

**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 Workshop**  
**Monday, September 23, 2019**

**Meeting Location**  
**Westlake Council Chambers**  
**4005 Seminole Pratt-Whitney Road**  
**Westlake, FL 33470**  
**6:00 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)



**Council Members**

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

---

September 18, 2019

City Council  
City of Westlake

Dear Mayor and Council:

The City Council of the City of Westlake will hold a workshop on Monday, September 23, 2019 at 6:00 p.m. at the Westlake Council Chambers, 4005 Seminole Pratt Whitney Road, Westlake, Florida. Following is the advance agenda for the meeting.

1. Call to Order/ Roll Call
2. Pledge of Allegiance
3. Staff Presentation for Chapter 1 (Administration)
4. Review of Chapter 1 Draft
5. Staff Presentation for Chapter 2 (Land Development Procedures)
6. Review of Chapter 2 Draft
7. Audience Comments on Agenda Items (3) Minute Time Limit
8. 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

## **Fourth Order of Business**

## CHAPTER 1: ADMINISTRATION

**ARTICLE 1.1 ADOPTION.** In accordance with the adopted Comprehensive Plan and the authority granted by the City Charter, the Florida Statutes, and the Constitution of the State of Florida, the City Council of the City of Westlake, Florida, hereby ordains and enacts the provisions of these Land Development Regulations.

### ARTICLE 1.2 INTERPRETATION

#### Section 1: *Definitions and Acronyms.*

**(A) Florida Statute Definitions.** The definitions used in Chapter 163, Florida Statutes, apply.

**(B) Words Not Defined.** Words not defined by the Florida Statutes, the Comprehensive Plan, or these LDRs shall have their plain and ordinary meaning.

**(C) Definitions.** The following words have the following meanings, and shall apply to both the single and plural forms of the words, whether or not such words are capitalized:

**ACCESSORY DWELLING UNIT:** A dwelling unit located on the same parcel of land as a principal single family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and bathroom.

**ACCESSORY SOLAR FACILITY:** A solar energy system which utilizes roof space or other space on the parcel of land to provide electricity or heat for use on the parcel of land. Export of electricity to the electrical grid is incidental and subordinate to the purpose of supplying electricity to the primary use of the parcel of land.

**ACCESSORY USE OR ACCESSORY STRUCTURE:** A use or structure incidental and subordinate to the principal use, including accessory dwelling units and accessory solar facilities.

**AGRICULTURAL USES:** The use of land for aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, plant crops, and any other form of farm product and farm production. Land areas include croplands, pasture lands, orchards, vineyards, nurseries, horticulture areas, groves, and specialty farms. Buildings, support facilities, dwelling units for farm operators and farmworkers, machinery, and other appurtenances used in the production of agricultural products are included. Agricultural uses do not include concentrated and/or confined animal feeding operations.

**ALLEY:** a through public right of way less than twenty-five feet in width abutting property and commonly located to the rear or side of a property.

**AMENITY CENTER:** a facility to accommodate recreational and/or social activities such as parties, receptions, banquets, meetings, recreation, exercise, and neighborhood gatherings, for exclusive use of the residents and guests of a specific development or defined residential area and that provides opportunities for limited retail, including a leasing/real estate sales office, and property management offices.

**ANTENNA:** a transmitting and/or receiving device mounted on a telecommunications tower, building or structure and used in telecommunications services that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies, wireless communications signals and other communication signals including directional antennas such as panel and microwave dish antennas, and

omnidirectional antennas such as whips, but excluding radar antennas, amateur radio antennas and satellite earth stations. This does not include telecommunications services as defined by 47 United States Code § 332.

**APARTMENT:** a room or a suite of rooms within an apartment building, arranged, intended or designed to be used as a home or residence of one family with kitchen facilities for the exclusive use of the one family.

**APARTMENT BUILDING:** a building with three or more separate apartments, each of which is used or intended to be used as a home or residence for one family, in which the yard areas, hallways, stairways, balconies and other common areas and facilities are shared by families living in the apartment units.

**APPLICANT:** Property owner and/or property owner's authorized representatives.

**ARTERIAL ROAD:** A road providing service that is relatively continuous and of relatively high traffic volume, long average trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.

**ASSISTED LIVING FACILITY:** Residential care facilities that provide housing, meals, personal care and supportive services to older persons and disabled adults who are unable to live independently.

**ATHLETIC TRAINING FACILITY:** a facility for the education and training of athletes. Such facilities may include commercial recreational uses, primary and secondary schools, colleges and universities, and associated residence halls and dormitories for students, faculty, and visitors.

**AVERAGE DAILY TRAFFIC (ADT):** The total traffic volume during a given 24-hour time period for all allowable directions on a given road.

**BACKGROUND TRAFFIC:** The projected traffic generation from previously approved but incomplete projects, and other sources of traffic growth.

**BERM:** A landscaped earthen mound in excess of two feet in vertical height designed to provide visual interest, or serve as a buffer.

**BIOSWALE:** Landscaping features (usually a swale or trench) filled with vegetation and/or organic matter, designed to collect or move stormwater and runoff and pass it through the vegetation or organic matter to remove debris and filter out pollution.

**BUFFER:** The use of vegetation, walls, fences, berms, setbacks, less intense development, and/or less dense development to mitigate the impacts of unsightly views, lights, noises, odors, and/or dust.

**BUILDING:** any structure having a roof entirely separated from any other structure by space or by walls in which there are no communicating doors or windows or any similar opening and erected for the purpose of providing support or shelter for persons, animals, things or property of any kind.

**BUILDING CODE:** the Florida Building Code, as amended from time to time.

**CANAL:** a body of water having a width of 100 feet or less for linear areas in excess of 200 feet in length and used principally for the conveyance of water.

**CHILD OR ADULT CARE CENTER:** an enterprise involving the care of five or more children and/or adults at one location at the same time, which children and/or adults are not foster children or related by blood

or marriage to the operator. Adult care centers shall not include those uses meeting the definition of assisted living facilities or nursing home.

**CITY:** the City of Westlake, Florida.

**CITY COUNCIL:** the City Council members collectively for the City of Westlake.

**CIVIC USES:** Structures or facilities that provide cultural, social, or governmental services and/or functions. These include community centers; cultural centers; places of assembly; places of worship; museums; libraries; government administration, operations, and services; judicial facilities; post offices; public arenas and auditoriums; meeting halls; exhibition and conference center; fairgrounds; cemetery; child or adult care centers; and other owned and operated for public uses.

**COLLECTOR ROAD:** A road providing service that is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a road also collects and distributes traffic between local roads and arterial roads.

**COMMERCIAL RECREATION:** Uses that typically charge a fee or have other requirements for participation or attendance as a spectator. Uses include, but are not limited to, outdoor and indoor recreational facilities such as tennis clubs, jai alai frontons, amusement and sport centers, outdoor amphitheatres, hunting and gun clubs, marinas, vehicular and non-vehicular race tracks, outdoor zoos and wildlife attractions, fairs, parks and recreation exhibitions, entertainment, and/or other amusements, private sports and recreation clubs, golf courses, and sports stadiums and venues. Uses may include accessory uses and activities that are supportive of the activity including shops and restaurants.

**COMMERCIAL USES:** Activities within land areas that are predominantly connected with the sale, rental and distribution of products or the performance of services, including offices and medical facilities.

**COMMUNITY PARK:** A park located near collector or arterial roads designed to serve the needs of more than one neighborhood. It is designed to serve community residents within a radius of up to 3.5 miles. The term "community park" includes any related recreational facilities, and can be publically or privately owned.

**COMPLETE STREETS:** Roads including adjacent sidewalks and shared use paths that are designed and operated to enable safe access and travel for all users, which may include pedestrians, bicyclists, transit riders, and motorists. Complete streets incorporate different elements based on the different role, function, and characteristic of the facility.

**COMPREHENSIVE PLAN:** City of Westlake Comprehensive Plan, unless context clearly implies otherwise.

**CONSERVATION USES:** The use or condition of land areas designated for conserving or protecting natural resources or environmental quality, including areas designated for flood control and floodplain management, the protection of the quality or quantity of ground or surface water, commercial or recreational fish and shellfish habitat, water supply, and/or vegetative communities or wildlife habitats.

**CONTINUING CARE FACILITIES:** A variety of housing options and services designed to meet the changing needs of its residents who require varying levels of care. Housing options typically include independent living units, assisted living facilities, and/or nursing homes.

**CORNER LOT:** a lot abutting two or more streets at their intersection.

**DENSITY:** The number of dwelling units per gross acre.

**DRIVE THROUGH:** a facility designed to accommodate pickup of food, merchandise or services by a motor vehicle momentarily at rest in a driveway expressly designed for that purpose.

**DWELLING UNIT:** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**EDUCATIONAL USES:** Activities and facilities for public or private primary or secondary schools; vocational and technical schools; and colleges and universities including all campus buildings, residence halls and dormitories, fraternity and sorority housing, and recreational facilities.

**ESSENTIAL FACILITIES AND SERVICES:** Essential facilities and services include roads, bicycle lanes, shared use paths, sidewalks, bridges, transmission lines for electricity, cable, water, sewer, and gas that serve local area demands, electricity sub-stations, stormwater and drainage facilities and systems, electric car generation ports/stations, transit facilities, and accessory solar facilities. Essential facilities and services do not include wireless communication facilities.

**FAMILY:** One or more persons related by blood, adoption, or marriage or not more than two unrelated persons occupying the whole of a dwelling unit as a single housekeeping unit.

**FENCE:** an artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

**FIRE CODE:** the Florida Building Code, the Palm Beach County Local Amendments to the Florida Fire Prevention Code, and other codes adopted by the City for the prevention or control of fires.

**FLOOR AREA RATIO (FAR):** A means of measuring building intensities for nonresidential land. FAR is the ratio of total floor area of all buildings on the parcel to the gross acreage. FAR does not regulate the building height or site coverage. It does not include the area within structures used for parking and vehicular circulation or open outdoor storage or display areas.

**FOSTER CARE FACILITY:** A facility which houses foster residents, and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents.

**GROSS ACREAGE:** The total area of a parcel of land measured in acres including developed and undeveloped land, agricultural areas, open space, roads, rights-of-way, easements, and environmental features such as lakes, floodplains, and wetlands.

**GROUP HOME:** A facility which provides living quarters for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional, and social needs of the residents. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

**HEIGHT.** Unless otherwise noted, height shall be measured from the minimum finished floor elevation to the midpoint of the roof, or if the roof is flat, to the top of the parapet. Architectural features shall not count for purposes of measuring height so long as the architectural features does not exceed 10% of the height of the structure.

**HELIPAD:** The surface on which a helicopter lands and is used for helicopter parking.

**HELISTOP:** any area of land or any man-made object or facility located thereon or building rooftop area which is used, or intended for use, solely for the landing and takeoff of vertical-takeoff aircraft and which has no appurtenant areas, buildings or other facilities supporting the use, landing and takeoff of vertical-takeoff aircraft.

**HOSPITAL:** a medical facility which provides for both inpatient and outpatient treatment and has overnight accommodations, wherein professional services concerning personal health of humans are administered by medical doctors, chiropractors, osteopaths, optometrists, dentist or any other such professional.

**HOTEL:** a building within which a commercial establishment provides lodging as overnight sleeping accommodations for the public in which ingress and egress to all rental rooms shall be through an inside lobby or office supervised by a person in charge at all hours.

**INSTITUTIONAL USES:** Activities and facilities that include juvenile facilities, nursing homes/skilled-nursing facilities, mental (psychiatric) hospitals, in-patient hospice facilities, residential schools for people with disabilities, residential treatment centers for adults, and City jails/confinement facilities (excludes residential group homes for juveniles, correctional residential facilities such as halfway houses, federal detention centers, and federal and state prisons).

**INTENSITY:** The amount of non-residential development as measured by the Floor Area Ratio.

**INTERIOR LOT:** a lot other than a corner lot.

**LANDSCAPE OPEN SPACE:** Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch or decorative paving materials). Non-living landscape material shall not be used as major landscape ground cover. In no case shall these materials exceed ten percent of the landscaped area.

**LEGAL NON-CONFORMING LOT:** a lot of record, which does not meet the area or width requirements of the Comprehensive Plan and LDRs for the zoning district in which the lot is located.

**LEGAL NON-CONFORMING STRUCTURE:** A structure that was lawfully established before the adoption of the Comprehensive Plan and Land Development Regulations that does not conform to the Land Development Regulations for the zoning district in which the parcel of land is located.

**LEGAL NON-CONFORMING USE:** A use that was lawfully established before the adoption of the Comprehensive Plan and Land Development Regulations, which does not conform with the allowed uses by the Comprehensive Plan Future Land Use Category or of the zoning district in which it is located.

**LEGAL POSITIVE OUTFALL:** the permanently established connection of a stormwater discharge conveyance facility serving a development site to a watercourse or water body under the control and jurisdiction of one or more public agencies, said connection being subject to all applicable agency permitting and approval requirements.

**LEVEL OF SERVICE (LOS):** An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. LOS shall indicate the capacity per unit of demand for each public facility or performance measures for road traffic or stormwater facilities.



**LIGHT INDUSTRIAL USES:** Land uses that include construction operation and storage facilities, manufacturing, assembly, processing or storage of products when such activities have minimal and inoffensive external impacts such as smoke, noise, dust, soot, dirt, vibration, stench, or adverse visual impacts on the surrounding neighborhood. Light industrial uses may include research and development technology centers including server farms, medical and dental laboratories, warehouse and/or distribution centers, and recycling centers. Light industrial uses shall not include mining and extraction industries, electrical generation plants, or regional sewer treatment plants.

**LOCAL ROAD:** A road that carries low volumes and provides service for local traffic between land uses and collector roads, with direct property access as the primary purpose. Any road that is not an arterial or collector road and is under the jurisdiction of the City is a local road.

**LOT:** includes tract or parcel and means the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified, as defined by Section 177.031, Florida Statutes, as may be amended from time to time.

**LOT AREA:** the area contained within the boundary lines of a lot.

**LOT COVERAGE:** That portion of the area of a lot, plot, or building site, expressed as a percentage, occupied by all buildings or structures which are roofed or are otherwise covered by impermeable materials, exclusive of its eaves. Pool decks, patios or outdoor sitting areas, even if enclosed with a screen enclosure shall not be calculated as part of lot coverage.

**LOT DEPTH:** the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries; however, for radial lots the lot depth shall be measured from the setback not the front lot line.

**LOT FRONTAGE:** means the portion of a lot nearest the street; also the front property line. Where a building has two sides that face two or more streets, the side associated with the street address shall be designated as having lot frontage, or the front property line.

**LOT LINE:** a line bounding a lot which divides one lot from another or from a street or any other public or private space.

**LOT LINE, REAR:** that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

**LOT LINE, SIDE:** any lot line other than a front or rear lot line.

**LOT LINE, STREET:** in the case of a lot abutting only one street, means the street line separating such lot from such street. In the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard.

**LOT OF RECORD** means a part of the land subdivision, the map of which has been recorded in the office of the clerk of the court of the county.

**LOT WIDTH:** The horizontal distance between opposite side lot lines, measured at the root setback line to accommodate variation and radial streets. Where there is only one side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.

**MAJOR CANALS:** the M Canal and M-2 Canal.

**MANUFACTURED HOME:** A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the site, bearing a label certifying that it is built in compliance with the federal manufactured housing construction and safety standards, or inspected by an approved inspection agency conforming to the requirements of HUD, and bearing an insignia of approval.

**MULTIFAMILY DWELLING:** Multiple separate dwelling units contained within one building or several buildings including but not limited to apartment buildings, but excluding single family attached dwellings.

**MULTIMODAL TRANSPORTATION SYSTEM:** The system which provides safe and efficient movement of people, goods, and services by more than one mode of transportation.

**NEIGHBORHOOD CENTER:** Compact areas that allow a mix of commercial uses that serve neighborhoods such as retail (goods and services), restaurants, offices and clubhouses, schools, religious uses, small scale civic uses, and amenity centers.

**NEIGHBORHOOD PARK:** A park that serves the residents of a neighborhood and is accessible to bicyclists and/or pedestrians. It is designed to serve the population of a neighborhood in a radius of up to one-half mile. Neighborhood parks include any related recreational facilities, and can be publically or privately owned.

**NET PEAK HOUR DIRECTIONAL TRIPS:** Total project trip generation minus internal trips, pass-by trips less any previously-approved traffic or traffic from any existing use established in accordance with Chapter 7.

**OFFICE:** a use where the clerical, administrative, financial or consulting aspects of business, professional medical or governmental services are conducted. Office use shall include but not be limited to: financial institutions, insurance offices, medical offices, or business consulting services.

**OPEN SPACE:** Areas open to the sky that are partly or completely covered with grass, trees, shrubs, other vegetation or water, or if partially or completely paved serve to shape or enhance urban form or provide for public use. Open spaces have little to no vertical structures and can be publicly or privately owned. Open spaces include parks, transportation corridor parkways, vegetated buffers, shared use paths, plazas, courtyards, squares and areas that provide stormwater management.

**PARCEL:** Any quantity of land capable of being described with such definiteness that its location and boundaries may be established.

**PARK:** A site that provides opportunities to partake in active or passive recreational activities, including structures associated with a park's recreational activities, including dog parks

**PEAK HOUR PEAK DIRECTION CAPACITY:** The maximum number of vehicles that can pass a given point in one direction on a road in one hour under given traffic and road conditions per the FDOT Quality/Level of Service Handbook in one hour.

**PEAK HOUR TRAFFIC:** the one hour of traffic representative of the peak period, as defined in Chapter 7, and includes two-way and peak direction volumes. Peak Hour Traffic shall be determined from actual traffic counts. The project, at the approval of the City Engineer, the Peak Hour Traffic may be determined by factoring the Average Daily Traffic by an approved "K" factor.

**PEAK SEASON:** The time from January 1 through March 31, inclusive.

**PERVIOUSNESS PERCENTAGE.** This indicates the percentage of the overall lot that must be pervious.

**PLACE OF ASSEMBLY:** a building, portion of a building or other site in or at which facilities are provided for civic, fraternal, educational, political, religious, cultural or social purposes.

**PLACE OF WORSHIP:** any church, synagogue, denomination or ecclesiastical organization having an established place for worship in the City at which nonprofit religious services and activities are regularly conducted.

**PRIMARY SOLAR FACILITY:** A solar energy system which primarily functions to provide electricity for off-site use. This term includes the structures, equipment, infrastructure, and support systems necessary for the collection, storage, and distribution of solar energy, along with all functions necessary to develop and operate a primary solar facility including construction, management, administration, maintenance, security, and safety.

**RADIUS OF DEVELOPMENT INFLUENCE:** The area surrounding a proposed project as set forth in Chapter 7. The distance shall be measured in road miles from the point at which the proposed project's traffic enters the first road, not as a geometric radius.

**RECREATIONAL USES:** Areas and development used for leisure time activities and sports in an indoor or outdoor setting, including parks and golf courses.

**RESIDENT:** A person who makes his or her home in a particular place for most of the year or for a portion of the year, including a seasonal resident.

**RESIDENTIAL USES:** Land uses consisting of dwelling units, including mobile and manufactured homes. Residential uses include assisted living facilities and group homes.

**RETAIL:** establishments engaged in selling good or merchandise directly to the ultimate consumer for personal or household consumption and rendering services incidental to the sale of such goods. Establishments primarily engaged in providing services as opposed to products to individuals shall also be considered a retail use.

**RIGHT-OF-WAY:** Land dedicated or required for a transportation or utility use that a government entity owns in fee simple or over which it has an easement.

**SELF-STORAGE FACILITY:** a fully enclosed space used for warehousing that contains individual storage units.

**SEMINOLE IMPROVEMENT DISTRICT (SID):** Independent special purpose government established in 1970 pursuant to Chapter 70-854, Laws of Florida, codified pursuant to Chapter 2000-431, Laws of Florida,

formerly known as the Seminole Water Control District. SID is coextensive with the boundaries of the City of Westlake and consists of approximately 4,142 acres of land. SID is empowered to construct and maintain a number of public works and utilities including water, sewer, drainage, irrigation, water management, parks, recreation facilities, roads and related activities.

**SENIOR HOUSING:** Age-restricted dwelling units for older adults, aged 55+, who are able to care for themselves.

**SETBACK:** the horizontal distance between the front line, side line, or rear line of the building site to the front, side, or rear of the building or structure, respectively. Setbacks shall be measured perpendicular to and parallel with the property or right-of-way lines, and shall be measured from the point at which the face of the building or structure touches the ground.

**SEXUALLY ORIENTED USES:** any place in which a principal use is the exchange, for consideration in any form, monetary or otherwise, for profit or not for profit, of materials or exhibitions, including but not limited to books, magazines, photographs, performances, videotapes, electronic media or movies which have as their dominant theme matters depicting, describing, demonstrating or relating to completely or to opaquely covered human genitals or pubic regions, buttocks, or female breasts below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered, or which have as their dominant theme matters depicting, describing, demonstrating or relating to human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, or the fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

**SHARED USE PATH:** A paved facility for use by pedestrians, bicyclists, and/or other users that is separated from vehicular traffic. Golf carts may be used on shared use paths in certain areas, under certain circumstances.

**SINGLE FAMILY ATTACHED DWELLING:** A single dwelling unit physically attached to other buildings, dwelling units, or structures through one or more shared walls, but not including multifamily dwellings.

**SINGLE FAMILY DETACHED DWELLING:** A single dwelling unit, including a manufactured home, not physically attached to other buildings, dwelling units, or structures.

**SOLAR ENERGY OVERLAY:** An area designated on the Future Land Use Map (FLU Map 2.1) that allows Primary Solar Facilities in addition to uses allowed by the underlying future land use category.

**SPECIAL EVENT:** special/community event is an activity or use that is public or quasi-public in nature and occurs once in a fiscal year, not to exceed three (3) weeks. This includes Fourth of July activities, parades, races and festivals. Events that require a Special Use may be subject to the Traffic Study requirements of this Article as determined by the City

**SUBDIVISION:** the division of land into two or more lots, or parcels, or any other division of land.

**SUSTAINABLE COMMUNITY:** An urban area with a long term planning and management vision that incorporates a multi-modal transportation network, walkable, mixed use patterns of development, denser development where infrastructure exists, civic spaces and interconnected open spaces for recreation, economic vitality and job choices, choices in housing price and size, a quality educational system, and a unique identity.

**TELECOMMUNICATIONS FACILITY:** any facility that is used to provide one or more telecommunications services, including, without limitation, radio transmitting telecommunications towers, other supporting structures, and associated facilities used to transmit telecommunications signals. Telecommunications facilities includes any antenna or broadcast equipment located outdoors, which is used for telecommunications and not otherwise defined as an antenna. Telecommunications facilities include telecommunications services as defined by 47 United States Code § 332.

**TEMPORARY USES:** are uses that are required in the construction phase of development or are uniquely temporary or seasonal in nature.

**THROUGH LOT:** a lot, other than a corner lot, having frontage on more than one street.

**TOTAL TRAFFIC:** the sum of: a) Existing Traffic, b) Net Trips, and c) Background Traffic.

**TRANSIT:** Passenger transportation services such as commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, autonomous vehicles, and local fixed route bus provided by public, private, or non-profit entities. The terms “transit” and “mass transit” are used interchangeably.

**UTILITIES:** Seminole Improvement District water, wastewater or reuse water facilities.

**VEGETATED BUFFER:** A natural or planted vegetated area used to mitigate potential impacts of unsightly views, lights, noises, and/or dust.

**WORK PLAN:** City of Westlake Water Supply Facilities Work Plan dated March 2018.

**(D) Acronyms.** The following acronyms shall have the following meanings:

**TABLE 1-1: ACRONYMS**

<b>ADA</b>	Americans with Disabilities Act
<b>ADT</b>	Average Daily Traffic
<b>ANSI</b>	American National Standards Institute
<b>BFE</b>	Base Flood Elevation
<b>CCDs</b>	The Census County Divisions
<b>CO</b>	Certificate of Occupancy
<b>CPTED</b>	Crime Prevention Through Environmental Design
<b>EPA</b>	U.S. Environmental Protection Agency
<b>FAR</b>	Floor Area Ratio
<b>FDEP</b>	Florida Department of Environmental Protection
<b>FDOT</b>	Florida Department of Transportation
<b>FEMA</b>	Federal Emergency Management Agency
<b>FIRM</b>	Flood Insurance Rate Map
<b>FLEPPC</b>	Florida Exotic Pest Plant Council
<b>GIS</b>	Geographic Information System
<b>GPD</b>	Gallons Per Day
<b>HCM</b>	Highway Capacity Manual
<b>HUD</b>	U.S. Department of Housing and Urban Development

<b>HOA</b>	Home Owner’s Association
<b>LDRs</b>	City of Westlake Land Development Regulations
<b>LEC</b>	Lower East Coast
<b>LOS</b>	Level of Service
<b>LPA</b>	Local Planning Agency
<b>MGD</b>	Million Gallons per Day
<b>MUTCD</b>	Manual on Uniform Traffic Control Devices
<b>NAVD 88</b>	North American Vertical Datum of 1988
<b>NRPA</b>	National Recreation and Park Association
<b>OEDR</b>	Office of Economic and Demographic Research
<b>PD</b>	Planned Development Zoning District
<b>PM</b>	Particulate Matter
<b>PPH</b>	Population Per Household
<b>SFWMMD</b>	South Florida Water Management District
<b>SID</b>	Seminole Improvement District
<b>SIS</b>	Strategic Intermodal System
<b>SRPP</b>	The Strategic Regional Policy Plan
<b>SWA</b>	Solid Waste Authority
<b>TAZ</b>	Traffic Analysis Zone
<b>TCRPC</b>	Treasure Coast Regional Planning Council
<b>TDM</b>	Transportation Demand Management
<b>TDP</b>	Transit Development Plan
<b>TPA</b>	Palm Beach Transportation Planning Agency
<b>TPS</b>	Traffic Performance Standards of Palm Beach County
<b>TSM</b>	Transportation Systems Management
<b>ULDC</b>	Palm Beach County Unified Land Development Code
<b>USDA</b>	U.S. Department of Agriculture

**(E) Chapter; Article; Section; Subsection; Paragraph; Subparagraph.** The terms “Chapter,” “Article,” “section,” “subsection,” “paragraph,” and “subparagraph” shall be understood to refer to the material within each part as illustrated below. For this example, “1” shall refer to any Arabic numeral, “A” and “a” shall refer to any letter, and “i” shall refer to any Roman numeral in lowercase. The terms above shall be understood as follows:

- CHAPTER 1
  - Article 1.1
    - Section 1.
      - (A) Subsection
        - (1) Paragraph
          - (a) Subparagraph
            - (i) Sub-subparagraph

**(F) Graphics.** Unless a graphic explicitly states it is regulatory in nature, graphics in these LDRs are illustrative and not regulatory.

**(G) Purpose and Intent Statements.** Purpose and intent statements are intended to provide context and guidance, but are not regulatory.

**ARTICLE 1.3 CONSISTENCY OF LDRs WITH THE COMPREHENSIVE PLAN; INTERPRETATION.**

**Section 1:** *Comprehensive Plan Controlling.* In the event any provision of these LDRs conflicts with any provision of the Comprehensive Plan, including the Map Series, the Comprehensive Plan shall control.

**Section 2:** *Procedure for Conflicts between LDRs and Comprehensive Plan.*

**(A)** If it appears a conflict exists between these LDRs and the Comprehensive Plan, a written request may be submitted to the Planning and Zoning Director identifying the specific provisions of the Comprehensive Plan and LDRs in conflict. The Planning and Zoning Director will respond to the request and provide an interpretation or proposed solution within 45 days. Interpretations of the Planning and Zoning Director may be appealed by submitting a written request for review to the City Attorney, who will acknowledge receipt of the request and respond within a reasonable amount of time, but no later than 45 days of receipt of the request. The request for clarification of the conflict shall be placed on the agenda of the next regularly scheduled City Council meeting for resolution by vote of the City Council. Any decision by the City Council is deemed a final decision.

**(B)** All decisions of the City Council regarding conflicts between the Comprehensive Plan and the LDRs will be annotated and consolidated in a written document that will be available upon request from the City.

**Section 3:** *Procedures for Interpretation of LDRs*

**(A)** When a question arises as to the meaning or intent of a phrase, or other portion of the LDRs, a written request for interpretation may be submitted to the Planning and Zoning Director for interpretation. The request must identify the applicable provision(s), the specific question regarding the meaning of the provision, and the explicit interpretation requested. The Planning and Zoning Director shall have 45 days to provide an interpretation or to elevate the question to the City Attorney for the City Attorney to interpret.

**(B)** The party who requested the interpretation may appeal the interpretation of the Planning and Zoning Director to the City Attorney. The City Attorney shall acknowledge receipt of and respond to any request for interpretation within a reasonable amount of time, but no later than 45 days of receipt of the request.

**(C)** The party who requested the interpretation may appeal the interpretation of the City Attorney concerning these LDRs to the Hearing Officer. Decisions of the Hearing Officer are final decisions.

**(D)** All decisions regarding interpretation of these LDRs shall be annotated and consolidated in a written document that will be available upon request from the City.

**Section 4: Rules Governing Interpretation**

- (A) The rules of statutory construction apply to the interpretation of these LDRs.
- (B) The LDRs shall be interpreted to be consistent with the Comprehensive Plan.

**Section 5: Procedure for Interpretation of Zoning Map.**

- (A) When a question arises as to the zoning district designation for a particular parcel of land on the zoning map, an applicant may request a zoning confirmation letter from the Planning and Zoning Director . The request must identify the particular lot(s) or parcel(s) for which the zoning confirmation letter is requested.
- (B) The Planning and Zoning Director shall acknowledge receipt of and respond to any request for interpretation within a reasonable amount of time, but no later than 45 days from receipt of the request. Decisions of the Planning and Zoning Director are final decisions.
- (C) All decisions regarding the interpretation of the Zoning Map will be annotated and consolidated in a written document that will be available upon request from the City.

**Section 6: Calculation of time.**

- (A) If a procedural deadline falls on a weekend, state holiday, or federal holiday, the deadline shall fall on the next business day.
- (B) Unless otherwise indicated, “days” indicate calendar days.
- (C) “Business days” shall mean days Monday through Friday but shall not include state holidays or federal holidays.

**ARTICLE 1.4 PLANNING AND ZONING DIRECTOR**

**Section 1: Appointment.** The City Council shall designate a Planning and Zoning Director who shall be responsible for coordinating the City’s review of all applications subject to these LDRs, including review by the City Engineer and coordination with the Seminole Improvement District, as necessary.

**Section 2: Policies and Procedures.** The Planning and Zoning Director is authorized to create administrative policies and procedures as necessary to administer the responsibilities of the Planning and Zoning Director assigned by this Chapter and these LDRs.

**Section 3: Approval of Administrative Applications.** The Planning and Zoning Director is authorized to approve or deny applications that only require administrative approval.

**ARTICLE 1.5 CITY COUNCIL**

**Section 1: Authority and Procedures.**

- (A) **Procedure.** The City Council may determine and adopt by ordinance its own rules of procedure for City Council meetings, which will govern the functioning and proceedings of the City Council except as otherwise provided by the City Charter, these LDRs, or laws of Florida. Once adopted, the rules may only be altered by an amending ordinance. The rules may be suspended by a majority vote of the City Council. In the absence of a rule by the City Council concerning procedure, Robert’s Rules of Order shall govern.



**(B) Power and Authority.** In addition to the powers and authorities described elsewhere in this Code, the City Council shall have the power and authority to:

- (1)** Establish fees for the review of applications.
- (2)** Designate one or more Hearing Officers to make decisions as described in these LDRs, and to empower the Hearing Officer(s) to make other decisions as deemed appropriate by the City Council. The City Council may not appoint an employee or attorney of the City to serve as the Hearing Officer. The City Council must appoint Hearing Officers with the following qualifications: a Hearing Officer must be an attorney with at least five years of experience in the area of land use and zoning.
- (3)** To initiate, consider, and render decisions concerning amendments to the text of these LDRs, the Official Zoning Map, the Comprehensive Plan and matters concerning annexation.
- (4)** Consider and act upon such other business as may come before it.

**Section 2: *Special Meeting.*** Special meetings may be held upon the call of the mayor or City manager, or upon the call of three council members and upon no less than 48-hours' notice to each member and the public, or such shorter time as a majority of the council shall deem necessary in case of an emergency affecting the healthy, safety, or welfare of the public. Only those items identified in writing by the mayor, City Council or City Manager as the reason for the special call meeting shall be placed on an agenda as substantive discussion items. The City Manager shall be responsible for preparing the agenda for all special call City Council meetings. Once the City Manager has completed his/her review, the City Manager shall deliver the items to the City Attorney for review and legal sufficiency.

**Section 3: *Notice.*** Notice shall meet all applicable state statutory requirements. Additional notice requirements are contained in Chapter 2.

**Section 4: *Agenda.*** Publication of the agenda shall meet all applicable state statutory requirements.

## **ARTICLE 1.6 LOCAL PLANNING AGENCY**

**Section 1: *Membership.***

- (A)** The Local Planning Agency (LPA) will consist of the City Council and will have the powers set forth in this Chapter. It is the intent that the LPA serve as the local planning agency referenced in § 163.3174, Florida Statutes, and the land development regulation commission as defined in § 163.3164(25) and referenced in § 163.319, Florida Statutes.
- (B)** In addition to the City Council members, the Board of the School District of Palm Beach County will appoint a non-voting member of the LPA to attend those meetings at which the LPA considers Comprehensive Plan amendments that would, if approved, increase residential density on the property that is the subject of the application.

**Section 2: *Public Meetings and Records.*** The LPA shall meet once a month or at times designated by the City Manager or City Council. All meetings of the LPA will be public meetings that shall be

noticed once in a newspaper of general circulation in the City. The notice shall meet the requirements of all applicable state statutory requirements.

**Section 3: *Compensation.*** Members of the LPA will not be compensated for service on the LPA; however, members will be paid actual expenses incurred in the performance of their duties, which may not exceed allowances prescribed by state law.

**Section 4: *Functions and Authority.*** To effectuate its responsibilities as provided in Florida Statutes, the LPA will:

- (A) Review any amendments to the Comprehensive Plan proposed for adoption and make recommendations to the City Council regarding the proposed Comprehensive Plan amendment.
- (B) Recommend to the City Council any amendments to the Comprehensive Plan as may from time to time be required, including and amendments resulting from the periodic evaluation and appraisal of the Comprehensive Plan as required by Florida Statutes.
- (C) Review proposed land development regulations or amendments thereto, and make recommendations to the City Council as to the consistency of the proposal with the adopted Comprehensive Plan.
- (D) Take administrative actions necessary or convenient to accomplish its duties and responsibilities.
- (E) The LPA must make a final recommendation regarding adoption of the Comprehensive Plan or Comprehensive Plan amendment to the City Council. The LPA may - in cooperation with the City, another person, or entity - prepare a Comprehensive Plan or Comprehensive Plan amendment. However, the LPA may not delegate its responsibility to make a recommendation regarding the adoption of the Comprehensive Plan or Comprehensive Plan amendment to the City Council.
- (F) A recommendation by the LPA must be consistent with all applicable law and in one of the following forms: a recommendation of approval; a recommendation of approval with conditions or restrictions; or a recommendation denial. Recommendations shall not be binding on the City Council.

**Section 5: *City Support***

- (A) The City Manager or designee shall attend the Planning and Zoning Board meetings. The City Manager or designee shall provide staff and clerical assistance for the Planning and Zoning Board members as may be required for the reasonable performance of their duties. This shall include a recording secretary to keep records of all proceedings.
- (B) The City Planning and Zoning Director shall advise and assist the Planning and Zoning Board in all of its presentations, hearings, and deliberations on items which appear before the board for consideration.
- (C) The Board may request from the City Manager, the City Attorney or other City consultant(s) additional information for the proper evaluation of items which appear before the Board which will assist in the decision making process.
- (D) The City Attorney shall provide legal representation to the Planning and Zoning Board at all meetings of the Board.

**ARTICLE 1.7 PLANNING AND ZONING BOARD.**

**Section 1:** The City Council may sit as or establish a Planning and Zoning Board for purposes of making recommendations to the City Council concerning the following applications:

- (A) Variances
- (B) Conditional Uses

**Section 2: Variances.** A Planning and Zoning Board shall make final determinations on applications for variances, which decisions are appealable to City Council.

**ARTICLE 1.8 HEARING OFFICER; APPEALS.**

**Section 1:** *Scope and Authority.* The Hearing Officer appointed by the City Council shall have the following authority:

- (A) Hear and decide appeals of an interpretation of the LDRs provided by the City Attorney pursuant to Chapter 1, Section 1.3.3.
- (B) Hear and decide appeals of the application of these LDRs by the Planning and Zoning Director pursuant to **Section 2.3.11**.

**ARTICLE 1.9 LEGAL**

**Section 1:** *Interaction with SID.*

- (A) The Seminole Improvement District (SID) is an independent special purpose government, which was established in 1970 pursuant to Chapter 70-854, Laws of Florida, codified pursuant to Chapter 2000-432, Laws of Florida. SID is empowered to construct and maintain a number of public works and utilities, including water, wastewater, drainage, irrigation, water management, parks, recreation facilities, roads, and related activities. The relationship between the City and SID is governed by the City of Westlake Charter and the Interlocal Agreement between the City of Westlake and the Seminole Improvement District Regarding the Provision of Certain Services, Infrastructure, and Public Facilities and for Assurance of Non-Duplication of Services dated February, 2018, as these documents may be amended from time to time.
- (B) When any requirement of these LDRs conflicts with any requirement of SID, the requirement of SID shall control.
- (C) When a function or service is provided by SID, SID shall be the exclusive provider of that service or function.
- (D) Whenever a permit, application, proposal, or development order will impact SID facilities, services, infrastructure, or property, SID shall be included in the development review process.
- (E) The City shall coordinate with SID to create joint applications and efficient processes whenever possible to facilitate the development process and the working relationship between the City and SID.

**Section 2:** *LDRs Not Retroactive.* Amendments to these LDRs are not retroactive. Developments with final development orders approved prior to the effective date of these LDRS, or prior to a modification of the LDRs, do not need to comply with the new or modified LDRs unless or until there is an application to modify the development order.

**Section 3: Severability.** It is the declared legislative intent of the City Council that if any part, section, subsection, paragraph, subparagraph, subsubparagraph, sentence, phrase, clause, term, or word of these LDRs is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of these LDRs.

## **Sixth Order of Business**

1st Reading October 7, 2019  
2nd Reading October 28, 2019

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING LAND DEVELOPMENT PROCEDURES WITHIN THE CITY OF WESTLAKE; PROVIDING FOR APPLICATION REVIEW AND REQUIREMENTS; PROVIDING FOR PAYMENT OF FEES; PROVIDING FOR SPECIAL APPLICATION REQUIREMENTS; PROVIDING FOR NOTICE REQUIREMENTS; PROVIDING FOR PROCEDURES FOR APPLICATION REVIEW AND APPEAL; AND PROVIDING FOR WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED 'LAND DEVELOPMENT PROCEDURES', PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

---

**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 the same is now the effective and controlling Comprehensive Plan for the City of Westlake ("Comprehensive Plan"); and

**WHEREAS**, the City's adopted comprehensive plan contemplates the development of land within the City; and

**WHEREAS**, adoption of this chapter, entitled "Land Development Procedures" will assist the City in carrying out the goals, objectives and policies of the adopted comprehensive plan; and

**WHEREAS**, the City seeks to promote quality development within the City of Westlake in the short and long term; and

**WHEREAS**, the purpose of this ordinance is to promote the efficient and effective review of applications for land development within the corporate limits of the City of Westlake, and to ensure that applicants for land development provide the City with the materials necessary for the City to properly review such application;

**WHEREAS**, Section 163.3202, Florida Statutes encourages the use of innovative land development regulations; and

**WHEREAS**, the City Council finds it is in the public's interest to establish policies and procedures to allow for consistent, flexible, creative, and economically beneficial development within the City of Westlake while protecting health, safety, and general welfare of individuals and the community at large.

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

**CHAPTER 2: LAND DEVELOPMENT PROCEDURES**

**ARTICLE 2.1 APPLICATIONS, FEES AND NOTICE**

**Section 1:** *Form of Applications; Fees.* The City will post the form of all applications and its adopted fee schedule on the City website.

**Section 2:** *Applicability.* The provisions of this Chapter shall apply to all applications provided for in Table 2-2, including but not limited to the following:

- (A) Comprehensive Plan Map Amendment – Large and Small Scale
- (B) Comprehensive Plan Text Amendment
- (C) Conditional Use (Non-Residential and Residential)
- (D) Development Order Modifications
- (E) Landscape
- (F) Master Sign Plan
- (G) Plat (including replats, plat waiver)
- (H) Rezoning (including rezonings for Planned Developments)
- (I) Modifications to permits and approvals other than development orders
- (J) Site/Land Development Permits
- (K) Site Plans
- (L) Text Change (LDRs)
- (M) Variance
- (N) Waiver
- (O) Zoning Confirmation

**Section 3:** *Applications.*

(A) Table 2-1: Review and Approval Required, below, indicates the approval required for each type of planning and zoning application, and whether an application is subject to review by the LPA and P&Z Board.

(B) If a development order application or request is not one of the types provided for in this Chapter, the Planning and Zoning Director shall determine the specific nature of the review based on the type of application most similar to the application or request.

**Table 2-1: Review and Approval Required**

	<b>Type of Approval Required</b>	<b>LPA Review Required</b>	<b>Planning and Zoning Board Review Required</b>
<b><i>PLANNING AND ZONING APPROVALS</i></b>			
Comprehensive Plan Map Amendment – Large and Small Scale	City Council	✓	
Comprehensive Plan Text Amendment	City Council	✓	
Conditional Use (Non-Residential)	City Council		✓

**Table 2-1: Review and Approval Required**

	<b>Type of Approval Required</b>	<b>LPA Review Required</b>	<b>Planning and Zoning Board Review Required</b>
Conditional Use (Residential)	City Council		✓
Conditional Use Expansion – Large Scale	City Council		✓
Conditional Use Expansion – Small Scale	Administrative		
Development Order Modification to permit/approval that does not alter density or intensity by more than 10%	Administrative  SID, if SID approved existing approval		
Development Order Modification that alters density or intensity by more than 10%	Same approving entity as required for existing development order		
Land Development Regulation Text Amendments	City Council	✓	
Landscape Permit	Administrative SID†		
Master Sign Plan	City Council SID†		
Plat (including Replat)	City Council SID		
Plat Waiver	Administrative SID		
Rezoning	City Council	✓	
Rezoning (Planned Development)	City Council SID†		
Modification to Existing Permit/Approval (other	Same type(s) of approval as existing approval		



**Table 2-1: Review and Approval Required**

	<b>Type of Approval Required</b>	<b>LPA Review Required</b>	<b>Planning and Zoning Board Review Required</b>
than modification to Development Orders)			
Required Improvements Waiver	Administrative		
Site Development Permit – General	Administrative SID		
Site Development Permit – Lakes Outside of Pods	Administrative SID		
Site Development Permit – Roads Outside of Pod	Administrative SID		
Site Plan (Containing Non-Residential or Multifamily)	City Council SID+		
Site Plan (Residential Only)	Administrative SID+		
Temporary Signage	Administrative		
Variance			✓
Waiver	Administrative or Council, as applicable		
Zoning Confirmation	Administrative		

(C) Table 2-2 shows the required contents of each type of application. The column labeled “LDR Location” indicates the location within these LDRs where specific criteria applicable to each type of application can be found.

**Table 2-2: Application Requirements for Planning and Zoning Approvals**

	Application	Project Description/ Justification Statement	Plat	Site Plan	Landscape Plan	Engineering Plan	Conceptual Lighting Plan	Non-Residential Photometric Lighting Plan	Residential Lighting Plan	Signage Plan	Survey (Abstracted)	Owner's Affidavit	Traffic Statement / Study	Legal Description	Concurrency Statement	LDR Location
Comprehensive Plan Map Amendment – Large and Small Scale	✓	✓									✓	✓		✓		§ 2.1.3 (A)
Comprehensive Plan Text Amendment	✓	✓														§ 2.1.3 (A)
Conditional Use (Non- Residential)	✓	✓		*	*		●				✓	✓		✓		
Conditional Use (Residential)	✓	✓		*	*				●		✓	✓		✓		
Conditional Use Expansion – Large Scale	✓	✓		*	●		●		●		✓	✓		✓		
Conditional Use Expansion – Small Scale, Interior	✓	✓									✓	✓		✓		
Conditional Use Expansion – Small Scale, Exterior	✓	✓		*	●		●		●		✓	✓		✓		
Development Order Modification to permit/ approval that does not alter density or intensity by more than 10%	✓	✓		●	●	●	●	●		●	●	✓	●	●		
Development Order Modification that alters density or intensity by more than 10%	✓	✓		●	●	●	●	●		●	●	✓	●	●		
Land Development Regulation Text Amendments	✓	✓										✓				
Landscape Permit	✓				✓						✓					Ch. 4
Master Plan	✓	✓														

	Application	Project Description/ Justification Statement	Plat	Site Plan	Landscape Plan	Engineering Plan	Conceptual Lighting Plan	Non-Residential Photometric Lighting Plan	Residential Lighting Plan	Signage Plan	Survey (Abstracted)	Owner's Affidavit	Traffic Statement / Study	Legal Description	Concurrency Statement	LDR Location
Master Sign Plan	✓	✓								✓	✓					§ 6.4.5
Plat (including Replat)	✓		✓								✓	✓		✓		Art. 5.3
Plat Waiver	✓	✓										✓		✓		§ 5.2.2(D)
Rezoning	✓	✓		*							✓	✓		✓		§ 2.1.3©
Rezoning (Planned Development)	✓	✓	✓	✓	•	•	•	•		•	✓	✓	✓	✓	✓	
Modification to Existing Permit/Approval (other than modification to Development Orders)	✓	✓	•	•	•	•	•	•		•	•	•	•	•		
Required Improvements Waiver	✓	✓	✓	Only if not platted												§5.2.3
Site Development Permit – General	✓	✓	✓	✓	Only for roads	✓		✓			✓	✓		✓		Art. 5.4
Site Development Permit – Lakes Outside of Pods	✓	✓	Only if platted	✓		✓					✓	✓		✓		Art. 5.4
Site Development Permit – Roads Outside of Pod	✓	✓	✓	✓	✓	✓		✓			✓	✓		✓		Art. 5.4
Site Plan (Containing Non-Residential)	✓	✓	Only if platted	✓	*	*	✓	•			✓	✓	✓	✓	✓	
Site Plan (Residential Only)	✓	✓	✓	✓	* Only for roads	*		•			✓	✓	✓	✓	✓	
Temporary Signage										✓						Art. 6.12
Variance	✓	✓		•	•	•	•	•			✓	✓		✓		§ 2.1.3(B)
Waiver	✓	✓		•	•	•	•	•			✓	✓		✓		§ 2.1.3 ©
Zoning Confirmation	✓	✓												✓		

	Application	Project Description/ Justification Statement	Plat	Site Plan	Landscape Plan	Engineering Plan	Conceptual Lighting Plan	Non-Residential Photometric Lighting Plan	Residential Lighting Plan	Signage Plan	Survey (Abstracted)	Owner's Affidavit	Traffic Statement / Study	Legal Description	Concurrency Statement	LDR Location
--	-------------	----------------------------------------------------	------	-----------	----------------	------------------	-----------------------------	-------------------------------------------------	------------------------------	--------------	---------------------	-------------------	------------------------------	-------------------	--------------------------	-----------------

**TABLE KEY:**

A	= Administrative	✓	= Required submittal document
CC	= City Council	*	= Only preliminary plans required
LPA	= Local Planning Agency	O	= Optional
SID	= Application will be jointly processed by Westlake and the Seminole Improvement District	●	= Required only if applicant is requesting change that will impact subject of that submittal document
SID†	= Application will be reviewed by Seminole Improvement District only for conflicts with Seminole Improvement District facilities or rights.		

**(D) Additional Information.** The following additional information applies to the documents required in Table 2-2: Application Requirements, above.

- (1) **Applications.** Complete signed application forms as provided by the City and all required fees.
- (2) **Project Description/Justification Statement.** The Project Description/Justification Statement should describe the desired outcome of the application.
  - (a) The Project Description/Justification Statement must contain the following:
    - (i) Description of the history and site conditions;
    - (ii) History of approvals;
    - (iii) Statements addressing the special standards and criteria that may be required for the particular application
    - (iv) Statement of consistency with the Comprehensive Plan; and
    - (v) Statements concerning compliance with applicable LDRs.
  - (b) The Project Description/Justification Statement may also contain aerial photographs.
  - (c) The Project Description/Justification Statement for applications for development orders must identify any cultural, historic, and natural resources that may be impacted by the development.
  - (d) If an applicant is seeking approval for bonus housing units, the applicant must submit the following information as part of site plan application:
    - (i) Number and location of affordable or workforce bonus housing units.
    - (ii) Structure type and dwelling unit sizes of affordable or workforce bonus housing units.
    - (iii) Identification of whether bonus housing units will be for sale or for rent.
    - (iv) Proposed sale or rent price of affordable or workforce bonus housing units.
  - (e) Consistency with required level of service standards.
- (3) **Plat.** The requirement to submit a plat may be filled by submittal of an approved plat, even if such plat has not yet been recorded, or by submittal of a plat waiver. When applying for a plat, this requirement is filled by submittal of the proposed plat. When applying for a replat, both the existing plat and the proposed plat must be submitted.
- (4) **Site Plan.** A site plan containing the title of the project and names of the architect, engineer, project planner and/or developer, date, and north arrow, and based on an exact survey of the property drawn to a scale of sufficient size to show:
  - (a) Boundaries of the project, any existing streets, buildings, watercourses, easements, section lines, and water, sewer and reuse water facilities, and other existing important physical features on the site and on property adjacent to the site.
  - (b) Tabular project data, including but not limited to dwelling units, square footage, bed, and waivers from zoning district requirements.
    - (i) Project information on beds, employees, seating, etc. as necessary depending on the type of development.
  - (c) Site data and setbacks.
  - (d) Plans and location for recreation facilities, if any, including buildings and structures for such use.

- (e) All mechanical equipment and dumpster locations, screens and buffers.
- (f) Refuse collection and service areas.
- (g) Access to utilities and points of utilities hookups and location of all fire hydrants close enough for fire protection.
- (h) Proposed Plans for signage including size, location and orientation.
- (i) Location of exterior lighting of all parking areas, non-residential buildings, and the overall site.
- (j) Proposed topographic considerations including natural vegetation, berms, retaining walls, privacy walls, and fences.
- (k) Required floodplain management data including Flood zone designation and Base flood elevation consistent with Chapter 5.
- (l) Traffic Circulation.
- (m) The application must contain architectural elevations of buildings and material details, for illustrative purposes only.
- (n) The application must contain an aerial photograph of the appropriate section, township and range of the City, outlining the subject property, and delineating all contiguous zoning districts.
- (o) The application must contain an area location map. Vicinity map of the area within one mile surrounding the site, including the following:
  - (i) Principal roadway network, including mass transit routes;
  - (ii) Major public facilities such as public schools, city and county parks and recreation areas, hospitals, public buildings, utilities, shopping areas, etc.;
  - (iii) Municipal boundary lines; and
  - (iv) Important physical features in and adjoining the site.
- (p) Residential site plans must include a school impact statement specifying the anticipated impact on public schools and the need for public school sites in the general area of the proposed development.
- (q) Service Availability. Written confirmation from the applicable service providers of the availability of all necessary facilities and systems, as indicated below, for stormwater management, potable water, sanitary sewer, solid waste disposal, and county road capacity. If written confirmation of service availability is provided on a regular basis by a service provider, the applicant is not responsible for securing written confirmation. This paragraph shall not apply to applications for development approval for developments of regional impact.
  - (i) A statement from SID, or other lawful service provider, that the proposed development will be able to connect to the system and that there is sufficient capacity available to meet adopted levels of service for potable water and sanitary sewer.

- (ii) A drainage statement by the applicant's engineer that the site drainage system will be designed to meet the stormwater management requirements of the SFWMD and these LDRs. The statement also will demonstrate the provision of legal positive outfall meeting the adopted level of service. A statement from SID attesting that the proposed drainage is sufficient will satisfy this requirement.
  - (iii) A statement from Palm Beach County's fire department that the proposed project will not exceed the levels of service for fire protection.
  - (iv) A statement from the Solid Waste Authority of Palm Beach County that the proposed project will not exceed the adopted levels of service standards for solid waste disposal. This requirement may be waived if the Solid Waste Authority provides the city with an annual statement that solid waste capacity is available.
- (5) **Landscape Plan.** A landscaping plan consistent with the requirements of Chapter 4, which includes the location of landscape buffers, landscape plans for entrance features, common areas, parking, and vehicular use areas. The plan should be sufficient to identify potential conflicts and inconsistencies with proposed lighting, hardscape, and utilities and electrical infrastructure.
- (a) Preliminary landscape plans must include the location of landscape buffers, landscape plans for entrance features, common areas, parking, and vehicular use areas. The plan should be sufficient to identify potential conflicts and inconsistencies with proposed lighting, hardscape, and utilities and electrical infrastructure. Additional details may be required for the final landscape plan associated with the landscape permit.
- (6) **Engineering Plan.** Engineering plans include paving plans and site utilization calculations. If the city determines that the plans require independent review for items within the City's jurisdiction, the applicant shall pay for such review by an independent engineer.
- (a) The engineering plan should contain conceptual utility plan indicating the proposed location of potable water, sanitary sewage, and storm drainage plans for review by SID. Plans for the extraction of fill and mineral resources and alterations or modifications to the slope, elevation, drainage pattern, natural vegetation, and accessibility of the development for SID review. Utility plans should be sufficient to identify potential conflicts and inconsistencies with proposed landscape, hardscape, lighting, and electrical infrastructure.
- (7) **Conceptual Lighting Plan.** Conceptual lighting plans must contain general locations and types of proposed lighting facilities, but are not required to contain photometric data or product specifications. The plan should be sufficient to identify potential conflicts and inconsistencies with proposed landscape, hardscape, and utilities and electrical infrastructure.
- (8) **Non-Residential Photometric Lighting Plan.** In addition to the requirements of the conceptual lighting plan, the photometric lighting plan must illustrate the height and intensity (photometric data) of the proposed lighting facilities.
- (9) **Residential Lighting Plan.** A plan indicating the general location and lumens of lighting to be used in a residential development. Residential lighting plans are not required to contain photometric data. The plan should be sufficient to identify potential conflicts and inconsistencies with proposed landscape, hardscape, and utilities and electrical infrastructure.
- (10) **Signage Plan.** A signage plan demonstrating consistency with the requirements of Chapter 5, or a proposed Master Sign plan meeting the requirements of Chapter 5. The signage plan

- should include architectural elevations of all signs indicating the location; size; landscaping; and for illustrative purposes, lettering design, material types, colors, and other features.
- (11) **Survey (Abstracted).** A certified boundary survey by a surveyor licensed by the State of Florida. The survey shall have been completed within one year of the date the application is submitted. Where allowed by Chapter 2 or Chapter 5, a certified sketch and legal description may be submitted instead of a survey. The survey shall be prepared at a scale of not less than one-inch equals 200 feet containing the following:
- (a) A legal description of the property;
  - (b) A computation of the total acreage of the parcel to the nearest tenth of an acre;
  - (c) Depictions of existing streets and roadway improvements, existing structures within 100 feet of project boundary, existing utilities, and existing trees identified by caliper and species.
- (12) **Owner's Affidavit.** A statement of the applicant's interest in the property and:
- (a) If joint and several ownership, a written consent to petition by all owners of record, or written authorization by the master association;
  - (b) If a contract purchase, written consent of the seller or owner;
  - (c) If an authorized agent, a copy of the agent's authorized agreement or written consent of the owner;
  - (d) If a lessee, a copy of the lease agreement and written consent of the owner;
  - (e) If a corporation, partnership, or other business entity, the name of the officer or person responsible for the application and written proof that the representative has authority to represent the corporation, partnership, or business entity or, in lieu thereof, written proof that such person is in fact an officer of the corporation;
  - (f) If a group of contiguous property owners are requesting an individual amendment only affecting their specific lots and not impacting property owned by the master association, all the owners of the property described in the petition must provide written consent; or
  - (g) Unity of Title, warranty deed or purchase contract of the subject site.
- (13) **Traffic Statement / Study.** A traffic statement or traffic study consistent with the requirements of Chapter 7.
- (14) **Drainage Statement.**
- (15) **Legal Description.**
- (E) Applicants may submit additional documents or professional studies in support of an application to assist in satisfactory review of a development order application consistent with the requirements of these LDRs.

**Section 4:** *Fees waived for applications by the City and SID.* Any fee required for an application made pursuant to this Article is hereby waived for all applications made by the City Engineer and SID.

## ARTICLE 2.2 ADDITIONAL PROVISIONS

**Section 1:** *Life of Approvals.*

- (A) **In General.** Unless otherwise specified, all planning and zoning approvals shall be valid for 5 years from the date of approval.
- (B) **Specific Approvals.**
- (1) **Site Plans.** Approved site plans shall be valid for 5 years from the date of approval.
  - (2) **Conditional Uses.** Conditional uses shall expire 12 months after the date of approval of such conditional use unless a longer time period is provided for in the approval, or unless a building permit based upon and incorporating the conditional use is issued within the 12-month



period, or, if a building permit is not required, the expiration date shall be 12 months from the date of approval if by that date the use for which the conditional use was granted has not been commenced. An approved conditional use which ceases operation for a period of 12 months shall expire.

- (3) **PDs.** PDs shall have a build out date established in the development order.
- (4) **Rezoning.** Rezoning do not have an expiration date.
- (5) **Comprehensive Plan Amendments.** Comprehensive Plan Amendments do not have an expiration date.
- (6) **Plats.** Plats must be recorded within 2 years of the date of approval to remain valid. If a plat is not recorded within 2 years of the date of approval, the plat is no longer valid.

**(C) Extensions.** All development orders may be extended at the discretion of the City.

- (1) Applications for extension of 30 days or less may be approved by the Planning and Zoning Director.
- (2) Applications for extensions of more than 30 days require the same type of approval as the original application.

## **Section 2:** *Special Applications*

### **(A) Small Scale Plan Amendments**

- (1) Comprehensive Plan amendment applications that meet the following criteria will be processed as Small-Scale Plan Amendments. In order to be processed as a Small-Scale Plan Amendment:
  - (a) The proposed amendment relates to a parcel that is less than 10 acres in size;
  - (b) The proposed amendment is only for a site-specific small scale development activity;
  - (c) The parcel that is the subject of the proposed amendment is not located within an area of critical state concern;
  - (d) The City must not have approved more than 120 acres of small scale amendments in the calendar year in which the application is submitted; and
  - (e) Text amendments associated with the Small-Scale Plan Amendment to the Future Land Use Map (“Small Scale Map Amendment”) are directly related to and will be adopted simultaneously with the Small Scale Map Amendment.

### **(B) Variances**

- (1) The purpose of a variance is to allow reasonable relief from strict application of one or more land development regulations, when such regulation(s) create an undue burden or a practical difficulty for reasonable development of a property. Variance will be granted on a case-by-case basis.
- (2) Applications for a variance must demonstrate that:
  - (a) Strict application of the LDRs creates a unique hardship on the development of applicant’s lot(s) or parcels, and was not created by the actions of the applicant.
  - (b) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
  - (c) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

- (d) No negative impacts are or will be generated by the variance, and/or that any impacts caused by the variance can be adequately mitigated.
  - (e) The grant of a variance will not confer upon the applicant any special privilege denied to any other owner of land, buildings, or structures located in the same zoning district.
  - (f) The variance granted is the minimum variance that will make possible the use of the land, building, or structure.
  - (g) The grant of the variance will be in harmony with the general intent and purpose of this chapter and land development regulations.
  - (h) Financial hardship is not to be considered as sufficient evidence of a hardship in granting a variance.
  - (i) The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (3) In granting any variance, the Planning and Zoning Board may approve such conditions and safeguards deemed necessary to conform to the intent and purpose of this chapter. Violations of such conditions shall be deemed a violation of this chapter. The Planning and Zoning Board may also prescribe a reasonable time limit to initiate the action granted by the variance and to complete such action.
  - (4) The Planning and Zoning Board, unless specifically authorized by this chapter, shall not grant a variance to establish a use not allowed as a permitted use or conditional use in any overlay or zoning district. Evidence of nonconforming uses of neighboring lands, structures, or buildings in same zoning district or the permitted use of lands, structures, or buildings in other zoning districts shall not be considered grounds for the authorization of a variance.
  - (5) When a variance is denied, no application for the same or a substantially similar variance for the subject property may be applied for within 12 months of the date of denial.

**(C) Waivers (Other than Plat Waiver)**

- (1) In order to allow for innovative design, the City Manager may grant waivers to allow for deviations from the requirements of these LDRs pursuant to the following criteria:
  - (a) The proposed waiver is consistent with the Comprehensive Plan; and
  - (b) The applicant provides alternative standards to the specific land development sections subject to the waiver that meet the intent of the waived regulation.
  - (c) The proposed waiver will not negatively impact the health, safety, and welfare of the residents of the City.
- (2) Waivers may not be permitted to deviate from the allowable density, intensity or permitted uses within a zoning district.
- (3) Waivers shall be effectuated through written approval by the City Manager or designee.

**(D) Plat Waiver.**

- (1) Plat waivers must meet the requirements of Chapter 5.
- (2) Plat waivers shall require a certified boundary survey. The City Engineer, and if applicable the SID Engineer, may accept a certified sketch and legal description in lieu of a certified boundary survey. The certified sketch and legal description shall meet the requirements for certified sketches and descriptions set forth by Chapter 5J-17, F.A.C., pursuant to Sec. 472.027, Fla. Stat. and the applicable City and SID requirements. The certified boundary survey or sketch and legal description shall not require approval of the Council prior to recordation.

**(E) Site Development Permit.**

- (1) Except for those required improvements which have been specifically waived, construction plans and supporting design information for all the required improvements shall be submitted

- for each residential development parcel. Construction plans and required engineering reports shall comply with the requirements of Chapter 5.
- (2) The developer's engineer shall prepare and submit a certified opinion of cost, which shall include the cost of installing all required improvements required pursuant to Chapter 5. In the alternative, the City Engineer and SID may, at their sole discretion, accept the contract price received by the developer for the construction of the required improvements.
  - (3) Requirements for submittal of supplementary documentation deemed necessary by the City and SID, such as deeds, easements, covenants and other recorded instruments creating rights or obligations for access, drainage, or utility services, which rights or obligations could not be established through dedications or reservations on the plat.
  - (4) The application shall indicate whether the required improvements are to be constructed prior to recordation or after recordation of the plat or certified sketch and description. When the required improvements are to be constructed after recordation, the Developer shall submit a statement acknowledging responsibility for completion of said required improvements. The statement shall be in the form acceptable to the City Attorney and SID Attorney, and shall be executed by all owners shown on the applicable plat. The statement shall be accompanied by a guarantee for completion of required improvements, pursuant to Chapter 5.
  - (5) The application must contain conceptual utility plan indicating the proposed location of potable water and sanitary sewage plans for review by SID. If the City determines that the plans require independent review for areas within the City's jurisdiction, the application shall pay for such review by an independent engineer. Plans for the extraction of fill and mineral resources and alterations or modifications to the slope, elevation, drainage pattern, natural vegetation, and accessibility of the development for SID review. Utility plans should be sufficient to identify potential conflicts and inconsistencies with proposed landscape, hardscape, lighting, and electrical infrastructure.
  - (6) When applicable, applications shall include an environmental assessment addressing the requirements of all applicable environmental ordinances.

**(F) Land Development Regulation Text Amendments.** Applications for an amendment to the text of the city's land development regulations shall be prepared in detailed narrative form, and shall include:

- (1) The specific text amendment that is requested, including language to be added and language to be deleted;
- (2) The reasons for requesting the amendment; and
- (3) Any material or supporting documentation in support of the request for a text amendment.

**(G) Master Site Plan.** A master site plan will be required when a project will be developed in phases. The master site plan must show:

- (a) Authority and ownership of land to be developed.
- (b) Proposed phases of the development.
  - (i) Proposed number of project phases, including total acreage in each phase, and gross nonresidential intensity (square feet) and gross residential density of each phase.

- (ii) Sequencing of phasing for purposes of determining service availability.
- (c) Total land area, and approximate location and amount of open space or lake maintenance easements included in each residential, nonresidential, or mixed-use area, and a summary of the form of organization proposed to own and maintain such areas.
- (d) Circulation information, including:
  - (i) Approximate location and ultimate right of way widths of proposed and existing roads, pedestrian, and bicycle routes, including interconnections between phases.
  - (ii) Locations, centerlines and ultimate widths of rights-of-way for existing roads, streets, intersections, and canals within the proposed project.
- (e) Information on all easements, including:
  - (i) Location and width of proposed and existing utility, drainage, access, electric, and similar easements, provided, however, only general location and widths are required for proposed easements.
  - (ii) Location, if known, of proposed landscape buffers, open space, and preserve areas.

## (H) Conditional Uses

### (1) Conditional use general:

- (a) **Conditional use defined.** A conditional use is a use that would not be appropriate generally or without restriction throughout a particular zoning district, but may, if controlled as to number, area, location and/or relation to other development.
- (b) **Conformance with approved plans.** A conditional use, as approved by the City Council, may be expanded unless specifically conditioned otherwise, and permitted uses may be added to the parcel or lot, as long as all expansions meet the requirements of these LDRs and do not expand the parcel or lot as described in the resolution approved by the City Council for the conditional use. In addition, the City Manager must determine, after a review of the guidelines and standards listed in subsection (d) of this section, that no changes are being made to the site plan which would adversely affect the development project or surrounding neighborhood.
  - (i) For uses which are not dependent upon the issuance of a building permit, a conditional use is valid for the applicant only. An approved conditional use may be revoked at any time by City Council under the guidelines of subparagraph (c) of this section, upon making a finding that the operation of the conditional use has resulted in the violation of City ordinance or in the violation of the conditions of approval of the conditional use.
- (c) **Applicability.** All initial requests for conditional uses as listed in this chapter, along with their related accessory uses shall be subject to the requirements of this subsection. In addition, any modification to the use of a previously granted conditional use, except for a modification that changes said use to a permitted use as listed in this chapter, shall be subject to the requirements of this subsection. Requests to expand, enlarge or revise the site of an existing conditional use shall be classified and processed pursuant to the following three categories:

- (i) Small scale, interior – interior expansion enlargement or revision of less than ten percent (10%) of the originally approved conditional use site square footage once within any eighteen month period (this category contemplates uses located in existing shopping centers or similar structures, where no change to the overall building footprint is required).
  - (ii) Small scale, exterior – exterior expansion, enlargement or revision of less than ten percent (10 %) of the originally approved conditional use site square footage once within any eighteen month period (this category contemplates a change to the existing structure’s footprint, and other site related revisions that flow therefrom).
  - (iii) Large scale – any expansion, enlargement or revision to the site of an existing conditional use that does not qualify as either small scale interior or small scale exterior. Such expansion, enlargement or revision is subject to standards for approval of conditional use in this subsection.
- (d) **Standard for approval.** A development order application for conditional use approval shall demonstrate compliance with the criteria listed below:
- (i) **Comprehensive plan.** The proposed use is consistent with the comprehensive plan.
  - (ii) **Chapter requirements.** The proposed use is consistent with all applicable requirements of this Chapter.
  - (iii) **Zoning District Standards.** The proposed use is consistent with the zoning district standards for such use as provided in Chapter 3.
  - (iv) **Public Welfare.** The proposed use provides for the public health, safety, and welfare by:
    1. Providing for a safe and effective means of pedestrian access;
    2. Providing for a safe and effective means of vehicular ingress and egress;
    3. Providing for an adequate roadway system adjacent to and in front of the site;
    4. Providing for safe and efficient onsite traffic circulation, parking, and overall control; and
    5. Providing adequate access for public safety purposes, including fire and police protection.
  - (v) **Screening and buffering.** The proposed use utilizes such techniques as landscaping, screening, buffering, site or building design, or business operation procedures to mitigate impacts on surrounding properties, including such impacts as:
    1. Noise; glare; odor; ground-, wall-, or roof-mounted mechanical equipment; perimeter, interior, and security lighting;
    2. Signs;
    3. Solid waste disposal and recycling;
    4. Outdoor storage of merchandise and vehicles;
    5. Visual impact negatively impacting use of adjacent property; and
    6. Hours of operation.

(vi) **Patterns of Development.** The proposed use will result in logical, timely, and orderly development patterns.

(vii) **Purpose and Intent.** The proposed use will be in harmony with the general purpose and intent of this chapter and the goals, objectives, and policies of the City.

(viii) **Compatibility.** The overall compatibility of the proposed development with adjacent and area uses, and character of area development, based on the following standards:

1. **Adverse Impact:** The design of the proposed use and structures will minimize any adverse visual impacts or impacts caused by the intensity of the use.
2. **Environmental impact.** The design of the proposed use minimizes any adverse impacts that may be created, including impacts on environmental and natural resources including air, water, stormwater management, wildlife, vegetation, and wetlands.
3. **[TBD].**

**(2) Appeal procedure.** Appeals from a decision by the development review committee shall be made through the planning and zoning department to the planning and zoning board within 30 calendar days of issuance of the written order. Appeals shall be scheduled for the next available agenda of the planning and zoning board within 30 days from date of receipt of the appeal. Appeals from a final decision of the board shall be made within 30 calendar days of such decision and shall be filed with the Circuit Court of the Fifteenth Judicial Circuit.

**(3) Reconsideration.** Any small scale conditional use which has been denied by the development review committee shall not be eligible for reconsideration for six months from the date the application was denied, unless there has been material change to the application as determined by the planning and zoning director.

**(4) Application Requirements.**

- (i) The justification statement must state the grounds on which the conditional use is being met, and cite the criteria in this subsection (H).
- (ii) The application must contain a conceptual plan on one or more sheets of paper measuring not more than 24 by 36 inches and drawn to a scale not smaller than 100 feet to the inch that provides the following:
  1. Scale, date, north arrow, vicinity sketch, title of the project and total gross acreage
  2. The boundaries and dimensions of the property and its relationship to the surrounding road system, including the width of the existing road (pavement)
  3. The location and dimension of existing manmade features such as existing roads and structures, with indication as to which are to be removed, renovated or altered
  4. Identification of surrounding land use, zoning and existing buildings within 100 feet of the petitioned site, as well as the zoning of the petitioned site.
  5. A layout of the proposed lots and/or building sites including the following site data.

- a. Finished floor elevation.
- b. Common open area.
- c. Generalized landscaping and buffer areas.
- d. Internal circulation patterns including off-street parking and loading facilities.
- e. Total project density.
- f. The shape, size, location and height of all structures.

(iii) Proposed phasing of project, if applicable.

(iv) Aerial photographs

(v) For non-residential uses:

- 1. Proposed hours of operation
- 2. the estimated square footage of the structure, the number of employees, the estimated seating, and the estimated number of users of the facility, such as members, students and patients

(vi) Any additional information that will demonstrate that the grant of the conditional use will be in harmony with the general intent and purpose of this chapter.

(5) **Enforcement.** Conditional uses are subject to the enforcement proceedings below.

(a) In addition to the provisions of **Chapter \_\_\_\_\_ of the City Code**, conditional uses are subject to the enforcement procedures listed below.

(i) **Revocation.** The City Council shall have the power to revoke conditional uses for noncompliance with conditions of development approval.

(ii) **Inspections.** The planning and zoning department shall review and inspect all conditional uses to ensure compliance with conditions of approval.

(b) All conditional uses which fail to comply with any or all conditions of approval shall be reported to the planning and zoning director. The report shall specify the manner in which the landowner is not complying with one or more conditions of approval. The planning and zoning director may:

(i) Request timely compliance with the conditions of approval;

(ii) Direct initiation of code enforcement proceedings pursuant to **Chapter 9, Code Compliance**; or

(iii) Initiate the legal action and procedures necessary to revoke the conditional use.

(c) All conditional uses which fail to comply with any or all conditions of approval shall be reported in writing to the City Council. The report shall specify the manner in which the landowner is not complying with one or more conditions of approval. The City Council, upon receipt of the written report, may:

(i) Request timely compliance with the conditions of approval;

(ii) Direct initiation of code enforcement proceedings pursuant to **Chapter 9, Code Compliance**; or

(iii) Initiate procedures to revoke the conditional use. If the City Council initiates procedures to revoke the conditional use, a hearing on the report shall be scheduled within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner. If the City Council finds that the facts alleged in the report are true, and that the landowner has not taken the steps necessary to fully comply with the conditions between the date of the report and the date of the hearing, the City Council may authorize the City Manager to revoke the conditional use. The City Council also may authorize the City Manager and take the necessary legal action to terminate the conditional use and all uses authorized by that approval.

(6) **Prior conditional uses.** Any land use which was legally established prior to (date of adoption of this ordinance), and thereafter is classified by this chapter as a conditional use, will be considered a legal nonconforming use.

**Section 2:** *Concurrency.* All site plan approvals must meet concurrency requirements for sanitary sewer, solid waste, drainage, and potable water established in the Comprehensive Plan. The City may require, as a condition of a development order or permit, that the necessary public facilities (excluding transportation facilities) are in place or are guaranteed in an enforceable development agreement prior to issuance of a certificate of occupancy or its functional equivalent. SID shall have exclusive authority to make concurrency determinations regarding capacity and ability to serve a development for sanitary sewer, drainage, and potable water for the concurrency review. Concurrency becomes reserved upon approval of a site plan.

**Section 3:** *Concurrency Availability.* An applicant may request a concurrency availability determination from the Planning and Zoning Director.

(A) The request must identify the particular lot, lots, parcel or parcels for which the determination is requested. If applicable, the applicant may be required to submit a drainage statement along with the request.

(B) The Planning and Zoning Director shall acknowledge receipt of and coordinate with SID to respond to any request within a reasonable amount of time, but no later than 30 days from receipt of the request.

**Section 4:** *Fees.* Fees associated with the applications will be set forth on a Fee Schedule adopted by the City Council and posted on the City website.

**Section 5:** *Notice.* Notice of all public hearings required by these LDRs shall be consistent with Florida Statutes. If the City initiates an amendment to the Comprehensive Plan, LDRs or Zoning Map, it shall notify by mail each real property owner whose land will be the subject of the amendment.

(A) *Public Notice.* Public notice, including mailing, publication in a newspaper, and posting of property, shall be provided as required below and consistent with the city charter and Florida Statutes.

**Table 2-3: Notice Requirements**

Application	Mail Prior to City Meeting/Hearing	Publication Prior to City Meeting/Hearing	Post Prior to City Meeting/Hearing	LPA/P&Z
Comprehensive Plan Map Amendment – Large Scale	14 days	14 days prior to ordinance	15 days	<i>Prior to LPA:</i> <u>Mail: 10 days</u>



**Table 2-3: Notice Requirements**

<b>Application</b>	<b>Mail Prior to City Meeting/Hearing</b>	<b>Publication Prior to City Meeting/Hearing</b>	<b>Post Prior to City Meeting/Hearing</b>	<b>LPA/P&amp;Z</b>
		adoption and as required by state law		<u>Publish</u> : 10 days <u>Post</u> : 15 days
Comprehensive Plan Map Amendment –Small Scale	N/A	14 days prior to ordinance adoption	15 days	<u>Prior to LPA</u> : <u>Mail</u> : N/A <u>Publish</u> : 10 days <u>Post</u> : 14 days
Comprehensive Plan Text Amendment	N/A	14 days prior to ordinance adoption and as required by state law	N/A	<u>Prior to LPA</u> : <u>Mail</u> : N/A  <u>Publish</u> : 10 days  <u>Post</u> : N/A
Conditional Use (Non-Residential)	14 days	14 days	15 days	<u>Prior to P&amp;Z</u> : <u>Mail</u> : 10 days <u>Publish</u> : 10 days <u>Post</u> : 15 days
Conditional Use (Residential)	14 days	14 days	15 days	<u>Prior to P&amp;Z</u> : <u>Mail</u> : 10 days <u>Publish</u> : 10 days <u>Post</u> : 15 days
Conditional Use Expansion – Large Scale	14 days	14 days	15 days	<u>Prior to P&amp;Z</u> : <u>Mail</u> : 10 days <u>Publish</u> : 10 days <u>Post</u> : 15 days
Development Order Modification that alters density or intensity by more than 10%	Same as was required for original approval	Same as was required for original approval	Same as was required for original approval	Same as was required for original approval
Land Development Regulation Text Amendments	N/A	14 days prior to adoption ordinance	N/A	<u>Prior to LPA</u> <u>Mail</u> : N/A <u>Publish</u> : 10 days <u>Post</u> : none
Rezoning	14 days	14 days prior to ordinance	15 days	<u>Prior to LPA</u> : <u>Mail</u> : 10 days  <u>Publish</u> : 10 days

**Table 2-3: Notice Requirements**

Application	Mail Prior to City Meeting/Hearing	Publication Prior to City Meeting/Hearing	Post Prior to City Meeting/Hearing	LPA/P&Z
				<u>Post</u> : 15 days
Rezoning (Planned Development)	14 days	14 days prior to ordinance	15 days	<u>Prior to LPA</u> : <u>Mail</u> : 10 days  <u>Publish</u> : 10 days  <u>Post</u> : 15 days
Site Plan (Containing Non-Residential)	N/A	10 days	15 days	N/A
Site Plan (Residential Only)	N/A	10 days	15 days	N/A
Variance	N/A	N/A	N/A	<u>Prior to P&amp;Z</u> <u>Mail</u> : 10 days <u>Publish</u> : 10 days <u>Post</u> : 15 days

**ARTICLE 2.2 PROCEDURES**

**Section 1:** *Pre-application Meeting.* Before submitting an application, applicants may meet with the City concerning the application, procedures for review, applicable LDR provisions, and/or applicable Comprehensive Plan goals, objectives, and policies as a pre-application meeting. Planning and Zoning Director may require a pre-application meeting.

**Section 2:** *Applications.* Table 2-2 lists all required supporting documents. All applications for development order approval shall be submitted to the Planning and Zoning Department. All applications shall be filed on forms provided for that purpose by the Planning and Zoning Department. All applications shall be accompanied by such supporting documentation as required by these LDRs.

**(A)** Sufficiency review. Within seven (7) business days, excluding holidays, after receipt of an application, the planning and zoning department shall determine whether the application is complete or incomplete.

**(B)** Complete application. The planning and zoning director shall notify an applicant in writing if the application is determined to be complete A complete application includes the following:

- (1) All information required to accompany the application;
- (2) All information required is complete, prepared in accordance with professionally acceptable standards, and is consistent with the development order application;
- (3) All fees required by the city and Seminole Improvement District; and
- (4) The required number of copies.

**(C)** Incomplete application. If the application is not complete, it shall not be subject to further review until all identified deficiencies have been remedied. The applicant shall be notified in writing that the application is incomplete, and the specific deficiencies that have been identified. Within 30 days of the date of the notification, the applicant shall submit all information necessary to remedy the deficiencies. The director may waive the 30-day requirement if reasonable progress is being made to remedy the application. An application shall not be subject to further review until all

deficiencies are remedied. Failure of an applicant to respond within the 30 days to a notice of deficiency shall void the application.

(D) Applications that require both City and SID approval may be submitted to the City.

**Section 3:** *Concurrent Processing.* Notwithstanding any other provision in this code, an application for any approval may be processed concurrently with any other application.

(A) A pre-application meeting is required before submittal of concurrent applications.

(B) Additional fees may be required to address additional staff review time.

(C) All applications to be considered for concurrent review must be submitted on the same day.

(D) All applications must be deemed sufficient before concurrent review process for any application will begin.

(1) In order for an application to be deemed sufficient, application must include the required statement of consistency with the Comprehensive Plan, which must address the application of the compatibility table in Comprehensive Plan Policy 1.6.5 and explanation LOS standard compliance.

(E) If at any time during the concurrent processing, an applicant fails to satisfy any of the criteria of this section, such as the filing of an objection with the City, then concurrent processing shall immediately cease. The applicant is responsible at all times to comply with the requirements and criteria for concurrent processing and bears all risks for failure of an application to proceed in a timely fashion.

**Section 4:** *Distribution.* Within five business days of receipt of a complete application, the City shall distribute copies of the appropriate application documents to appropriate departments and agencies including, when required, SID and Palm Beach County Fire Rescue.

**Section 5:** *Administrative Review.* Upon determination the application is sufficient, the Planning and Zoning Director will coordinate review of the application for consistency with the Comprehensive Plan and these LDRs. Reviewing entities will provide written comments regarding conformance of the application with the requirements of their respective regulations and program responsibilities. After review of the application, the Planning and Zoning Director will:

- (1) Provide a request for additional information to the applicant with deadlines for resubmittal;
- (2) Approve the application (for applications requiring only administrative approval); or
- (3) Place the application on the agenda of the next available LPA or Planning and Zoning Board hearing or City Council hearing as required by Table 2-1, with a staff recommendation.

**Section 6:** *Considerations.* Decisions on applications subject to these LDRs made administratively or by City Council shall only be based on the application and documentation supporting the application, public comment, applicable Comprehensive Plan and LDR provisions, as well as state law governing municipal review of development permits.

**Section 7:** *Limitation on Review of Resubmittals.* The City's review of any resubmitted application should be limited to those items that have not been reviewed by the City, including items that changed between the initial application and the resubmittal application, items that were submitted after the initial application, and items identified by the City as those that could not reasonably be reviewed prior to the resubmittal or without additional information.

**Section 8:** *Review Period.*

- (1) For applications requiring only administrative approval, the City will have 90 days from the date of the original submittal to approve or deny the application.
- (2) For applications requiring LPA review or City Council approval, the City will have 90 days to place the application on the agenda of the next regularly scheduled LPA, Planning Zoning Board or City Council meeting, as required by Table 2-1.

**Section 9:** *Inactivity.* If the City has notified an applicant that some action on an application is required, and applicant does not take any action on the application for 30 days, the application is deemed inactive and will be administratively withdrawn.

- (1) Oral (including telephone), written, or electronic communication with staff concerning the application reasonably designed to move the application forward is considered action on the application.
- (2) The Planning and Zoning Director shall notify an applicant in writing five (5) days prior to administratively withdrawing an application. The applicant will have five (5) days after receipt of this notice to reactivate the application.

**Section 10:** *Conceptual Presentation of Developments.* In order to provide preliminary comments regarding potential applications for large scale development prior to the formal development review process, an applicant may request to present preliminary plans for such projects to the City Council at one or more workshop meetings. The workshop meetings shall be utilized by the City Council to provide nonbinding comments to an applicant as a means to reduce the amount of resources expended in preparation of plans and formal applications for the City's development review process. Conceptual Presentation review meetings are to be scheduled only at the request of the applicant and shall be at the risk of the applicant.

- (1) Requests for preliminary review shall be based upon the requirements provided herein.
  - (a) **Minimum threshold.** The potential application must be of a size that is at or above 5 acres. A potential application must be presented in a conceptual or preliminary design phase.
  - (b) **Request for review.** A request for review of the conceptual presentation shall comply with the standards listed below.
    - (i) The request for review of a conceptual presentation shall be submitted to the planning and zoning department in writing.
    - (ii) The request for review of a conceptual presentation shall be accompanied by such fees as approved by the city council.
    - (iii) A request for review of a conceptual presentation shall include a pre-application conference, prior to any city council workshop.
  - (c) **Staff analysis.** Staff analysis of a request for preliminary review shall be limited to a summary of the application. The analysis shall not include any determination of consistency with the comprehensive plan, land development regulations, or level of service requirements. The preliminary report shall not include any proposed recommendations or conditions of approval.

**Section 11:** *Applications requiring PZB approval or LPA recommendation of approval.***(A) Procedures requiring recommendation of approval of the PZB or LPA.** The following procedures apply to applications requiring recommendation of approval by the PZB or LPA.

- (1) Administrative recommendation for proceeding to the LPA will be effectuated as follows:

- (a) The Planning and Zoning Director will send a letter to the applicant with notice of the date and time of the PZB or LPA public hearing, and a copy of the staff report sent by the Planning and Zoning Director to the PZB or LPA members.
  - (b) If the Planning and Zoning Director recommends denial of the application, the Planning and Zoning Director must specifically state the provisions of the Comprehensive Plan, LDRs, or statutes that serve as the basis for the recommendation of denial in the staff report.
- (2) The application will be considered by the PZB or LPA at a duly noticed public hearing. The public will be provided an opportunity to comment on applications before the PZB or LPA. Applicants will be afforded at least 10 minutes at the PZB or LPA hearing to present their application. The applicant will be provided additional time to respond to any public comment on the application.
  - (3) At the PZB or LPA hearing, the PZB or LPA shall make a recommendation to the City Council of approval, approval with conditions, or denial of the application. If the PZB or LPA recommends denial of the application, it must specifically state the provisions of the Comprehensive Plan, LDRs, or statutes that serve as the basis for the recommendation of denial.
  - (4) After the PZB or LPA hearing, the application will be placed on the agenda of the City Council at its next regularly scheduled public meeting where a duly noticed public hearing on the application will be held.
- (B) Variances.** Applications for variances will be heard by the PZB no later than 60 days after the expiration of the time for review. The applicant may agree to an extension of the 60 day time period. Applicants and the City may submit written materials to the PZB prior to the hearing.

**Section 12:** *Applications requiring City Council Approvals*

- (A) Small Scale Plan Amendments.** Small Scale Plan Amendments and in cases in which the proposed ordinance changes the actual zoning map designation for a parcel or parcels of land involving less than 10 contiguous acres may be adopted at a single duly noticed public hearing before the City Council. The notice shall meet all applicable state statutory requirements.
- (B) Other Comprehensive Plan Amendments, LDR Amendments, Rezonings.** Amendments to the Comprehensive Plan (other than Small Scale Plan Amendments), the LDRs, and rezonings (other than the rezoning map changes described in Subsection 2.3.12(F)) must be adopted by ordinance at an initial hearing (which may be a transmittal hearing) and an adoption hearing, which must take place on two separate days as follows:
- (1) The initial (transmittal) hearing and the first reading of the ordinance will take place on a weekday at a duly noticed public hearing held at least 7 days after the day that the advertisement of the hearing is published in a newspaper of general circulation within the City. The notice shall meet all applicable state statutory requirements.
  - (2) The adoption hearing and the second reading of the ordinance will take place on a weekday at a duly noticed public hearing held at least 5 days after the day that the advertisement of the hearing is published in a newspaper of general circulation in the City. The notice shall meet all applicable state statutory requirements.
- (C)** The public will be provided an opportunity to comment on all applications presented to the City Council. When an application is before the City Council for consideration, applicants will be afforded at least 10 minutes at the City Council hearing to present its application. The applicant will be provided additional time to respond to any public comment on its application.
- (D)** The City Council shall render a decision on any application before it at the hearing. The City Council may approve, deny, or approve with conditions an application. If the City Council denies

an application for an amendment to the Comprehensive Plan, LDRs or Zoning Map, or denies a request for a variance, the City Council shall cite the legal authority for the denial of the application at the hearing, and shall, within 5 days of the hearing, give written notice to the applicant of the denial. The written notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority cited by the City Council for the denial.

- (E) The applicant may request that its application be tabled at any time during any public hearing before the City Council, which request will be granted at least once.
- (F) Denial of any application by the City Council shall constitute final agency action appealable in the Division of Administrative Hearings or the applicable court of law. The date of the denial shall be the date of the City Council meeting at which the application was denied.

## **ARTICLE 2.3 HEARING OFFICER; APPEALS**

### **Section 1:** *Procedures*

#### **(A) Interpretation and Application of LDRs.**

- (1) An application for interpretation of the LDRs per Article 1.3.3, interpretation of a zoning map per Article 1.3.5, or application of these LDRs by the Planning and Zoning Director will be heard by the Hearing Officer no later than 45 days following submittal of the appeal to the Hearing Officer by the City Attorney.
- (2) Applications governed by this section may be submitted on any day during normal business hours and must be submitted within 30 days of the date of the denial.
- (3) The City attorney shall have 10 business days from submittal to forward the application for appeal to the Hearing Officer for review.

#### **(B) Procedures.** Applications for appeal must be submitted to the City Attorney in a form and with the supporting documents and fees required.

- (1) Applicants and the City may submit written materials to the Hearing Officer prior to the hearing.
- (2) The applicant and the City shall each have at least 15 minutes to present before the Hearing Officer.
- (3) The Hearing Officer shall render a decision on the application for appeal within 20 days of the hearing.
  - (a) The Hearing Officer shall provide written notice of its decision. If the decision is denial, the written decision must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority serving as the basis for the denial.
- (4) The written decision of the Hearing Officer shall constitute final agency action and the applicant may appeal the decision of the Hearing Officer in the Division of Administrative Hearings or the applicable court of law.
- (5) The decision of the hearing officer is binding on the City and is deemed the official City interpretation.

—

**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 7th day of October, 2019, on first reading.

PASSED AND ADOPTED this 28rd day of October, 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