

**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

**Council Meeting**  
**Monday, May 13, 2019**

**Meeting Location**  
**Westlake Council Chambers**  
**4005 Seminole Pratt-Whitney Road**  
**Westlake, FL 33470**

**Immediately Following P&Z Meeting Scheduled for 6:30 p.m.**

*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.*

**City of Westlake**

4001 Seminole Pratt Whitney Rd.  
Westlake, Florida 33470  
Phone: 561-530-5880  
Fax: 561-790-5466  
Website: [westlakegov.com](http://westlakegov.com)



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Kara Crump-Seat 2  
Phillip Everett-Seat 3

May 7, 2019

City Council  
City of Westlake

Dear Mayor and Council:

The City Council of the City of Westlake will hold a regular meeting and public hearing on Monday, May 13, 2019 immediately following the Planning and Zoning meeting scheduled for 6:30 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 8, 2019 Council Meeting
6. Approval of Financial Statements for March 2019

**PUBLIC HEARING TO APPROVE PLATS**

7. Resolution 2019-14, Approving Final Plat for Cresswind Phase I Plat

**CLOSE PUBLIC HEARING**

**FIRST READING OF ORDINANCES**

8. Ordinance 2019-2, Establishing Regulations for Sale and Consumption of Alcoholic Beverages
9. Ordinance 2019-3, Establishing Regulations for Code Compliance
10. Ordinance 2019-4, Establishing Regulations for Property Maintenance
11. Ordinance 2019-5, Approving Rezoning from AR to MUPD/EDC
12. Consideration of Contribution to Seminole Ridge Community High School
13. Manager’s Report
14. Attorney’s Report
15. PBSO Monthly Report – Informational Only
16. Response Time Report from Palm Beach County Fire Rescue – Informational Only
17. Special Exception Amenity Center Request
18. Audience Comments on Other Items (3) Minute Time Limit
19. Council Comments
20. 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.  
Terry Lewis  
John Carter  
Kelley Burke

## **Fifth Order of Business**

**MINUTES OF MEETING  
CITY OF WESTLAKE**

A meeting and public hearing of the City Council of the City of Westlake was held on Monday, April 8, 2019, at 6:30 p.m., at the Westlake Community Center, 4005 Seminole-Pratt Whitney Road, Westlake, Florida.

Present and constituting a quorum were:

Roger Manning	Mayor
Karina Long Robinson	Vice Mayor
John Stanavitch	City Councilman, Seat 1
Kara Crump	City Councilwoman, Seat 2
Philip Everett	City Councilman, Seat 3

Also present were:

Kenneth Cassel	City Manager
Pam Booker	City Attorney
John Carter	Minto PBLH
Nilsa Zacarias	NZ Consultants
Donaldson Hearing	Coulter & Hearing
Harry Posin	Label Companies

*The following is a summary of the minutes and actions taken during the April 8, 2019 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**

On MOTION by Vice Mayor Long-Robinson seconded by Councilman Everett with all in favor the agenda was approved.
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**FOURTH ORDER OF BUSINESS**

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

There being none, the next item followed.

Unapproved Minutes

**FIFTH ORDER OF BUSINESS**

**Approval of Minutes from the March 11, 2019 Council Meeting and March 11, 2019 Workshop**

On MOTION by Councilman Stanavitch seconded by Councilwoman Crump with all in favor the Minutes of the March 11, 2019 Council Meeting and the March 11, 2019 Workshop were approved.

**SIXTH ORDER OF BUSINESS**

**Approval of Financial Statements for February 2019**

On MOTION by Councilman Everett seconded by Vice Mayor Long-Robinson with all in favor the Financial Statements for February 2019 were approved.

**SEVENTH ORDER OF BUSINESS**

**Master Plan Amendment**

Ms. Zacarias presented a Staff Report and a PowerPoint Presentation for the Master Plan Amendment.

**EIGHTH ORDER OF BUSINESS**

**Sky Cove Phase I A&B (Pod M)**

- Ms. Zacarias provided an overview of information pertaining to Pod M Phase 1A; Phase 1B and Phase 2; Pod 1; Pod 2; Pod S (part of the DRO) all of which is included in the Staff Report.
- John Carter presented density information regarding Pod M located to the west of Parcel P, South of the Hammocks, and South of Pod L and the Amenity Center now under construction.
- Mr. Hearing addressed the Board on behalf of the Label Companies, who will be developing the majority of this Parcel.
- Mr. Posin provided his background and discussed his vision of Sky Cove and how he is looking at integrating Sky Cove in to the Hammocks and Meadows.
- Vice Mayor Long Robinson commented that we need to ensure and focus on the affordability, sustainability and our ability to sustain the HOAs.
- Councilwoman Crump asked for the size of the lots in Sky Cove.

**PUBLIC HEARING TO APPROVE PLATS**

**NINTH ORDER OF BUSINESS**

**Resolution 2019-10 – Approving Final Plat for Sky Cove Phase 1A (Pod M)**

Mr. Cassel read Resolution 2019-10 by title only.

On MOTION by Vice Mayor Long Robinson seconded by Councilman Everett with all in favor Resolution 2019-10, approving final plat for Sky Cove Phase 1A (Pod M), was adopted.

**TENTH ORDER OF BUSINESS**

**Resolution 2019-11 – Approving Final Plat for Sky Cove Phase 1B (Pod M)**

Mr. Cassel read Resolution 2019-11 by title only.

On MOTION by Councilman Stanavitch seconded by Kara Crump with all in favor Resolution 2019-1, approving final plat for Sky cove Phase 1B (Pod M), was adopted.

**ELEVENTH ORDER OF BUSINESS**

**Resolution 2019-12 – Approving Final Plat for 7-Eleven Sky Cove Phase 1B (Pod M)**

The floor was opened to residents’ questions and comments.

On MOTION by Councilman Stanavitch seconded by Vice Mayor Long-Robinson with all in favor Resolution 2019-12 was tabled.

The public hearing was closed.

**TWELVETH ORDER OF BUSINESS**

**Resolution 2019-13, Selecting Vice Mayor Until April 13, 2020**

On MOTION by Councilman Stanavitch seconded by Councilwoman Crump with all in favor Resolution 2019-13, selecting Katrina Long Robinson as Vice Mayor until April 13, 2020, was adopted.

**THIRTEENTH ORDER OF BUSINESS**

**Manager’s Report**

Mr. Cassel gave a presentation on the experiences of Lt. Col. Rob Waldman and how they relate to the Government sector, and the State of the City of Westlake as well. Mr. Cassel shared with the Council examples of where the City first began to how far the City of Westlake has grown today. Mr. Cassel thanked the Council and staff for all working together as a team.

**FOURTEENTH ORDER OF BUSINESS                      Attorney’s Report**

Ms. Booker reported the following:

- Staff is meeting with the Developer to draft the land development regulations.
- There will be a workshop to go over additional sections.
- Ordinances for some of the provisions that are less tedious will be brought before the Council. The main ones still being worked on are Articles 1, 2, and 3.

**FIFTEENTH ORDER OF BUSINESS                      PBSO Monthly Report**

This item is for informational purposes only.

**SIXTEENTH ORDER OF BUSINESS                      Response Time Report from Palm Beach  
County Fire Rescue**

This item is for informational purposes only.

**SEVENTEENTH ORDER OF BUSINESS                      Audience Comments on Other Items  
(3) Minute Time Limit**

The following comments were made:

- Ms. Carlene Millen asked if the Fitness Center is for residents of Sky Cove only. Mr. Carter responded the Fitness Center will be a small amenity only for the residents of Sky Cove.
- Mr. Lou Dixel discussed a bad accident on Seminole Pratt Whitney Road and Orange Boulevard involving a truck and two cars. He also discussed all the stores and further development in the City. He also asked what is going on with the Grove Market Shopping Center.
- Mr. Carter responded that he does not own that Plat. He has asked a couple of times to buy that plaza, but it is owned by someone else.

**EIGHTEENTH ORDER OF BUSINESS                      Council Comments**

Mr. Cassel presented the Council with copies of the items in the City’s GIS format. This includes the Plat Tracker and the overall tracking overview providing the comprehensive plan layout of whether it’s a PUD, TND, and etcetera, according to the current plan.

**NINETEENTH ORDER OF BUSINESS                      Adjournment**

There being no further business, the meeting adjourned at 7:46 p.m.

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Kenneth Cassel  
City Manager

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Roger Manning  
Mayor



## **Sixth Order of Business**



## MEMORANDUM

**TO: Members of the City Council, City of Westlake**  
**FROM: Steven Fowler, Accountant II; Alan Baldwin, Accounting Manager**  
**CC: Ken Cassel, City Manager**  
**DATE: April 30, 2019**  
**SUBJECT: March Financial Report**

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Please find attached the March 2019 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 City is provided below. Should you have any questions or require additional information, please contact me at [Steven.Fowler@inframark.com](mailto:Steven.Fowler@inframark.com).

### **General Fund**

- Total Revenues through March were approximately 33% of the annual budget. Approximately 91% of FY2019 Ad Valorem Tax had been collected through March. The annual budget includes revenue from a funding agreement with Minto Community LLC. Actual receipts under this funding agreement were far less than anticipated as of the end of March.
- Total Expenditures through March were approximately 41% of the annual budget. Actual expenditures for Parks and Grounds Maintenance, Special Events, Building Reserve and Public Safety were far less than anticipated as of the end of March.

### **Special Revenue Fund – Housing Assistance Program**

- Total Revenues through March were approximately 103% of the annual budget. \$1,500 per SFR building permit is paid into the Housing Assistance Program as a donation. The City received a \$60,000 donation from FPL in November. There were no uses of program resources through March.

# City of Westlake

## Financial Report

*March 31, 2019*



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# **City of Westlake**

## **Financial Statements**

**March 31, 2019**

**Balance Sheet**  
 March 31, 2019

<u>ACCOUNT DESCRIPTION</u>	<u>GENERAL FUND</u>	<u>SPECIAL REVENUE FUND - HOUSING ASSISTANCE PROGRAM</u>	<u>TOTAL</u>
<b><u>ASSETS</u></b>			
Cash - Checking Account	\$ 669,097	\$ -	\$ 669,097
Accounts Receivable	1,300	-	1,300
Assessments Receivable	4,050	-	4,050
Due From Other Districts	11,472	-	11,472
Investments:			
Money Market Account	3,426	440,708	444,134
Prepaid Items	125	-	125
Deposits	641	-	641
<b>TOTAL ASSETS</b>	<b>\$ 690,111</b>	<b>\$ 440,708</b>	<b>\$ 1,130,819</b>
<b><u>LIABILITIES</u></b>			
Accounts Payable	\$ 188,568	\$ -	\$ 188,568
Accrued Expenses	50,000	-	50,000
DBPR surcharge	904	-	904
DCA surcharge	1,305	-	1,305
Deferred Revenue-Developer Submittals (Minto)	38,287	-	38,287
<b>TOTAL LIABILITIES</b>	<b>279,064</b>	<b>-</b>	<b>279,064</b>
<b><u>FUND BALANCES</u></b>			
<b>Nonspendable:</b>			
Prepaid Items	125	-	125
<b>Restricted for:</b>			
Special Revenue	-	440,708	440,708
<b>Unassigned:</b>	410,922	-	410,922
<b>TOTAL FUND BALANCES</b>	<b>\$ 411,047</b>	<b>\$ 440,708</b>	<b>\$ 851,755</b>
<b>TOTAL LIABILITIES &amp; FUND BALANCES</b>	<b>\$ 690,111</b>	<b>\$ 440,708</b>	<b>\$ 1,130,819</b>

**Statement of Revenues, Expenditures and Changes in Fund Balances**  
For the Period Ending March 31, 2019

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<b>REVENUES</b>				
Interest - Investments	\$ 2,000	\$ 1,000	\$ 1,130	\$ 130
Ad Valorem Taxes	248,894	245,161	226,197	(18,964)
Ad Valorem Taxes - Discounts	(9,994)	(9,844)	(7,573)	2,271
Local Option Gas Tax	100	50	30	(20)
Discretionary Sales Surtaxes	800	400	-	(400)
FPL Franchise	33,300	16,650	35,808	19,158
Electricity	18,000	9,000	1,006	(7,994)
Water	76,800	38,400	2,485	(35,915)
Gas	-	-	3,044	3,044
Communication Services Taxes	27,100	13,550	12,450	(1,100)
Occupational Licenses	5,000	2,500	2,800	300
Building Permits	600,000	300,000	290,859	(9,141)
Building Permits - Surcharge	-	-	593	593
Other Building Permit Fees	-	-	6,000	6,000
Building Permits - Admin Fee	-	-	26,342	26,342
Engineering Permits	75,000	37,500	78,183	40,683
Planning & Zoning Permits	250,000	125,000	28,095	(96,905)
Other Licenses, Fees & Permits	4,700	2,350	3,725	1,375
Local Govt .05c Sales Tax	400	200	-	(200)
Penalties	-	-	46	46
Admin Fee	-	-	4,463	4,463
Other Operating Revenues	-	-	350	350
Other Impact Fees	1,500	375	-	(375)
Developer Contribution	1,806,400	1,204,267	325,000	(879,267)
Lien Search Fee	-	-	95	95
Inspection Fees	1,000	500	8,350	7,850
<b>TOTAL REVENUES</b>	<b>3,141,000</b>	<b>1,987,059</b>	<b>1,049,478</b>	<b>(937,581)</b>

**EXPENDITURES****Administration**

Mayor/Council Stipend	204,000	102,000	102,000	-
FICA Taxes	15,600	7,800	7,803	(3)
ProfServ-Engineering	75,000	37,500	90,822	(53,322)
ProfServ-Info Technology	148,000	74,000	84,187	(10,187)
ProfServ-Legal Services	356,300	178,150	185,485	(7,335)
ProfServ-Legislative Expense	24,000	12,000	-	12,000
ProfServ-Planning/Zoning Board	250,000	125,000	122,075	2,925
ProfServ-Consultants	40,000	20,000	7,600	12,400

**Statement of Revenues, Expenditures and Changes in Fund Balances**  
For the Period Ending March 31, 2019

<b>ACCOUNT DESCRIPTION</b>	<b>ANNUAL ADOPTED BUDGET</b>	<b>YEAR TO DATE BUDGET</b>	<b>YEAR TO DATE ACTUAL</b>	<b>VARIANCE (\$) FAV(UNFAV)</b>
ProfServ-Building Permits	600,000	300,000	373,969	(73,969)
Management Services	410,000	205,000	207,638	(2,638)
ProfServ-Web Site Maintenance	6,100	3,050	3,575	(525)
Auditing Services	7,000	-	-	-
Communication - Telephone	7,500	3,750	7,221	(3,471)
Postage and Freight	1,500	750	373	377
Lease - Building	500	500	500	-
Liability/Property Insurance	16,500	16,500	7,120	9,380
Printing	1,000	500	631	(131)
Legal Advertising	12,000	6,000	3,437	2,563
Miscellaneous Services	-	-	261	(261)
General Government	100,000	50,000	16,725	33,275
Misc-Late Fees	-	-	326	(326)
Council Expenses	20,000	10,000	1,861	8,139
Misc-Contingency	90,000	45,000	6,523	38,477
Office Supplies	5,000	2,500	10,049	(7,549)
Dues, Licenses, Subscriptions	10,000	5,000	2,403	2,597
<b>Total Administration</b>	<b>2,400,000</b>	<b>1,205,000</b>	<b>1,242,584</b>	<b>(37,584)</b>
<b><u>Other Public Safety</u></b>				
Contracts-Sheriff	550,000	275,000	33,640	241,360
<b>Total Other Public Safety</b>	<b>550,000</b>	<b>275,000</b>	<b>33,640</b>	<b>241,360</b>
<b><u>Capital Expenditures &amp; Projects</u></b>				
Cap Outlay - Office Computers	6,000	3,000	-	3,000
<b>Total Capital Expenditures &amp; Projects</b>	<b>6,000</b>	<b>3,000</b>	<b>-</b>	<b>3,000</b>
<b><u>Road and Street Facilities</u></b>				
Electricity - General	10,000	5,000	2,185	2,815
<b>Total Road and Street Facilities</b>	<b>10,000</b>	<b>5,000</b>	<b>2,185</b>	<b>2,815</b>
<b><u>Park &amp; Grounds</u></b>				
R&M-Parks	50,000	25,000	-	25,000
<b>Total Park &amp; Grounds</b>	<b>50,000</b>	<b>25,000</b>	<b>-</b>	<b>25,000</b>
<b><u>Special Events</u></b>				
Misc-Event Expense	75,000	37,500	-	37,500
<b>Total Special Events</b>	<b>75,000</b>	<b>37,500</b>	<b>-</b>	<b>37,500</b>



**Statement of Revenues, Expenditures and Changes in Fund Balances**  
For the Period Ending March 31, 2019

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<b>Reserves</b>				
Reserve - Buildings	50,000	50,000	-	50,000
<b>Total Reserves</b>	<b>50,000</b>	<b>50,000</b>	<b>-</b>	<b>50,000</b>
<b>TOTAL EXPENDITURES &amp; RESERVES</b>				
	<b>3,141,000</b>	<b>1,600,500</b>	<b>1,278,409</b>	<b>322,091</b>
Excess (deficiency) of revenues				
Over (under) expenditures	-	386,559	(228,931)	(615,490)
Net change in fund balance	\$ -	\$ 386,559	\$ (228,931)	\$ (615,490)
<b>FUND BALANCE, BEGINNING (OCT 1, 2018)</b>	<b>639,978</b>	<b>639,978</b>	<b>639,978</b>	
<b>FUND BALANCE, ENDING</b>	<b>\$ 639,978</b>	<b>\$ 1,026,537</b>	<b>\$ 411,047</b>	

**Statement of Revenues, Expenditures and Changes in Fund Balances**  
For the Period Ending March 31, 2019

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<b>REVENUES</b>				
Interest - Investments	\$ -	\$ -	\$ 3,282	\$ 3,282
Donations	150,000	75,000	154,405	79,405
<b>TOTAL REVENUES</b>	<b>150,000</b>	<b>75,000</b>	<b>157,687</b>	<b>82,687</b>
<b>EXPENDITURES</b>				
<b>Administration</b>				
Misc-Bank Charges	-	-	24	(24)
<b>Total Administration</b>	<b>-</b>	<b>-</b>	<b>24</b>	<b>(24)</b>
<b>Public Assistance</b>				
Misc-Admin Fee (%)	11,300	5,650	-	5,650
Assistance Program	138,700	69,350	-	69,350
<b>Total Public Assistance</b>	<b>150,000</b>	<b>75,000</b>	<b>-</b>	<b>75,000</b>
<b>TOTAL EXPENDITURES</b>	<b>150,000</b>	<b>75,000</b>	<b>24</b>	<b>74,976</b>
Excess (deficiency) of revenues Over (under) expenditures	-	-	157,663	157,663
Net change in fund balance	\$ -	\$ -	\$ 157,663	\$ 157,663
<b>FUND BALANCE, BEGINNING (OCT 1, 2018)</b>	<b>283,045</b>	<b>283,045</b>	<b>283,045</b>	
<b>FUND BALANCE, ENDING</b>	<b>\$ 283,045</b>	<b>\$ 283,045</b>	<b>\$ 440,708</b>	

# **City of Westlake**

## **Supporting Schedules**

**March 31, 2019**

Cash and Investment Report

March 31, 2019

**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	\$669,097
Money Market	BankUnited	MMA	n/a	1.00%	\$3,426
				<b>Subtotal</b>	<b>\$672,523</b>

**SPECIAL REVENUE FUND**

Money Market	BankUnited	MMA	n/a	1.00%	\$440,708
				<b>Subtotal</b>	<b>\$440,708</b>
				<b>Total</b>	<b>\$1,113,231</b>

**City of Westlake**

Bank Reconciliation

Bank Account No. 0300 Bank United - GF  
 Statement No. 0319B  
 Statement Date 3/31/2019

<b>G/L Balance (LCY)</b>	669,096.98	<b>Statement Balance</b>	740,143.84
<b>G/L Balance</b>	669,096.98	<b>Outstanding Deposits</b>	196.50
<b>Positive Adjustments</b>	0.00		
		<b>Subtotal</b>	740,340.34
<b>Subtotal</b>	669,096.98	<b>Outstanding Checks</b>	71,243.36
<b>Negative Adjustments</b>	0.00	<b>Differences</b>	0.00
<b>Ending G/L Balance</b>	669,096.98	<b>Ending Balance</b>	669,096.98
<b>Difference</b>	0.00		

Posting Date	Document Type	Document No.	Description	Amount	Cleared Amount	Difference
<b>Outstanding Checks</b>						
11/30/2018	Payment	7635	CROWN CASTLE-STA PROPERTY	202.88	0.00	202.88
3/26/2019	Payment	7750	CHEN MOORE & ASSOCIATES, INC.	32,735.67	0.00	32,735.67
3/26/2019	Payment	7752	OFFICE DEPOT	272.34	0.00	272.34
3/26/2019	Payment	7753	MARK L. DUBOIS	500.00	0.00	500.00
3/26/2019	Payment	7754	MINTO COMMUNITIES, LLC	150.00	0.00	150.00
3/26/2019	Payment	7755	GREATAMERICA FINANCIAL SERVICES CO	674.38	0.00	674.38
3/26/2019	Payment	7756	MILNER INC	15.50	0.00	15.50
3/26/2019	Payment	7757	SHARON R BOCK, CLERK & COMPTROLLE	83.20	0.00	83.20
3/29/2019	Payment	7759	INFRAMARK, LLC	35,183.74	0.00	35,183.74
3/29/2019	Payment	7760	FPL	175.93	0.00	175.93
3/29/2019	Payment	7761	MILNER INC	1,249.72	0.00	1,249.72
<b>Total Outstanding Checks.....</b>				<b>71,243.36</b>		<b>71,243.36</b>
<b>Outstanding Deposits</b>						
3/29/2019		DEP00583	REINSPECTION FEES	G/L Ac 196.50	0.00	196.50
<b>Total Outstanding Deposits.....</b>				<b>196.50</b>		<b>196.50</b>

## **City of Westlake**

**Check register**

**March 1-31, 2019**

**CITY OF WESTLAKE**

**Payment Register by Fund  
For the Period from 3/1/2019 to 3/31/2019  
(Sorted by Check / ACH No.)**

Fund No.	Check / ACH No.	Date	Payee	Invoice No.	Payment Description	Invoice / GL Description	G/L Account #	Amount Paid
<b>GENERAL FUND - 001</b>								
001	7728	03/04/19	SOLID WASTE AUTHORITY	SWA-22819	SOLID WASTE FEES FOR 2/19	Solid Waste fees	202130	\$4,198.56
001	7728	03/04/19	SOLID WASTE AUTHORITY	ANNUALSWA-22819	SOLID WASTE FEES 2/19	Solid Waste fees	202130	\$3,455.68
001	7729	03/04/19	AVATARA PARTNERS LLC	2726	3/19 CLOUD SERVICE	ProServ-Info Technology	531020-51301	\$4,524.75
001	7729	03/04/19	AVATARA PARTNERS LLC	2726	3/19 CLOUD SERVICE	Due from Other Districts	133500	\$1,508.25
001	7730	03/04/19	NETONE TECHNOLOGIES, INC	7573	3/19 CONSULTING SERVICE	CW PORTION	531020-51301	\$843.75
001	7730	03/04/19	NETONE TECHNOLOGIES, INC	7573	3/19 CONSULTING SERVICE	SID PORTION	133500-51301	\$281.25
001	7731	03/04/19	CMG-PB REMITTANCE ADDRESS	0000067608	9/25/17,9/9,9/14,9/22,9/29/17	Legal Advertising	548002-51301	\$3,309.21
001	7731	03/04/19	CMG-PB REMITTANCE ADDRESS	0000073419	10/6,10/7,10/27/17	Legal Advertising	548002-51301	\$1,094.40
001	7731	03/04/19	CMG-PB REMITTANCE ADDRESS	0000078379	11/6,11/22,11/29/17	Legal Advertising	548002-51301	\$546.96
001	7731	03/04/19	CMG-PB REMITTANCE ADDRESS	0000084900	12/28,12/28,12/29,	Legal Advertising	548002-51301	\$4,619.68
001	7733	03/06/19	T-MOBILE USA, INC.	2/21/19-3851	SERVICE FOR 1/21-2/20/19	Communication - Telephone	541003-51301	\$199.47
001	7734	03/06/19	PBC FINANCE DEPARTMENT	TLAKE-022819	2/19 IMPACT FEES	Other Current Liabilities	229000	\$30,683.06
001	7735	03/06/19	MINTO COMMUNITIES, LLC	TLAKE-030119	LOT 217 TUG PD.TWICE	Other Building Permit Fees	322111	\$150.00
001	7736	03/06/19	FLORIDA VENDORS ASSOCIATION	HCA124174	CLEANING 1/18-3/1/19	General Government	549109-51301	\$1,064.98
001	7737	03/06/19	MILNER INC LEASE	62640844	PERIOD 2/15-3/14/19	ProServ-Info Technology	531020-51301	\$1,665.04
001	7737	03/06/19	MILNER INC LEASE	62640844	PERIOD 2/15-3/14/19	Due from Other Districts	133500-51301	\$713.59
001	7737	03/06/19	MILNER INC LEASE	62640844	PERIOD 2/15-3/14/19	Misc-Late Fees	549144-51301	\$118.94
001	7738	03/07/19	MILNER INC LEASE	62641144	SOFTWARE LEASE 2/15-3/14/19	General Government	549109-51301	\$851.20
001	7738	03/07/19	MILNER INC LEASE	62641144	SOFTWARE LEASE 2/15-3/14/19	sid portion	133500-51301	\$212.80
001	7740	03/11/19	NZ CONSULTANTS, INC.	WES-28	PROF PLANNING & ZONING 1/31/19	ProfServ-Planning/Zoning Board	531032-51501	\$24,813.75
001	7741	03/11/19	FLORIDA TECHNICAL CONSULTANTS	605	GIS SVCS. WA 5 1/29-2/5/19	ProServ-Info Technology	531020-51301	\$7,931.00
001	7741	03/11/19	FLORIDA TECHNICAL CONSULTANTS	605	GIS SVCS. WA 5 1/29-2/5/19	Due from Other Districts	133500-51301	\$3,399.00
001	7742	03/11/19	GREATAMERICA FINANCIAL SERVICES CORP	23541115	COPIER LEASE 10/18	ProServ-Info Technology	531020-51301	\$315.13
001	7743	03/11/19	NOVA ENGINEERING AND	0186491	PROF SERVICE 1/27-2/23/19	ProfServ-Building Permits	531091-51501	\$62,260.00
001	7744	03/11/19	PBC SHERIFF'S OFFICE	62944	SECURITY 2/25-2/28/19	Contracts-Sheriff	534100-52901	\$1,272.00
001	7745	03/13/19	FED EX	6-479-93315	SERVICE FOR 2/22/19	Postage and Freight	541006-51301	\$24.03
001	7746	03/13/19	HARRIS COMPUTER SYSTEMS	CT041581	MUNICIPAL CUST DEP PROJECT KIC	ProServ-Info Technology	531020-51301	\$3,532.50
001	7746	03/13/19	HARRIS COMPUTER SYSTEMS	CT041581	MUNICIPAL CUST DEP PROJECT KIC	Due from Other Districts	133500-51301	\$1,177.50
001	7747	03/13/19	NETONE TECHNOLOGIES, INC	7633	4/19 CONSULTING FEE	ProServ-Info Technology	531020-51301	\$1,312.50
001	7748	03/13/19	MILNER INC LEASE	252905	MISC IMAGING COMPONENTS	Office Supplies	551002-51301	\$3,800.00
001	7749	03/18/19	SEMINOLE IMPROVEMENT DISTRICT	031319	SID ENG. FEES/MAR.MAINT.	Due to Other Districts	206500	\$11,723.27
001	7750	03/26/19	CHEN MOORE & ASSOCIATES, INC.	0000136371	TASK 9 DOC.RVVW./COORD. JAN.	ProfServ-Engineering	531013-51501	\$19,148.56
001	7750	03/26/19	CHEN MOORE & ASSOCIATES, INC.	0000136243	TASK 9 DOC.RVVW./COORD. DEC.	ProfServ-Engineering	531013-51501	\$13,587.11
001	7751	03/26/19	SEMINOLE IMPROVEMENT DISTRICT	TLAKE-032019	SID SHARE OF ENG-2019-07 SKYCO	Due to Other Districts	206500	\$6,559.68
001	7752	03/26/19	OFFICE DEPOT	264084423001	MISC OFFICE SUPPLIES	Office Supplies	551002-51301	\$26.36
001	7752	03/26/19	OFFICE DEPOT	284101558001	PENS	Office Supplies	551002-51301	\$14.54
001	7752	03/26/19	OFFICE DEPOT	264101559001	BOOKENDS	Office Supplies	551002-51301	\$23.38

**CITY OF WESTLAKE**

**Payment Register by Fund  
For the Period from 3/1/2019 to 3/31/2019  
(Sorted by Check / ACH No.)**

Fund No.	Check / ACH No.	Date	Payee	Invoice No.	Payment Description	Invoice / GL Description	G/L Account #	Amount Paid
001	7752	03/26/19	OFFICE DEPOT	256821568001	RUBBER BANDS (JAN.)	Office Supplies	551002-51301	\$18.27
001	7752	03/26/19	OFFICE DEPOT	256821569001	WIRELESS MOUSE (JAN.)	Office Supplies	551002-51301	\$45.99
001	7752	03/26/19	OFFICE DEPOT	288655819001	MISC OFFICE SUPPLIES	Office Supplies	551002-51301	\$17.09
001	7752	03/26/19	OFFICE DEPOT	288655869001	ROLLING MACHINE STAND/CART	Office Supplies	551002-51301	\$126.71
001	7753	03/26/19	MARK L. DUBOIS	18219	SERVICE 2/25-3/7	ProfServ-Consultants	531075-51301	\$500.00
001	7754	03/26/19	MINTO COMMUNITIES, LLC	TLAKE-031919	REFUND LOT 284 TUG FEE	Other Building Permit Fees	322111	\$150.00
001	7755	03/26/19	GREATAMERICA FINANCIAL SERVICES CORP	24433601	025-1382898-000, COPIER, MAR	ProServ-Info Technology	531020-51301	\$315.13
001	7755	03/26/19	GREATAMERICA FINANCIAL SERVICES CORP	24433601	025-1382898-000, COPIER, MAR	Misc-Late Fees	549144-51301	\$22.06
001	7755	03/26/19	GREATAMERICA FINANCIAL SERVICES CORP	24254911	COPIER LEASE 2/19	ProServ-Info Technology	531020-51301	\$315.13
001	7755	03/26/19	GREATAMERICA FINANCIAL SERVICES CORP	24254911	COPIER LEASE 2/19	Misc-Late Fees	549144-51301	\$22.06
001	7756	03/26/19	MILNER INC LEASE	56107A	TONER	Office Supplies	551002-51301	\$15.50
001	7757	03/26/19	SHARON R BOCK, CLERK & COMPTROLLER	030419	DOCUMENT RECORDING FEE	Miscellaneous Services	549001-51301	\$83.20
001	7759	03/29/19	INFRAMARK, LLC	39413	3/19 MANAGEMENT FEES	Management Services	531093-51301	\$34,166.67
001	7759	03/29/19	INFRAMARK, LLC	39413	3/19 MANAGEMENT FEES	Postage and Freight	541006-51301	\$17.65
001	7759	03/29/19	INFRAMARK, LLC	39413	3/19 MANAGEMENT FEES	Printing	547006-51301	\$174.00
001	7759	03/29/19	INFRAMARK, LLC	39413	3/19 MANAGEMENT FEES	ProfServ-Web Site Maintenance	531094-51301	\$366.67
001	7759	03/29/19	INFRAMARK, LLC	39413	3/19 MANAGEMENT FEES	Management Services	531093-51301	\$458.75
001	7760	03/29/19	FPL	45148-031919	11639-451448 2/18-3/19/19	Electricity-General	543006-54101	\$62.10
001	7760	03/29/19	FPL	02039-032119	51575-02039 2/20-3/21/19	Electricity-General	543006-54101	\$113.83
001	7761	03/29/19	MILNER INC LEASE	665756	COPIER 3/19	Office Supplies	551002-51301	\$999.78
001	7761	03/29/19	MILNER INC LEASE	665756	COPIER 3/19	Due from Other Districts	133500-51301	\$249.94
001	DD208	03/17/19	COMCAST	74953-022619-ACH	PH/TV/INTERNET MAR.	Communication - Telephone	541003-51301	\$263.19
001	DD209	03/17/19	COMCAST	74961-022619-ACH	TV/PH/INTERNET MAR	Communication - Telephone	541003-51301	\$436.75
001	DD211	03/18/19	FPL	89127-030719-ACH	61367-89127 2/6-3/7/19	Electricity-General	543006-54101	\$56.78
001	DD212	03/18/19	FPL	99121-030719-ACH	09796-99121 2/6-3/7/19	Electricity-General	543006-54101	\$95.73
001	DD213	03/13/19	COMCAST	73484-022219-ACH	PH/TV/INTERNET MAR.	Communication - Telephone	541003-51301	\$555.78
001	7732	03/11/19	PHILLIP D EVERETT	PAYROLL	March 11, 2019 Payroll Posting			\$2,909.27
001	DD204	03/11/19	KARA S. CRUMP	PAYROLL	March 11, 2019 Payroll Posting			\$2,784.77
001	DD205	03/11/19	KATRINA L. LONG	PAYROLL	March 11, 2019 Payroll Posting			\$2,784.77
001	DD206	03/11/19	ROGER B MANNING	PAYROLL	March 11, 2019 Payroll Posting			\$2,826.27
001	DD207	03/11/19	JOHN A. STANAVITCH	PAYROLL	March 11, 2019 Payroll Posting			\$2,867.77
							<b>Fund Total</b>	<b>\$274,783.49</b>



**CITY OF WESTLAKE**

Payment Register by Fund  
 For the Period from 3/1/2019 to 3/31/2019  
 (Sorted by Check / ACH No.)

Fund No.	Check / ACH No.	Date	Payee	Invoice No.	Payment Description	Invoice / GL Description	G/L Account #	Amount Paid
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**SPECIAL REVENUE FUND - HOUSING ASSISTANCE PROGRAM - 101**

101	1001	03/26/19	CITY OF WESTLAKE	031319	HOUSING FD.FEE RFND.PD.BY GF	Due From Other Funds	131000	\$1,500.00
							<b>Fund Total</b>	<b>\$1,500.00</b>

<b>Total Checks Paid</b>	<b>\$276,283.49</b>
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## **Seventh Order of Business**

May 13, 2019

**RESOLUTION 2019-14**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE FINAL PLAT FOR CRESSWIND PALM BEACH PHASE I (POD P), BEING DESCRIBED AS A PORTION OF LAND DESCRIBED BY METES AND BOUNDS, AND AS A REPLAT OF TRACT W.M.T. 3 AND A PORTION OF TRACT OS-5, TOWN CENTER PARKWAY NORTH, AS RECORDED IN PLAT BOOK 123, PAGES 106 THROUGH 118 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, AND SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR RECORDATION, PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, Minto PBLH, LLC, a Florida Limited Liability Company, as the Applicant has requested approval for the Cresswind Palm Beach Phase I, (POD P), described by metes and bounds, and as a re-plat of Tract W.M.T. 3 and a Portion of Tract OS-5, Town Center Parkway North, as Recorded in Plat Book 123, Pages 106 Through 118 of the Public Records of Palm Beach County, Florida, together with a portion of Section 6, Township 43 South, Range 41 East, and Section 1, Township 43 South, Range 40 East, City of Westlake, Palm Beach County, as described in Exhibit "A", attached hereto; and

**WHEREAS**, the City of Westlake has the exclusive jurisdiction to approve the plat pursuant to Florida Statutes, §177.071; and

**WHEREAS**, on or about September 10, 2018, the City of Westlake considered and approved a plat previously known as Del Webb at Westlake, for a portion of the lands described herein; and

**WHEREAS**, the applicant withdrew their application for development prior to recordation of the plat as approved on September 10, 2018; and

**WHEREAS**, a new development application has been considered and was recommended for approval by the City Council on or about January 14, 2019, and the applicant has made changes to the approved plat after the January 14, 2019, approval of the plat, but prior to recordation of the plat approved on or about January 14, 2019; and

**WHEREAS**, staff has reviewed the modifications to the plat to address identification of open space tracts, drainage easements, lake maintenance easements and lot renumbering as a result of lot reconfiguration; and

**WHEREAS**, the application has been reviewed and approved by a Professional Surveyor and Mapper for the City of Westlake, and said Surveyor and Mapper has found the application to be consistent with the requirements under Florida Statutes, Chapter 177; and

**WHEREAS**, the Building staff, Engineering staff and Planning staff for the City of Westlake have reviewed the application, the final plat and the boundary survey, and the collective staff has recommended approval; and

**WHEREAS**, after careful review and consideration, the collective staff has determined that this application has complied with the Palm Beach County Unified Land Development Codes and Florida law.

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, THAT:

- Section 1:** The above recitals are true and correct and are incorporated herein by this reference.
- Section 2:** The City Council for the City of Westlake hereby approves the final plat and boundary survey for the Cresswind Palm Beach Phase I (POD P), as described in the attached Exhibit "A", containing approximately 73.1684 acres, which is located in the City of Westlake, and in Palm Beach County, Florida.
- Section 3.** The applicant shall provide a certified copy of the recorded plat and the applicant shall cover the costs of recording the plat in the public records in and for Palm Beach County Florida.
- Section 4:** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED** by City Council for the City of Westlake, on this day of May 13, 2019.

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City of Westlake  
Roger Manning, Mayor

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Sandra DeMarco, City Clerk

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Approved as to Form and Sufficiency  
Pam E. Booker, City Attorney

**Exhibit 'A'**  
**Legal Description**  
**Cresswind Palm Beach Phase I (Pod P)**

**DESCRIPTION: PHASE 1**

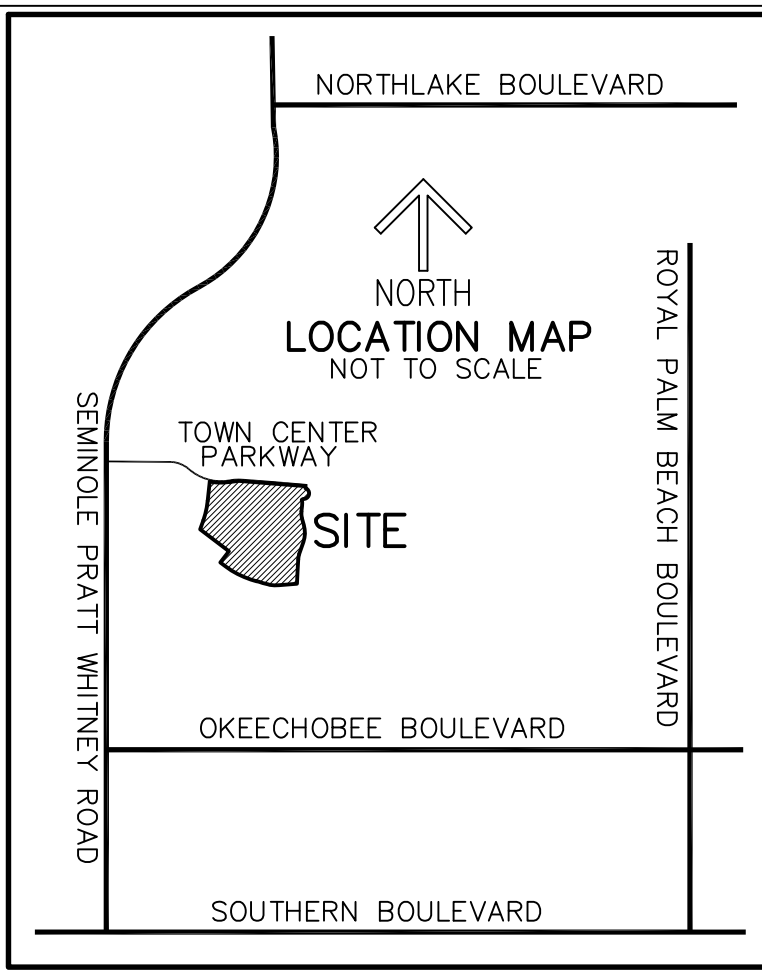
ALL OF TRACT W.M.T. 3 AND A PORTION OF TRACT OS-5, TOWN CENTER PARKWAY NORTH, AS RECORDED IN PLAT BOOK 123, PAGES 103 THROUGH 118 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, AND SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT O.S.T. 2, TOWN CENTER PARKWAY - PHASE II, AS RECORDED IN PLAT BOOK 126, PAGES 34 THROUGH 38 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S.85°52'14"E. ALONG THE SOUTH LINE OF SAID TRACT O.S.T. 2, A DISTANCE OF 48.81 FEET; THENCE DEPARTING SAID SOUTH LINE, S.04°07'45"W., A DISTANCE OF 180.00 FEET; THENCE S.04°38'29"W., A DISTANCE OF 56.00 FEET; THENCE S.85°52'01"E., A DISTANCE OF 125.00 FEET; THENCE S.04°07'46"W., A DISTANCE OF 551.70 FEET; THENCE S.85°52'14"E., A DISTANCE OF 105.00 FEET; THENCE N.49°07'46"E., A DISTANCE OF 35.36 FEET; THENCE S.85°52'14"E., A DISTANCE OF 56.00 FEET; THENCE S.40°52'14"E., A DISTANCE OF 35.36 FEET; THENCE S.85°52'14"E., A DISTANCE OF 95.27 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 528.00 FEET AND A CENTRAL ANGLE OF 13°52'53"; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 127.92 FEET TO A POINT OF NON TANGENCY; THENCE N.65°28'30"E., A DISTANCE OF 36.03 FEET; THENCE S.67°28'33"E., A DISTANCE OF 56.23 FEET; THENCE S.22°29'02"E., A DISTANCE OF 35.61 FEET; THENCE S.22°55'26"W., A DISTANCE OF 56.00 FEET; THENCE N.67°04'27"W., A DISTANCE OF 12.50 FEET TO A POINT OF NON TANGENCY WITH A CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.86°01'47"W., A RADIAL DISTANCE OF 1,178.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 27°00'28", A DISTANCE OF 555.28 FEET TO A POINT OF TANGENCY; THENCE S.30°58'41"W., A DISTANCE OF 202.60 FEET TO A POINT OF NON TANGENCY WITH A CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.20°20'35"E., A RADIAL DISTANCE OF 1,598.66 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 04°32'02", A DISTANCE OF 126.50 FEET TO A POINT OF NON TANGENCY; THENCE S.30°58'12"W., A DISTANCE OF 70.38 FEET; THENCE S.73°16'07"W., A DISTANCE OF 36.99 FEET; THENCE N.63°02'55"W., A DISTANCE OF 56.14 FEET; THENCE N.15°20'22"W., A DISTANCE OF 34.53 FEET TO A POINT OF NON TANGENCY WITH A CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.28°46'19"E., A RADIAL DISTANCE OF 1,670.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 03°36'14", A DISTANCE OF 105.04 FEET TO A POINT OF NON TANGENCY; THENCE S.30°58'43"W., A DISTANCE OF 449.56 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 1,083.00 FEET AND A CENTRAL ANGLE OF 10°27'25"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 197.66 FEET TO A POINT OF NON TANGENCY; THENCE N.80°38'41"W., A DISTANCE OF 496.13 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 542.00 FEET AND A CENTRAL ANGLE OF 25°17'11"; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 239.20 FEET TO A POINT OF TANGENCY; THENCE N.55°21'30"W., A DISTANCE OF 160.82 FEET; THENCE N.15°59'57"E., A DISTANCE OF 214.23 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 3,902.00 FEET AND A CENTRAL ANGLE OF 06°15'20", THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 426.02 FEET TO A POINT OF NON TANGENCY WITH A CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.00°59'49"E., A RADIAL DISTANCE OF 728.00 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 08°17'55", A DISTANCE OF 105.44 FEET TO A POINT OF NON TANGENCY; THENCE S.54°47'49"W., A DISTANCE OF 35.52 FEET; THENCE N.80°27'10"W., A DISTANCE OF 56.00 FEET; THENCE N.35°11'27"W., A DISTANCE OF 35.19 FEET; THENCE N.80°27'10"W., A DISTANCE OF 230.01 FEET; THENCE S.54°49'50"W., A DISTANCE OF 35.53 FEET; THENCE N.79°40'40"W., A DISTANCE OF 56.00 FEET; THENCE N.10°12'43"E., A DISTANCE OF 13.01 FEET; THENCE N.79°53'54"W., A DISTANCE OF 130.00 FEET TO A POINT NON TANGENCY WITH A CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.79°53'54"W., A RADIAL DISTANCE OF 3,250.00 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 06°36'06", A DISTANCE OF 374.47 FEET TO A POINT OF TANGENCY; THENCE N.03°30'00"E., A DISTANCE OF 144.93 FEET TO A POINT OF NON TANGENCY WITH A CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.62°09'19"E., A RADIAL DISTANCE OF 185.00 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 64°56'29", A DISTANCE OF 209.69 FEET TO A POINT OF NON TANGENCY; THENCE N.02°15'38"E., A DISTANCE OF 302.15 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT O.S.T. 5, AND A POINT OF NON TANGENCY WITH A CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.02°15'38"E., A RADIAL DISTANCE OF 2,190.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID SOUTH LINE, THROUGH A CENTRAL ANGLE OF 12°50'35", A DISTANCE OF 490.90 FEET TO A POINT OF TANGENCY; THENCE N.79°25'03"E. ALONG SAID SOUTH LINE, A DISTANCE OF 187.83 FEET; THENCE N.10°34'57"W., A DISTANCE OF 20.86 FEET; THENCE N.55°34'57"W., A DISTANCE OF 41.21 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF TOWN CENTER PARKWAY, AS SHOWN ON SAID TOWN CENTER PARKWAY NORTH; THENCE N.79°25'03"E. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 178.27 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, S.34°25'03"W., A DISTANCE OF 41.21 FEET; THENCE S.10°34'57"E., A DISTANCE OF 20.86 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT O.S.T. 5; THENCE N.79°25'03"E. ALONG SAID SOUTH LINE, A DISTANCE OF 47.05 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 2,010.00 FEET AND A CENTRAL ANGLE OF 14°42'43"; THENCE EASTERLY ALONG THE ARC OF SAID SOUTH LINE A DISTANCE OF 516.11 FEET TO A POINT OF TANGENCY; THENCE S.85°52'14"E. ALONG SAID SOUTH LINE, A DISTANCE OF 214.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,187,215 SQUARE FEET/73.1684 ACRES MORE OR LESS.

# CRESSWIND PALM BEACH PHASE 1

BEING A REPLAT OF ALL OF TRACT W.M.T. 3 AND A PORTION OF TRACT OS-5, TOWN CENTER PARKWAY NORTH, AS RECORDED IN PLAT BOOK 123, PAGES 106 THROUGH 118 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, AND SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY FLORIDA

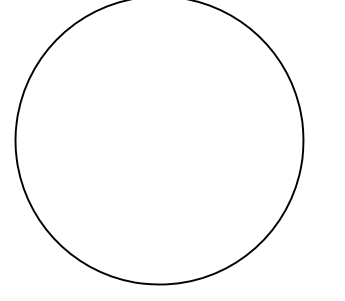


STATE OF FLORIDA  
COUNTY OF PALM BEACH  
THIS PLAT WAS FILED FOR  
RECORD AT \_\_\_\_\_ M.  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
A.D. 201\_\_\_\_ AND DULY RECORDED  
IN PLAT BOOK \_\_\_\_\_ ON  
PAGES \_\_\_\_\_ AND \_\_\_\_\_  
SHARON R. BOCK  
CLERK AND COMPTROLLER

BY: \_\_\_\_\_  
DEPUTY CLERK

**SHEET 1 OF 10**

CLERK



### DEDICATION AND DESCRIPTION:

KNOW ALL MEN BY THESE PRESENTS THAT KH WESTLAKE, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND THE SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, OWNERS OF THE LANDS SHOWN HEREON AS CRESSWIND PHASE 1, BEING A REPLAT OF ALL OF TRACT W.M.T. 3 AND A PORTION OF TRACT OS-5, TOWN CENTER PARKWAY NORTH, AS RECORDED IN PLAT BOOK 123, PAGES 106 THROUGH 118 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, AND SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

### DESCRIPTION:

ALL OF TRACT W.M.T. 3 AND A PORTION OF TRACT OS-5, TOWN CENTER PARKWAY NORTH, AS RECORDED IN PLAT BOOK 123, PAGES 106 THROUGH 118 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, AND SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT O.S.T. 2, TOWN CENTER PARKWAY - PHASE II, AS RECORDED IN PLAT BOOK 126, PAGES 34 THROUGH 38 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S.85°52'14"E. ALONG THE SOUTH LINE OF SAID TRACT O.S.T. 2, A DISTANCE OF 48.81 FEET; THENCE DEPARTING SAID SOUTH LINE, S.04°07'45"W., A DISTANCE OF 180.00 FEET; THENCE S.04°38'29"W., A DISTANCE OF 56.00 FEET; THENCE S.85°52'14"E., A DISTANCE OF 125.00 FEET; THENCE S.04°07'46"W., A DISTANCE OF 551.71 FEET; THENCE S.85°52'14"E., A DISTANCE OF 105.00 FEET; THENCE N.49°07'46"E., A DISTANCE OF 35.36 FEET; THENCE S.85°52'14"E., A DISTANCE OF 56.00 FEET; THENCE S.40°52'14"E., A DISTANCE OF 35.36 FEET; THENCE S.85°52'14"E., A DISTANCE OF 95.27 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 528.00 FEET AND A CENTRAL ANGLE OF 13°52'53"; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 127.92 FEET TO A POINT OF NON-TANGENCY; THENCE N.65°28'30"E., A DISTANCE OF 36.03 FEET; THENCE S.67°28'33"E., A DISTANCE OF 56.23 FEET; THENCE S.22°29'02"E., A DISTANCE OF 35.81 FEET; THENCE S.22°55'26"W., A DISTANCE OF 56.00 FEET; THENCE N.67°04'27"W., A DISTANCE OF 12.50 FEET TO A POINT OF NON-TANGENCY WITH A CURVE CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.86°01'47"W., A RADIAL DISTANCE OF 1,178.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 27°00'28", A DISTANCE OF 555.28 FEET TO A POINT OF TANGENCY; THENCE S.30°58'41"W., A DISTANCE OF 202.60 FEET TO A POINT OF NON-TANGENCY WITH A CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.20°20'35"E., A RADIAL DISTANCE OF 1,598.66 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 04°32'02", A DISTANCE OF 126.50 FEET TO A POINT OF NON-TANGENCY; THENCE S.30°58'12"W., A DISTANCE OF 70.38 FEET; THENCE S.73°16'07"W., A DISTANCE OF 36.99 FEET; THENCE N.63°02'55"W., A DISTANCE OF 56.14 FEET; THENCE N.15°20'22"W., A DISTANCE OF 34.53 FEET TO A POINT OF NON-TANGENCY WITH A CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.28°46'19"E., A RADIAL DISTANCE OF 1,670.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 03°36'14", A DISTANCE OF 105.04 FEET TO A POINT OF NON-TANGENCY; THENCE S.30°58'43"W., A DISTANCE OF 449.55 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 1,083.00 FEET AND A CENTRAL ANGLE OF 10°27'25"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 197.66 FEET TO A POINT OF NON-TANGENCY; THENCE N.80°38'41"W., A DISTANCE OF 496.13 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 542.00 FEET AND A CENTRAL ANGLE OF 25°17'11"; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 239.20 FEET TO A POINT OF TANGENCY; THENCE N.55°21'30"W., A DISTANCE OF 160.82 FEET; THENCE N.15°59'57"E., A DISTANCE OF 214.29 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 3,902.00 FEET AND A CENTRAL ANGLE OF 06°15'20", THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 426.02 FEET TO A POINT OF NON-TANGENCY WITH A CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.00°59'35"E., A RADIAL DISTANCE OF 728.00 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 08°17'54", A DISTANCE OF 105.44 FEET TO A POINT OF NON-TANGENCY; THENCE S.54°47'49"W., A DISTANCE OF 35.52 FEET; THENCE N.80°27'10"W., A DISTANCE OF 58.00 FEET; THENCE N.35°11'27"W., A DISTANCE OF 35.19 FEET; THENCE N.80°27'10"W., A DISTANCE OF 230.01 FEET; THENCE S.54°49'50"W., A DISTANCE OF 35.53 FEET; THENCE N.79°40'40"W., A DISTANCE OF 56.00 FEET; THENCE N.101°2'43"E., A DISTANCE OF 13.01 FEET; THENCE N.79°53'54"W., A DISTANCE OF 130.00 FEET TO A POINT NON-TANGENCY WITH A CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.79°53'54"W., A RADIAL DISTANCE OF 3,250.00 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 06°36'06", A DISTANCE OF 374.47 FEET TO A POINT OF TANGENCY; THENCE N.03°30'00"E., A DISTANCE OF 144.93 FEET TO A POINT OF NON-TANGENCY WITH A CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.62°09'19"E., A RADIAL DISTANCE OF 185.00 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 64°56'27", A DISTANCE OF 209.68 FEET TO A POINT OF NON-TANGENCY; THENCE N.02°15'38"E., A DISTANCE OF 302.15 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT O.S.T. 5, AND A POINT OF NON-TANGENCY WITH A CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.02°15'38"E., A RADIAL DISTANCE OF 2,190.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID SOUTH LINE, THROUGH A CENTRAL ANGLE OF 12°50'35", A DISTANCE OF 490.90 FEET TO A POINT OF TANGENCY; THENCE N.79°25'03"E. ALONG SAID SOUTH LINE, A DISTANCE OF 187.83 FEET; THENCE N.10°34'57"W., A DISTANCE OF 20.86 FEET; THENCE N.55°34'57"W., A DISTANCE OF 41.21 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF TOWN CENTER PARKWAY, AS SHOWN ON SAID TOWN CENTER PARKWAY NORTH; THENCE N.79°25'03"E. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 178.27 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, S.34°25'03"W., A DISTANCE OF 41.21 FEET; THENCE S.10°34'57"E., A DISTANCE OF 20.86 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT O.S.T. 5; THENCE N.79°25'03"E. ALONG SAID SOUTH LINE, A DISTANCE OF 47.05 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 2,010.00 FEET AND A CENTRAL ANGLE OF 14°42'43", THENCE EASTERLY ALONG THE ARC OF SAID SOUTH LINE, A DISTANCE OF 516.11 FEET TO A POINT OF TANGENCY; THENCE S.85°52'14"E. ALONG SAID SOUTH LINE, A DISTANCE OF 214.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,187,216 SQUARE FEET/73.1684 ACRES MORE OR LESS.

### DEDICATION: ROADS

TRACT R, AS SHOWN HEREON, IS HEREBY DEDICATED TO THE CRESSWIND PALM BEACH HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, IN FULL AND COMPLETE PAYMENT OF THE COSTS OF THE ROADWAY, INGRESS AND EGRESS, AND DRAINAGE PURPOSES, AND SHALL BE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID ASSOCIATION, AN EASEMENT OVER AND UNDER SAID TRACT R AS SHOWN HEREON IS ALSO RESERVED IN FAVOR OF THE SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, ITS SUCCESSORS AND ASSIGNS, FOR ACCESS TO, AND FOR THE INSTALLATION AND MAINTENANCE OF, PUBLIC UTILITY FACILITIES, INCLUDING BUT NOT LIMITED TO, WATER, REUSE WATER AND WASTEWATER LINES AND APPURTENANT FACILITIES AND THE INSPECTION, REPAIR, REPLACEMENT, UPGRADE AND MAINTENANCE OF WATER, REUSE WATER, WASTEWATER, AND WATER MANAGEMENT FACILITIES, AN EASEMENT OVER AND UNDER SAID TRACT R AS SHOWN HEREON IS ALSO RESERVED IN FAVOR OF THE CITY OF WESTLAKE FOR SERVICE VEHICLES AND EMERGENCY VEHICLES. THE CITY OF WESTLAKE AND THE SEMINOLE IMPROVEMENT DISTRICT SHALL NOT BE RESPONSIBLE FOR ANY MAINTENANCE OBLIGATIONS FOR SAID EASEMENT AREA OR SAID TRACT R EXCEPT AS SHALL RELATE TO THE SERVICING OF SUCH PUBLIC UTILITIES BY THE SEMINOLE IMPROVEMENT DISTRICT, AND FOR MAINTENANCE AS IT RELATES TO THE CITY OF WESTLAKE'S SERVICE VEHICLES AND EMERGENCY VEHICLES.

TRACT RW, AS SHOWN HEREON, IS HEREBY RESERVED BY THE SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, ITS SUCCESSORS AND ASSIGNS, FOR PUBLIC STREET PURPOSES AND OTHER PROPER PURPOSES INCLUDING WATER, WASTE WATER AND DRAINAGE NOT INCONSISTENT WITH THIS RESERVATION AND IS THE PERPETUAL MAINTENANCE OBLIGATION OF SAID DISTRICT, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO THE CITY OF WESTLAKE.

### OPEN SPACE TRACTS

TRACTS O.S.T. 1 THROUGH O.S.T. 17, AS SHOWN HEREON, ARE HEREBY DEDICATED TO THE CRESSWIND PALM BEACH HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, FOR OPEN SPACE AND DRAINAGE PURPOSES AND ARE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO THE CITY OF WESTLAKE.

### RECREATION TRACT

TRACT REC, AS SHOWN HEREON, IS HEREBY DEDICATED TO THE CRESSWIND PALM BEACH HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, FOR RECREATIONAL PURPOSES AND IS THE PERPETUAL MAINTENANCE OBLIGATION OF SAID ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO THE CITY OF WESTLAKE.

### UTILITY EASEMENTS

ALL UTILITY EASEMENTS DESCRIBED ON THE PLAT ARE PRIVATE NON-EXCLUSIVE EASEMENTS UNLESS EXPRESSLY STATED OTHERWISE THEREIN. ALL UTILITY RIGHTS AND EASEMENTS ESTABLISHED BY OR RESERVED BY THIS PLAT ARE HEREBY RESERVED TO THE SEMINOLE IMPROVEMENT DISTRICT, (A LOCAL UNIT OF SPECIAL PURPOSE GOVERNMENT ESTABLISHED PURSUANT TO CHAPTERS 189 AND 298, FLORIDA STATUTES, AS A PUBLIC UTILITY PROVIDER OF WATER, SEWER AND RECLAIMED WATER), ITS SUCCESSORS AND ASSIGNS, SUBJECT TO THOSE CERTAIN RESTRICTIONS OF RIGHTS, COVENANTS AND DEDICATIONS AS MAY HEREAFTER BE IMPROVED OR PROVIDED. FURTHER SAID GRANTS OR ASSIGNMENTS SHALL NOT BE DEEMED A PUBLIC DEDICATION OF SAID RIGHTS OR EASEMENTS. THE SEMINOLE IMPROVEMENT DISTRICT SHALL HAVE THE RIGHT TO GRANT OTHER UTILITY PROVIDERS THE ABILITY TO USE THE EASEMENT, IN ITS SOLE DISCRETION.

IN FURTHERANCE OF THE FOREGOING, THERE IS HEREBY GRANTED TO FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, ITS AFFILIATES, LICENSEES, AGENTS, SUCCESSORS, AND ASSIGNS ("FPL"), A NON-EXCLUSIVE EASEMENT FOREVER OVER, UNDER, IN, ON, UPON AND ACROSS THE UTILITY EASEMENT DESCRIBED ON THE PLAT, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND ELECTRIC UTILITY FACILITIES (INCLUDING CABLES, CONDUITS, APPURTENANT EQUIPMENT, AND APPURTENANT ABOVE GROUND EQUIPMENT) TO BE INSTALLED FROM TIME TO TIME, TOGETHER WITH THE RIGHT TO PERMIT FPL TO ATTACH OR PLACE WIRE TO OR WITHIN ANY FACILITIES HEREUNDER AND LAY CABLE AND CONDUIT WITHIN THE EASEMENT AREA AND TO OPERATE THE SAME FOR FPL'S COMMUNICATIONS PURPOSES IN CONNECTION WITH ELECTRIC SERVICE AND THE RIGHT OF INGRESS AND EGRESS TO THE UTILITY EASEMENTS AT ALL TIME.

### WATER MANAGEMENT TRACTS

TRACTS W-1 THROUGH W-5, AS SHOWN HEREON, ARE HEREBY RESERVED BY AND DEDICATED TO THE SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, ITS SUCCESSORS AND ASSIGNS, IN FEE SIMPLE, FOR STORMWATER MANAGEMENT AND DRAINAGE PURPOSES AND ARE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID DISTRICT, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO THE CITY OF WESTLAKE.

### LAKE MAINTENANCE ACCESS EASEMENTS

THE LAKE MAINTENANCE ACCESS EASEMENTS, AS SHOWN HEREON, ARE HEREBY RESERVED TO THE SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, ITS SUCCESSORS AND ASSIGNS, FOR ACCESS TO STORMWATER MANAGEMENT AND DRAINAGE FACILITIES LOCATED WITHIN THE ASSOCIATED WATER MANAGEMENT TRACTS FOR PURPOSES OF PERFORMING ANY AND ALL MAINTENANCE ACTIVITIES PURSUANT TO THE MAINTENANCE OBLIGATION OF SAID DISTRICT, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO THE CITY OF WESTLAKE.

### DRAINAGE EASEMENTS

THE DRAINAGE EASEMENTS AS SHOWN HEREON ARE HEREBY RESERVED TO THE SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, ITS SUCCESSORS AND ASSIGNS, IN PERPETUITY FOR DRAINAGE PURPOSES. THE MAINTENANCE OF ALL DRAINAGE FACILITIES LOCATED THEREIN SHALL BE THE PERPETUAL MAINTENANCE OBLIGATION OF THE SEMINOLE IMPROVEMENT DISTRICT WITHOUT RECOURSE TO THE CITY OF WESTLAKE.

THE CITY OF WESTLAKE SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO MAINTAIN ANY PORTION OF THE DRAINAGE SYSTEM ENCOMPASSED BY THIS PLAT WHICH IS ASSOCIATED WITH THE DRAINAGE OF PUBLIC STREETS, INCLUDING THE RIGHT TO UTILIZE FOR DRAINAGE PURPOSES ANY AND ALL DRAINAGE EASEMENTS, LAKE MAINTENANCE ACCESS EASEMENTS, AND PRIVATE STREETS ASSOCIATED WITH SAID DRAINAGE SYSTEM.

THIS INSTRUMENT PREPARED BY  
DAVID P. LINDLEY  
OF  
**CAULFIELD and WHEELER, INC.**  
SURVEYORS - ENGINEERS - PLANNERS  
7900 GLADES ROAD, SUITE 100  
BOCA RATON, FLORIDA 33434 - (561)392-1991  
CERTIFICATE OF AUTHORIZATION NO. LB3591

IN WITNESS WHEREOF, THE ABOVE NAMED KH WESTLAKE, LLC, A FLORIDA LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER, AND ITS COMPANY SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS MEMBERS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

BY: KH WESTLAKE, LLC  
A FLORIDA LIMITED LIABILITY COMPANY  
THE KOLTER GROUP, LLC  
A FLORIDA LIMITED LIABILITY COMPANY ITS MANAGER  
WITNESS: \_\_\_\_\_  
PRINT NAME \_\_\_\_\_  
WITNESS: \_\_\_\_\_  
BY: \_\_\_\_\_  
PRINT NAME \_\_\_\_\_  
MANAGER

### ACKNOWLEDGMENT:

STATE OF FLORIDA)  
COUNTY OF PALM BEACH)

BEFORE ME PERSONALLY APPEARED \_\_\_\_\_ WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS MANAGER OF THE KOLTER GROUP, LLC, A FLORIDA LIMITED LIABILITY COMPANY, MANAGER OF KH WESTLAKE, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT HE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID COMPANY, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE SEAL OF SAID COMPANY AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR COMPANY AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID COMPANY.  
WITNESS MY HAND AND OFFICIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_  
PRINT NAME  
MY COMMISSION EXPIRES: \_\_\_\_\_  
COMMISSION NUMBER: \_\_\_\_\_

IN WITNESS WHEREOF, THE ABOVE NAMED SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS PRSIDENT, AND ITS COMPANY SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS BOARD OD DIRECTORS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

SEMINOLE IMPROVEMENT DISTRICT  
AN INDEPENDENT SPECIAL DISTRICT  
OF THE STATE OF FLORIDA  
WITNESS: \_\_\_\_\_  
PRINT NAME \_\_\_\_\_  
BY: \_\_\_\_\_  
SCOTT MASSEY  
PRESIDENT  
WITNESS: \_\_\_\_\_  
PRINT NAME \_\_\_\_\_

### ACCEPTANCE OF DEDICATION AND RESERVATIONS:

SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, HEREBY ACCEPTS THE DEDICATIONS AND RESERVATIONS TO SAID DISTRICT AS STATED AND SHOWN HEREON, AND ITS MAINTENANCE OBLIGATIONS FOR SAME, AND HEREBY JOINS IN AND CONSENTS TO THE UTILITY EASEMENTS DEDICATION, DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

SEMINOLE IMPROVEMENT DISTRICT  
AN INDEPENDENT SPECIAL DISTRICT  
OF THE STATE OF FLORIDA  
WITNESS: \_\_\_\_\_  
PRINT NAME \_\_\_\_\_  
BY: \_\_\_\_\_  
SCOTT MASSEY  
PRESIDENT  
WITNESS: \_\_\_\_\_  
PRINT NAME \_\_\_\_\_

### ACKNOWLEDGEMENT:

STATE OF FLORIDA)  
COUNTY OF PALM BEACH)

BEFORE ME PERSONALLY APPEARED SCOTT MASSEY WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS PRESIDENT OF SEMINOLE IMPROVEMENT DISTRICT, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT HE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID DISTRICT, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE DISTRICT SEAL OF SAID DISTRICT AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR STATUTORY AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID DISTRICT.

WITNESS MY HAND AND OFFICIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_  
PRINT NAME  
MY COMMISSION EXPIRES: \_\_\_\_\_  
COMMISSION NUMBER: \_\_\_\_\_

AREA TABULATION

SINGLE FAMILY LOTS	25,9928 ACRES
ROADWAY TRACT R	12,3409 ACRES
ROADWAY TRACT RW	0.1572 ACRES
OPEN SPACE TRACTS	5.4023 ACRES
WATER MANAGEMENT TRACTS	22.8112 ACRES
RECREATION TRACT	6.6639 ACRES
TOTAL THIS PLAT	73.1684 ACRES

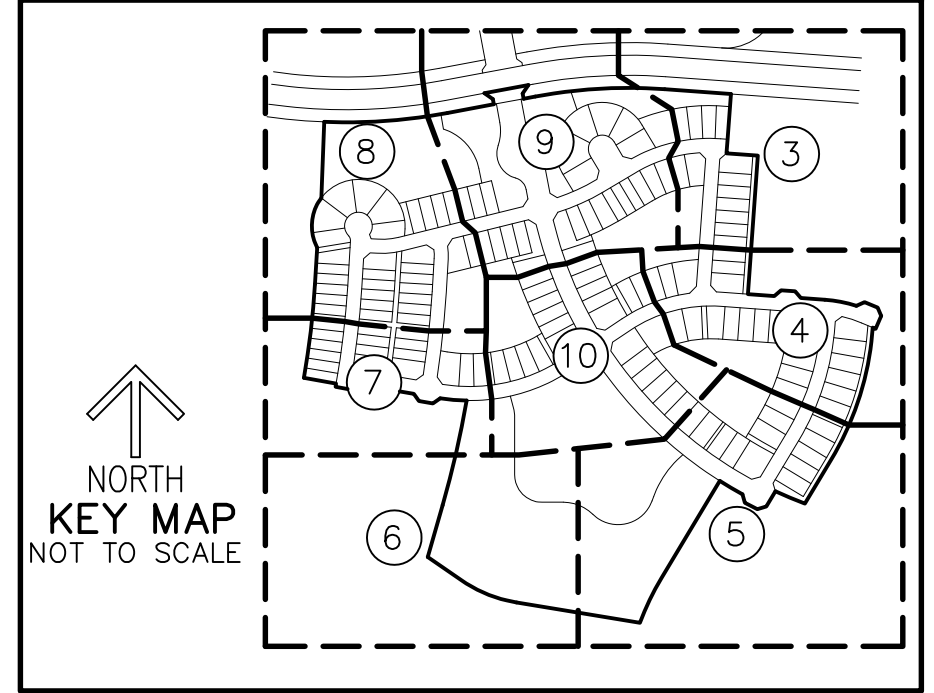
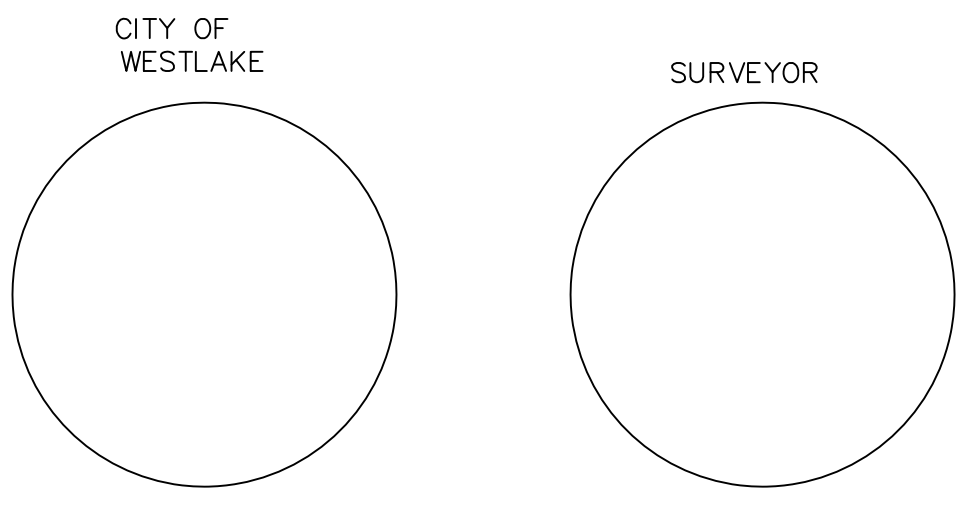
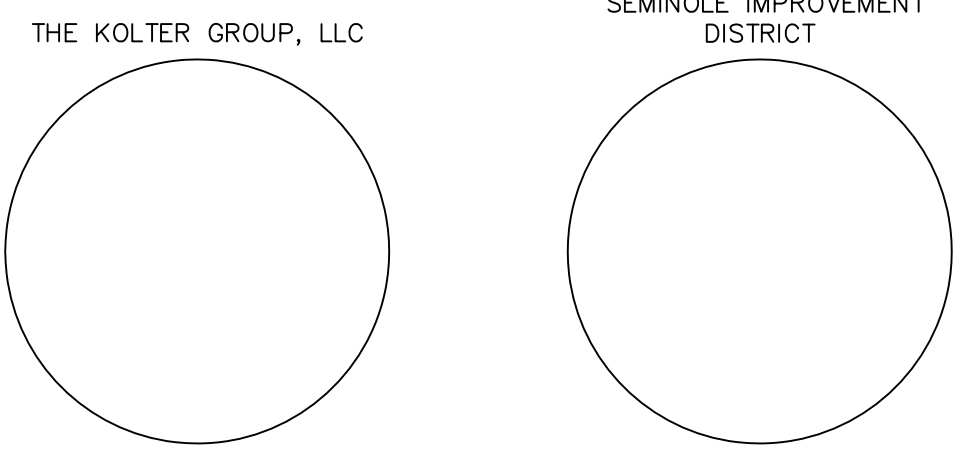
CITY OF WESTLAKE APPROVAL:  
THIS CERTIFIES THAT THIS PLAT HAS BEEN ACCEPTED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE BY A RESOLUTION DULY ADOPTED BY THE CITY COUNCIL, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019, IN ACCORDANCE WITH SEC. 177.071(2), F.S., AND HAS BEEN REVIEWED BY A PROFESSIONAL SURVEYOR AND MAPPER EMPLOYED BY THE CITY OF WESTLAKE IN ACCORDANCE WITH SECTION 177.081(1), F.S.

BY: \_\_\_\_\_  
KEN CASSEL  
CITY MANAGER  
BY: \_\_\_\_\_  
ROGER MANNING  
CITY MAYOR

TITLE CERTIFICATION:  
STATE OF FLORIDA)  
COUNTY OF PALM BEACH)

I, TYRONE T. BONGARD, A DULY LICENSED ATTORNEY IN THE STATE OF FLORIDA DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY; THAT I FIND THE TITLE TO THE PROPERTY IS VESTED IN KH WESTLAKE, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA; THAT THE CURRENT TAXES HAVE BEEN PAID; AND THAT ALL PALM BEACH COUNTY SPECIAL ASSESSMENT ITEMS, AND ALL OTHER ITEMS HELD AGAINST SAID LANDS HAVE BEEN SATISFIED; THAT ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD NOR OTHERWISE TERMINATED BY LAW ARE SHOWN HEREON; AND THAT THERE ARE ENCUMBRANCES OF RECORD BUT THOSE ENCUMBRANCES DO NOT PROHIBIT THE CREATION OF THE SUBDIVISION DEPICTED BY THIS PLAT.

DATED: \_\_\_\_\_  
TYRONE T. BONGARD  
GUNSTER YOAKLEY, P.A.  
ATTORNEYS AT LAW



SURVEYOR & MAPPER'S NOTES:  
1. IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE COINCIDE, DRAINAGE EASEMENTS SHALL HAVE FIRST PRIORITY, UTILITY EASEMENTS SHALL HAVE SECOND PRIORITY, ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL BE SUBORDINATE TO THESE WITH THEIR PRIORITIES BEING DETERMINED BY USE RIGHTS GRANTED.  
2. BUILDING SETBACK LINES SHALL BE AS REQUIRED BY CURRENT CITY OF WESTLAKE ZONING REGULATIONS.  
3. NO BUILDING OR ANY KIND OF CONSTRUCTION OR TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT PRIOR WRITTEN CONSENT OF ALL EASEMENT BENEFICIARIES AND ALL APPLICABLE CITY OF WESTLAKE APPROVALS OR PERMITS AS REQUIRED FOR SUCH ENCROACHMENTS; THERE WILL BE NO ABOVE GROUND ENCROACHMENTS WHERE LAKE MAINTENANCE EASEMENTS AND UTILITY EASEMENTS COINCIDE.  
4. BEARINGS SHOWN HEREON ARE BASED ON A RECORD PLAT BEARING OF S.85°52'14"E. ALONG THE SOUTH LINE OF TRACT O.S.T. 2, TOWN CENTER PARKWAY - PHASE II, AS RECORDED IN PLAT BOOK 126, PAGES 34 THROUGH 38 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (2007 ADJUSTMENT).  
5. COORDINATES SHOWN HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (2007 ADJUSTMENT), AND BASED ON REDUNDANT G.P.S. OBSERVATIONS UTILIZING THE CERTIFIED LENGEMAN NETWORK.  
6. LINES INTERSECTING CURVES ARE RADIAL UNLESS SHOWN OTHERWISE.  
7. "NOTICE" THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY.

SURVEYOR & MAPPER'S CERTIFICATE:  
THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT PERMANENT REFERENCE MONUMENTS (P.R.M.'S) ACCORDING TO SEC. 177.091(9), F.S., HAVE BEEN PLACED AS REQUIRED BY LAW AND THAT PERMANENT CONTROL POINTS (P.C.P.'S) AND MONUMENTS ACCORDING TO SEC. 177.091(8), F.S., WILL BE SET; AND, FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF THE CITY OF WESTLAKE, FLORIDA.

DATED: \_\_\_\_\_  
DAVID P. LINDLEY  
PROFESSIONAL LAND SURVEYOR #5005  
STATE OF FLORIDA  
LB #5591

# CRESSWIND PALM BEACH PHASE 1

BEING A REPLAT OF ALL OF TRACT W.M.T. 3 AND A PORTION OF TRACT OS-5,  
TOWN CENTER PARKWAY NORTH, AS RECORDED IN PLAT BOOK 123, PAGES 106 THROUGH 118  
OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,  
TOGETHER WITH A PORTION OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST,  
AND SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST,  
CITY OF WESTLAKE, PALM BEACH COUNTY FLORIDA

THIS INSTRUMENT PREPARED BY  
DAVID P. LINDLEY  
OF  
**CAULFIELD and WHEELER, INC.**  
SURVEYORS - ENGINEERS - PLANNERS  
7900 GLADES ROAD, SUITE 100  
BOCA RATON, FLORIDA 33434 - (561)392-1991  
CERTIFICATE OF AUTHORIZATION NO. LB3591

**SHEET 2 OF 10**

### MORTGAGEE'S JOINDER AND CONSENT:

STATE OF TEXAS)  
COUNTY OF DALLAS)

THE UNDERSIGNED HEREBY CERTIFIES THAT IT IS THE HOLDER OF A MORTGAGE, UPON THE PROPERTY DESCRIBED HEREON AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LAND DESCRIBED IN SAID DEDICATION BY THE OWNER THEREOF AND AGREES THAT ITS MORTGAGE WHICH IS RECORDED IN OFFICIAL RECORDS BOOK \_\_\_\_\_, AT PAGE \_\_\_\_\_ OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, THE SAID COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS VICE PRESIDENT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

U.S. BANK NATIONAL ASSOCIATION  
D/B/A HOUSING CAPITAL COMPANY

WITNESS: \_\_\_\_\_  
PRINT NAME \_\_\_\_\_  
WITNESS: \_\_\_\_\_  
PRINT NAME \_\_\_\_\_

BY: \_\_\_\_\_  
JAMIE MILLER  
SENIOR VICE PRESIDENT

### ACKNOWLEDGMENT:

STATE OF TEXAS)  
COUNTY OF DALLAS)

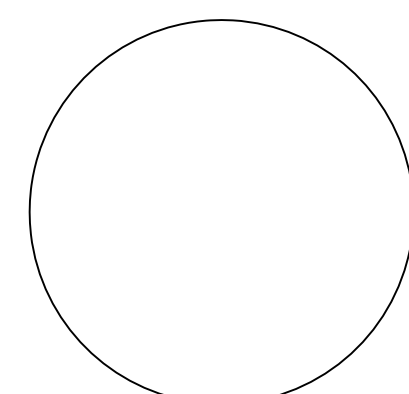
BEFORE ME PERSONALLY APPEARED JAMIE MILLER, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS SENIOR VICE PRESIDENT OF U.S. BANK NATIONAL ASSOCIATION, D/B/A HOUSING CAPITAL COMPANY, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT HE/SHE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID COMPANY, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE COMPANY SEAL OF SAID COMPANY AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR COMPANY AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_  
PRINT NAME  
MY COMMISSION EXPIRES: \_\_\_\_\_  
COMMISSION NUMBER: \_\_\_\_\_

(SEAL)

U.S. BANK NATIONAL ASSOCIATION



### ACCEPTANCE OF DEDICATION:

STATE OF FLORIDA)  
COUNTY OF PALM BEACH)

CRESSWIND PALM BEACH HOMEOWNERS ASSOCIATION, INC., A FLORIDA CORPORATION NOT FOR PROFIT, HEREBY ACCEPTS THE DEDICATIONS OR RESERVATIONS TO SAID ASSOCIATION AS STATED AND SHOWN HEREON, AND HEREBY ACCEPTS ITS MAINTENANCE OBLIGATIONS FOR SAME AS STATED HEREON, DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

CRESSWIND PALM BEACH HOMEOWNERS ASSOCIATION, INC.  
A FLORIDA CORPORATION NOT FOR PROFIT

WITNESS: \_\_\_\_\_  
PRINT NAME \_\_\_\_\_  
WITNESS: \_\_\_\_\_  
PRINT NAME \_\_\_\_\_

BY: \_\_\_\_\_  
WAYNE SOOJIAN  
PRESIDENT

### ACKNOWLEDGEMENT:

STATE OF FLORIDA)  
COUNTY OF PALM BEACH)

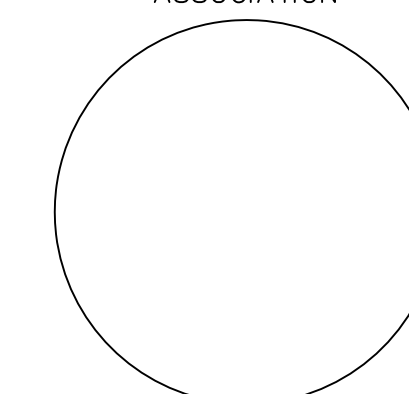
BEFORE ME PERSONALLY APPEARED WAYNE SOOJIAN, WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS PRESIDENT OF CRESSWIND PALM BEACH HOMEOWNERS ASSOCIATION, INC., A FLORIDA CORPORATION NOT FOR PROFIT, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT SHE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID CORPORATION, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR CORPORATE AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_  
PRINT NAME  
MY COMMISSION EXPIRES: \_\_\_\_\_  
COMMISSION NUMBER: \_\_\_\_\_

(SEAL)

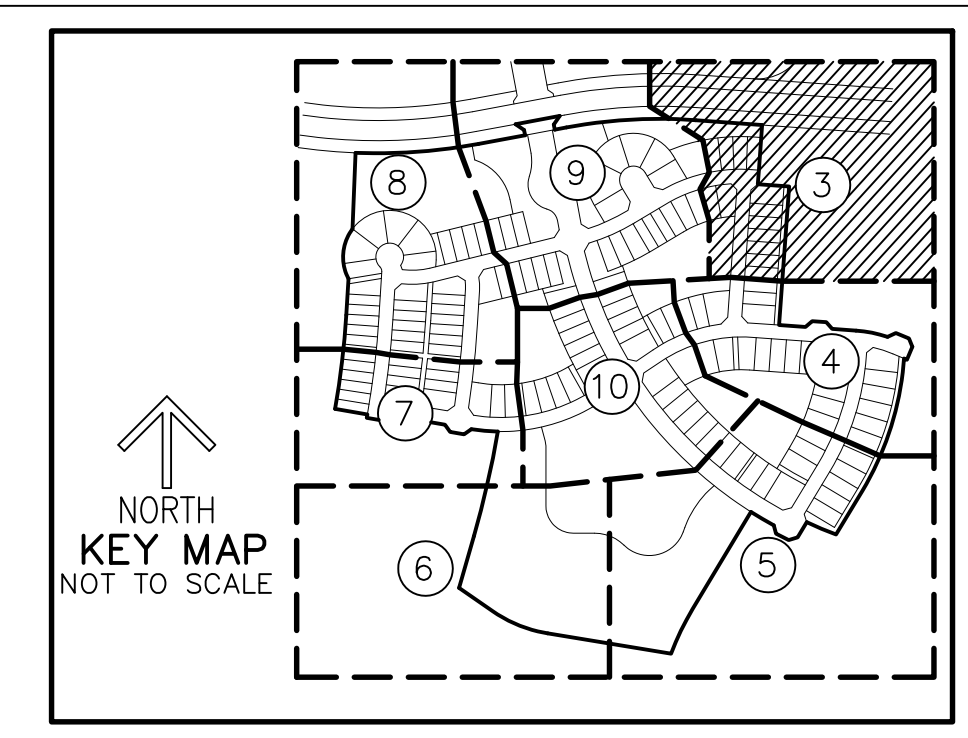
HOMEOWNERS ASSOCIATION



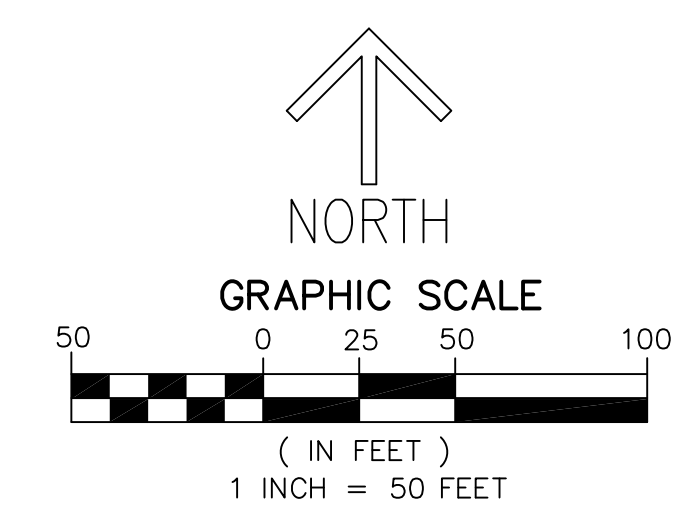
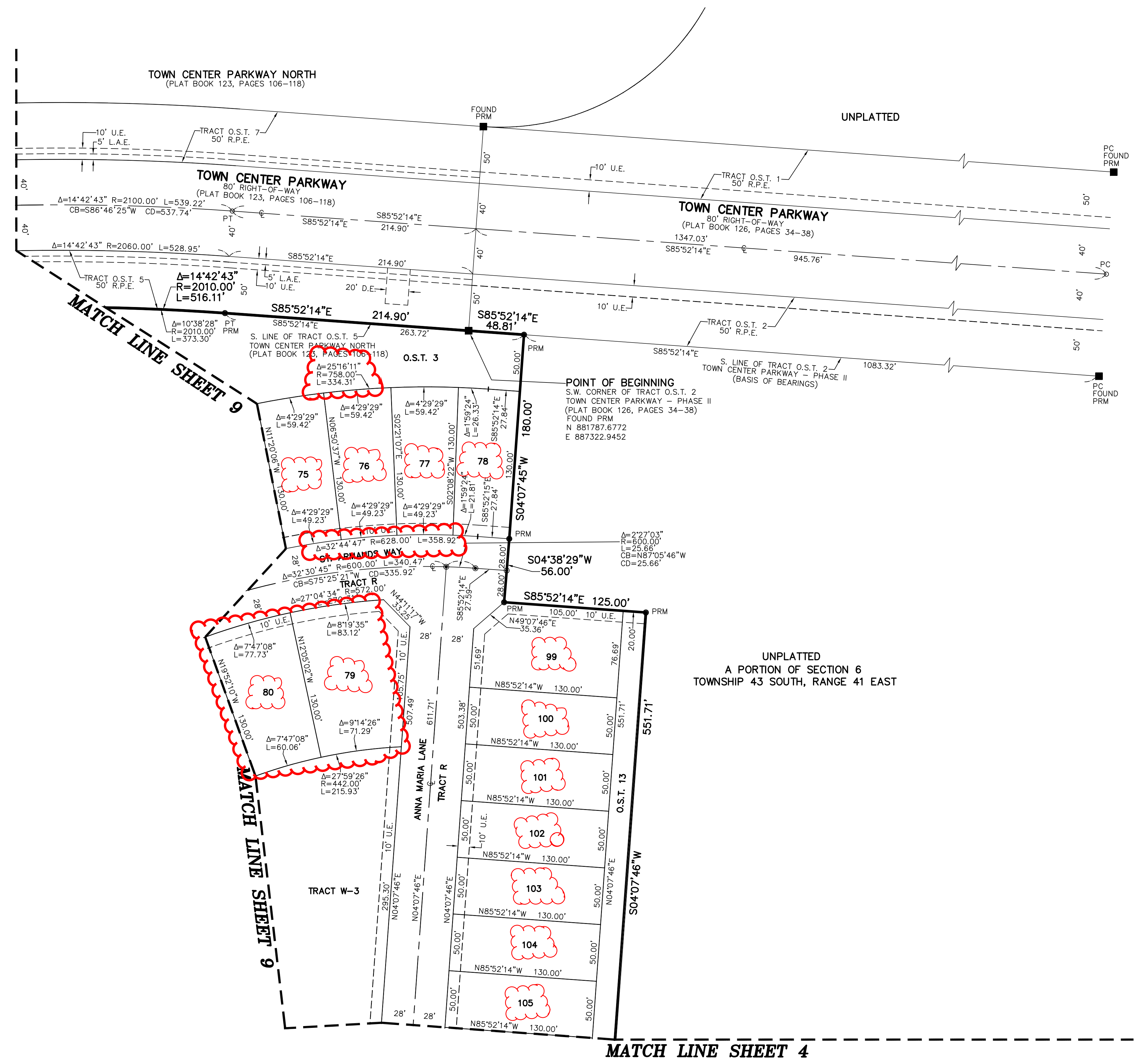
THIS INSTRUMENT PREPARED BY  
DAVID P. LINDLEY  
OF  
**CAULFIELD and WHEELER, INC.**  
SURVEYORS - ENGINEERS - PLANNERS  
7900 GLADES ROAD, SUITE 100  
BOCA RATON, FLORIDA 33434 - (561)392-1991  
CERTIFICATE OF AUTHORIZATION NO. LB3591

# CRESSWIND PALM BEACH PHASE 1

BEING A REPLAT OF ALL OF TRACT W.M.T. 3 AND A PORTION OF TRACT OS-5,  
TOWN CENTER PARKWAY NORTH, AS RECORDED IN PLAT BOOK 123, PAGES 106 THROUGH 118  
OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,  
TOGETHER WITH A PORTION OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST,  
AND SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST,  
CITY OF WESTLAKE, PALM BEACH COUNTY FLORIDA



**SHEET 3 OF 10**



**NOTES**  
**COORDINATES, BEARINGS AND DISTANCES**  
COORDINATES SHOWN ARE GRID  
DATUM = NAD 83 (2007 ADJUSTMENT)  
ZONE = FLORIDA EAST  
LINEAR UNIT = US SURVEY FEET  
COORDINATE SYSTEM 1983 STATE PLANE  
TRANSVERSE MERCATOR PROJECTION  
ALL DISTANCES ARE GROUND  
SCALE FACTOR = 1.0000017  
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
BEARINGS AS SHOWN HEREON ARE GRID DATUM,  
NAD 83 (2007 ADJUSTMENT), FLORIDA EAST ZONE.

**LEGEND/ABBREVIATIONS**  
C - CENTERLINE  
Δ - DELTA (CENTRAL ANGLE)  
BLVD - BOULEVARD  
CB - CHORD BEARING  
CD - CHORD DISTANCE  
DE - DRAINAGE EASEMENT  
E - EASTING (WHEN USED WITH COORDINATES)  
L - ARC LENGTH  
LMAE - LAKE MAINTENANCE ACCESS EASEMENT  
LAE - LIMITED ACCESS EASEMENT  
LB - LICENSED BUSINESS  
N - NORTHING (WHEN USED WITH COORDINATES)  
(NR) - NON-RADIAL LINE  
O.S.T. - OPEN SPACE TRACT  
PC - POINT OF CURVATURE  
PCC - POINT OF COMPOUND CURVATURE  
PNT - POINT OF NON-TANGENCY  
PRC - POINT OF REVERSE CURVATURE  
PT - POINT OF TANGENCY  
R - RADIUS  
RPE - RURAL PARKWAY EASEMENT  
U.E. - UTILITY EASEMENT  
● - PERMANENT CONTROL POINT  
● - SET PERMANENT REFERENCE MONUMENT  
SET 5/8" IRON ROD WITH CAP  
STAMPED "C&W PRM LB3591"  
■ - FOUND PERMANENT REFERENCE MONUMENT  
4" x 4" x 24" CONCRETE MONUMENT WITH  
DISK STAMPED "PRM LB7768"

UNPLATTED  
A PORTION OF SECTION 6  
TOWNSHIP 43 SOUTH, RANGE 41 EAST

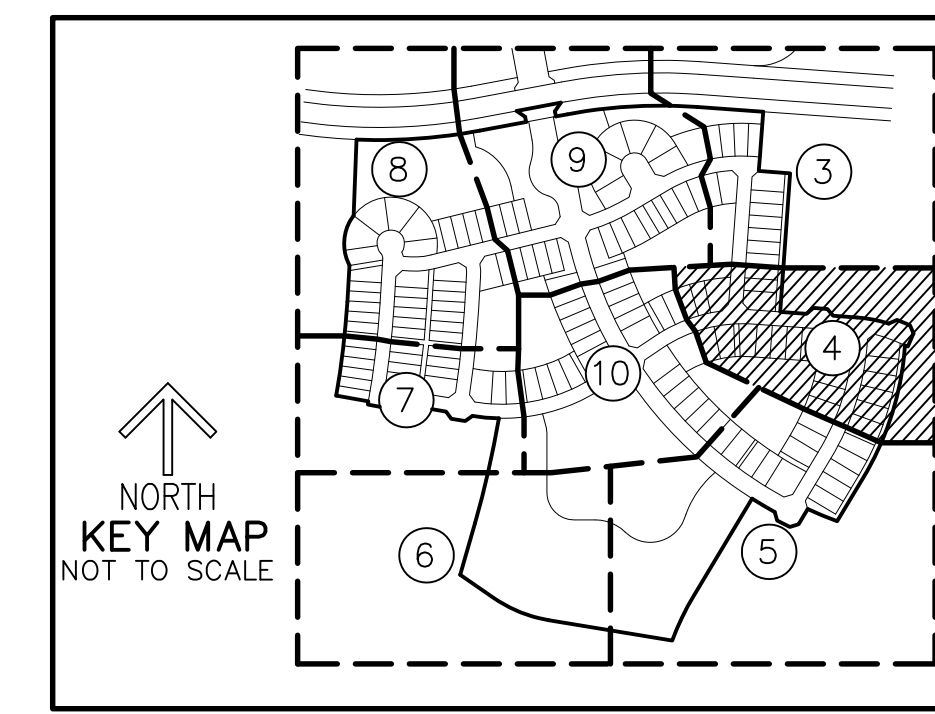
**MATCH LINE SHEET 4**



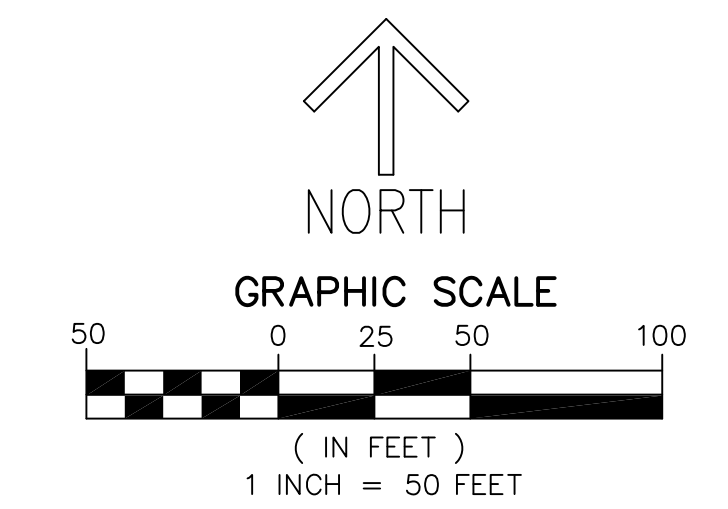
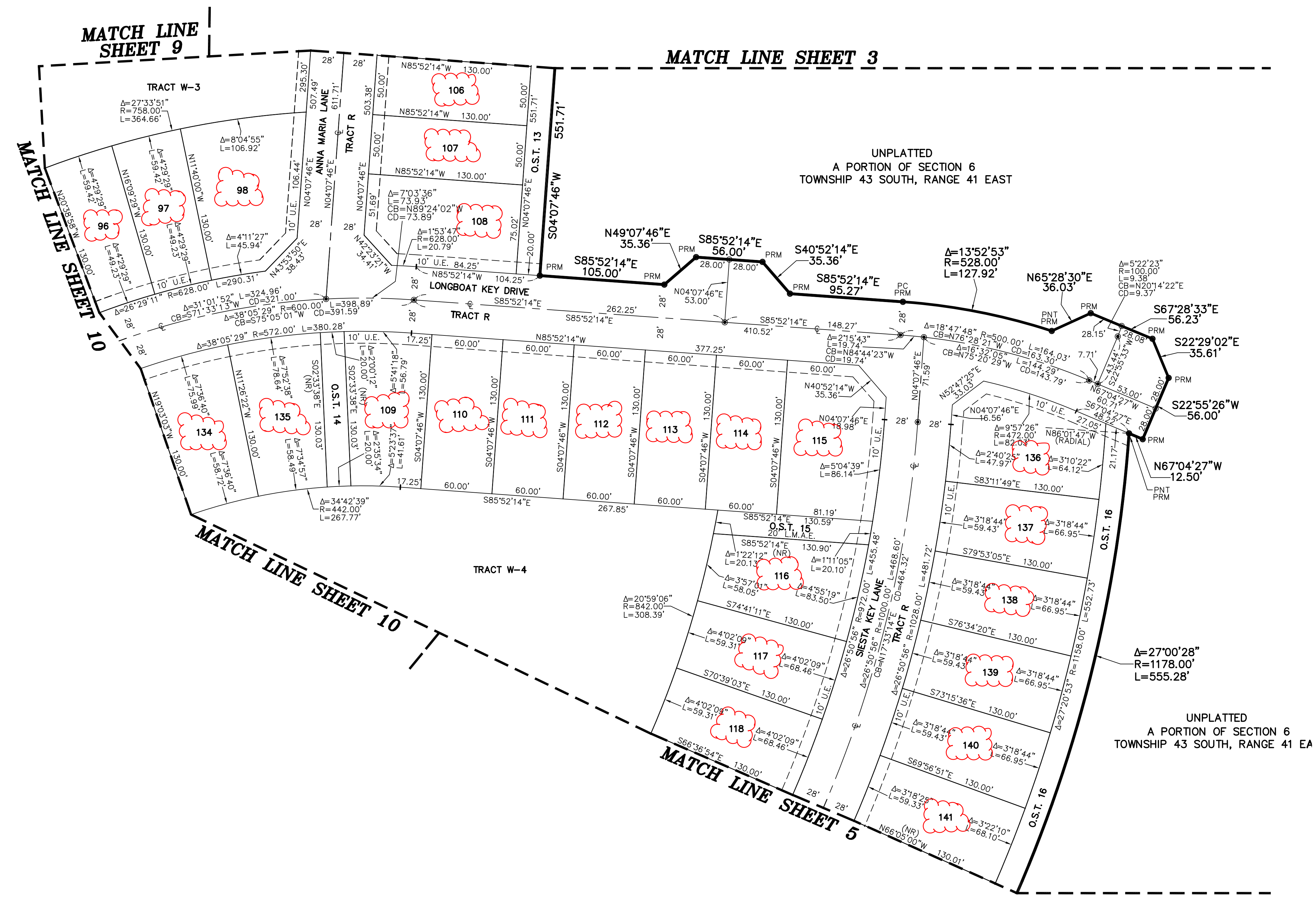
THIS INSTRUMENT PREPARED BY  
 DAVID P. LINDLEY  
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 TOGETHER WITH A PORTION OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST,  
 AND SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST,  
 CITY OF WESTLAKE, PALM BEACH COUNTY FLORIDA



SHEET 4 OF 10



**NOTES**  
**COORDINATES, BEARINGS AND DISTANCES**  
 COORDINATES SHOWN ARE GRID  
 DATUM = NAD 83 (2007 ADJUSTMENT)  
 ZONE = FLORIDA EAST  
 LINEAR UNIT = US SURVEY FEET  
 COORDINATE SYSTEM 1983 STATE PLANE  
 TRANSVERSE MERCATOR PROJECTION  
 ALL DISTANCES ARE GROUND  
 SCALE FACTOR = 1.0000017  
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
 BEARINGS AS SHOWN HEREON ARE GRID DATUM,  
 NAD 83 (2007 ADJUSTMENT), FLORIDA EAST ZONE.

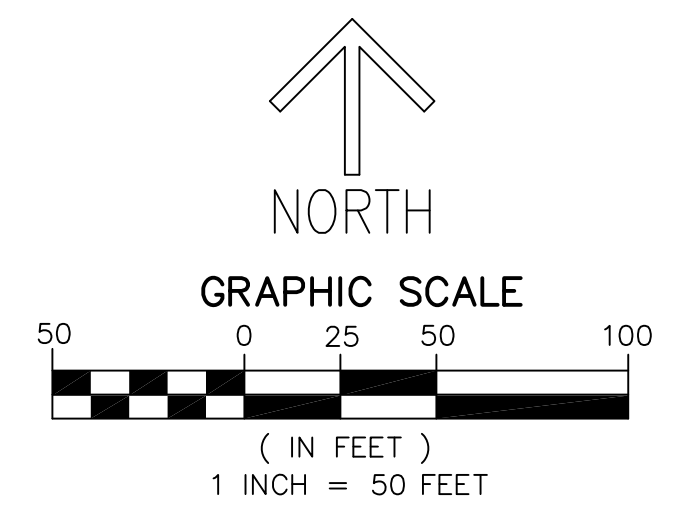
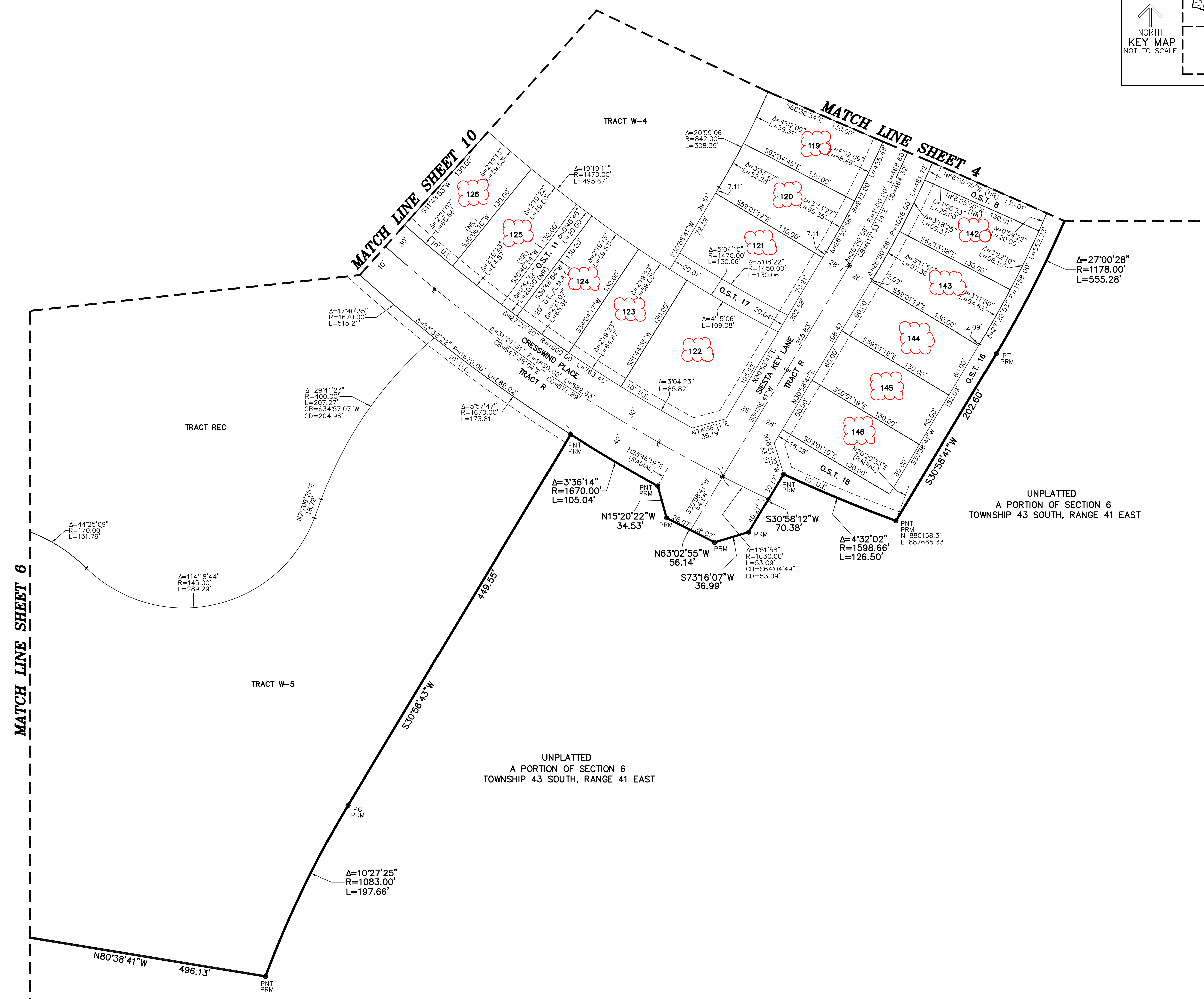
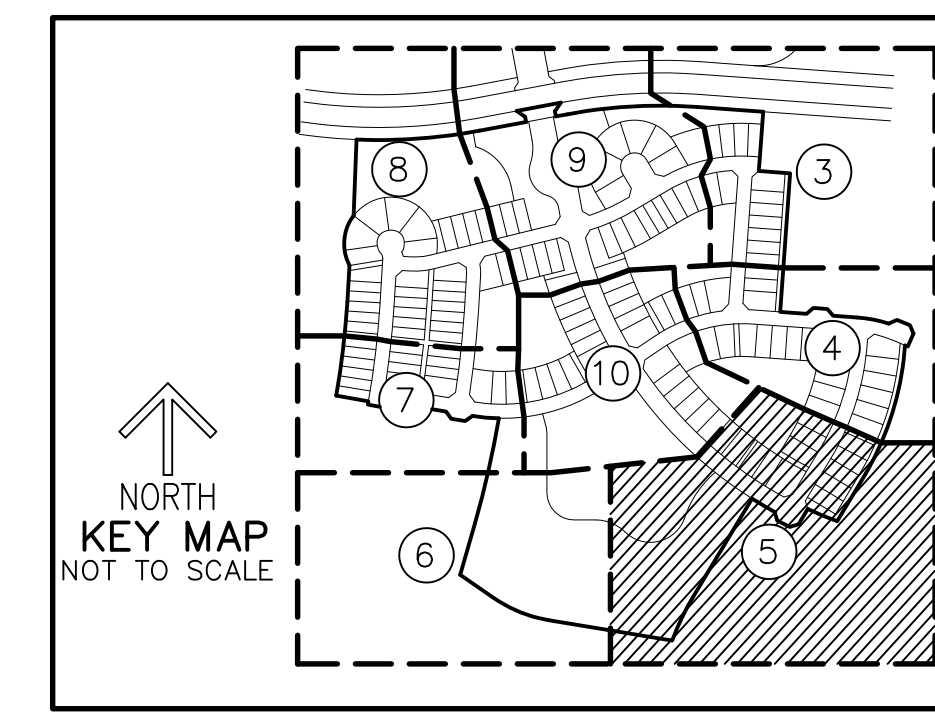
**LEGEND/ABBREVIATIONS**

- CL - CENTERLINE
- Δ - DELTA (CENTRAL ANGLE)
- BLVD - BOULEVARD
- CB - CHORD BEARING
- CD - CHORD DISTANCE
- DE - DRAINAGE EASEMENT
- E - EASTING (WHEN USED WITH COORDINATES)
- L - ARC LENGTH
- LMAE - LAKE MAINTENANCE ACCESS EASEMENT
- LAE - LIMITED ACCESS EASEMENT
- LB - LICENSED BUSINESS
- N - NORTHING (WHEN USED WITH COORDINATES)
- (NR) - NON-RADIAL LINE
- O.S.T. - OPEN SPACE TRACT
- PC - POINT OF CURVATURE
- PCC - POINT OF COMPOUND CURVATURE
- PNT - POINT OF NON-TANGENCY
- PRC - POINT OF REVERSE CURVATURE
- PT - POINT OF TANGENCY
- R - RADIUS
- RPE - RURAL PARKWAY EASEMENT
- U.E. - UTILITY EASEMENT
- - PERMANENT CONTROL POINT
- - SET PERMANENT REFERENCE MONUMENT  
SET 5/8" IRON ROD WITH CAP  
STAMPED "C&W PRM LB3591"
- - FOUND PERMANENT REFERENCE MONUMENT  
4" x 4" x 24" CONCRETE MONUMENT WITH  
DISK STAMPED "PRM LB7768"

THIS INSTRUMENT PREPARED BY  
DAVID P. LINDLEY  
OF  
**CAULFIELD and WHEELER, INC.**  
SURVEYORS - ENGINEERS - PLANNERS  
7900 GLADES ROAD, SUITE 100  
BOCA RATON, FLORIDA 33434 - (561)392-1991  
CERTIFICATE OF AUTHORIZATION NO. LB3591

# CRESSWIND PALM BEACH PHASE 1

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CITY OF WESTLAKE, PALM BEACH COUNTY FLORIDA



**NOTES**  
**COORDINATES, BEARINGS AND DISTANCES**  
COORDINATES SHOWN ARE GRID  
DATUM = NAD 83 (2007 ADJUSTMENT)  
ZONE = FLORIDA EAST  
LINEAR UNIT = US SURVEY FEET  
COORDINATE SYSTEM 1983 STATE PLANE  
TRANSVERSE MERCATOR PROJECTION  
ALL DISTANCES ARE GROUND  
SCALE FACTOR = 1.0000017  
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
BEARINGS AS SHOWN HEREON ARE GRID DATUM,  
NAD 83 (2007 ADJUSTMENT), FLORIDA EAST ZONE.

**LEGEND/ABBREVIATIONS**

- CL - CENTERLINE
- BLVD - BOULEVARD
- CB - CHORD BEARING
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- U.E. - UTILITY EASEMENT
- PC - PERMANENT CONTROL POINT
- PRM - SET PERMANENT REFERENCE MONUMENT  
SET 5/8" IRON ROD WITH CAP  
STAMPED "C&W PRM LB3591"
- PRM - FOUND PERMANENT REFERENCE MONUMENT  
4" x 4" x 24" CONCRETE MONUMENT WITH  
DISK STAMPED "PRM LB7768"

MATCH LINE SHEET 6

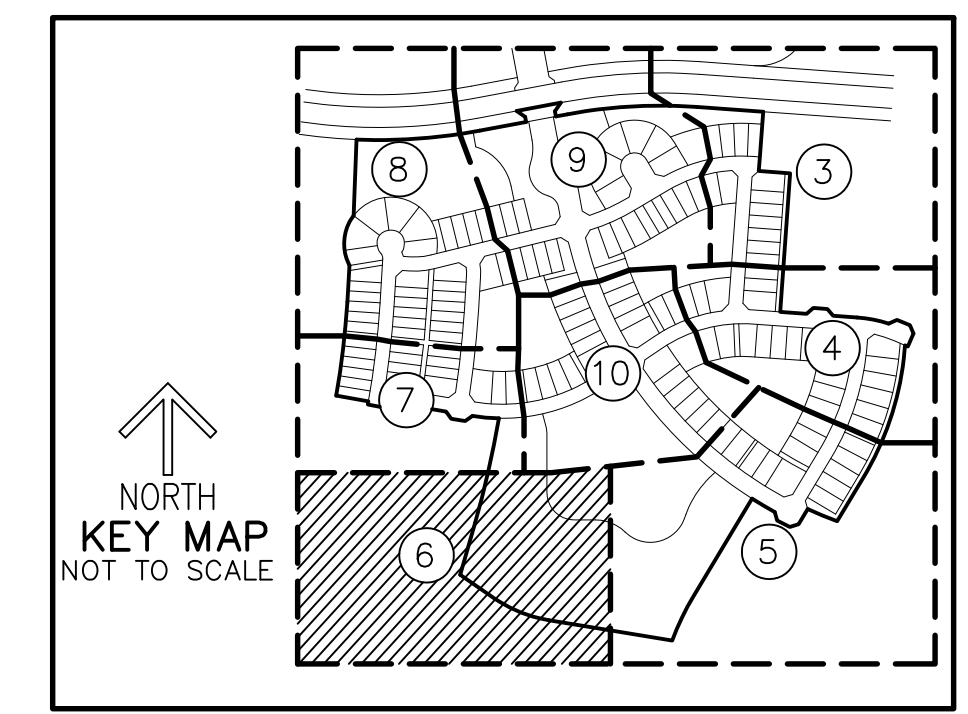
MATCH LINE SHEET 10

MATCH LINE SHEET 4

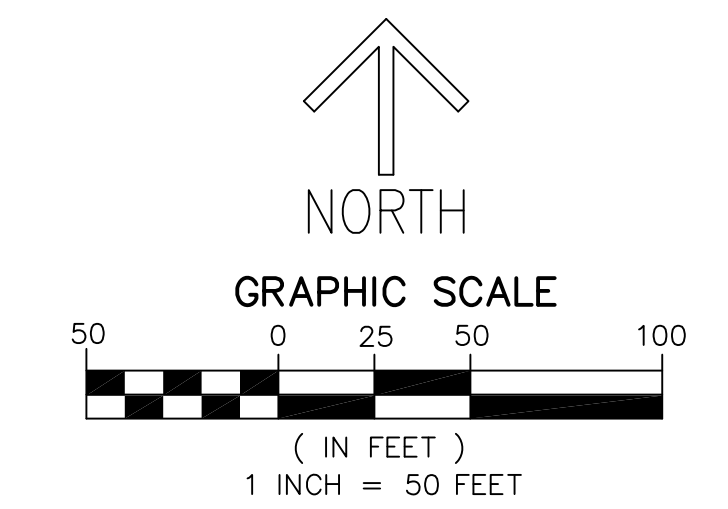
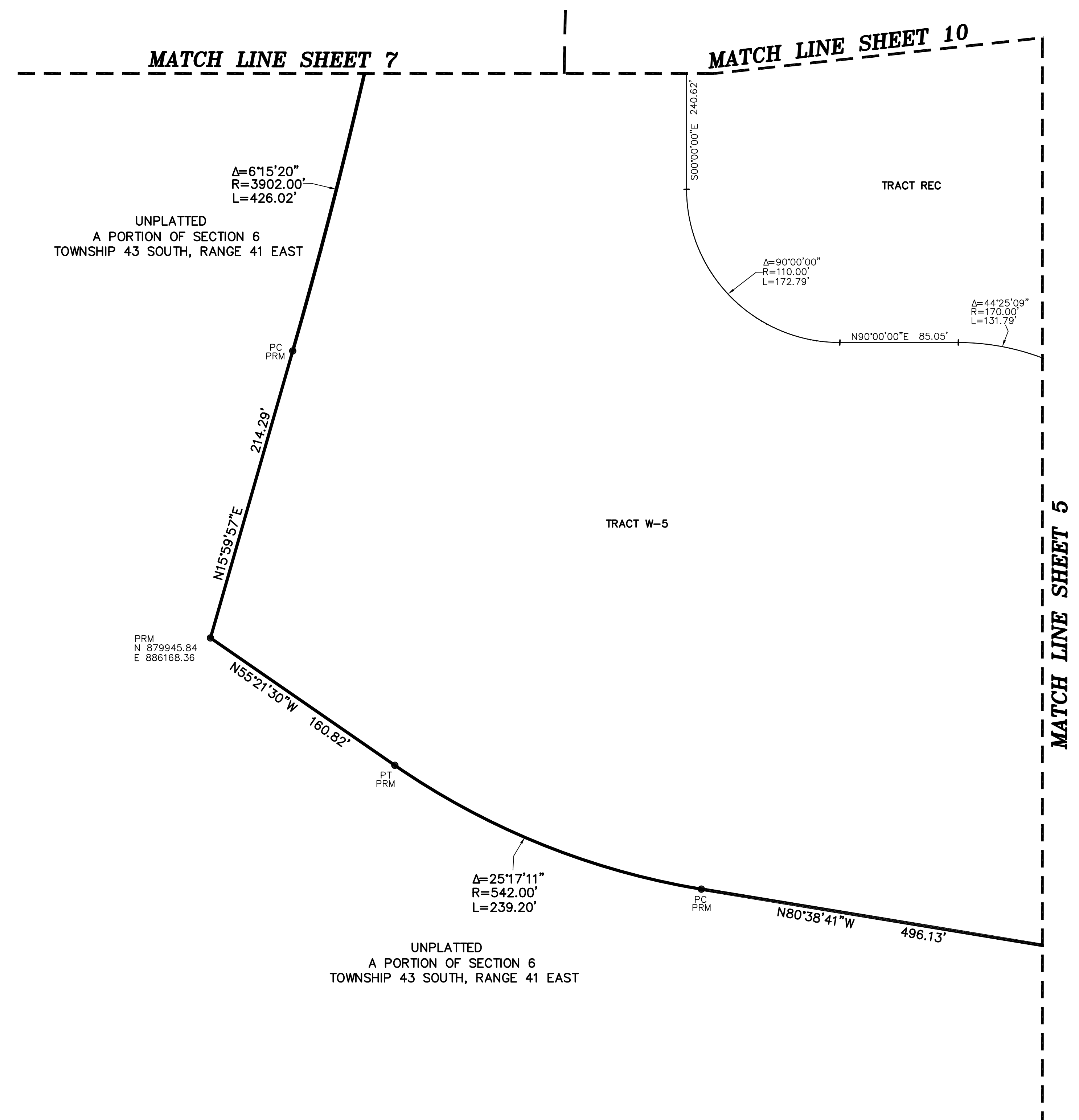
THIS INSTRUMENT PREPARED BY  
DAVID P. LINDLEY  
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**CAULFIELD and WHEELER, INC.**  
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7900 GLADES ROAD, SUITE 100  
BOCA RATON, FLORIDA 33434 - (561)392-1991  
CERTIFICATE OF AUTHORIZATION NO. LB3591

# CRESSWIND PALM BEACH PHASE 1

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AND SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST,  
CITY OF WESTLAKE, PALM BEACH COUNTY FLORIDA



**SHEET 6 OF 10**



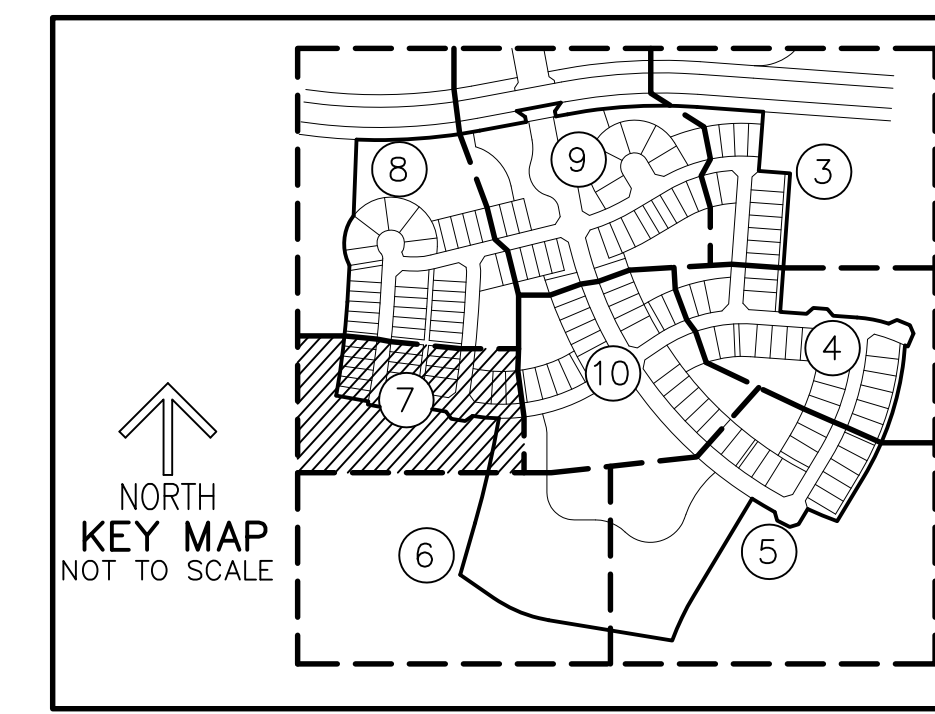
**NOTES**  
**COORDINATES, BEARINGS AND DISTANCES**  
COORDINATES SHOWN ARE GRID  
DATUM = NAD 83 (2007 ADJUSTMENT)  
ZONE = FLORIDA EAST  
LINEAR UNIT = US SURVEY FEET  
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NAD 83 (2007 ADJUSTMENT), FLORIDA EAST ZONE.

- LEGEND/ABBREVIATIONS**
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  - PT - POINT OF TANGENCY
  - R - RADIUS
  - RPE - RURAL PARKWAY EASEMENT
  - U.E. - UTILITY EASEMENT
  - - PERMANENT CONTROL POINT
  - PRM - SET PERMANENT REFERENCE MONUMENT SET 5/8" IRON ROD WITH CAP STAMPED "C&W PRM LB3591"
  - PRM - FOUND PERMANENT REFERENCE MONUMENT 4"x 4"x 24" CONCRETE MONUMENT WITH DISK STAMPED "PRM LB7768"

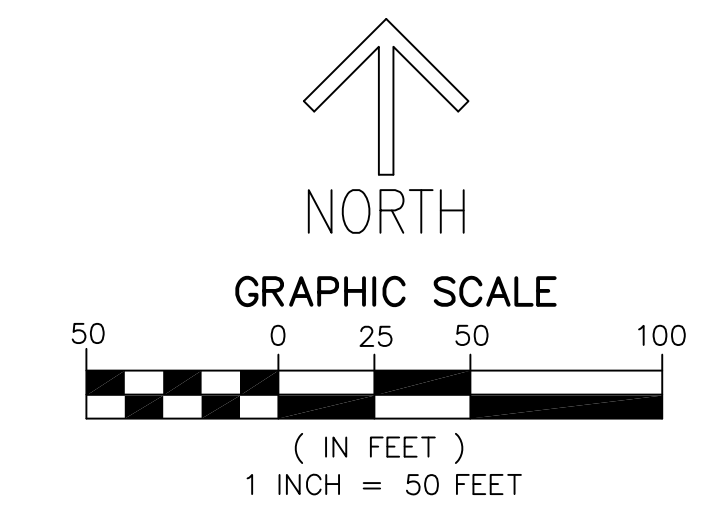
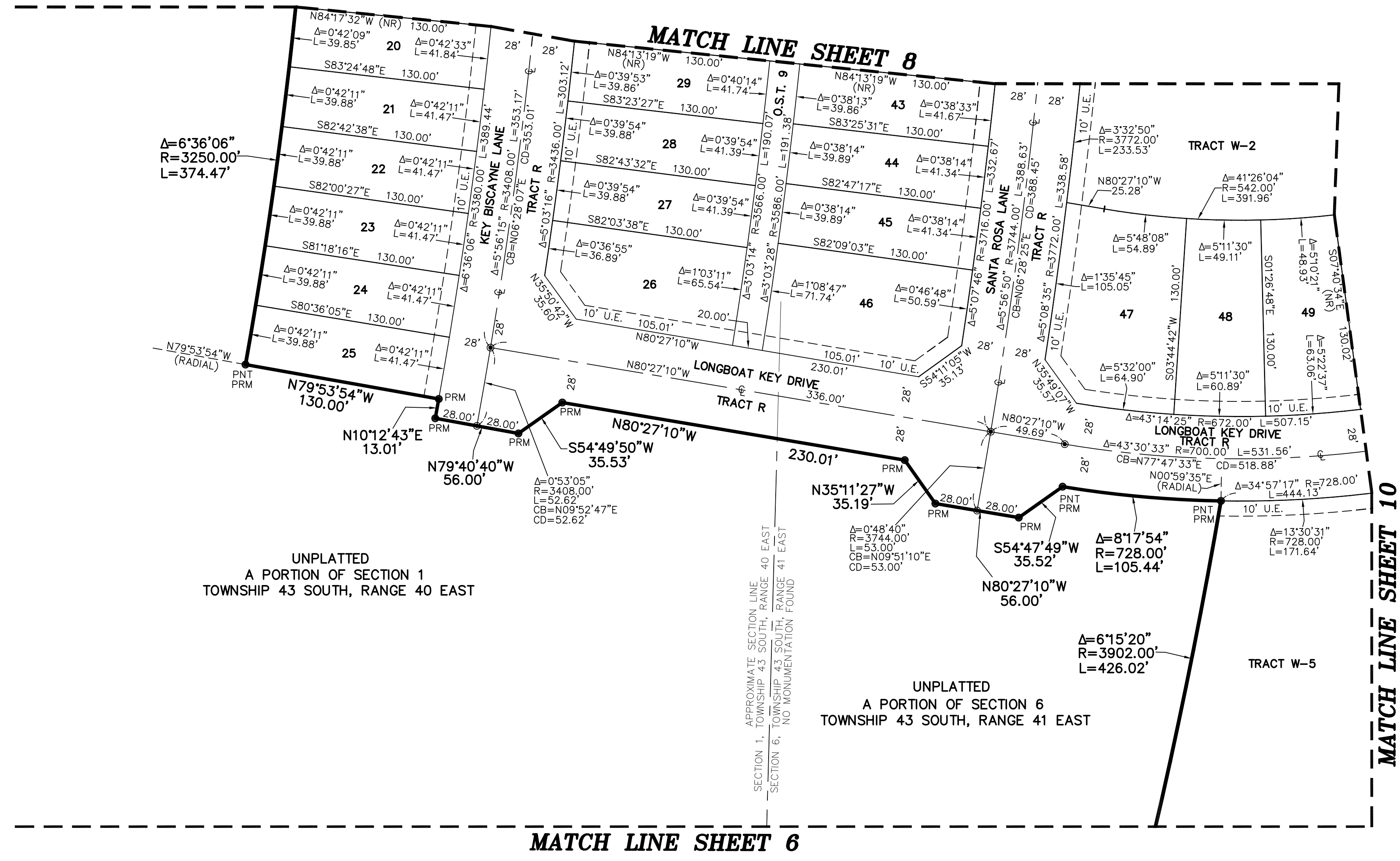
THIS INSTRUMENT PREPARED BY  
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# CRESSWIND PALM BEACH PHASE 1

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 AND SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST,  
 CITY OF WESTLAKE, PALM BEACH COUNTY FLORIDA



**SHEET 7 OF 10**



**NOTES**  
**COORDINATES, BEARINGS AND DISTANCES**  
 COORDINATES SHOWN ARE GRID  
 DATUM = NAD 83 (2007 ADJUSTMENT)  
 ZONE = FLORIDA EAST  
 LINEAR UNIT = US SURVEY FEET  
 COORDINATE SYSTEM 1983 STATE PLANE  
 TRANSVERSE MERCATOR PROJECTION  
 ALL DISTANCES ARE GROUND  
 SCALE FACTOR = 1.0000017  
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
 BEARINGS AS SHOWN HEREON ARE GRID DATUM,  
 NAD 83 (2007 ADJUSTMENT), FLORIDA EAST ZONE.

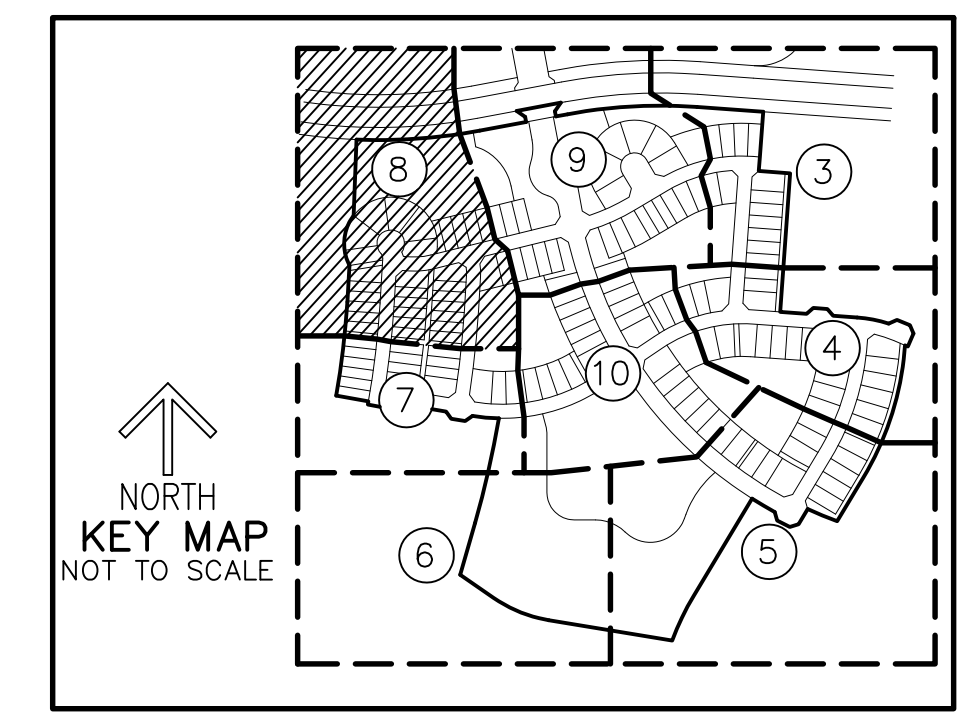
**LEGEND/ABBREVIATIONS**

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- - PERMANENT CONTROL POINT
- PRM - SET PERMANENT REFERENCE MONUMENT  
SET 5/8" IRON ROD WITH CAP  
STAMPED "C&W PRM LB3591"
- PRM - FOUND PERMANENT REFERENCE MONUMENT  
4" x 4" x 24" CONCRETE MONUMENT WITH  
DISK STAMPED "PRM LB7768"

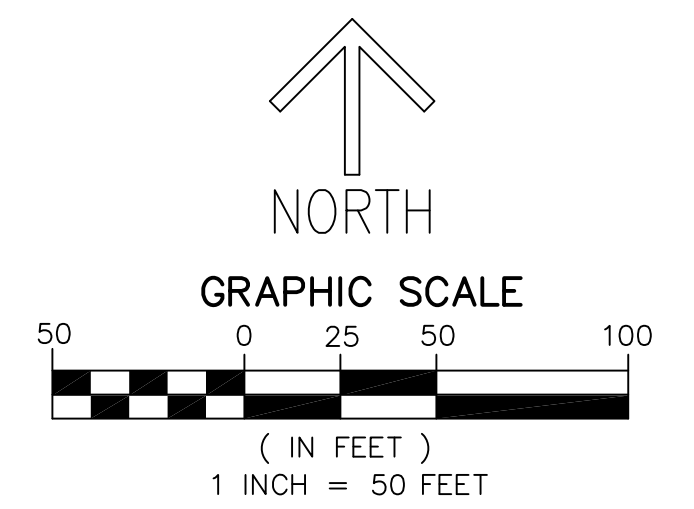
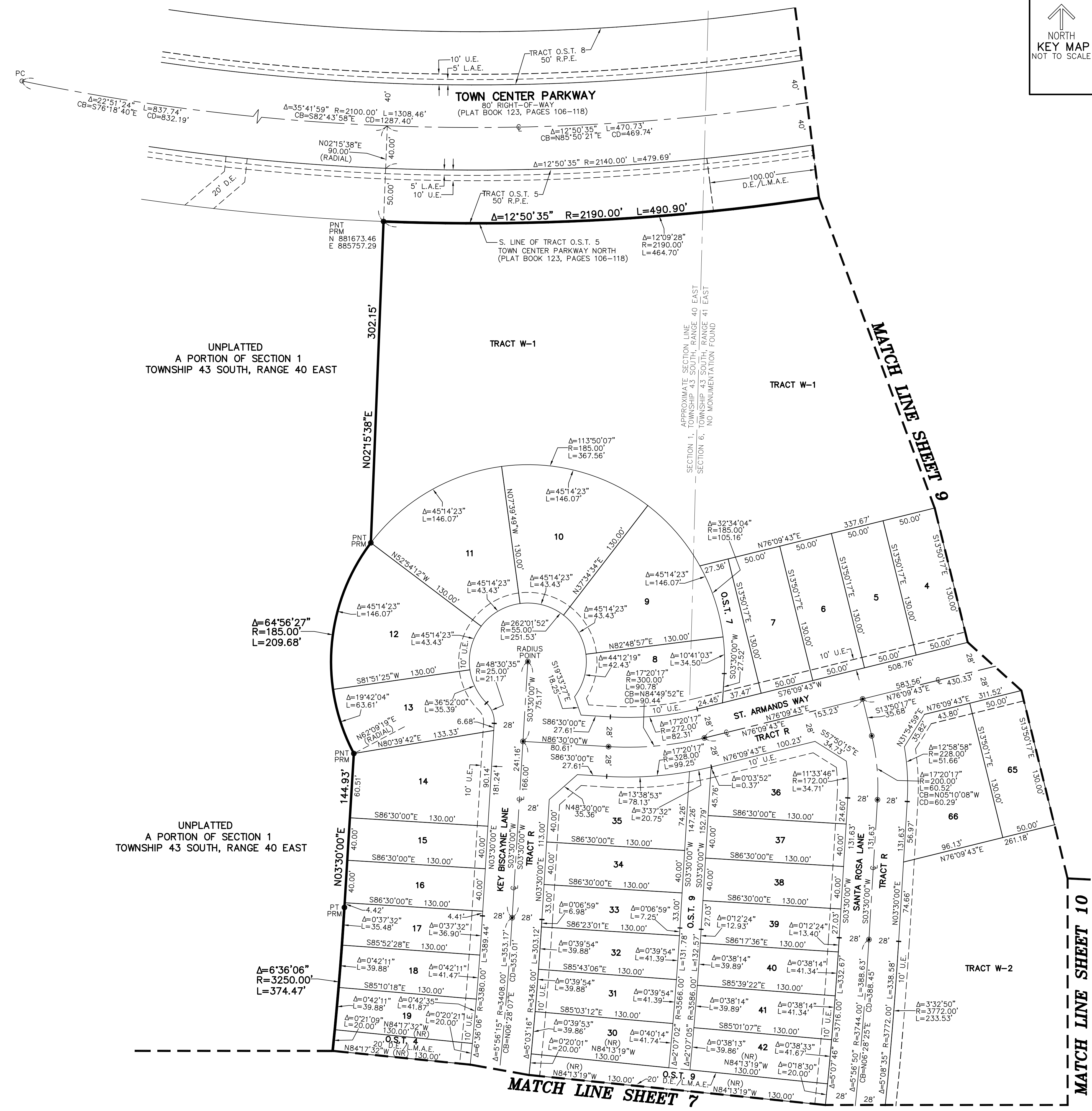
# CRESSWIND PALM BEACH PHASE 1

BEING A REPLAT OF ALL OF TRACT W.M.T. 3 AND A PORTION OF TRACT OS-5,  
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AND SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST,  
CITY OF WESTLAKE, PALM BEACH COUNTY FLORIDA

THIS INSTRUMENT PREPARED BY  
DAVID P. LINDLEY  
OF  
**CAULFIELD and WHEELER, INC.**  
SURVEYORS - ENGINEERS - PLANNERS  
7900 GLADES ROAD, SUITE 100  
BOCA RATON, FLORIDA 33434 - (561)392-1991  
CERTIFICATE OF AUTHORIZATION NO. LB3591



SHEET 8 OF 10



**NOTES**  
**COORDINATES, BEARINGS AND DISTANCES**  
COORDINATES SHOWN ARE GRID  
DATUM = NAD 83 (2007 ADJUSTMENT)  
ZONE = FLORIDA EAST  
LINEAR UNIT = US SURVEY FEET  
COORDINATE SYSTEM 1983 STATE PLANE  
TRANSVERSE MERCATOR PROJECTION  
ALL DISTANCES ARE GROUND  
SCALE FACTOR = 1.0000017  
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
BEARINGS AS SHOWN HEREON ARE GRID DATUM,  
NAD 83 (2007 ADJUSTMENT), FLORIDA EAST ZONE.

**LEGEND/ABBREVIATIONS**

- CL - CENTERLINE
- Δ - DELTA (CENTRAL ANGLE)
- BLVD. - BOULEVARD
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- RPE - RURAL PARKWAY EASEMENT
- U.E. - UTILITY EASEMENT
- PERM - PERMANENT CONTROL POINT
- PRM - SET PERMANENT REFERENCE MONUMENT  
SET 5/8" IRON ROD WITH CAP  
STAMPED "C&W PRM LB3591"
- PRM - FOUND PERMANENT REFERENCE MONUMENT  
4" x 4" x 24" CONCRETE MONUMENT WITH  
DISK STAMPED "PRM LB7768"

UNPLATTED  
A PORTION OF SECTION 1  
TOWNSHIP 43 SOUTH, RANGE 40 EAST

UNPLATTED  
A PORTION OF SECTION 1  
TOWNSHIP 43 SOUTH, RANGE 40 EAST

MATCH LINE SHEET 7

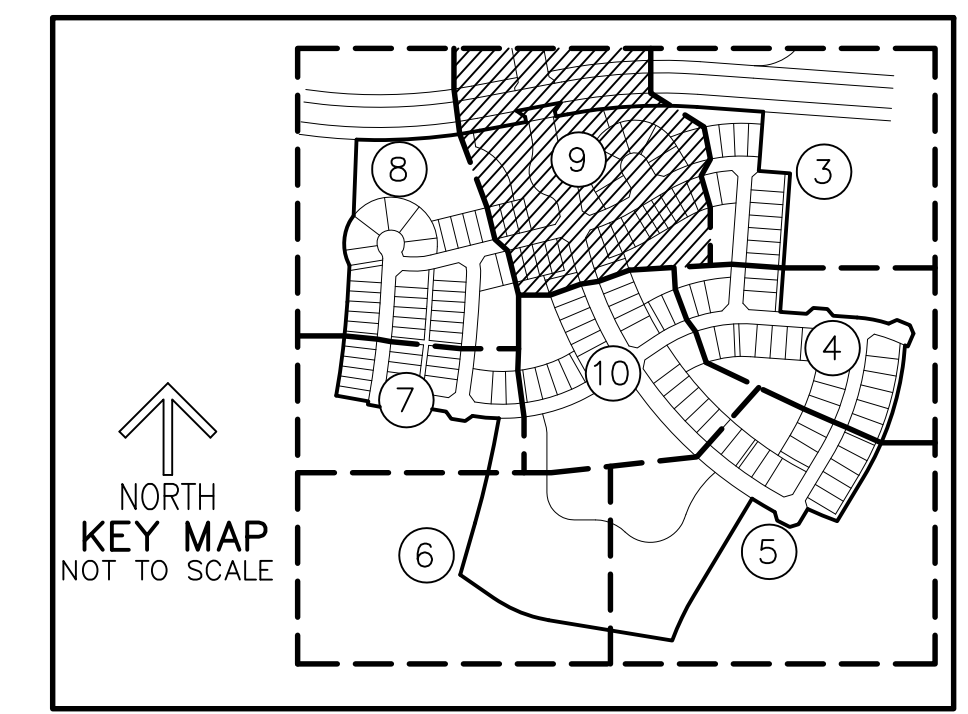
MATCH LINE SHEET 9

MATCH LINE SHEET 10

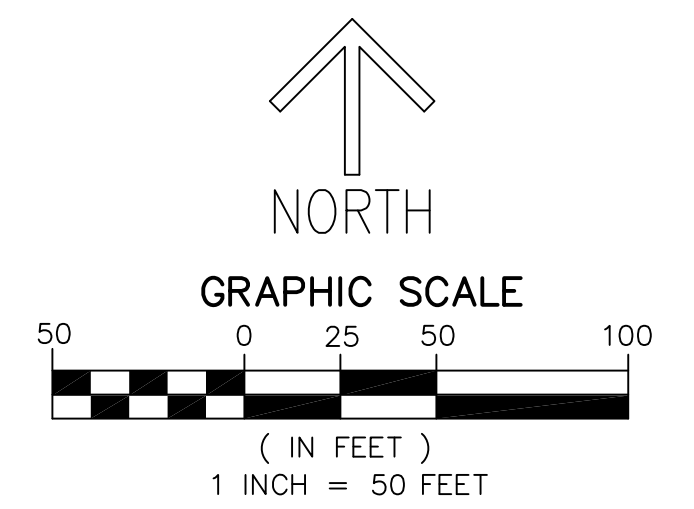
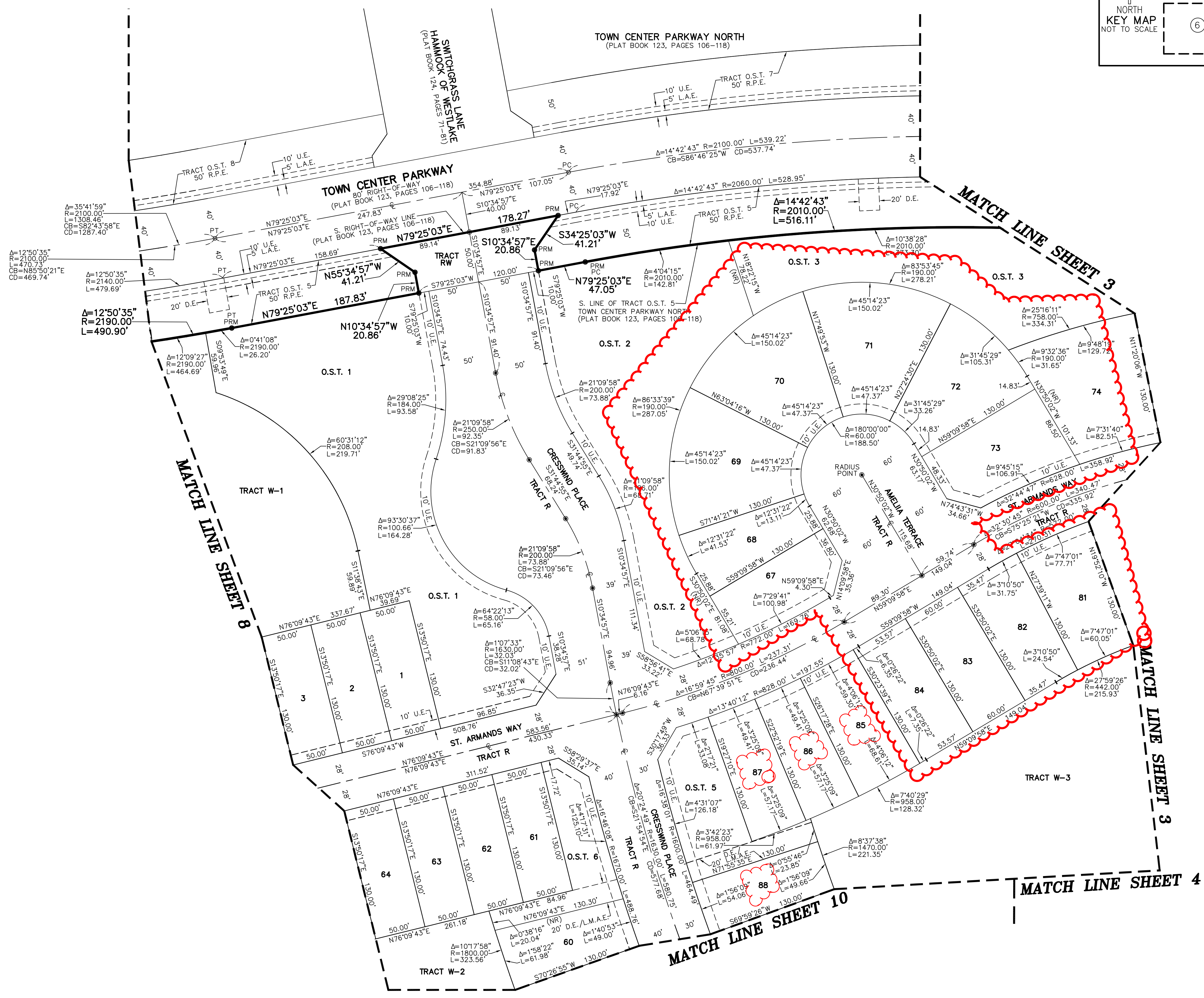
# CRESSWIND PALM BEACH PHASE 1

BEING A REPLAT OF ALL OF TRACT W.M.T. 3 AND A PORTION OF TRACT OS-5,  
TOWN CENTER PARKWAY NORTH, AS RECORDED IN PLAT BOOK 123, PAGES 106 THROUGH 118  
OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,  
TOGETHER WITH A PORTION OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST,  
AND SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST,  
CITY OF WESTLAKE, PALM BEACH COUNTY FLORIDA

THIS INSTRUMENT PREPARED BY  
DAVID P. LINDLEY  
OF  
**CAULFIELD and WHEELER, INC.**  
SURVEYORS - ENGINEERS - PLANNERS  
7900 GLADES ROAD, SUITE 100  
BOCA RATON, FLORIDA 33434 - (561)392-1991  
CERTIFICATE OF AUTHORIZATION NO. LB3591



SHEET 9 OF 10



**NOTES**  
**COORDINATES, BEARINGS AND DISTANCES**  
COORDINATES SHOWN ARE GRID  
DATUM = NAD 83 (2007 ADJUSTMENT)  
ZONE = FLORIDA EAST  
LINEAR UNIT = US SURVEY FEET  
COORDINATE SYSTEM 1983 STATE PLANE  
TRANSVERSE MERCATOR PROJECTION  
ALL DISTANCES ARE GROUND  
SCALE FACTOR = 1.0000017  
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
BEARINGS AS SHOWN HEREON ARE GRID DATUM,  
NAD 83 (2007 ADJUSTMENT), FLORIDA EAST ZONE.

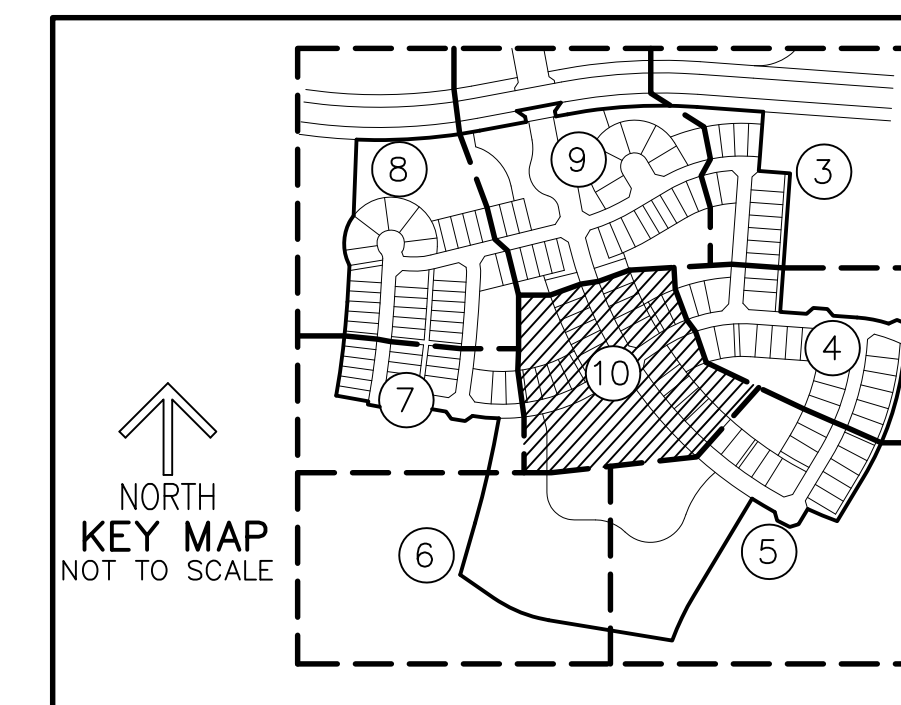
**LEGEND/ABBREVIATIONS**

- CL - CENTERLINE
- Δ - DELTA (CENTRAL ANGLE)
- BLVD. - BOULEVARD
- CB - CHORD BEARING
- CD - CHORD DISTANCE
- DE - DRAINAGE EASEMENT
- E - EASTING (WHEN USED WITH COORDINATES)
- L - ARC LENGTH
- LM/AE - LAKE MAINTENANCE ACCESS EASEMENT
- LAE - LIMITED ACCESS EASEMENT
- LB - LICENSED BUSINESS
- N - NORTHING (WHEN USED WITH COORDINATES)
- (NR) - NON-RADIAL LINE
- O.S.T. - OPEN SPACE TRACT
- PC - POINT OF CURVATURE
- PCC - POINT OF COMPOUND CURVATURE
- PNT - POINT OF NON-TANGENCY
- PRC - POINT OF REVERSE CURVATURE
- PT - POINT OF TANGENCY
- R - RADIUS
- RPE - RURAL PARKWAY EASEMENT
- U.E. - UTILITY EASEMENT
- PERM - PERMANENT CONTROL POINT
- PRM - SET PERMANENT REFERENCE MONUMENT  
SET 5/8" IRON ROD WITH CAP  
STAMPED "C&W PRM LB3591"
- PRM - FOUND PERMANENT REFERENCE MONUMENT  
4" x 4" x 24" CONCRETE MONUMENT WITH  
DISK STAMPED "PRM LB7768"

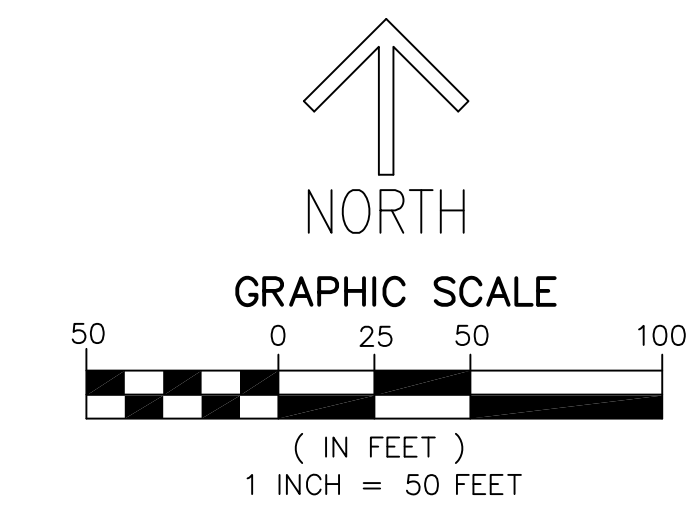
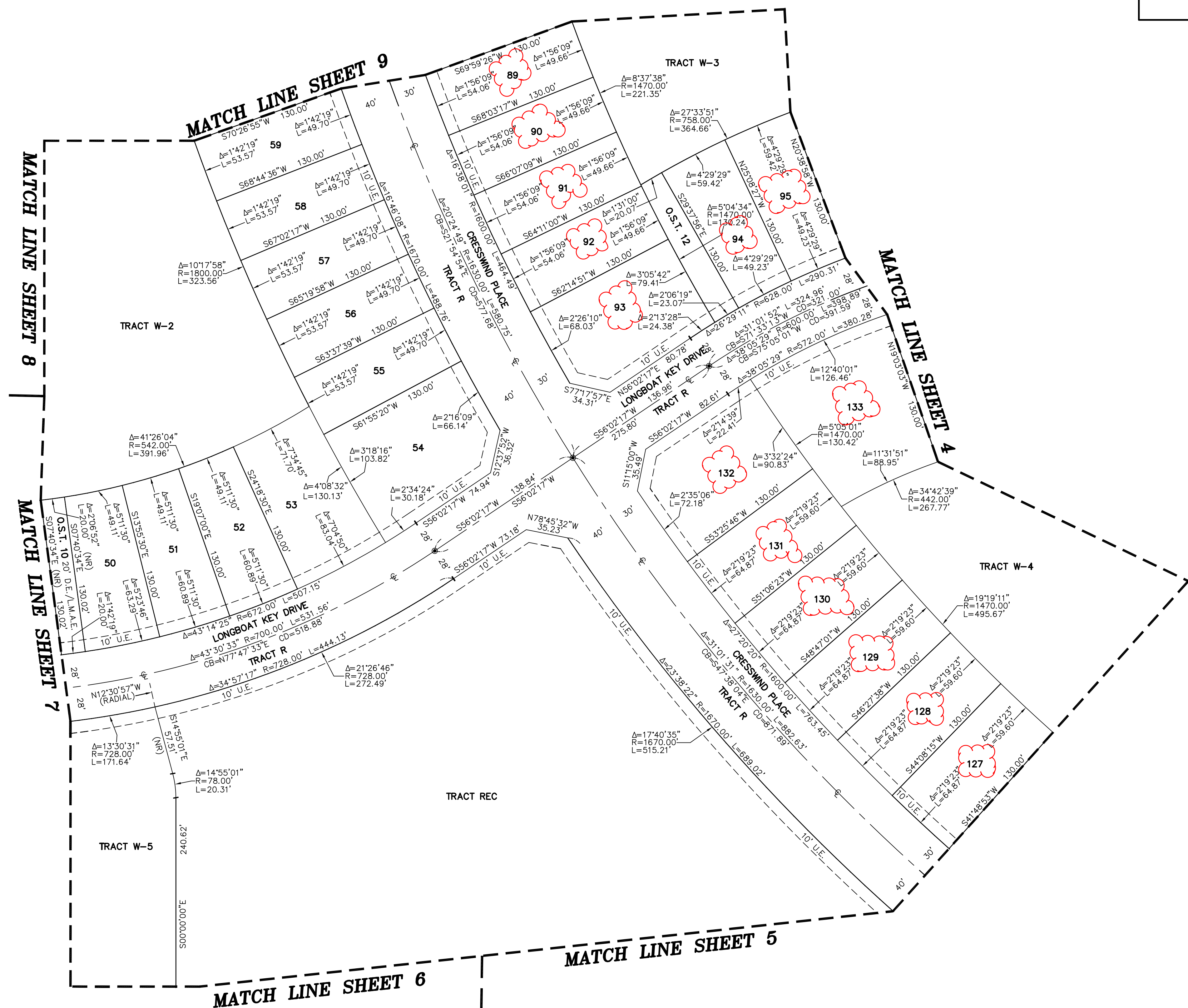
THIS INSTRUMENT PREPARED BY  
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7900 GLADES ROAD, SUITE 100  
BOCA RATON, FLORIDA 33434 - (561)392-1991  
CERTIFICATE OF AUTHORIZATION NO. LB3591

# CRESSWIND PALM BEACH PHASE 1

BEING A REPLAT OF ALL OF TRACT W.M.T. 3 AND A PORTION OF TRACT OS-5,  
TOWN CENTER PARKWAY NORTH, AS RECORDED IN PLAT BOOK 123, PAGES 106 THROUGH 118  
OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,  
TOGETHER WITH A PORTION OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST,  
AND SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST,  
CITY OF WESTLAKE, PALM BEACH COUNTY FLORIDA



**SHEET 10 OF 10**



**NOTES**  
**COORDINATES, BEARINGS AND DISTANCES**  
COORDINATES SHOWN ARE GRID  
DATUM = NAD 83 (2007 ADJUSTMENT)  
ZONE = FLORIDA EAST  
LINEAR UNIT = US SURVEY FEET  
COORDINATE SYSTEM 1983 STATE PLANE  
TRANSVERSE MERCATOR PROJECTION  
ALL DISTANCES ARE GROUND  
SCALE FACTOR = 1.0000017  
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
BEARINGS AS SHOWN HEREON ARE GRID DATUM,  
NAD 83 (2007 ADJUSTMENT), FLORIDA EAST ZONE.

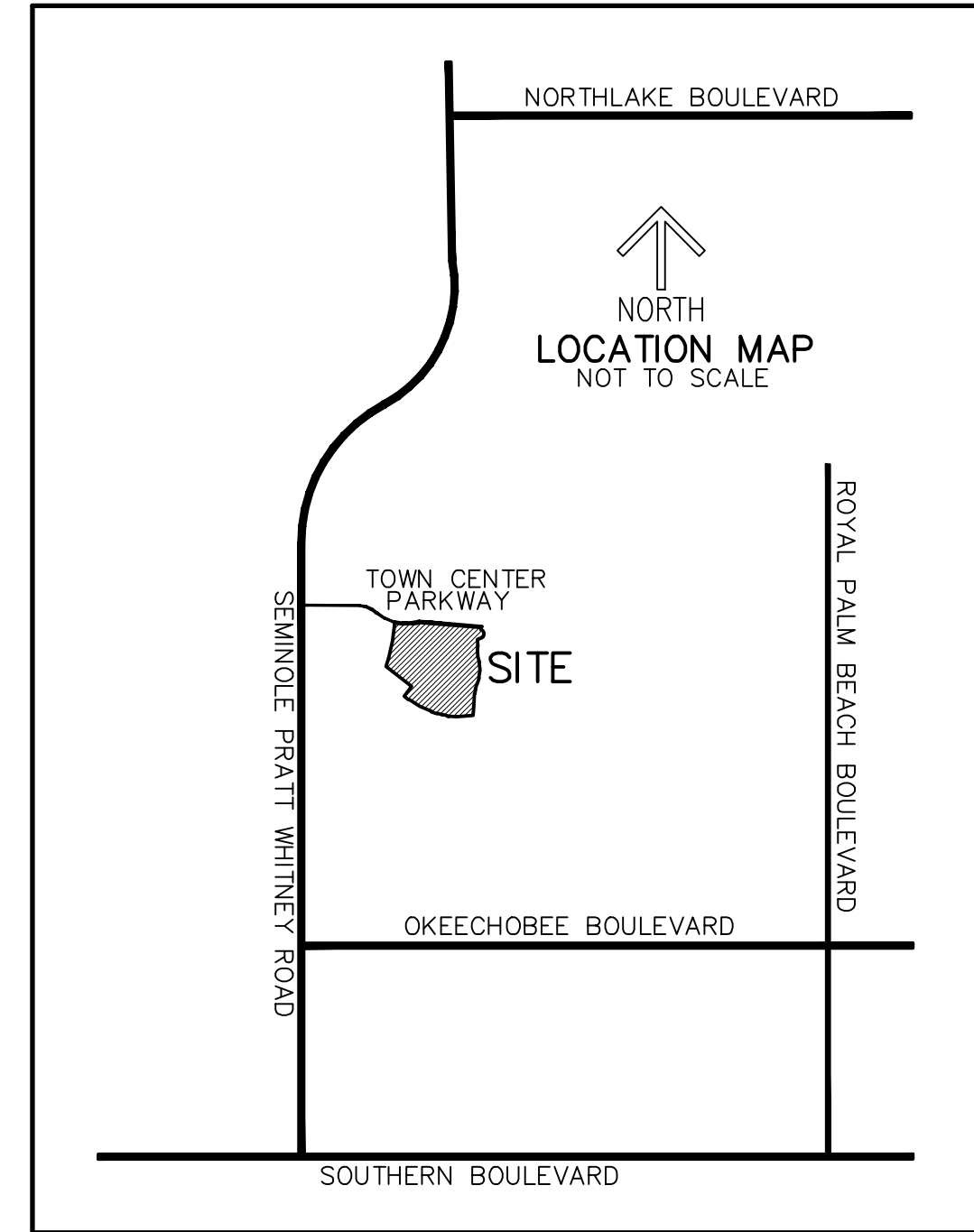
- LEGEND/ABBREVIATIONS**
- CL - CENTERLINE
  - Δ - DELTA (CENTRAL ANGLE)
  - BLVD. - BOULEVARD
  - CB - CHORD BEARING
  - CD - CHORD DISTANCE
  - DE - DRAINAGE EASEMENT
  - E - EASTING (WHEN USED WITH COORDINATES)
  - L - ARC LENGTH
  - LMAE - LAKE MAINTENANCE ACCESS EASEMENT
  - LAE - LIMITED ACCESS EASEMENT
  - LB - LICENSED BUSINESS
  - N - NORTHING (WHEN USED WITH COORDINATES)
  - NR - NON-RADIAL LINE
  - O.S.T. - OPEN SPACE TRACT
  - PC - POINT OF CURVATURE
  - PCC - POINT OF COMPOUND CURVATURE
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  - U.E. - UTILITY EASEMENT
  - - PERMANENT CONTROL POINT
  - PRM - SET PERMANENT REFERENCE MONUMENT  
SET 5/8" IRON ROD WITH CAP  
STAMPED "C&W PRM LB3591"
  - PRM - FOUND PERMANENT REFERENCE MONUMENT  
4" x 4" x 24" CONCRETE MONUMENT WITH  
DISK STAMPED "PRM LB7768"

**DESCRIPTION:**

ALL OF TRACT W.M.T. 3 AND A PORTION OF TRACT OS-5, TOWN CENTER PARKWAY NORTH, AS RECORDED IN PLAT BOOK 123, PAGES 103 THROUGH 118 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, AND SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT O.S.T. 2, TOWN CENTER PARKWAY - PHASE II, AS RECORDED IN PLAT BOOK 126, PAGES 34 THROUGH 38 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S.85°52'14"E. ALONG THE SOUTH LINE OF SAID TRACT O.S.T. 2, A DISTANCE OF 48.81 FEET; THENCE DEPARTING SAID SOUTH LINE, S.04°07'45"W, A DISTANCE OF 180.00 FEET; THENCE S.04°38'29"W, A DISTANCE OF 56.00 FEET; THENCE S.85°52'01"E, A DISTANCE OF 125.00 FEET; THENCE S.04°07'46"W, A DISTANCE OF 551.70 FEET; THENCE S.85°52'14"E, A DISTANCE OF 105.00 FEET; THENCE N.49°07'46"E, A DISTANCE OF 35.36 FEET; THENCE S.85°52'14"E, A DISTANCE OF 56.00 FEET; THENCE S.40°52'14"E, A DISTANCE OF 35.36 FEET; THENCE S.85°52'14"E, A DISTANCE OF 95.27 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 528.00 FEET AND A CENTRAL ANGLE OF 13°52'53"; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 127.92 FEET TO A POINT OF NON TANGENCY; THENCE N.65°28'30"E, A DISTANCE OF 36.03 FEET; THENCE S.67°28'33"E, A DISTANCE OF 56.23 FEET; THENCE S.22°29'02"E, A DISTANCE OF 35.61 FEET; THENCE S.22°55'26"W, A DISTANCE OF 56.00 FEET; THENCE N.67°04'27"W, A DISTANCE OF 12.50 FEET TO A POINT OF NON TANGENCY WITH A CURVE CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.86°01'47"W, A RADIAL DISTANCE OF 1,178.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 27°00'28", A DISTANCE OF 555.28 FEET TO A POINT OF TANGENCY; THENCE S.30°58'41"W, A DISTANCE OF 202.60 FEET TO A POINT OF NON TANGENCY WITH A CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.20°20'35"E, A RADIAL DISTANCE OF 1,598.66 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 04°32'02", A DISTANCE OF 126.50 FEET TO A POINT OF NON TANGENCY; THENCE S.30°58'12"W, A DISTANCE OF 70.38 FEET; THENCE S.73°16'07"W, A DISTANCE OF 36.99 FEET; THENCE N.63°02'55"W, A DISTANCE OF 56.14 FEET; THENCE N.15°20'22"W, A DISTANCE OF 34.53 FEET TO A POINT OF NON TANGENCY WITH A CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.28°46'19"E, A RADIAL DISTANCE OF 1,670.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 03°36'14", A DISTANCE OF 105.04 FEET TO A POINT OF NON TANGENCY; THENCE S.30°58'43"W, A DISTANCE OF 449.56 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 1,083.00 FEET AND A CENTRAL ANGLE OF 10°27'25"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 197.66 FEET TO A POINT OF NON TANGENCY; THENCE N.80°38'41"W, A DISTANCE OF 496.13 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 542.00 FEET AND A CENTRAL ANGLE OF 25°17'11"; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 239.20 FEET TO A POINT OF TANGENCY; THENCE N.55°21'30"W, A DISTANCE OF 160.82 FEET; THENCE N.15°59'57"E, A DISTANCE OF 214.23 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 3,902.00 FEET AND A CENTRAL ANGLE OF 06°15'20", THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 426.02 FEET TO A POINT OF NON TANGENCY WITH A CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.00°59'49"E, A RADIAL DISTANCE OF 728.00 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 08°17'55", A DISTANCE OF 103.44 FEET TO A POINT OF NON TANGENCY; THENCE S.54°47'49"W, A DISTANCE OF 35.52 FEET; THENCE N.80°27'10"W, A DISTANCE OF 56.00 FEET; THENCE N.35°11'27"W, A DISTANCE OF 35.19 FEET; THENCE N.80°27'10"W, A DISTANCE OF 230.01 FEET; THENCE S.54°49'50"W, A DISTANCE OF 35.53 FEET; THENCE N.79°40'40"W, A DISTANCE OF 56.00 FEET; THENCE N.10°12'43"E, A DISTANCE OF 13.01 FEET; THENCE N.79°53'54"W, A DISTANCE OF 130.00 FEET TO A POINT NON TANGENCY WITH A CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.79°53'54"W, A RADIAL DISTANCE OF 3,250.00 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 06°36'06", A DISTANCE OF 374.47 FEET TO A POINT OF TANGENCY; THENCE N.03°30'00"E, A DISTANCE OF 144.93 FEET TO A POINT OF NON TANGENCY WITH A CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.62°09'19"E, A RADIAL DISTANCE OF 185.00 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 64°56'29", A DISTANCE OF 209.69 FEET TO A POINT OF NON TANGENCY; THENCE N.02°15'38"E, A DISTANCE OF 302.15 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT O.S.T. 5, AND A POINT OF NON TANGENCY WITH A CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.02°15'38"E, A RADIAL DISTANCE OF 2,190.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID SOUTH LINE, THROUGH A CENTRAL ANGLE OF 12°50'35", A DISTANCE OF 490.90 FEET TO A POINT OF TANGENCY; THENCE N.79°25'03"E. ALONG SAID SOUTH LINE, A DISTANCE OF 187.83 FEET; THENCE N.10°34'57"W, A DISTANCE OF 20.86 FEET; THENCE N.55°34'57"W, A DISTANCE OF 41.21 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF TOWN CENTER PARKWAY, AS SHOWN ON SAID TOWN CENTER PARKWAY NORTH; THENCE N.79°25'03"E. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 178.27 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, S.34°25'03"W, A DISTANCE OF 41.21 FEET; THENCE S.10°34'57"E, A DISTANCE OF 20.86 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT O.S.T. 5; THENCE N.79°25'03"E. ALONG SAID SOUTH LINE, A DISTANCE OF 47.05 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 2,010.00 FEET AND A CENTRAL ANGLE OF 14°42'43"; THENCE EASTERLY ALONG THE ARC OF SAID SOUTH LINE A DISTANCE OF 516.11 FEET TO A POINT OF TANGENCY; THENCE S.85°52'14"E. ALONG SAID SOUTH LINE, A DISTANCE OF 214.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,187,215 SQUARE FEET/73.1684 ACRES MORE OR LESS.



**NOTES  
COORDINATES, BEARINGS AND DISTANCES**

COORDINATES SHOWN ARE GRID  
 DATUM = NAD 83 (2007 ADJUSTMENT)  
 ZONE = FLORIDA EAST  
 LINEAR UNIT = US SURVEY FEET  
 COORDINATE SYSTEM 1983 STATE PLANE  
 TRANSVERSE MERCATOR PROJECTION  
 ALL DISTANCES ARE GROUND  
 SCALE FACTOR = 1.0000017  
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
 BEARINGS AS SHOWN HEREON ARE GRID DATUM,  
 NAD 83 (2007 ADJUSTMENT), FLORIDA EAST ZONE.

**NOTES:**

1. REPRODUCTIONS OF THIS SURVEY ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
4. PURSUANT TO CHAPTER 5J-17(5)(b), FLORIDA ADMINISTRATIVE CODE, THE FOLLOWING NOTE HAS BEEN PLACED ON THE MAP OF THIS SURVEY: "FIXED IMPROVEMENTS WERE NOT LOCATED AT THE REQUEST OF THE CLIENT".
5. BEARINGS SHOWN HEREON ARE BASED ON A RECORD PLAT BEARING OF S.85°52'14"E. ALONG THE SOUTH LINE OF TRACT O.S.T. 2, TOWN CENTER PARKWAY - PHASE II, AS RECORDED IN PLAT BOOK 126, PAGES 34 THROUGH 38 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (2007 ADJUSTMENT).
6. COORDINATES SHOWN HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (2007 ADJUSTMENT), AND BASED ON REDUNDANT G.P.S. OBSERVATIONS UTILIZING THE CERTIFIED LENGEMAN NETWORK.
7. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.

**CERTIFICATE:**

I HEREBY CERTIFY THAT THE ATTACHED BOUNDARY SURVEY OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON NOVEMBER 16, 2018. I FURTHER CERTIFY THAT THIS BOUNDARY SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES 472.027.

REVISIONS	DATE	BY

**CAULFIELD & WHEELER, INC.**  
 CIVIL ENGINEERING - LAND PLANNING  
 LANDSCAPE ARCHITECTURE - SURVEYING  
 7900 GLADES ROAD - SUITE 100  
 BOCA RATON, FLORIDA 33434  
 PHONE (561) 392-1991 / FAX (561) 750-1452

**BOUNDARY SURVEY**  
 A PORTION OF SECTION 1  
 TOWNSHIP 43 SOUTH, RANGE 40 EAST  
 AND A PORTION OF SECTION 6  
 TOWNSHIP 43 SOUTH, RANGE 41 EAST  
 CITY OF WESTLAKE, FLORIDA  
 PALM BEACH COUNTY, FLORIDA

DATE 10/24/18  
 DRAWN BY JC  
 F.B./ PG. ELEC  
 SCALE AS SHOWN

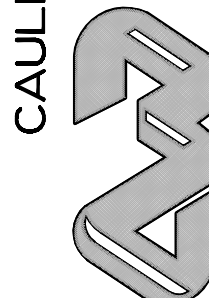
DAVID P. LINDLEY  
 REGISTERED LAND  
 SURVEYOR NO. 5005  
 STATE OF FLORIDA  
 L.B. 3591

JOB # 8272-1  
 SHT.NO.  
 1  
 OF 3 SHEETS



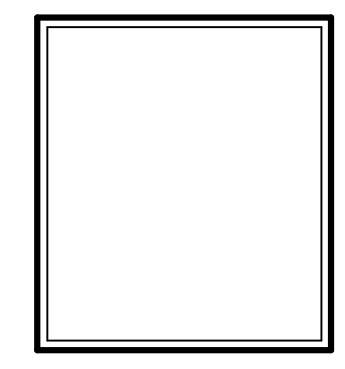
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REVISIONS	DATE
FILE NAME: 8272-1-PHASE1_SURVEY-1	

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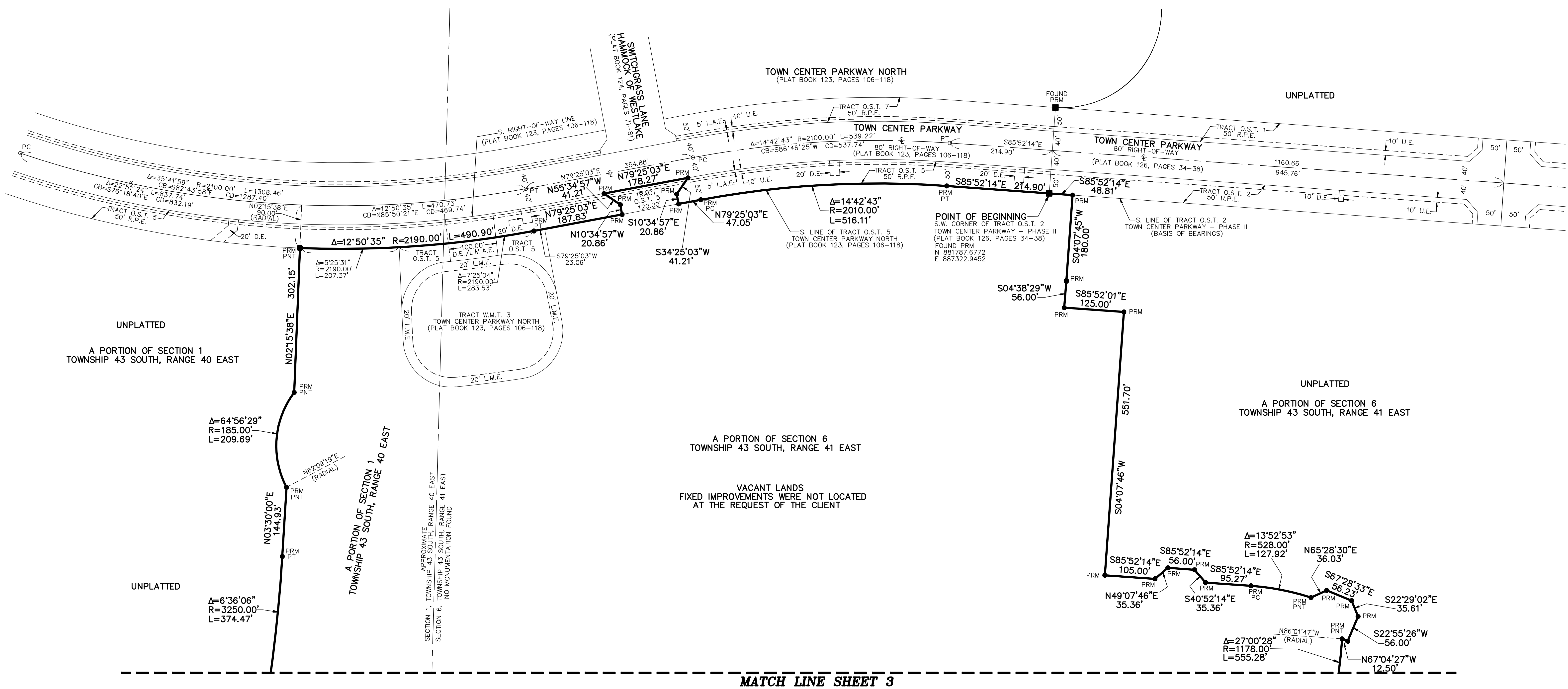


BOUNDARY SURVEY  
 A PORTION OF SECTION 1  
 TOWNSHIP 43 SOUTH, RANGE 40 EAST  
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 TOWNSHIP 43 SOUTH, RANGE 41 EAST  
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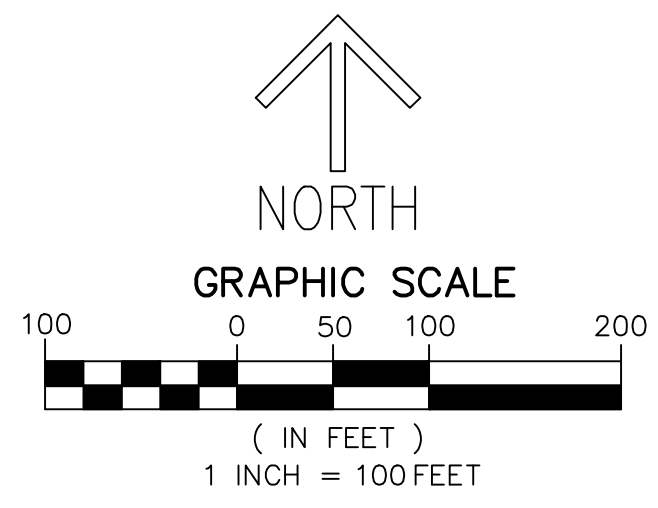
DATE 10/24/18  
 DRAWN BY JC  
 F.B./ PG. ELEC  
 SCALE AS SHOWN



JOB # 8272-1  
 SHT. NO.  
 2  
 OF 3 SHEETS



**MATCH LINE SHEET 3**



- LEGEND/ABBREVIATIONS**
- © - CENTERLINE
  - Δ - DELTA (CENTRAL ANGLE)
  - CB - CHORD BEARING
  - CD - CHORD DISTANCE
  - D.E. - DRAINAGE EASEMENT
  - E - EASTING (WHEN USED WITH COORDINATES)
  - L - ARC LENGTH
  - L.A.E. - LIMITED ACCESS EASEMENT
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  - PC - POINT OF CURVATURE
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  - R - RADIUS
  - R.P.E. - RURAL PARKWAY EASEMENT
  - U.E. - UTILITY EASEMENT
  - PRM - SET PERMANENT REFERENCE MONUMENT SET 5/8" IRON ROD WITH CAP STAMPED "C&W PRM LB3591"
  - PRM - FOUND PERMANENT REFERENCE MONUMENT 4" x 4" x 24" CONCRETE MONUMENT WITH DISK STAMPED "PRM LB768"

**NOTES**  
**COORDINATES, BEARINGS AND DISTANCES**  
 COORDINATES SHOWN ARE GRID  
 DATUM = NAD 83 (2007 ADJUSTMENT)  
 ZONE = FLORIDA EAST  
 LINEAR UNIT = US SURVEY FEET  
 COORDINATE SYSTEM 1983 STATE PLANE  
 TRANSVERSE MERCATOR PROJECTION  
 ALL DISTANCES ARE GROUND  
 SCALE FACTOR = 1.0000017  
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
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 NAD 83 (2007 ADJUSTMENT), FLORIDA EAST ZONE.

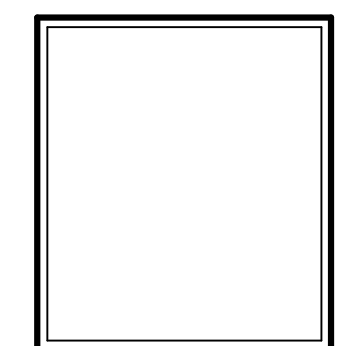
Period	Page	42
REVISIONS	DATE	BY

**CAULFIELD & WHEELER, INC.**  
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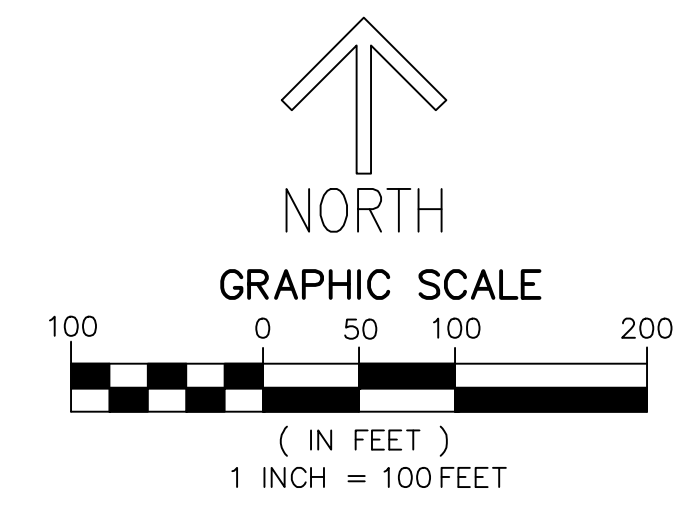
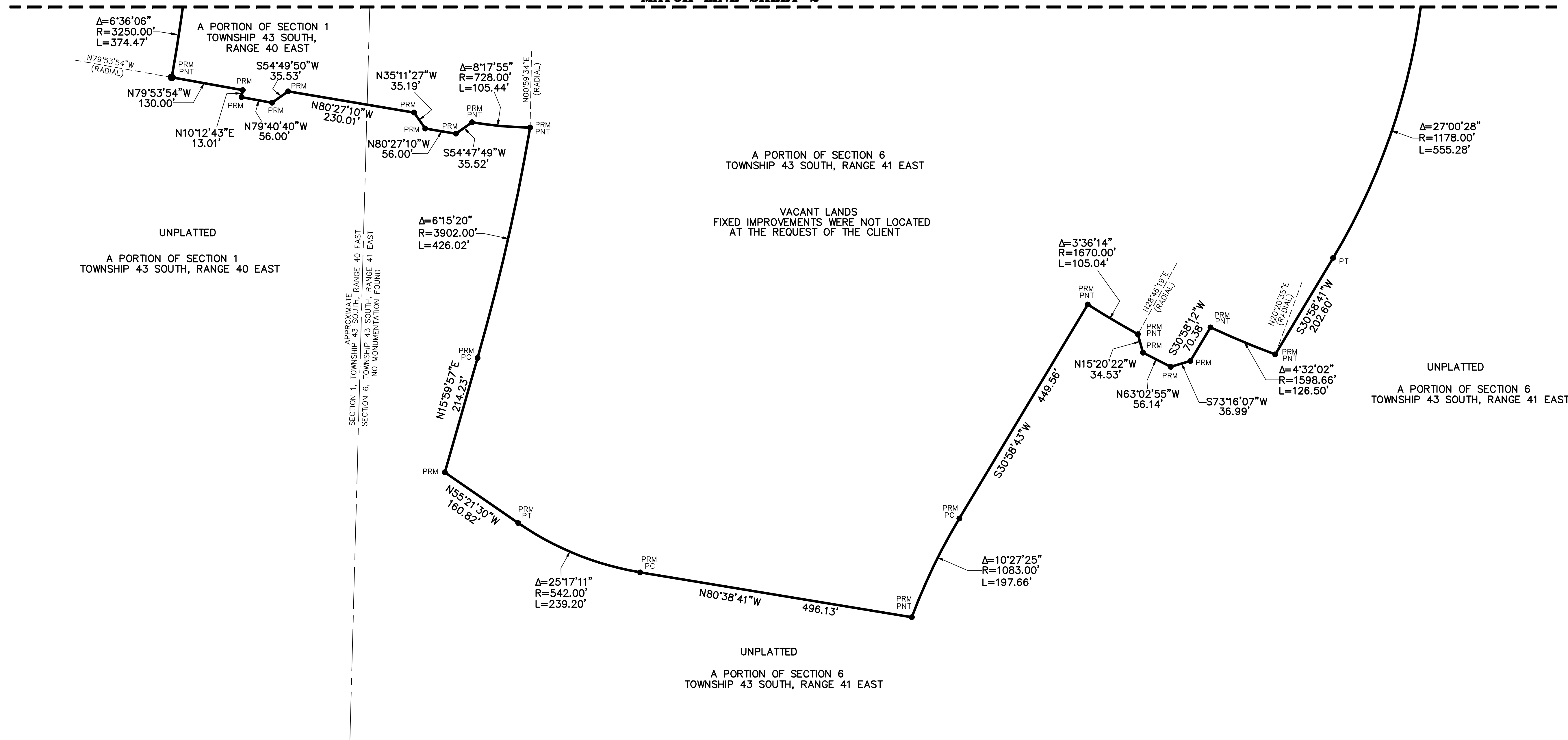
BOUNDARY SURVEY  
 A PORTION OF SECTION 1  
 TOWNSHIP 43 SOUTH, RANGE 40 EAST  
 AND A PORTION OF SECTION 6  
 TOWNSHIP 43 SOUTH, RANGE 41 EAST  
 CITY OF WESTLAKE  
 PALM BEACH COUNTY, FLORIDA

DATE 10/24/18  
 DRAWN BY JC  
 F.B./ PG. ELEC  
 SCALE AS SHOWN



JOB # 8272-1  
 SHT. NO.  
 3  
 OF 3 SHEETS

**MATCH LINE SHEET 2**



- LEGEND/ABBREVIATIONS**
- CL - CENTERLINE
  - Δ - DELTA (CENTRAL ANGLE)
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  - CD - CHORD DISTANCE
  - D.E. - DRAINAGE EASEMENT
  - E - EASTING (WHEN USED WITH COORDINATES)
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  - LB - LICENSED BUSINESS
  - L.M.A.E. - LAKE MAINTENANCE ACCESS EASEMENT
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  - R - RADIUS
  - R.P.E. - RURAL PARKWAY EASEMENT
  - U.E. - UTILITY EASEMENT
  - PRM - SET PERMANENT REFERENCE MONUMENT  
SET 5/8" IRON ROD WITH CAP  
STAMPED "C&W PRM LB3591"
  - PRM - FOUND PERMANENT REFERENCE MONUMENT  
4" x 4" x 24" CONCRETE MONUMENT WITH  
DISK STAMPED "PRM LB7768"

**NOTES**  
**COORDINATES, BEARINGS AND DISTANCES**

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 COORDINATE SYSTEM 1983 STATE PLANE  
 TRANSVERSE MERCATOR PROJECTION  
 ALL DISTANCES ARE GROUND  
 SCALE FACTOR = 1.0000017  
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
 BEARINGS AS SHOWN HEREON ARE GRID DATUM,  
 NAD 83 (2007 ADJUSTMENT), FLORIDA EAST ZONE.



**CITY OF WESTLAKE**  
**Engineering Department**  
4001 Seminole Pratt Whitney Road  
Westlake, Florida 33470  
Phone: (561) 530-5880  
[www.westlakegov.com](http://www.westlakegov.com)

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- |                            |   |
|----------------------------|---|
| <b>1. DATE:</b>            | <b>3/21/2019</b>                        |
| <b>2. PETITION NUMBER:</b> | <b>ENG-2019-08</b>                      |
| <b>3. DESCRIPTION:</b>     | <b>Cresswind (Pod P) Plat Amendment</b> |
| <b>APPLICANT:</b>          | <b>Cotleur-Hearing</b>                  |
| <b>OWNER:</b>              | <b>Minto PBLH, LLC</b>                  |
| <b>REQUEST:</b>            | <b>Plat Amendment Review</b>            |
| <b>LOCATION:</b>           | <b>Westlake, Florida</b>                |
| <b>4. STAFF REVIEW:</b>    | <b>APPROVAL LETTER</b>                  |

The Engineering Department has approved the plans.

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This letter has been prepared by the following individual, in association with their consultants and subconsultants:

A handwritten signature in blue ink, appearing to read "Suzanne Dombrowski".

Suzanne Dombrowski, P.E.  
Chen Moore and Associates  
Tel: 561.746.6900 x 1035  
Email: [sdombrowski@chenmoore.com](mailto:sdombrowski@chenmoore.com)

## **Eighth Order of Business**

**ORDINANCE NO. 2019-2**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING REGULATIONS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR CLASSIFICATION OF VENDORS AND DISTRIBUTORS; PROVIDING FOR LICENSING OF NON-RESTAURANT RETAIL BEVERAGE STORES AND RETAIL LIQUOR STORES; PROVIDING THE OPERATING HOURS OF RETAIL PACKAGE STORES, RETAIL BEVERAGE STORES, RETAIL LIQUOR STORES AND CLUB VENDORS; PROVIDES RESTRICTIONS AS TO PUBLIC CONSUMPTION IN A PUBLIC OR IN CERTAIN PRIVATE PLACES, WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED "ALCOHOLIC BEVERAGE CODE", PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

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**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**, 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

**WHEREAS**, the purpose of this ordinance is in the interest of the health, safety, peace and general welfare of the residents of the City, and under the authority of the City to regulate the sale and consumption of alcoholic beverages within the corporate limits of the City of Westlake, and

**WHEREAS**, the intent of the City Council is to establish reasonable and uniform regulations with regards to location and hours of operation that will protect the health, safety, property values, and general welfare of the people, businesses, and industries of the City; and

**WHEREAS**, this ordinance was written in accordance with Florida State Statutes Chapter's 561, 562, 563, 564, 565, 567 and 568; and collectively referred to as "Florida Beverage Law",

**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 and made a part hereof by this reference.

**Section 2. Establishment of Alcoholic Beverages Code:** The Code of Ordinances for the City of Westlake shall contain a chapter entitled "Alcoholic Beverages" which code shall contain the provisions as specifically set forth herein.

**Chapter 19 Alcoholic Beverages**

**Article I**

**Section 19:1 Purpose and Intent:**

The City Council for the City of Westlake finds, determines and declares that it is in the best interest of the health, safety and welfare of the City and its residents and visitors that it enact the following regulations governing the location of alcoholic beverage establishments within the City. The purpose of this chapter is to provide uniform operational regulations for all establishment in the City dealing directly or indirectly with the sale or consumption of alcoholic beverages.

**Section 19:2 Definitions**

For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Alcoholic** beverage means any beverage containing one-half of one percent or more of alcohol by volume, as determined in accordance with F.S. § 561.01(4).

**Alcoholic beverages** shall have the meaning ascribed in, F.S. § 561.01, as it may be amended from time to time.

**Beer or malt beverage** shall have the meaning ascribed in F.S. § 563.01, as it may be amended from time to time.

**Beverage** law means F.S. chs. 561, 562, 563, 564, 565, 567, and 568.

**Commercial establishment** parking lot means any area appurtenant to commercial establishments used by the public for parking thereto.

**Consumption off the premises** only means deemed to permit only the sale of alcoholic beverages in their original sealed containers.

**Container** means any can, bottle, carton, or other vessel of alcoholic beverage.

**Distributor** means all persons selling the beverages herein referred to at wholesale in the manner prescribed by the Florida Beverage Law, F.S. ch. 561 et seq.

**Intoxicating beverage and intoxicating liquor** shall have the meaning ascribed in F.S. § 561.01, as it may from time to time be amended.

**Liquor or distilled spirits** includes all spirituous beverages created by distillation and by mixture of distilled beverages by what is commonly termed blending, shall have the meaning ascribed in F.S. 561.01, as it may be amended from time to time.

**Manufacturer** means all persons who make alcoholic beverages, except those who make beer or wine for personal or family consumption pursuant to F.S. § 562.165.

**Motor vehicle** means any land vehicle which is not powered by muscular power.

**Night club** means a restaurant, dining room, or other establishment where intoxicating liquor is sold, given away, or consumed on the premises, and where floor shows or other forms of entertainment, subject to the federal tax thereon, are provided for guests at any time between the hours of midnight and 7:00 a.m.

**Premises or place of business** means a room or group of rooms within a building connected by doorways not less than three and one-half feet in width and six feet eight inches in height; provided that the rooms shall be contiguous and have common walls.

**Public or semi-public area** open for vehicular travel means all public roads, streets, sidewalks, highways, lanes, parkways, parks, ball fields, City Hall, libraries, alleys, parking lots, and parking areas on which the public is expressly or implicitly invited to travel by motor vehicle or which is otherwise open for vehicular travel. It shall not include areas such as golf courses, go-cart tracks, motocross tracks, and similar areas, or private driveways and property serving a single dwelling unit.

**Sale or sell** means any transfer of an alcoholic beverage for a consideration, any gift of an alcoholic beverage in connection with, or as a part of, a transfer of property other than an alcoholic beverage for a consideration, or the serving of an alcoholic beverage by a licensed club, licensed under the Beverage Law.

**Vendor** means all persons selling the beverages herein referred to at retail in the city in any quantity.

**Wine** shall have the meaning ascribed in F.S., § 564.01, as it may be amended from time to time.

### **Section 19.3 Classification of Vendors:**

For purposes of regulating the retail and wholesale sale and distribution of alcoholic beverages within the city, as specified in this Chapter, vendors are hereby classified as follows:

(1) **Package store.** A package store is a retail vendor of alcoholic beverages sold in sealed containers for consumption off premises only.

(2) **Retail store.** A retail store is a retail vendor of alcoholic beverages for consumption off the premises, which primarily offers for sale products others than alcoholic beverages. Retail stores include, without limitation, grocery stores, specialty stores, convenience stores, any gas stations/filling stations.

(3) **Consumption-on-premise vendors.** A consumption-on-premise vendor is a retail vendor of alcoholic beverages, with the corresponding state licensure, for consumption on premises.

(4) **Restaurant.** Restaurant is a business with full kitchen facilities, which primarily serves full meals and alcoholic beverages (through a corresponding state license) for consumption on premises;

(5) **Alcoholic beverage establishment.** Alcoholic beverage establishment is a business primarily devoted to serving alcoholic beverages for consumption on premises, including, without limitation, bars, pubs, tasting rooms, wine cafes and cigar bars.

(6) **Entertainment establishment.** Entertainment establishment is a business primarily devoted to serving alcoholic beverages and in which the service of food and/or entertainment is secondary to the consumption of alcoholic beverages. Entertainment establishments include, without limitation, dance halls, night clubs, adult entertainment venues, and any commercial establishment determined to meet the following factors:

(1) If the establishment regularly charges a cover charge, door charge, required contribution, or one-time membership fee which is paid at the door or has a minimum drink requirement;

(2) If none of the factors listed in subsection (1) above are present, then if four of the following conditions exist, then the establishment is an “entertainment establishment”:

a. The establishment has a dance floor or other open area used by patrons for dancing or for viewing of entertainment (such dance floor or open space may be established by the removal or rearrangement of furniture or tables);

b. The hours of operations during which the use is open to the public include time between 11:00 a.m. and 2:00 a.m.; The maximum capacity for the establishment as set by the building and fire officials through fire, building, structure, and other relevant regulatory considerations is 150 or more persons. The fact that the facility may restrict its capacity to some number shall not prevent the building official from applying Code provisions that determine a different and increased capacity. The building and fire officials may use various codes for this purpose (i.e., fire code provisions);

c. Alcohol is sold and consumed on the premises of the establishment at any time;

d. Advertisements for the establishment describe specific entertainment events or engagements (e.g. "House Party Saturday Night"; "DJ Saturday night"; "Live Music tonight"); or

e. The establishment features a platform or musical staging area used in connection with performances or entertainment. The presence of karaoke machines shall not be deemed entertainment for the purpose of this subsection. The presence of live entertainment provided by one person, not utilizing pre-recorded music, incidental to a restaurant or bar shall not be deemed entertainment for the purpose of this subsection.

(3) Business identified as entertainment venues, though they might meet factors in subsection (2) herein, shall not be deemed entertainment establishments.

(7) **Entertainment venues.** Entertainment venues are business or other locations primarily devoted to an entertainment purpose or use in which the serving of food and alcoholic beverages is secondary to the entertainment purpose or use. Entertainment venues including, without limitation, art galleries, theaters, state-chartered not-for-profit theaters with live performances, movie theaters, museums, banquet halls, bowling allies, billiard halls and other amusement facilities as determined by the planning and zoning director or his or her designee.

(8) **Manufacturer of alcoholic beverages.** A manufacturer of alcoholic beverages is a business engaged in the production of alcoholic beverages, including, without limitation, the fermentation of cider, beer, or other malted beverages, and/or wine, the distilling of spirits and/or liquors, or the blending of alcoholic beverages to make a derivative product, for the purpose of sale through an alcoholic beverage distributor or at retail, as regulated by state statute. A manufacturer of alcoholic beverages may sell alcoholic beverages in open containers for consumption on premises and in sealed containers for consumption off premises. Manufacturers of alcoholic beverages include, without limitation, breweries, distilleries, brewpubs, and/or similar uses as determined by the planning and zoning director or his or her designee.

(9) **Private club.** A private club is a charter or incorporated club or lodge, organized for lawful purposes and not for the purpose of evading beverage laws, vending alcoholic beverages and intoxicating liquors at retail to members and their guests only for consumption on the premises.

(10) **Alcoholic beverage distributor.** An alcoholic beverage distributor is a distributor and vendor, at wholesale only, of alcoholic beverages in sealed containers.

(11) **Hotels and motels.** Hotels and motels are businesses that provide temporary lodging on daily or short term basis and may sell alcoholic beverages to guests as part of food and beverage offerings. This food and beverage offerings, including alcoholic beverages, may be offered independent of any restaurant, alcoholic beverage establishment, and/or entertainment venues that may be located within the hotel or motel or on the same premises as the hotel or motel.

## Article II

### Section 19:24 Location of Establishment:

a. **Distance Limitations:** No premises shall be used for the sale of any alcoholic beverages, as defined herein, to be consumed on or off the premises where the structure or place of business intended for such use is located within 1,000 feet from another place of business for which there is already issued a license for the retail sale of door to door alcoholic beverages for consumption on or off the premises; such distance to be the airline measurement taken from



the center of the main entrance of the proposed business to the center of the main entrance of the existing business for which there is already a license for the retail sale of alcoholic beverages for consumption on or off the premises.

b. **Measurements:** The 500 feet distance requirement shall be measured by following a straight line from the nearest portion of the structure of the place of business, to an existing place of business having a legally established alcoholic beverage use.

c. **Sketch indicating location:** For the purpose of establishing the distance between alcoholic beverage uses, and between such uses and churches, public parks or public schools, the applicant for such use shall furnish a certified sketch of survey from a registered engineer or surveyor. Such sketch shall indicate the distance between the proposed place of business and any existing alcoholic beverage establishment and any religious facility, public park or school within 1,000 feet. In case of dispute, the measurement scaled by the City Manager or the City Manager's designee shall govern.

### **Section 19.25 Exceptions from Distance Requirements:**

A. **Downtown Mixed Use:** Cocktail lounges, bars and restaurants located in the mixed used downtown district which comply with the requirements of such districts and serve cooked, full course meals, daily prepared on the premises, or such other cocktail lounges, bars or restaurant where alcoholic beverages are sold only to persons seated at tables.

(1) Limited musical entertainment is permitted in restaurants having a seating capacity of not less than 50 people at tables.

(2) Such entertainment shall be strictly incidental to the restaurant use.

(3) Outdoor entertainment and speakers is strictly prohibited.

(4) Music that is plainly audible and/or creates a vibration at a distance of more than 100 feet from the premises shall constitute prima facie evidence of a violation of this chapter.

(5) No entertainment activity shall violate the City's noise ordinance.

(6) All entertainment activity shall cease at 2:00am.

B. **Cocktail, Lounge, Bars and Restaurants:** Restaurants which serve alcohol for on premise consumption only, utilizing the cocktail lounge/bar as an accessory use and which meet the following criteria:

(1) The restaurant shall occupy 4,000 square feet of gross floor space.

(2) The restaurant shall have accommodations for service of 200 or more patrons at tables.

(3) The restaurant shall prepare and serve fully cooked meals daily.

(4) The restaurant shall contain full kitchen facilities with commercial grade burners, ovens, range hoods and refrigeration units of such size and quantity to accommodate the occupancy content of the restaurant.

(5) The restaurant shall be prohibited from advertising itself as a bar, cocktail lounge/bar, saloon, nightclub or similar type of establishment.

(6) The restaurant shall not have a separate entrance for patrons to access the cocktail lounge/bar.

(7) The cocktail lounge/bar shall be no larger than 15% of the gross square footage of the restaurant.

C. **Beer and Wine for Off Premise Consumption:** The sale of beer and wine as a grocery item for consumption off the premises, from grocery stores, convenience stores and the meat markets within the hours of operation for those facilities.

**D. Package Store in Shopping Center:** Only one package store shall be permitted per shopping center. Package stores shall not exceed twenty-five thousand square feet.

**E. Nightclubs in Hotels and Apartment Hotels:** The hotel or apartment hotel and nightclub must be located under the same roof. The hotel or apartment hotel must have at least 150 guest rooms or apartment units under the same roof. They music, dancing or disc jockey must be approved by the Council.

**Section 19.26 Licensing Requirements:**

(A) Any person or entity engaging in any business selling beer, wine or alcoholic beverages shall obtain a certificate of use for the premises and shall be subject to the business tax licensure requirements of the City, and all regulations and laws of the State of Florida as applicable to the particular business.

(B) All prerequisites for the use of the premises for the sale of alcoholic beverage must be complied with by the applicant.

(C) Certificate of Use must be established on the premises within thirty (30) days of the date of the issuance of a certificate of use, otherwise said certificate of use shall be null and void.

**Section 19.27 Hours of Sale. Generally.**

(1) No intoxicating liquors or intoxicating beverages, including all malt beverages and wine, consumed, or served or permitted to be served, or consumed, in any place located within the city holding a license under the laws of the state and the city, authorizing same, between the hours of 2:00 a.m. and 7:00 a.m.

(2) For New Year's Eve, December 31, the prohibited hours of sale shall be 5:00 a.m. to 7:00 a.m. on the following day, January 1.

**Section 19.28 Limitation of Sales on Certain Premises, Places of Business**

(A) It shall be unlawful for any vendor to sell, offer for sale, or serve, or permit to be consumed, any alcoholic beverages upon any premises or in any place or places of business which do not meet the definition of and requirements for premises or place of business as provided for and defined in section 19.2.

**(B) Distance Limitation Between Vendors, Places of Worship (Assembly) and Schools**

Between vendors. No license for the sale of alcoholic beverages at retail, including malt and wine beverages, for consumption on or off the premises, shall be issued where the place of business designated in the application therefor is located within 1,000 feet from another place of business for which there is already issued a license for the retail sale of alcoholic beverages for consumption on or off the premises; such distance to be the airline measurement taken from the center of the main entrance of the proposed business to the center of the main entrance of the existing business for which there is already a license for the retail sale of alcoholic beverages for consumption on or off the premises.

**(C) Exception:**

(1) Such distance limitation shall not apply to the following:

(a) Vendors of alcoholic beverages, including malt and wine beverages, where the vendor is licensed by the city as a restaurant deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages.

(b) Vendors of alcoholic beverages, including malt and wine beverages, for consumption on the premises only where the vendor is licensed by the city as a bona fide hotel or motel.

(c) Vendors of alcoholic beverages, including malt and wine beverages, for consumption on the premises only where the vendor is a veterans or fraternal organization of national scope or is a group of persons associated together as a chartered or incorporated club, including incorporated social clubs which have been in continuous active existence and operation for a period of not less than one year in the city.

**(D) Between vendor and place of worship.** No license for the retail sale of alcoholic beverages, including malt and wine beverages, shall be issued to a vendor whose place of business is located within 1,000 feet of an established place of worship. The distance shall be the airline measurement taken from the center of the main entrance of the proposed business to the center of the main entrance of the place of worship.

(1) Such distance limitation shall not apply to the following:

(a) Vendors of alcoholic beverages, including malt and wine beverages, where the vendor is licensed by the city as a restaurant deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages.

(b) Vendors of alcoholic beverages, including malt and wine beverages, for consumption on the premises only where the vendor is licensed by the city as a bona fide hotel, motel, or motor court.

(c) Vendors of alcoholic beverages, including malt and wine beverages, for consumption on the premises only where the vendor is a veterans or fraternal organization of national scope or is a group of persons associated together as a chartered or incorporated club, including incorporated social clubs which have been in continuous active existence and operation for a period of not less than one year in the city.

**(E) Between vendor and school.** No license for the retail sale of alcoholic beverages, including malt and wine beverages, shall be issued to a vendor whose place of business is located within 1,000 feet of an established public or private elementary school, middle school, or secondary school. The distance shall be the airline measurement taken from the center of the main entrance of the proposed business to the center of the main entrance of the school grounds.

(1) Such distance limitation shall not apply to vendors of alcoholic beverages, including malt and wine beverages, where the vendor is licensed by the city as a restaurant deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages.

(F) This section shall not be construed or held to affect the rights of any existing established business or its successors or assigns with respect to the location of the businesses.

(G) Whenever a business has been lawfully established and thereafter a place of worship or school is established within a distance otherwise prohibited by this section, the establishment of the place of worship or school shall not be cause for the revocation of the occupational license or otherwise prevent the continuation of the business.

### **Article III**

#### **Section 19.40 Exceptions to Distance Limitations Between Vendors**

The distance requirements set forth in this section are primarily intended to promote the safety, health, morals, and general welfare of the citizens of the city. The city council is of the opinion that certain businesses licensed by the state by special license to sell alcoholic beverages at retail may warrant an exception to the distance requirements above provided; these businesses are:

(1) Vendors of alcoholic beverages, including wine and malt beverages, at retail for off-premises consumption only.

(2) Vendors of alcoholic beverages, including wine and malt beverages, at retail for on-premises consumption only, where the sale thereof is the main function of the business.

**Section 19.41**

The city council, and it alone, may upon written application for a miscellaneous petition by the vendors of alcoholic beverages, including malt and wine beverages, as defined in this section, by resolution, grant a variance to the distance requirements of the application shall be accompanied by appropriate survey material, maps, and site plan.

(A) No variance to the distance requirements shall be made until after a public hearing thereon is held, and a notice of the public hearing shall be published in a newspaper of general circulation in the city on a date no less than 15 days prior to the date set for the hearing.

(B) Further, no variance to the distance requirements shall be granted unless the city council finds the following requirements are met:

(1) The established distance requirement of 1,000 feet from an established public or private elementary school, middle school, or secondary school is not violated. The distance shall be the airline measurement taken from the center of the main entrance of the school grounds.

(2) In the opinion of the city council, the granting of the modification will not materially impair the safety, health, morals, or general welfare of the citizens of the city which this chapter is intended to promote.

**Section 19.42 Vendors of Malt and Wine Beverages for Consumption Off Premises Only**

The limitations provided in 19.4 shall not apply to vendors of malt and wine beverages for consumption off premises only.

**Section 19.43 Drinking Intoxicating Liquors in Streets and Parks**

(A) No person shall drink any spirituous, vinous, malt, or other intoxicating liquors in or upon any public street, avenue, alley, park, or other public way or place in the city. However, the city manager may authorize the consumption of alcoholic beverages in a city park pursuant to the regulations set forth in Chapter 15 (Parks & Recreation Chapter), of this Code.

(B) The City Manager shall not grant an authorization if in his opinion the public safety and peace may become impaired.

**Section 19.44 Consumption, Possession of Alcoholic Beverages in Commercial Establishment Parking Lots or Motor Vehicles. Findings and declarations.**

(1) The uncontrolled consumption of alcoholic beverages in and around commercial establishment parking lots contributes to lewd behavior, verbal harassment, intoxicated disorderly conduct, destruction of property, excessive noise, and litter.

(2) The uncontrolled consumption of alcoholic beverages in and around commercial establishment parking lots has led to an increase in the number of violent crimes committed on and near those commercial establishment parking lots.

(3) Individuals consuming alcoholic beverages in and around commercial establishment parking lots deter the public's use and enjoyment of these areas.

(4) No effective means exist to deter the violent, disorderly, destructive, or offensive conduct associated with the consumption of alcoholic beverages in and around uncontrolled commercial establishment parking lots other than to prohibit the consumption of alcohol in those areas.

(5) Consumption of alcoholic beverages or possession of open containers of alcoholic beverages while in or on motor vehicles leads to and encourages the operation and control of motor

vehicles while impaired and distracting and disorderly conduct of passengers including, but not limited to, littering. The uncontrolled consumption of alcoholic beverages in and around commercial establishment parking lots and the consumption of alcohol in motor vehicles is detrimental to the health, safety, and general welfare of the public.

**19.45 Prohibited acts. The following unlawful acts are prohibited:**

- (1) It shall be unlawful for any person to drink or consume any alcoholic beverage in or within 1,000 feet of a commercial establishment parking lot in the city, except in those areas in which such consumption is permitted pursuant to the beverage law; special or general act of the state legislature; the state administrative code; or city ordinance, resolution, or administrative approval. Nothing in this section shall prohibit consumption on private property within 1,000 feet of a commercial establishment parking lot. It shall be unlawful for any person to possess any alcoholic beverage in or within 1,000 feet of a commercial establishment parking lot in the city, except in those areas in which such possession is permitted pursuant to the beverage law; special or general act of the state legislature; the state administrative code; or city ordinance, resolution, or administrative approval unless the alcoholic beverage is in the original container with the seal unbroken.
- (2) It shall be unlawful for any person to possess any container of alcoholic beverage, except an original container with the seal unbroken, or to consume any alcoholic beverage, in or on a motor vehicle being operated on a public or semipublic area open for vehicular travel.
- (3) It shall be unlawful for any person, without the consent of the city manager or his/her designee, to drink alcoholic beverages in any public place in the city. It shall further be unlawful for any person to drink alcoholic beverages in or upon any automobile, truck, motorcycle or other vehicle, when such vehicle is parked upon any public place without the consent of the city manager or his designee. Such consent shall be given by the city manager or his designee upon a showing that there is compliance with the chapter pertaining to special events.
- (4) It shall be unlawful for any person, without the consent of the city manager or his/her designee, to drink alcoholic beverages in any public place in the city. It shall further be unlawful for any person to drink alcoholic beverages in or upon any automobile, truck, motorcycle or other vehicle, when such vehicle is parked upon any public place without the consent of the city manager or his designee. Such consent shall be given by the city manager or his designee upon a showing that there is compliance with the chapter pertaining to special events.
- (5) It shall be unlawful for any person to consume any alcoholic beverage on private premises without the consent of the owner, tenant, or other person lawfully in possession of such private premises. It shall further be unlawful for any person to drink alcoholic beverages in or upon any automobile, truck, motorcycle or other vehicle, when such vehicle is parked upon any private premises without the consent of the owner, tenant, or other person lawfully in possession of such private premises.

**Section 19.46 Exceptions. This section shall not apply to:**

- (1) Any person engaged in picking up empty beverage containers for the purpose of collecting the deposit or value of the bottle or can itself, nor to any person taking part in a litter control campaign.
- (2) The possession of any open container by any licensed distributor or licensed vendor of alcoholic beverages provided that such alcoholic beverage is being transported solely for commercial purposes.
- (3) The transportation of any open container of alcoholic beverage in or on any motor vehicle provided that such container is in a compartment of the vehicle not readily accessible to the

driver or passengers, such as a locked (not merely latched) glove compartment, trunk, or other non-passenger or non-driver area of the motor vehicle.

(4) The transportation of any open container or consumption of alcoholic beverage in or on any motor vehicle duly licensed and operated for hire to transport passengers, such as charter buses, regularly scheduled buses, taxicabs, and the separate passenger compartments of limousines; provided the operator thereof is not in immediate possession of, or engaged in the consumption of, any alcoholic beverage or open container of alcoholic beverage.

(5) The operation, for a consideration, of any motor vehicle by an individual duly licensed and supplied by a chauffeur service, limousine service, taxicab company, or bus company provided the operator thereof is not in immediate possession of, or engaged in the consumption of, any alcoholic beverage or open container of alcoholic beverage, and is operating the vehicle while under, and in the scope of, the employment of a chauffeur service, limousine service, taxicab company, or bus company. The operator shall have in his/her possession evidence of employment by a bona fide chauffeur service, limousine service, taxicab company, or bus company.

**Section 19.47 Application of zoning code**

In all cases the location of any place of business for the sale of alcoholic beverages, including malt and wine beverages at retail, shall be in accordance with the permitted use provisions of the city zoning code.

**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 13<sup>th</sup> day of May, 2019, on first reading.

PASSED AND ADOPTED this 10th day of June, 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

## **Ninth Order of Business**

1st Reading May 13, 2019  
2nd Reading June 10, 2019

**ORDINANCE NO. 2019-3**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING REGULATIONS FOR CODE COMPLIANCE WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED "CODE COMPLIANCE", PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERALABILITY, AND PROVIDING AN EFFECTIVE DATE.**

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**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**, 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

**WHEREAS**, the purpose of this ordinance is in the interest of the health, safety, peace and general welfare of the people of the City of Westlake, and

**WHEREAS**, the intent of the City Council in adopting this code is to establish reasonable and uniform regulations that will protect the health, safety, property values, and general welfare of the people, businesses, and industries of the City; and

**WHEREAS**, this ordinance seeks to preserve and improve the quality of life for residents and businesses within the community through the enforcement of the codes and ordinances.

**WHEREAS**, this ordinance was written in accordance with Florida State Statutes chapters 162, 553.73, 553.79, 553.80 and 775.083,

**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 and made a part hereof by this reference.

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

**Chapter 9 Code Compliance**

**ARTICLE I GENERALLY**

**Section 9.1 Intent:**

It is the intent of this chapter to promote, protect, and improve the health, safety, and welfare of the citizens of the city by providing an equitable, expeditious, efficient, and effective method of enforcing the codes of the city.



## Section 9.2 Definitions

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Abandoned real property** means any property that is vacant and is subject to a mortgage under a current notice of default and/or notice of mortgage's sale, pending tax assessor's lien sale and/or vacant properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure and properties transferred under a deed in lieu of foreclosure sale.

**Citation or Civil violation notice** shall mean a notice of violation with a civil penalty and fine, as provided for in the code.

**City Attorney** means the attorney for the city.

**City Council** means the council of the city of Westlake.

**Code Compliance Officer** means any designated employee or agent of the City whose duty it is to enforce codes and ordinances enacted by the City Council and to provide evidence of code ordinance violations to special magistrates, including, but not limited to code inspectors, code compliance specialists, law enforcement officers and animal control officers.

**Continuing Violation** shall mean a violation which remains uncorrected beyond the time period for correction contained in either the code compliance reminder, citation, the order of special magistrate, or order of the hearing office.

**Local Property Management Company** means a property manager, property maintenance company or similar entity responsible for the maintenance and security of registrable real property within twenty (20) driving miles of the city limits. Upon review of the credentials of the city, or its designee, may allow a non-local manager to be listed.

**Notice of Violation** means any written notice to a violator in accordance with the provisions of the Code of Ordinance and F.S. Chapter 162.

**Repeat Violation** means a violation of a provision of a code or ordinance by a person or entity who has been previously found, by the special magistrate, hearing officer, through quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occur at different locations. For purposes of the Code of Ordinances, a repeat violation shall be deemed to be a violation which reoccurs only after correction of the previous violation. A violation which remains uncorrected beyond the time prescribed for correction in the civil violation notice shall be treated as a continuing violation.

**Special Magistrate** means an attorney or retired judge, whose membership is in good standing with the Florida Bar, who is appointed by the City Council to preside over code compliance matters and who may be discharged by the City Council at its discretion, with or without cause.

**Uncorrected violation** means a violation which is determined by the special magistrate to be irreparable or irreversible in nature and which cannot be remedied after the violation has been committed because the violation constitutes a single prohibited act rather than an ongoing condition or circumstance.

**Vacant** means any building/structure that is not legally occupied.

**Violator** shall be defined as any individual or legal entity that has committed or is alleged to have committed a code violation or is legally responsible for a code violation including, but not limited to, a property owner or his agent, tenant, entity on the premises or any combination thereof.

### Section 9.3 Special Magistrate:

(a) **Appointment.** Pursuant to Chapter 162, Florida Statutes, the City Council may appoint one or more special magistrates who shall have the powers and authority to hold hearings and to impose fines and assess liens and other noncriminal penalties against violators of the city's codes and ordinances.

(b) **Recommendation.** The City Manager shall, upon the recommendation and advice of the City Attorney, bi-annually recruit qualified attorneys and retired judges to serve as special magistrate. Upon being provided two recommended attorneys and/or retired judges by the City Manager and the City Attorney, the City Council shall appoint, by resolution, at least one Special Magistrate and alternate special magistrate.

(c) **Qualification.** Applicants for the Special Magistrate position must:

- (1) Be a resident of the State of Florida;
- (2) Be a retired Florida Judge or be an attorney whose membership with the Florida Bar is in good standing and who has at least seven (7) years' experience; and
- (3) Possess experience and expertise in at least one of the following disciplines and a working familiarity with the others: (i) land use matters; (ii) local government law; (iii) Americans with Disabilities and Fair Housing Act law; (iv) real estate law, and (v) administrative law.

(d) **Term.** Each Special Magistrate shall have a term of two years. Special Magistrates may be appointed for consecutive two year terms. Special Magistrates are subject to removal, with or without cause, from their positions at any time by the City Council in its sole discretion.

(e) **Not City Employees.** Special Magistrates should not be considered City Employees. However, subject to compliance with documentation required by the City Manager or his or her designee, a Special Magistrate may be compensated at a rate to be determined by the City Manager. Special magistrates shall serve in an ex officio capacity if the appointed Special Magistrate serves other local governments as a special magistrate. Such service to other local governments does not create duties inconsistent with serving as special magistrate to the City of Westlake.

(f) **Jurisdiction.** Special Magistrates shall have jurisdiction and authority to hear and decide cases involving alleged violations of:

- (1) Any codes, ordinances, or resolutions of the city; or
- (2) Any statute, code, or regulation incorporated into the city's code of ordinances by reference.

(g) **Powers.** The Special Magistrate shall have the power to:

- (1) Adopt rules for the conduct of its hearings;
- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the Palm Beach County Sheriff's Office;
- (3) Subpoena evidence to its hearings;
- (4) Take testimony under oath;
- (5) Issue orders having the force of law commanding whatever steps are necessary to bring a violation into compliance.

(h) **Non-exclusive.** The authority granted herein is not exclusive and shall not prohibit the city from enforcing its codes by other legal means.

## ARTICLE II. CODE COMPLIANCE PROCEDURES

### Section 9.20 Compliance Procedure:

(a) It shall be the duty of the Code Compliance Officer to initiate code compliance proceedings. The Special Magistrate shall not have the power to initiate compliance proceedings.

(b) Except as provided in subsection (d), if a violation of any code is found, the Code Compliance Officer shall notify the violator and give a reasonable time to correct the violation.

(c) The determination of a reasonable time shall be based upon considerations of fairness, practicality, ease of correction, ability to correct, severity of the violation, nature, extent and probability of danger or damage to the public, and other relevant factors relating to the reasonableness of the time period is necessary and reasonable. A timeframe for correction should not exceed thirty (30) days, unless providing a longer time period is necessary and reasonable.

(d) Should the violation continue beyond the time specified for correction, the Code Compliance Officer shall notify the Special Magistrate and request a hearing. The Special Magistrate, through the clerical staff of the City Attorney's Office, shall schedule a hearing. The violator shall be noticed of such hearing in accordance with sections 9.26 and 9.27, below.

(e) The applicable Code Compliance Officer and the violator must attempt to meet face-to-face at a pre-hearing meeting to resolve disputes. This meeting may take the form of an informal meeting or formal mediation. Prior to the hearing, the Code Compliance Officer must provide a written certification to the Special Magistrate that Code Compliance Officer has attempted to resolve the dispute in good faith but was unable to.

(f) If the Code Compliance Officer has reason to believe a violation, or the condition causing the violation, presents a serious threat to the public health, safety, and welfare, or if the violation is irreparable or irreversible in nature, the Code Compliance Officer shall make a reasonable effort to notify the violator and may immediately notify the Special Magistrate and request a hearing on an expedited basis.

(g) If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the Code Compliance Officer, the case may be presented to the Special Magistrate even if the violation has been corrected prior to the hearing, and the notice so state.

(h) If a repeat violation is found, the Code Compliance Officer shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The Code Compliance Officer, upon notifying the violator of a repeat violation, shall notify the Special Magistrate and request a hearing. The Special Magistrate shall schedule a hearing and shall provide notice pursuant to sections 9.26 and 9.27, below. The case may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the hearing, and the notice shall so state. If the repeat violation has been corrected, the Special Magistrate retains the right to schedule a hearing to determine costs and impose the payment of reasonable fees upon the violator. The repeat violator may choose to waive his or her rights to this hearing and pay the costs and fees as determined by the Special Magistrate.

(i) If the owner of property, which is subject to a compliance proceeding before the Special Magistrate, transfers ownership of such property between the time the initial notice is served and the time of the hearing, such owner shall:

- (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.

- (2) Deliver to the prospective transferee a copy of the pleadings, notices and other materials relating to the code compliance proceeding received by the transferor.

(3) Disclose to the prospective transferee, in writing, that the new owner will be responsible for compliance with the applicable code and with orders issued in code compliance proceeding.

(4) File a notice with the code compliance division of the transfer of the property, with the identity and address of the new owner and all copies of the disclosures made to the new owner, within five (5) days after the date of transfer.

A failure to make disclosures described in subsections (1), (2) and (3) before the transfer, creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

(j) Managers of rental properties may file with the City Manager's Office or designated office a list of the properties they manage, along with the name and address of the person whom any courtesy notice provided under this subsection should be sent. The City Manager's Office or designated office may prescribe a required format for the information, so as to best accommodate the provision of courtesy notices. Whenever a notice of violation is provided to the owner of tenant of any property, the City Manager's Office or designated office shall attempt to mail a courtesy copy of the notice of violation, as well as any subsequent notice of hearing pertaining to the violation, to the name and address provided by the rental property manager. Failure to mail any courtesy copy shall not, however, affect the validity of any notice of violation, hearing or other procedure or proceeding.

#### **Section 9.21 Conduct of Hearing**

(a) **Manner of calling hearing; open to the public.** Upon request of the Code Compliance Officer, or at such other times as may be necessary, the Special Magistrate may call duly noticed hearings. The Special Magistrate shall attempt to convene no less frequently than once every month, but may convene more or less as often as the demand necessitates. All hearings and proceedings shall be open to the public. The City Council or City Manager shall provide clerical and administrative personnel as may be reasonably required by the Special Magistrate for the proper performance of his or her duties.

(b) **Presenting cases.** Each case before the Special Magistrate shall be presented by the City Attorney, his or her designee, or by the Code Compliance Officer.

(c) **Testimony; rules of evidence.** The Special Magistrate shall proceed to hear the cases on the agenda for that date. All testimony shall be under oath and shall be recorded. The Special Magistrate shall take testimony from the Code Compliance Officer and the alleged violator, if present. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern these proceedings.

(d) **Rights of parties to hearing.** Each party to the hearing shall have the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses; impeach witnesses, and rebut evidence.

(e) **Evidence.** All evidence shall be admitted at Special Magistrate hearings if, in the opinion of the Special Magistrate, it is the type of evidence upon which reasonable and responsible persons would normally rely in the conduct of business, regardless of the existence of any common-law or statutory rule which might make such evidence inadmissible over objections in civil actions. The Special Magistrate may exclude irrelevant or unduly repetitious evidence. Hearsay evidence may be accepted for the purpose of supplementing or explaining direct evidence, but such hearsay evidence shall not in and of itself be considered sufficient to support a finding or decision unless the evidence would be admissible over objections in a civil action.

(f) **Stipulation.** At any time prior to a case being heard by the Special Magistrate, an alleged violator may enter into a stipulation with the city agreeing to any matter, including but not limited to, the following:

- (1) That the alleged violator has, in fact, committed a violation or that a violation has occurred on the property at issue.
- (2) That the violation shall be corrected on or before a specific date, subject to approval by the Special Magistrate.
- (3) That the alleged violator will be fined for each day past the date set for compliance.
- (4) The stipulation shall be in writing and shall be signed by both the city and the alleged violator. The Special Magistrate shall issue an order reflecting the terms of the stipulation.

(g) **Findings of fact; issuance of order.** At the conclusion of the hearings, the Special Magistrate shall issue an order containing findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The order may include a notice that must be complied with by a specific date and that a fine may be imposed and that, under the conditions specified in Section 9.22, the cost of repairs and the cost of compliance may be included along with the fine if the order is not complied with by the specified date.

(h) **Recordation.** A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by date specified in the order, the Special Magistrate shall issue an order acknowledging compliance that shall be recorded in the public records. A Special Magistrate hearing is not required to issue such an order acknowledging compliance.

## **Section 9.22 Fines; Cost Recovery; Liens and Collections; Lien Reductions**

(a) **Generally.** The Special Magistrate may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the Code Compliance Officer. In addition, if the violation is a violation described in Section 9.20(f), the Special Magistrate shall notify the City Council, which may make all reasonable repairs required to bring the property into compliance and charge the violator with the reasonable cost of the repairs and cost of compliance along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the city to make further repairs or to maintain the property and does not create any liability against the city for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this section, a hearing shall not be necessary for issuance of the order imposing the fine.

(b) **Amount of Fines.**

- (1) A fine imposed pursuant to this section shall not exceed two hundred fifty dollars (\$250.00) per day for a first violation and shall not exceed five hundred dollars (\$500.00) per day for a repeat violation, and, in addition, may include all costs of repairs incurred in accordance with this section. However, if the Special Magistrate finds the violation to be irreparable or irreversible in nature, the Special Magistrate may impose a fine not to exceed five thousand dollars (\$5,000.00) per violation.

(2) In determining the amount of the fine, if any, the Special Magistrate shall consider the following factors:

- (a) The gravity of the violation;
- (b) Any actions taken by the violator to correct the violation; and
- (c) Any previous violations committed by the violator.

(3) The Special Magistrate may reduce a fine imposed pursuant to this section.

(c) **Cost Recovery.** If the city prevails in prosecuting a case before the Special Magistrate, it shall be entitled to recover all costs incurred in prosecuting the case before the Special Magistrate and such costs may be assessed against the violator and included in any authorized lien.

(d) **Liens.** A certified copy of an order imposing a fine or a fine plus repair and administrative costs shall be recorded in the public records of Palm Beach County and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator, and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. Such lien shall accrue interest at the rate determined by the Chief Financial Officer of the State of Florida, pursuant to Section 55.03, Florida Statutes. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. After three (3) months from the filing of any lien, which remains unpaid, the Special Magistrate may authorize the City Attorney to foreclose the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under Article X, Section 4 of the State Constitution. A lien arising from a fine imposed pursuant to this section runs in favor of the city council and the city council may execute a release of any lien pursuant to this section.

(e) **Lien Reductions.** The Special Magistrate may modify or partially release liens according to the following application guidelines.

- (1) Application for modification must be made by the violator or owner of the violating property.
- (2) Payment in the amount of \$250.00 must be made with the application.
- (3) The violation must be cured, and no other violation may be present.
- (4) Partial release of lien against a non-offending property will be decided by the Special Magistrate upon application and in the event granted, shall include a provision that administrative and hard costs attributed to the offending property be paid by the applicant.

**Section 9.23 Duration of Lien:**

No lien provided under this article shall continue for a period longer than twenty (20) years after the certified copy of an order imposing a fine has been recorded unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the action. The City Council shall be entitled to collect all cost incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall

not be good against creditors or subsequent purchaser for valuable consideration without notice unless a notice of lis pendens is recorded.

**Section 9.24 Assignment of Liens:**

The City Manager or the City Manager's designee shall have the authority to assign liens to a private third party for collection at its discretion, provided its contract with said third party provides the following:

- (1) The city shall retain the power to decide which liens to assign;
- (2) The city shall retain the power to decide what collection techniques are permissible and to prohibit use of any technique it finds objectionable;
- (3) The city shall retain the power to take back any assigned debt or lien; and
- (4) The city shall retain the power to terminate the contract for any or no reason.

**Section 9.25 Appeals:**

An aggrieved party, including the city, wishing to appeal any final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed. Upon filing of any appeal with the circuit court, the aggrieved party shall immediately file a copy of the Notice -of Appeal with the City Clerk.

**Section 9.26 Service of Notices:**

(a) All notices required by this article shall be provided as follows:

- (1) Certified mail, return receipt requested to the owner of the property in question at the address listed in the Palm Beach County's Property Appraiser's database. The City may also provide an additional notice to any other address it may find for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting as described herein.
- (2) Hand delivery by the sheriff or other law enforcement officer, Code Compliance Officer, or other person designated by the local governing body;
- (3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or
- (4) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(b) In addition to providing notice as set forth in subsection (a), at the option of the City, notice may also be served by publication or posting, as follows:

- (1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in Palm Beach County. Proof of publication shall be made by the publisher or Code Enforcement Officer so designated.
- (2) In lieu of publication as described in paragraph (1), such notice may be posted at least ten days prior to the hearing or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist, and the other shall be at the Westlake City Hall for such notices. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a).

(c) Evidence that an attempt has been made to hand deliver or mail notice, as provided in subsection (a), or proof of publication or posting, as provided in subsection (b), shall be sufficient to show that the notice requirements of this part have been met, without regard as to whether or not the alleged violator actually received such notice.

**Section 9.27 Notices of Hearing:**

All Notices of Hearing before the Special Magistrate shall contain the following:

- (a) The address or parcel control number of the property;
- (b) The name of the Code Compliance Officer who initiated the request for the hearing;
- (c) A factual description of the alleged violation of Code;
- (d) The date of the alleged violation and the timeframe given to correct the violation;
- (e) The section of Code allegedly violated;
- (f) Information on where to receive a copy of the Official City File;
- (g) The place, date and time of the hearing; and
- (h) Notice that requests for continuances will not be considered if not received by the Special Magistrate at least five (5) business days prior to the hearing.

**Section 9.28 Authority to Adopt Special Magistrate Rules and Regulations:**

The City Council may adopt by resolution such Special Magistrate rules and regulations not inconsistent with Florida Statutes Chapter 162 which the City Council finds necessary to carry out the provisions of this section.

**ARTICLE III. ENFORCEMENT THROUGH CITATIONS**

**Section 9.40 Citations:**

(a) A Code Compliance Officer is authorized to issue a citation to a person when, based upon personal investigation, the Code Compliance Officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the Palm Beach County Court will hear the charge at a specified date and time.

(b) Prior to issuing a citation, a Code Compliance Officer or other regulatory agencies, as may be appropriate, shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than thirty (30) days.

(c) If, upon personal investigation, a Code Compliance Officer finds that the person has not corrected the violation within the time period, a Code Compliance Officer may issue a citation to the person who has committed the violation.

(d) If a repeat violation is found or if the Code Compliance Officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible, or that the violator is engaged in violation of an itinerant or transient nature within the jurisdiction while moving from place to place, a Code Compliance Officer does not have to provide the person with a reasonable time period to correct the violation and may immediately issue a citation or notice to appear.

(e) A citation issued by a Code Compliance Officer shall be in a form prescribed by the City Council and shall contain:

- (1) The date and time of issuance.



- (2) The name and address of the person to whom the citation is issued.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting reasonable cause.
- (5) The number or section of the code or ordinance violated.
- (6) The name and authority of the Code Compliance Officer.
- (7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
- (8) The applicable civil penalty if the person elects to contest the citation.
- (9) The applicable civil penalty if the person elects not to contest the citation.
- (10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(f) After issuing a citation to an alleged violator, a Code Compliance Officer shall deposit the original citation or notice to appear and one copy of the citation or notice to appear with the Palm Beach County Court.

(g) Any person who is issued a citation by a Code Compliance Officer may contest the citation by appearing in the Palm Beach County Court at the date and time specified in the citation and advising the court that they wish to contest the citation and request a hearing on the matter. A hearing shall then take place at a time set by the court to provide the city and the person, to whom the citation was issued, an opportunity to present evidence concerning the violation to the court.

**Section 9.41 Penalties:**

(a) A violation of a code or an ordinance enforced pursuant to such section is a civil infraction. The maximum civil penalty shall not exceed \$500.00.

The civil penalty provided for the disposition of a citation issued pursuant to this chapter shall be as follows:

Number of Violations Within Any 12 Month Period	Amount of Fine If Not Contested	Amount of Fine If Contested
First Offense	\$100	\$200
Second Offense	\$200	\$300
Third Offense	\$300	\$400

Any person who willfully refuses to sign and accept a citation or notice to appear issued by a Code Compliance Officer shall be guilty of a misdemeanor of the second degree, punishable as provided in section 775.083, Florida Statutes.

(b) The provisions of this section shall not apply to the enforcement pursuant to Sections 553.79 and 553.80, Florida Statutes, of the building codes adopted pursuant to Section 553.73, Florida Statutes, as they apply to construction, provided that a building permit is either not required or has been issued by the city. For purposes of this chapter, building codes means only those codes adopted pursuant to Section 553.73, Florida Statutes.

(c) The provisions of this article are an additional and supplemental means of enforcing a code or ordinance. Nothing contained in this article shall prohibit the city or special magistrate from enforcing a code or ordinance by any other means. These enforcement methods may include, but are not limited to, the issuance of a notice of violation, a summons, or a notice to appear

in court. A notice to appear means a written order issued by a Code Compliance Officer in lieu of physical arrest.

**Section 9.42 Applicability:**

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the city above and beyond any other state, county or local provisions for same.

**Article IV Registry**

**Section 9.50 Establishment of a Registry:**

Pursuant to the provisions of this division, the city shall establish a registry cataloging each abandoned property within the city, containing the information required by this article.

**Section 9.51 Registration of Defaulted Mortgage Real Property**

(a) Any mortgagee who holds a mortgage on real property located within the city shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within ten days of the inspection, register the property with the code compliance department, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.

(b) Registration pursuant to this section shall contain the name, direct mailing address, a direct contact name, telephone number, and e-mail address for the mortgagee, and the servicer, and the name and 24-hour contact phone number of the local property management company responsible for the security and maintenance of the property.

(c) Mortgagees who have existing registrable property on the effective date of this article have 30 calendar days from the effective date to register the property with the code compliance department, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is vacant or occupied.

(d) If the mortgage on a registrable property is sold or transferred, the new mortgagee is subject to all the terms of this article must within five days of the transfer register the property and pay a registration fee in accordance with this article. Any previous unpaid annual registration fees are the responsibility of the new mortgagee or trustee, as applicable, and are due and payable with their initial registration.

(e) If the mortgagee owner of a foreclosed real property sells or transfers the property to a non-arm's length related person or entity, the transferee, is subject to all the terms of this article must within five days of the transfer register the property and pay a registration fee in accordance with this article. Any previous unpaid annual registration fees are the responsibility of the new registrable property owner and are due and payable with their initial registration.

(f) As long as the property is registrable it shall be inspected by the mortgagee, or designee, monthly. If an inspection shows a change in the property's occupancy status the mortgagee shall, within ten days of that inspection, update the occupancy status of the property registration.

(g) A non-refundable annual registration fee established by resolution or ordinance by the city council, shall accompany each registration pursuant to this section.

(h) All registration fees must be paid directly from the mortgagee, trustee, servicer, or owner. Third party registration fees are not allowed without the consent of the city and/or its authorized designee.

(i) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they are registrable.

(j) Until the mortgage or lien on the property in question is satisfied, or legally discharged, the desire to no longer pursue foreclosure, the filing of a dismissal of lis pendens and/or summary of final judgment and/or certificate of title, voluntary or otherwise, does not exempt any mortgagee holding the defaulted mortgage, from all the requirements of this article as long as the borrower is in default.

(k) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten days of the change.

(l) Failure of the mortgagee to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement and any resulting monetary penalties.

(m) Pursuant to a finding by the special magistrate, or any other administrative or judicial finding and determination that any property is in violation of this article, the city may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

**Section 9.53 Waivers:** The application of this part may be waived by the City Manager or designee where such waiver would be in the best interests of the City of Westlake.

**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 13<sup>th</sup> day of May, 2019, on first reading.

PASSED AND ADOPTED this 10<sup>th</sup> day of June, 2019, on second reading.

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City of Westlake  
Roger Manning, Mayor

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Sandra Demarco, City Clerk

Approved as to form and Sufficiency

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Pam E. Booker, City Attorney

## **Tenth Order of Business**

1st Reading May 13, 2019  
2nd Reading June 10, 2019

**ORDINANCE NO. 2019-4**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING REGULATIONS FOR PROPERTY MAINTENANCE WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESIDENTIAL AND COMMERCIAL PROPERTY MAINTENANCE STANDARDS; PROVIDING RESPONSIBILITIES FOR OWNERS AND OPERATORS TO MAINTAIN SAFE AND SANITARY CONDITIONS OF PROPERTY, ALL OF WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED "PROPERTY MAINTENANCE", PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERALABILITY, AND PROVIDING AN EFFECTIVE DATE.**

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**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**, 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

**WHEREAS**, the purpose of this ordinance is to provide requirements and maintenance standards for vacant, residential and non-residential properties within the jurisdictional boundaries for the City of Westlake; and

**WHEREAS**, this ordinance seeks to preserve and improve the quality of life for residents and businesses within the city through the enforcement of the property maintenance codes and ordinances, which regulate the structural strength, stability, sanitation, adequate light and ventilation and safety of life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises; and

**WHEREAS**, there are structures which are used for human habitation which may become in the future, substandard with respect to structure, equipment or maintenance, and further, that such conditions, together with inadequate provisions for light and air, insufficient protection against fire hazards, lack of proper heating, unsanitary conditions and overcrowding constitute a menace to the health, safety, welfare and reasonable comfort of its citizens, and;

**WHEREAS**, the existence of such conditions will if not remedied, create slum and blighted areas requiring large scale clearance, and such areas may create deterioration of social values, a curtailment of investment and tax revenues and an impairment of economic values, and

**WHEREAS**, the intent of the City Council in adopting this code is to establish reasonable and uniform regulations that will protect the health, safety, property values, and general welfare of its residents, visitors, businesses, and industries of the City.

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

## **Chapter 22 Property Maintenance**

### **Article I**

#### **Section 22.01 Purpose of article.**

The purpose of this article is to establish minimum standards for the maintenance, upkeep and appearance of improved or unimproved premises; to minimize impacts of construction; and to provide a just, equitable and practicable method to preclude:

- (1) Residential and commercial buildings, structures and premises from causing and/or endangering the life, limb, health, property, safety or welfare of the general public or their occupants; or
- (2) Diminished property values; or
- (3) Detracting from the appropriate appearance of the residential area, by way of example:
  - (a) Failure to remove abandoned property, litter or debris; or
  - (b) Failure to cut and/or remove the accumulation of weeds, grass or uncultivated vegetation.

#### **Section 22.02 General provisions.**

(a) **Maintenance.** Equipment, systems, devices and safeguards required by this article or a prior code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this article are not intended to provide the basis for removal or abrogation of fire protection or safety systems and devices in existing structures. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures and premises.

(b) **Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be performed in accordance with the procedures and provisions contained in the land development regulations and of the Florida building code. Nothing in this chapter shall be construed to cancel, modify or set aside any provision of this chapter.

(c) **Existing remedies.** The provisions in this chapter shall not be construed to abolish or impair other remedies of any local, state or federal jurisdiction or its officers or agencies relating to the removal or demolition of any structure.

(d) **Requirements not covered by this chapter.** The building official shall determine requirements necessary for the strength, stability or proper operation and general conditions acceptable for an existing fixture, structure or equipment not specifically covered by this chapter.

(e) **Deviation from chapter.** Where practical difficulties are prohibitive in carrying out the provisions of this chapter, the building official has the authority to grant modifications for individual cases. The modification shall be in compliance with the intent and purpose of this chapter and shall not lessen

health, life and fire safety requirements. The basis for granting modifications shall be recorded and entered in the department files.

(f) **Compliance.** It shall be the duty of each and every owner and operator of improved or unimproved property within the city to comply with the requirements set forth in this chapter. No permit or certificate of occupancy shall be issued unless there is compliance with all applicable sections of this chapter. No premises or building, or combination, shall be used in a manner inconsistent with or in conflict with the requirements of this chapter.

(g) **Conflict with other codes.** The provisions of this chapter shall apply to all buildings, structures or premises in existence or built within the city limits or annexed therein. Where the provisions of this chapter impose a standard different than that set forth in any other ordinance of the city or under the laws of the state, the most restrictive standard shall prevail.

### Section 22.03 - Definitions.

The following definitions shall apply for purposes of this chapter:

- 1) **Abandoned property** means any wrecked, inoperative, derelict or partially dismantled property having little, if any, value other than nominal salvage value, which has been left unattended and unprotected from the elements, which shall include, but not be limited to, motor vehicles, trailers, boats, machinery, appliances such as refrigerators and washing machines, plumbing fixtures, furniture, and any other similar articles.
- 2) **Approved** means approved by the building official or the building official's designated representative.
- 3) **Building** means any structure, either temporary or permanent, having a roof, and used or built for shelter or enclosure of persons, animals, chattels or property of any kind. Building code and technical codes means the Florida Building Code and the technical codes adopted by the City Council.
- 4) **Commercial business** means any business or enterprise that offers for sale goods or services, or which in any manner conducts commerce.
- 5) **Condemn** means to judge unfit for occupancy.
- 6) **Contractor** means and includes owner, operator, owner-builder or licensed contractor.
- 7) **Demolition** means the deconstructing, destroying, raising, tearing down, or wrecking of any building, including its foundation. As used herein, the word "demolition" shall not apply to partial demolition associated with major or minor remodeling.
- 8) **Deterioration** means the condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, rusting, peeling paint or other evidence of physical decay, including the landscaping and the parking areas.
- 9) **Enclosed container** means, for purposes of this chapter, any physical structure which prevents materials from falling out, spilling, or coming out by other accidental means during storage or transport, and shall include, but not be limited to, garbage cans, boxes, truck bodies capable of being enclosed and any means sufficient to prevent the accidental scattering or leaking of said materials.
- 10) **Exterior property** means the open space on the premises outside of the building.
- 11) **Fire hazard (see "nuisance")** means any one thing or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than reasonable, or which may unreasonably obstruct, delay or hinder or may unreasonably become the cause of an obstruction, a delay, a hazard or an unreasonable hindrance to the prevention, suppression or extinguishment of fire.
- 12) **Food waste** means the animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food.
- 13) **Imminent danger** means a condition that could cause serious or life-threatening injury or death at any time.
- 14) **Improved property** means real property which contains buildings or other structural improvements.

- 15) **Inert waste materials** means brick, block, concrete, rock, stone, earth, and sand, free from contamination or other types of waste and capable of serving as fill material without harm to, or pollution of, ground or surface waters.
- 16) **Infestation** means to spread or foster in a troublesome manner.
- 17) **Litter** means any discarded, used, unconsumed substances or wastes. Litter shall include, but shall not be limited to, garbage, solid waste, trash, refuse, debris, paper products (including newspapers and magazines), glass, metal, plastic or other containers, cloth, wood and wood products, sweepings, liquids (other than uncontaminated water), sludge, grass clippings, tree limbs, trunks and roots, undergrowth and materials produced by clearing and grubbing and other horticulture wastes, motor vehicle parts and tires, furniture, oil or grease, hazardous wastes (including gasoline, paint thinners and other similar types), the carcass of a dead animal, any obnoxious or offensive matter of any kind, and any object or condition of any unsightly nature, which may have been discarded, abandoned or otherwise disposed of improperly.
- 18) **Lot** means a parcel of real property.
- 19) **Nuisance** means any one or combination of the following:
- a. Any public nuisance known at common law or in equity jurisprudence, or as provided by the statutes of the state or the ordinances of the city;
  - b. Any condition, including an attractive nuisance, which may prove detrimental to human health or safety, whether in a building or on the premises;
  - c. Physical conditions dangerous to human life or detrimental to health of persons in, on or near the premises where the condition exists;
  - d. Unsanitary conditions or conditions that are dangerous to public health, well-being or the general welfare;
  - e. Fire hazards; and
  - f. Unsightly conditions.
- 20) **Occupant** means any individual living or sleeping in a building or having possession of a space within a building.
- 21) **Operator** means any person who has charge, care or control of premises or a part thereof.
- 22) **Owner** means any person, agent, operator, business, firm or corporation having a legal or equitable interest in the fee title to the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, or the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- 23) **Parking lot** means any parcel of real property with an outdoor area or space, paved or unpaved, approved for motor vehicle parking or storage.
- 24) **Parts.** Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this article, they shall be construed as though they were followed by the words "or any part thereof."
- 25) **Permit** means approvals issued by building official, to include but not be limited to the construction site management plan approved by the building official.
- 26) **Project site** means the area within the property line where lot clearing and grading, stockpiling of soil, demolition, excavation, construction, reconstruction, renovation, remodeling, and minor remodeling may occur.
- 27) **Residential** means all single-family and multifamily buildings and structures.
- 28) **Right-of-way** means land to which the state, county or city holds fee simple title or an easement for transportation or utility use.
- 29) **Rubbish** means combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags,



cartons, boxes, wood, rubber, tree branches, yard trimmings, tin cans, metals, mineral matter, and glass and other similar materials.

- 30) **Stop work order** means a notice signed by the building official or designee to cease work or other activity on any site for which a permit has been issued or is subject to issuance.
- 31) **Storage of litter** means interim containment of litter in a manner approved by the city council, after generation of such litter and prior to proper and final disposal.
- 32) **Street** means the paved or improved portion of the right-of-way which is intended for public use by vehicles, pedestrians, bicycles and others and which affords the principal means of access to abutting property.
- 33) **Tenant** means a person, corporation, partnership or group who has the occupation or temporary possession of a dwelling unit or commercial premises but does not hold title to same.
- 34) **Vacant lot** means a parcel of real property which contains no buildings or structures of a temporary or permanent nature.
- 35) **Vacant structure** means a structure, accessory or principal, that is not occupied.
- 36) **Weeds** means all weeds, annual plants and uncultivated vegetation; however, this term shall not include trees, cultivated flowers, cultivated shrubs and gardens.

#### 22.04 Vacant lot maintenance.

- (a) **Vegetation.** All vacant lots, including the area between the edge of pavement in the street and the lot line, shall be kept free from dry vegetation, accumulation of weeds, grass and uncultivated vegetation:
  - (1) Which present a visual blight upon neighborhoods; or
  - (2) Which may harbor insect or rodent infestations; or
  - (3) Which may likely become a fire hazard; or
  - (4) Which result in a condition which may threaten the health and safety or the economic welfare of abutting or adjacent property owners or occupants.
- (b) **General standards.**
  - (1) All vacant lots shall be free from potential fire hazards, to include but not be limited to dead trees, loose branches and palm fronds.
  - (2) All vacant lots shall comply with the following requirements:
    - a. They shall be covered in an amount of at least 90 percent, with grass or other living plant materials. All grasses or weeds, and uncultivated vegetation, shall not exceed eight inches in height, including the area between the edge of pavement in the street and the lot line, unless there is an active building permit for construction on the property and the required construction fence is in place.
    - b. All debris, old pavement, shrubs and remains of previous improvements must be cleared from the site.
    - c. Docks, driveways, accessways, access aisles, fences and walls in good repair and free from cracks, holes, and weeds are permitted to remain on the site.
    - d. They shall be graded to avoid excessive water retention, unsafe conditions or excessive drainage on to neighboring properties.
    - e. If a lot has become vacant due to demolition, the lot shall be brought into compliance within 60 days after demolition is completed.
  - (3) Motor vehicles are prohibited from parking on or driving across any portion of a vacant lot, except for:
    - a. Areas designated and approved by the building official; and

- b. Where the owner of the vacant lot has given written permission to the vehicle owner or operator.
- (4) Nuisances are prohibited on all lots to include by way of example but not limitation: abandoned or broken equipment, discarded furniture, household appliances, trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials and machinery.

## **22.05 - Residential and commercial property maintenance.**

(a) All premises shall be maintained in compliance with the standards in this section. The allowing of debris, rubbish, trash, tin cans, papers, or stagnant water to accumulate, or a dense growth of trees, vines, underbrush, weeds, wild growth, on any lot, tract, or parcel of land in the city, to the extent and in the manner that it constitutes or may reasonably become a menace to life, property, the public health, or the public welfare; creates a fire hazard; or provides a nest or breeding ground for sandflies, mosquitoes, rats, mice, other rodents, snakes, and other types of pests and vermin, shall be unlawful and is prohibited and declared to be a public nuisance.

### **(b) Standards for improved property.**

(1) **Foundation.** The building foundation system shall be adequately maintained and capable of supporting the load for which it was designed.

- a. Wood supports shall be sound and free from insect infestation and rot.
- b. Metal supports and connections shall be free from rust and the equivalent of new supports.
- c. Skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure.

(2) **Exterior walls.** Exterior walls of buildings shall be:

- a. Maintained free from holes, breaks, and loose or rotting materials; and
- b. Maintained, weatherproofed and surfaces properly coated as needed to prevent deterioration. Decorative features such as cornices, belt courses, corbels, trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage. Any graffiti shall be removed or repainted to match existing surfaces.

(3) **Windows.**

- a. Every window shall be maintained in sound working condition and good repair to be substantially weather-tight and rodent-proof.
- b. Openings originally designed as windows shall be maintained as windows, unless approved by the building official for enclosure. The enclosure of a window shall be by either bricking the opening, blocking the opening with concrete blocks and stuccoing the exterior, or boarding the opening. When boarding is used, it shall be of trim fit, sealed to prevent water intrusion, and painted or stained to conform with the other exterior portions of the building. The boarding shall remain in place and be properly maintained.

(4) **Shutters.** All shutters shall be maintained in good repair and securely attached to a structure. Peeling paint or preservatives is prohibited.

(5) **Exterior doors.** Every exterior door and hatchway or garage door shall be kept in sound working condition and good repair.

(6) **Exterior doorframes and storefronts.** Exterior doorframes and storefronts shall be maintained in good condition. All moldings shall be securely attached to the structure and maintained in good condition without splitting or deterioration.

(7) **Exterior surface treatment.** All exterior surfaces, including by way of example and not limitation, doors and window frames, cornices, porches, decks, trim, balconies, fences and docks, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective treatment. Peeling paint is prohibited and surfaces shall be repainted. All metal surfaces shall be coated to inhibit rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated.

(8) **Structural supports.** Every structural element of a dwelling shall be maintained in a structurally sound condition and shall not show evidence of deterioration that would make it incapable of carrying normal loads.

(9) **Porches and balconies.** All exterior porches, balconies, stairs and fire escapes shall include banisters or railings properly designed and maintained to minimize the hazard of falling and installed to withstand the loads prescribed by the Florida Building Code. All exterior porches, landings, balconies, stairs and fire escapes shall be kept structurally sound, in good repair and free from defects. Paint and other finishes shall be in good condition.

(10) **Stairs.** All stairs shall be maintained safe and free from tripping hazards. Treads shall be sound, without broken or chipped edges. Wooden stairs shall be free from decay or substantial wear that could cause a tripping hazard or have an unsightly appearance. Handrails and guardrails shall be maintained to withstand loads prescribed by the Florida Building Code.

(11) **Roofs.** Roofs shall be maintained in a structurally sound and safe manner. Roofs shall be repaired using like materials to existing materials.

(12) **Gutters and downspouts.** Gutters and downspouts shall be maintained in good repair and shall be neatly located and securely installed.

(13) **Chimneys, flues, and vent attachments.** Chimneys, flues, and vent attachments shall be maintained in a structurally sound manner, free from defects to capably perform the functions for which they were designed.

(14) **Overhang extensions.** All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and properly anchored to remain in sound condition. All exposed surfaces of metal or wood shall be protected from the elements, decay or rust.

(15) **Insect screens.** All windows and other outside openings required for ventilation of food preparation areas, food service areas, or any areas where products utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh (16 mesh per 25 mm). Every swinging door shall have a self-closing device in good working condition.

(16) **Commercial parking areas/walkways.** Holes, excavations, breaks, projections or obstructions on walks, driveways, parking lots and parking areas and other parts of commercial premises which are accessible to and used by persons on the premises are prohibited. Deficiencies shall be repaired, replaced or removed as appropriate. The building official shall set a time for performance for the owner to comply with this subsection. This subsection applies to occupied and unoccupied property. All surfaces, including those of parking lots, shall be maintained free of glass, loose shingles, loose wood, crumbling stone or brick, asphalt, concrete, stucco, loose or broken plastic or other similar hazardous conditions.

(17) **Accessory structures.** Garages, storage buildings and all other accessory structures shall be maintained and kept in good repair and sound structural condition.

(18) **Swimming pools.** All swimming pools, spas and architectural pools, ponds or bodies of water shall be properly maintained so as not to create a safety hazard or harbor insect infestation. Water

shall not be allowed to stagnate or to become polluted. All pools shall be free from unsightly appearance.

(19) **Rodent harborage.** All structures and exterior premises shall be kept free from rodent harborage and infestation. Where rodents are found, the owner shall promptly exterminate rodents through a process which will not be injurious to human health.

(20) **Grass, weeds and uncultivated vegetation.** All grasses or weeds, and uncultivated vegetation, shall not exceed 8 inches in height on improved property, including the area between the edge of the pavement in the street and the lot line.

(21) **Shrubbery, plants, and ground cover.** All premises shall be maintained in a condition to prevent erosion of soil by:

- a. Landscaping with grass, trees, shrubs or other planted ground cover; or
- b. Such other suitable means as shall be approved by the building official, City Manager or designee.

(22) **Trees.** Trees shall be maintained or removed as follows:

a. **Hazardous trees.** Dead, dying, damaged or diseased trees are prohibited. A finding by a registered forester or certified arborist employed by the city that a tree is in danger of falling upon an adjacent lot or street due to death, disease or damage, including damage caused by weather conditions, is prima facie evidence of a violation of this section.

b. **Prohibited conditions.** The following conditions are prohibited:

1. Trees, plants, shrubs, vegetation, or parts thereof, which (i) overhang any sidewalk, street, alley or fire hydrant, and (ii) obstruct or impair the free and full use of the sidewalk, street, alley or fire hydrant by the public.
2. Grass, weeds, shrubs, bushes, trees or vegetation which constitute a fire hazard or a menace to public health, safety or welfare.

c. **Removal of obstruction.** The owner of any premises shall trim trees, plants, shrubs or vegetation, or any parts thereof as follows: (i) which overhang any sidewalk, alley or street as determined by the building official, and (ii) which interfere with the use of any sidewalk, alley, street, poles, wires, pipes, fixtures or any other part of any public utility situated in the right-of-way.

(23) **Exterior lighting.** All outdoor lighting shall be in compliance with the following:

- a. Nonvehicular light sources that shine into the eyes of drivers of vehicles or pedestrians which could impair safe traverse are prohibited.
- b. All lighting shall be shielded and aimed at the owner's premises or sidewalk and street abutting the premises.

(24) **Fences and walls.** Fences and walls shall be maintained in a safe and structurally sound condition, in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials. Metal fencing shall be free from rust or deterioration.

(25) **Floors, interior walls and ceilings.** All floors, interior walls and ceilings of every structure shall be maintained in a structurally sound manner and in a condition consistent with its use.

(26) **Miscellaneous elements.** All existing miscellaneous elements on building walls, roofs and surrounding premises, to include by way of example empty electrical or other conduits, or unused sign brackets, shall be removed.

(27) **Landscape maintenance.** Where landscape plans have been specifically incorporated and approved in a development plan, the landscape areas shall be maintained in a manner equal to the original landscaping approval.

## Article II

### 22.06 Litter.

#### (1) Storage of litter.

- a. All commercial businesses shall store litter in containers to eliminate wind- driven debris. The number and size of receptacles for each commercial business shall be that number required to maintain a clean, neat, and sanitary premises. Spillage and overflow of litter around containers is a violation.
- b. Commercial businesses shall provide and maintain litter containers adequate to contain litter generated from such business at its loading and unloading zones.
- c. Commercial businesses open to the public shall provide and maintain containers adequate to contain litter generated from such business.
- d. Every person in possession or in control of any place, public or private, where litter is accumulated or generated shall provide and maintain adequate and suitable containers capable of holding such litter until proper final disposal is accomplished.

(2) **Depositing litter.** To throw, discard, place, drop, or deposit litter in any manner or amount in or upon any public property, private property, highway, street, right-of-way or body of water within the limits of the city, except in such containers specifically provided and designated for the disposal of litter, is a violation. Litter strewn by a pedestrian except at approved and permitted disposal sites is a violation. Litter ejected or discarded from a motor vehicle except at approved and permitted disposal sites is a violation. Weeds, rubbish and unsanitary conditions is a violation.

(3) **Accumulation of litter.** Any accumulation of litter in or upon any property, vacant or improved, is deemed a nuisance and is prohibited. Failure to remove the accumulation by the property owner, tenant, occupant, agent, manager or other person who owns, maintains, or controls any premises or portion thereof, whether improved or unimproved, is a violation. Weeds, rubbish and unsanitary conditions is a violation.

**22.07 Accessory structures.** Garages, storage buildings and all other accessory structures shall be maintained in good repair and sound structural condition. Structures, attached or unattached to the principal structure, which are found by the building official to be structurally deficient, shall be repaired or demolished within the timeframe set by the building official. Maintenance of accessory structures shall comply with the following:

- (1) The exterior of the building and premises to include but not limited to parking areas and landscaped areas shall be maintained in a sound, clean and neat condition.
- (2) Signs shall be maintained in good condition. Where the sign structure remains, the sign faces are to be replaced with blank panels (permit required). The design and color is subject to approval by the building official, City Manager or designee.
- (3) All advertising structures, awnings and accompanying supporting members shall be maintained in good repair and shall not constitute a nuisance or safety hazard. Advertising structures or awnings not properly maintained in accordance with this subsection shall be removed. Awnings or marquees made of cloth, plastic or a similar material shall not show evidence of tearing, ripping or holes. Upon removal of an advertising structure or awning, all supporting members shall be removed. Nothing in this subsection shall be construed to authorize any encroachments on streets, sidewalks or other parts of the public right-of-way.
- (4) Where parking areas are to be barricaded to prohibit vehicular travel, it shall be accomplished by installation of parking bumpers pinned to the pavement.

### 22.08 Responsibilities of owner and operator.

(a) It shall be the duty and responsibility of the operator and the owner to ensure compliance with the following:

- (1) All parts of the premises under the control of the owner or operator shall be maintained in a safe and sanitary condition consistent with the business use.
- (2) The owner or operator shall not perform any acts:
  - a. Which render other parts of the premises unsafe or unsanitary; or
  - b. Which obstruct any adjacent owner or operator from performing any duty required or maintaining the premises in a safe and sanitary condition.
- (3) Every owner or operator shall eliminate infestation of rodents or insects in and on the premises subject to the owner's or operator's control.
- (4) Every owner or operator shall maintain all plumbing fixtures in a safe and sanitary condition.
- (5) No litter shall be stored or accumulated on the premises unless placed in a container in compliance with solid waste regulations.
- (6) Upon learning of a defect or inoperable status of any facility, utility or equipment required under this article which is the owner's responsibility, the operator shall provide written notice to the owner.

### 22.09 General maintenance.

(a) **Nuisances and hazards.** Premises shall be maintained free of nuisances and any hazards to the safety of the occupants, customers or persons utilizing the premises or to pedestrians passing by.

(b) **Walls exposed as a result of demolition.** Where a wall of a building is exposed as a result of demolition, the owner of the building shall have the wall with its doors, windows, vents or other similar openings closed with material of the type composing the wall. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stuccoed or bricked, and weatherproofed, if necessary, based on construction material, to prevent deterioration of the wall.

(c) **Storage of flammable or combustible materials.** There shall be no storage or accumulation of flammable or combustible liquids or other materials on the premises unless approved for storage by the regulations or the codes, and only in such quantities prescribed by the regulations.

(d) **Abandoned curb cuts.** Where curb cuts are abandoned due to new construction or change of access by the owner, the curb cut shall be closed and replaced by the owner with a standard sidewalk, curb and gutter design, to match original.

(e) **Sidewalks or curbs damaged by delivery vehicles.** Damage to public sidewalks or curb and gutter located in the public right-of-way shall be repaired or replaced by the owner at no expense to the city when such damage is caused by vehicles making deliveries to the commercial premises.

### 22.10 Applicability of standards to vacant buildings; securing of vacant buildings.

The provisions of this chapter that apply to the exterior premises include vacant structures. Vacant structures are not required to comply with the interior requirements of this chapter. All vacant structures shall be secured to prevent the entry of unauthorized persons or the formation of nuisance conditions. Securing a vacant structure may include boarding of the building as determined by the building official. If required by the building official, windows and doors shall be boarded by the owner and the boarding shall be maintained to keep the building secured. The design and color of boarding is subject to approval by the building official and shall be designed so that the building does not appear to be abandoned.

**22.11 Unsightly conditions.**

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any premises in the city:

- (1) Structures that are:
  - a. Partially destroyed; or
  - b. Left in a state of disrepair; or
  - c. Left in a state of partial construction beyond the valid timeframe of the permit.
- (2) Abandoned or broken equipment; broken or discarded furniture and household appliances in visible yard areas.
- (3) Building exteriors in a condition of deterioration or disrepair such that the condition causes measurable diminution of surrounding property values.
- (4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.
- (5) Clotheslines visible from the street.
- (6) Garbage and trash containers stored in a manner visible from the street.

**Article III****22.30 Demolition of commercial and residential buildings.**

- (a) A building in any zoning district may be demolished by the owner provided that the following requirements are met:
  - (1) A demolition permit from the city manager shall be obtained.
  - (2) All sewer, gas, water and similar taps or connections shall be properly closed and disconnected in compliance with the regulations of the appropriate utility.
  - (3) All debris and litter from the building shall be removed from the site. This requirement is for the removal of all debris that is above the street level of the building.
  - (4) The lot shall be graded to a smooth, even, finished grade, free from building materials, debris, holes and depressions. Where building debris such as foundations remain on the site below street level, the owner shall backfill the lot with 12 inches of clean fill, which shall be graded to a smooth, even, finished grade.
  - (5) Where walls of adjacent buildings or a portion of existing buildings become exposed as a result of the demolition, all doors, windows, vents or other similar openings in the remaining walls shall be closed with material of the type composing the wall. No protrusions or loose material shall remain. The exposed wall shall be painted, stuccoed or bricked and weather-proofed to prevent deterioration of the wall and in a manner compatible with the remaining building.
- (b) Prior to issuance of a demolition permit for a building where commercial activity is a permitted use, a performance bond or equivalent security shall be filed with the city, payable to the city, in the amount defined in subsections (b)(1) and (2) of this section. The performance bond or equivalent security shall be in a form acceptable to the city's attorney and shall be in an amount which is 115 percent of the cost estimate. The performance bond or equivalent security amount shall be based upon a certification by the contractor of the following:

- (1) Total demolition: The amount to demolish the building, and remove all debris from the site, and disposal cost for the debris and grading the lot in compliance with the land development code; or
- (2) Partial demolition: The amount to demolish the building, and remove all debris from the site, and disposal cost for the debris, grading the lot and the cost of additional construction or reconstruction so the exterior of any partially demolished building or building abutting an adjacent building that results in repair or reconstruction is in compliance with subsection (a) above.
- (c) Where buildings in any zoning district are destroyed by fire, disaster or other acts of God, the requirements of this section shall apply.

### **22.31 Construction site management.**

(a) **Construction site management plan required.** No building permit shall be issued unless a construction site management plan has been submitted and approved by the building official. Persons who intend to make any of the following improvements: lot clearing, grading, stockpiling of soil, demolition, building construction or reconstruction, building alteration or addition, shall designate either a licensed contractor or owner-builder for the purposes of the construction site management requirements. These requirements set minimum standards for the operation of the project site to eliminate or minimize impacts to the site and to the neighborhood to include containment of sediment, surface water discharge, erosion of soil, vehicle parking and loading area, traffic control, fencing, placement of materials, safety, neatness and cleanliness.

(b) **Submittal requirements.** The contractor shall submit a construction site management plan with a building permit application which includes the following submittal requirements unless waived by the building official:

- (1) Location of proposed demolition.
- (2) Grading and drainage surface water management plan for street and project site, including:
  - a. Drainage plan during construction in compliance with subsection (d) of this section.
  - b. Final grading and drainage plan upon completion of construction for the street and project site in compliance with section 16-114 and subsections (d)(4) and (5) of this section.
- (3) **Parking plan, including:**
  - a. Location of on-site and adjacent unpaved portion of the right-of-way parking and the maximum number of vehicles that will be parked along the unpaved portion of the right-of-way.
  - b. Off-site parking plan in compliance with subsection (e)(4) of this section and the following:
    - 1. A single access with dimensions;
    - 2. Buffering for adjacent waterways and streets, as approved by the building official;
    - 3. A temporary fence location, height and type of fence with screening;
    - 4. Narrative describing restoration of the lot and hours of operation.
  - c. Copy of city right-of-way permit for parking in right-of-way.
- (4) Fencing plan, showing location, height and type of fence with screening or evidence that proposed construction does not warrant a construction fence in compliance with subsection (g)(6) of this section as determined by the building official.
- (5) Location of construction trailers, loading/unloading area and material storage area.
- (6) Location of chemical toilets.
- (7) Location of dumpster.



(8) Traffic control plan, including access with dimensions, area to be stabilized and a written plan on staging of construction related traffic during final phase of project including adequate parking (both on and off-site) and plan for delivery of materials.

(9) Location of any trees located within the public right-of-way that will be removed. (Removal of trees owned by the city is prohibited unless written approval from the city manager is provided.

(10) Other activities, where special conditions are identified by the building official.

(11) Proof of notice to owners of property within 100 feet of the outer limits of the subject property, as listed in the property appraiser's records, at least 14 days prior to commencement of construction. The proof consists of a list of property owners and addresses and a receipt or other proof of mailing. Notice is to include:

a. A phone number for the contractor where a representative of the qualifier is available whenever construction activities are taking place on site and prior to a storm event.

b. The after-hours phone number for the city's building and planning and zoning division.

c. An approximate timetable for construction activities to include any demolition, excavation, or pile driving activities.

d. An offer to have a licensed engineer or city-approved inspector conduct a pre-construction or pre-demolition site inspection of the adjacent properties prior to commencing any demolition, pile driving or similar activities and on-site seismic monitoring during demolition, pile driving or similar activities. At a minimum the inspection is to include a visual record of the neighboring properties, a copy of which shall be given to the neighboring property owner and made available to the city on request.

(c) **Approval of plan; waivers.** The building official shall review, approve or deny the construction site management plan. The building official is hereby authorized to grant waivers from submittal requirements and corresponding standards which shall be reflected on the construction site management plan:

(1) If the requirement is unrelated to proposed development;

(2) If the impact of the proposed development is negligible in that submittal requirement area; or

(3) If unusual site conditions do not allow full compliance with this section.

(d) **Grading plan; grading and surface water management standards.**

(1) **Grading.** The site shall be graded and maintained during construction:

a. To prevent erosion of soil; and

b. To control surface water discharge so that no water in excess of pre-construction discharge flows onto abutting property and subject to compliance with section 16-114; and

c. To prevent accumulation of stagnant water for the duration of construction.

(2) **Sediment fence.** The contractor shall install a sediment fence to protect adjacent properties, including lakes, canals and all other waterways, from discharges of soil, sediment, or construction-related material from the site unless a waiver is obtained from the building official.

(3) **Maintenance.** The contractor shall inspect and maintain all erosion and sediment control practices until construction is complete and the construction site is stabilized. A fence installed to maintain sediment control shall remain in an upright condition until final electrical inspection.

(4) **Final grading.** Final grading of the site shall be in compliance with the construction site management plan. The design shall ensure that no surface water in excess of the pre-construction amount shall flow onto abutting or adjacent properties. The design shall also ensure that the discharge of surface waters shall be off-site into an approved stormwater system.

(5) **Surface water.** Surface waters, including dewatering, shall be directed into an on-site settling basin or otherwise filtered before discharge off-site. Off-site discharge shall be directed to an approved surface water management system during construction and upon final grading of the project site in compliance with section 16-114. The contractor shall be responsible for removal of any silt, debris, and dirt that accumulates within the city's stormwater management system, including swales, stormwater retention lakes, ponds, canals and waterways. Discharges of sediment into waters in the State of Florida is a violation of water quality and may result in enforcement action by the South Florida Water Management District, the state department of environmental protection or the city. Discharge of water from swimming pools under construction or completed into ponds, lakes, canals and waterways is prohibited.

(e) **Parking during development of project.**

(1) **Parking on-site.** The owner or contractor shall provide for parking on the project site to the greatest degree possible. Alternative parking sites may include the abutting paved portion of the right-of-way, adjacent vacant lot or offsite parking lots in the immediate area as approved in the construction site management plan.

(2) **Access.** Use of the public right-of-way for access to and from the project site as shown on the construction site management plan shall be strictly managed by the contractor. The contractor shall maintain the public street adjacent to the project site free of dirt, sand or any other debris resulting from construction activities. The public right-of-way adjacent to the project site shall be broom swept on a regular basis keeping it free of dirt, sand and other debris. Failure to remove said material on the day of occurrence is a violation.

(3) **Temporary graveled or stabilized area for construction access and parking.** The contractor shall provide a graveled or stabilized area as shown in the construction site management plan. The stabilized area shall be located at points where vehicles enter and exit the construction site and the parking location. When a right-of-way area is used for parking, the contractor shall provide a graveled or stabilized area on the right-of-way. Upon completion of the project, the contractor shall restore the right-of-way to its original condition or better. The purpose of the graveled or stabilized area at the entrance to the project site is to eliminate and reduce tracking or flow of sand, mud, concrete wash or other related material onto the right-of-way.

(4) **Parking in the right-of-way.** If the construction site requires the placement of equipment or materials on the paved portion of a right-of-way at any time during the construction, a city right-of-way permit is required.

(5) **Deliveries.** A construction site supervisor must be present whenever deliveries occur in the paved portion of the right-of-way to ensure that vehicles do not unreasonably obstruct vehicular traffic. Delivery of material that obstructs a roadway shall be limited to one vehicle at a time. The owner and contractor shall assume responsibility for any damage to the public right-of-way, sidewalk, roadway, and city trees and take steps to correct the damage immediately.

(6) **Off-site parking.** The building official may temporarily permit off-site parking on vacant lots other than the project site with the written permission of the owner of the lot where the vehicles are to be parked and in compliance with the following standards:

- a. Compliance with the construction site management plan.
- b. The lot shall be used for parking only.
- c. There shall be no storage of materials, trailers or construction equipment.
- d. There shall be no loading and unloading of materials or machinery.
- e. The lot shall remain free of debris or trash.

f. A temporary six-foot chain link fence with a single color fabric, either black or green, or other screening materials as approved by the building official shall be located at the front, side, and rear lot line of the temporary parking area except where a lot line is located on the water. Where a lot line is along the water, the fence shall be placed no closer to the water than the yard setback line and shall not exceed three feet in height. The fence gate shall remain locked during non-working hours. The fencing shall remain on-site until the off-site parking is no longer needed to complete the project site and shall be removed prior to issuance of a certificate of occupancy for the project site.

(g) **Material storage.** Material associated with the project site, including, shall be neatly stored on the site (within the fenced area when applicable). The storage of material shall not obstruct access to the structure under construction or create a public safety hazard. All loading or unloading of materials and/or equipment is limited to the construction site and right-of-way in compliance with section 36-93.

(h) **Construction fencing.** A project site which requires clearing, grading, stockpiling of materials, demolition, or construction shall have a construction fence.

(1) The fence shall be a six-foot chain link fence with a green or black fabric.

(2) The fence shall remain in place, upright and in good repair, throughout the period of construction activity and shall be removed when construction is completed.

(3) The fence shall be installed along the side and rear lot lines (and along one of the two front yards of corner lots).

(4) For properties located in the residential, mixed use or commercial zoning districts, the fence shall be installed along the front, side and rear lot lines.

(5) **Fence Removal.** Fencing may be removed upon final grading and landscaping of the site or upon installation of an approved permanent fence or wall.

(6) **Major remodeling.** Major remodeling shall mean an increase in the building volume of 10,000 cubic feet or more, an increase in the building footprint of 1,000 square feet or more or new construction with a building footprint of 1,000 square feet or more. A construction fence is required for major remodeling as follows:

a. A lot located in the residential, mixed use or commercial zoning districts shall contain a fence on the front, side and rear lot lines. Fencing may be removed upon final grading and landscaping or upon replacement with a permanent fence or wall;

b. All other lots shall contain a fence on the side and rear lot lines. Fencing may be removed upon final grading and landscaping or upon replacement with a permanent fence or wall.

(7) **Major alteration.** Major alteration shall mean a change of 50 percent or more of the gross square footage of an existing structure for reconstruction, rehabilitation, removal of walls, or other improvement excluding replacement of the roof. A construction fence is required for major alteration as follows:

a. A lot located in the residential, mixed use or commercial zoning districts shall contain a fence on the front, side, and rear lot lines. Fencing may be removed upon final electrical inspection.

b. All other lots shall contain a fence on the side and rear lot lines. Fencing may be removed upon final grading and landscaping or upon replacement with a permanent fence or wall.

(8) Exception from six-foot height requirement where a construction fence is required and the property line is located on the water in any residential zoning district, that portion of the construction fence along the water may be reduced to three feet in height within the required yard along the waterfront.

(9) **Exception to installation of construction fence.** Where a construction fence would be required for a residential lot pursuant to subsection (1)b., (2)b. or (3)b. above and the owner or contractor obtains a construction fence waiver from the owner of the property that abuts the project site, the building official may waive the requirement for all or a portion of the construction fence but retains the right to require a construction fence at any time. The three-foot sediment fence will still be required.

(10) **Installation.** Installation of a construction fence shall occur prior to any construction activity or material deliveries. The fence shall not be placed so as to create a public safety hazard. Where the project site is enclosed by a fence, the fence gate shall be locked during non-working hours.

(h) **Signs.** A 12-inch by 18-inch sign shall be posted by the contractor on the project site in the location approved on the construction site management plan which is readable from the street. The sign shall contain the street address of the property, phone number for the City of Westlake and the name and phone number of the general contractor. The sign is exempt from Section 7.10(b). This sign shall be maintained in a readable condition until completion of construction.

(1) One sign no larger than 12 inches by 18 inches that provides the name, phone number, and address of the project architect or design firm. The sign shall be located on the project property and shall be removed upon completion of the project.

(2) A sign indicating the address of the property shall be placed on the front property line so as to be visible from the roadway prior to commencement of construction. The sign shall be no larger than 12 inches by 18 inches with at least six-inch lettering. For corner lots, a sign shall be placed at each front yard.

(i) **Site cleanliness.** The owner or contractor shall have the entire construction site clean and free of debris at all times. Clean for purposes of this section means, without limitation, removal and placement into a dumpster of scrap lumber, concrete remnants and roof tile from the project site. The project site shall be free of all loose debris such as cans, metal, plastic and paper.

(j) **Temporary trailers.** When a temporary construction trailer is proposed and a construction fence is required, it shall be located on the project site within the fence at the location shown on the construction site management plan. No other trailers shall be parked on the right-of-way during the time of day in which construction is not permitted, nor shall they be parked on the unpaved portion of a right-of-way so as to obstruct the line of sight at intersections.

(k) **Chemical toilets.** Chemical toilets shall be located inside the project fence and accessible for servicing. Where a fence is not required, the contractor shall locate the chemical toilet facing towards the rear of the project site and no further than 15 feet from the structure under construction except where another location has been authorized by the building official due to the size of the lot and ease of access to the chemical toilet.

(l) **Landscaping.** Damage to any landscaping on an abutting or adjacent property as a result of the construction shall be replaced and restored at the contractor's expense to its original condition. Failure to replace and repair is a violation.

(m) **Dumpsters.** Construction site dumpsters shall be located inside the fence. Where a fence is not required, it shall be located on the project site. The dumpster shall be emptied in a timely fashion so there is no overflow of debris or litter. Prior to a certificate of occupancy being issued, the dumpster shall be removed from the site.

(n) **Permitted days and hours for construction work.** The erection (including excavation), demolition, alteration or repair of any building or delivery of materials other than at the following times is prohibited. Such work must be accomplished on Monday through Saturday. No work may be conducted on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day.

(1) In residential areas: 7:00 a.m. to 7:00 p.m.

(2) In nonresidential areas: 6:30 a.m. to 7:00 p.m.

a. **Special construction activities.** Pile driving and steel erection activity shall be limited to Monday through Friday, excluding federal holidays, during the hours between 8:00 a.m. in the morning until 4:00 p.m. in the evening. Demolition activity shall be limited to Monday through Friday, excluding federal holidays, during scheduled work hours between 8:00 a.m. in the morning and 6:00 p.m. in the evening. Auger cast and hydraulic boring are excluded from this limitation.

b. **Permit for work during prohibited hours.** Any person may apply to the City Manager for a permit to operate during the hours or days prohibited under this section. If the City Manager or his designee shall determine that substantial loss or substantial inconvenience would result to any party in interest, and that the public health and safety will not be impaired by such operation, a permit may be issued which would allow work to occur during hours or days otherwise prohibited by this subsection. Notice of permit approval shall be provided by the city to adjacent property owners. The permit shall not exceed three days in duration, but may be renewed from time to time for a like period so long as the circumstances described in this subsection exist.

c. **Emergency and special types of construction.** Where ordinary and necessary trade or engineering practices or an emergency require the continuous operation of pumps, well points, dredges, draglines and other machinery of a like nature during the otherwise prohibited hours, a permit shall be required and such operation shall not constitute a violation of this subsection. It is not the intent of this subsection to require poor or wasteful engineering or building practices in order to comply herewith.

(o) **Construction-related traffic control.** A contractor, owner, vehicle operator or any person associated with the project site who impedes or obstructs the public right-of-way; or who parks, loads, unloads, or carries on any related activity on the public right-of-way shall also be in violation of this section unless such actions are consistent with an exception contained in section 36-93 of this Code. In addition to penalties contained in Article III of Chapter 36, and in section 1-15 of this Code, the construction is subject to a stop work order and the permit is subject to suspension or revocation.

(p) **Requirements during weather emergency.** It is the responsibility of the owner and contractor to have removed construction materials from the project site or secured

construction materials at the project site at least 48 hours prior to the predicted landfall of a tropical storm or hurricane until the time set forth in subsection (7) below.

(1) **Applicability.** At least 48 hours prior to the predicted landfall of a tropical storm or hurricane for any portion of Palm Beach County Florida, as determined by the National Weather Service, National Hurricane Center or appropriate weather agency or as provided in the city's emergency plan; or upon order of the building official in anticipation of a storm emergency; all construction materials, including roof tiles, on all project sites within the city shall be secured and stored onsite in a safe manner or removed so that no material can become a safety hazard with hurricane or tropical storm force winds.

(2) **Notice.** Media broadcasts or notices issued by the National Weather Service or National Hurricane Center of an approaching tropical storm or a hurricane is hereby deemed notice to the owner or contractor. The owner and contractor are responsible for the project site by securing on-site or removing from the site any construction materials or debris to protect against the effect of hurricane or tropical storm force winds. By holding a building permit during hurricane season, the contractor shall monitor the National Weather Service and the National Hurricane Center for weather emergencies.

(3) **Inspection.** A pre-storm inspection shall be required for all active construction sites involving exterior work and/or exterior storage of materials. The owner and contractor shall be responsible for insuring that the construction site has passed inspection prior to the issuance of a tropical storm warning or hurricane warning. The owner or contractor shall be available by phone until the site has passed the pre-storm inspection. Failure to properly secure a job site and pass inspection will be considered a violation of this ordinance. The city may recover as costs of repairs or compliance, the costs associated with securing job sites that have not complied with this section in addition to any fines imposed by the Special Magistrate. And such costs shall constitute a lien on the property.

(4) **Materials stockpiled on site.** Materials stockpiled on any construction site shall be handled as follows:

- a. Band construction materials together and fasten them to the structure in such a manner to prevent the material from becoming airborne during a tropical storm or hurricane; or
- b. Remove construction materials from the top of the structure and secure them to the ground; or
- c. Remove construction materials from the project site; or
- d. Store construction materials inside a structure if said structure is secure from tropical or hurricane force wind loads.

(5) The contents of construction site dumpsters must be removed or weighted and secured with rope, mesh or other durable, wind resistant material.

(6) Portable toilets shall be secured to the structure, dumpster or emptied and laid horizontal and secured to the ground.

(7) During the National Weather Service designated hurricane season, building or roofing materials shall not be loaded on a roof earlier than ten working days prior to the permanent installation of the materials.

(8) Material capable of becoming airborne. Construction materials, debris or any material capable of becoming airborne shall remain secured and stored on the project site or shall be removed from the project site until the National Weather Service, National Hurricane Center, or the city through local action has removed all persons of the city from those areas included in a tropical storm warning or hurricane warning. Contractors shall not resume construction on any construction site until the site is brought into compliance with the construction site management plan.

**22.32 Designation of administrator; inspections; right of entry.**

(a) It shall be the duty and responsibility of the building official to enforce this article and to proceed against each and every person found in violation of the requirements of this article.

(b) All inspections, regulations and enforcement of violations of the provisions of this article, unless expressly stated to the contrary, shall be under the direction and supervision of the building official.

(c) Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all lawful times to inspect the same or to perform any duty imposed upon the building official by this article. If such building or premises are occupied, the building official shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

(d) When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this article.

**22.33 Violations; penalty.**

(a) Penalty. Any person, firm, owner, contractor or agent who violates or fails to comply with any provision of this chapter shall be subject to the enforcement procedures and penalties set forth in chapter 9, entitled code compliance.

(b) Stop work order; order to abate. Additionally, where a violation relates to any construction or condition for which a permit has been issued, or is subject to issuance, the violation may be enforced by the building official or designee through the issuance of a stop work order in accordance with the procedures set forth in the Florida Building Code; or an order to repair, restore or demolish the work, to vacate the premises, or otherwise to abate the violation enforceable.

(c) Nuisance. Any violation of this article is subject to abatement as a public nuisance.

(d) Article provisions. The provisions of this article are cumulative with and in addition to any other remedy provided by law.

**22.34 Pollution Control:**

F.S. § 403.182 authorizes each municipality to administer and establish local pollution control programs in compliance with F.S. ch. 403 and provides among other things that the local pollution control programs must provide by ordinance requirements compatible with or stricter than those imposed by F.S. ch. 403, and the regulations issued thereunder.

(b) It is declared to be the public policy of the city and the purpose of this section to achieve and maintain the levels of air quality that will protect human health and safety, to the greatest degree

practicable, prevent injury to plant and animal life, foster and protect the comfort and convenience of the people, promote the economic and social development of the community and facilitate the enjoyment of the natural attributes of this community.

**22.35 - Prohibited on Public Streets and Sidewalks:**

It shall be unlawful for the owner or occupant of any building, structure, or premises in the city to cause, allow or permit any smoke, dust, steam, odors, fumes, liquids, or other obnoxious matter or things to emanate therefrom over and upon any public street or sidewalk in the city, unless the same shall be so deflected away from persons using the streets or sidewalks as not to annoy, vex, irk, or bother persons in the use thereof.

(a) Any vents, exhaust fans, pipes, flues, or other appurtenances or parts of any building or structure, including those heretofore or hereafter installed or constructed, shall not be used or permitted to be used unless and until the same shall have been so remodeled, reconstructed, erected, or installed in a way that smoke, dust, steam, odors, fumes, fluids, or other obnoxious matters or things thereby discharged into the air and toward the ground shall be directed and deflected away from persons using the city's public streets and sidewalks in a manner as not to annoy, vex, irk, or bother.

**Article IV**

**22.50 – Noise**

**22.51 - Shouting and yelling.**

From 9:00 p.m. on each day from Sunday through Thursday through 7:00 a.m. on the next day, from 12:00 a.m. on Friday through 7:00 a.m. on Saturday, and from 12:00 a.m. on Saturday through 12:00 noon on Sunday, no person on property within a residential district or a conservation district within the city shall yell, shout, or otherwise verbally create noise, either individually or in concert with other persons at the same time and place, that can be heard at a distance of more than thirty-five feet from the boundary line of such property.

**22.52 Loudspeakers, amplifiers, and sound trucks.**

(a) No person shall, either as principal, agent, or employee, play, use, or operate for any purpose whatsoever, on or upon the public streets, alleys, parks, or thoroughfares in the city, any device known as a sound truck, loudspeaker, or sound amplifier, or any other electronic or mechanical device with a loudspeaker or sound amplifier, or any other instrument known as a calliope, which is attached to or located upon any vehicle or other device, equipment, or mechanism capable of moving or being moved upon the streets or public places of the city and which emits noise intended to be heard by persons other than those occupying the vehicle or other device, equipment, or mechanism on which such loudspeaker, sound amplifier, or other instrument is attached or located.

(b) An exception to the provisions of this section may be permitted for public or charitable purposes after written permission for same is granted by the city, provided that use shall not be permitted before 7:00 a.m. or after 7:00 p.m. and use shall not be permitted within 1/2 mile of any hospital nor within 1/2 mile of any school or church while it is in session.

**22.53 Distribution restricted.**

It shall be unlawful for any person to distribute or give out any handbills, tickets, samples, or merchandise or other kind of advertising matter, unless the person is a licensed billposting agency. However, this section shall not be construed to prevent persons from distributing advertisements of their own business through the United States mail.



**22.54 Placement in automobiles, private yards, etc., prohibited.**

It shall be unlawful for any person to give to another or attempt to give to another any handbill, ticket, sample, or other advertising matter upon any public street, alley, park, or other public way or place within the city, or to pass the same from private property to any person on any street, alley, park, or other public way or place, or to place the advertising matter in any automobile belonging to another within the corporate limits of the city, or to throw or leave the same in any private yard or upon private property so that the same may be blown or scattered upon private or public property.

(1) **Litter Compliance Officers:** Pursuant to the provisions of Section 403.413, Florida Statutes, the "Florida Litter Law," the code compliance officers are designated as litter compliance officers of the City, for the purposes of enforcing Section 403.413, Florida Statutes. Such designated code compliance officers are appointed as litter enforcement officers.

**22.55 Nuisance Declared.**

The allowing of an inoperable motor vehicle to remain on private property outside of a garage or carport for a continuous period of fifteen days or more shall be declared a public nuisance. The only exceptions shall be when such vehicle is located on the premises of a duly licensed garage or repair facility and/or a junk yard which is in conformance with the zoning regulations. Prima facie evidence of such public nuisance shall be lack of display of the state current license plate on the vehicle, lack of engine in vehicle or parts missing therefrom and conditions causing vehicle to be inoperable; such as, vehicle damaged or flat tire.

**22.56 Property on Public Property****22.57 Duty of police; notification; prima fade evidence.**

(a) When any personal property which is not covered by the procedure required in F.S. § 705.101 et seq. shall remain upon any public street or other public way, public park, or other public grounds of the city for a continuous period of 48 hours or more, that personal property shall be taken possession of by the Palm Beach County Sheriff Code Compliance Department, or their designee and stored at some convenient place. If the owner of the personal property is known, he shall at once be notified that the personal property is in the custody of the City and directed to repossess that personal property.

(b) The leaving of any personal property on any public street or other public way, park, or other public place within the city for a continuous period of 48 hours shall be prima facie evidence that the personal property has been abandoned.

**22.58 Sale of property; certificate of sale.**

(a) If the residence or address of the owner or any person holding a lien upon the personal property coming under this division cannot be ascertained, or if the owner or person holding a lien upon the personal property fails to take possession of the personal property within ten days after the mailing of notice hereinbefore provided for, the personal property shall be sold at public outcry by the City Manager at some place within the city, but, prior to the sale, a notice of the sale shall be posted in three conspicuous places in the city at least ten days prior to the date of sale. The notice shall give the time and place of sale and describe the personal property to be sold. A copy of the notice shall be mailed to the owner and each person holding a lien on the personal property, if their address is known, at least ten days before the date of the sale. The city shall not guarantee title to the personal property or to deliver a title of ownership, but shall furnish the purchaser a certificate in substantially the following form.

Certificate No. \_\_\_\_\_

CERTIFICATE OF SALE  
CITY OF WESTLAKE, FLORIDA

THIS IS TO CERTIFY that the following described personal property was abandoned in the City of Westlake, Florida, and was placed in the custody of the City Manager, where it was held for 20 days, after which time, it having been impossible to find the owner of the same, or found he failed to repossess same, this personal property was sold to the highest bidder after legal advertisement.

This Certificate of Sale is therefore issued to \_\_\_\_\_, residing at \_\_\_\_\_

DESCRIPTION OF PROPERTY \_\_\_\_\_

MAKE \_\_\_\_\_

YEAR \_\_\_\_\_

ENGINE NO. OR I.D. NO. \_\_\_\_\_

CHASSIS NO. \_\_\_\_\_

DATED AT WESTLAKE, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
City Manager

(b) This form to be in duplicate, the original given to the purchaser and the duplicate bound in a book.

**22.59 Repossession by owner.**

The owner or any person having a lien upon the personal property may take possession of same at any time prior to the sale, provided for in \_\_\_\_\_ but that person shall reimburse the city for all reasonable expenses for storage, advertising, or other expense incurred in connection therewith.

**22.60 Disposition of proceeds of sale.**

(a) If any personal property shall be sold as above provided, the proceeds of the sale after paying all the costs actually expended for advertising or otherwise in the sale shall be deposited in the general fund of the city. In addition to the expense actually incurred, the city shall be allowed five percent on the gross receipts of the sale as compensation for caring for the property and making the sale, which amount shall also be paid into the general fund of the city.

(b) The proceeds of any sale paid into the general fund shall not be expended or disbursed for 90 days after the date of the sale, and at any time during that period the owner or any person having an interest in the personal property may, upon making proof of the ownership or interest, recover back from the fund the proceeds of the sale, less five percent as provided by subsection (a) of this section plus all the expenses of caring for the personal property, advertising, and making the sale.

**22.61 Penalty.**

(a) In accordance with section and **F.S. § 162.09**, the code compliance board of the city is hereby granted jurisdiction for enforcement of section and shall have the power to impose a fine in the maximum sum of **\$250.00 per day** for a first violation and a maximum fine of **\$400.00 per day** for a repeat violation.

(b) Whoever violates any provisions of this article for which another penalty is not already otherwise provided, shall be subject to the penalty provisions set forth in.

**Section 3. Conflicts Clause:**

**Section 4. 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 5. 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 6. Effective Date:** This ordinance shall be effective upon adoption on second reading.

PASSED this 13<sup>th</sup> day of May, 2019, on first reading.

PASSED AND ADOPTED this 10<sup>th</sup> day of June, 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

## **Eleventh Order of Business**

First Reading May 13, 2019

Second Reading June 10, 2019

**ORDINANCE NO. 2019-5**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE REZONING FROM, AGRICULTURAL RESIDENTIAL (AR) TO MULTIPLE USE PLANNED DEVELOPMENT/ECONOMIC DEVELOPMENT CENTER (MUPD/EDC) FOR APPROXIMATELY 1.89 ACRES OF LAND OR THE PROPERTY GENERALLY LOCATED EAST OF SEMINOLE PRATT WHITNEY ROAD, ACROSS FROM SEMINOLE RIDGE HIGH SCHOOL, MORE PARTICULARLY DESCRIBED AT 4670 SEMINOLE PRATT WHITNEY ROAD, IN THE CITY OF WESTLAKE, FLORIDA; PROVIDING FOR IMPLEMENTATION AND PROVIDING AN EFFECTIVE DATE.**

---

**WHEREAS**, the applicant VRE Westlake, LLC, Managing Member, Jason Keen, submitted an application requested approval to rezone approximately 1.89 acres of land, generally located east of Seminole Pratt Whitney Road, across from Seminole Ridge High School, more particularly described as 4670 Seminole Pratt Whitney Road, in Westlake, Florida, in the attached Exhibit "A"; and

**WHEREAS**, the applicant VRE Westlake, LLC, has requested a rezoning of the property from Agriculture Residential (AR) to Multiple Use Planned Development/Economic Development Center (MUPD/EDC); and

**WHEREAS**, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, has determined that the change is consistent with and furthers the goals, objectives and policies of the Comprehensive Plan; and

**WHEREAS**, the City Council for the City of Westlake held a quasi-judicial hearing to receive testimony and evidence related to the rezoning application, and after review and deliberation has determined that the application is consistent with the Comprehensive Plan; and

**WHEREAS**, the City Council for the City of Westlake adopts the findings in the Planning and Zoning Staff Report and finds the ordinance is consistent with the Comprehensive Plan and is in the best interest of the City of Westlake.

**NOW THEREFORE**, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, THAT:

**SECTION 1. Recitals:** The above recitals are true, correct and incorporated herein by reference.

**SECTION 2. Approval:** The rezoning of 1.89 acres of property legally as described in the attached Exhibit "A", 4760 Seminole Pratt Whitney Road and generally located east of Seminole Pratt Whitney Road, across the street from Seminole Ridge High School, in Westlake, Florida, from Agriculture Residential (AR) to Multiple Use Planned Development/Economic Development Center (MUPD/EDC).

**SECTION 3. Implementation:** The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of this Ordinance.

**SECTION 4. Effective Date:** This ordinance shall be effective upon adoption.

**PASSED** this 13<sup>th</sup> day of May, 2019, on first reading.

**PASSED AND ADOPTED** this 10<sup>th</sup> day of June, 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

## **Twelfth Order of Business**



# *Seminole Ridge Community High School*

*4601 Seminole Pratt-Whitney Road  
Westlake, Florida 33470  
Phone: 561-422-2625  
Fax: 561-422-2623*

*James C. Campbell, Ph. D.  
Principal*

January 15, 2019

Dear Business Partner:

Seminole Ridge Community High School is planning its twelfth annual Project Graduation, which provides a safe, non-alcohol, drug-free celebration for the graduating Class of 2019. Our goal is provide an all-night event, full of activities, entertainment and food.

All graduating seniors are encouraged to attend this fun and safe occasion as an alternative way to celebrate their graduation and enjoy time with their friends. It is our goal and hope that the entire Class of 2019 will participate. To help achieve our goals, we will also conduct drawings throughout the night for various prizes and gifts. Every attendee will walk away with a prize!

Although we are and will continue to raise funds throughout the year, we simply cannot create such a fabulous affair without the support of our community and local businesses. Would you please consider a tax deductible donation to assist us in creating an incredible celebration for our seniors. Please help us keep our future bright by keeping our graduates safe.

Thanks in advance for your anticipated consideration.  
Sincerely,

Cindi Walker  
Project Graduation Task Force  
Class of 2019  
Cell: 561-358-8118  
Email: [cindi.walker@palmbeachschools.org](mailto:cindi.walker@palmbeachschools.org)



# **Fifteenth Order of Business**

## District 15 City of Westlake Monthly Report: April 2019



Calls for Service	Monthly
Business/Residence Checks	172
Traffic Stops	50
Calls for Service (Excluding 1061's)	131
<b>All CAD Calls – Total*</b>	<b>303</b>

Traffic Summary	Monthly
Warnings (Written and Verbal)	45
Citations	8
<b>Total</b>	<b>53</b>

Data Source: CrimeView Desktop  
\*Omit Miscellaneous Calls

**Summary:** During the month of April, there were 303 generated calls within the district. 73% of these calls were self-initiated.

Crimes	Monthly
Murder	0
Sexual Assault	0
Robbery	0
Burglary - Residential	0
Burglary - Vehicle	0
Burglary - Construction	0
Larceny	1
Motor Vehicle Theft	0
Vandalism	0
Fire	1
<b>Total</b>	<b>2</b>

**Larceny:**

- **S30: 19-060762 at 16050 Rain Lilly Way reported on 04/17/19.**

Unknown suspect(s) removed a push button combination lock from an unoccupied residence.

**Fire:**

- **S25: 19-058958 at 60<sup>th</sup> St N and Seminole Pratt reported on 04/12/19.**

Victim was operating a tractor when it caught on fire. PBCFR responded and put out the flames.

# **Sixteenth Order of Business**



**Fire Rescue**

Chief Michael Mackey  
405 Pike Road  
West Palm Beach, FL 33411  
(561) 616-7000  
www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

Melissa McKinlay, Mayor  
Mack Bernard, Vice Mayor  
Hal R. Valeche  
Paulette Burdick  
Dave Kerner  
Steven L. Abrams  
Mary Lou Berger

**County Administrator**

Verdenia C. Baker

April 5, 2019

Ken Cassel, Village Manager  
City of Westlake  
4001 Seminole Pratt Whitney Rd.  
Westlake, FL 33470

Dear Mr. Cassel:

Enclosed is the Response Time Report for the City of Westlake for the month of March 2019.

If you have any questions of concerns, please contact me at 561-214-3263

Sincerely,

A handwritten signature in blue ink, which appears to read "William Rowley".

William Rowley, District Chief  
Palm Beach County Fire Rescue



4/1/2019

# Palm Beach County Fire Rescue

## Westlake Response Time Report

### 20190301 to 20190331

Event #	Station	Location of Event	Date	Received	Entered	Dispatch	Enroute	Oncene	Close	Disp Hand	Turnout	Travel	Resp Time*
<b>Emergency Calls:</b>													
F19039504	22	SEMINOLE PRATT WHITNEY RD WLK	03/05/2019		00:21:18	00:21:25	00:23:57	00:28:11	01:01:36	0:00:32	0:02:32	0:04:14	0:07:18
F19043359	22	SEMINOLE PRATT WHITNEY RD/PERSIMMON BLVD W	03/11/2019	09:30:50	09:31:06	09:31:14	09:32:31	09:34:30	10:36:49	0:00:24	0:01:17	0:01:59	0:03:40
F19043912	22	SEMINOLE PRATT WHITNEY RD/PERSIMMON BLVD W	03/12/2019		06:04:58	06:05:06	06:07:08	06:09:12	06:15:29	0:00:33	0:02:02	0:02:04	0:04:39
F19046325	22	SWITCHGRASS LN WLK	03/15/2019		20:02:41	20:02:58	20:04:28	20:08:35	20:56:05	0:00:42	0:01:30	0:04:07	0:06:19
F19053534	26	140TH AVE N WLK	03/27/2019	15:34:35	15:35:06	15:35:17	15:36:24	15:39:56	16:15:29	0:00:42	0:01:07	0:03:32	0:05:21
F19054202	22	WHIPPORWILL CIR WLK	03/28/2019	16:45:38	16:46:11	16:46:17	16:47:28	16:53:23	17:42:47	0:00:39	0:01:11	0:05:55	0:07:45
<b>Average Response Times:</b>										<b>0:00:35</b>	<b>0:01:37</b>	<b>0:03:39</b>	<b>0:05:50</b>
<b>Non Emergency Calls:</b>													
F19050247	22	RAIN LILLY WAY/SWITCHGRASS LN WLK	03/22/2019		09:27:44	09:28:21	09:29:16	09:34:29	09:34:34	0:01:02	0:00:55	0:05:13	0:07:10
F19054842	22	RAIN LILLY WAY WLK	03/29/2019	18:12:47	18:14:07	18:14:19	18:16:04	18:22:46	18:33:05	0:01:32	0:01:45	0:06:42	0:09:59
<b>Corrupt Data:</b>													
F19041475	22	SEMINOLE PRATT WHITNEY RD WLK	03/08/2019	08:58:21	08:58:42	08:59:05	09:00:05		09:00:57	Empty Time Fields			
F19041785	22	SEMINOLE PRATT WHITNEY RD WLK	03/08/2019		17:46:20	17:46:23	17:50:42	17:46:23	18:24:24	Enroute Time is greater than Oncene Time			
<b>Total number of Events:</b>											<b><u>10</u></b>		

\*Represents call received to arrival. If there is no received time, the County annual average call received to call entered time is used.



4/1/2019

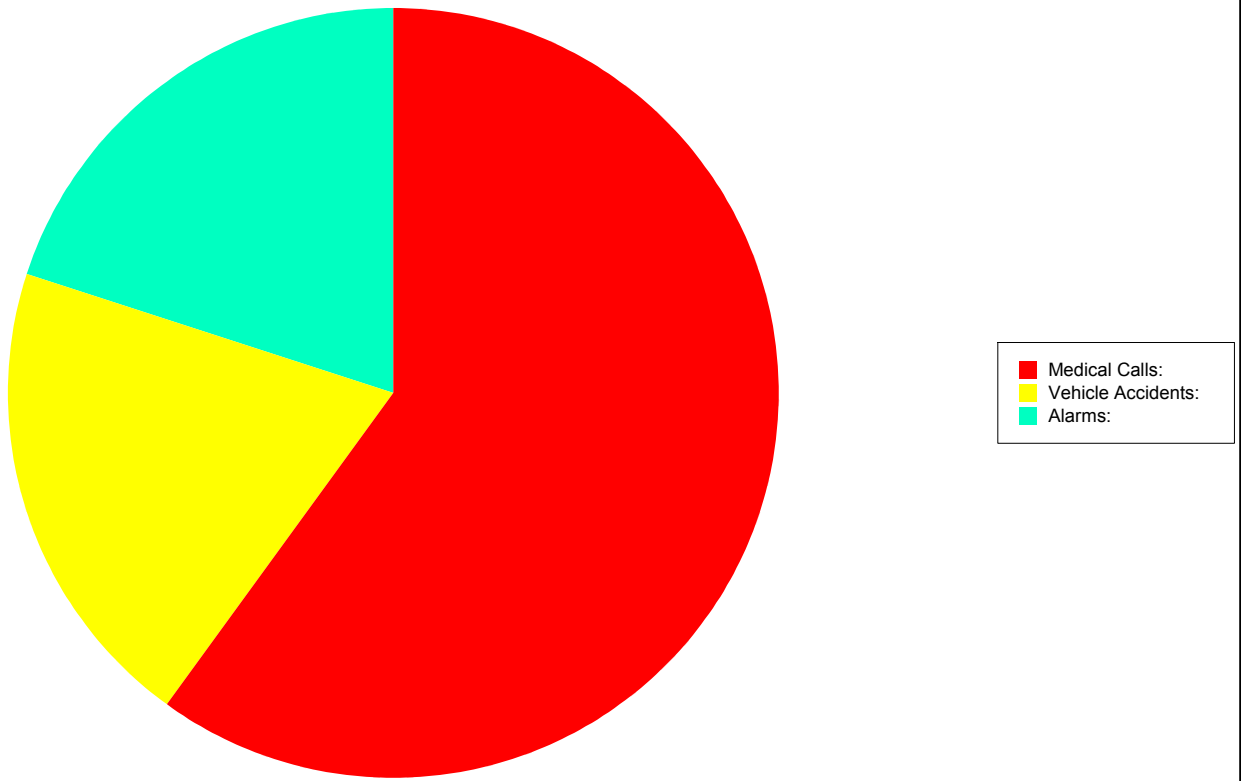
# Palm Beach County Fire Rescue

## Westlake - # of Calls by Type

20190301 to 20190331

<u>Type - Situation Dispatched</u>	<u># of Incidents</u>
Medical Calls:	6
Vehicle Accidents:	2
Alarms:	2
<b>Total number of Events:</b>	<b>10</b>

### Calls by Situation Dispatched



# **Seventeenth Order of Business**



**City of Westlake**  
 4001 Seminole Pratt Whitney Road  
 Westlake, Florida 33470  
 Phone: 561-530-5880  
 Fax: 561-790-1742

**Certificate of Use Application**

**1. Application:** A Certificate of Use application is to be submitted to the City of Westlake, Planning and Zoning Department, 4001 Seminole Pratt Whitney Road, Westlake, Florida 33471. The application must be filled out completely and notarized.

**2. Submission:** An original application; required documents; along with payment by check, payable to the City of Westlake in one of the following amounts:

- Commercial Address/Business \$250.00
- Home Occupation \$75.00
- Change of Owner/Business Name \$40.00
- Reissue Certificate Fee \$15.00

**PAID**  
 5-7-19

**My Business Information**

New Application  Address Change \_\_\_\_\_ Ownership Transfer \_\_\_\_\_ Change of DBABTR# \_\_\_\_\_

Company Name: Westlake Residences Master Association Inc

DBA (if applicable/must match signage): \_\_\_\_\_

Business Address: 16290 Town Center Pkwy N # 1100

Westlake, Florida 33470 (zip code) Is this a virtual or residential office? Yes \_\_\_\_\_ No

FEIN: 82-3435761 (Federal Employee Identification Number)

Contact Name: Leolani Gevers

Email: L.Gevers@MintUSA.com

Phone No.: 561-227-2257 Fax No.: \_\_\_\_\_

Mailing Address (if different than business address): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Description of Services Offered: Westlake Amenity Snack Sales

Food Service/Restaurant/ Snack Bar/Take out only



**My Business Documents:**

All applicants shall provide a current copy of required documents (please attach):

Certificate of Use issued by the City of Westlake's Planning and Zoning Department

Or, if a Sub-tenant: A copy of the Owner/Tenant's Certificate of Use

A Letter acknowledging the sub-tenant's use of Owner/Tenant's Certificate of Use

Affidavit for Virtual Office Tenancy

Business Name Registration with the State of Florida (Fictitious Name Registration if applicable)

All Applicable Regulatory Licenses

**My Certification**

*I hereby certify that all information given herein is true and accurate. I understand that providing false or misleading information on this application may subject me to criminal prosecution. I further understand that if there are any subsequent changes in the status of my business as stated above, that I will notify the City of Westlake of such changes.*

Applicant's Signature: *Nelson Bennett* Date: 5/7/19

Print Name: Nelson Bennett Title: Vice President

State of Florida

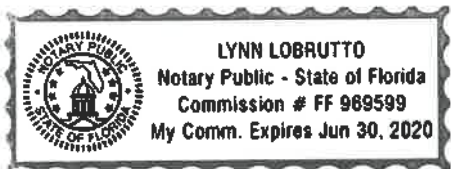
County of Palm Beach

Sworn to (or affirmed) and subscribed before me this 7<sup>th</sup> day of May, 2019.

by: Name of applicant: Nelson Bennett

Personally known  or produced identification N/A

**Notary Stamp:**



*Lynn LoBrutto*

Signature of Notary

Lynn LoBrutto

Name of Notary, typed, printed or stamped

After your application has been reviewed and approved, a Certificate of Use will be issued and available for pick-up at the City of Westlake. It is the applicant's responsibility to call the City to confirm that the Certificate of Use is available.

**Payment & Mailing Information**

New Applications are to be hand delivered or mailed with the required documentation and payment to:

City of Westlake  
4001 Seminole Pratt Whitney Road  
Westlake, FL 33470 (561)530-5880

CITY OF WESTLAKE  
4001 SEMINOLE PRATT WHITNEY RD  
WESTLAKE FL 33470  
561-790-1742

Merchant ID: 9234000090  
Term ID: 8080

**Sale**

Application Label: VISA CREDIT  
CHASE VISA

VISA

XXXXXXXXXXXX0039

AID: A0000000031010

Entry Method: Chip Read

Apprvd: OnLine

Batch#: 000007

05/07/19

13:29:05

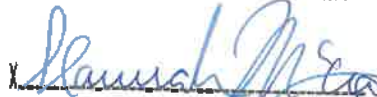
Inv#: 00000001

Appr Code: 00657A

**Total: USD\$ 250.00**

Mode: Issuer  
TVR: 000000000  
IAD: 06010A03602002  
TSI: F880  
ARC: 00

I agree to pay above total amount  
according to card issuer agreement  
(Merchant agreement if credit voucher)

X 

MCCARTNEY-HANNAH

Merchant Copy

THANK YOU



**STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Agenda Page 107

**DIVISION OF HOTELS AND RESTAURANTS  
2601 BLAIR STONE ROAD  
TALLAHASSEE FL 32399-1011**

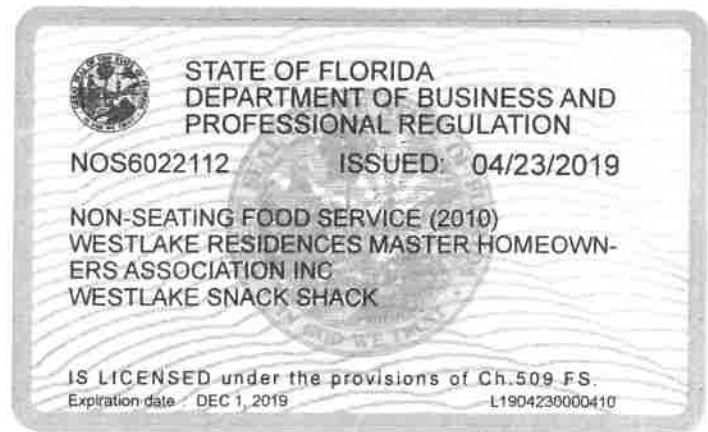
**850-487-1395**

**WESTLAKE RESIDENCES MASTER HOMEOWNERS ASSOCIATION  
INC  
WESTLAKE SNACK SHACK  
16290 TOWN CENTER PKWY N # 1100  
WESTLAKE FL 33470**

Congratulations! With this license you become one of the nearly one million Floridians licensed by the Department of Business and Professional Regulation. Our professionals and businesses range from architects to yacht brokers, from boxers to barbeque restaurants, and they keep Florida's economy strong.

Every day we work to improve the way we do business in order to serve you better. For information about our services, please log onto [www.myfloridalicense.com](http://www.myfloridalicense.com). There you can find more information about our divisions and the regulations that impact you, subscribe to department newsletters and learn more about the Department's initiatives.

Our mission at the Department is: License Efficiently, Regulate Fairly. We constantly strive to serve you better so that you can serve your customers. Thank you for doing business in Florida, and congratulations on your new license!



--- DETACH HERE ---

RON DESANTIS, GOVERNOR

HALSEY BESHEARS, SECRETARY

**STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
DIVISION OF HOTELS AND RESTAURANTS**

<b>LICENSE NUMBER</b>	<b>NBR. OF SEATS: 0</b>
NOS6022112	

The NON-SEATING FOOD SERVICE (2010)  
Named below IS LICENSED  
Under the provisions of Chapter 509 FS.  
Expiration date: DEC 1, 2019



NON-TRANSFERABLE

**WESTLAKE RESIDENCES MASTER HOMEOWNERS ASSOCIATION INC  
WESTLAKE SNACK SHACK  
16290 TOWN CENTER PKWY N # 1100  
WESTLAKE FL 33470**



ISSUED: 04/23/2019

DISPLAY AS REQUIRED BY LAW

SEQ # L1904230000410



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

## Detail by Entity Name

Florida Not For Profit Corporation

WESTLAKE RESIDENCES MASTER HOMEOWNERS ASSOCIATION, INC.

### Filing Information

**Document Number** N17000011394  
**FEI/EIN Number** 82-3435761  
**Date Filed** 11/14/2017  
**State** FL  
**Status** ACTIVE  
**Last Event** REINSTATEMENT  
**Event Date Filed** 10/16/2018

### Principal Address

4400 WEST SAMPLE ROAD, SUITE 200  
 COCONUT CREEK, FL 33073-3450

### Mailing Address

4400 WEST SAMPLE ROAD, SUITE 200  
 COCONUT CREEK, FL 33073-3450

### Registered Agent Name & Address

Carter, John  
 ATTN: JOHN CARTER  
 4400 WEST SAMPLE ROAD, SUITE 200  
 COCONUT CREEK, FL 33073-3450

Name Changed: 10/16/2018

### Officer/Director Detail

#### **Name & Address**

Title D/P

CARTER, JOHN  
 4400 WEST SAMPLE ROAD, SUITE 200  
 COCONUT CREEK, FL 33073-3450

Title D/P

Bennett , Nelson  
 4400 WEST SAMPLE ROAD, SUITE 200  
 COCONUT CREEK, FL 33073-3450

**Title Secretary, Treasurer**

Gevers, Leolani  
4400 WEST SAMPLE ROAD, SUITE 200  
COCONUT CREEK, FL 33073-3450

**Annual Reports**

<b>Report Year</b>	<b>Filed Date</b>
2018	10/16/2018
2019	04/09/2019

**Document Images**

<b>04/09/2019 – ANNUAL REPORT</b>	<a href="#">View image in PDF format</a>
<b>10/16/2018 – REINSTATEMENT</b>	<a href="#">View image in PDF format</a>
<b>11/14/2017 – Domestic Non-Profit</b>	<a href="#">View image in PDF format</a>







planning  
architecture  
landscape architecture  
urban design  
visual communication

Jacksonville  
ELM Studio  
1035 Kings Avenue  
Jacksonville, FL 32207  
T. 904.296.8066

Seattle  
The Changnon Building  
1321 Post Alley  
Suite 38  
Seattle, WA 98101  
T. 206.650.8589  
elmplan.com

AA200004-1 (2/20/20)

Westlake - Amenity  
POD PC-1 Final Site Plan  
Westlake, FL

ISSUE DATES		
NO.	DESCRIPTION	DATE
1	CONCEPT	01/10/18
2	CONCEPT	01/10/18
3	CONCEPT	01/10/18
4	CONCEPT	01/10/18
5	CONCEPT	01/10/18
6	CONCEPT	01/10/18
7	CONCEPT	01/10/18
8	CONCEPT	01/10/18
9	CONCEPT	01/10/18
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46	CONCEPT	01/10/18
47	CONCEPT	01/10/18
48	CONCEPT	01/10/18
49	CONCEPT	01/10/18
50	CONCEPT	01/10/18

PROJ. # 15-38-3  
DATE: 2017-11-13  
DRAWN BY: WML  
CHECKED BY: WML  
SCALE: AS NOTED

FINAL SITE PLAN

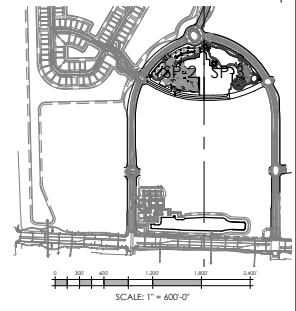
SHEET NUMBER  
SP-3

FOUNDATION PLANTING DATA

PER TABLE 7.C.3

LENGTH	AREA REQUIRED
<b>NORTH ENTRY BUILDING</b>	
NORTH (MIN. 8' WIDE PLANTING BED)	28.4 LF 91 SF
EAST (MIN. 2' WIDE PLANTING BED)	84.3 LF 149 SF
SOUTH (MIN. 8' WIDE PLANTING BED)	47.4 LF 152 SF
WEST (N/A)	EXEMPT --
<b>CONCESSIONS BUILDING</b>	
NORTH (N/A)	EXEMPT --
EAST (MIN. 8' WIDE PLANTING BED)	34 LF 109 SF
SOUTH (MIN. 2' WIDE PLANTING BED)	22.3 LF 45 SF
WEST (MIN. 8' WIDE PLANTING BED)	34 LF 109 SF
<b>SIDE TOWER</b>	
NORTH (MIN. 2' WIDE PLANTING BED)	15.3 LF 31 SF
EAST (MIN. 8' WIDE PLANTING BED)	30 LF 96 SF
SOUTH (N/A)	EXEMPT --
WEST (MIN. 8' WIDE PLANTING BED)	30 LF 96 SF
<b>PARTY PAVILION</b>	
NORTH (N/A)	EXEMPT --
EAST (MIN. 8' WIDE PLANTING BED)	24 LF 77 SF
SOUTH (MIN. 2' WIDE PLANTING BED)	58.4 LF 118 SF
WEST (MIN. 8' WIDE PLANTING BED)	62.4 LF 200 SF
<b>STORAGE / MAINTENANCE BUILDING</b>	
NORTH (N/A)	EXEMPT --
EAST (MIN. 8' WIDE PLANTING BED)	20 LF 64 SF
SOUTH (MIN. 2' WIDE PLANTING BED)	55 LF 70 SF
WEST (MIN. 8' WIDE PLANTING BED)	20 LF 64 SF
<b>AQUATIC SHADE PAVILION</b>	
NORTH (N/A)	EXEMPT --
EAST (MIN. 8' WIDE PLANTING BED)	14.8 LF 54 SF
SOUTH (MIN. 2' WIDE PLANTING BED)	32.3 LF 65 SF
WEST (MIN. 8' WIDE PLANTING BED)	14.8 LF 54 SF
<b>AMPHIBIENR / LODGE PAVILION</b>	
NORTH (MIN. 8' WIDE PLANTING BED)	54.4 LF 174 SF
EAST (MIN. 2' WIDE PLANTING BED)	51.1 LF 104 SF
SOUTH (MIN. 8' WIDE PLANTING BED)	54.4 LF 174 SF
WEST (N/A)	EXEMPT --
<b>PARK RESTROOM</b>	
NORTH (MIN. 8' WIDE PLANTING BED)	27.5 LF 88 SF
EAST (MIN. 2' WIDE PLANTING BED)	10.7 LF 22 SF
SOUTH (MIN. 8' WIDE PLANTING BED)	27.5 LF 88 SF
WEST (N/A)	EXEMPT --
<b>NORTH / EAST MONUMENT SIGN LANDSCAPE</b>	
1 SHRUB PER 10 SF	240 SF 25 SHRUBS
<b>NORTH GATEWAY SIGN LANDSCAPE</b>	
1 SHRUB PER 10 SF	243 SF 27 SHRUBS
<b>SOUTH GATEWAY SIGN LANDSCAPE</b>	
1 SHRUB PER 10 SF	325 SF 33 SHRUBS

CONTEXT MAP



LANDSCAPE REQUIREMENTS

- 1 AND 20' SHRUBS (PER TABLE 7.3.1-A & 7.3.1-B)
- 2' GROUND COVER PER 1 LF
  - SMALL SHRUB PER 2 LF
  - MEDIUM SHRUB PER 4 LF
  - LARGE SHRUB PER 4 LF
  - CANOPY TREE PER 25 LF
- PHASE 1 TREE AND SHRUB REQUIREMENTS (PER TABLE 7.2)
- TOTAL SQUARE FOOTAGE: 466,726 SF
  - CANOPY TREES (12,000 SF OF SITE): 234 TREES
  - TREE W/ PER TABLE 7.2(C): 74 SHRUBS
  - SHRUBS (502,000 SF OF SITE): 700 SHRUBS
  - VULN REQUIREMENTS: 1 TREE MIN. PER ISLAND, 24" HIGH HEDGE FOR 405' LENGTH OF ISLAND

SITE DATA

NAME OF APPLICATION	WESTLAKE (POD PC-1) Final Site Plan
PROJECT NUMBER	15-38-3
LAST BCC APPROVAL DATE	10/09/2014
LAST BCC APPROVAL DATE	06/20/2017
RESOLUTION NUMBERS	TD0R-2014-1444, R-2014-1647, R-2014-1448, ORDINANCE 2014-030
TIER	806AL*
FUTURE LAND USE DESIGNATION	AGE
EXISTING ZONING DISTRICT	TD
OVERLAY	AGRICULTURAL ENCLAVE OVERLAY
SECTION / TOWNSHIP / RANGE	01 / 47 / 40
PROPERTY CONTROL NUMBER(S)	77-40-43-01-00-0001010
EXISTING USE	VACANT / AGRICULTURE / UTILITY
APPROVED USE	PRIVATE CIVIC
PROPOSED USE	PRIVATE CIVIC
PC-1 AREA	14.88 AC

BUILDING DATA (PHASE 1)	SF	HT (4' MAX)	FAR (0.44/231FAR)
NORTH ENTRY BUILDING	31.42 SF	10'	40%
CONCESSIONS BUILDING	750 SF	20'	14%
SIDE TOWER	918 SF	40'	20%
PARTY PAVILION	3200 SF	32'	20%
STORAGE / MAINTENANCE BUILDING	720 SF	18'	13%
AQUATIC SHADE PAVILION	444 SF	20'	14%
AMPHIBIENR / LODGE PAVILION	2,440 SF	36'	20%
PARK RESTROOM	360 SF	20'	14%
PC-1 PAVILIONS A, B & D	12,040 SF	20'	25%
<b>TOTAL</b>	<b>12,040 SF</b>		<b>25%</b>

TD PARKING REQUIREMENT	MIN. PARKING (1/400 SF)	61 MIN.
TOTAL PARKING SPACES PROVIDED		146 SPACES (Phase 1)
HANDICAP (INCLUDED IN PARKING TOTAL)		5 SPACES
BICYCLE PARKING SPACES	REQUIRED (5 SPACES OR 2%, WHICHEVER IS GREATER)	5 SPACES
PROVIDED		19 SPACES

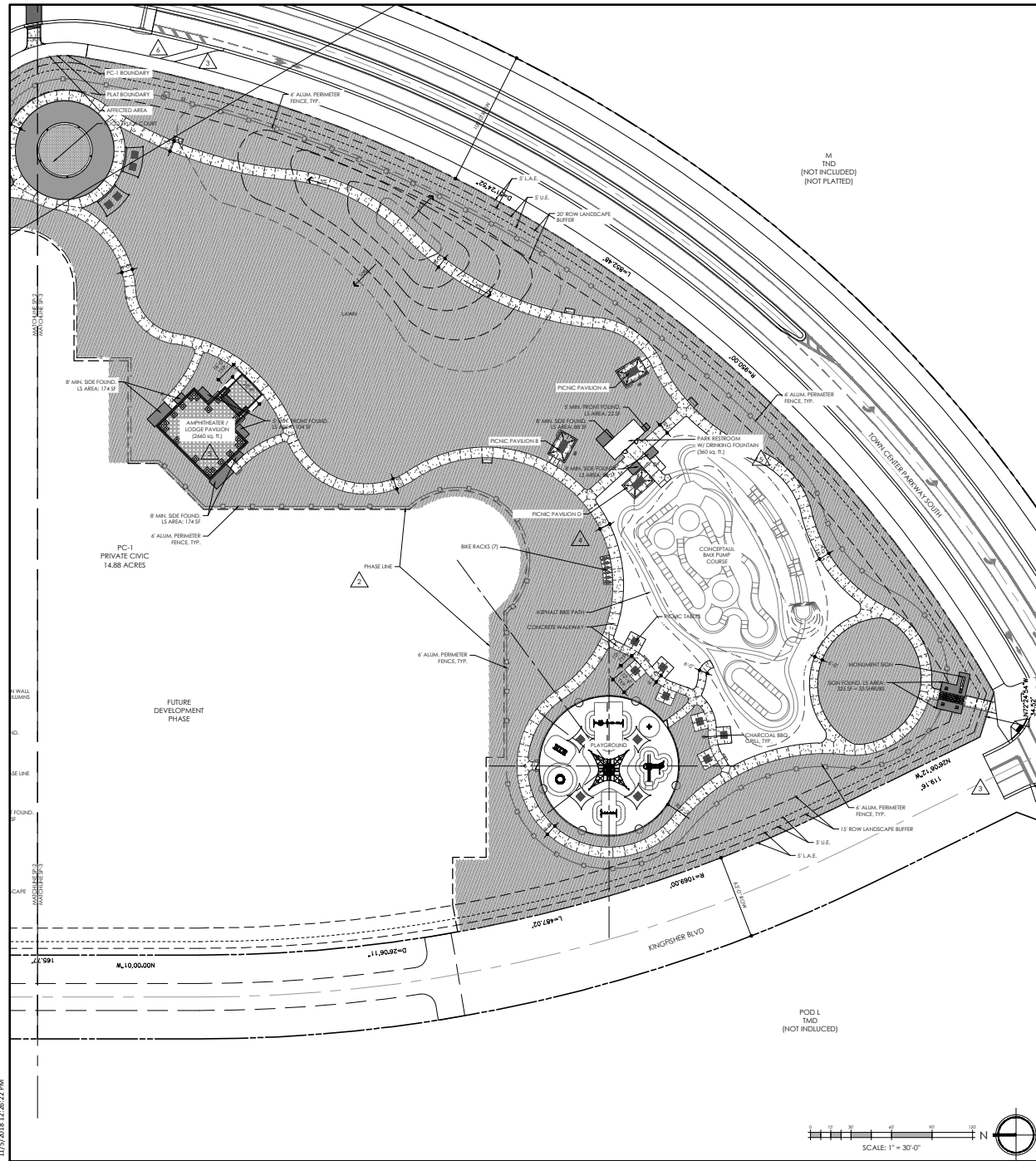
AREA CALCULATIONS	SF	AC	%
BUILDING LOT COVERAGE (50% MAX.)	1,024 SF	0.30 AC	2.0%
VEGETABLE USE AREA	700 SF	1.94 AC	11.8%
SIDEWALKS AND POOL DECKS	84,044 SF	1.93 AC	13.0%
GREEN SPACE	293,244 SF	6.73 AC	45.0%
PHASE 1	310,452 SF	4.17 AC	28.0%
<b>TOTAL</b>	<b>446,211 SF</b>	<b>14.88 AC</b>	<b>100.0%</b>

STRACK CHART	FRONT (15')*	SIDE (15)	REAR (15)
NORTH ENTRY BUILDING	145'-4"	272'-0"	226'-0"
CONCESSIONS BUILDING	293'-0"	265'-5"	118'-9"
SIDE TOWER	293'-10"	449'-4"	244'-8"
PARTY PAVILION	457'-0"	497'-7"	381'-10"
STORAGE / MAINTENANCE BUILDING	295'-0"	226'-4"	231'-10"
AQUATIC SHADE PAVILION	298'-4"	227'-9"	122'-9"
AMPHIBIENR / LODGE PAVILION	274'-4"	382'-1"	351'-5"
PARK RESTROOM	76'-7"	322'-0"	302'-4"
PC-1 PAVILIONS A	38'-8"	348'-0"	347'-10"
PC-1 PAVILIONS B	114'-4"	382'-7"	314'-4"
PC-1 PAVILIONS D	100'-0"	297'-0"	271'-0"

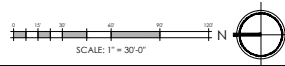
\*WESTLAKE IS A LIMITED URBAN SERVICES AREA (LUSA). THEREFORE, SHALL BE REVIEWED IN ACCORDANCE WITH THE REQUIREMENTS OF THE URBAN SUBURBAN TIER CRITERIA.  
\*\* FRONT PROPERTY LINE TO BE TOWN CENTER PARKWAY

DRO AMENDMENTS

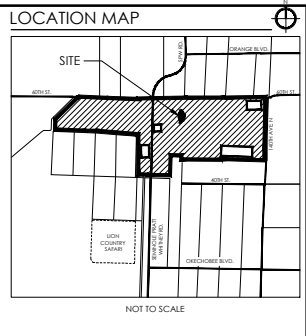
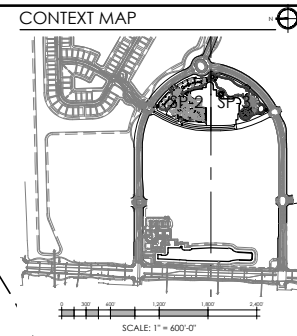
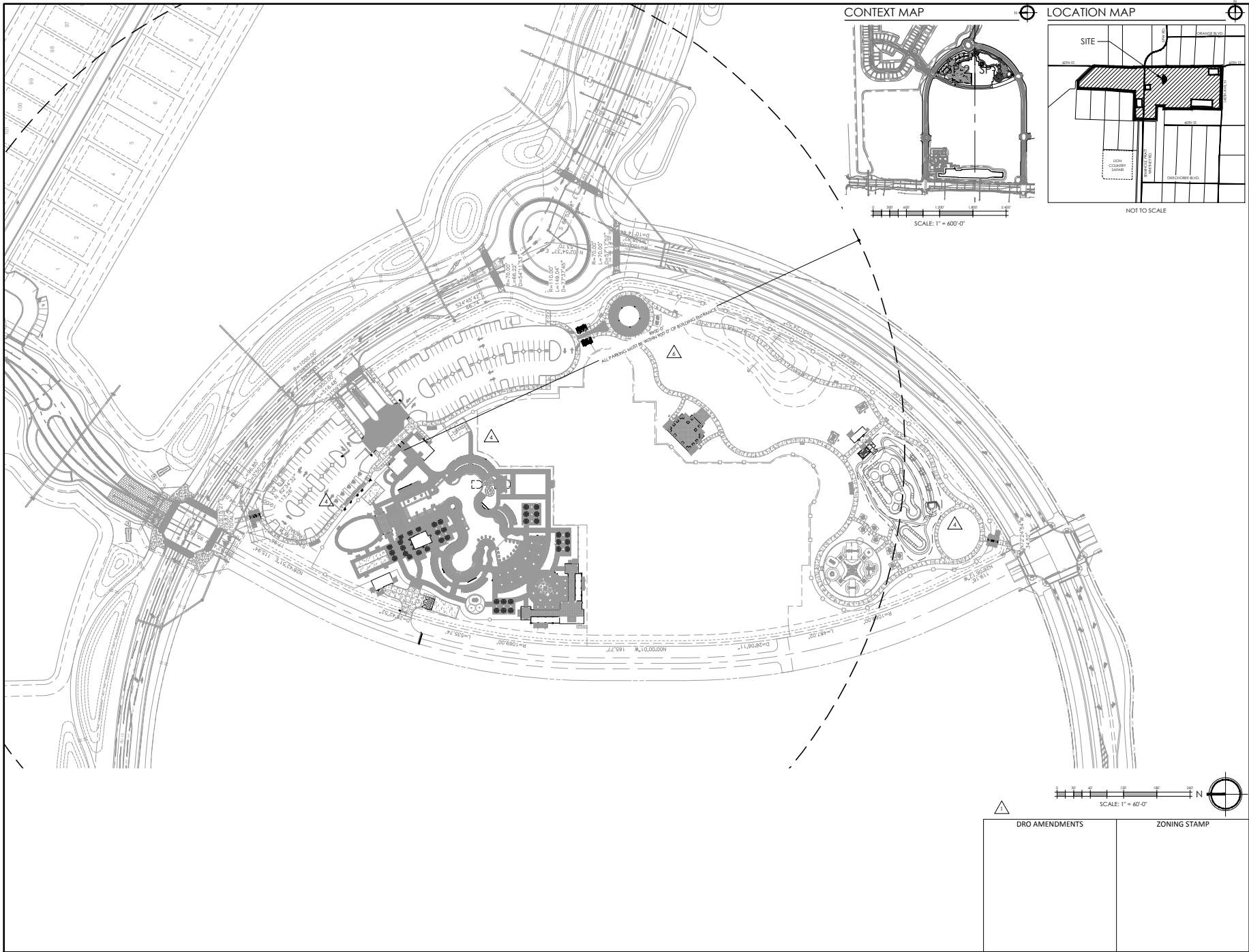
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ISSUE DATES		
NO.	DESCRIPTION	DATE
1	ISSUE FOR COMMENTS	2017-08-08
2	ISSUE FOR COMMENTS	2017-08-08
3	ISSUE FOR COMMENTS	2017-08-08
4	ISSUE FOR COMMENTS	2017-08-08
5	ISSUE FOR COMMENTS	2017-08-08
6	ISSUE FOR COMMENTS	2017-08-08
7	ISSUE FOR COMMENTS	2017-08-08
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29	ISSUE FOR COMMENTS	2017-08-08
30	ISSUE FOR COMMENTS	2017-08-08

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SCALE: 1" = 40'-0"

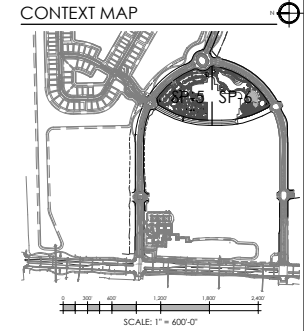
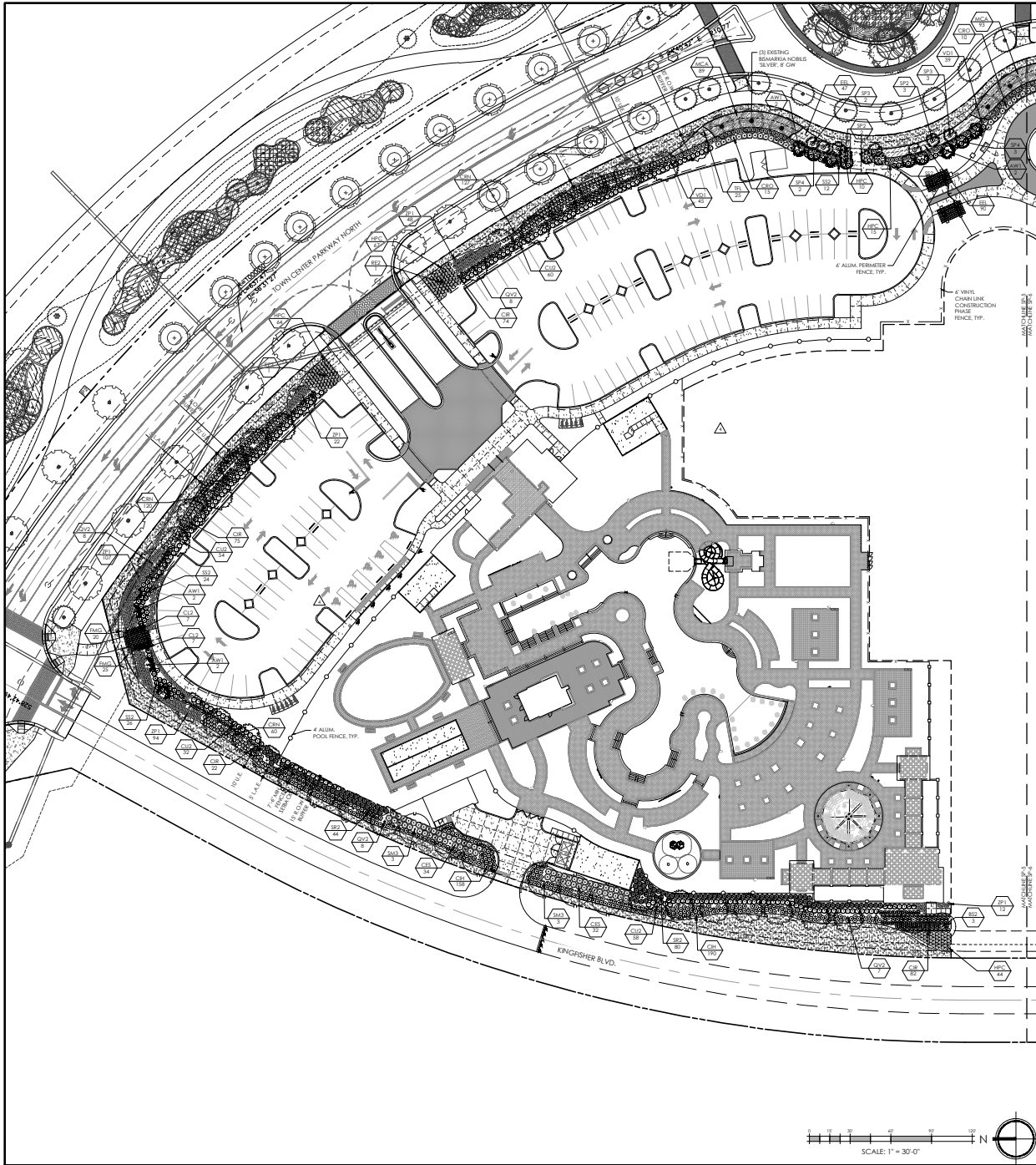
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DRO AMENDMENTS

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ENTRY BUILDING  
PARKING EXHIBIT

SHEET NUMBER  
**SP-4**



**LANDSCAPE REQUIREMENTS**

- 1' AND 2' BUFFERS (PER TABLE 7.7.7.A & 7.7.7.B)**
- 2 GROUND COVER PER 1 LF 1 MIN HT @ 4' OC MAX
  - 1 SMALL SHRUB PER 2 LF 18" MIN HT @ 24" OC MAX
  - 1 MEDIUM SHRUB PER 4 LF 24" MIN HT @ 48" OC MAX
  - 1 LARGE SHRUB PER 4 LF 36" MIN HT @ 48" OC MAX
  - 1 CANOPY TREE PER 25 LF 12' MIN HEIGHT

**R.O.W. BUFFERS - 15' (KINGSHER BLVD.) AND 20' (DOWN CENTER PARKWAY) (PER TABLE 7.7.7.A & 7.7.7.B) = 2,750 LF**

CATEGORY	CODE	REQUIRED	PROVIDED
GROUND COVER	2 PER 1 LF	5,500	9,719
SMALL SHRUB	1 PER 2 LF	1,375	1,495
MEDIUM SHRUB	1 PER 4 LF	487.5	1,089
LARGE SHRUB	1 PER 4 LF	487.5	887
CANOPY TREE	1 PER 25 LF	111	84

84 CANOPY TREES + 4 EXISTING BOMARK + 1 PALM TREES + 1 SABAL CLUSTERS (8/3 - 111)

**R.O.W. BUFFER PLANT SCHEDULE**

PALM TREES	QTY	BOTANICAL NAME	COMMON NAME	SPACING	NATIVE	REMARKS
AW1	14	ACCOBENRAPHNE WRIGHTEI	PAURICHOE PALM	A.S.	YES	6'-8" C.T. 10'-12" DIA HT
BE2	2	ROYSTERIA ELATA	FLORIDA ROYAL PALM	A.S.	YES	8' C.W. B&B. FLORIDA FANCY, MATCHED
SP4	5	SABAL PALMETTO	CABBAGE PALM	A.S.	YES	16" C.T. B&B. SUCK. REGENERATED
SP2	5	SABAL PALMETTO	CABBAGE PALM	A.S.	YES	8" C.T. B&B. SUCK. REGENERATED
SP3	5	SABAL PALMETTO	CABBAGE PALM	A.S.	YES	12" C.T. B&B. SUCK. REGENERATED

SHADE TREES	QTY	BOTANICAL NAME	COMMON NAME	SPACING	NATIVE	REMARKS
BE2	7	BURSERA SIMARUBA	GLAND LIMBO	A.S.	YES	12'-14" HEIGHT @ 5' SPREAD, 3' CAL
LM2	11	JACARANDA MIMOSIFOLIA	JACARANDA	A.S.	NO	10'-12" HEIGHT, 5' SPREAD, 2.2" CAL
GV2	42	QUERCUS VIRGINIANA	LIVE OAK	A.S.	YES	12'-14" HEIGHT, 6' SPREAD MIN, 2.3" CAL
SM3	6	SWEETENA MAHAGONI	WEST INDIAN MAHOGONY	A.S.	YES	12'-14" HT @ 4'-7" SP, 2.3" CAL FULL

SHRUBS & GC	QTY	BOTANICAL NAME	COMMON NAME	SPACING	NATIVE	REMARKS
AW2	5	ACALYNA WILKESIANA 'JAVA WHITE'	JAVA WHITE ACALYNA	42' O.C.	NO	18" HT X 18" SPD. BUSH
CL2	36	CALLISTEMON VIMINALIS 'LITTLE JOHN'	DWARF BOTTLE BRUSH	30' O.C.	NO	18"-20" HT @ SPD. FULL
CR1	348	CHRYSOBALANUS SCACCO 'MONSIEURIALS'	MONSIEURIALS CROCOPALM	36' O.C.	YES	18" HT X 24" SPD. FULL
CR2	119	CHRYSOBALANUS SCACCO 'RED TIP'	RED TIP CROCOPALM	36' O.C.	YES	24" HT X 24" SPD. FULL
CR3	174	CLUBA GUTIERBA	SMALL LEAF CLUBA	48' O.C.	YES	36" HT X 18" SPD. FULL
CR4	834	CLUBA ROSEA 'NANA'	DWARF PETCH APPLE	24' O.C.	YES	18"-20" HT X 18"-20" SPD. FULL
CL3	201	COCCOLOBIA VIVIPERA	SEA GRASS	42' O.C.	YES	30" HT X 30" SPD. FULL
CE5	66	COMOCARPUS BREVIS 'SERICEUS'	SILVER BUTTWOOD	48' O.C.	YES	36" HT X 24" SPD. FULL
HP/C	200	HAMELIA PATENS 'COMPACTA'	DWARF FIRE BUSH	24' O.C.	YES	18" HT @ SPD. FULL
PT	154	IKORA X 'PETITE TAWAN RED'	DWARF RED TAWAN	36' O.C.	NO	15" HT X 15" SPD. FULL
MC2	147	MYRTICA CERRERA	MYA MYRTLE	48' O.C.	YES	48"-60" HT @ 36"-48" SPD. FULL
VD1	116	VIBURNUM OBOVATUM 'DENSA'	DENSA VIBURNUM	36' O.C.	YES	36" HT X 24"-30" SPD. FULL
VOB	143	VIBURNUM OBOVATUM 'MR. J. SCHILLER'S DESIGN'	MR. J. SCHILLER'S VIBURNUM	30' O.C.	YES	18" HT X 18" SPD. FULL
SR2	124	SERENOA RIPPENS	SAW PALMETTO	42' O.C.	YES	36" HEIGHT @ 24" SPREAD
SR3	145	SERENOA RIPPENS 'CHINERA'	SILVER SAW PALMETTO	42' O.C.	YES	36" HEIGHT @ 24" SPREAD
PT1	4	TAKIA TURBIFRAXEA	CARDINAL PALM	36' O.C.	NO	24"-30" HEIGHT @ SPREAD
CP1	334	ZAMIA PUMILA	COCKOONIE	30' O.C.	YES	18" HEIGHT @ 24" SPREAD MIN. FULL
AG1	12,217	ARACHIS GLABRATA	PERENNIAL PEANUT	6" O.C.	NO	6" HT. FULL IN FOOT
EL	137	BRAGAZIUS ELIOTII	SLUDG'S LOVE GRASS	30' O.C.	YES	14"-18" HT @ SPD. FULL
FG2	93	FICUS MICROCARPA 'GREEN ISLAND'	GREEN ISLAND FIG	24' O.C.	NO	12"-15" HT @ SPD. FULL
MC4	182	MIRLENBERGIA CAPILLARS	PINK MILKWEED	36' O.C.	YES	20"-22" HT @ SPD. MIN. FULL
FL	88	FLORIDA GAMA GRASS	FLORIDA GAMA GRASS	36' O.C.	YES	14"-18" HT @ SPD. FULL
ST2	29,744	STENOCHAPHRUM SECUNDATUM 'FLOKATUM'	ST. AUGUSTINE GRASS	SOD	NO	SOD - SEE SPECIFICATIONS



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**ISSUE DATES**

NO.	DESCRIPTION	DATE
1	CONCEPT	03/17/18
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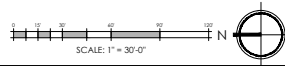
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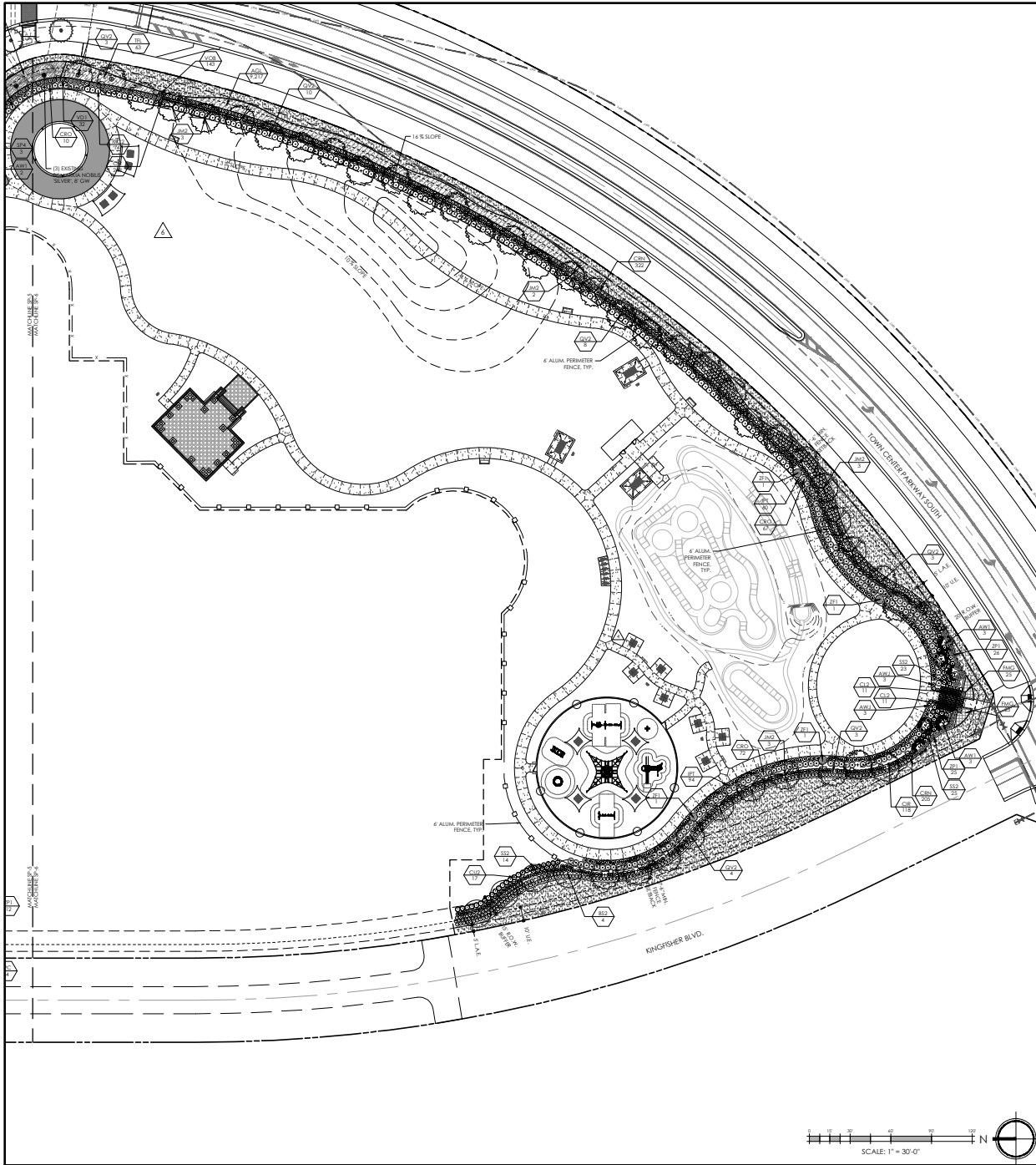
R.O.W. BUFFER  
LANDSCAPE PLAN

SHEET NUMBER  
**SP-5**

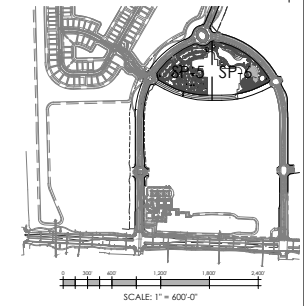
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CONTEXT MAP



LANDSCAPE REQUIREMENTS

- 15' AND 20' BUFFERS (PER TABLE 7.7.7.A-5 & 7.7.7.B)
- 2' GROUND COVER PER 1 LF
  - 1 SMALL SHRUB PER 2 LF
  - 1 MEDIUM SHRUB PER 4 LF
  - 1 LARGE SHRUB PER 4 LF
  - 1 CANOPY TREE PER 25 LF
- 7' MIN HT @ 4' OC MAX  
18" MIN HT @ 24" OC MAX  
24" MIN HT @ 48" OC MAX  
36" MIN HT @ 48" OC MAX  
12' MIN HEIGHT

R.O.W. BUFFERS - 15' (KINGSHISHER BLVD.) AND 20' (TOWN CENTER PARKWAY) (PER TABLE 7.7.7.A-5 & 7.7.7.B) = 2,750 LF

CATEGORY	CODE	REQUIRED	PROVIDED
GROUND COVER	2 PER 1 LF	5,500	9,719
SMALL SHRUB	1 PER 2 LF	1,375	1,495
MEDIUM SHRUB	1 PER 4 LF	487.5	1,089
LARGE SHRUB	1 PER 4 LF	487.5	887
CANOPY TREE	1 PER 25 LF	111	94

94 CANOPY TREES + 4 EXISTING BOMARK + 14 PALMS = 108  
14 PALMS = 14 SABL CLUSTERS OR 3 - 111

R.O.W. BUFFER PLANT SCHEDULE

PALM TREES	QTY	BOTANICAL NAME	COMMON NAME	SPACING	NATIVE	REMARKS
ZW1	14	ACCCOCCOBRAPHE VIRGIFLOR	FAUCONER PALM	A.S.	YES	8'-8" CT, 10'-12" DIA HT
SP2	2	ROYSTERIA ELATA	FLORIDA ROYAL PALM	A.S.	YES	9' DIA, B&B, FLEURON FANCY, MATCHED
SP4	5	SABAL PALMETO	CABBAGE PALM	A.S.	YES	16' C.T. B&B, SUCK, REGENERATED
SP2	5	SABAL PALMETO	CABBAGE PALM	A.S.	YES	8' C.T. B&B, SUCK, REGENERATED
SP3	5	SABAL PALMETO	CABBAGE PALM	A.S.	YES	12' C.T. B&B, SUCK, REGENERATED

SHADE TREES	QTY	BOTANICAL NAME	COMMON NAME	SPACING	NATIVE	REMARKS
SP2	7	BURSERA SIMARUBA	GLIMBO LIMBO	A.S.	YES	12'-14" HEIGHT & 8" SPREAD, 3' CAL
SP2	11	JACARANDA MIMOSIFOLIA	JACARANDA	A.S.	NO	10'-12" HEIGHT, 5" SPREAD, 2.5' CAL
SP2	42	QUERCUS VIRGINIANA	LIVE OAK	A.S.	YES	12'-14" HEIGHT, 8" SPREAD MIN, 2.5' CAL
SP3	6	SWETENA MAHAGONI	WEST INDIAN MAHAGONI	A.S.	YES	12'-14" HT, 6"-7" SPD, 2.5' CAL, FULL

SHRUBS & GC	QTY	BOTANICAL NAME	COMMON NAME	SPACING	NATIVE	REMARKS
ZW1	5	ACALYPIA WILKESIANA 'JAVA WHITE	JAVA WHITE ACALYPIA	30' O.C.	NO	18" HT X 18" SPD, BUSH
CL2	36	CALLISTEMON VIMINALIS 'LITTLE JOHN'	DWARF BOTTLE BRUSH	30' O.C.	NO	18"-20" HT & SPD, FULL
CR1	348	CHRYSOBALANUS SCACID 'MONDRIANALS	MONDRIANAL CROCOPALM	36" O.C.	YES	18" HT X 24" SPD, FULL
CR1	619	CHRYSOBALANUS SCACID 'RED TIP	RED TIP CROCOPALM	36" O.C.	YES	24" HT X 24" SPD, FULL
CR2	174	CLUBA GUTIERBA	SMALL LEAF CLUBA	48" O.C.	YES	36" HT X 18" SPD, FULL
CR1	834	CLUBA ROSEA 'NANA'	DWARF PITCH APPLE	24" O.C.	YES	18"-20" HT X 18"-20" SPD, FULL
CR2	201	COCCOCCOBA VIVIPBA	SILV GRASS	42" O.C.	YES	30" HT X 30" SPD, FULL
CR5	66	COMOCARPUS BREVICUS 'SERICEUS'	SILVER BUTTWOOD	42" O.C.	YES	36" HT X 24" SPD, FULL
MP1	200	HAMELIA PATENS 'COMPACTA'	DWARF FIRE BUSH	24" O.C.	YES	18" HT & SPD, FULL
MP1	154	IKORA 'PETITE TAWAN RED'	DWARF RED TAWAN	36" O.C.	NO	15" HT X 15" SPD, FULL
TAC2	147	HYRTICA CERRIBA	WAX MYRTLE	48" O.C.	YES	48"-60" HT X 36"-48" SPD, FULL
VD1	116	VIBURNUM CROVATUM 'DENSA'	DENSA VIBURNUM	36" O.C.	YES	36" HT X 24"-30" SPD, FULL
VOB	143	VIBURNUM CROVATUM 'MR.3 SCHILLERS VIBURNUM'	MR.3 SCHILLER'S VIBURNUM	30" O.C.	YES	18" HT X 18" SPD, FULL
SR2	124	SERENOA RIPPENS	SAW PALMETTO	42" O.C.	YES	36" HEIGHT & 24" SPREAD
SR2	145	SERENOA RIPPENS 'CHINERA'	SILVER SAW PALMETTO	42" O.C.	YES	36" HEIGHT & 24" SPREAD
ZP1	4	ZAMIA FUERBRANCI	CARDINAL PALM	36" O.C.	NO	24"-30" HEIGHT & SPREAD
ZP1	334	ZAMIA FUERBA	COCKOONIE	30" O.C.	YES	18" HEIGHT & 24" SPREAD MIN, FULL
AGL	9,217	ARACHIS GLABRATA	PERENNIAL PEANUT	6" O.C.	NO	6" HT, FULL IN FOOT
REL	137	BRAGROSTIS ELUOTIF	BLUET'S LOVE GRASS	30" O.C.	YES	14"-18" HT & SPD, FULL
ENG	95	FICUS MICROCARPA 'GREEN ISLAND'	GREEN ISLAND FIG	24" O.C.	NO	12"-15" HT & SPD, FULL
MC-A	182	MUHLENBERGIA CAPILLARS	PINK MILLET	36" O.C.	YES	20"-22" HT & SPD MIN, FULL
TEL	88	TRIPSIACUM FLORIDANUM	FLORIDA GAMA GRASS	36" O.C.	YES	14"-18" HT & SPD, FULL
SP244	59	STENOCHAPHRUM SECUNDATUM 'FLOKATUM'	ST. AUGUSTINE GRASS	SOD	NO	SOD - SEE SPECIFICATIONS



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Suite 38  
Seattle, WA 98101  
t. 206 650 8589  
elmplan.com

AA300004 - 12/08/2018

Westlake - Amenity  
POD PC-1 Final Site Plan  
Westlake, FL

ISSUE DATES

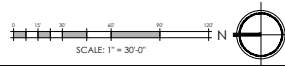
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1	ISSUE FOR PERMITTING	10/15/18
2	ISSUE FOR PERMITTING	10/15/18
3	ISSUE FOR PERMITTING	10/15/18
4	ISSUE FOR PERMITTING	10/15/18
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6	ISSUE FOR PERMITTING	10/15/18
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8	ISSUE FOR PERMITTING	10/15/18
9	ISSUE FOR PERMITTING	10/15/18
10	ISSUE FOR PERMITTING	10/15/18

PROJ. # 15-38-3  
DATE: 2017-11-13  
DRAWN BY: WBL  
CHECKED BY: WBL  
SCALE: AS NOTED

R.O.W. BUFFER  
LANDSCAPE PLAN

SHEET NUMBER  
SP-6

11/02/2018 12:27:13 PM



DRO AMENDMENTS	ZONING STAMP