

P&Z Board Members

Roger Manning
Katrina Long Robinson
John Stanavitch
Kara Crump
Phillip Everett



City of Westlake

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

Local Planning Agency Meeting
Monday, October 7, 2019

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

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

City of Westlake

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Website: westlakegov.com



Council Members

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

October 1, 2019

City Council
City of Westlake

Dear Mayor and Council:

The Local Planning Agency of the City of Westlake will hold a meeting on Monday, October 7, 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. Approval of the Minutes of the September 9, 2019 LPA Meeting
4. Staff Presentation for Ordinance 2019-10, Chapter 9 (Parking Code)
5. Recommendation to Council of Ordinance 2019-10, Establishing Mandatory Parking Code
6. Staff Presentation for Ordinance 2019-12, Chapter 1 (Administration)
7. Recommendation to Council of Ordinance 2019-12, Chapter 1 (Administration)
8. Staff Presentation for Ordinance 2019-13, Chapter 2 (Land Development Procedures)
9. Recommendation to Council of Ordinance 2019-13, Chapter 2 (Land Development Procedures)
10. Audience Comments
11. Adjournment

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

Sincerely,

Kenneth Cassel

Kenneth G. Cassel
City Manager

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

Third Order of Business

**MINUTES OF LOCAL PLANNING AGENCY MEETING
CITY OF WESTLAKE**

A meeting of the Local Planning Agency of the City of Westlake was held on Monday, September 9, 2019 at 6:30 p.m., at the Westlake Council Chambers, 4005 Seminole-Pratt Whitney Road, Westlake, Florida.

Present and constituting a quorum were:

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

Also present were:

Kenneth Cassel	City Manager
Pam E. Booker, Esq.	City Attorney
Nilsa Zacarias	NZ Consultants
Tanya McCormick	Chen Moore and Associates
Tara Duh	Lewis, Longman and Walker
John Carter	Minto PBLH, LLC
Several Residents	

The following is a summary of the minutes and actions taken during the September 9, 2019 City of Westlake Local Planning Agency Meeting.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

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

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS

**Staff Presentation on Ordinance 2019-6
Establishing Mandatory Signage Design**

Ms. Zacarias noted there have not been substantial changes to Ordinance 2019-6 from the last presentation.

- Vice Mayor Long Robinson asked if there are any suggestions, which need to be discussed.
- Mr. Cassel responded with the exemption of one comment, the verbiage is correct based on the presentation. Staff agrees with the sign ordinance as it stands.
- Ms. Booker noted there was a comment late today. She will confirm those comments to see if they are scrivener’s error or comments that need to be read into the record. She added that for the benefit of the public, the staff presentation should be made.

- Ms. Zacarias made a presentation on Ordinance 2019-6.

FIFTH ORDER OF BUSINESS

Staff Presentation for Ordinance 2019-7, Establishing Mandatory Landscape Design and Buffers

Ms. McCormick made a presentation on Ordinance 2019-7 and the modifications made since the last presentation.

SIXTH ORDER OF BUSINESS

Ordinance 2019-7, Establishing Mandatory Landscape Design and Buffers

Mr. Cassel read Ordinance 2019-7 by title only.

On MOTION by Vice Mayor Long Robinson seconded by Councilman Everett with all in favor recommendation for approval of Ordinance 2019-7 by the City Council passed.

FOURTH ORDER OF BUSINESS

Ordinance 2019-6, Establishing Mandatory Signage Design

Ms. Booker noted any modifications to Ordinance 2019-6 are minor and recommendation can be made to the Council for approval.

Mr. Cassel read Ordinance 2019-6 by title only.

On MOTION by Councilman Stanavitch seconded by Councilwoman Crump with all in favor recommendation for approval of Ordinance 2019-6 by the City Council, with modifications, passed.

SEVENTH ORDER OF BUSINESS

Staff Presentation for Ordinance 2019-9, Establishing Chapter 3 and Adopting an Official Zoning Map

Ms. Zacarias provided a presentation on Ordinance 2019-9.

- Vice Mayor Long Robinson asked about incubator spacing for the downtown area and/or the neighborhood centers.
- Ms. Duhay responded there is nothing in the proposed code that would prohibit incubator spacing.
- Vice Mayor Long Robinson discussed affordable housing and asked if the current program has been successful.
- Ms. Booker responded five have been approved, but one of them declined assistance with the restriction on the ten-year payback of the down payment assistance. There are two additional applications pending.
- Mayor Manning noted the County’s program has not been successful.

- Ms. Duhy noted independent of the HAPPY Program, Minto PPLH, LLC has offered discounts to civil servants and half of the total sales have been to civil servants.
- Vice Mayor Long Robinson asked how the program can be improved.
- Ms. Duhy responded Chapter 3 deals with a portion of affordable housing, vis-à-vis the Density Bonus Program, which would not impact Minto PBLH, LLC because it is not part of the development order. It would be for other developers who want to come in and do affordable type housing. Minto PBLH, LLC’s development order has workforce housing requirements. The City can do an affordable housing/inclusionary housing ordinance, independent of Chapter 3.

EIGHTH ORDER OF BUSINESS

Ordinance 2019-9, Establishing Chapter 3 and Adopting an Official Zoning Map

Mr. Cassel read Ordinance 2019-9 by title only.

On MOTION by Councilwoman Crump seconded by Councilman Stanavitch with all in favor recommendation for approval of Ordinance 2019-9 by the City Council passed.

NINTH ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

TENTH ORDER OF BUSINESS

Adjournment

There being no further business, the meeting adjourned at 7:35 p.m.

Kenneth Cassel
City Manager

Roger Manning
Mayor

Fifth Order of Business

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

ORDINANCE NO. 2019-10

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING REGULATIONS FOR PARKING WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESIDENTIAL AND COMMERCIAL PROPERTY PARKING STANDARDS; ALL OF WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED "PARKING REGULATIONS", PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERALABILITY, 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 is now the effective and controlling Comprehensive Plan for the City of Westlake (Comprehensive Plan); and

Whereas, the purpose and intent of the off-street parking and loading standards in the City of Westlake Land Development Regulations is to ensure that adequate parking is provided to meet the parking needs of all uses located within the City of Westlake; and

Whereas, the parking code provides standards and requirements for parking both on-site and off-site, loading requirements and stacking requirements for parking facilities based upon the density and intensity of residential and non-residential use; and

Whereas, the parking code provides requirements for pedestrian circulation, lighting standards within parking lots, and standards for reduced and shared parking requirements for new or expanded uses; and

Whereas, the parking code does not regulate every form and instance of parking which may occur within the jurisdictional limits for the City of Westlake, rather they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes contained herein; and

Whereas, if any provision of this parking regulations code is found by a court of competent jurisdiction to be invalid, such finding will not affect the validity of the other provisions of the parking regulations ordinance, which can be given effect without the invalid provision; and

Whereas, the Local Planning Agency has conducted a hearing on October 7, 2019, and made a recommendation to the City Council with respect to the adoption of the parking regulations ordinance; and

Whereas, the City Council has conducted a public hearing on October 28, 2019, considered the recommendation of the Local Planning Agency Board, the City staff and comments from the public into consideration and has determined that the adoption of this parking regulations ordinance is in the best interest of the public safety and welfare of the City of Westlake; and

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. Parking Regulations. The code of ordinances for the City of Westlake shall contain a chapter entitled *“Parking Regulations”* which code shall contain the provisions as specifically set forth herein.

CHAPTER 4 PARKING REGULATIONS
ARTICLE 1 INTENT

Section 4.01. Intent. This Chapter is intended to ensure that adequate parking is provided to meet the parking needs of all uses located within the City. All parking areas shall be designed and located for the following purposes:

- A) To serve the use for which constructed; and
- B) To protect the public safety; and
- C) To mitigate potential adverse impacts on adjacent uses.

APPLICABILITY OF CHAPTER

Section 4.03 Applicability. The requirements of this Chapter shall apply to all development, including new structures, alterations or improvements to existing structures, establishment of new uses, or change of use. Off-street parking shall be available for use prior to the issuance of any certificate of occupancy or occupational license.

Section 4.04 Expansion. If an existing building, structure, or use that conforms to the off-street parking requirements is expanded, the area of expansion shall be consistent with requirements of this chapter, including off-street parking and landscaping.

Section 4.05 Change in use. Whenever a change of use or occupancy occurs and does not involve expansion of an existing building, the new use or occupancy shall meet the off-street parking requirements of this chapter.

Section 4.06 Nonconformities. Whenever an expansion occurs to a building or structure that is not in conformance with the off-street parking requirements established in this chapter, the area of expansion shall be consistent with requirements of this chapter, including off-street parking and landscaping.

Section 4.07 Calculations. Calculations shall be rounded to the nearest whole number.

Section 4.08 Handicapped Parking. These regulations hereby incorporate by reference all applicable provisions of Chapter 553, Part II, Accessibility by Handicapped Persons, Florida Statutes, as they apply to parking requirements and which incorporate the federal Americans with Disabilities Act Standards for Accessible Design. These requirements control over any other regulation in this code that may be in conflict.

- A) **General Use Restriction of Parking Areas.** Required parking spaces shall not be used for the storage, sale or display of goods or materials or for the sale, repair, or servicing of vehicles unless specifically exempted or permitted as indicated in this section.
- B) **Operable Vehicles.** All vehicles parked within off-street parking areas shall be registered and capable of moving under their own power.
- C) **Repairs and Maintenance.** Minor repairs and motor vehicle maintenance on personal vehicles may be conducted in residential driveways. Other repairs of personal vehicles may be made within enclosed garages. Use of residential property to repair vehicles as a commercial transaction is prohibited.

- D) **Electric vehicle charging stations.** Electric vehicle charging stations are allowed in all non-residential areas.
- E) **Portable Storage Units.** Parking and storage of portable storage units in residential areas or on residential lots.
- (1) **Time limitation.** The temporary use and placement of a portable storage unit for the loading or unloading of items to or from the unit or residence is permitted on residential property for a period not to exceed fourteen (14) consecutive days. The planning and zoning director or designee may grant one (1) extension not to exceed fourteen (14) additional consecutive days for good cause. The temporary use and placement of a portable storage unit for the loading and unloading of items to or from a unit or residence is permitted only once per any twelve (12)-month period unless there is a change of ownership of the residential premises during such twelve (12)-month period.
- (2) **Placement.** The placement of the portable storage unit shall be on either the driveway or approved parking area surface and shall be accomplished in such a manner that no landscaping is damaged as a result. Portable storage units shall not be placed within any right-of-way or over any easement.
- (3) **Removal of portable storage units during tropical storm watch or warning and hurricane warning or watch required.** In the event the National Weather Service, National Hurricane Center, or appropriate weather agency declares a tropical storm watch or warning or a hurricane watch or warning that would impact the City of Westlake, all portable storage units located within the city shall be immediately removed from the property so as not to create a safety hazard because of hurricane or tropical storm force winds. The removal and replacement of any portable storage unit pursuant to this subsection shall not count toward the twelve (12)-month limitation period as set forth in subsection (a) above nor shall compliance with this subsection diminish the total number of days allowed.
- F) **Commercial Vehicles in Residential Areas.** Commercial vehicles shall not be parked, stored, or repaired in a residential subdivision, in guest parking, or on a residential lot unless subject to one of the following exceptions:
- (1) **Construction sites.** Vehicles parked temporarily at a site undergoing construction, for which a current and valid building permit has been issued by the City. The vehicle may remain at the construction site only as long as necessary. However, under no circumstances shall the vehicle remain after completion of the construction or expiration of the building permit, whichever occurs first.
- (2) **Sales office use.** The use of a vehicle as a sales office on an approved development site, subject to all provisions of this subdivision pertaining to such use.
- (3) **Security.** The use of a vehicle for security, subject to all provisions of this subdivision pertaining to such use.
- (4) **Deliveries and service calls.** The use of a vehicle for deliveries, service calls, and other related trade services, provided such use is limited to the reasonable time necessary to complete a delivery or service.
- (5) **Disabled vehicles.** A vehicle which becomes disabled and, as a result of such status, cannot reasonably comply with this subdivision. Such vehicle shall be removed from the residential district within 48 hours of the disabling incident, regardless of the nature of the disabling incident.
- (6) **Public safety.** A vehicle which is owned, maintained, or operated by an agency of government for the purpose of public safety.

(7) **Enclosed parking.** A vehicle which is parked or stored in a fully-enclosed garage facility.

G) **Recreational Vehicles and Watercraft**

(1) **Storage.** Recreational vehicles and watercraft shall be stored in a fully-enclosed garage facility.

(2) **Loading and unloading.** An RV or watercraft may be permitted in the front yard of a lot for one 24-hour period to permit loading or unloading. This period may be extended by the Planning and Zoning Director.

(3) **Residential use prohibited.** Under no circumstances shall an RV or watercraft, parked or stored pursuant to this subdivision, be used for temporary or permanent residential purposes, including living, sleeping, or other similar occupancy, or storage in any manner.

(4) **Watercraft and trailers.** For the purposes of this subdivision, when a watercraft is parked, stored, or resting on a trailer or similar device used or intended for storage or transportation, the watercraft and the trailer shall be considered a single unit and subject to the regulations and restrictions applicable to a watercraft.

Section 4.09 Provision of adequate parking. The owner, developer, or operator of a specific use shall be responsible to provide and maintain adequate off-street parking to meet the specific characteristics of a use or combination of uses located on a site or property.

ARTICLE 2 LOCATION OF REQUIRED PARKING

Section 4.20 General Location. All off-street parking shall be located on or near the same lot or parcel as the use for which the parking is provided in order to provide convenient and safe access to the uses served by such facilities.

Section 4.21 Off-site Location. Parking located off of the same lot or parcel as the use for which the parking is provided is allowed only if the provision of such parking will be available and guaranteed via ownership, lease, or other legally binding mechanism in a recordable form acceptable to the City Attorney. The off-site parking shall remain in place until said legally binding document is released by the City. Off-Site parking may be conditionally allowed only for non-residential uses with the approval by City Council. The City Council will evaluate the on-site parking provided along with a parking study completed by a licensed professional engineer to justify the proposed for parking solution(s). Off-site parking must be located within eight hundred (800) feet of the applicant's project site. This distance shall be measured from property line to property line. Off-site parking may not be located adjacent to or within a single-family residential area.

Section 4.22. Residential Driveways. Driveways may be considered off-street parking spaces for single-family and two-family dwellings. However, the length of the driveway must provide sufficient space to comply with the requirements of this chapter.

Section 4.23. Building setbacks. Parking of vehicles in any front, side, or rear building setback or landscape buffer, except on driveways or other approved surfaces, is prohibited unless allowed as temporary parking as defined below.

Section 4.25. Temporary Residential Yard Parking. Temporary parking of vehicles in a yard is permitted for social or other events held at a residence, provided such parking shall not exceed eight hours in a 24-hour period. Temporary parking in a yard due to renovation or repair of a driveway or residence is permitted for the duration of the improvements.

ARTICLE 3 DIMENSIONS OF PARKING SPACES

Section 4.30. The dimensions and geometrics of off-street parking areas shall conform to the following minimum standards.

A) Residential.

(1) **Individual Parking Space.** Each parking space for dwelling units that do not share a common parking lot, including spaces provided in single-family dwelling unit driveways, shall be a minimum of nine (9) feet wide and twenty (20) feet long. Parking spaces may be side to side, end to end or not contiguous to each other.

(2) **Common Parking Lots.** For dwelling units that share a common parking lot, parking spaces and aisles shall be subject to Table 4-1, Minimum Parking Dimensions.

B) Nonresidential.

(1) All nonresidential uses shall provide parking spaces that comply with Table 4-1, Minimum Parking Dimensions. Use of parking angles not listed in the Table shall use dimensions based on linear interpolation.

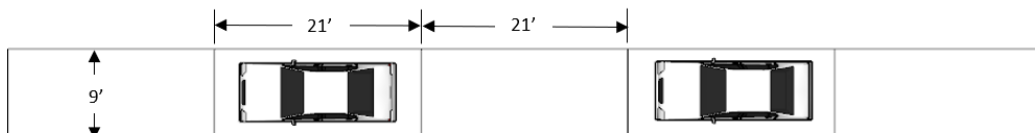
Section 4.31. Parking along road or drive aisle.

A) On-road parking requirement. On-road parking may only be provided on roads with curbing and shall not encroach upon required spaces for motor vehicle or bicycle lanes and shall not conflict with other code requirements.

B) On-road parking options. On-road parking may be parallel or angled on local roads.

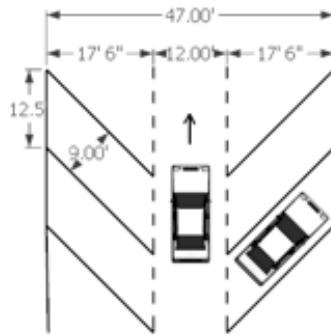
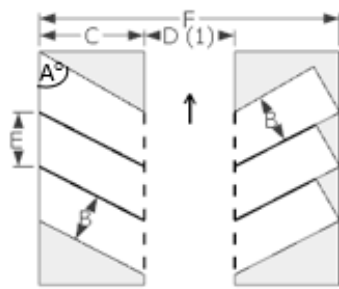
(1) **Parallel Parking.** On-road parking must be parallel on collector or higher function roads. Parallel parking spaces shall have a minimum length of twenty-one (21) feet and a minimum width of nine (9) feet. Parallel parking spaces on local residential roads may have a reduced width of eight (8) feet.

Graphic 4-1

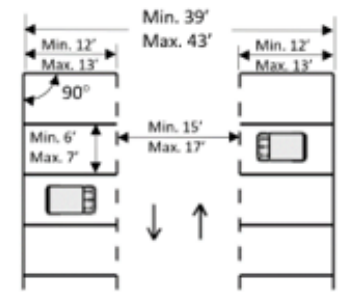


(2) **Angled parking.** Angled parking is allowed along local roads and shall meet the dimensional requirements of Table 4-1 when applicable. Back-in angle parking may be used for on-street parking on local roads.

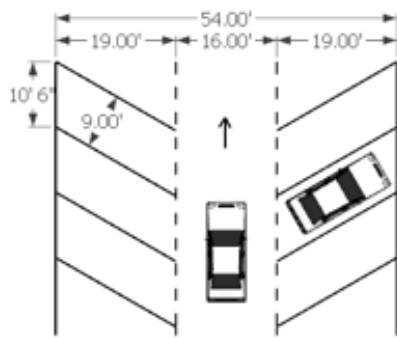
Graphic 4-2



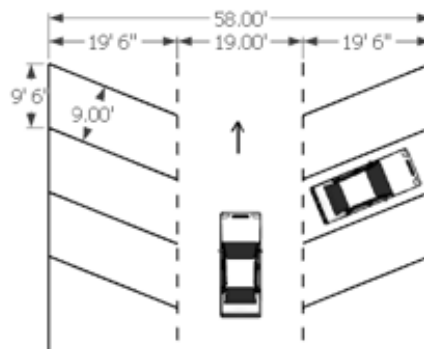
45° PARKING



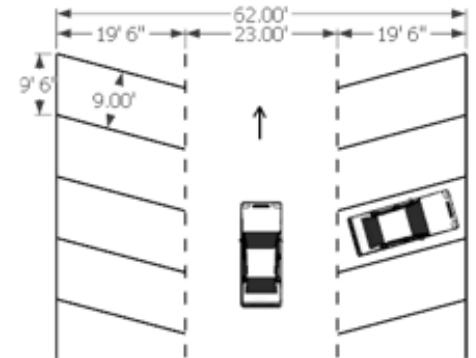
LOW SPEED ELECTRIC VEHICLE (LSEV)(2)



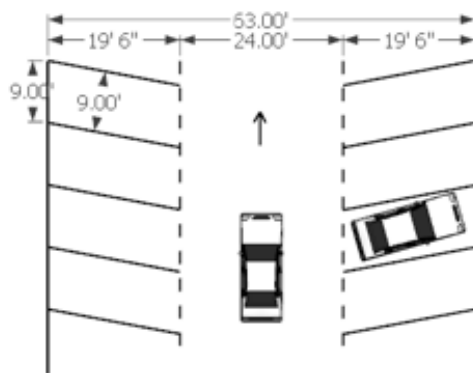
60° PARKING



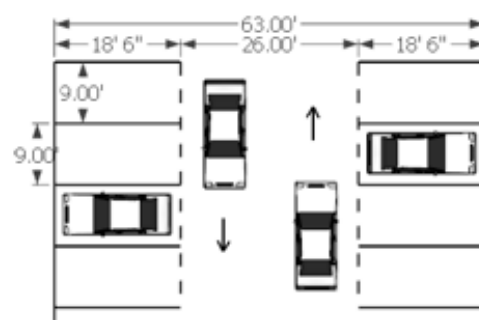
70° PARKING



75° PARKING



80° PARKING



90° PARKING

Key					
A	Parking Angle	C	Space Depth	E	Curb Length
B	Space Width	D	Aisle Width (1)	F	Wall to Wall Width
Notes:					
1. All angled parking with two-way traffic movement shall be a minimum of 24 feet wide except for some parking lots with 90-degree parking spaces, or unless stated otherwise herein.					
2. While drive aisles in LSEV parking areas are not intended solely for use by LSEV, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard sized vehicles.					

TABLE 4-1: MINIMUM PARKING DIMENSIONS FOR NONRESIDENTIAL USES AND RESIDENTIAL USES WITH SHARED PARKING LOTS

A Angle	Use (1)	B Space Width (feet)	C Space Depth (feet)	D Aisle Width (feet)	E Curb Length (feet)	F Module Width (feet)
45	General	9.0	17.5	12.0	12.5	47.0
	Retail	9.5	17.5	12.0	13.5	47.0
	Handicapped	12.0	17.5	12.0	17.0	47.0
60	General	9.0	19.0	16.0	10.5	54.0
	Retail	9.5	19.0	15.0	11.0	53.0
	Handicapped	12.0	19.0	14.0	14.0	52.0
70	General	9.0	19.5	19.0	9.5	58.0
	Retail	9.5	19.5	18.0	10.0	57.0
	Handicapped	12.0	19.5	17.0	12.5	56.0
75	General	9.0	19.5	23.0	9.5	62.0
	Retail	9.5	19.5	22.0	10.0	61.0
	Handicapped	12.0	19.5	21.0	12.5	60.0
80	General	9.0	19.5	24.0	9.0	63.0
	Retail	9.5	19.5	23.0	9.5	62.0
	Handicapped	12.0	19.5	22.0	12.0	61.0
90	General	9.0	18.5	24.0	9.0	63.0
	Retail	9.0	18.5	24.0	9.5	62.0
	Handicapped	12.0	18.5	24.0	12.0	61.0
90	Low Speed Electric Vehicle (LSEV)	Min. 6.0	Min. 12.0	Min. 15.0(2)	Min. 6.0	Min. 39.0(2)
		Max. 7.0	Max. 13.0	Max. 17.0(2)	Max. 7.0	Max. 43.0(2)

(1) The term "general" applies to parking spaces designated to serve all commercial uses except retail and residential uses with shared parking lots. Spaces reserved for use by disabled persons shall be governed by the rows labeled "handicap." Handicapped dimensions are intended to meet or exceed the requirements of Ch. 553, Part II, F.S., however Ch. 553, Part II, F.S. controls if more restrictive.

(2) Where drive aisles in LSEV parking areas are not intended solely for use by LSEV, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard sized vehicles.

(3) Angled parking with two-way traffic movement shall be a minimum of 24 feet wide except for some parking lots with 90-degree parking stalls, or unless stated otherwise herein.

(4) Parking spaces using geometric standards other than those specified may be considered and approved by the City Engineer if the alternative standards are developed and sealed by a professional engineer licensed in Florida with expertise in parking facility design, demonstrating an equivalent degree of safety and convenience.

ARTICLE 4 **PARKING LOT FEATURES**

Section 4.35 **Circulation Plan**

A) **Coordinated Circulation Plan.** There shall be safe, adequate, and convenient arrangement of off-street parking, queuing spaces, loading spaces, and drive aisles in coordination with pedestrian pathways, bikeways, roads, driveways, access points, landscaping, open space, and adjacent buildings.

Section 4.36 **Vehicle Encroachment Barriers**

A) **General.** Parking areas shall provide curbing, bollards, wheel stops, elevated pathways, additional spacing, or other methods to deter vehicles from damaging walls, structures, poles, columns, signage, fences, outdoor furniture, or other facilities or equipment (e.g., bike racks, shopping cart corrals, electrical/communication/drainage devices, etc.) or encroach upon pedestrian pathways, sidewalks, shared use paths, or required landscaping.

B) **Bollards.** Bollards are encouraged to protect areas of concentrated pedestrian traffic and otherwise limit encroachment onto pedestrian pathways. Bollards shall not be less than three (3) feet high and shall be marked or colored to enhance visibility.

C) **Wheel stops.** Wheel stops are suitable against walls or other boundary conditions where pedestrians cannot travel. The use of wheel stops to deter vehicle encroachment upon pedestrian pathways should be avoided when practicable. Wheel stops shall not exceed six (6) inches in height.

D) **Curbing.** Curbing shall not exceed six (6) inches in height.

E) **Placement.** Wheel stops and bollards shall be placed two and one-half (2.5) feet back from walls, structures, poles, columns, signage, fences, outdoor furniture, or other facilities or equipment, pedestrian pathways, sidewalks, shared use paths, and required landscaping. Continuous curbing shall not be placed within the tree drip line of landscaped areas that include trees. Curb placement, additional spacing, or other methods shall ensure that vehicle overhang does not encroach upon required pedestrian pathways, sidewalks, shared use paths, or required landscaping.

F) **Pedestrian safety.** The use of wheel stops to protect pedestrian pathways shall minimize pedestrian vulnerability to slipping, tripping, or falling due to the use of wheel stops in areas where pedestrians (including those entering and exiting motor vehicles) may walk to access pedestrian pathways.

(1) The wheel stops shall be clearly visible by coloration which contrasts with the surroundings and by adequate lighting.

(2) When used in parking stalls, wheel stops shall be no longer than six (6) feet and shall be centered within the width of the stall such that the ends of the wheel stops are no closer than eight (8) inches from the inner edge of the painted perimeter striping in order to provide for an adequate spacing between adjacent wheel stops where pedestrians can safely walk.

(3) Wheel stops shall not be placed within pedestrian pathways.

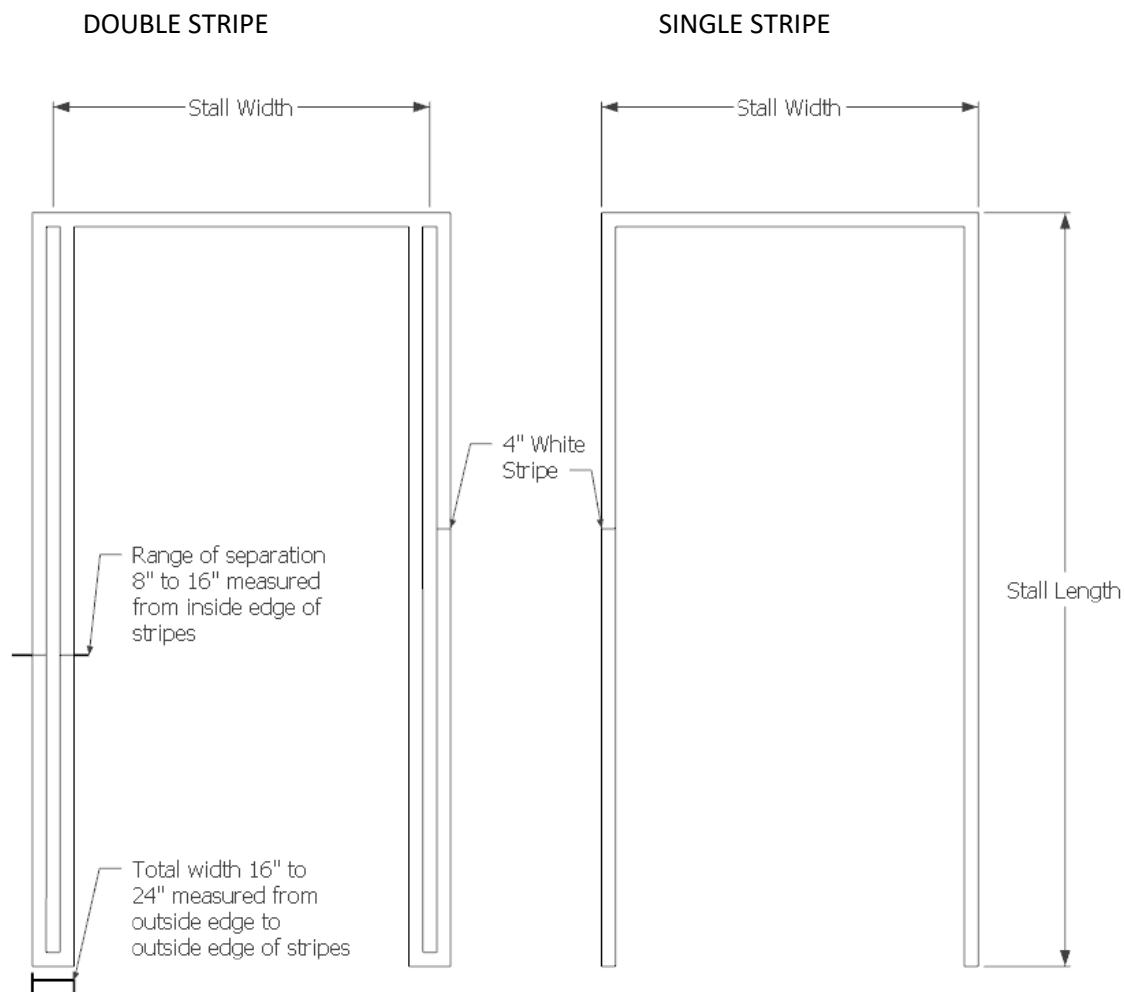
(4) Wheel stops must be permanently secured to the pavement or ground and maintained in good condition. Any damage to wheel stops, including protruding anchors, shall be repaired promptly.

G) **Handicapped Accessibility.** Notwithstanding these local provisions, statutory provisions for use of vehicle encroachment barriers, such as wheel stops, or curbing are required.

Section 4.37 Striping

- A) Parking lots containing spaces for three or more vehicles shall delineate each space by single or double stripes on each side of the space. All stripes shall be delineated in white paint, thermal plastic coating, or pavers, except for handicapped spaces. The width of the delineated stripe shall be four (4") inches. Double striping separation from inside edge of stripe to inside edge of stripe shall be no less than eight (8") inches and no more than sixteen (16") inches. The effective width of the double stripes shall range from sixteen (16") inches to twenty-four (24") inches, measured from outside edge of stripe to outside edge of stripe.

Graphic 4-3



- B) Striping of handicapped spaces shall meet the requirements of Chapter 553, Part II, F.S.

Section 4.38. Maintenance.

- A) All parking lots shall be maintained in safe condition to prevent any hazards, such as cracked asphalt or potholes.

- B) Sealcoating shall be used only for preventative maintenance and shall not be permitted for pavement structural repairs or cracks.
- C) Pavement markings shall be clearly visible.
- D) Off-street parking facilities and parking facilities for all residential uses shall be free of weeds, dust, trash, and debris. Drainage systems for off-street parking facilities shall be maintained in a manner acceptable to the city engineer.

Section 4.39. Shell Rock

- A) The uses listed below may construct surface parking lots with shell-rock or similar material approved by the City Engineer. Parking areas connected to a public road, shall be paved.
 - (1) Agricultural uses requiring less than 20 spaces.
 - (2) Communication towers.
 - (3) Accessory uses to a bona fide agricultural use, such as farm workers quarters.
 - (4) Nurseries.

Section 4.40. Access

- A) Ingress and egress shall be located to present the least interference with traffic and the least nuisance on any adjacent road. The location, size and number of entrances and exits shall be subject to approval by the City Engineer.
- B) Each parking space shall have appropriate access to a road or alley. Legally platted lots that accommodate one or two units shall be allowed backward egress from a driveway onto a road. In all other cases, maneuvering and access aisle area shall be sufficient to permit vehicles to enter and leave the parking lot in a forward motion.
- C) Access ways, except those associated with a single-family residential driveway, shall be subject to the following dimensional standards in Table X-2.

TABLE 4-2: DIMENSIONS OF ACCESS WAYS

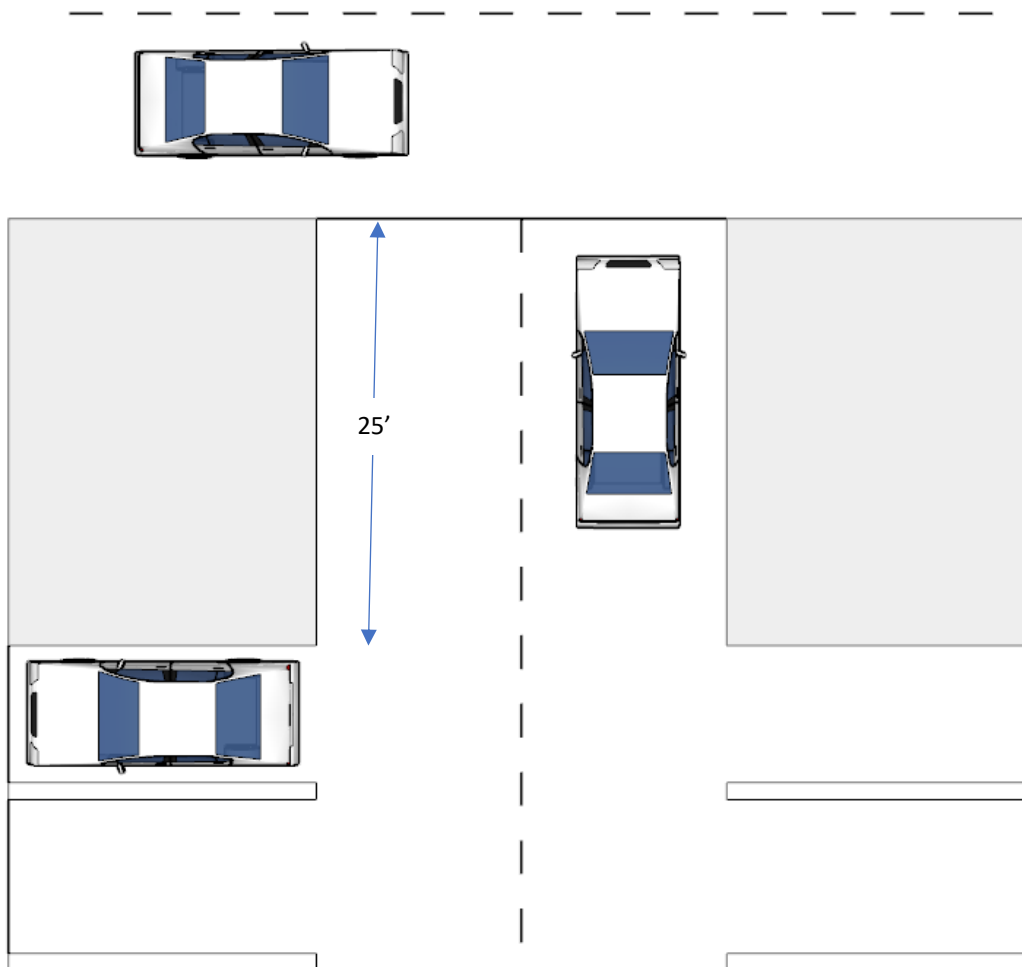
Minimum Width at Street	Feet (1)
One-Way	20
Two-way with median	40 ⁽²⁾
Two-way without median	35
Right Turn Radius (3)	
Minimum	25
Maximum	30
Notes:	
1. Widths exceeding these standards may be approved by the Planning Director or the City Engineer, depending on the use.	

2. Width excludes median. 20-foot unobstructed pavement required on both sides of median, excluding guardhouses and landscape islands.

3. Measured on side of driveway exposed to entry or exit by right turning vehicles.

- A) **Entrance Queue.** In a parking lot a minimum queuing distance of 25 feet is required between the property line at the point of access and the first parking space, unless otherwise specified in Minimum Queuing Standards.

Graphic 4-4



B) Queuing and By-Pass Standards for Drive-Through Establishments

(1) **Queuing shall be provided for all drive-through establishments.** Each queuing space shall be a minimum of ten feet (10') by twenty (20') feet, clearly defined and designed so as not to conflict or interfere with other traffic using the site. The dimensions for the point of service space may be reduced to nine (9') feet by twenty (20') feet. Unless otherwise indicated below, queuing shall be measured from the front of the stopped vehicle located at the point of service to the rear of the queuing lane. One additional queuing space shall also be provided after the point of service for all uses.

(2) **A by-pass lane a minimum of ten feet wide shall be provided before or around the point of service.** Subject to the Planning and Zoning Director's approval, a by-pass lane may not be required if the queuing lane is adjacent to a vehicular use area which functions as a by-pass lane. The by-pass lane shall be clearly designated and distinct from the queuing area.

(3) **Number of Queuing Spaces.** The number of queuing spaces is based on the type of use. The number of required spaces may be allocated to one or more drive-through lanes. The required number of queuing spaces is provided in Table 4-3.

TABLE 4-3: MINIMUM DRIVE-THROUGH QUEUING STANDARDS

Use	Number of Spaces (1)	Required By-pass (2)
Drive-through Financial Institution		
Teller Lanes	5	Yes
Automatic Teller Machine Lanes	3	No
Drive-through Restaurant	7	Yes
Minimum before Menu Board	4	Yes
High Intesity Drive Through	12	Yes
Drive-through Car Wash		
Automatic	5	No
Self-Service	3	Yes
Drive-through Oil Change	4	Yes
Gasoline Pump Island	1 queue at each end of pump island.	No
Drive-through Dry Cleaning or Laundry	3	Yes
Drive-through General Retail	4	Yes

Commercial Parking Lot	3	No
<p>Notes:</p> <p>1. The space accommodating the vehicle being serviced shall be counted as one of the minimum number of spaces. Also, a maximum of 20% of the required spaces may count toward the off-street parking space minimums.</p> <p>2. All Uses: a by-pass lane shall be required if more than 5 queuing spaces are provided.</p>		

Section 4.41. A request to establish valet parking shall be subject to the following criteria:

- A) Valet parking area must be clear of fire lanes and Americans with Disabilities Act accessible parking spaces and/or accessible ramps.
- B) Valet parking for restaurants and within retail commercial shopping centers shall not utilize more than twenty (20%) percent of the on-site parking provided for the project.
- C) The area of the valet parking shall be clear of driveways, drive aisles, and shall not modify the approved access circulation, unless otherwise approved by the City.
- D) Parking spaces reserved for valet parking shall be located in the portion of the parking lot farthest from the principal structure.
- E) A request to establish valet parking shall include:
 - (1) The location of the valet booth/drop-off area;
 - (2) The location and number of parking spaces to be utilized for valet parking;
 - (3) Consent of the property owner;
 - (4) The hours of operation; and
 - (5) Location and dimensions of any signage associated with the valet parking service.
- F) This section is only applicable to restaurant and retail commercial shopping center projects. Golf clubhouses, clubhouses, hotels, hospitals, and medical and/or professional office buildings are exempt from the provisions of this section.

Section 4.42. Loading

- A) Off-street loading facilities shall be provided and maintained in the amount required in this section. These requirements may be waived or lessened in whole or part by the City Engineer. Any request for a variance allowing a reduction in the number of spaces, size of loading area, shared use of loading facilities or other terms of this section shall require an applicant to submit a "justification statement" from a licensed engineer, including the following as applicable:
 - (1) The need for the reduction and how the site functionality will be maintained;
 - (2) A conceptual layout showing vehicle paths;
 - (3) Parking reduction analysis; and
 - (4) Loading demand analysis.
- B) **Minimum dimensions.** Off-street loading spaces shall comply with the minimum dimensions indicated below.
 - (1) **Overhead clearance:** 15 feet.
 - (2) **Minimum width:** 12 feet.

- (3) **Minimum length:** 35 feet long, exclusive of access or maneuvering areas, platforms and other appurtenances.
- (4) **Maneuvering apron.** A maneuvering apron, a minimum of twelve (12') feet wide and thirty-five (35') feet long, shall be provided directly behind the loading space intended to serve, or as otherwise may be approved by the city.
- C) **Location.** Except as provided in Shared use of loading facilities, off-street loading facilities shall be located on the same property which they serve.
 - (1) **Residential development.** Off-street loading facilities shall not be located within one-hundred (100') feet of a residentially developed area.
 - (2) **Enclosure.** The city may require off-street loading facilities to be enclosed, screened, or buffered to minimize visual impacts, noise, or other off-site impacts on adjacent property owners.
 - (3) **Refrigerated trucks.** Refrigerated trucks, and other trucks which require compressors, engines, refrigeration equipment, and similar equipment to be continuously or periodically operational shall not park within two hundred-fifty (250') feet of any residential zoning district during the hours of 7:00 p.m. to 7:00 a.m. on weekdays, and 7:00 p.m. to 9:00 a.m. on Saturday and Sunday.
- D) **Circulation.**
 - (1) Access and maneuvering areas, ramps, and other vehicular circulation areas associated with such facilities shall not be located on a public or private road right-of-way.
 - (2) **Entrances and exits.** Entrances and exits to the facility shall be located so as to minimize traffic congestion or prevent vehicles from backing from the street into the facility. Roads, alleys, or other public rights-of-way shall not be considered part of an off-street loading facility.
 - (3) All vehicular circulation shall be so arranged that the vehicles are not required to back from the road into the facility nor required to back from the facility into a road or other public-right-of way.
 - (4) In areas where access drives to off-street loading facilities occur in conjunction with off-street parking facilities that provide parking at road level for more than six hundred (600) cars, separate circulation routes within such facilities shall be maintained.
- E) **Required Features.**
 - (1) **Maintenance.** Off-street loading facilities shall be maintained in good condition, free of weeds, dust, trash, and debris.
 - (2) **Lighting.** Lighting facilities shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic on adjoining roads.
 - (3) **Markings.** All off-street loading spaces shall be striped and clearly marked in a manner acceptable to the City Engineer.
- F) **Number of loading spaces required.**
 - (1) **Minimum requirements.** Off-street loading facilities shall comply with the requirements of Table 4-4 and shall be applicable to a building, group of buildings, or part thereof that includes commercial, industrial, office, or other uses requiring the frequent receipt or distribution by motor vehicles of materials or merchandise as determined by the Planning and Zoning Director. Notwithstanding the requirements provided herein, structures less than ten thousand (10,000) square feet may provide a loading space of a size and at such location as is consistent with the use of the structure.

Table 4-4: REQUIRED OFF-STREET LOADING SPACES

Size (Gross Square Feet)	Number of Spaces	
	Office	Commercial/Industrial
0 to 10,000	1*	1*
10,001 to 50,000	1	2
50,001 to 100,000	2	3
Each additional 100,000	0.5	1

Exception. Hotels shall provide loading spaces based upon the number of rooms. An application for development order approval for a hotel, or which includes a hotel, shall provide a study documenting the number of loading spaces to be provided.

G) Shared use of loading facilities.

(1) **Establishment.** Two or more neighboring uses may establish common off-street loading facilities, subject to approval by the city council. The total number of common off-street loading spaces shall not be less than the number required for individual users, unless otherwise approved by the city council. Criteria for reduction in the total number of off-street loading spaces include the following:

- (a) Times of usage of the truck loading facilities by the individual users;
- (b) The location of the proposed common facilities; and
- (c) The character of the merchandise involved.

(2) **Other requirements.** In order to establish common off-street loading facilities, the standards listed below are applicable.

- (a) **Consent.** Written consent, in a form acceptable to the city attorney, is obtained from all affected property owners.
- (b) **Written agreement.** All conditions relating to the use, location, construction, and maintenance of the common facilities will be provided in a form acceptable to the city attorney.
- (c) **Use of common facility.** All users and property owners participating in a common off-street truck loading facility shall agree, in a form acceptable to the city attorney, that goods moved from the common facility shall not involve movement by truck, automobile, or other vehicle.

Section 4.43. Pedestrian Circulation

A) **Pedestrian safety.** Pedestrian pathways shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.

B) **Pedestrian convenience.** Pedestrian walkways shall connect the parking areas to building entrances and roadside sidewalks, including a continuous internal pedestrian walkway from each adjacent perimeter public sidewalk to customer entrances. Such pedestrian access way shall be a minimum of four (4') feet in width, clearly marked, well lighted, safely surfaced, and unobstructed.

C) **Building sidewalks.** Where off-street parking spaces directly face the front of a structure and are not separated by an access aisle from the structure, a paved pedestrian walkway shall be

provided between the front of the parking space and the structure. The walkway shall be a minimum of four (4') feet wide, exclusive of vehicle overhang, and shall be separated from the parking space by concrete wheel stops or continuous curbing.

Section 4.44. Alternative Parking Surfaces

A) Grassed Parking Surface

(1) **Grass Parking:** A portion of the required parking spaces may be grass parking subject to the following:

- (a) A written statement that the area proposed for grass parking shall be used for parking on an average of no more than three (3) days or nights each week.
- (b) The City Engineer shall confirm that the grass parking area will perform adequately and be appropriately maintained.
- (c) The City Engineer shall require grass parking area to be replaced with paving materials if the area becomes unsafe or hazardous.

(2) **Pervious Parking Surface**

(a) **Pervious Parking Surface.** Pervious parking surfaces may be used to satisfy the paved parking requirements subject to the City Engineer’s confirmation that the pervious surface will perform adequately, meet all other applicable code and regulatory requirements, and be appropriately maintained.

ARTICLE 5 PARKING GARAGES

Section 4.50. Parking Garages General. Parking garages may be used to provide all or a portion of the required parking. Parking garages shall comply with all standards with regard to space sizing, striping, signage, construction, design, and other relevant requirements in the land development regulations.

Section 4.51. Parking Garage Design Standards. The unobstructed distance between columns or walls measured at any point between the ends of the parking aisle shall be as indicated in Table 4-6, Minimum Floor Width.

TABLE 4-5: PARKING GARAGES: MINIMUM FLOOR WIDTH

Angle	Parking on Both Sides of Aisle	Parking on One Side of Aisle
90	60 feet one-or two-way aisle	43 feet one-or two-way aisle
75	59 feet one-way aisle (1)	40 feet one-way aisle
60	53 feet one-way aisle (1)	34 feet one-way aisle
Notes:		
1. Requests for reductions of unobstructed distances will be considered if aisle and sight parking dimensions are met, and the columns are not located at the rear of the parking spaces, or interfere with the opening of doors.		

ARTICLE 6 **Number of Parking Spaces Required**

Section 4.56 **General Provisions**

- A) **Miscellaneous Uses.** For any use not listed in Table 4-7, Required Off-street Parking Spaces, the planning and zoning director shall determine off-street parking requirements based on uses with similar characteristics.
- B) **Required spaces.** The number of off-street parking spaces required for individual uses is established in Table 4-7. The standards established in this section provide the minimum vehicular parking requirements for the various uses as classified. As indicated in Table 4-7, the planning and zoning director may request additional information to demonstrate compliance with overall parking demand.
- C) **Mixed uses.** For mixed use projects approved by the city council with a specific percentage of individual uses, total off-street parking requirements shall be calculated based upon the requirements applicable to each individual use. For commercial shopping centers or other centers which may provide a variety of mixed uses, the parking requirements for a shopping center shall apply.
- D) **Parking Deviation(s).** Deviation(s) from the provisions of this Chapter may be permitted for government facilities within the Downtown Mixed Use and Civic Zoning Districts, subject to approval by the City Council utilizing the following standards:
- (1) The proposed deviation(s) maintains compatibility with the uses and character of land surrounding and in the vicinity of the land proposed for development;
 - (2) Adverse effects on adjacent uses and lands, including but not limited to visual impact, are determined to be minimal or otherwise negligible upon review and consideration of surrounding lands, uses, zoning, Future Land Use (FLU), character, or other pre-existing conditions;
 - (3) Special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land proposed for development;
 - (4) The proposed deviation(s) allows for reasonable or practical use of the land proposed for development;
 - (5) Approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Comprehensive Plan and these LDRs; and,
 - (6) Approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare.
- E) **Motorcycles.** For any nonresidential use providing 50 or more spaces, a maximum of three required off-street parking spaces per 50 spaces, may be reduced in size and redesigned to accommodate parking of motorcycles
- F) **Assigned parking.** Parking spaces assigned to a specific use may be authorized by the city manager or his/her designee, provided the number of spaces assigned to a particular use does not exceed 5% of the number of spaces required for such use. Assigned spaces shall be clearly identified by signage. Assigned spaces and required signage shall be indicated on the approved site plan associated with the affected use. Assigned parking shall not be considered in shared parking calculations.

- G) **Parking lot landscaping, signage and drainage.** Parking lot landscaping, signage, drainage, and construction standards are addressed in other Chapters of the Westlake Land Development Regulations.

TABLE 4-7: REQUIRED OFF-STREET PARKING SPACES

USE/CATEGORY	SPACES REQUIRED
RESIDENTIAL	
Dwelling, Single- Family, Detached or Attached	2 spaces per unit plus minimum of 4% of total required spaces for guest parking
Dwelling, Multi- Family	1 space per unit plus minimum of 4% of total required spaces for guest parking
Dwelling, Single- Family, Detached or Attached, Affordable or Workforce Housing	1 space per unit
Dwelling, Mobile Home/Manufactured Home	1 space per unit plus minimum of 4% of total spaces for guest parking
Accessory Dwelling Unit	1 space per unit
Residence Hall or Dormitory	0.75 spaces resident
Community Residential Home, Type I (6 or less residents)	Greater of 2 spaces per unit or 1 space for each bedroom
Community Residential Home, Type II (7—14 residents)	1 space per 4 residents
Assisted Living Facility (1 or more residents)	1.25 space per dwelling unit for independent living; 1 space per 2 beds for assisted living; 1 space per 4 beds.
Foster Care Facilities and Group Homes	Lesser of 1 space for each bedroom or 0.5 space per resident
RETAIL & COMMERCIAL	
Sexually Oriented Business	1 space per 250 square feet
Antique Store	1 space per 400 square feet
Appliance and Electronics Store	1 space per 400 square feet
Motor vehicle repair and/or service establishments, gasoline stations, and car washes	1 space per 300 square feet, plus 1 space per service bay for repair and 1 space per 2 bays for car wash, plus 1 space per 5,400 square feet of outdoor storage area.
Auto Dealership	1 space per 250 square feet of enclosed display area and offices plus 1 space per 4,500 square feet of outdoor sales, display and rental plus 1 space for every 2 service bays* <i>*Vehicle sales, storage, or display areas shall not be counted towards meeting required parking.</i>
Auto Rental, Accessory	1 space per 600 square feet of storage area

General Retail Sales or Service not specifically listed in this table	1 space per 300 square feet
Banquet Facility	1 space per 125 feet of indoor and outdoor assembly area
Convenience Store with or without Gas Sales	1 space per 240 square feet, plus 1 space per gas pump island (bay) if provided
Farm Equipment and Sales	1 space per 250 square feet of enclosed display area and offices plus 1 space per 4,500 square feet of outdoor sales, display and rental plus 1 space for every 2 service bays. At least one off-street loading area for equipment transport trailers shall be provided.
Feedstore	1 space per 300 square feet
Grocery Store/Supermarket	1 space per 240 square feet
Hotels, motels, other accommodation services	.75 spaces per room plus 1 space per 300 SF of event/conference space. Restaurant oriented toward use of public at large shall be separately calculated.
Landscape, Nursery, and Garden Supplies	1 space per 300 square feet plus 1 space per 1,200 square feet of outdoor display area
Motorcycle Sales and Service	1 space per 600 square feet of enclosed display area and offices plus 1 space per 5,400 square feet of outdoor sales, display and rental plus 1 space for every 2 service bays
Nightclub, Bar, or Lounge	1 space per 2 seats but not less than 1 space per 100 square feet
Restaurant, Fast Food (with or without Drive-through)	1 space per 150 gross square feet including outdoor seating, plus 1 space per 250-square feet for employee parking
Restaurant, General, without Bar	1 space per 150 gross square feet including outdoor seating, plus 1 space per 250-square feet for employee parking
Restaurant, General, with Bar	1 space per 100 gross square feet including outdoor seating, plus 1 space per 250-square feet for employee parking
Restaurant, Take Out	1 space per 100 gross square feet including outdoor seating, plus 1 space per 250-square feet for employee parking
Shopping Center/Mixed Uses	1 space per 225 square feet
Showrooms, General	1 space per 600 square feet
PERSONAL SERVICES	
Animal Boarding Kennel and Pet Grooming	1 space per 400 square feet of office
Bank/Financial Institution with or without Drive Through	1 space per 300 square feet

Business, Trade and Vocational Schools	1 space for every 3 students plus 1 space per 360 square feet of classroom and office space plus 1 space for every—5 seats in gymnasiums and auditoriums
Cemetery, Funeral Home, Mausoleum	1 space per 200 square feet of office space plus 1 space per 100 feet of assembly area [1 per 4 seats]
Professional Medical Services Office or Health Care Clinic	1 space per 240 square feet
Clinic, Veterinary	1 space per 300 square feet
Day Care, Child and Adult	1 space per 12 students or clients plus 1 pickup/drop off space per 12students plus 1 space per every 2 vans and/or buses
Emergency Health Care, Standalone, No Overnight Stay	1 space per <u>110</u> square feet.
Health, Physical Fitness, Massage Therapist, and Spa	1 space per 250 square feet
Housekeeping and Janitorial Services	1 space per-300 square feet plus 1 space for every 2 company vehicles
Laboratory: General, Dental, or Medical	1 space per 300 square feet
Laundry, Self Service	1 space per 240 square feet
Laundry, Linen Supply and Cleaning Service	1 space per 1,200 square feet plus 1 space for every 2 bays
Motion Picture Studio	1 space per 360 square feet of office space plus 6 spaces per studio plus 1 space per 1,200 square feet
Nursing Homes and Continuing Care Facilities	1 space per <u>5</u> beds plus 1 space per- <u>300</u> square feet of office space, 1.25 spaces per DU for independent living.
Self Service Storage	1 space per 150_storage spaces plus 1 spaces per security quarters plus 4 <u>3</u> spaces per office
OFFICE	
Office, Business and Professional	1 space per 300_square feet
PUBLIC AND INSTITUTIONAL	
Places of Worship	1 space per 4 seats plus 1 space per 300 square feet of office plus required parking for additional use (child or adult day care, elementary or secondary school, etc.).
College or University, Public or Private	1 space per 360 square feet of classroom, office, meeting, and assembly rooms.
Emergency Department	1 space per 200 square feet; plus 1 space per employee
Governmental Uses	1 space per 360 square feet
<u>Hospice Care Center</u>	<u>2 spaces per bed; plus 1 space per 200 square feet of outpatient treatment area</u>
Hospital	2 spaces per bed; plus 1 space per 200 square feet of outpatient treatment area

Medical Facility with overnight stay	1 space per bed; plus 1 space per 200 square feet of outpatient treatment area
Post Office	1 space per 360 square feet
Post Office, Accessory	4 spaces
Schools, Elementary and Middle	1 space for every 2 classrooms plus 1 space per 300 square feet of office plus 1 pickup/drop off space per 12 students
Schools, High	1 space per classroom, plus 1 space per 250-square feet of office, plus 1 space per every 3 students
Urgent Care Center	1 space per 200 square feet; plus 1 space per employee
CULTURAL, ENTERTAINMENT, AND RECREATIONAL	
Art Gallery and Museum, Public or Private	1 space per 720 square feet
Auditorium, Public or Private	1 space per 3 seats
Bowling Alley	1 spaces per lane plus required parking for additional use (lounge restaurant, meeting rooms, etc.)
Club, Lodge, or Clubhouse, Private	1 space per 360 square feet
Golf Course, Public or Private	3 spaces per hole plus 1 space per 360 square feet of clubhouse plus required parking for additional uses
Park, Public	To be determined
Recreation Center, Public	Greater of 1 space per 240 square feet or 1 space per 4 seats
Recreation, Commercial–Indoor	To be determined
Recreation, Commercial–Outdoor	6 spaces per acre
Recreational Vehicle Park	1 space per RV parking space; 1 space per camping cabin; 1 space per 600 square feet of administrative, maintenance, or commercial space; 1 spaces per security dwelling
Stadium or Arena, Public or Private	1 space per 3 seats
Theater, Indoor	1 space per 3 seats
Zoo, Public or Private	8 spaces per acre
WHOLESALE	
Wholesale and Warehousing, General	1 space per 2,400 square feet plus 1 space per 300 square feet of office
LIGHT INDUSTRIAL	
Manufacturing, General	1 space per 1,200 square feet plus 1 space per 300 square feet of office
Contractor's Storage Yard	1 space per 300 square feet of office plus 1 space per 20,000 square feet of open storage area
Express or Parcel Delivery Distribution Center	1 space per 1,200 square feet plus 1 space for every 2 bays
TRANSPORT, UTILITIES, & COMMUNICATIONS	

Airport, General Aviation	1 space for every 2 tie-downs and/or hangar spaces
Automobile, RV, and Boat Storage, Commercial	1 space per 300 square feet of office plus 1 space per vehicle to be stored
Freight Depot	1 space per 1,200 square feet plus 1 space per 300 square feet of office
Helistop	Number of spaces to be determined by the Planning and Zoning Director
Passenger Station	To be determined
Radio/Television Broadcast Studio	1 space per 300 square feet
Utility Plant and Major Substations	To be determined
Wireless Telecommunication Facilities	Number of spaces to be determined by Planning and Zoning Director
OTHER	
Mixed Uses, excluding Shopping Centers	The total requirement for off-street parking shall be the sum of the requirements of the various uses computed separately
Mobile Home, Temporary	1 space per 300 square feet plus additional spaces as determined by the Planning and Zoning Director
Recreation, Accessory	Number of spaces to be determined by Planning and Zoning Director
Uses Not Specifically Mentioned	Apply requirements for a use which is mentioned and similar to the subject use
<i>Notes:</i>	
<i>Square Feet = Gross Floor Area.</i>	
<i>Parking Studies. Parking studies, when provided, to be conducted in a professionally accepted manner to determine adequate parking for proposed use.</i>	

Section 4.57. Reduction of Minimum Space Requirements

A) Shared Parking

(1) The City Council shall as part of an approval of a new or expanded use, new construction, substantial renovation, or alteration or expansion of an existing site, approve the use of shared parking to reduce overall parking requirements. The basis for approval of an application to establish shared parking includes the factors listed below.

(a) Two or more uses located in the same structure, on the same site, or within 1000 feet (measured property line to property line) of each other that possess complementary peak hours of parking usage.

(b) The proposed shared parking areas must be reasonably accessible to all participating uses and shared parking spaces may not be reserved for a particular use or otherwise restricted.

(c) **Shared parking study.** Preparation, in a professionally-accepted manner, of a shared parking study by a qualified professional engineer, architect, or planner. The shared parking study shall be the most recent version based on the Urban Land Institute's (ULI) methodology for determining shared parking, or other professionally accepted methodology.

(d) **Legal documentation.** The property owner(s) shall submit an appropriate restrictive covenant or access easement in recordable form acceptable to the City Attorney.

(e) **Development order.** Any development order approved by the city council which includes the use of shared parking shall:

- (i) Provide the city a means to readdress the shared parking in the event future parking problems or changes in use occur;
- (ii) Provide a legal description of the land and structures affected;
- (iii) Provide for a term of at least five years;
- (iv) Provide a site plan to indicate uses, hours of operation, parking, etc.; and
- (v) Assure the availability of all parking spaces affected by the agreement.

(2) The amount of parking provided pursuant to a shared parking agreement shall not be more than 20% of the required parking.

B) The minimum required number of spaces may be reduced as follows:

(1) On-road parking may be used to meet a portion of the required minimum parking if it is located on the road adjacent to the structure or use for which the parking is required.

(2) A maximum of 20 percent of the required queuing spaces may count toward the amount of minimum required parking if the minimum amount of required parking equals at least 25 spaces.

(3) An electric vehicle charging station space may be included in or count towards the minimum number of parking spaces required.

(4) **Landscaping.** The required minimum number of parking spaces may be reduced by 5% if the parking lot landscaped areas provide 20 percent more than the required number of trees pursuant to the landscape ordinance and plant or retain existing trees to shade parking lots such that the vegetated and pervious areas surrounding the trees will accommodate tree roots while minimizing interference and damage to infrastructure including the following:

- 1) Locate trees in wide twenty (20 foot or wider) vegetated buffer strips or vegetated islands with at least twenty (20') foot diameters or similarly sized vegetated peninsulas away from overhead power lines and
- 2) Use porous pavers that support grass growth next to areas where trees are planted.

ARTICLE 7 BICYCLE PARKING

Section 4.60. All bicycle parking facilities provided to satisfy the requirements of this subdivision shall be located on the same lot or building site as the uses they serve. Bicycle parking shall be located as close as is practical to the entrance to the use served but situated so as not obstruct the flow of pedestrians using the building entrance or sidewalk.

Section 4.61. General design standards. All bicycle parking facilities shall be anchored so as to avoid or deter easy removal. All such facilities shall be clearly identified as available for bicycle parking. Wherever the design of the building or use being served by the bicycle parking facility includes covered areas which could accommodate such facilities, either as proposed or through economical redesign, covered bicycle parking shall be encouraged.

Section 4.62. The following uses shall be required to provide bicycle parking in accordance with the minimum standards as listed in Table 4-8.

TABLE 4-8: MINIMUM STANDARDS FOR BICYCLE PARKING

Use	Percent of Required Vehicular Parking Spaces or As Otherwise Specified
Amusement parlors	15
Bowling lanes	10
Child care centers	10
Community centers	15
Game rooms	12
All commercial uses not listed	5
Libraries	15
Recreation, outdoor	12
All institutional and civic uses not listed	5
Primary or Secondary School	10% of the number of students, plus 3% of the number of employees
College or University Classrooms	6% of the number of students, plus 3% of the number of employees
Multi-family Residential	1 space per 2 apartments

Section 4. Severability: Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

Section 5. Codification: It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance entitled "**Parking Regulations**" shall become and be made a part of the Code of Ordinances for the City of Westlake, Florida and the sections of this ordinance may be re-numbered or re-lettered to accomplish such intentions, and the word "ordinance" shall be changed to "section" or other appropriate word.

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

PASSED this 7th day of October 2019, on first reading.

PASSED AND ADOPTED this 28th 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

Seventh Order of Business

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

ORDINANCE NO. 2019-12

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, PROVIDING FOR THE ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS FOR THE CITY OF WESTLAKE; PROVIDING FOR ADOPTION OF LAND DEVELOPMENT REGULATIONS; PROVIDING FOR INTERPRETATION OF LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONSISTENCY WITH THE CITY OF WESTLAKE COMPREHENSIVE PLAN; ESTABLISHING A PLANNING AND ZONING DIRECTOR' PROVIDING FOR CITY COUNCIL PROCEDURES AND AUTHORITY; PROVIDING FOR A LOCAL PLANNING AGENCY; PROVIDING FOR A PLANNING AND ZONING BOARD; PROVIDING FOR A HEARING OFFICER; PROVIDING FOR INTERACTION WITH SID; PROVIDING FOR NON-RETROACTIVITY AND SEVERABILITY; WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED 'ADMINISTRATION', PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, 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 desires to adopt provisions concerning the administration of the Land Development Regulations; and

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

WHEREAS, the purpose of this ordinance is to provide for the administration of the land development regulations, including the interpretation and application thereof; and

WHEREAS, the further purpose of this ordinance is to provide for the establishment and governance of a Planning and Zoning Director, and Local Planning Agency, and a Planning and Zoning Board for the City; and

WHEREAS, the further purpose of this ordinance is to provide for certain City Council procedures and authority; and

WHEREAS, the City and the Seminole Improvement District (SID) have a special relationship governed by the City 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 originally dated February, 2018;

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

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

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 amphitheaters, 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, 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

ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
ANSI	American National Standards Institute
BFE	Base Flood Elevation
CCDs	The Census County Divisions
CO	Certificate of Occupancy
CPTED	Crime Prevention Through Environmental Design

EPA	U.S. Environmental Protection Agency
FAR	Floor Area Ratio
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FLEPPC	Florida Exotic Pest Plant Council
GIS	Geographic Information System
GPD	Gallons Per Day
HCM	Highway Capacity Manual
HUD	U.S. Department of Housing and Urban Development
HOA	Home Owner's Association
LDRs	City of Westlake Land Development Regulations
LEC	Lower East Coast
LOS	Level of Service
LPA	Local Planning Agency
MGD	Million Gallons per Day
MUTCD	Manual on Uniform Traffic Control Devices
NAVD 88	North American Vertical Datum of 1988
NRPA	National Recreation and Park Association
OEDR	Office of Economic and Demographic Research
PD	Planned Development Zoning District
PM	Particulate Matter
PPH	Population Per Household
PZB	Planning and Zoning Board
SFWMD	South Florida Water Management District
SID	Seminole Improvement District
SIS	Strategic Intermodal System
SRPP	The Strategic Regional Policy Plan
SWA	Solid Waste Authority
TAZ	Traffic Analysis Zone
TCRPC	Treasure Coast Regional Planning Council
TDM	Transportation Demand Management
TDP	Transit Development Plan
TPA	Palm Beach Transportation Planning Agency
TPS	Traffic Performance Standards of Palm Beach County
TSM	Transportation Systems Management
ULDC	Palm Beach County Unified Land Development Code
USDA	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" indicates 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.

ARTICLE 1.7 CITY SUPPORT

Section 1: The City Manager or designee shall attend the Planning and Zoning Board and LPA meetings. The City Manager or designee shall provide staff and clerical assistance for the Planning and Zoning Board and LPA members as may be required for the reasonable performance of their duties. This shall include a recording secretary to keep records of all proceedings.

Section 2: The City Planning and Zoning Director shall advise and assist the Planning and Zoning Board and LPA in all of its presentations, hearings, and deliberations on items which appear before the board for consideration.

Section 3: 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 or LPA which will assist in the decision making process.

Section 4: The City Attorney shall provide legal representation to the Planning and Zoning Board and LPA at all meetings of the Board.

ARTICLE 1.8 PLANNING AND ZONING BOARD.

Section 1: The City Council may sit as or establish a Planning and Zoning Board for the purpose of taking action on the following applications:

(A) Conditional Uses. The Planning and Zoning Board shall make recommendations to the City Council regarding conditional uses.

(B) Variances. The Planning and Zoning Board shall make final determinations on applications for variances, which decisions are appealable to City Council.

ARTICLE 1.9 INTERACTION WITH SID. 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.

(A) Pursuant to the Interlocal Agreement described above, SID shall have the exclusive authority to set requirements and standards for, review, approve, and issue permits for: the facilities in SID's Water Control Plan; parks; potable water, wastewater, and reclaimed water utility services and facilities; irrigation water service; roadways and transportation infrastructure; and surface water management and drainage. SID and the City shall only review those items or matters over which it has jurisdiction, and no party shall deny a permit or authorization on grounds over which it has no jurisdiction.

(B) Pursuant to the City Charter, the City shall not exercise any function or provide any service being performed by or provided by SID.

(C) 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.

(D) 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.

ARTICLE 1.10 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.

ARTICLE 1.11 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.

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 28th 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

Ninth Order of Business

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

ORDINANCE NO. 2019-13

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: *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 Permit
- (F) Master Sign Plan
- (G) Plat (including replats, plat waiver)
- (H) Rezoning
- (I) Modifications to permits and approvals other than development orders
- (J) Site/Land Development Permits
- (K) Site Plans
- (L) LDR Text Amendment
- (M) Variance
- (N) Waiver
- (O) Zoning Confirmation

Section 2: *Form of Applications; Fees and Costs.* The City shall make available all applications and its adopted fee schedule. Fees associated with the applications will be set forth on a Fee Schedule adopted by the City Council.

- (A) ***Cost of development order applications.*** It is declared to be the policy of the city council that all applicants for development order approval requesting a rezoning, platting, planned development, conditional use, any type of variance, site plan review, amendments to approved development orders, or any other similar application shall prepare and present at their expense the necessary documentation and information required by this chapter.
- (B) ***Additional documentation requests.*** An applicant may request, through the Planning and Zoning Director, information and documentation from the city engineer, city attorney, or other city department relative to the application. If the request is in excess of the information and documentation normally utilized to review the application, such additional information and documentation shall be provided at the expense of the applicant.
- (C) ***Third Party Experts.***
 - (1) ***Employment.*** The city council, city manager, or Planning and Zoning Board director may determine that a third-party expert in the field of land planning, traffic engineering, engineering, architecture, landscape architecture, or other similar area of professional expertise is necessary to thoroughly review a development order application. Such experts may be employed by the city, with the petitioner paying all reasonable costs for such services.
 - (2) ***Reimbursement for third-party experts.*** The applicant shall reimburse the city for any costs associated with the employment of third-party experts. The applicant shall reimburse the city for such costs within 30 days of the date of receipt of an invoice for such services. Failure by the applicant to make such reimbursement when due shall delay the pending application until paid.
- (D) ***Reimbursement for staff costs.*** The applicant shall reimburse the city for any excess time spent by the city engineer, city attorney, or other city staff, together with the cost of any document or drawings not part of the city records. The cost of time billed to the applicant shall be the same cost as billed by the city engineer or city attorney, or the cost of city staff time. The applicant shall

reimburse the city for such costs within five days of the date of receipt of an invoice for such services. Failure by the applicant to make such reimbursement when due shall delay the pending application until paid.

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

	Type of Approval Required	LPA Review Required	Planning and Zoning Board Review Required
Comprehensive Plan Map Amendment – Large and Small Scale	City Council	✓	
Comprehensive Plan Text Amendment	City Council	✓	
Conditional Use (Non-Residential)	City Council		✓
Conditional Use (Residential)	City Council		✓
Conditional Use Expansion – Large Scale	City Council		✓
Conditional Use Expansion – Small Scale	Administrative		
Development Order Modification that alters density or intensity by 10% or less	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		

Table 2-1: Review and Approval Required

	Type of Approval Required	LPA Review Required	Planning and Zoning Board Review Required
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	✓	
Modification to Existing Permit/Approval (other than modification to Development Orders)	Same type(s) of approval as existing approval		
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		

Table 2-1: Review and Approval Required

	Type of Approval Required	LPA Review Required	Planning and Zoning Board Review Required
Variance	Planning and Zoning Board		
Waiver	Administrative or Council, as applicable		
Zoning Confirmation	Administrative		
SID	= Seminole Improvement District		
SID†	= Application will be reviewed by Seminole Improvement District only for conflicts with Seminole Improvement District facilities or rights.		

(C) Table 2-2 shows the required contents of each type of application.

Table 2-2: Application Requirements for 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
Comprehensive Plan Map Amendment – Large and Small Scale	✓	✓									✓	✓		✓	
Comprehensive Plan Text Amendment	✓	✓													
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 that alters density or intensity by 10% or less	✓	✓		●	●	●	●	●		●	●	✓	●	●	
Development Order Modification that alters density or intensity by more than 10%	✓	✓		●	●	●	●	●		●	●	✓	●	●	
Land Development Regulation Text Amendments	✓	✓										✓			
Landscape Permit	✓				✓						✓				
Master Sign 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
Plat (including Replat)	✓		✓								✓	✓		✓	
Plat Waiver	✓	✓										✓		✓	
Rezoning	✓	✓		○							✓	✓		✓	
Modification to Existing Permit/Approval (other than modification to Development Orders)	✓	✓	●	●	●	●	●	●		●	●	●	●	●	
Required Improvements Waiver	✓	✓	✓	Only if not platted											
Site Development Permit – General	✓	✓	✓	✓	Only for roads	✓		✓			✓	✓		✓	
Site Development Permit – Lakes Outside of Pods	✓	✓	Only if platted	✓		✓					✓	✓		✓	
Site Development Permit – Roads Outside of Pod	✓	✓	✓	✓	✓	✓		✓			✓	✓		✓	
Site Plan (Containing Non-Residential)	✓	✓	Only if platted	✓	○	○	✓	●			✓	✓	✓	✓	✓
Site Plan (Residential Only)	✓	✓	✓	✓	○ Only for roads	○		●			✓	✓	✓	✓	✓
Temporary Signage										✓					
Variance	✓	✓		●	●	●	●	●			✓	✓		✓	
Waiver	✓	✓		●	●	●	●	●			✓	✓		✓	
Zoning Confirmation	✓	✓												✓	

- ✓ = Required submittal document
- = Only preliminary plans required
- = Required only if applicant is requesting change that will impact the subject of that submittal document

	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
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(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 and costs.
- (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 level of service standards as required by the Comprehensive Plan.

- (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 including proposed color, for illustrative purposes only. Constructed improvements must reasonably be in accordance with submitted architectural elevations.
 - (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) Statement acknowledging that applicant is required to submit application Palm Beach County Fire Rescue for review. Applicant is responsible for submitting application to Palm Beach County Fire Rescue. Approval by Palm Beach County Fire Rescue pursuant to their adopted standards is required for site plan approval.
- (r) 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.
 - (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 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.
- (s) **Master Site Plan.** A master site plan will be required when a project will be developed in phases. The master site plan must show:
 1. Authority and ownership of land to be developed.
 2. Proposed phases of the development.
 - a. Proposed number of project phases, including total acreage in each phase, and gross nonresidential intensity (square feet) and gross residential density of each phase.
 - b. Sequencing of phasing for purposes of determining service availability.
 3. 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.
 4. Circulation information, including:
 - a. Approximate location and ultimate right of way widths of proposed and existing roads, pedestrian, and bicycle routes, including interconnections between phases.
 - b. Locations, centerlines and ultimate widths of rights-of-way for existing roads, streets, intersections, and canals within the proposed project.

5. Information on all easements, including:
 - a. 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.
 - b. Location, if known, of proposed landscape buffers, open space, and preserve areas.

- (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.
 - (b) **Single family residential language being finalized.**
- (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 6, or a proposed Master Sign plan meeting the requirements of Chapter 6. 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 meeting the requirements for surveys established by the Minimum Technical Standards set

forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17, F.A.C., pursuant to Sec. 472.027, Florida Statutes. 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.** A statement describing the proposed stormwater management for the proposed project, consistent with the requirements of Chapter 5 and any applicable SID requirements.

(15) **Legal Description.** A formal description of land containing sufficient information to permit the identification of the property to the exclusion of all others, which may be – but is not required to be – accomplished through a description by metes and bounds.

(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 or SID.

ARTICLE 2.2 ADDITIONAL PROVISIONS

Section 1: *Life of Approvals.*

(A) **In General.** Unless otherwise specified, all approvals subject to these LDRs 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 18 months of the date of approval to remain valid. If a plat is not recorded within 18 months 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) Denials of applications for variances may be appealed to the City Council.

(C) Waivers (Other than Plat Waiver)

- (1) In order to allow for innovative design or unique site conditions, the City Manager may grant, at his or her sole discretion, waivers to allow for minor 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, permitted uses, setbacks, or height 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) **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) **Applicability.** This subparagraph applies to all conditional uses.
- (i) All initial requests for conditional uses, along with their related accessory uses, shall be subject to the requirements of this subsection.
 - (ii) 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:
 1. 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).
 2. 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).
 3. 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.
- (c) **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 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 (d) 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.
- (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 uses, based on the following standards:
 1. **Adverse Visual 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. **Other Negative Impacts.** Noise; glare; odor; ground-, wall-, or roof-mounted mechanical equipment; perimeter, interior, and security lighting that cannot be adequately screened, buffered, or otherwise mitigated.

(2) 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.
- (3) **Enforcement.** Conditional uses are subject to the enforcement proceedings below.
- (a) In addition to the provisions of Code Compliance 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 Code Compliance Chapter of the City Code; 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 Code Compliance Chapter of the City Code; 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.
- (4) **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 3: *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 4: *Concurrency Availability.* An applicant may request a concurrency availability determination from the Planning and Zoning Director.

- (A) The request must identify the particular lot(s) or parcel(s) 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 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) *Posting of Property.* Property affected by a future land use map amendment, rezoning ordinance, conditional use, and variance applications shall be posted as provided below, if required.

(1) *Signs.* Signs shall be provided by the applicant, subject to criteria for size, contents, and visibility approval by the Planning & Zoning Director.

(2) *Posting.* Property shall be posted by the applicant.

(3) *Installation.* Signs shall be posted in a workmanlike manner, able to withstand normal weather events.

(4) *Minimum posting requirements.* Privately-initiated applications require that at least one sign be posted per 500 lineal feet of all property located along a public right-of-way, with a minimum of one sign per frontage, or as otherwise required by the Planning & Zoning Director. In the event of unique circumstances affecting a property, additional signs shall be posted as required by Planning & Zoning Director. City-initiated applications require that one sign be posted per frontage along a public right-of-way, except that city-initiated land use map changes for the creation of an overlay shall not require posting for the city council hearings.

(5) *Deadline.* Signs, if required, shall be posted at least 15 days prior to a public hearing.

(6) *Affidavit.* An affidavit, including photographs, attesting to the date of installation and number of signs installed shall be provided at least five days prior to the required public hearing.

(7) *Public Notice.* Public notice, including mailing, publication in a newspaper, and posting of property, shall be provided as required below in Table 2-3 and consistent with the city charter and Florida Statutes.

(a) *Publication.*

(i) For applications that require publication pursuant to Table 2-3 and for which Florida Statutes require publication, publication must meet the requirements of all applicable statutes including Sections 166.041, 163.3187, and 163.3184, Florida Statutes, as they apply.

(ii) For applications that are not required to be published pursuant to Florida Statutes, but are required to be published pursuant to Table 2-3, the publication shall be published in a newspaper of general paid circulation and of general interest and readership in the jurisdiction. The advertisement shall appear in a newspaper published at least five times per week.

- (b) *Mail notice.* Required mail notice shall be provided as indicated below:
- (i) *Contents.* Unless otherwise provided herein, mail notice shall contain the following information:
 1. The title and substance of the proposed ordinance or development order;
 2. The time, date, and location of the public hearing for the applicable Planning and Zoning Board or LPA hearing;
 3. The time, date, and location of the public hearing for the City Council;
 4. The location of the property affected by the application with reference to the nearest intersection of two or more streets;
 5. The name, address, and telephone number of the office where additional information can be obtained;
 6. The times and place where the proposed ordinance or development order application may be inspected by the public;
 7. A notice that interested parties may appear at the meeting or public hearing and be heard with respect to the proposed ordinance or development order application; and
 8. An area map, indicating location of the affected property, may be provided.
 - (ii) *Class of mail.* Mail notice shall be provided by first-class mail.
 - (iii) *Postmark.* Mail notice shall be postmarked no later than the minimum number of calendar days as required in Table 2-3 or as otherwise required by Sections 166.041, 163.3187, and 163.3184, Florida Statutes, as amended.
 - (iv) *Property owners notified.* Mail notice for applications shall be provided to all property owners, excluding property owned by the applicant, within 300 feet of the site affected by the application.
 - (v) *Property owners list.* To the extent permitted by law, the City will provide the applicant with a list of addresses for which applicant must generate mailing labels. The City shall generate any mailing labels for properties which the City may not legally disclose the address. Applicants who create mailing labels for all addresses provided to the applicant by the City shall be deemed to have complied with this section.
 - (vi) *Costs.* The applicant shall provide envelopes with affixed postage and complete mailing labels appropriate to the type of mail service utilized. In the event additional mail notice is required, the applicant shall be responsible for postage, envelopes, and mailing labels.
 - (vii) *Procedure.* The City shall be responsible for delivery of mailed notices to the post office.

Table 2-3: Notice Requirements

Application	Mail Prior to City Council Meeting/Hearing	Publication Prior to City Council Meeting/Hearing	Post Prior to City Council Meeting/Hearing	Additional Requirements Prior to LPA/P&Z
Comprehensive Plan Map Amendment – Large Scale	14 days	14 days prior to ordinance adoption and as required by state law	15 days	<i>Prior to LPA:</i> <u>Mail</u> : 10 days <u>Publish</u> : 10 days <u>Post</u> : 15 days

Table 2-3: Notice Requirements

Application	Mail Prior to City Council Meeting/Hearing	Publication Prior to City Council Meeting/Hearing	Post Prior to City Council Meeting/Hearing	Additional Requirements Prior to LPA/P&Z
Comprehensive Plan Map Amendment –Small Scale	N/A	14 days prior to ordinance adoption	15 days	<i>Prior to LPA:</i> <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	<i>Prior to LPA:</i> <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	<i>Prior to P&Z:</i> <u>Mail:</u> 10 days <u>Publish:</u> 10 days <u>Post:</u> 15 days
Conditional Use (Residential)	14 days	14 days	15 days	<i>Prior to P&Z:</i> <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	<i>Prior to P&Z:</i> <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	<i>Prior to LPA</i> <u>Mail:</u> N/A <u>Publish:</u> 10 days <u>Post:</u> none
Rezoning	14 days	14 days prior to ordinance	15 days	<i>Prior to LPA:</i> <u>Mail:</u> 10 days <u>Publish:</u> 10 days <u>Post:</u> 15 days

Table 2-3: Notice Requirements

Application	Mail Prior to City Council Meeting/Hearing	Publication Prior to City Council Meeting/Hearing	Post Prior to City Council Meeting/Hearing	Additional Requirements Prior to LPA/P&Z
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	<i>Prior to P&Z</i> <u>Mail</u> : 10 days <u>Publish</u> : 10 days <u>Post</u> : 15 days

ARTICLE 2.3 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. 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 action by PZB or LPA.* The following procedures apply to applications requiring recommendation of approval by the PZB or LPA.

- (A) Administrative recommendation for proceeding to the PZB or LPA will be effectuated as follows:
 - (1) 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.
 - (2) 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.
- (B) 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.
- (C) At the PZB or LPA hearing at which the PZB or LPA makes a recommendation, 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.

- (D) After the PZB or LPA hearing on an application that requires City Council approval, 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.
- (E) If the PZB denies an application for a variance, the PZB 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.

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, 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.

Section 13: Appeals.

- (A) Appeals of Final City Action. Appeals from a final decision of the Planning and Zoning Director or City Council shall be made in the Division of Administrative Hearings or the applicable court of law within 30 calendar days of the date such decision is rendered, or as provided by operative statute.
- (B) Appeals of Planning and Zoning Board Decisions. Appeals to the City Council of Planning and Zoning Board decisions shall be made by filing a written appeal with the City Clerk within 30 calendar days of the date such decision is rendered.

- (1) The City Council may reverse or affirm, wholly or partly, or may modify the decision made by the Planning and Zoning Board pursuant to these LDRs.
- (2) The decision of the Planning and Zoning Board shall be presumed to be correct and the applicant shall have the burden to demonstrate the error which must be proved by a preponderance of the evidence, and such evidence must be competent and substantial.
- (3) Appeals of decisions of the Planning and Zoning Board shall be heard within 45 days of the day the appeal is filed with the City Clerk.
- (4) All decisions of the City Council on appeal from a decision of the Planning and Zoning Board shall be final City action.

Section 14: Reconsideration.

- (A) Variances, conditional uses, and rezonings. Any parcel or lot substantially the same parcel or lot which is the subject of a variance, conditional use, or rezoning which has been denied shall not be eligible for reconsideration for one year from the date such application was denied, unless there has been a material change to the application as determined by the Planning and Zoning Director.

ARTICLE 2.4 HEARING OFFICER; APPEALS

Section 1: Scope and Authority. The Hearing Officer shall be appointed by the City Council shall have the authority to hear and decide appeals of an interpretation of the LDRs pursuant to the process provided in Chapter 2.

Section 2: Procedures

(A) Interpretation and Application of LDRs.

- (1) An application for interpretation or application of these LDRs 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.

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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