097.50
Check	7129	03/16/17	Vendor	PALM BEACH COUNTY	55492	PUBLIC MEETING-2/13/17	Contracts-Sheriff	001-534100-52900	\$184.00
Check	7130	03/22/17	Vendor	CMG-PB REMITTANCE ADDRESS	428628	PUBLIC HEARING-3-13-17	Legal Advertising	001-548002-51301	\$700.00
Check	7130	03/22/17	Vendor	CMG-PB REMITTANCE ADDRESS	428629	PUBLIC HEARING-FIRE STATION	Legal Advertising	001-548002-51301	\$700.00
Check	7131	03/23/17	Vendor	LAW OFFICES OF PAM E. BOOKER, ESQ	108	LEGAL SERVICES-MARCH 2017	ProfServ-Legal Services	001-531023-51401	\$23,000.00
Check	7132	03/23/17	Vendor	CHEN MOORE & ASSOCIATES, INC.	0133880	ENG. SERVICES 2/1/17-2/28/17	ProfServ-Planning/Zoning/Eng Services	001-531100-51501	\$5,331.75
Check	7133	03/23/17	Vendor	PALM BEACH COUNTY	55570	DEPUTY-MEETING 3/13/17	Contracts-Sheriff	001-534100-52900	\$184.00
Account Total									\$400,818.41

Total Amount Paid	\$400,818.41
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CITY OF WESTLAKE
Payment Register by Bank Account
 For the Period from 3/1/17 to 3/31/17
 (Sorted by Check / ACH No.)

Pymt Type	Check / ACH No.	Date	Payee Type	Payee	Invoice No.	Payment Description	Invoice / GL Description	G/L Account #	Amount Paid
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Total Amount Paid - Breakdown by Fund	
Fund	Amount
General Fund Fund - 001	400,818.41
Total	400,818.41

Seventh Order of Business



CITY OF WESTLAKE
 Planning and Zoning Department
 4001 Seminole Pratt Whitney Road
 Westlake, Florida 33470

Phone: (561) 530-5880

www.westlakegov.com

PETITION DESCRIPTION

DATE: May 4, 2017

PETITION NUMBER: TEXT-2017-01

APPLICANT: Cottleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: Amend the ULDC Text for single-family residential parcels to include in the setback exceptions the following:

- a. Pool Equipment, pumps, heating units, and related equipment in the side yard setback
- b. Utility, Electric, and Gas transmission lines, distribution lines, meters, and associated structures

ANALYSIS

The subject application is a request for an amendment to the City of Westlake Unified Land Development Code (ULDC) to address setbacks. The proposed changes affect Article 3. The Applicant is proposing to modify Section 3.D.1.D.5, which provides setback exceptions.

The purpose of the requested text amendment to Article 3 is to clarify the applicability of setback standards to pool pump equipment and utilities for single-family homes within the City of Westlake.

Article.3.D.1.D.5.a. lists several setback exceptions. Item number 11 in the list provides an exemption for "Heating, ventilation, and air conditioning units (including compressors and condensers)." It is the applicant's position that since 3.D.1.D.5.a.11 does not contain the full scope of the language provided for in the definition of Mechanical Equipment, some amount of uncertainty may exist as it relates pool equipment. *The applicant proposes that Section 3.D.1.D.5.a. be amended to specifically include pool equipment and further clarification regarding permitted utilities.*

The proposed language is provided below in ~~strike-through~~ and underline format.

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, 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.

FINAL REMARKS

The subject application proposes minor modification to the City of Westlake Unified Land Development Code (ULDC) to address setback exceptions. The subject text modification will provide clarification regarding location of pool equipment and utilities in setbacks of single-family residential parcels. *Please see attached a copy of the proposed Ordinance.*

ORDINANCE NO. 2017-

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 _____ day of May, 2017, on first reading.

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

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

City Attorney
Pam E. Booker, Esq.

Exhibit "A"**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, 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.

Ninth Order of Business

MEMORANDUM

TO: Mayor Roger Manning
City Council Members

FROM: Pam E. Booker, City Attorney 
Ken Cassel, City Manager

DATE: May 3, 2017

REF: Legislative Update

Attached, please find a legislative update provided by the Florida League of Cities regarding pending legislation being proposed this session which would have a direct impact on local governments throughout Florida. I have attached a copy of House Joint Resolution 7105, which is proposing an additional Homestead Exemption, from the current limits of \$50,000.00, to \$100,000.00. Additionally, the proposed legislation would increase the exemption by exempting the homestead valuation of homestead property greater than \$75,000.00 and up to \$100,000.00 for all levies other than school district levies, which change shall take effect on January 1, 2019. It is estimated that this proposed change would cost local jurisdictions and special districts a loss of \$650,000,000 in revenue.

The prior proposed house bill 17, and senate bill 1158, which would have preempted municipal home rule powers of local governments appears to be dead for this session. Should you have any questions or need additional information, please contact staff.

Charter School Preemption Remains Pending

CS/CS/HB 7101 (PreK-12 Education Innovation Subcommittee) and HB 5105 (Education Committee) are comprehensive charter school proposals that include a provision that would eliminate ALL local government approvals when an existing facility (church, library, museum, theater, etc.) is converted or reconfigured for charter school use. There are several charter school bills in the Senate (CS/CS/SB 1552 (Simmons), CS/SB 796 (Bean), CS/SB 1362 (Broxson) and CS/CS/SB 926 (Flores)), but none of them include this preemption language. The preemption language is one of many key differences between the House and Senate. Conference negotiations on these differences were initiated April 28 and could continue through the weekend.

Increased Homestead Exemption Bill Awaiting Final Senate Action

On Wednesday, the full House approved HJR 7105 the new, expanded \$25,000 homestead exemption by a vote of 81-35. The bill applies a new homestead exemption to the \$75,000-\$100,000 value. On Friday morning, the Senate Rules Committee took up the bill and amended it so that the new, expanded homestead exemption applies to \$100,000-\$125,000 of value. This impact is estimated to be a negative \$650 million on cities, counties and special districts. The Senate immediately put HJR 7015 on the special order for questions. It is anticipated that the full Senate will vote on the measure on Monday morning. Thank you all for advocacy on this issue. Because the Joint Resolution requires a 3/5 vote to be put on the ballot for consideration by the voters, we are asking that you reach out to your legislators this weekend and continue to urge them to vote NO on the measure.

Telecom Subsidy Bill Headed to Governor

CS/CS/HB 687 passed the House Commerce Committee on Monday (25-2) with a price cap of \$150 per attachment per year. On Friday CS/CS/HB 687 passed the House (110-3). CS/CS/CS/SB 596 was laid on the table and the Senate passed CS/CS/HB 687 (33-1).

Construction Bill Includes Multiple Preemptions

CS/SB 1312 (Perry) was on the Senate Appropriations Committee agenda for Tuesday, however the bill was not considered by the committee. **The bill is now on the Senate Appropriations Committee agenda for Monday, May 1 at 8:00 a.m.** Of particular concern to municipalities is language prohibiting a political subdivision from adopting or enforcing any ordinances, or imposing building permits or other development order requirements that contain any building, construction, or aesthetic requirement or condition that conflicts with or impairs activities related to the sale of liquid fuels or in carrying out business activities defined as a franchise by Federal Trade Commission regulations. The bills also preempt local government regulation relating to the design, construction or location of signage advertising the retail price of gasoline. In the Senate version, local jurisdictions are also preempted from requiring payment of any additional fees for obtaining permits, if proof of licensure has been previously provided and recorded. In addition, the bills prohibit a local jurisdiction from requiring an owner of a residence to obtain a permit to paint their residence. Local governments, including utility providers, are prohibited from requiring a separate water connection for fire sprinkler systems for a one or two family dwelling if the dwelling's original water connection can meet the needs of the sprinkler system. Additionally, local governments are prohibited from charging a water or sewer rate for a larger water meter for a one or two family dwelling due to the installation of a fire sprinkler system above that, which is charged to a one family and two family dwelling with a base meter. However, if the installation of fire sprinklers in a one family or two family dwelling requires the installation of a larger water meter, only the difference in actual cost between the base water meter and the larger water meter may be charged by the water utility provider.

Fiscal Transparency Waiting on Senate Action

The House passed CS/HB 7065 on Local Government Fiscal Transparency. This bill requires additional public notices, public hearings, analysis and reporting for tax increase and new tax supported debt. The bill is on the way to the Senate.

Vacation Rental Preemption Bill Passes House/City Friendly Senate Measure Poised for

Final Action

CS/HB 425 (La Rosa) narrowly passed the House today (63-56) after a lengthy and heated debate and is now in Senate Messages. The bill preempts any vacation rental ordinances that have been adopted since 2014. The Senate companion, **CS/CS/CS/SB 188** (Steube), is drastically different than the House bill. CS/CS/CS/SB 188 allows "grandfathered" cities to amend their vacation rental regulations if the amendment makes the ordinance less restrictive or reduces regulatory burdens for properties owned by active duty military members or certain disabled veterans. CS/CS/CS/SB 188 passed its final committee of reference, Rules, and is now ready for consideration by the full Senate.

Municipal Elections Preemption Bill Passes House/Senate Measure Stuck in Rules Committee

CS/CS/HB 1325 (Renner) passed the full House 93-24 and is now in Senate Messages. The bill contains language preempting municipal election dates. If the bill were to be signed into law, cities could only hold elections in November of even or odd years, OR in March of even or odd years. The Senate companion, **SB 1160** (Bradley), which does not contain the preemption language is awaiting action by the Senate Rules Committee.

Firefighter Cancer Disability Presumption Bill Scheduled for Monday, May 1

SB 7030 (Governmental Oversight and Accountability Committee) is a retirement bill relating to the Florida Retirement System, but also includes the firefighter cancer disability presumption. Cities and counties employ almost all of the 40,000 firefighters in the state. The presumption will have a significant fiscal impact on workers' compensation and disability presumption expenses. The League opposes the presumption and the bill.

Firefighter Cancer / Occupational Disease Added to Workers' Comp Legislation

CS/SB 1582 (Bradley), a general bill on workers' compensation, provides that a firefighter suffering from multiple myeloma or non-Hodgkin's lymphoma is an occupational disease covered under workers' compensation. The League opposes the inclusion of these two cancers as an occupational disease. CS/SB 1582 is on the Senate Special Order Calendar for Monday, May 1. (Conn)

Public Meetings Redefined

This week **SB 914** (Baxley) passed the Senate unanimously. The bill eases the public meetings law by codifying case law that specifies conditions under which members of a board or commission, including municipal officials, may participate in certain fact-finding exercises or excursions without violating the state's open meetings law. The bill redefines a "meeting" as any discussion of public business between two or more members of the same board or commission. Current law defines a meeting as any discussion between two members of the same board. Next week, the full House will be voting on **CS/HB 843** (Donalds) which also addresses public meetings. However, the House measure is different than the Senate bill. CS/HB 843 will allow two members of any board or commission which includes at least five members to meet in private and discuss public business without providing notice of such meeting or recording the meeting.

Medical Marijuana Implementation Rolling Along With Local Control Included

CS/CS/HB 1397 (Rodrigues), the House's medical marijuana implementation bill, was amended on the House floor to allow a city by ordinance to determine the location of cultivation and processing facilities within its boundaries, as long as the ordinance does not effectively ban these facilities. Cities retain the authority to determine by ordinance the criteria for the number and location of dispensaries and are also allowed to inspect cultivation, processing, and dispensary facilities for building and lifesafety code compliance. It is expected that the bill will be voted on by the full House on Monday, May 1st.

CS/CS/CS/SB 406 (Bradley) is the Senate's medical marijuana implementation bill. Like the House bill, the Senate version keeps in place the vertical integration model. Cities can determine by ordinance the criteria for the number and location of, and other permitting

requirements, for dispensary facilities. CS/CS/CS/SB 406 keeps in place current law preempting cities from regulating cultivation and processing facilities through zoning. The bill is awaiting action by the full Senate.

Differences Persist on Key Environmental Budget Issues

The House and Senate agreed to an overall budget allocation of \$3.61 Billion for Agriculture & Natural Resources Appropriations and appointed a joint budget conference committee to resolve differences on individual funding items within that allocation. After two meetings, however, significant differences remain on funding for several key policy areas, including: Northern Everglades and Estuaries, Springs Restoration, Everglades, water projects, and beach projects. In addition, there is no agreement yet on either SB 10 (Bradley), the Lake Okeechobee plan, or HB 7119 (Governmental Oversight & Accountability), the House's proposed changes to the Florida Forever Program.

House Pitches Revised Florida Forever Program

On April 24, the House unveiled a proposal to reprioritize the distribution of funding under the Florida Forever Act. HB 7119 (Governmental Oversight & Accountability) would revise current statutory allocations under Florida Forever by consolidating land acquisition into three categories: lands identified on the Acquisition and Restoration Council ("ARC") priority list; the Florida Communities Trust ("FCT") and the Rural and Family Lands Protection Program ("RFLPP"). The bill was heard in one committee and sent directly to the House floor for the April 28 Special Order Calendar. Two amendments to the bill are pending: one would provide \$57 million to the Florida Forever Program in the coming year, with an increase to \$78 million starting FY 2021-22 and an increase to \$200 million starting FY 2029-2030. With no Senate companion, this proposal will likely be thrown into the mix for budget conference discussions.

Community Redevelopment Agencies Bill Passes House

This week, CS/CS/CS/HB 13 (Raburn) passed the House 78-37. The bill severely restricts the ability of Community Redevelopment Agencies (CRAs) to conduct their original purpose. Despite the progress made in several areas of the amended bill, CS/CS/CS/HB 13 provides that the creation of new CRAs on or after October 1, 2017, may only occur by special act of the Legislature. On the House floor, the bill was amended to address concerns raised about the use of TIF (Tax Increment Finance) funds. The amendment expanded the use of TIF funds to include traditional CRA expenditures like infrastructure, which had been restricted under the original filed bill. The bill requires the reauthorization of an existing CRA past the year 2037 by a supermajority vote of the entity which created the CRA. The Senate companion measure, CS/SB 1770 (Lee) failed to pass the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development on a 2 to 5 vote. After failing to garner the required votes to pass, a motion was made to reconsider the bill, leaving it pending before the subcommittee. Currently, the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development is not scheduled to meet again during the remainder of the legislative session.

Federal Immigration Enforcement / Sanctuary Policies Passes House

CS/HB 697 (Metz) relates to state and local government enforcement of federal immigration laws. The bill prohibits local governments from having a "sanctuary policy" and provides penalties against a local government having such a policy. The bill also authorizes the governor to suspend or remove from office a sanctuary policymaker. CS/HB 697 passed the House 76-41. The Senate companion, SB 786, has not yet been heard in any Senate committee. (Conn)

Preemption of Municipal Home Rule Powers Still Not Moving

This week CS/HB 17 (Fine) & SB 1158 (Passidomo) were not considered in committee. These bills opposed by the League, will eliminate municipal home rule powers as applied to businesses, professions and occupations. Any effort to repeal local control of businesses will leave local communities without effective tools to address the health, safety, welfare and property rights concerns of their residents and businesses, in a manner best suited to their needs. These bills are likely dead this session.

Legal Doctrine of Customary Use Being Revised

CS/CS/CS/HB 735 (Edwards) was extensively amended by the House Judiciary Committee to include language prohibiting local governments from adopting or enforcing any ordinance seeking to establish common law customary use of property. This provision was in response to a county regulation which may allow public beach access through private property in certain circumstances. Customary use is a legal doctrine ordinarily enforceable through legal action. Of note to local governments, **CS/CS/CS/HB 735** specifies situations in which a county or municipality may use its police powers to release a covenant or restriction if it was imposed pursuant to the issuance of a development permit. The bill would prohibit a local government from delegating these police powers to third parties in connection with the approval or issuance of a development permit. **CS/CS/CS/HB 735** is awaiting action by the full House. The Senate companion measure, **CS/SB 1046** (Passidomo), is currently awaiting consideration by the Senate Rules Committee and does not contain the customary use or covenant restriction language found in the House bill.

Local Business Tax Relief for Veterans

CS/SB 330 (Steube) which creates new exemptions for veterans, certain spouses of veterans and low income people from the local business tax was not heard in the Senate Appropriations Committee meeting and is not scheduled for the meeting on Monday. The House bill, **CS/CS/HB 487** (Renner) was approved by the House Government Accountability Committee on Monday and is now awaiting action by the full House.

Nonhomesteaded Property Tax Relief Measure Headed to Governor

CS/HJR 21 (Burton) passed the legislature final this week and will be on November 2018 ballot. The joint resolution permanently extends the 10 percent assessment limitation on nonhomestead properties.

Transportation Package

CS/CS/SB 1118 (Gainer) is the transportation package. The bill was on the Senate Appropriations Committee agenda for Tuesday, however the bill was not considered by the committee. The bill is now on the Senate Appropriations Committee agenda for Monday, May 1 at 8:00AM. Of importance to cities, the bill repeals the authority for the Highway Beautification Council, but do not remove the associated grant funding or affect the highway beautification grant application process or the grant funding available. In addition, the bill includes a provision that creates the Florida Smart City Challenge grant program for municipalities for the advancement of infrastructure to support autonomous connected vehicles. The House companion, **CS/CS/CS/HB 865** (Williamson), passed the House (118-0) on Friday.

Constitution Revision Commission Continues Road Show

The Florida Constitution Revision Commission (CRC) is holding public meetings around the state for public input about making changes to the Florida Constitution.

Thank you to all municipal officials who have attended the 6 CRC meetings thus far, and advocated on the importance of maintaining the home rule provisions of the Florida Constitution. The Commission has announced the next three public meetings, location and times are to be determined. We would encourage you to attend these upcoming meetings. Please let us know if you plan to attend.

- May 3rd- Bay/Escambia Counties, Gulf Coast State College, 4:00 PM - 7:00 PM (Central Time)
- May 10th- Lee County, 5:00 - 8:00 PM
- May 17th- Hillsborough County, TBD

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House Joint Resolution

A joint resolution proposing an amendment to Section 6 of Article VII and the creation of Section 37 of Article XII of the State Constitution to increase the homestead exemption by exempting the assessed valuation of homestead property greater than \$75,000 and up to \$100,000 for all levies other than school district levies, and to provide an effective date.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 6 of Article VII and the creation of Section 37 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of twenty-five

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26 thousand dollars and, for all levies other than school district
 27 levies, on the assessed valuation greater than fifty thousand
 28 dollars and up to one hundred ~~seventy-five~~ thousand dollars,
 29 upon establishment of right thereto in the manner prescribed by
 30 law. The real estate may be held by legal or equitable title, by
 31 the entires, jointly, in common, as a condominium, or
 32 indirectly by stock ownership or membership representing the
 33 owner's or member's proprietary interest in a corporation owning
 34 a fee or a leasehold initially in excess of ninety-eight years.
 35 The exemption shall not apply with respect to any assessment
 36 roll until such roll is first determined to be in compliance
 37 with the provisions of section 4 by a state agency designated by
 38 general law. This exemption is repealed on the effective date of
 39 any amendment to this Article which provides for the assessment
 40 of homestead property at less than just value.

41 (b) Not more than one exemption shall be allowed any
 42 individual or family unit or with respect to any residential
 43 unit. No exemption shall exceed the value of the real estate
 44 assessable to the owner or, in case of ownership through stock
 45 or membership in a corporation, the value of the proportion
 46 which the interest in the corporation bears to the assessed
 47 value of the property.

48 (c) By general law and subject to conditions specified
 49 therein, the Legislature may provide to renters, who are
 50 permanent residents, ad valorem tax relief on all ad valorem tax

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51 levies. Such ad valorem tax relief shall be in the form and
 52 amount established by general law.

53 (d) The legislature may, by general law, allow counties or
 54 municipalities, for the purpose of their respective tax levies
 55 and subject to the provisions of general law, to grant either or
 56 both of the following additional homestead tax exemptions:

57 (1) An exemption not exceeding fifty thousand dollars to a
 58 person who has the legal or equitable title to real estate and
 59 maintains thereon the permanent residence of the owner, who has
 60 attained age sixty-five, and whose household income, as defined
 61 by general law, does not exceed twenty thousand dollars; or

62 (2) An exemption equal to the assessed value of the
 63 property to a person who has the legal or equitable title to
 64 real estate with a just value less than two hundred and fifty
 65 thousand dollars, as determined in the first tax year that the
 66 owner applies and is eligible for the exemption, and who has
 67 maintained thereon the permanent residence of the owner for not
 68 less than twenty-five years, who has attained age sixty-five,
 69 and whose household income does not exceed the income limitation
 70 prescribed in paragraph (1).

71
 72 The general law must allow counties and municipalities to grant
 73 these additional exemptions, within the limits prescribed in
 74 this subsection, by ordinance adopted in the manner prescribed
 75 by general law, and must provide for the periodic adjustment of

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76 | the income limitation prescribed in this subsection for changes
 77 | in the cost of living.

78 | (e) Each veteran who is age 65 or older who is partially
 79 | or totally permanently disabled shall receive a discount from
 80 | the amount of the ad valorem tax otherwise owed on homestead
 81 | property the veteran owns and resides in if the disability was
 82 | combat related and the veteran was honorably discharged upon
 83 | separation from military service. The discount shall be in a
 84 | percentage equal to the percentage of the veteran's permanent,
 85 | service-connected disability as determined by the United States
 86 | Department of Veterans Affairs. To qualify for the discount
 87 | granted by this subsection, an applicant must submit to the
 88 | county property appraiser, by March 1, an official letter from
 89 | the United States Department of Veterans Affairs stating the
 90 | percentage of the veteran's service-connected disability and
 91 | such evidence that reasonably identifies the disability as
 92 | combat related and a copy of the veteran's honorable discharge.
 93 | If the property appraiser denies the request for a discount, the
 94 | appraiser must notify the applicant in writing of the reasons
 95 | for the denial, and the veteran may reapply. The Legislature
 96 | may, by general law, waive the annual application requirement in
 97 | subsequent years. This subsection is self-executing and does not
 98 | require implementing legislation.

99 | (f) By general law and subject to conditions and
 100 | limitations specified therein, the Legislature may provide ad

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101 | valorem tax relief equal to the total amount or a portion of the
 102 | ad valorem tax otherwise owed on homestead property to:

103 | (1) The surviving spouse of a veteran who died from
 104 | service-connected causes while on active duty as a member of the
 105 | United States Armed Forces.

106 | (2) The surviving spouse of a first responder who died in
 107 | the line of duty.

108 | (3) A first responder who is totally and permanently
 109 | disabled as a result of an injury or injuries sustained in the
 110 | line of duty. Causal connection between a disability and service
 111 | in the line of duty shall not be presumed but must be determined
 112 | as provided by general law. For purposes of this paragraph, the
 113 | term "disability" does not include a chronic condition or
 114 | chronic disease, unless the injury sustained in the line of duty
 115 | was the sole cause of the chronic condition or chronic disease.

116 |
 117 | As used in this subsection and as further defined by general
 118 | law, the term "first responder" means a law enforcement officer,
 119 | a correctional officer, a firefighter, an emergency medical
 120 | technician, or a paramedic, and the term "in the line of duty"
 121 | means arising out of and in the actual performance of duty
 122 | required by employment as a first responder.

123 | ARTICLE XII

124 | SCHEDULE

HJR 7105

2017

125 SECTION 37. Increased homestead exemption.—This section
 126 and the amendment to Section 6 of Article VII increasing the
 127 homestead exemption by exempting the assessed valuation of
 128 homestead property greater than \$75,000 and up to \$100,000 for
 129 all levies other than school district levies shall take effect
 130 January 1, 2019.

131 BE IT FURTHER RESOLVED that the following statement be
 132 placed on the ballot:

133 CONSTITUTIONAL AMENDMENT

134 ARTICLE VII, SECTION 6

135 ARTICLE XII, SECTION 37

136 INCREASED HOMESTEAD PROPERTY TAX EXEMPTION.—Proposing an
 137 amendment to the State Constitution to increase the homestead
 138 exemption by exempting the assessed valuation of homestead
 139 property greater than \$75,000 and up to \$100,000 for all levies
 140 other than school district levies. The amendment shall take
 141 effect January 1, 2019.