

Council Members

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



City of Westlake

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

Regular Meeting
Monday, February 12, 2018

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

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

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**City of Westlake**

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February 7, 2018

City Council
 City of Westlake

Dear Mayor and Council:

The City Council of the City of Westlake will hold a regular meeting on Monday, February 12, 2018 at 7:00 p.m. at the Westlake Council Chambers, 4005 Seminole Pratt Whitney Road, Westlake, Florida. Following is the advance agenda for the meeting.

1. Call to Order/ Roll Call
2. Pledge of Allegiance
3. Approval of Agenda
4. Audience Comments on Agenda Items (3) Minute Time Limit
5. Approval of the Minutes of the January 8, 2018 Meeting
6. Approval of Financial Statements for November and December 2017

SECOND READING OF ORDINANCE

7. **Ordinance 2018-1**, Amending the City's Interim Land Development Code, Article 1, Section D, Providing for a Definition and Calculation for Density Transition Zone; Article 1, Section F, Providing for Amendments to the Definition of Fitness Center; and Article 1, Section M, Providing for Amendments to the Definition of Medical or Dental Offices – Recommendation of Approval
8. **Ordinance 2018-2**, Amending the City's Interim Land Development Code, Article 3, Chapter E, Planned Development Districts ("PDDs"), Section 1(B), Table 3.E.1.B., Providing for Additional Types of Uses within the PDD Use Matrix Table for the Economic Development Center ("EDC") Category for Mixed Use Plan Developments ("MUPD") and Planned Unit Developments ("PUD"); Providing for Amendments to the Uses Allowed within Each Category – Recommendation of Approval
9. **Ordinance 2018-3**, Amending the City's Interim Land Development Code, Article 3, Section 2, Planned Unit Developments ("PUDs"), Required Standards for Neighborhood Park, Table 3.E.2.C, Entitled Minimum Thresholds, Table 3.E.2.C., Entitled PUD Land Use Mix, and Table 3.E.2.D., Entitled PUD Property Development Regulations, Providing for Changes in the Planned Unit Developments ("PUD") District – Recommendation of Approval
10. **Ordinance 2018-4**, Amending the City's Interim Land Development Code, Article 3, Chapter F, Section 1, Table 3.F.1.F. Traditional Development District ("TDDs") Permitted Use Schedule, Section 1, Table 3.F.2.A., Block Dimension Requirements, Street Design, Table 3.F.2.A, Sidewalk/Pathway Design Standards, Bicycle Parking, Landscape and Buffering, Fencing and Walls, Providing for Changes in the Traditional Development District ("TDDs"); Providing for Amendments to the Approval Process, Block Lengths and Street Design Standards – Recommendation of Approval

11. **Ordinance 2018-5**, Amending the City’s Interim Land Development Code, Article 3, Chapter F, Section 3, Traditional Neighborhood Development District (“TNDs”), Table 3.F.3.C. TND Land Use, General Standards and Table 3.F.3.E., TND Residential Lot Size and Setback Regulations;, Article 3, Chapter F, Section 3(D) and Section 3(E); Providing for Changes in the Traditional Neighborhood Development District (“TND”); Providing for Amendments to the Land Use, General Standards, Lot Size and Setback Regulations - Recommendation of Approval
12. **Ordinance 2018-6**, Amending the City’s Interim Land Development Code, Article 4, Chapter B, Supplementary Use Standards, Section 1, Uses, Providing for Changes in the Location, Use Limitation, and Development Thresholds for Place of Worship, Providing for a Modification of the Uses Permitted in Medical or Dental Office and Providing for Approval Process for Use in Retail Sales, General – Recommendation of Approval
13. Resolution 2018-3, Approving Final Plat of Hammocks of Westlake Phase II
14. Resolution 2018-4, Approving Final Plat of Medical Center, Phase I
15. Resolution 2018-5, Approving Site Plan of Medical Center, Phase I
16. Resolution 2018-2, Approving Site Plan for Amenity Parcel POD PC-1
17. Resolution 2018-6, Interlocal Agreement between Seminole Improvement District and City of Westlake
18. Resolution 2018-7, Amending the City’s Budget for Housing Assistance Program
19. Request for Additional Meetings
 - A. March 12, 2018 for Comprehensive Plan Adoption Hearing at 7:00 p.m.
 - B. March 26, 2018 at 7:00 p.m.
20. City Manager
21. City Attorney
22. Council Comments
23. Audience Comments on Other Items (3) Minute Time Limit
24. Adjournment

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

Sincerely,

Kenneth Cassel

Kenneth G. Cassel
City Manager

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

Fifth Order of Business

**MINUTES OF MEETING
CITY OF WESTLAKE**

A meeting of the City Council of the City of Westlake was held on Monday, January 8, 2018, at 8:21 p.m., at the Westlake Community Center, 4005 Seminole-Pratt Whitney Road, Westlake, Florida.

Present and constituting a quorum were:

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

Also present were:

Kenneth Cassel	City Manager
Pam E. Booker, Esq.	City Attorney
Nilsa Zacarias	NZ Consultants
Don Hearing	Coutleur & Hearing
John Carter	Minto PBLH, LLC

The following is a summary of the minutes and actions taken during the January 8, 2018 City of Westlake Council Meeting.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

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

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS

Approval of Agenda

On MOTION by Councilman Stanavitch seconded by Councilwoman Crump with all in favor the agenda was approved.

FOURTH ORDER OF BUSINESS

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

Lieutenant Craig Turner introduced himself to the Council.

FIFTH ORDER OF BUSINESS

Approval of the Minutes of the December 11, 2017 Meeting

On MOTION by Councilwoman Crump seconded by Vice Mayor Long Robinson with all in favor the minutes of the December 11, 2017 meeting were approved.

SIXTH ORDER OF BUSINESS

Approval of Financial Statements for November 2017

The Board reviewed the financial statements.

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

SEVENTH ORDER OF BUSINESS

Consideration of Budget Amendment for Housing Assistance Program

Mr. Cassel stated the current budget did not anticipate the addition of the housing funding program. This will amend the budget for a special reserve fund in the amount of \$316,500. This will be funded by developer contribution and will be administered by the Housing Assistance Program.

On MOTION by Councilman Stanavitch seconded by Councilwoman Crump with all in favor the budget amendment for the Housing Assistance Program for \$316,500 was approved.

EIGHTH ORDER OF BUSINESS

Increase in Scope of Work by Inframark

There being no questions or comments,

On MOTION by Councilman Stanavitch seconded by Vice Mayor Long Robinson with all in favor the increase in scope of work by Inframark was approved as presented.

FIRST READING OF ORDINANCE

January 8, 2018

NINTH ORDER OF BUSINESS

Recommendation to the City Council to Approve City Ordinance 2018-1, Amending the City’s Interim Land Development Code, Article 1, Section D, Providing for a Definition and Calculation for Density Transition Zone; Article 1, Section F, Providing for Amendments to the Definition of Fitness Center; and Article 1, Section M, Providing for Amendments to the Definition of Medical or Dental Offices

Ms. Zacarias provided a brief presentation on proposed Ordinance 2018-1 to amend the City’s Interim Land Development Code as related to Article 1.

Mr. Cassel Read Ordinance 2018-1 by title only.

On MOTION by Councilwoman Crump seconded by Vice Mayor Long Robinson with all in favor the first reading of City Ordinance 2018-1 was approved.

TENTH ORDER OF BUSINESS

Recommendation to the City Council to Approve City Ordinance 2018-2, Amending the City’s Interim Land Development Code, Article 3, Chapter E, Planned Development Districts (“PDDs”), Section 1(B), Table 3.E.1.B., Providing for Additional Types of Uses within the PDD Use Matrix Table for the Economic Development Center (“EDC”) Category for Mixed Use Plan Developments (“MUPD”) and Planned Unit Developments (“PUD”); Providing for Amendments to the Uses Allowed within Each Category

Ms. Zacarias provided a brief presentation on proposed Ordinance 2018-2 to amend the City’s Interim Land Development Code as related to Article 3.

Mr. Cassel read Ordinance 2018-2 by title only.

On MOTION by Councilman Stanavitch seconded by Councilwoman Crump with all in favor the first reading of Ordinance 2018-2 was approved.

January 8, 2018

ELEVENTH ORDER OF BUSINESS

Recommendation to the City Council to Approve City Ordinance 2018-3, Amending the City’s Interim Land Development Code, Article 3, Section 2, Planned Unit Developments (“PUDs”), Required Standards for Neighborhood Park, Table 3.E.2.C, Entitled Minimum Thresholds, Table 3.E.2.C., Entitled PUD Land Use Mix, and Table 3.E.2.D., Entitled PUD Property Development Regulations, Providing for Changes in the Planned Unit Developments (“PUD”) District

Ms. Zacarias provided a brief presentation on proposed Ordinance 2018-3 to amend the City’s Interim Land Development Code as related to Article 3, Section 2.

Mr. Cassel read Ordinance 2018-3 by title only.

On MOTION by Vice Mayor Long Robinson seconded by Councilwoman Crump with all in favor the first reading of Ordinance 2018-3 was approved.
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TWELFTH ORDER OF BUSINESS

Recommendation to the City Council to Approve City Ordinance 2018-4, Amending the City’s Interim Land Development Code, Article 3, Chapter F, Section 1, Table 3.F.1.F. Traditional Development District (“TDDs”) Permitted Use Schedule, Section 1, Table 3.F.2.A., Block Dimension Requirements, Street Design, Table 3.F.2.A, Sidewalk/Pathway Design Standards, Bicycle Parking, Landscape and Buffering, Fencing and Walls, Providing for Changes in the Traditional Development District (“TDDs”); Providing for Amendments to the Approval Process, Block Lengths and Street Design Standards

Ms. Zacarias provided a brief presentation on proposed Ordinance 2018-4 to amend the City’s Interim Land Development Code as related to Article 3, Traditional Development District.

Mr. Cassel read Ordinance 2018-4 by title only.

On MOTION by Councilman Stanavitch seconded by Vice Mayor Long Robinson with all in favor the first reading of Ordinance 2018-4 was approved contingent upon staff review of lighting provisions to be brought back at the second reading.

THIRTEENTH ORDER OF BUSINESS

Recommendation to the City Council to Approve City Ordinance 2018-5, Amending the City’s Interim Land Development Code, Article 3, Chapter F, Section 3, Traditional Neighborhood Development District (“TNDs”), Table 3.F.3.C. TND Land Use, General Standards and Table 3.F.3.E., TND Residential Lot Size and Setback Regulations;, Article 3, Chapter F, Section 3(D) and Section 3(E); Providing for Changes in the Traditional Neighborhood Development District (“TND”); Providing for Amendments to the Land Use, General Standards, Lot Size and Setback Regulations

Ms. Zacarias provided a brief presentation on proposed Ordinance 2018-5 to amend the City’s Interim Land Development Code as related to Article 3, Traditional Neighborhood Development District.

Mr. Cassel read Ordinance 2018-5 by title only.

On MOTION by Councilwoman Crump seconded by Councilman Stanavitch with all in favor the first reading of Ordinance 2018-5 was approved.

January 8, 2018

FOURTEENTH ORDER OF BUSINESS

Recommendation to the City Council to Approve City Ordinance 2018-6, Amending the City’s Interim Land Development Code, Article 4, Chapter B, Supplementary Use Standards, Section 1, Uses, Providing for Changes in the Location, Use Limitation, and Development Thresholds for Place of Worship, Providing for a Modification of the Uses Permitted in Medical or Dental Office and Providing for Approval Process for Use in Retail Sales, General

Ms. Zacarias provided a brief presentation on proposed Ordinance 2018-6 to amend the City’s Interim Land Development Code as related to Article 4.

Mr. Cassel read Ordinance 2018-6 by title only.

On MOTION by Councilman Stanavitch seconded by Councilwoman Crump with all in favor the first reading of Ordinance 2018-6 was approved.

SECOND READING OF ORDINANCE

FIFTEENTH ORDER OF BUSINESS

Ordinance 2017-7, Establishing Mandatory Solid Waste Collection

Mr. Cassel read Ordinance 2017-7 by title only.

On MOTION by Vice Mayor Long Robinson seconded by Councilman Stanavitch with all in favor Ordinance 2017-7 was approved.

SIXTEENTH ORDER OF BUSINESS

Ordinance 2017-8, Granting Franchise Agreement

Mr. Cassel read Ordinance 2017-8 by title only.

On MOTION by Councilman Stanavitch seconded by Councilwoman Crump with all in favor Ordinance 2017-8 was approved.

SEVENTEENTH ORDER OF BUSINESS

Consideration of Resolution 2018-1, Home Rule Resolution

Mr. Cassel provided an overview of Resolution 2018-1, opposing legislative efforts to impede the Constitutional right of Florida’s Citizens to govern themselves under municipal home rule powers.

Mr. Cassel read Resolution 2018-1 by title only.

On MOTION by Councilman Stanavitch seconded by Councilwoman Crump with all in favor Resolution 2018-1 was adopted.

EIGHTEENTH ORDER OF BUSINESS City Manager

Mr. Cassel reported the Comprehensive Plan has been submitted and comments were received from various agencies, which are being addressed. Staff will also begin working on the land development regulations. The City will be adopting the Florida Building Code. The Seminole Pratt Whitney Road project is proceeding well.

NINETEENTH ORDER OF BUSINESS City Attorney

Ms. Booker provided a brief overview of staff working to address comments made by several agencies on the Comprehensive Plan.

TWENTIETH ORDER OF BUSINESS Council Comments

There being none, the next item followed.

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

There being none, the next item followed.

TWENTYSECOND ORDER OF BUSINESS Adjournment

There being no further business, the meeting adjourned at 8:54 p.m.

Kenneth Cassel
City Manager

Roger Manning
Mayor

Sixth Order of Business

City of Westlake

Financial Report

November 30, 2017



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City of Westlake

Financial Statements

November 30, 2017

CITY OF WESTLAKE
 Balance Sheet
 Governmental Funds
 November 30, 2017

ACCOUNT DESCRIPTION	GENERAL FUND	SPECIAL REVENUE FUND	TOTAL
<u>ASSETS</u>			
Cash - Checking Account	\$ 279,551	\$ 316,536	\$ 596,087
Accounts Receivable	12,882	-	12,882
Investments:			
Money Market Account	51,608	-	51,608
Prepaid Credit Card	2,452	-	2,452
TOTAL ASSETS	\$ 346,493	\$ 316,536	\$ 663,029
<u>LIABILITIES</u>			
Accounts Payable	\$ 68,796	\$ -	\$ 68,796
Accrued Expenses	35,801	-	35,801
Other Current Liabilities	891	-	891
TOTAL LIABILITIES	105,488	-	105,488
<u>FUND BALANCES</u>			
Restricted for:			
Special Revenue	-	316,536	316,536
Unassigned:	241,005	-	241,005
TOTAL FUND BALANCES	\$ 241,005	\$ 316,536	\$ 557,541
TOTAL LIABILITIES & FUND BALANCES	\$ 346,493	\$ 316,536	\$ 663,029

CITY OF WESTLAKE
Statement of Revenues, Expenditures and Changes in Fund Balances
General Fund
For the Period Ending November 30, 2017

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<u>REVENUES</u>				
Interest - Investments	\$ 2,000	\$ 333	\$ 315	\$ (18)
Ad Valorem Taxes	138,030	23,005	1,149	(21,856)
Ad Valorem Taxes - Discounts	(5,521)	(920)	(46)	874
Occupational Licenses	5,000	833	754	(79)
Building Permits	160,000	26,667	58,633	31,966
Local Govt .05c Sales Tax	1,000	167	8	(159)
Other Impact Fees	1,500	-	-	-
Developer Contribution	1,580,967	526,989	-	(526,989)
Inspection Fees	1,000	167	200	33
TOTAL REVENUES	1,883,976	577,241	61,013	(516,228)
<u>EXPENDITURES</u>				
<u>Legislative</u>				
Mayor/Council Stipend	204,000	34,000	34,000	-
FICA Taxes	15,606	2,601	2,601	-
ProfServ-Legislative Expense	18,000	3,000	-	3,000
Council Expenses	10,000	1,667	-	1,667
Total Legislative	247,606	41,268	36,601	4,667
<u>Financial and Administrative</u>				
ProfServ-Consultants	40,000	6,667	4,100	2,567
Management Services	283,830	47,305	47,305	-
ProfServ-Web Site Maintenance	5,900	983	1,575	(592)
Auditing Services	7,000	-	-	-
Communication - Telephone	7,500	1,250	223	1,027
Postage and Freight	1,500	250	117	133
Lease - Building	500	500	500	-
Insurance - General Liability	15,000	15,000	6,000	9,000
Printing and Binding	1,000	167	-	167
Legal Advertising	10,000	1,667	2,403	(736)
General Government	33,360	5,560	-	5,560
Misc-Contingency	90,000	15,000	1,045	13,955
Office Supplies	2,500	417	680	(263)
Dues, Licenses, Subscriptions	9,000	1,500	1,174	326
Cap Outlay - Office Computers	20,000	3,333	-	3,333
Cap Outlay - Software	120,000	20,000	-	20,000
Total Financial and Administrative	647,090	119,599	65,122	54,477

CITY OF WESTLAKE
Statement of Revenues, Expenditures and Changes in Fund Balances
General Fund
For the Period Ending November 30, 2017

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<u>Legal Counsel</u>				
ProfServ-Legal Services	284,280	47,380	48,565	(1,185)
Total Legal Counsel	284,280	47,380	48,565	(1,185)
<u>Comprehensive Planning</u>				
ProfServ-Engineering	100,000	16,667	5,024	11,643
ProfServ-Planning/Zoning Board	170,000	28,333	23,430	4,903
ProfServ-Building Permits	160,000	26,667	30,013	(3,346)
Total Comprehensive Planning	430,000	71,667	58,467	13,200
<u>Other Public Safety</u>				
Contracts-Sheriff	275,000	45,833	2,513	43,320
Total Other Public Safety	275,000	45,833	2,513	43,320
TOTAL EXPENDITURES	1,883,976	325,747	211,268	114,479
Excess (deficiency) of revenues				
Over (under) expenditures	-	251,494	(150,255)	(401,749)
Net change in fund balance	\$ -	\$ 251,494	\$ (150,255)	\$ (401,749)
FUND BALANCE, BEGINNING (OCT 1, 2017)	391,260	391,260	391,260	
FUND BALANCE, ENDING	\$ 391,260	\$ 642,754	\$ 241,005	

CITY OF WESTLAKE
 Statement of Revenues, Expenditures and Changes in Fund Balances
 Special Revenue Fund - Housing Assistance Program
 For the Period Ending November 30, 2017

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<u>REVENUES</u>				
Interest - Investments	\$ -	\$ -	\$ 51	\$ 51
Developer Contribution	-	-	316,500	316,500
TOTAL REVENUES	-	-	316,551	316,551
<u>EXPENDITURES</u>				
<u>Financial and Administrative</u>				
Misc-Admin Fee (%)	-	-	15	(15)
Total Financial and Administrative	-	-	15	(15)
TOTAL EXPENDITURES	-	-	15	(15)
Excess (deficiency) of revenues Over (under) expenditures	-	-	316,536	316,536
Net change in fund balance	\$ -	\$ -	\$ 316,536	\$ 316,536
FUND BALANCE, BEGINNING (OCT 1, 2017)	-	-	-	
FUND BALANCE, ENDING	\$ -	\$ -	\$ 316,536	

City of Westlake

Supporting Schedules

November 30, 2017

CITY OF WESTLAKE
Cash and Investment Report
November 30, 2017

GENERAL FUND

<u>Account Name</u>	<u>Bank Name</u>	<u>Investment Type</u>	<u>Maturity</u>	<u>Yield</u>	<u>Balance</u>
Checking Account - Operating	BankUnited	Checking Account	n/a	n/a	\$279,551
Money Market Account	BankUnited	MMA	n/a	0.77%	\$51,608
				<i>Subtotal</i>	\$331,160

SPECIAL REVENUE FUND

Checking Account - Housing Assistance Fund	BankUnited	Checking Account	n/a	n/a	\$316,536
				<i>Subtotal</i>	\$316,536
				Total	\$647,696

City of Westlake

Bank Reconciliation

Bank Account No. 0300 Bank United - GF
 Statement No. 11-17A
 Statement Date 11/30/2017

G/L Balance (LCY)	279,551.43	Statement Balance	280,051.43
G/L Balance	279,551.43	Outstanding Deposits	0.00
Positive Adjustments	0.00		
	<hr/>	Subtotal	280,051.43
Subtotal	279,551.43	Outstanding Checks	500.00
Negative Adjustments	0.00	Differences	0.00
	<hr/>		
Ending G/L Balance	279,551.43	Ending Balance	279,551.43
Difference	0.00		

Posting Date	Document Type	Document No.	Description	Amount	Cleared Amount	Difference
Outstanding Checks						
5/10/2017	Payment	7158	MINTO PBLH, LLC	500.00	0.00	500.00
Total Outstanding Checks.....				500.00		500.00

City of Westlake

Check register

November 1 - 30, 2017

CITY OF WESTLAKE

Payment Register by Bank Account

For the Period from 11/01/2017 to 11/30/2017

(Sorted by Check / ACH No.)

Pymt Type	Check / ACH No.	Date	Payee Type	Payee	Invoice No.	Payment Description	Invoice / GL Description	G/L Account #	Amount Paid
BANK UNITED - GF - (ACCT# XXXXX0300)									
Check	7316	11/08/17	Vendor	OFFICE DEPOT	966999913001	TRAIMMER,CLASSIC	Office Supplies	001-551002-51301	\$103.99
Check	7317	11/08/17	Vendor	DBPR/BCAIB	093017-CK-SURCHRGES	SURCHARGES THRU 09/30/17	Building Permits - Surcharge	322100	\$578.99
Check	7318	11/13/17	Employee	KARA S. CRUMP	PAYROLL	***Voided Voided****			\$0.00
Check	7319	11/13/17	Employee	PHILLIP D EVERETT	PAYROLL	***Voided Voided****			\$0.00
Check	7320	11/13/17	Employee	KATRINA L. LONG	PAYROLL	***Voided Voided****			\$0.00
Check	7321	11/13/17	Employee	ROGER B MANNING	PAYROLL	***Voided Voided****			\$0.00
Check	7322	11/13/17	Employee	JOHN A. STANAVITCH	PAYROLL	***Voided Voided****			\$0.00
Check	7323	11/13/17	Employee	KARA S. CRUMP	PAYROLL	November 13, 2017 Payroll Posting			\$2,692.92
Check	7324	11/13/17	Employee	PHILLIP D EVERETT	PAYROLL	November 13, 2017 Payroll Posting			\$2,579.85
Check	7325	11/13/17	Employee	KATRINA L. LONG	PAYROLL	November 13, 2017 Payroll Posting			\$2,692.92
Check	7326	11/13/17	Employee	ROGER B MANNING	PAYROLL	November 13, 2017 Payroll Posting			\$2,747.50
Check	7327	11/13/17	Employee	JOHN A. STANAVITCH	PAYROLL	November 13, 2017 Payroll Posting			\$2,797.50
Check	7328	11/14/17	Vendor	T-MOBILE USA, INC.	955763851-10/2017	SERVICES THRU 10/21/17	Communication - Telephone	001-541003-51301	\$223.01
Check	7329	11/14/17	Vendor	CMG-PB REMITTANCE ADDRESS	35857-103017	NOTICE P & Z MEETING 10/27/17	Legal Advertising	001-548002-51301	\$261.44
Check	7330	11/14/17	Vendor	OFFICE DEPOT	975235972001	TONER,COFFEE/CREAMER	Office Supplies	001-551002-51301	\$264.83
Check	7330	11/14/17	Vendor	OFFICE DEPOT	975236434001	TRAY MESH	Office Supplies	001-551002-51301	\$11.78
Check	7330	11/14/17	Vendor	OFFICE DEPOT	975236433001	TONER BLACK	Office Supplies	001-551002-51301	\$79.99
Check	7331	11/14/17	Vendor	FLORIDA LEAGUE OF MAYORS	33842FLOM1718	ANNUAL DUES 2017-2018	General Government	001-549109-51301	\$350.00
Check	7332	11/14/17	Vendor	PBC SHERIFF'S OFFICE	58168	OFF DUTY 10/2/17-10/31/17	Contracts-Sheriff	001-534100-52901	\$2,513.00
Check	7333	11/14/17	Vendor	MARK L. DUBOIS	17152	SERVICES 10/16/17-10/26/17	General Government	001-549109-51301	\$1,250.00
Check	7334	11/14/17	Vendor	MUNICIPAL CODE CORPORATION	00000413	WEBSITE/HOSTING/MAIN/SUPPORT	General Government	001-549109-51301	\$4,750.00
Check	7335	11/14/17	Vendor	FLORIDA STATE DISBURSEMENT UNIT	111317-EVERETT	20011937CA50-1082479233	Accrued Taxes Payable	217000	\$267.65
Check	7336	11/14/17	Vendor	FED EX	5-970-46091	OVERNIGHT SHIPPING 10/18/17	Postage and Freight	001-541006-51301	\$39.47
Check	7337	11/20/17	Vendor	CHEN MOORE & ASSOCIATES, INC.	0134634	ENG. SERV-10/01/17-10/31/17	ProfServ-Planning/Zoning/Eng Services	001-531100-51501	\$7,916.00
Check	7338	11/20/17	Vendor	MARK L. DUBOIS	17154	SERVICES 10/31/17-11/07/17	General Government	001-549109-51301	\$1,550.00
Check	7339	11/21/17	Vendor	CMG-PB REMITTANCE ADDRESS	100248434-11062017	NOTICE-COUNCIL MEET-11/6/17	Legal Advertising	001-548002-51301	\$251.12
Account Total									\$33,921.96

BANK UNITED - GF MONEY MARKET ACCOUNT - (ACCT# XXXXX7182)

Check	3001	11/14/17	Vendor	CITY OF WESTLAKE	103017	MOVE FUNDS TO CHECKING ACCT	Due From Other Funds	131000	\$250,000.00
Account Total									\$250,000.00

Total Amount Paid	\$283,921.96
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MEMORANDUM

TO: Members of the City Council
FROM: Jennifer Ramdin, District Accountant, Alan Baldwin, Accounting Manager
CC: Ken Cassel, City Manager
DATE: January 26, 2018
SUBJECT: December Financial Report

Please find attached the December 2017 financial report. During your review, please keep in mind that the goal is for revenue to meet or exceed the year-to-date budget and for expenditures to be at or below the year-to-date budget. An overview of the City is provided below. Should you have any questions or require additional information, please contact me at Jennifer.Ramdin@inframark.com.

General Fund

- Total Revenue of 13% includes funding per agreement with Minto Community LLC. (Developer). Building Permits are favorable at 103%.
- Total expenditures through December are at approximately 20% of the adopted budget.

Special Revenue Fund- Housing Assistance Program

- Budget amendment was approved at the January meeting and will be added to January's Financials.

City of Westlake

Financial Report

December 31, 2017



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City of Westlake

Financial Statements

December 31, 2017

Balance Sheet
December 31, 2017

ACCOUNT DESCRIPTION	GENERAL FUND	SPECIAL REVENUE FUND - HOUSING ASSISTANCE PROGRAM	TOTAL
ASSETS			
Cash - Checking Account	\$ 302,365	\$ -	\$ 302,365
Accounts Receivable	33,331	-	33,331
Due From Developer	519,568	-	519,568
Investments:			
Money Market Account	51,642	316,631	368,273
Prepaid Credit Card	2,452	-	2,452
TOTAL ASSETS	\$ 909,358	\$ 316,631	\$ 1,225,989
LIABILITIES			
Accounts Payable	\$ 125,421	\$ -	\$ 125,421
TOTAL LIABILITIES	125,421	-	125,421
FUND BALANCES			
Restricted for:			
Special Revenue	-	316,631	316,631
Unassigned:	783,937	-	783,937
TOTAL FUND BALANCES	\$ 783,937	\$ 316,631	\$ 1,100,568
TOTAL LIABILITIES & FUND BALANCES	\$ 909,358	\$ 316,631	\$ 1,225,989

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

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<u>REVENUES</u>				
Interest - Investments	\$ 2,000	\$ 500	\$ 348	\$ (152)
Ad Valorem Taxes	138,030	46,010	85,151	39,141
Ad Valorem Taxes - Discounts	(5,521)	(1,840)	(3,368)	(1,528)
Occupational Licenses	5,000	1,250	806	(444)
Building Permits	160,000	40,000	164,960	124,960
Local Govt .05c Sales Tax	1,000	250	16	(234)
Other Impact Fees	1,500	375	-	(375)
Developer Contribution	1,580,967	526,989	519,568	(7,421)
Inspection Fees	1,000	250	350	100
TOTAL REVENUES	1,883,976	613,784	767,831	154,047
<u>EXPENDITURES</u>				
<u>Administration</u>				
Mayor/Council Stipend	204,000	51,000	51,000	-
FICA Taxes	15,606	3,902	3,902	-
ProfServ-Engineering	100,000	25,000	40,062	(15,062)
ProfServ-Legal Services	284,280	71,070	72,847	(1,777)
ProfServ-Legislative Expense	18,000	4,500	-	4,500
ProfServ-Planning/Zoning Board	170,000	42,500	25,806	16,694
ProfServ-Consultants	40,000	10,000	5,525	4,475
ProfServ-Building Permits	160,000	40,000	65,051	(25,051)
Management Services	283,830	70,958	71,324	(366)
ProfServ-Web Site Maintenance	5,900	1,475	1,575	(100)
Auditing Services	7,000	-	-	-
Communication - Telephone	7,500	1,875	665	1,210
Postage and Freight	1,500	375	125	250
Lease - Building	500	500	500	-
Insurance - General Liability	15,000	15,000	6,000	9,000
Printing and Binding	1,000	250	-	250
Legal Advertising	10,000	2,500	6,820	(4,320)
General Government	33,360	8,340	-	8,340
Council Expenses	10,000	2,500	-	2,500
Misc-Contingency	90,000	22,500	14,281	8,219
Office Supplies	2,500	625	1,522	(897)
Dues, Licenses, Subscriptions	9,000	2,250	1,174	1,076
Cap Outlay - Office Computers	20,000	5,000	-	5,000
Cap Outlay - Software	120,000	30,000	-	30,000
Total Administration	1,608,976	412,120	368,179	43,941

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

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<u>Other Public Safety</u>				
Contracts-Sheriff	275,000	68,750	6,975	61,775
Total Other Public Safety	<u>275,000</u>	<u>68,750</u>	<u>6,975</u>	<u>61,775</u>
TOTAL EXPENDITURES	1,883,976	480,870	375,154	105,716
Excess (deficiency) of revenues				
Over (under) expenditures	-	132,914	392,677	259,763
Net change in fund balance	\$ -	\$ 132,914	\$ 392,677	\$ 259,763
FUND BALANCE, BEGINNING (OCT 1, 2017)	391,260	391,260	391,260	
FUND BALANCE, ENDING	<u>\$ 391,260</u>	<u>\$ 524,174</u>	<u>\$ 783,937</u>	

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

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<u>REVENUES</u>				
Interest - Investments	\$ -	\$ -	\$ 146	\$ 146
Developer Contribution	-	-	316,500	316,500
TOTAL REVENUES	-	-	316,646	316,646
<u>EXPENDITURES</u>				
<u>Administration</u>				
Misc-Admin Fee (%)	-	-	15	(15)
Total Administration	-	-	15	(15)
TOTAL EXPENDITURES	-	-	15	(15)
Excess (deficiency) of revenues				
Over (under) expenditures	-	-	316,631	316,631
Net change in fund balance	\$ -	\$ -	\$ 316,631	\$ 316,631
FUND BALANCE, BEGINNING (OCT 1, 2017)	-	-	-	
FUND BALANCE, ENDING	\$ -	\$ -	\$ 316,631	

City of Westlake

Supporting Schedules

December 31, 2017

CITY OF WESTLAKE
Cash and Investment Report
December 31, 2017

GENERAL FUND

<u>Account Name</u>	<u>Bank Name</u>	<u>Investment Type</u>	<u>Maturity</u>	<u>Yield</u>	<u>Balance</u>
Checking Account - Operating	BankUnited	Checking Account	n/a	n/a	\$302,365
Money Market Account	BankUnited	MMA	n/a	1.00%	\$51,642
				Subtotal	<u>\$354,006</u>

SPECIAL REVENUE FUND

Money Market - Housing Assistance Fund	BankUnited	MMA	n/a	1.00%	\$316,631
				Subtotal	<u>\$316,631</u>
				Total	<u><u>\$670,637</u></u>

City of Westlake

Bank Reconciliation

Bank Account No. 0300 Bank United - GF
 Statement No. 12-17
 Statement Date 12/31/2017

G/L Balance (LCY)	302,364.53	Statement Balance	332,215.95
G/L Balance	302,364.53	Outstanding Deposits	0.00
Positive Adjustments	0.00		
	<hr/>		
Subtotal	302,364.53	Subtotal	332,215.95
Negative Adjustments	0.00	Outstanding Checks	29,851.42
	<hr/>	Differences	0.00
Ending G/L Balance	302,364.53	Ending Balance	302,364.53
Difference	0.00		

Posting Date	Document Type	Document No.	Description	Amount	Cleared Amount	Difference
Outstanding Checks						
5/10/2017	Payment	7158	MINTO PBLH, LLC	500.00	0.00	500.00
12/11/2017	Payment	7366	KARA S. CRUMP	2,692.92	0.00	2,692.92
12/27/2017	Payment	7360	LAW OFFICES OF PAM E. BOOKER, ESQ	24,282.25	0.00	24,282.25
12/27/2017	Payment	7361	CHEN MOORE & ASSOCIATES, INC.	2,376.25	0.00	2,376.25
Total Outstanding Checks.....				29,851.42		29,851.42

City of Westlake

Check register

December 1 - 31, 2017

CITY OF WESTLAKE

**Payment Register by Fund
For the Period from 12/1/2017 to 12/31/2017
(Sorted by Check / ACH No.)**

Fund No.	Check / ACH No.	Date	Payee	Invoice No.	Payment Description	Invoice / GL Description	G/L Account #	Amount Paid
GENERAL FUND - 001								
001	7340	12/05/17	LAW OFFICES OF PAM E. BOOKER, ESQ	116	LEGAL SERVICES-11/2017	ProfServ-Legal Services	531023-51401	\$24,282.25
001	7341	12/05/17	NZ CONSULTANTS, INC.	WES-13	P&Z SERVICES 10/1/17-10/31/17	ProfServ-Planning/Zoning/Eng Services	531100-51501	\$23,430.00
001	7342	12/05/17	OFFICE DEPOT	981558672001	PUNCH 3 HOLE	Office Supplies	551002-51301	\$11.75
001	7342	12/05/17	OFFICE DEPOT	981558489001	LABEL,MECH 3 TIER,BOARD	Office Supplies	551002-51301	\$174.47
001	7342	12/05/17	OFFICE DEPOT	981558673001	TAPE, INVIS	Office Supplies	551002-51301	\$18.35
001	7349	12/12/17	T-MOBILE USA, INC.	955763851-11/2017	SERVICE THRU 11/21/17	Communication - Telephone	541003-51301	\$220.91
001	7350	12/12/17	INFRAMARK, LLC	25439	MANAGEMENT FEE-11/2017	Management Services	531093-51301	\$20,758.42
001	7350	12/12/17	INFRAMARK, LLC	25439	MANAGEMENT FEE-11/2017	Postage and Freight	541006-51301	\$8.74
001	7351	12/12/17	CMG-PB REMITTANCE ADDRESS	35857-112717	NOTICE-HOUSING ASSISTANCE	Legal Advertising	548002-51301	\$216.72
001	7352	12/12/17	PBC FINANCE DEPARTMENT	113017-IMPACT	NOV 2017-IMPACT FEES	Other Current Liabilities	229000	\$3,206.42
001	7353	12/12/17	MARK L. DUBOIS	17157	SERVICES THRU 11/30/17	General Government	549109-51301	\$1,425.00
001	7354	12/15/17	SEMINOLE IMPROVEMENT DISTRICT	120617-CC BATCH	SID REIMB. FOR PAYMENT 12/6/17	Misc-Contingency	549900-51301	\$1,050.00
001	7355	12/15/17	CMG-PB REMITTANCE ADDRESS	100259938-11292017	NOTICE-AFFORDABLE HOUSING	Legal Advertising	548002-51301	\$127.28
001	7356	12/15/17	PBC SHERIFF'S OFFICE	58442	OFF DUTY 11/1-11/30/17	Contracts-Sheriff	534100-52901	\$2,346.00
001	7357	12/15/17	FLORIDA STATE DISBURSEMENT UNIT	101917	20011937CA50-1082479233	Accrued Taxes Payable	217000	\$267.65
001	7358	12/15/17	TOTER, LLC	121417	48 TOTER 48 GALLON	Misc-Contingency	549900-52901	\$10,973.17
001	7359	12/20/17	NOVA ENGINEERING AND	0153432	SERVAICES 10/29/17-11/25/17	ProfServ-Engineering	531013-51501	\$30,012.50
001	7360	12/27/17	LAW OFFICES OF PAM E. BOOKER, ESQ	117	LEGAL SERVICES-DEC 2017	ProfServ-Legal Services	531023-51401	\$24,282.25
001	7361	12/27/17	CHEN MOORE & ASSOCIATES, INC.	0000134742	SERVICES FROM 11/1/17-11/30/17	ProfServ-Planning/Zoning/Eng Services	531100-51501	\$2,376.25
001	7344	12/11/17	PHILLIP D EVERETT	PAYROLL	December 11, 2017 Payroll Posting			\$2,579.85
001	7345	12/11/17	KATRINA L. LONG	PAYROLL	December 11, 2017 Payroll Posting			\$2,692.92
001	7346	12/11/17	ROGER B MANNING	PAYROLL	December 11, 2017 Payroll Posting			\$2,747.50
001	7347	12/11/17	JOHN A. STANAVITCH	PAYROLL	December 11, 2017 Payroll Posting			\$2,797.50
Fund Total								\$156,005.90

Total Checks Paid	\$156,005.90
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Seventh Order of Business



City of Westlake
Planning and Zoning Department
Staff Report –2/1/18

PETITION DESCRIPTION

DATE:	January 30, 2018
PETITION NUMBER:	TEXT-ULDC-2017-03 (Ordinance 2018-1)
APPLICANT:	Cotleur & Hearing
OWNER:	Minto PBLH, LLC
REQUEST:	Amend the City of Westlake interim Unified Land Development Code (ULDC) to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods.

ANALYSIS

The subject application is a request for a text amendment to the City of Westlake’s interim Unified Land Development Code (ULDC) to address regulatory and use provisions in **Articles 1, 3, and 4** as they relate to the following:

- Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods,
- Planned Unit Development (PUD) pods,
- Traditional Neighborhood Development(TND) pods, and
- Private Civic (PC) pods.

*Text amendments are provided in ~~striketrough~~ and underline format. Proposed modifications are included on the following **six (6) ordinances and their exhibits**:*

- **Ordinance 2018-1**
- Ordinance 2018-2
- Ordinance 2018-3
- Ordinance 2018-4
- Ordinance 2018-5
- Ordinance 2018-6

*The subject staff report will address **Ordinance 2018-1**.*

Ordinance 2018-1

The applicant is proposing to modify three (3) provisions in Article 1, Chapter 1, entitled Definitions and Acronyms, Section 2, Definitions, Sections D, density transition zones, F, fitness center, and M, medical or dental office. The following definition for “Density Transition Zone” was added to define density transition zone and to provide a methodology for the calculation of the density within this zone:

19. Density Transition Zone (DTZ) –The land area of a TTD extending along the entire perimeter of the TTD as set forth on the Master Plan. Density within this zone shall be calculated using the total dwelling units within the DTZ divided by the total acreage of the land area within the total DTZ. (For example, if the perimeter of the TTD was 66,000 feet and there were 800 dwelling units located within 660’ of the perimeter boundary, the density would be calculated as follows.

*DTZ = 66,000’ perimeter * 660’ wide = 43,560,000 SF*

DTZ = 1,000 AC Density = 800 du / 1,000 AC Density = 0.8 du/ac

The definition of “Fitness Center” was modified to provide clarification that wellness services would be allowed as a part of a fitness center’s operations. The **Fitness Center** definition (No. 22) has been modified to include the words “wellness services.” It is typical for fitness facilities to include wellness services, such as nutritional coaching, BMI exams, blood pressure tests, minor medical treatments for exercise injuries, flu shots, etc.

*22. **Fitness Center** - an enclosed building or structure containing multi-use facilities for conducting recreational activities such as aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash, and wellness services. This use also includes dance studios and karate schools. A fitness center may also include the following customary accessory activities as long as they are intended for the use of the members of the center and not for the general public: babysitting, food service, and the serving of alcoholic beverages consumed on the premises.*

The definition of “Medical or Dental Office” was modified to provide clarification that immediate and/or emergent care services would be allowed as part of the medical or dental office practice. The *Medical or Dental Office* definition (No. 32) now includes the words “Immediate and/or emergent.”

*32. **Medical or Dental Office** - an establishment where patients, who are not lodged overnight, are admitted for immediate and/or emergency examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. A pain management clinic shall not be considered a medical or dental office. [Ord. 2010009]*

Please see attached Ordinance 2018-1 and Exhibit “A”.



City of Westlake
Planning and Zoning Department
Staff Report – 12/26/2017

PETITION DESCRIPTION

DATE: December 26, 2017

PETITION NUMBER: TEXT-ULDC-2017-03 (***Ordinance 2018-1***)

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: Amend the City of Westlake interim Unified Land Development Code (ULDC) to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods.

ANALYSIS

The subject application is a request for a text amendment to the City of Westlake’s interim Unified Land Development Code (ULDC) to address regulatory and use provisions in **Articles 1, 3, and 4** as they relate to the following:

- Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods,
- Planned Unit Development (PUD) pods,
- Traditional Neighborhood Development(TND) pods, and
- Private Civic (PC) pods.

*Text amendments are provided in ~~strikethrough~~ and underline format. Proposed modifications are included on the following **six (6) ordinances and its exhibits**:*

- **Ordinance 2018-1**
- Ordinance 2018-2
- Ordinance 2018-3
- Ordinance 2018-4
- Ordinance 2018-5
- Ordinance 2018-6

The subject staff report will address *Ordinance 2018-1*.

Ordinance 2018-1

The applicant is proposing to modify three (3) provisions in Article 1, Chapter 1, entitled Definitions and Acronyms, Section 2, Definitions, Sections D, density transition zones, F, fitness center, and M, medical or dental office. The following definition for "Density Transition Zone" was added to define density transition zone and to provide a methodology for the calculation of the density within this zone:

19. Density Transition Zone (DTZ) –The land area of a TTD extending along the entire perimeter of the TTD as set forth on the Master Plan. Density within this zone shall be calculated using the total dwelling units within the DTZ divided by the total acreage of the land area within the total DTZ. (For example, if the perimeter of the TTD was 66,000 feet and there were 800 dwelling units located within 660' of the perimeter boundary, the density would be calculated as follows.

*DTZ = 66,000' perimeter * 660' wide = 43,560,000 SF*

DTZ = 1,000 AC Density = 800 du / 1,000 AC Density = 0.8 du/ac

The definition of "Fitness Center" was modified to provide clarification that wellness services would be allowed as a part of a fitness center's operations. The *Fitness Center* definition (No. 22) has been modified to include the words "wellness services." It is typical for fitness facilities to include wellness services, such as nutritional coaching, BMI exams, blood pressure tests, minor medical treatments for exercise injuries, flu shots, etc.

22. Fitness Center - an enclosed building or structure containing multi-use facilities for conducting recreational activities such as aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash, and wellness services. This use also includes dance studios and karate schools. A fitness center may also include the following customary accessory activities as long as they are intended for the use of the members of the center and not for the general public: babysitting, food service, and the serving of alcoholic beverages consumed on the premises.

The definition of "Medical or Dental Office" was modified to provide clarification that immediate and/or emergent care services would be allowed as part of the medical or dental office practice. The *Medical or Dental Office* definition (No. 32) now includes the words "Immediate and/or emergent."

32. Medical or Dental Office - an establishment where patients, who are not lodged overnight, are admitted for immediate and/or emergency examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. A pain management clinic shall not be considered a medical or dental office. [Ord. 2010009]

Please see attached Ordinance 2018-1 and Exhibit "A".

DEC 06 2017



Received
Landscape Architects | Land Planners | Environmental Consultants

1934 Commerce Lane · Suite 1 · Jupiter, Florida · 33458 · Ph 561.747.8336 · Fax 561.747.1377 · www.cotleurhearing.com · Lic # LC-C000535

City of Westlake ULDC Text Amendment

Justification Statement

December 5, 2017

Introduction

The subject application is a request for various text amendments to the City of Westlake Unified Land Development Code (ULDC). The purpose of the text amendments is to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods. All proposed modification as provided in the attached text amendment document in ~~striketrough~~ and underline format.

ARTICLE 1 DEFINITIONS

The Applicant proposed to add one new definition and modify two existing definitions. A definition of **Density Transition Zone (DTZ)** has been added and the definitions for **Fitness Center** and **Medical and Dental Office** have been modified slightly.

The DTZ is referenced and identified on the approved Final Master Plan, but is not formally defined in the ULDC. In order to prevent any confusion relative to the application of the DTZ, the Applicant proposes that a definition be added to Section 1.1.2.A. This will provide clarity of the terminology, since it does not exist outside of the Westlake Development Order, as well as provide consistency of its application.

Density Transition Zone (DTZ) – *The land area of a TTD extending along the entire perimeter of the TTD as set forth on the Master Plan. Density within this zone shall be calculated using the total dwelling units within the DTZ divided by the total acreage of the land area within the total DTZ. (For example, if the perimeter of the TTD was 66,000 feet and there were 800 dwelling units located within 660' of the perimeter boundary, the density would be calculated as follows.*

$$DTZ = 66,000' \text{ perimeter} * 660' \text{ wide} = 43,560,000 \text{ SF}$$

$$DTZ = 1,000 \text{ AC}$$

$$\text{Density} = 800 \text{ du} / 1,000 \text{ AC}$$

$$\text{Density} = 0.8 \text{ du/ac}$$

ULDC Text Amendment
 TEXT-2017-03
 CH 130518.51
 December 5, 2017
 Page 2 of 6

The ***Fitness Center*** definition (No. 22) has been modified to include “wellness services.” It is typical for fitness facilities to include wellness services, such as nutritional coaching, BMI exams, blood pressure tests, minor medical treatments for exercise injuries, flu shots, etc. The additional text will address this use more clearly for future applications.

The ***Medical or Dental Office*** definition (No. 32) has been modified to include “Immediate and/or emergent.” This addition will clarify the type of medical uses envisioned to be encompassed within the medical office category.

ARTICLE 3

PLANNED DEVELOPMENT DISTRICTS (PDDs) TEXT AMENDMENT

Purpose

The purpose of the requested text amendments to the PDD section of Article 3 is to address revisions to the PDD Use Matrix table, PUD regulations, and TTD regulations. In addition, the Applicant has taken the opportunity to update references to “Palm Beach County,” “BCC,” “county,” and prior ordinance references, which are no longer applicable.

1. PDD Use Matrix

Table 3.E.1.B – PDD Use Matrix sets forth the permitted and prohibited uses for the EDC/MUPD pods within the City of Westlake. The vision for the EDC, as outlined in the current Future Land Use Element, is to accommodate employment opportunities, research parks, employment centers, and other ancillary uses to support the EDC uses. However, these types of uses are not fully reflected in Table 3.E.1.B. The uses currently prescribed in the table include heavy industrial uses. In order to foster the employment opportunities envisioned for this area of the City, the EDC pods must include opportunities for professional and medical offices, hospital or medical centers, assisted living facilities, universities, places of worship, financial institutions, personal services, etc. It is also appropriate to locate other business supporting uses in the EDC, such as a car wash, auto repair services, convenience stores with gas sales, restaurants, fitness, etc. The proposed amendments to Table 3.E.1.B – PDD Use Matrix are provided in the attached text amendment document in ~~striketrough~~ and underline format.

2. PUD Regulations

The PUD provisions of Article 3 are designed to address stand-alone PUD’s which are typical of residential development in Palm Beach County. These typical PUD’s are self-contained and not part of a larger community design. The PUD pods within the City of Westlake are unique in that they are one component of a larger TTD framework. Therefore, it is appropriate to amend certain PUD code requirements within the ULDC to be reflective of this unique development pattern. The proposed amendments will bring clarity and consistency with how these regulations are applied within the Westlake TTD. The proposed amendments to PUD regulations are generally

ULDC Text Amendment
TEXT-2017-03
CH 130518.51
December 5, 2017
Page 3 of 6

described below and are provided in the attached text amendment document in ~~striketrough~~ and underline format.

Neighborhood Park

Section 3.E.2.B.2.c. of the City's ULDC requires a Neighborhood Park to be provided within the PUD pods as part of the Performance Standards. The Neighborhood Park requirement is above and beyond the Parks and Recreation requirement of 0.006 acres of recreation area per dwelling unit. The PUD section of the ULDC (Art. 3.E.2.E.3) requires that recreation areas comply with Art. 5.D. Article 5.D.2.B, *Community and Neighborhood Park Recreation Standards*, sets forth the standards for Neighborhood Parks. The size of the park is the equivalent of 2.5 acres per 1,000 people, based on 2.32 people per unit.

The Applicant is providing a large recreation amenity on Pod PC-1 that will contain water facilities, playgrounds, walking paths, sports courts, a clubhouse, etc. The amenities within Pod PC-1 will far exceed the recreational needs of the City. Smaller tot lots and passive open space areas will be provided within the residential areas as part of the required recreation acreage. Requiring a Neighborhood Park in addition to recreation areas within each pod will dilute the potential of the formal amenity facility in Pod PC-1. Therefore, the Applicant is requesting that the Neighborhood Park not be required for those pods in proximity to Pod PC-1 the ability to combine the Neighborhood Park requirement within the recreation acreage. In addition to Pod PC-1 there are four other private civic pods located throughout the City that will also provide neighborhood services and amenities to the community.

PUD Thresholds

Table 3.E.2.C of the City's ULDC requires a minimum of 40 percent open space within each PUD pod. The current ULDC is designed to address stand-alone PUD's which are not part of a larger community design. As part of the Development Order for Minto Westlake TTD, the Applicant is required to maintain a Natural Transect area of 55 percent. The Natural Transect, by design, maximizes open space outside of the pod boundaries. In order to provide for this significant amount of Natural Transect, the pod boundaries were reduced. The intent of the initial design was for the development to be concentrated within the pod boundaries, so the natural, open space areas could exist outside of the pod. This allows larger tracts of natural areas to be created, rather than small, less usable open space areas within the pods. Therefore, the proposed text amendment would establish an open space requirement of 27 percent within the PUD pod boundaries. As part of this amendment, the Applicant has also taken the opportunity to strike language related to the AGR district and Exurban/Rural transect, which are not applicable to the City of Westlake.

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3. TDD Regulations

Unlike most areas of the current ULDC, the TDD portion of Article 3 has never been implemented in a physical form within Palm Beach County. Therefore, the design provisions have never been tested and are not reflective of current traditional neighborhood trends in the marketplace. Therefore, it is appropriate to amend certain TDD code requirements within the ULDC to recognize industry standards for traditional communities and be reflective of current development patterns that have been field tested and proved successful. The proposed standards have been constructed throughout the State of Florida and have produced the intended results. The proposed amendments to TDD regulations are generally described below and are provided in the attached text amendment document in ~~strike through~~ and underline format.

Traditional Development Permitted Use Schedule

Table 3.F.1.F of the City's ULDC sets forth the permitted uses within the TND and TMD pods. The Westlake Development Order outlines certain conditions of approval that are specific to Private Civic (PC) pods. Resolution 2014-1646, Private Civic, condition no. 1 requires all private civic pods to "follow the development regulations of a Traditional Neighborhood District and Neighborhood Center requirements." Therefore, there is a need to reflect the uses intended to occupy the PC pods in Table 3.F.1.F. The use schedule has been revised to include uses such as passive and public parks, outdoor entertainment, restaurants, and other supportive uses. References to Exurban/Rural tiers has been struck as well.

Block Dimensions

Table 3.F.2.A of the City's ULDC establishes minimum and maximum block standards for TND neighborhoods. Modifications to the block lengths and average perimeters are proposed to allow more flexibility in the neighborhood design. The current regulations would result in a significant increase in pavement and segregation of the home layouts. In addition, the adjusted block lengths will provide the ability to for more curvature in the streets, on-street parking, and street trees. The proposed amendments are based on street designs utilized in numerous traditional communities throughout Palm Beach County.

Street Design Standards

TABLE 3.F.2.A of the City's ULDC establishes standards for street cross-sections. To provide clarity, the Applicant is proposing to add "minimum" to the table's title. In the past, there have been instances where the design standards were applied as both maximum and minimum thresholds. It is the intent that the standards provided in the table be applied as minimum thresholds.

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It is the visions of the Applicant to produce streets that are appropriately scaled and comfortable to the City's future residents. The standards within Table 3.F.2.A are set up to produce much wider roadways that are inconsistent with sound neighborhood design. Narrower streets help to establish a sense of place, solicit lower traffic speeds, and create more integration with the development pods.

Parking

The current TDD code requires structured parking to be provided when the parking ratio exceeds 1 sp/250 sf. This ratio is proposed to reflect a ratio of 1 sp/200-sf, to avoid forcing medical users, who have higher parking ratios, to construct structured parking. Within the EDC/MUPD district, where medical uses are desired, this provision would be especially problematic. The structured parking thresholds should come into effect when excessive amounts of surface parking occur, not when the minimum parking standards required by code are being provided. This would create a significant barrier to entry.

TND Setback Standards

As discussed above, the PC pods are required to adhere to the Neighborhood Center provisions within the framework of the TND. The ULDC provisions for the Neighborhood Center are designed to accommodate small centers located within the TND pods. However, the Conceptual Plan and Final Master Plan for the City of Westlake reflect the co-location of these civic uses into pods outside of the TND pods, which the current ULDC did not anticipate. Therefore, revisions to the setback chart are necessary to create minimum setback standards, rather than maximum setbacks. The PC pods are smaller pods that do not meet the minimum sizes necessary to create effective streets and block structures that are needed to meet the building orientation and build-to line standards. The proposed amendments provide exceptions for PC pods from such requirements, which leaving opportunity for neighborhood centers to be provided within the TND pods in the future.

ARTICLE 4 USE REGULATIONS TEXT AMENDMENT

Purpose

The purpose of the requested text amendments to Article 4 is to address use regulations for **Place of Worship, Medical or Dental Office and Retail Sales, General**. In addition, the Applicant has taken the opportunity to update references to "Palm Beach County," "BCC," "county," and prior ordinance references, which are no longer applicable.

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Article 4, note 29 refers to **Place of Worship**. Recently, Palm Beach County amended Article 4 of the ULDC to address Places of Worship. The revised language included criteria to address location, access, and size.

Article 4, note 83 refers to **Medical or Dental Office**. The modifications to this note are the same as the definition changes made in Article 1. The change in Article 4 is simply to make the two Articles consistent.

Article 4, note 114 refers to **Retail Sales, General**. The additional language in the note establishes a square footage threshold for retail uses within the EDC/MUPD district of 2,500 square feet. This will help ensure that the types of retail uses locating within the EDC remain accessory to and supportive of employment uses. Tenants occupying more than 2,500 square feet will only be permitted as a requested use.

Conclusion

The proposed ULDC text amendment is consistent with the City's Comprehensive Plan. The Applicant looks forward to working with Staff to respond to any questions or issues that might arise as a result of your review.

ORDINANCE NO. 2018- 1

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S INTERIM LAND DEVELOPMENT CODE, ARTICLE 1, SECTION D, PROVIDING FOR A DEFINITION AND CALCULATION FOR DENSITY TRANSITION ZONE; ARTICLE 1, SECTION F, PROVIDING FOR AMENDMENTS TO THE DEFINITION OF FITNESS CENTER; AND ARTICLE 1, SECTION M, PROVIDING FOR AMENDMENTS TO THE DEFINITION OF MEDICAL OR DENTAL OFFICES; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Chapter 163, upon incorporation, the County's comprehensive plan shall be deemed controlling, until the City of Westlake adopts its' own comprehensive plan; and

WHEREAS, the pursuant to Section 163.3174(4)(C), the Planning and Zoning Board, sitting as the Local Planning Agency(LPA), has the authority to review proposed land development regulations, land development codes, or amendments thereto; and

WHEREAS, the Developer has requested review of three provisions in Article 1, Chapter 1, entitled Definitions and Acronyms, Section 2, Definitions, Sections D, density transition zones, F, fitness center, and M, medical or dental office of the land development codes within the City of Westlake; and

WHEREAS, the definition for "Density Transition Zone" was added to define density transition zone and to provide a methodology for the calculation of the density within this zone; and

WHEREAS, the definition of "Fitness Center" was modified to provide clarification that wellness services would be allowed as a part of a fitness centers operations; and

WHEREAS, the definition of "Medical or Dental Office" was modified to provide clarification that immediate and/or emergent care services would be allowed as part of the medical or dental office practice; and

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

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

WHEREAS, the staff for the City of Westlake has reviewed the request of the applicant and the Article 1, Chapter 1, Definitions and Acronyms, Section 2, D, F, and M of the City's interim land development code, which additions will provide clarification on the definitions as modified herein; and

WHEREAS, having considered the recommendations of the Planning and Zoning Board, the City Council for the City of Westlake has found and determined that the adoption of the land development text amendment to Article 1, Chapter 1, Definitions and Acronyms, Section 2, D, F, and M, will preserve the public health, safety and welfare, enhance the value and character of the community and implement the interim adopted comprehensive plan.

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

- Section 1.** Incorporation: The above recitals are true and correct and are incorporated herein by this reference.

- Section 2.** Amendment: The City of Westlake hereby amends the interim Land Development Code, Article 1, Chapter 1, Definitions and Acronyms, Section 2, D, F, and M, as shown in underline and strikethrough format, in the Exhibit "A" attached hereto and incorporated herein.

- 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.** Effective Date: This ordinance shall be effective upon adoption on second reading.

PASSED this _____ day of January, 2018, on first reading.

PASSED AND ADOPTED this _____ day of February, 2018, on second reading.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

City Attorney
Pam E. Booker, Esq.

Exhibit "A"

City of Westlake Amendment to Article 1, Chapter 1, Definitions & Acronyms, Section 2, D, F & M

Article 1 Chapter 1, Definitions & Acronyms, Section D (18)

- 12. **Demolition** - the act or process of wrecking, destroying, or removing any building or any exterior or structural part thereof.
- 13. **Density** - the ratio of the number of dwelling units per acre of land.
- 14. **Density Bonus** - an increase in the residential density above the maximum or PDD density permitted by the Plan for the applicable residential future land use category.
- 15. **Density, Entitlement** - granted by PBC which permits use of land until concurrency provisions can be satisfied as shown in Figure 2 of the FLUE of the Plan, as amended.
- 16. **Density, Maximum Level** - allowed by the Plan, as amended, with a Planned Development, as shown in the FLUE. 17. **Density, Minimum Level** - must be attained when land is developed pursuant to the 1989 Plan, as amended in the FLUE. 18. **Density, Standard** - allowed by the Plan, as amended, without a Planned Development as shown in [FLUE Table III.C.1](#).
- 19. **Density Transition Zone (DTZ)** – The land area of a TTD extending along the entire perimeter of the TTD as set forth on the Master Plan. Density within this zone shall be calculated using the total dwelling units located within the DTZ TTD divided by the total acreage of the land area within the total DTZ. (For example, if the perimeter of the TTD was 66,000 feet and there were 800 dwelling units located within 660' of the perimeter boundary, the density would be calculated as follows.

$$\begin{aligned}
 & \text{DTZ} = 66,000' \text{ perimeter} * 660' \text{ wide} = 43,560,000 \text{ SF} \\
 & \text{DTZ} = 1,000 \text{ AC} \\
 & \text{Density} = 800 \text{ du} / 1,000 \text{ AC} \\
 & \text{Density} = 0.8 \text{ du/ac}
 \end{aligned}$$

- ~~2019.~~ **Department** -
 - a. For the purposes of Art. 14, PBC Department of Environmental Resources Management or the PBC PZB Departments, or an entity of any municipality in PBC which has been assigned the responsibility of administering and enforcing this Code;
 - b. For the purposes of Art. 15, PBC Health Department.
- ~~2120.~~ **Design Professional** - an architect, landscape architect, or engineer licensed in the State of Florida with good standing.
- ~~2221.~~ **Designated Disposal Facility** – for the purposes of [Art. 5.J, Best Management Practices for Livestock Waste](#), a solid waste management facility operated, permitted or designated by the Solid Waste Authority to receive solid waste generated within Palm Beach County, or such alternate facility as may be designated by the Solid Waste Authority in writing. [Ord. 2013-021]
- ~~2322.~~ **Designated Exterior** - for the purposes of Art. 9, all outside surfaces of any improvement, building, or structure as defined in the historic preservation survey and pursuant to [Art. 9.B, Historic Preservation Procedures](#), or an exterior designated under [Art. 9.B, Historic Preservation Procedures](#), as having significant value to the historic character of the building, district, or PBC.
- ~~2423.~~ **Designated Public Utility** - for the purposes of Art. 14.B, that public utility which operates a well or wells for which the Zones of Influence include part or all of the property on which the nonresidential activity is located.

2524. **Designation** - for the purposes of Art. 9, the act of designating specific historic sites or districts pursuant to the provisions of this Code.
2625. **Detention** - the collection and temporary storage of stormwater runoff for the purpose of treatment and/or discharge rate control with subsequent gradual release directly to surface waters. See also dry detention/retention.
2726. **Determination** - for the purposes of Art. 16, the term used by FAA to denote the outcome of an aeronautical study under FAR Part 77 (See: Airport Hazard or No Hazard).
2827. **Developed Area** - that portion of a site upon which any building structure, pavement, landscape material, stormwater facility, excavated lake, or other improvement has been or will be placed or on which a development activity occurs or has occurred.
2928. **Developer** - any person, including a governmental agency, undertaking any development.
3029. **Developer's Engineer** - for the purposes of Art. 11, a single engineering firm or a professional engineer registered in the State of Florida, and engaged by the developer to coordinate the design and monitor the construction of the work required under [Art. 11, Subdivision, Platting and Required Improvements](#).
3130. **Development** -
- a. The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of land, or the dividing of land into two or more parcels;

Article 1, Chapter 1, Definitions & Acronyms, Section F (22)

5. **Farmers Market** - an establishment for the wholesale sale of farm produce.
6. **Farrier** - one that shoes horses. May be accessory to a blacksmith, farm, equestrian facility, or is mobile and shoes the horses on site.
7. **Farm Structure** - any building or structure used for agricultural purposes excluding those used for residences.
8. **F.A.R. (Part 77)** - for the purposes of Art. 16, Federal Aviation Regulation. The "Part numbers" identify specific subject areas. All FARs are contained in [Title 14, CFR. \(Part 77 - Title: Objects Affecting Navigable Airspace\)](#).
9. **Feeder Transit Services** – For the purposes of Art. 12, transit service connecting communities and/or employment centers directly to rail stations or bus terminals. [Ord. 2006-036]
10. **Feed Stock** – for the purposes of Art. 4, biomass consisting of: authorized wood material (clean wood recovered from construction and demolition wood debris, land clearing debris, and yard waste consisting of tree and shrub trimmings, grass clippings, palm fronds, trees, tree stumps, and other clean vegetative matter); agricultural residue (waste resulting from the production of sugar, rice, vegetable crops or fruit). This definition specifically excludes hazardous substances and waste, biomedical waste, trash, garbage, sludge or special waste. [Ord. 2008-037]
11. **Feepayer** – for the purposes of Art. 13, the person paying the impact fee associated with a building permit or change in use, or the feepayer's agent.
12. **Fence** - an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
13. **Fenestration** – windows, doors and openings in a building façade or wall allowing light and views between interior and exterior. [Ord. 2010-022]
14. **Filling** - the placement of any material in, on, or over a jurisdictional wetland. 15. **Film Production Studio** - the use of a lot or building for the production of films or videotapes for exhibition or sale.
16. **Final Plan** - the most recent site or subdivision plan approved by the DRO.
17. **Financial Institution** - an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor ATMs and drive-thru only facilities. Freestanding ATMs shall be considered a Financial Institution. [Ord. 2013-021]
18. **Finished Floor Elevation** – the highest finished ground floor surface elevation to which no additional permanent finished material would be applied. [Ord. 2005-002]
19. **Fire-Rescue Facilities** - mean the planning, engineering for, preparation of acquisition documents for, acquisition of land for, or the construction of fire-rescue facilities and the purchase of equipment necessary to meet the LOS for fire-rescue facilities.
20. **Firewall** - a wall of incombustible construction which subdivides a building or separates buildings to restrict the spread of fire and which starts at the foundation and extends continuously through all stories to and above the roof, except where the roof is of fireproof or fire resistive construction and the wall is carried up tightly against the underside of the roof slab, pursuant to the PBC Building Code.
21. **First Directly Accessed Link** – For the purposes of Art. 12, Roadway(s) providing a main entrance to a project. [Ord. 2006-036]

22. **Fitness Center** - an enclosed building or structure containing multi-use facilities for conducting recreational activities such as aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash, and wellness services. This use also includes dance studios and karate schools. A fitness center may also include the following customary accessory activities as long as they are intended for the use of the members of the center and not for the general public: babysitting, food service, and the serving of alcoholic beverages consumed on the premises.
23. **Five-Year Analysis Period**
 - a. For the purposes of Art. 12, the period of time between the submittal of a Traffic Impact Study and the end of the fifth year of the Florida Department of Transportation Five-Year Transportation Improvement Program in effect at the time of Traffic Impact Study submittal. [Ord. 2007-013]
24. **Fixed Mechanical Equipment** - mechanical equipment, such as an air conditioning unit, water cooling tower, swimming pool pump, irrigation pump, well water pump, fan, power generator or other similar power source equipment, permanently affixed to land or structure, as distinguished from temporary, portable, non-fixed mechanical equipment.
25. **Fixture** – the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and/or a refractor or lens. [Ord. 2005-041]
26. **Flag** - a fabric or plastic sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at one end.

Article 1, Chapter 1, Definitions & Acronyms, Section M (32)

- sign program shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.
23. **Master Storm Water Drainage System** – for the purposes of Art. 18, an engineered system, which may include culverts, retention areas, water control gates, control devices, earth grading and/or minimum floor elevations in development of building sites, designed to ensure less than one percent annual chance of flooding of the building sites. [Ord. 2004-013]
 24. **Material Culture** - for the purposes of Article 9 is any object that has been modified by a human being. [Ord. 2008-037]
 25. **Material, Excess** - excavated material not required for backfill or grading of the premises as determined by a final site plan.
 26. **Material, Extractive or Excavated** - earth, sand, gravel, rock, shellrock, muck, or other mineral or organic substance, other than vegetation, which naturally occurs upon a lot.
 27. **Maximum Contaminant Level** - for the purposes of Art. 15, the maximum permissible level of a contaminant in water which is delivered to any user of a water supply system.
 28. **Maximum Day** - for the purposes of Art. 15, the highest day of water consumption within any 24-hour period from midnight to midnight excluding fire flow.
 29. **Mean High Water** - for the purpose of Art. 15, the average height of tidal high water over a 19-year period.
 30. **Mean Sea Level** –
 - a. The average height of the sea for all stages of the tide based on the NGVD.
 - b. For the purposes of Art. 18, the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Article, the term is synonymous with 1929 National Geodetic Vertical Datum (NGVD). [Ord. 2004013]
 31. **Mechanical Equipment** – For the purposes of Art. 5, equipment and accessories, that relate to water supply, drainage, heating, ventilating, electrical, air conditioning and similar purposes. [Ord.2008037]
 32. **Medical or Dental Office** - an establishment where patients, who are not lodged overnight, are admitted for immediate and/or emergency examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. A pain management clinic shall not be considered a medical or dental office. [Ord. 2010009]
 33. **Medical or Dental Laboratory** - a facility for the construction or repair of prosthetic devices or medical testing exclusively on the written work order of a licensed member of the dental or medical profession and not for the public.
 34. **Membrane BioReactor Systems** - Facilities that treat raw sewage to tertiary levels for reuse water (irrigation quality water) or for discharge (ground or surface water recharge). These systems are enclosed within buildings and utilize hollow fiber or flat plate membranes and combine clarification, aeration and filtration to produce consistent, high quality effluent suitable for any discharge or reuse application. On-site storage tanks, distribution pumps and electrical equipment may also be associated with these facilities. [Ord. 2007-013]

- 35. **Meteorological Tower** – A tower erected to measure atmospheric weather conditions. [Ord. 2011-016]
- 36. **Mezzanine** - see Building Mezzanine.
- 37. **Midden** – is a deposit of material culture refuse. Midden soils contain a high abundance of cultural resources and occasionally human remains. Midden soils tend to differ in color and composition from the surrounding soil matrix. [Ord. 2008-037]
- 38. **Military Installation** - a facility designed for use by a branch of the United States Armed Forces.
- 39. **Minimum Descent Altitude (MDA)** - for the purposes of Art. 16, the lowest altitude expressed in feet above mean sea level (AMSL), to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure (SIAP) where electronic glide slope is not provided.
- 40. **Minimum Obstruction Clearance Altitude (MOCA)** - for the purposes of Art. 16, the lowest published altitude in effect between radio fixes on Federal VOR airways, off-airway routes, or route segments that meets obstruction clearance requirements for the entire route segment and assures acceptable navigational signal coverage only within twenty-two miles to a VOR.

ARTICLE 1

GENERAL PROVISIONS

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- 17. **Density, Minimum Level** - must be attained when land is developed pursuant to the 1989 Plan, as amended in the FLUE.
- 18. **Density, Standard** - allowed by the Plan, as amended, without a Planned Development as shown in [FLUE Table III.C.1](#).
- 19. **Density Transition Zone (DTZ)** – The land area of a TTD extending along the entire perimeter of the TTD as set forth on the Master Plan. Density within this zone shall be calculated using the total dwelling units located within the DTZ TTD divided by the total acreage of the land area within the total DTZ. (For example, if the perimeter of the TTD was 66,000 feet and there were 800 dwelling units located within 660' of the perimeter boundary, the density would be calculated as follows.

$$\begin{aligned}
 &DTZ = 66,000' \text{ perimeter} * 660' \text{ wide} = 43,560,000 \text{ SF} \\
 &DTZ = 1,000 \text{ AC} \\
 &Density = 800 \text{ du} / 1,000 \text{ AC} \\
 &Density = 0.8 \text{ du/ac}
 \end{aligned}$$

2049. Department -

- a. For the purposes of Art. 14, PBC Department of Environmental Resources Management or the PBC PZB Departments, or an entity of any municipality in PBC which has been assigned the responsibility of administering and enforcing this Code;
- b. For the purposes of Art. 15, PBC Health Department.

2120. Design Professional - an architect, landscape architect, or engineer licensed in the State of Florida with good standing.

2224. Designated Disposal Facility – for the purposes of [Art. 5.J. Best Management Practices for Livestock Waste](#), a solid waste management facility operated, permitted or designated by the Solid Waste Authority to receive solid waste generated within Palm Beach County, or such alternate facility as may be designated by the Solid Waste Authority in writing. **[Ord. 2013-021]**

2322. Designated Exterior - for the purposes of Art. 9, all outside surfaces of any improvement, building, or structure as defined in the historic preservation survey and pursuant to [Art. 9.B. Historic Preservation Procedures](#), or an exterior designated under [Art. 9.B. Historic Preservation Procedures](#), as having significant value to the historic character of the building, district, or PBC.

2423. Designated Public Utility - for the purposes of Art. 14.B, that public utility which operates a well or wells for which the Zones of Influence include part or all of the property on which the nonresidential activity is located.

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2625. Detention - the collection and temporary storage of stormwater runoff for the purpose of treatment and/or discharge rate control with subsequent gradual release directly to surface waters. See also dry detention/retention.

2726. Determination - for the purposes of Art. 16, the term used by FAA to denote the outcome of an aeronautical study under FAR Part 77 (See: Airport Hazard or No Hazard).

2827. Developed Area - that portion of a site upon which any building structure, pavement, landscape material, stormwater facility, excavated lake, or other improvement has been or will be placed or on which a development activity occurs or has occurred.

2928. Developer - any person, including a governmental agency, undertaking any development.

3029. Developer's Engineer - for the purposes of Art. 11, a single engineering firm or a professional engineer registered in the State of Florida, and engaged by the developer to coordinate the design and monitor the construction of the work required under [Art. 11. Subdivision, Platting and Required Improvements](#).

3130. Development -

- a. The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of land, or the dividing of land into two or more parcels;
- b. For the purposes of Art. 9, archaeological preservation, the definition in [F.S. § 380.04](#), as well as site preparation work consisting of excavation, earth moving, and the like. This definition shall not include the dividing of land into two or more parcels;

- c. For the purposes of Art. 12, as defined in F. S. § 380.04, except that it shall not include the following items listed therein the: (1) demolition of a structure except as an adjunct of construction; (2) clearing of land except as an adjunct of construction; and (3) deposit of refuse, solid or liquid waste, or fill on a lot unless the Site Specific Development Order is specifically for such as the end use and not as an adjunct to the end use;
- d. For the purposes of Art. 13, as the context indicates, either the carrying on of construction or any physical alteration of a building or structure; the result of such activity; a legally divisible parcel of

5. **Farmers Market** - an establishment for the wholesale sale of farm produce.
6. **Farrier** - one that shoes horses. May be accessory to a blacksmith, farm, equestrian facility, or is mobile and shoes the horses on site.
7. **Farm Structure** - any building or structure used for agricultural purposes excluding those used for residences.
8. **F.A.R. (Part 77)** - for the purposes of Art. 16, Federal Aviation Regulation. The "Part numbers" identify specific subject areas. All FARs are contained in [Title 14, CFR. \(Part 77 - Title: Objects Affecting Navigable Airspace\)](#).
9. **Feeder Transit Services** – For the purposes of Art. 12, transit service connecting communities and/or employment centers directly to rail stations or bus terminals. **[Ord. 2006-036]**
10. **Feed Stock** – for the purposes of Art. 4, biomass consisting of: authorized wood material (clean wood recovered from construction and demolition wood debris, land clearing debris, and yard waste consisting of tree and shrub trimmings, grass clippings, palm fronds, trees, tree stumps, and other clean vegetative matter); agricultural residue (waste resulting from the production of sugar, rice, vegetable crops or fruit). This definition specifically excludes hazardous substances and waste, biomedical waste, trash, garbage, sludge or special waste. **[Ord. 2008-037]**
11. **Feepayer** – for the purposes of Art. 13, the person paying the impact fee associated with a building permit or change in use, or the feepayer's agent.
12. **Fence** - an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
13. **Fenestration** – windows, doors and openings in a building façade or wall allowing light and views between interior and exterior. **[Ord. 2010-022]**
14. **Filling** - the placement of any material in, on, or over a jurisdictional wetland.
15. **Film Production Studio** - the use of a lot or building for the production of films or videotapes for exhibition or sale.
16. **Final Plan** - the most recent site or subdivision plan approved by the DRO.
17. **Financial Institution** - an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor ATMs and drive-thru only facilities. Freestanding ATMs shall be considered a Financial Institution. **[Ord. 2013-021]**
18. **Finished Floor Elevation** – the highest finished ground floor surface elevation to which no additional permanent finished material would be applied. **[Ord. 2005-002]**
19. **Fire-Rescue Facilities** - mean the planning, engineering for, preparation of acquisition documents for, acquisition of land for, or the construction of fire-rescue facilities and the purchase of equipment necessary to meet the LOS for fire-rescue facilities.
20. **Firewall** - a wall of incombustible construction which subdivides a building or separates buildings to restrict the spread of fire and which starts at the foundation and extends continuously through all stories to and above the roof, except where the roof is of fireproof or fire resistive construction and the wall is carried up tightly against the underside of the roof slab, pursuant to the PBC Building Code.
21. **First Directly Accessed Link** – For the purposes of Art. 12, Roadway(s) providing a main entrance to a project. **[Ord. 2006-036]**
22. **Fitness Center** - an enclosed building or structure containing multi-use facilities for conducting recreational activities such as aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash, and wellness services. This use also includes dance studios and karate schools. A fitness center may also include the following customary accessory activities as long as they are intended for the use of the members of the center and not for the general public: babysitting, food service, and the serving of alcoholic beverages consumed on the premises.
23. **Five-Year Analysis Period**
 - a. For the purposes of Art. 12, the period of time between the submittal of a Traffic Impact Study and the end of the fifth year of the Florida Department of Transportation Five-Year Transportation Improvement Program in effect at the time of Traffic Impact Study submittal. **[Ord. 2007-013]**
24. **Fixed Mechanical Equipment** - mechanical equipment, such as an air conditioning unit, water cooling tower, swimming pool pump, irrigation pump, well water pump, fan, power generator or other similar power source equipment, permanently affixed to land or structure, as distinguished from temporary, portable, non-fixed mechanical equipment.
25. **Fixture** – the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and/or a refractor or lens. **[Ord. 2005-041]**
26. **Flag** - a fabric or plastic sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at one end.

- sign program shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.
23. **Master Storm Water Drainage System** – for the purposes of Art. 18, an engineered system, which may include culverts, retention areas, water control gates, control devices, earth grading and/or minimum floor elevations in development of building sites, designed to ensure less than one percent annual chance of flooding of the building sites. [Ord. 2004-013]
 24. **Material Culture** - for the purposes of Article 9 is any object that has been modified by a human being. [Ord. 2008-037]
 25. **Material, Excess** - excavated material not required for backfill or grading of the premises as determined by a final site plan.
 26. **Material, Extractive or Excavated** - earth, sand, gravel, rock, shellrock, muck, or other mineral or organic substance, other than vegetation, which naturally occurs upon a lot.
 27. **Maximum Contaminant Level** - for the purposes of Art. 15, the maximum permissible level of a contaminant in water which is delivered to any user of a water supply system.
 28. **Maximum Day** - for the purposes of Art. 15, the highest day of water consumption within any 24-hour period from midnight to midnight excluding fire flow.
 29. **Mean High Water** - for the purpose of Art. 15, the average height of tidal high water over a 19-year period.
 30. **Mean Sea Level** –
 - a. The average height of the sea for all stages of the tide based on the NGVD.
 - b. For the purposes of Art. 18, the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Article, the term is synonymous with 1929 National Geodetic Vertical Datum (NGVD). [Ord. 2004013]
 31. **Mechanical Equipment** – For the purposes of Art. 5, equipment and accessories, that relate to water supply, drainage, heating, ventilating, electrical, air conditioning and similar purposes. [Ord. 2008037]
 32. **Medical or Dental Office** - an establishment where patients, who are not lodged overnight, are admitted for immediate and/or emergency examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. A pain management clinic shall not be considered a medical or dental office. [Ord. 2010009]
 33. **Medical or Dental Laboratory** - a facility for the construction or repair of prosthetic devices or medical testing exclusively on the written work order of a licensed member of the dental or medical profession and not for the public.
 34. **Membrane BioReactor Systems** - Facilities that treat raw sewage to tertiary levels for reuse water (irrigation quality water) or for discharge (ground or surface water recharge). These systems are enclosed within buildings and utilize hollow fiber or flat plate membranes and combine clarification, aeration and filtration to produce consistent, high quality effluent suitable for any discharge or reuse application. On-site storage tanks, distribution pumps and electrical equipment may also be associated with these facilities. [Ord. 2007-013]
 35. **Meteorological Tower** – A tower erected to measure atmospheric weather conditions. [Ord. 2011-016]
 36. **Mezzanine** - see Building Mezzanine.
 37. **Midden** – is a deposit of material culture refuse. Midden soils contain a high abundance of cultural resources and occasionally human remains. Midden soils tend to differ in color and composition from the surrounding soil matrix. [Ord. 2008-037]
 38. **Military Installation** - a facility designed for use by a branch of the United States Armed Forces.
 39. **Minimum Descent Altitude (MDA)** - for the purposes of Art. 16, the lowest altitude expressed in feet above mean sea level (AMSL), to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure (SIAP) where electronic glide slope is not provided.
 40. **Minimum Obstruction Clearance Altitude (MOCA)** - for the purposes of Art. 16, the lowest published altitude in effect between radio fixes on Federal VOR airways, off-airway routes, or route segments that meets obstruction clearance requirements for the entire route segment and assures acceptable navigational signal coverage only within twenty-two miles to a VOR.

Eighth Order of Business



City of Westlake
Planning and Zoning Department
Staff Report – 1/30/18

PETITION DESCRIPTION

DATE: January 30, 2018

PETITION NUMBER: TEXT-ULDC-2017-03 (***Ordinance 2018-2***)

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: Amend the City of Westlake interim Unified Land Development Code (ULDC) to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods.

ANALYSIS

The subject application is a request for a text amendment to the City of Westlake's interim Unified Land Development Code (ULDC) to address regulatory and use provisions in **Articles 1, 3, and 4** as they relate to the following:

- Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods,
- Planned Unit Development (PUD) pods,
- Traditional Neighborhood Development(TND) pods, and
- Private Civic (PC) pods.

*Text amendments are provided in ~~striketrough~~ and underline format. Proposed modifications are included on the following **six (6) ordinances and their exhibits**:*

- Ordinance 2018-1
- **Ordinance 2018-2**
- Ordinance 2018-3
- Ordinance 2018-4
- Ordinance 2018-5
- Ordinance 2018-6

*The subject staff report will address **Ordinance 2018-2**.*

Ordinance 2018-2

The applicant is proposing to modify use provisions in Article 3, Chapter E, Table 3.E.1.B., entitled PDD Use Matrix, of the land development codes within the Interim City of Westlake ULDC to make adjustments to the uses which will be allowed in the PUD and MUPD categories.

The proposed text amendments to the PDD section of Article 3 addresses revisions to the PDD Use Matrix table, PUD regulations, and TTD regulations. In addition, the Applicant has taken the opportunity to update references to “Palm Beach County,” “BCC,” “county,” and prior ordinance references to be consistent with the City of Westlake. The applicant has requested multiple changes in the MUPD category for various uses which would be allowed in the EDC sub-category, either as a permitted right, an approval by the development review official, an approval by special permit and/or an approval by the City Council.

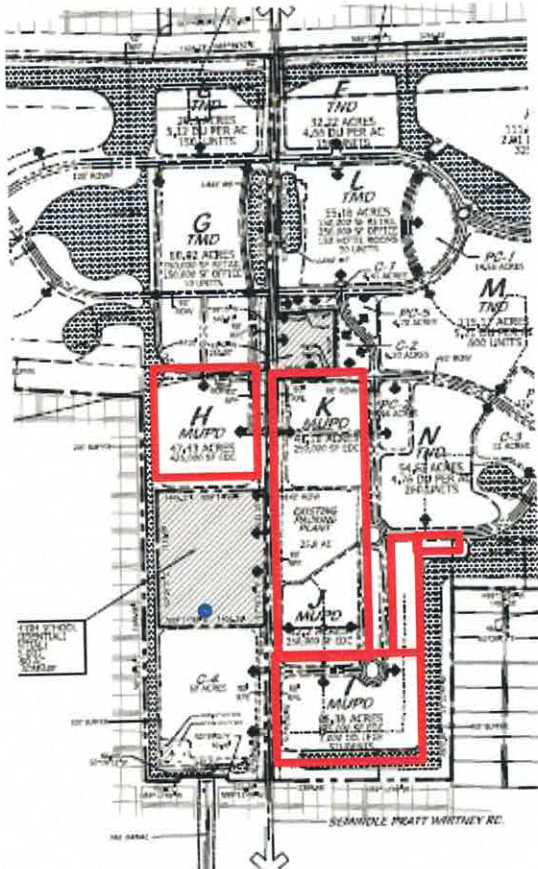


Table 3.E.1.B – PDD Use Matrix sets forth the permitted and prohibited uses for the EDC/MUPD pods within the City of Westlake. The vision for the EDC, as outlined in the current Future Land Use Element, is to accommodate employment opportunities, research parks, employment centers, and other ancillary uses to support the EDC uses. However, these types of uses are not fully reflected in the existing Table 3.E.1.B. The uses currently prescribed in the table include heavy industrial uses.

In order to foster the employment opportunities envisioned for this area of the City, the EDC pods must include opportunities for professional and medical offices, hospital or medical centers, assisted living facilities, universities, places of worship, financial institutions, personal services, etc. It is also appropriate to locate other business supporting uses in the EDC, such as car washes, auto repair services, convenience stores with gas sales, restaurants, fitness studios, etc.

The applicant also requested changes to the PUD category of use types to allow bed-and-breakfast facilities and community vegetable garden uses within the residential category. Staff has reviewed the request for these changes in allowable uses and supports the changes allowing for bed-and-breakfast facilities to be approved by the development review official and for City Council to approve community vegetable gardens.

Please see attached Ordinance 2018-2 and Exhibit “A”.



City of Westlake
Planning and Zoning Department
Staff Report – 12/26/2017

PETITION DESCRIPTION

DATE: December 26, 2017

PETITION NUMBER: TEXT-ULDC-2017-03 (*Ordinance 2018-2*)

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: Amend the City of Westlake interim Unified Land Development Code (ULDC) to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods.

ANALYSIS

The subject application is a request for a text amendment to the City of Westlake’s interim Unified Land Development Code (ULDC) to address regulatory and use provisions in **Articles 1, 3, and 4** as they relate to the following:

- Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods,
- Planned Unit Development (PUD) pods,
- Traditional Neighborhood Development(TND) pods, and
- Private Civic (PC) pods.

*Text amendments are provided in ~~striketrough~~ and underline format. Proposed modifications are included on the following **six (6) ordinances and its exhibits**:*

- Ordinance 2018-1
- **Ordinance 2018-2**
- Ordinance 2018-3
- Ordinance 2018-4
- Ordinance 2018-5
- Ordinance 2018-6

*The subject staff report will address **Ordinance 2018-2.***

Ordinance 2018-2

The applicant is proposing to modify use provisions in Article 3, Chapter E, Table 3.E.1.B., entitled PDD Use Matrix, of the land development codes within the Interim City of Westlake ULDC to make adjustments to the uses which will be allowed in the PUD and MUPD categories.

The proposed text amendments to the PDD section of Article 3 addresses revisions to the PDD Use Matrix table, PUD regulations, and TTD regulations. In addition, the Applicant has taken the opportunity to update references to “Palm Beach County,” “BCC,” “county,” and prior ordinance references to be consistent with the City of Westlake. The applicant has requested multiple changes in the MUPD category for various uses which would be allowed in the EDC sub-category, either as a permitted right, an approval by the development review official, an approval by special permit and/or an approval by the City Council.

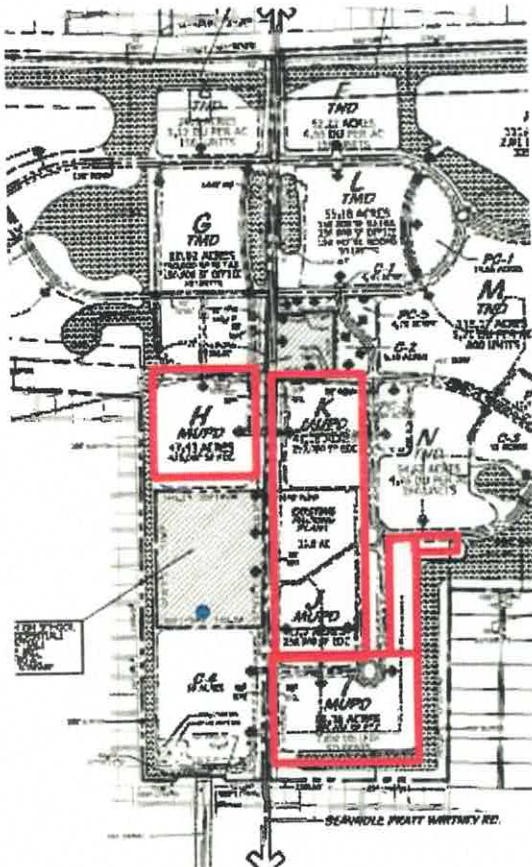


Table 3.E.1.B – PDD Use Matrix sets forth the permitted and prohibited uses for the EDC/MUPD pods within the City of Westlake. The vision for the EDC, as outlined in the current Future Land Use Element, is to accommodate employment opportunities, research parks, employment centers, and other ancillary uses to support the EDC uses. However, these types of uses are not fully reflected in the existing Table 3.E.1.B. The uses currently prescribed in the table include heavy industrial uses.

In order to foster the employment opportunities envisioned for this area of the City, the EDC pods must include opportunities for professional and medical offices, hospital or medical centers, assisted living facilities, universities, places of worship, financial institutions, personal services, etc. It is also appropriate to locate other business supporting uses in the EDC, such as car washes, auto repair services, convenience stores with gas sales, restaurants, fitness studios, etc.

The applicant also requested changes to the PUD category of use types to allow bed-and-breakfast facilities and community vegetable garden uses within the residential category. Staff has reviewed the request for these changes in allowable uses and supports the changes allowing for bed-and-breakfast facilities to be approved by the development review official and for City Council to approve community vegetable gardens.

Please see attached Ordinance 2018-2 and Exhibit “A”.

DEC 06 2017

**Cotleur &
Hearing**

Landscape Architects | Land Planners | Environmental Consultants

Received

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City of Westlake ULDC Text Amendment

Justification Statement

December 5, 2017

Introduction

The subject application is a request for various text amendments to the City of Westlake Unified Land Development Code (ULDC). The purpose of the text amendments is to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods. All proposed modification as provided in the attached text amendment document in ~~striktthrough~~ and underline format.

ARTICLE 1

DEFINITIONS

The Applicant proposed to add one new definition and modify two existing definitions. A definition of **Density Transition Zone (DTZ)** has been added and the definitions for **Fitness Center** and **Medical and Dental Office** have been modified slightly.

The DTZ is referenced and identified on the approved Final Master Plan, but is not formally defined in the ULDC. In order to prevent any confusion relative to the application of the DTZ, the Applicant proposes that a definition be added to Section 1.1.2.A. This will provide clarity of the terminology, since it does not exist outside of the Westlake Development Order, as well as provide consistency of its application.

Density Transition Zone (DTZ) – *The land area of a TTD extending along the entire perimeter of the TTD as set forth on the Master Plan. Density within this zone shall be calculated using the total dwelling units within the DTZ divided by the total acreage of the land area within the total DTZ. (For example, if the perimeter of the TTD was 66,000 feet and there were 800 dwelling units located within 660' of the perimeter boundary, the density would be calculated as follows.*

$$DTZ = 66,000' \text{ perimeter} * 660' \text{ wide} = 43,560,000 \text{ SF}$$

$$DTZ = 1,000 \text{ AC}$$

$$\text{Density} = 800 \text{ du} / 1,000 \text{ AC}$$

$$\text{Density} = 0.8 \text{ du/ac}$$

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The ***Fitness Center*** definition (No. 22) has been modified to include “wellness services.” It is typical for fitness facilities to include wellness services, such as nutritional coaching, BMI exams, blood pressure tests, minor medical treatments for exercise injuries, flu shots, etc. The additional text will address this use more clearly for future applications.

The ***Medical or Dental Office*** definition (No. 32) has been modified to include “Immediate and/or emergent.” This addition will clarify the type of medical uses envisioned to be encompassed within the medical office category.

ARTICLE 3

PLANNED DEVELOPMENT DISTRICTS (PDDs) TEXT AMENDMENT

Purpose

The purpose of the requested text amendments to the PDD section of Article 3 is to address revisions to the PDD Use Matrix table, PUD regulations, and TTD regulations. In addition, the Applicant has taken the opportunity to update references to “Palm Beach County,” “BCC,” “county,” and prior ordinance references, which are no longer applicable.

1. PDD Use Matrix

Table 3.E.1.B – PDD Use Matrix sets forth the permitted and prohibited uses for the EDC/MUPD pods within the City of Westlake. The vision for the EDC, as outlined in the current Future Land Use Element, is to accommodate employment opportunities, research parks, employment centers, and other ancillary uses to support the EDC uses. However, these types of uses are not fully reflected in Table 3.E.1.B. The uses currently prescribed in the table include heavy industrial uses. In order to foster the employment opportunities envisioned for this area of the City, the EDC pods must include opportunities for professional and medical offices, hospital or medical centers, assisted living facilities, universities, places of worship, financial institutions, personal services, etc. It is also appropriate to locate other business supporting uses in the EDC, such as a car wash, auto repair services, convenience stores with gas sales, restaurants, fitness, etc. The proposed amendments to Table 3.E.1.B – PDD Use Matrix are provided in the attached text amendment document in ~~strikethrough~~ and underline format.

2. PUD Regulations

The PUD provisions of Article 3 are designed to address stand-alone PUD’s which are typical of residential development in Palm Beach County. These typical PUD’s are self-contained and not part of a larger community design. The PUD pods within the City of Westlake are unique in that they are one component of a larger TTD framework. Therefore, it is appropriate to amend certain PUD code requirements within the ULDC to be reflective of this unique development pattern. The proposed amendments will bring clarity and consistency with how these regulations are applied within the Westlake TTD. The proposed amendments to PUD regulations are generally

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described below and are provided in the attached text amendment document in ~~strike~~through and underline format.

Neighborhood Park

Section 3.E.2.B.2.c. of the City's ULDC requires a Neighborhood Park to be provided within the PUD pods as part of the Performance Standards. The Neighborhood Park requirement is above and beyond the Parks and Recreation requirement of 0.006 acres of recreation area per dwelling unit. The PUD section of the ULDC (Art. 3.E.2.E.3) requires that recreation areas comply with Art. 5.D. Article 5.D.2.B, *Community and Neighborhood Park Recreation Standards*, sets forth the standards for Neighborhood Parks. The size of the park is the equivalent of 2.5 acres per 1,000 people, based on 2.32 people per unit.

The Applicant is providing a large recreation amenity on Pod PC-1 that will contain water facilities, playgrounds, walking paths, sports courts, a clubhouse, etc. The amenities within Pod PC-1 will far exceed the recreational needs of the City. Smaller tot lots and passive open space areas will be provided within the residential areas as part of the required recreation acreage. Requiring a Neighborhood Park in addition to recreation areas within each pod will dilute the potential of the formal amenity facility in Pod PC-1. Therefore, the Applicant is requesting that the Neighborhood Park not be required for those pods in proximity to Pod PC-1 the ability to combine the Neighborhood Park requirement within the recreation acreage. In addition to Pod PC-1 there are four other private civic pods located throughout the City that will also provide neighborhood services and amenities to the community.

PUD Thresholds

Table 3.E.2.C of the City's ULDC requires a minimum of 40 percent open space within each PUD pod. The current ULDC is designed to address stand-alone PUD's which are not part of a larger community design. As part of the Development Order for Minto Westlake TTD, the Applicant is required to maintain a Natural Transect area of 55 percent. The Natural Transect, by design, maximizes open space outside of the pod boundaries. In order to provide for this significant amount of Natural Transect, the pod boundaries were reduced. The intent of the initial design was for the development to be concentrated within the pod boundaries, so the natural, open space areas could exist outside of the pod. This allows larger tracts of natural areas to be created, rather than small, less usable open space areas within the pods. Therefore, the proposed text amendment would establish an open space requirement of 27 percent within the PUD pod boundaries. As part of this amendment, the Applicant has also taken the opportunity to strike language related to the AGR district and Exurban/Rural transect, which are not applicable to the City of Westlake.

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3. TDD Regulations

Unlike most areas of the current ULDC, the TDD portion of Article 3 has never been implemented in a physical form within Palm Beach County. Therefore, the design provisions have never been tested and are not reflective of current traditional neighborhood trends in the marketplace. Therefore, it is appropriate to amend certain TDD code requirements within the ULDC to recognize industry standards for traditional communities and be reflective of current development patterns that have been field tested and proved successful. The proposed standards have been constructed throughout the State of Florida and have produced the intended results. The proposed amendments to TDD regulations are generally described below and are provided in the attached text amendment document in ~~strike through~~ and underline format.

Traditional Development Permitted Use Schedule

Table 3.F.1.F of the City's ULDC sets forth the permitted uses within the TND and TMD pods. The Westlake Development Order outlines certain conditions of approval that are specific to Private Civic (PC) pods. Resolution 2014-1646, Private Civic, condition no. 1 requires all private civic pods to "follow the development regulations of a Traditional Neighborhood District and Neighborhood Center requirements." Therefore, there is a need to reflect the uses intended to occupy the PC pods in Table 3.F.1.F. The use schedule has been revised to include uses such as passive and public parks, outdoor entertainment, restaurants, and other supportive uses. References to Exurban/Rural tiers has been struck as well.

Block Dimensions

Table 3.F.2.A of the City's ULDC establishes minimum and maximum block standards for TND neighborhoods. Modifications to the block lengths and average perimeters are proposed to allow more flexibility in the neighborhood design. The current regulations would result in a significant increase in pavement and segregation of the home layouts. In addition, the adjusted block lengths will provide the ability to for more curvature in the streets, on-street parking, and street trees. The proposed amendments are based on street designs utilized in numerous traditional communities throughout Palm Beach County.

Street Design Standards

TABLE 3.F.2.A of the City's ULDC establishes standards for street cross-sections. To provide clarity, the Applicant is proposing to add "minimum" to the table's title. In the past, there have been instances where the design standards were applied as both maximum and minimum thresholds. It is the intent that the standards provided in the table be applied as minimum thresholds.

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It is the visions of the Applicant to produce streets that are appropriately scaled and comfortable to the City's future residents. The standards within Table 3.F.2.A are set up to produce much wider roadways that are inconsistent with sound neighborhood design. Narrower streets help to establish a sense of place, solicit lower traffic speeds, and create more integration with the development pods.

Parking

The current TDD code requires structured parking to be provided when the parking ratio exceeds 1 sp/250 sf. This ratio is proposed to reflect a ratio of 1 sp/200 sf, to avoid forcing medical users, who have higher parking ratios, to construct structured parking. Within the EDC/MUPD district, where medical uses are desired, this provision would be especially problematic. The structured parking thresholds should come into effect when excessive amounts of surface parking occur, not when the minimum parking standards required by code are being provided. This would create a significant barrier to entry.

TND Setback Standards

As discussed above, the PC pods are required to adhere to the Neighborhood Center provisions within the framework of the TND. The ULDC provisions for the Neighborhood Center are designed to accommodate small centers located within the TND pods. However, the Conceptual Plan and Final Master Plan for the City of Westlake reflect the co-location of these civic uses into pods outside of the TND pods, which the current ULDC did not anticipate. Therefore, revisions to the setback chart are necessary to create minimum setback standards, rather than maximum setbacks. The PC pods are smaller pods that do not meet the minimum sizes necessary to create effective streets and block structures that are needed to meet the building orientation and build-to line standards. The proposed amendments provide exceptions for PC pods from such requirements, which leaving opportunity for neighborhood centers to be provided within the TND pods in the future.

ARTICLE 4 USE REGULATIONS TEXT AMENDMENT

Purpose

The purpose of the requested text amendments to Article 4 is to address use regulations for **Place of Worship, Medical or Dental Office and Retail Sales, General**. In addition, the Applicant has taken the opportunity to update references to "Palm Beach County," "BCC," "county," and prior ordinance references, which are no longer applicable.

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Article 4, note 29 refers to **Place of Worship**. Recently, Palm Beach County amended Article 4 of the ULDC to address Places of Worship. The revised language included criteria to address location, access, and size.

Article 4, note 83 refers to **Medical or Dental Office**. The modifications to this note are the same as the definition changes made in Article 1. The change in Article 4 is simply to make the two Articles consistent.

Article 4, note 114 refers to **Retail Sales, General**. The additional language in the note establishes a square footage threshold for retail uses within the EDC/MUPD district of 2,500 square feet. This will help ensure that the types of retail uses locating within the EDC remain accessory to and supportive of employment uses. Tenants occupying more than 2,500 square feet will only be permitted as a requested use.

Conclusion

The proposed ULDC text amendment is consistent with the City's Comprehensive Plan. The Applicant looks forward to working with Staff to respond to any questions or issues that might arise as a result of your review.

ORDINANCE NO. 2018- 2

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S INTERIM LAND DEVELOPMENT CODE, ARTICLE 3, CHAPTER E, PLANNED DEVELOPMENT DISTRICTS ("PDDs"), SECTION 1(B), TABLE 3.E.1.B., PROVIDING FOR ADDITIONAL TYPES OF USES WITHIN THE PDD USE MATRIX TABLE FOR THE ECONOMIC DEVELOPMENT CENTER ("EDC") CATEGORY FOR MIXED USE PLANNED DEVELOPMENTS("MUPD") AND PLANNED UNIT DEVELOPMENTS ("PUD"); PROVIDING FOR AMENDMENTS TO THE USES ALLOWED WITHIN EACH CATEGORY; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Chapter 163, upon incorporation, the County's comprehensive plan shall be deemed controlling, until the City of Westlake adopts its' own comprehensive plan; and

WHEREAS, the pursuant to Section 163.3174(4)(C), the Planning and Zoning Board, sitting as the Local Planning Agency(LPA), has the authority to review proposed land development regulations, land development codes, or amendments thereto; and

WHEREAS, the Developer has requested review use provisions in Article 3, Chapter E, Table 3.E.1.B., entitled PDD Use Matrix, of the land development codes within the City of Westlake to make adjustments to the uses which will be allowed in the PUD and MUPD categories; and

WHEREAS, the applicant requested changes to the PUD category of use types which would allow bed and breakfast facilities or community vegetable garden uses within the residential category; and

WHEREAS, the staff has reviewed the request for change in allowable uses and agrees with the reasonable request of the applicant, staff supports the change, allowing for bed and breakfast facilities to be approved by the development review official and requests for community vegetable gardens would be approved by the City Council; and

WHEREAS, the applicant has requested multiple changes in the MUPD category for various uses which would be allowed in the EDC category, either as a permitted right, approval by the development review official, approval by special permit and/or approval by the City Council; and

WHEREAS, the staff has reviewed the changes as requested by the applicant within table 3.E.1.B, for multiple uses in the MUPD, EDC category, and staff would recommend approval of the changes as noted in the table for each use type listed therein, as being permitted by right, approval by the development review official, approval by special permit and/or approval by the City Council; and

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

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

WHEREAS, the staff for the City of Westlake has reviewed the request of the applicant and the Article 3, Chapter E, Table 3.E.1.B., entitled PDD Use Matrix, of the City’s interim land development code, which additions will for additional uses with the PUD, residential use category and in the MUPD, EDC category as modified herein; and

WHEREAS, having considered the recommendations of the Planning and Zoning Board, the City Council for the City of Westlake has found and determined that the adoption of the land development text amendment to Article 1, Chapter E, Table 3.E.1.B., entitled PDD Use Matrix, will preserve the public health, safety and welfare, enhance the value and character of the community and implement the interim adopted comprehensive plan.

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

- Section 1.** Incorporation: The above recitals are true and correct and are incorporated herein by this reference.

- Section 2.** Amendment: The City of Westlake hereby amends the interim Land Development Code, Article 1, Chapter E, Table 3.E.1.B., entitled PDD Use Matrix, as shown in underline and strikethrough format, in the Exhibit “A” attached hereto and incorporated herein.

- 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.** Effective Date: This ordinance shall be effective upon adoption on second reading.

PASSED this _____ day of January, 2018, on first reading.

PASSED AND ADOPTED this _____ day of February, 2018, on second reading.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

City Attorney
Pam E. Booker, Esq.

Exhibit "A"
City of Westlake Amendment to Article 3, Chapter E, Table 3.E.1.B.

ARTICLE 3
OVERLAYS & ZONING DISTRICTS

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Unified Land Development Code Article 3 - Overlays & Zoning Districts Supplement No. 20 (Printed 05/16) 1 of 234 00876452-12) Sites with an LR-3 Future Land Use designation shall provide, at a minimum, 33 percent of the maximum PUD density; or [Ord. 2010-005]

3) Sites with Future Land Use designations of MR-5 or higher shall provide, at a minimum, 20 percent of the maximum PUD density. [Ord. 2010-005]

Minimum workforce housing units shall be calculated in accordance with Art. 5.G.1, Workforce Housing Program. [Ord. 2010-005] 3. Uses Allowed

Uses allowed in a PDD shall be pursuant to Table 3.E.1.B-22, PDD Use Matrix. Previously approved planned developments shall be governed by the FLU designation in the Plan or pod designation on the most recent approved master plan for purpose of determining the uses allowed and applicability of this Code. Previously approved additional requested uses shall be considered conforming uses, and any expansion, relocation or increase in intensity shall be subject to BCC approval. [Ord. 2005041]

4. Use Regulations

Uses permitted in a PDD shall be according to the pod designation on the master plan approved by the DRO, or the land use designation of the PDD, whichever is applicable. Uses may be further limited by the development order, concurrency reservation, or other applicable requirement. [Ord. 2009-040]

a. Use Designations

Uses permitted in a PDD are classified as: permitted, special, DRO, or requested, as indicated in Table 3.E.1.B, PDD Use Matrix.

1) Permitted Uses (P)

These uses are allowed by right and are identified by a P in the matrix.

2) Special Uses (S)

These uses require approval of a special permit and are identified by a S in the matrix.

3) DRO Uses (D)

These uses require approval by the Development Review Officer (DRO) and are identified by a D in the matrix.

4) Requested Uses (R)

These uses require approval by the BCC in accordance with the standards and procedures in Article 2.B, PUBLIC HEARING PROCEDURES, and are identified by a R in the matrix.

a) Location

Requested uses shall be shown on the master plan or site plan approved by the BCC and shall remain in the location shown.

b. Supplementary Use Standards

A number in the "Note" column of Table 3.E.1.B, PDD Use Matrix, refers to supplementary land use standards in Article 4.B, SUPPLEMENTARY USE STANDARDS, which are applicable to the use.

ARTICLE 3

OVERLAYS & ZONING DISTRICTS

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- 6) Utility, minor [Ord. 2005 - 002]
- 7) Water Treatment Plant. [Ord. 2005 – 002]

b. Hours of Operation

Commercial uses shall not commence business activities, including deliveries and stocking, prior to 6:00 AM nor continue business activities later than 11:00 PM daily.

4. CLO District

a. Enclosed Uses

All uses shall be operated entirely within enclosed buildings, with the following exceptions:

- 1) Air curtain incinerator, temporary;
- 2) Communication tower, commercial;
- 3) Electrical power facility;
- 4) Park, passive;
- 5) Recreation facility, accessory;
- 6) Recycling Drop-Off Bin; [Ord. 2013-001]
- 7) Solid waste transfer station;
- 8) Utility, minor; and
- 9) Water or wastewater plant.

5. CC District

a. Hours of Operation

Commercial uses requiring outdoor activity shall not commence business activities, including delivery and stocking operations, prior to 6:00 AM nor continue outdoor activities later than 11:00 PM daily.

6. IL and IG Districts

a. Outdoor Activities

All outdoor activities, including outdoor storage and outdoor operations, shall be completely screened from view from all property lines to a height of six feet.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

A. General

1. Purpose and Intent

The purpose of (PDDs) is to provide opportunities for development patterns which exceed the expectations of the standard zoning districts, and allow for the creative use of land. The types of development addressed in this Chapter include those encouraged by the Managed Growth Tier System (MGTS) in the Plan. The intent of this Chapter is to encourage ingenuity, and imagination on the part of, architects, landscape architects, engineers, planners, developers, and builders to create development that promotes sustainable living, addresses traffic impacts, encourages alternative modes of transportation, creates logical street and transportation networks, preserves the natural environment, enhances the built environment, provides housing choices, provides services to the community, encourages economic growth, encourages infill development and redevelopment, and minimizes impacts on surrounding areas through the use of flexible and innovative land development techniques. [Ord. 2009-040]

2. Applicability

In addition to the other Articles in this Code, the requirements of this Chapter shall apply to all PDDs, modifications to previously approved PDDs, and modifications to previously approved special exceptions for planned developments, unless otherwise stated.

a. Previous Approvals

Previously approved planned developments with a Development Order that does not conform to provisions in this Code shall be considered conforming in accordance with [Art. 1.E, Prior Approvals](#), where in compliance with the requirements of [Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas \(FLUA\)](#). [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016]

1) Development Order Amendment

Shall be in compliance with [Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas \(FLUA\)](#). [Ord. 2009-040] [Ord. 2011-016]

2) Additional Requested Uses

Previously approved "Additional Requested Uses" shall remain conforming uses, and may be modified or expanded, subject to a DOA Approval. [Ord. 2005 – 002] [Ord. 2009-040]

b. Government Facilities

A parcel of land in any FLU category that supports government facilities shall be exempt from the PDD threshold provisions. [Ord. 2007-013] [Ord. 2009-040]

3. Conflicts

If a conflict exists between this Chapter and other Articles in this Code, the provisions of this Chapter shall apply to the extent of the conflict.

B. FAR, Density, and Use Standards

1. PDDs Split by FLU Designations

Uses allowed, PDRs, density and intensity shall be determined by the land use designation on the affected area. In the U/S Tier, density may be transferred from one portion of the project to another based on the gross acreage of the project. [Ord. 2009-040]

2. Density

a. Computation

Density shall be based on the gross acreage of the planned development. Fractions shall be rounded down to the nearest whole number.

b. Minimum Density

The minimum density which may be imposed by the BCC in a PUD is indicated in Table 3.E.1.B, PUD Density. An applicant may voluntarily agree to a lesser density. The Planning Director may waive the minimum density requirement in the HR FLU designations by up to 25 percent, per the FLUE minimum density exemption Section of the Plan. [Ord. 2009-040]

c. Maximum Density

The maximum density shall only be awarded to a PUD meeting the goals, policies and objectives in the Plan. The maximum density allowed in a PUD is indicated in Table 3.E.1.B, PUD Density. The actual density granted by the BCC to a planned development may be less than the maximum density allowed.

1) Density Bonus Programs

A PDD may qualify for additional units over the maximum density pursuant to Art. 5.G.1, Workforce Housing Program (WHP), Art. 5.G.3, Transfer of Development Rights, or other density bonus program allowed by the Plan. [Ord. 2005 – 002]

Table 3.E.1.B - PUD Density

	AGR	RR	AGE	LR1	LR2	LR3	MR5	HR8	HR12	HR18
MIN	0.5 du/ac	(1)	(3)	0.5 du/ac	1 du/ac	2 du/ac	3 du/ac	5 du/ac	5 du/ac	5 du/ac
MAX	1 du/ac	(2)		1 du/ac	2 du/ac	3 du/ac	5 du/ac	8 du/ac	12 du/ac	18

[Ord. 2006-004] [Ord. 2010-022] [Ord. 2014-031]

Notes:

- The minimum density in the RR FLU designation for a PUD are as follows: RR20 - 0.5 unit/20 acres; RR10 - 0.5 unit/10 acres; RR5 - 0.5 unit/5 acres; RR2.5 - 0.5 unit/2.5 acres.
- The maximum density in the RR FLU designations for a PUD are as follows: RR20 - 1 unit/20 acres; RR10 - 1 unit/10 acres; RR5 - 1 unit/5 acres; RR2.5 - 1 unit/2.5 acres.
- Minimum and maximum density shall be in accordance with the AGE FLUA Conceptual Plan. [Ord. 2014-031]

d. MXPDP/PIPD

Density in a MXPDP or PIPD shall be determined by the underlying residential FLU designation and correspond to Table 3.E.1.B, PUD Density. Land with a commercial or industrial land use designation without an underlying residential land use designation shall be assigned a compatible residential density by the Planning Director in accordance with the Plan. [Ord. 2009-040]

e. MLU

Density in a MLU land use designation shall be determined by the underlying residential FLU designation(s) and correspond to Table 3.E.1.B, PUD Density. Land without an underlying residential land use designation(s) shall be assigned a compatible residential density by the Planning Director in accordance with FLUE Policy 4.4.2-b of the Plan. [Ord. 2009-040]

f. LCC Minimum Density Requirements

All residential units shall be vertically or horizontally integrated. The minimum required density shall be determined as a percentage of maximum density indicated in Table 3.E.1.B, PUD Density, as follows: [Ord. 2010-005]

- Sites with Future Land Use designations of LR-2 or lower shall provide, at a minimum, 50 percent of the maximum PUD density; or [Ord. 2010-005]

- 2) Sites with an LR-3 Future Land Use designation shall provide, at a minimum, 33 percent of the maximum PUD density; or **[Ord. 2010-005]**
 - 3) Sites with Future Land Use designations of MR-5 or higher shall provide, at a minimum, 20 percent of the maximum PUD density. **[Ord. 2010-005]**
- Minimum workforce housing units shall be calculated in accordance with [Art. 5.G.1. Workforce Housing Program.](#) **[Ord. 2010-005]**

3. Uses Allowed

Uses allowed in a PDD shall be pursuant to Table 3.E.1.B-22, PDD Use Matrix. Previously approved planned developments shall be governed by the FLU designation in the Plan or pod designation on the most recent approved master plan for purpose of determining the uses allowed and applicability of this Code. Previously approved additional requested uses shall be considered conforming uses, and any expansion, relocation or increase in intensity shall be subject to BCC approval. **[Ord. 2005041]**

4. Use Regulations

Uses permitted in a PDD shall be according to the pod designation on the master plan approved by the DRO, or the land use designation of the PDD, whichever is applicable. Uses may be further limited by the development order, concurrency reservation, or other applicable requirement. **[Ord. 2009-040]**

a. Use Designations

Uses permitted in a PDD are classified as: permitted, special, DRO, or requested, as indicated in

[Table 3.E.1.B. PDD Use Matrix.](#)

1) Permitted Uses (P)

These uses are allowed by right and are identified by a P in the matrix.

2) Special Uses (S)

These uses require approval of a special permit and are identified by a S in the matrix.

3) DRO Uses (D)

These uses require approval by the Development Review Officer (DRO) and are identified by a D in the matrix.

4) Requested Uses (R)

These uses require approval by the BCC in accordance with the standards and procedures in [Article 2.B. PUBLIC HEARING PROCEDURES.](#) and are identified by a R in the matrix.

a) Location

Requested uses shall be shown on the master plan or site plan approved by the BCC and shall remain in the location shown.

b. Supplementary Use Standards

A number in the "Note" column of Table 3.E.1.B, PDD Use Matrix, refers to supplementary land use standards in [Article 4.B. SUPPLEMENTARY USE STANDARDS.](#) which are applicable to the use.

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Table 3.E.1.B - PDD Use Matrix

Use Type	PUD				MUPD								MXPD		PIPD		LCC		NOTE				
	Pods				FLU								FLU		Use Zone		FLU						
	R	C	R	C	A	C	C	C	C	C	I	E	I	C	C	I	C	I		M	R	C	C
	E	O	E	I	L	L	L	H	H	R	D	D	H	H	N	O	N	N		H	V	L	H
S	M	C	V	G	O	O	O	O	O	D	N	S	O	O	D	M	D	G	P	P	P	P	
				R															D	D			
Residential Uses																							
Single Family	P																				122		
Zero Lot Line Home	P													P	P						142		
Townhouse	P													P	P					P	P	132	
Multi-Family	P													P	P					P	P	87	
Mobile Home Dwelling					S														P			85	
Accessory Dwelling	S				S																	1	
Congregate Living Facility, Type 1	P											R										34	
Congregate Living Facility, Type 2	R			S								R									D	D	34
Congregate Living Facility, Type 3	R	R		R		R	R	R	R			R		R	R						R	R	34
Estate Kitchen	P																					48	
Farm Residence																						50	
Farm Worker Quarters					P																	51	
Garage Sale	P				P								P	P	P				P			60	
Guest Cottage	P																					66	
Home Occupation	P				P									P	P				P		P	70	
Kennel Type I (Private)	P																					73	
Nursing Or Convalescent Facility		R		R		R	R					R	D	R								90	
Security Or Caretaker Quarters		S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		119	
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2014-025]																							
Notes:																							
P Permitted by right D Permitted subject to approval by the DRO S Permitted in the district only if approved by Special Permit R Permitted in the district only if approved by the <u>Board of County Commissioners (BCC) Westlake City Council</u> as a requested use.																							

(This space intentionally left blank)

Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD				MUPD						MXPD		PIPD		M	R	LCC			N O T E									
	Pods				FLU						FLU		Use Zone				R	C	C		H								
	R E S	C O M	R E C	C A I G V R / P	C L	C H	C L	C H	C O	C O	I R	E N D	I N D	C S T								C H	C H	I N O	C O M	I N D	I N D	H P D	V P D
Commercial Uses																													
Adult Entertainment																		S	S									2	
Auction, Enclosed		R				P				P	D								P							P	P		16
Auction, Outdoor						R				R	R								P	P	P								16
Auto Paint Or Body Shop		R				R				R	<u>R</u>								P	P	P								17
Bed And Breakfast		<u>D</u>	D			S	S	S	S	S	<u>R</u>						S	S	S										20
Broadcast Studio		R				R	P	R	P	P	P	P					R	R	P	P						R	R		21
Building Supplies		R				R					<u>R</u>						R		P							R	R		22
Butcher Shop, Wholesale						R				P							R		P	P	P								23
Car Wash		R				R				P	<u>R</u>						R		P	P	P					R	R		25
Catering Service																			D										26
Contractor Storage Yard											P	D						P	P										35
Convenience Store		P				P	P										P	P						P	P	P	P		36
Convenience Store With Gas Sales						R	R			R	<u>R</u>						R		R	P						R			37
Crematory						R	R			R		R					R		R										59-2
Day Labor Employment Service		R				R				R								P											41
Dispatching Office						R											R		P	P	P								42
Dog Day Care						R					<u>R</u>						R		P	R						R	R		43
Financial Institution		R				R	P	R	P								P	P									R		55
Flea Market, Enclosed		P				R											R		P								R		57
Flea Market, Open						R													R										58
Funeral Home		P				R	R				D		R				R		P										59-1
Gas and Fuel, Retail		R				R	R					<u>R</u>					R		P	R	P					R	R		18
Green Market																													64
Hotel, Motel, SRO, Rooming And Boarding						R		R	R		<u>R</u>						R	R		P									72
Kennel, Type II (Commercial)		R				R											R												74-1
Kennel, Type III (Commercial -Enclosed)		R				R	R										R									R	R		74-2
Kiosk						P	P	P	P	P							P	P	P	P						P	P		75
Landscape Service		R				R				P	<u>R</u>						R		P	P	P								77
Laundry Services		R				P	P	P									P	P	P	P				P	P	P	P		78
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-025]																													
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Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD				MUPD					MXPD		PIPD			LCC		NOTE								
	Pods				FLU					FLU		Use Zone			FLU										
	R E S	C O M	R E C	CA IG VR / P	C L	C H	C L	C H	C O	I E D N C D	I E N C S T	C H	C H	I N	C O M	I N D G		M H P D	R V P D	C L	C H				
Commercial Uses																									
Adult Entertainment														S	S					2					
Auction, Enclosed	R					P			P	D					P				P	P	16				
Auction, Outdoor						R			R	R					P	P	P				18				
Auto Paint Or Body Shop		R				R			R	R					P	P	P				17				
Bed And Breakfast	D	D				S	S	S	S	S		R		S	S						20				
Broadcast Studio		R				R	P	R	P	P	P	P		R	R	P	P			R	R	21			
Building Supplies		R				R						R			P					R	R	22			
Butcher Shop, Wholesale						R				P			R		P	P	P					23			
Car Wash		R				R				P	R				P	P	P			R	R	25			
Catering Service										P	D				P	P						26			
Contractor Storage Yard															P	D						35			
Convenience Store		P				P	P						P	P			P	P	P	P	P	36			
Convenience Store With Gas Sales						R	R			R			R		R	P					R	37			
Crematory						R	R			R	R				R							59-2			
Day Labor Employment Service		R				R				R					P							41			
Dispatching Office						R							R		P	P	P					42			
Dog Day Care						R							R		P	R					R	R	43		
Financial Institution		R				R	P	R	P						P	P					R	R	55		
Flea Market, Enclosed		P				R									P						R		57		
Flea Market, Open						R									R								58		
Funeral Home		P				R	R			D	R			R		P							59-1		
Gas and Fuel, Retail		R				R	R								R		P	R	P			R	R	18	
Green Market																						D	D	64	
Hotel, Motel, SRO, Rooming And Boarding						R		R	R					R	R		P						R	72	
Kennel, Type II (Commercial)		R				R								R										74-1	
Kennel, Type III (Commercial -Enclosed)		R				R	R							R									R	R	74-2
Kiosk						P	P	P	P	P					P	P	P	P					P	P	75
Landscape Service		R				R				P	D			R		P	P	P							77
Laundry Services		R				P	P	P							P	P		P	P	P	P	P	P	P	78
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-025]																									
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Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD				MUPD						MXPD		PIPD			LCC		NOTE				
	Pods				FLU						FLU		Use Zone			FLU						
	R	C	R	CA	C	C	C	C	C	I	E	I	C	C	I	C	I		M	R	C	C
	E	O	E	IG	L	H	L	H	R	D	N	H	H	H	O	N	M		H	V	L	H
S	M	C	VR			O	O		D	C	N	O	O	C	D	G	P	D				
			/																			
			P																			
Commercial Uses																						
Lounge, Cocktail	R				R	R		R	R				R	R		R			R	R	79	
Medical Or Dental Office	P				P	P	P	P					P	P		P			P	P	83	
Monument Sales, Retail					P	P							P		P						86	
Office, Business Or Professional	P				P	P	P	P					P	P		P			P	P	91	
Parking Garage, Commercial	P					R		R	R							P					95	
Parking Lot, Commercial	R					R		R	P												96	
Pawnshop						R															97	
Personal Services	P				P	P		P					P	P		P		P	P	P	98	
Printing And Copying Services	P				P	P	P	P					P	P		P			P	P	100	
Repair And Maintenance, General	R					R				P						P	P	P			107	
Repair Services, Limited	P				P	P		P		P			P	P		P			P	P	108	
Restaurant, Type I	R				R	R		R					R	R		R			R	R	109	
Restaurant, Type II	R				R	D		R	R				D	R		R			D	D	111	
Retail Sales, Auto Accessories and Parts	P				P	P							P	P		P			P	P	113	
Retail Sales, General	P				P	P							P	P		P			P	P	114	
Retail Sales, Mobile Or Temporary	S												S		S						115	
Self-Service Storage						R	R			P						P	R	P			120	
Theater, Drive-In						R			R							R					128	
Theater, Indoor	R					R				P			R							R	129	
Towing Service And Storage										P						P					130	
Vehicle Sales And Rental	R					R	R						R		R				R	R	135	
Veterinary Clinic	R					R	P	R	P				R	R		P			R	R	136	
Vocational School	R					R	P		P	P	R	D	R	R		R	P	R		R	137	
Work/Live Space	P					P	P	P	P				P	P		P			P	P	141-1	
Live/Work													D	D					D	D	141-2	
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027] [Ord. 2014-025]																						
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Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD				MUPD						MXPD		PIPD			LCC		NOTE					
	Pods				FLU						FLU		Use Zone			FLU							
	R E S	C O M	R E C	CA IG VR / P	C L	C H	C L	C H	C R	I D N	E D C	I N S T	C H	C H	O	I N M D	C O N D G		M H P D	R V P D	C L	C H	
Public and Civic Uses																							
Airport, Heliport & Landing Strip										R	R	R			R	R						10	
Assembly, Nonprofit Institutional	R		R		R	R		R		R		R	R	R	R						R	R	14
Assembly, Nonprofit Membership			R		R	R	R	R		R		R	R	R	R						R	R	15
Cemetery			R																				27
Place Of Worship	R		R		R	R	R	R	R		R	R	R	R	R						R	R	29
College Or University			R		R	R	R	R	R		R	R	R	R	R						R	R	30
Day Camp		P	P		R			P			P	R									R	R	39
Day Care, General	R		R		R	R	R	R	R		R	R	R	R	R	R	R	R	R	R	R	R	40
Day Care, Limited	D		D		D	D	D	D	D		D	D	D	D	D	D	D	D	D	D	D	D	40
Government Services	P		P		P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	63
Homeless Resource Center					R	R					R				R	R							70-1
Hospital Or Medical Center	R				R	R	R				R	R	R	R	R						R	R	71
Kennel, Type IV (Animal Shelter)					R	R					R	R	R	R	R								74-3
School, Elementary Or Secondary			R		R	R	R	R			R	D	R	R	R						R		118
Recreation Uses																							
Arena, Auditorium Or Stadium	R				R			R				R											12
Campground								P												P			24
Entertainment, Indoor	R				R	R		P		P		R		P							R	R	45
Entertainment, Outdoor	R				R	R		P		D		P		P									46
Fitness Center	R	P	R		R	R		R		P		P		P							R	P	56
Golf Course			R		R	R	R	R	R	R				R	R	P	P	P	R				62
Gun Club, Enclosed					R			R	R					P	R	P							67-1
Marine Facility	R	R			R	R	R					R	R	P									82
Park, Passive	P	P	P	P	R	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	93
Park, Public			P	P	R	P			P	P	P	P	P	P	P			R	R	P	P		94
Shooting Range, Outdoor								R															67-2
Special Event	S	S	S		S	S			S	S	S	S	S	S	S	S	S	S	S	S	S	S	124
Zoo					R			R															143
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-007] [Ord. 2012-027] [Ord. 2014-025]																							
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Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD				MUPD								MXPD		PIPD			LCC			N O T E		
	Pods				FLU								FLU		Use Zone			FLU					
	R	C	R	C	A	C	C	C	C	C	I	E	I	C	C	I	C	I	M	R		C	C
	E	O	E	I	G	L	H	L	H	R	D	N	H	H	O	N	O	N	H	V		L	H
S	M	C	V	/	P										D	M	D	P	P				
Agricultural Uses																							
Agriculture, Bona Fide				P																		3	
Agriculture, Light Manufacturing																						4	
Agriculture, Packing Plant				R																		5	
Agriculture, Research/Development					P	P	P	P	P	P	P	P	P			P	P					3.1	
Agriculture, Sales And Service						P										P						6	
Agriculture, Storage																						7	
Agriculture, Transshipment											P	P				P	P					8	
Aviculture, Hobby Breeder				P																		19	
Community Vegetable Garden	R	D										D										32	
Equestrian Arena, Commercial				R						P												47	
Farmers Market						P				P		P			P	P	P					52	
Farrier																						53	
Farrier																						65	
Groom's Quarters	P			P																		88	
Nursery, Retail		P		P	P												P					89	
Nursery, Wholesale				P												P	P					99	
Potting Soil Manufacturing																						101	
Produce Stand																						121	
Shadehouse				P																		125	
Stable, Commercial				P						P												126	
Stable, Private	P			P														P				127	
Sugar Mill Or Refinery																							
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031]																							
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Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD					MUPD					MXPD	PIPD			LCC		NOTE										
	Pods					FLU					FLU	Use Zone			FLU												
	R E S	C O M	R E C	C I V I L	A G R	C L	C H	C L	C H	C O	I D N C	E D N C	I N S T	C H	C H	O		I N D	C O M	I N D	M D G	H P D	V P D	R P D	C L	C H	
Utilities and Excavation Uses																											
Air Curtain Incinerator																											9
Air Stripper, Remedial																											11
Chipping and Mulching												P															28
Communication Cell Sites On Wheels (COW) Tower, Mobile	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	31
Communication Panels, Or Antennas, Commercial	B	D	D	D		D	D	D	D	D	P	R	D	D	D	P	P	P							D	D	31
Communication Tower, Commercial						R					R	R	R	R	R	R	R	R								R	31
Composting Facility											P						P	P									33
Electric Power Facility		R				R	R	R	R	R							R	R	R								44-1
Electric Transmission Facility		R				R	R	R	R	R							R	R	R								44-2
Excavation, Agricultural					R																						49
Excavation, Type I																											49
Excavation, Type II	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	49
Excavation, Type III A																											49
Excavation, Type III B																											49
Recycling Center						A					P	D	R	D	R		P	A	P								103
Recycling Drop-Off Bin		D	D	D		D	D	D	D	D	D	R	D	D	D	D	D	D							D	D	104
Recycling Plant											P						P	P									105
Renewable Energy Facility, Solar		D	D	D		D	D	D	D	D	D	R	D	D	D	D	D	D	B	B						106-1	
Renewable Energy Facility, Wind						R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	106-2
Sanitary Landfill Or Incinerator																											117
Solid Waste Transfer Station						R	R	R	R	R	R	R	R				P	R	P								123
Utility, Minor	P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	134
Water Or Treatment					R	R	R	R	R	R				R	R	P	P	R	R								139
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2013-001] [Ord. 2014-025] [Ord. 2016-016]																											
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Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD				MUPD				MXPD		PIPD			LCC		N O T E			
	Pods				FLU				FLU		Use Zone			FLU					
	R	C	R	CA	C	C	C	C	I	E	I	C	C	I	C		I	M	R
	E	O	E	IG	L	H	L	H	R	D	H	H	H	N	O		N	H	V
S	M	C	VR			O	O		N	N	O	O	D	M	N	P	P		
			/					D	S	T			L	D	/	D	D		
			P																
Industrial Uses																			
Asphalt Or Concrete Plant																		13	
Data Information Processing						P	P	P	P	P	P	P	P	P				38	
Film Production Studio						P		P	R	P	P			P	P	P		54	
Gas And Fuel, Wholesale										R				P				61	
Heavy Industry										R				R	P			69	
Laboratory, Research						R	R	R	R	R	P	P	R	R	P	R	P	76	
Machine Or Welding Shop										P	P			P	P			80	
Manufacturing And Processing						R	R	R	R	R	P	R		P	P			81	
Medical Or Dental Laboratory			P			P	P	P	P		P			P				84	
Salvage Or Junk Yard										R				R				116	
Transportation Facility											P			P	P			133	
Truck Stop										R				R	R			131	
Warehouse							R			P	P			P	P			138	
Wholesaling, General										P	P			P	P			140	
[Ord. 2005-002] [Ord. 2004-040] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2014-025]																			
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C. Objectives and Standards

1. Design Objectives

Planned developments shall comply with the following objectives:

- a. Contain sufficient depth, width, and frontage on a public street, or appropriate access thereto, as shown on the PBC Thoroughfare Identification Map to adequately accommodate the proposed use(s) and design;
- b. Provide a continuous, non-vehicular circulation system which connects uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD;
- c. Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;
- d. Preserve existing native vegetation and other natural/historic features to the greatest possible extent;
- e. Screen objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound;
- f. Locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs and other primary elements to minimize the potential for any adverse impact on adjacent properties; and
- g. Minimize parking through shared parking and mix of uses.

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h. For PDD only, a minimum of one pedestrian amenity for each 100,000 square feet of GFA or fraction thereof shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to: **[Ord. 2009-040]**

- 1) public art; **[Ord. 2009-040]**
- 2) clock tower; **[Ord. 2009-040]**
- 3) water feature/fountain; **[Ord. 2009-040]**
- 4) outdoor patio, courtyard or plaza; and **[Ord. 2009-040]**
- 5) tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e. restaurant) or outdoor furniture. **[Ord. 2009-040]**

2. Performance Standards

Planned developments shall comply with the following standards:

a. Access and Circulation

1) Minimum Frontage

PDDs shall have a minimum of 200 linear feet of frontage along an arterial or collector street unless stated otherwise herein; **[Ord. 2010-022] [Ord. 2012-027]**

a) Type II Waiver - Infill Development

The BCC may grant a Type II Waiver to reduce the frontage requirement in the U/S Tier upon demonstration by the applicant that the requirements cannot be satisfied by any other means and by complying with the following standards: **[Ord. 2005-002] [Ord. 2010-022] [Ord. 2012-027]**

- (1) the reduction is the minimum necessary to provide safe and adequate access to the project; **[Ord. 2005-002]**
- (2) the reduction will not result in any undue hardship or adverse impact on adjacent property owners; **[Ord. 2005-002]**
- (3) the reduction will not adversely effect the development of adjacent land in accordance with the Plan and this Code; **[Ord. 2005-002]**
- (4) the reduction is supported by the County Engineer and PZB; **[Ord. 2005-002]**
- (5) where applicable, the reduction is necessary to allow for development of new SR-7 EDO projects that establish access by means of interconnectivity requirements of the overlay; **[Ord. 2010-022] [Ord. 2012-027]**

b) PUD Minimum

The BCC shall not reduce the frontage requirements below the following thresholds: **[Ord. 2005-002]**

- (1) 1500 trips or less: 50' of frontage. **[Ord. 2005-002]**
- (2) More than 1500 trips: 80' of frontage. **[Ord. 2005-002]**

Further reductions from the frontage requirements shall only be allowed by the ZC as a Type II variance in accordance with [Art. 2.B.3. Variances](#). **[Ord. 2005-002]**

- 2) PDDs shall have legal access on an arterial or collector street;
- 3) Vehicular access and circulation shall be designed to minimize hazards to pedestrians, non-motorized forms of transportation, and other vehicles. Merge lanes, turn lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate the need for such controls;
- 4) Traffic improvements shall be provided to accommodate the projected traffic impact;

5) Cul-de-sacs

The objective of this provision is to recognize a balance between dead end streets and interconnectivity within the development. In order to determine the total number of local streets that can terminate in cul-de-sacs, the applicant shall submit a Street Layout Plan, pursuant to the Technical Manual. The layout plan shall indicate the number of streets terminating in cul-de-sacs, as defined in Article 1 of this Code, and how the total number of streets is calculated. During the DRO certification process, the addressing section shall confirm the total number of streets for the development, which would be consistent with how streets are named. Streets that terminate in a T-intersection providing access to less than four lots, or a cul-de-sac that abuts a minimum 20 foot wide open space that provides pedestrian cross access between two pods shall not be used in the calculation of total number of cul-de-sacs or dead end streets. **[Ord. 2008-037]**

- a) 40 percent of the local streets in a PDD may terminate in a cul-de-sac or a dead-end by right. **[Ord. 2007-001] [Ord. 2008-037]**
- b) An additional 25 percent of the local streets in a PDD may terminate in a cul-de-sac pursuant to a Type II Waiver application approved by the BCC. The BCC shall consider

the following additional standards when deciding whether or not to approve the Waiver.
[Ord. 2007-001] [Ord. 2008-037] [Ord. 2012-027]

- (1) cul-de-sacs terminate in an open space that provides amenities accessible to the residents of the development; and, **[Ord. 2008-037]**
 - (2) cul-de-sacs connect to a pedestrian system including but not limited to sidewalks, and designated path or trail systems. **[Ord. 2008-037]**
- 6) Nonresidential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer;
 - 7) Streets shall not be designed nor constructed in a manner which adversely impacts drainage in or adjacent to the project; and
 - 8) Public streets in the project shall connect to public streets directly adjacent to the project. If no adjacent public streets exist, and the County Engineer determines that a future public street is possible, a connection to the property line shall be provided in a location determined by the County Engineer. This standard may be waived by the BCC.

b. Street Lighting

Streetlights shall be a maximum of 25 feet in height and shall be installed along all streets 50 feet in width or greater. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street and shall comply with [Article 5.E. PERFORMANCE STANDARDS](#).

c. Median Landscaping

Refer to the most recent Engineering and Public Works Operations - Streetscape Standards available from the PBC Engineering Department. **[Ord. 2011-001]**

d. Street Trees

Street trees shall meet the Canopy tree requirements of [Article 7. LANDSCAPING](#) and planting standards pursuant to Engineering and Public Works Operations – Streetscape Standards, and as follows: **[Ord. 2011-001]**

- 1) Street trees shall be spaced an average of 50 feet on center. Palms meeting the requirements of [Article 7. LANDSCAPING](#) and Engineering and Public Works Operations - Streetscape Standards, may be planted as street trees if spaced an average of 40 feet on center. **[Ord. 2011-001]**
- 2) Street trees shall be located along both sides of all streets 50 feet in width or greater and shall be planted between the edge of pavement and sidewalk. Appropriate root barrier techniques shall be installed where applicable. **[Ord. 2011-001]**
- 3) Street trees shall be installed in accordance with the phasing of the Planned Development pursuant to [Art. 7.E.4.B.1. Planned Developments](#). For Residential PDDs, planting of street trees shall be completed prior to the issuance of the final certificate of occupancy within that phase or pursuant to conditions of approval. **[Ord. 2011-001]**
- 4) This requirement may be waived or modified by the County Engineer if the location of the proposed street trees conflict with requirements of Art.11, SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS. **[Ord. 2011-001]**

e. Bike Lanes

Bike lanes shall be provided in all streets 80 feet in width or greater, unless an alternative is approved by the County Engineer in accordance with [Article 11. SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS](#).

f. Mass Transit

All nonresidential PDDs over five acres and 50,000 square feet, and all PUDs over 50 units, shall comply with the following, unless waived by the DRO:

- 1) The location of a Bus Stop, Boarding and Alighting Area shall be shown on the master plan and/or final site plan prior to approval by the DRO, unless written conflicts that one is not required. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran;
- 2) Prior to the issuance of the first building permit, the property owner shall convey to PBC an easement for a Bus Stop, Boarding and Alighting Area, in a location and manner approved by Palm Tran. As an alternative, prior to Technical Compliance of the first plat, the property owner shall record an easement for a Bus Stop, Boarding and Alighting Area in a manner and form approved by Palm Tran. The property owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act (ADA) to and through the Bus Stop Boarding and Alighting Area; and

- 3) All PDDs with more than 100 units shall comply with the following requirement.
Prior to the issuance of the building permit for the 100th unit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner.

g. Utilities

All utility services located in a utility easement, such as telephone, cable, gas, and electric, shall be installed underground or combination/alternative acceptable to the DRO.

1) Exceptions

- a) Primary facilities and high voltage wires.
- b) Lift stations, transformers, and other above ground structures necessary for the function of utility services. Such above ground structures shall be screened from view from adjacent R-O-W by landscaping, fences, walls, or combination.

h. Parking

1) Residential Uses

Parking for residential uses shall comply with [Article 6, PARKING](#). The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.

2) Nonresidential Uses

Nonresidential uses located within a PDD may apply the parking standards indicated in Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements or the minimum/maximum parking standards below. The site plan shall clearly indicate which parking standards are being utilized for the entire site. **[Ord. 2009-040]**

a) Minimum/Maximum Parking Standards

- (1) Minimum: one space per 250 square feet of GFA (4/1000).
- (2) Maximum: one space per 166.66 square feet of GFA (6/1000)

b) Exceptions MLU/EDC

Parking for large scale and regional facilities in excess of 500,000 gross square feet may be reduced to one space per 333.33 square feet of GFA (3/1000).

3) Design

Parking areas open to the public shall be interconnected and provide safe efficient flow of traffic. Parking areas directly adjacent to other parking areas in the same project shall have cross access.

4) Cross Access

Cross access shall be provided to adjacent internal uses/properties, if required by the DRO.

5) Location-Non-residential PDDs

A minimum of ten percent of the required parking shall be located at the rear or side of each building it is intended to serve.

6) Distance

All parking spaces shall be located within 600 linear feet of a public entrance of the building which it is intended to serve.

a) Remote Parking Areas

Paved pedestrian pathways shall be provided to all parking areas in excess of 400 feet from a public entrance. Pathways shall be unobstructed grade separated and/or protected by curbs, except when traversing a vehicular uses area, and clearly marked.

i. Way Finding Signs

Off-site directional signs, consistent with the on-site directional sign standards in [Article 8, SIGNAGE](#), may be allowed along internal streets in the R-O-W, subject to approval by the County Engineer.

j. Emergency Generators

A permanent emergency generator shall be required for all Type II and Type III CLFs, Nursing or Convalescent Facilities, and PDD clubhouses 20,000 square feet or greater, and shall meet the standards of [Art. 5.B.1.A.18, Permanent Generators](#). **[Ord. 2006-004] [Ord. 2010-022]**

D. Application Requirements

For a rezoning to a PDD, the applicant shall comply with the requirements in [Article 2.B.1, Official Zoning Map Amendment \(Rezoning\)](#), [Art. 2.A.1.G.2, Application Procedure, General](#) and [Art.2.A.1.G.3, Plan Requirements](#) for certification and final approval by the DRO. **[Ord. 2009-040]**

1. Pre-Application Conference (PAC)

All applications for a LCC shall require a PAC pursuant to [Art. 2.A.1.E, Pre-Application Conference](#).
[Ord. 2010-005]

2. Master Plan, Site Plan, or Subdivision Plan

See Art. 2.A.1.G.2, Plan Requirements for preparation of plan(s) and plan labeling requirements.
[Ord. 2009-040]

a. Effect of BCC Approval

Approval of a preliminary master plan, site plan or subdivision plan, as applicable, by the BCC shall be binding upon the landowners subject to the development order, their successors and assignees, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, density, intensity, access, configuration, and all other elements and conditions set forth on the plan(s) and in the Development Order. Administrative modifications to a master or site plan may only be allowed in accordance with [Article 2.D.1, Development Review Officer](#) and [Art. 2.A.1.G.3, Plan Requirements](#). In granting an approval, the BCC relies on the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be reviewed by the BCC as a DOA. [Ord. 2009-040]

b. Pods

All land within the boundaries of a master plan shall be designated one of the use types indicated in Table 3.E.1.B, PDD Use Matrix. [Ord. 2009-040]

1) Exceptions

Perimeter landscape buffers, water management tracts not located in pods, canals, primary streets, open space, and similar areas allowed by the DRO.

c. Tabular Data

Each pod shall clearly indicate the acreage and proposed density/intensity. Tabular data for the entire project shall be provided in a form acceptable to the DRO.

d. Density

The number of units shown on a site plan or subdivision plan shall correspond to the master plan.

e. Intensity

The intensity (e.g. square feet, beds, seats, no. of children/occupants/rooms, etc.) shown on a site plan or subdivision plan shall correspond to the master plan.

E. Modifications

Modifications to a planned development with a valid development order shall comply with [Art. 2.A.1.G.3, Plan Requirements](#) and [Article 2.D.1, Development Review Officer](#). [Ord. 2009-040]

1. Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan or Regulating Plan

In addition to [Article 2.D.1, Development Review Officer](#), the DRO shall have the authority to approve modifications to a master plan, subdivision plan, site plan or regulating plan approved by the BCC or ZC, subject to the following limitations. In case of a conflict with [Art. 2.A.1.G.3, Plan Requirements](#) and Art. 2, Development Review Procedures, the following standards shall apply. Modifications which do not comply with these procedures and requirements or this Section shall require approval by the BCC. [Ord. 2009-040]

a. Consistency

Modifications shall be consistent with the representations regarding the original approval, the conditions of approval, and the development order. Modifications which change the original goals or intent of the project, such as reduce internal trip capture, reduce non-vehicular circulation or cross access, reduce the amount of affordable housing without a corresponding decrease in density, or reduce the amount of land allocated to the preservation of agriculture, farmland, or wetlands, shall require approval by the BCC.

b. Pods

The re-designation of a pod from one type to another shall require approval by the BCC. The reconfiguration of pods may be approved by the DRO only if determined to be an improvement to the project and no adverse impact on adjacent properties.

c. Housing Classification and Type

Housing classification may only be changed from attached to detached. Housing type may only be changed as follows:

Table 3.E.1.E - Housing Classification and Type

From	To
MF	Townhouse, zero lot line, or single family
Townhouse	Zero lot line, single family, or MF maximum of 35' in height
ZLL	Single family

- d. **Recreation**
The amount of recreation and useable open space shown on a plan approved by the BCC shall not be reduced. Alternative locations may be approved by the DRO only if determined to be an improvement to the project and no adverse impact on adjacent properties.
 - e. **Traffic**
There shall be no substantial increase in traffic impact above that approved by the BCC, as determined by the County Engineer.
 - f. **Access**
Access shall not be added to roads external to the project, internal roads indicated on the Thoroughfare Identification Map, or to roads external to a pod, except for a residential pod and the addition of emergency access ways as required by PBC Fire Rescue. The DRO shall ensure the District Commissioner is notified of this request in advance of final DRO approval. The access point shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire Rescue emergency call. Access to roads external to a residential pod, but internal to the project, may be added in accordance with [Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS](#). [Ord. 2015-006]
 - g. **Non-Vehicular Circulation**
Pathways, sidewalks and bike lanes may be relocated, however, the resulting design shall maintain a continuous non-vehicular circulation system within the project.
 - h. **Density Transfer**
The DRO may transfer a maximum of 30 percent of the un-built units from one pod to another pod in the same PDD. The maximum number of units transferred to a pod shall not exceed 30 percent above the number of units approved by the BCC for that pod.
 - i. **Density Decrease**
The DRO may decrease the number of un-built units in a PDD, provided the resulting gross density of the project is consistent with the Plan.
2. **Modifications by the BCC**
Modifications which exceed the thresholds in [Article 2.D.1, Development Review Officer](#), shall require a DOA in accordance with [Art. 2.B.2.H, DOA](#).
3. **Modification to Reduce or Reconfigure Existing Golf Course**
Any modifications to reduce the acreage or reconfigure the boundaries of the golf course previously approved on the Master Plan shall meet the following criteria: [Ord. 2006-004]
- a. **Notice to Homeowners**
At the time of submitting the zoning application to amend the Master Plan, the applicant shall provide documentation that the residents of the PUD, as outlined in the latest PBC Property Appraisal list, were notified by certified mail, and shall post notice as may be allowed at appropriate common areas within the PUD. The notice mailed and posted shall describe the applicant's request to reconfigure the boundaries of the golf course. The applicant shall provide a copy of this notice to the Zoning Division and shall verify that the notice was provided as required by this section. The applicant shall further provide documentation of all additional efforts to inform association membership of the proposed golf course reconfiguration. Minutes of any association membership meeting, including the results of any vote concerning the applicant's request, as may be required by the Association, shall also be provided to the Zoning Division for inclusion in ZC and BCC staff reports. [Ord. 2006-004] [Ord. 2010-022]
 - b. **Reduction of Open Space or Recreation**
The applicant shall provide justification and documentation that the golf course land areas to be reduced in acreage or the reconfiguration of boundaries will not result in a reduction in required open space for the development. If a previously approved development was subject to zoning regulations for open space or recreation that have since been amended, the applicant shall outline how the affected area for the proposed development complies with current ULDC requirements, while demonstrating that the unaffected area is consistent with the requirements in place at the time of the original or amended approval. [Ord. 2006-004]

c. Visual Impact Analysis Standards

The requirements of this Subsection shall be required for any application to reconfigure an existing golf course: **[Ord. 2006-004]**

1) Visual Analysis

To assess the compatibility and impact of a proposed reconfiguration of the golf course on adjacent properties, the applicant shall submit a Visual Impact Analysis. **[Ord. 2006-004]**

2) Methodology

The Visual Impact Analysis shall be prepared and sealed by an architect, engineer, landscape architect, or surveyor registered in the State of Florida. Digital imaging technology may be utilized to prepare the analysis, in a manner acceptable to the Zoning Director. In addition, non-digital methods may be required by the Zoning Director in order to implement the intent and purpose of this Section. The non-digital method shall, at a minimum, provide or include the information listed below. **[Ord. 2006-004]**

- a) The location of the proposed structures/buildings illustrated upon an aerial photograph at a scale of not more than one inch equals 300 feet (one inch=300'). All adjacent structures/buildings located within a 1,000-foot radius of all property lines of the proposed site shall be indicated. **[Ord. 2006-004]**
- b) A line of site analysis, which shall include the following information: **[Ord. 2006-004]**
 - (1) Identification of all significant existing natural and manmade features within 1,000 feet of the boundary of the affected area and identification of features that may provide buffering and screening for adjacent properties; **[Ord. 2006-004]**
 - (2) Identification of at least three specific points within a 1,000 foot radius of the proposed site, subject to approval by the Zoning Director, for conducting the Visual Impact Analysis; **[Ord. 2006-004]**
 - (3) Copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis; **[Ord. 2006-004]**
 - (4) Graphic illustration of the visual impact of the proposed structure(s)/building(s) on surrounding development, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points; and, **[Ord. 2006-004]**
 - (5) Identification of all screening and buffering materials within a designated planting area under the permanent control of the applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the Visual Impact Analysis.) **[Ord. 2006-004]**
 - (6) Any other graphic illustrations, such as perspectives, cross sections, or elevations, shall be at a scale consistent with the master/site plan. The Zoning Director may request a scale that is necessary to clearly depict the detail of what the visual analysis is trying to convey to the BCC. **[Ord. 2006-004]**

F. Controlling Plan(s)

1. Approved Plan

The most recent approved master plan, site plan, or subdivision by the DRO shall be the controlling plan for the PDD. All land development shall be consistent with the controlling plan. The controlling plan shall supercede any previously approved master plan, site plan, or subdivision. **[Ord. 2005 - 002]**

2. Maximum Units/Square Feet

The number of units and total gross square feet shown on the most recent master plan, site plan or subdivision approved by the DRO shall constitute the maximum number of units or square footage which can be constructed in the PDD and shall supersede the density or intensity approved by the BCC and the density or intensity shown on any previously approved master plan, site plan, or subdivision. In case of a conflict between plans, an approved master plan shall control to the extent of the conflict.

G. Sales Office and Models

1. General

a. Permits

Building permits for real estate sales offices, sales models, gatehouses, entry features, and utilities may be issued prior to recording a final plat, but not before approval of a site plan/final subdivision plan by the DRO.

b. Permanent

A permanent real estate sales office is permitted in a commercial pod only, except where allowed otherwise within a Recreational Vehicle Park Development (RVPD). [Ord. 2014-025]

c. Definitions – see Art. 1.I, Definitions and Acronyms

1) Real Estate Sales Office, Planned Development

An office for the sale and resale of new and existing residential units, or Recreation Vehicle (RV) sites, in a planned development. [Ord. 2014-025]

a) Temporary, Pod

A temporary real estate sales office for the sale of new units only shall be permitted in a residential pod or other temporary location approved by the DRO. Sales shall be limited to only new units in the pod. A temporary sales office in a mobile home shall be subject to [Article 5.B.1.B. Temporary Structures](#). Sanitary facilities shall be available in the office. A temporary real estate sales office shall be removed from the site prior to the issuance of the CO for the last remaining unit in the pod. Temporary access to the sales office may be permitted, subject to approval by the DRO. The temporary access shall be limited to one year, unless extended by the DRO.

b) Temporary, Project

A temporary real estate sales office for the sale and resale of units in the entire project, or phase of a project, shall be permitted in a residential pod, private civic pod, commercial pod, or recreation pod, subject to approval by the BCC. A temporary sales office in a mobile home shall be subject to [Article 5.B.1.B. Temporary Structures](#). Sanitary facilities shall be available in the office. A temporary real estate sales office serving an entire project shall only be permitted within a planned development and/or phase approved for 300 or more units. Sales and resales shall be limited to only units within the planned development. A temporary real estate sales office shall be removed from the site prior to the issuance of the CO for the last remaining unit in the project or phase, as applicable. Temporary access to the sales office may be permitted, subject to approval by the BCC.

c) RVPD

A temporary real estate sales office for the sale of RV sites shall be permitted within an RVPD in accordance with the provisions above, and the following: [Ord. 2014-025]

(1) Units shall mean RV sites; [Ord. 2014-025]

(2) May be located within the Recreation Pod; [Ord. 2014-025]

(3) The temporary RVPD real estate sales office shall be removed upon completion of the project, CO of a permanent RV site real estate sales office, or upon expiration of the maximum time to commence development for the last phase, in accordance with [Table 2.E.3.B. Time Limitation of Development Order for Each Phase](#). The BCC may impose a Condition of Approval with a specific date for compliance. [Ord. 2014-025]

2) Planned Development, Sales Model

A residential unit used for the sale of only new units within a residential pod of a planned development.

2. Sales Office

a. Resale

Resale of existing units from a temporary real estate sales office for a project shall cease when the remaining number of units without a CO in the project, or phase, as applicable, reaches the following:

Table 3.E.1.G - Sales Office

No. Units in Project or Phase	Units Remaining w/out a CO
1000 or more	20
500-999	16
300-499	12

3. Sales Models

a. General

A maximum of eight sales models per pod may be constructed prior to platting. Subdivision approval of the sales model lots by the DRO shall be required prior to issuance of a building

permit. Sales models shall comply with all applicable PDRs prior to issuance of a CO. A sales model may be used as a temporary real estate sales office.

1) Parking

A minimum of two parking spaces per model shall be provided. The parking area shall comply with [Article 6.A.1.D. Off-Street Parking](#).

2) Duration

The use of a residential unit as a sales model shall cease prior to issuance of the CO for the last remaining unit in the pod.

b. Residential Pod

A maximum of eight, or 20 percent of the number of units in the pod, whichever is less, shall be permitted as sales models.

c. Model Rows

Planned developments approved for a total of 300 or more units may construct a model row for the project.

1) Number

A maximum of 16 sales models shall be permitted in the model row. A maximum of one model row shall be permitted for every three pods under development, consisting of a minimum of 60 units each.

2) Location

A model row shall be located in a residential pod. The location of the model row shall be designated on the preliminary development plan at the time of BCC approval. Access to the model row shall be from a location approved by the BCC or allowed by this Code.

3) Use

A model row shall be open to the public for the sale of only new units in the project. The sale or resale of units outside the project shall be prohibited.

H. Accessory Structures

1. Standards

The following accessory uses and structures in permanent or temporary structures shall comply with the following standards:

a. Gatehouses

Gatehouses for security of the project may be permitted, subject to approval by the DRO.

b. Utilities

Public or private utilities, accessory buildings/structures, and related infrastructure shall be permitted, subject to compliance with all applicable rules and regulations governing such facilities.

c. Temporary Structures

Temporary structures, such as construction trailers, shall be permitted in accordance with [Article 5.B.1.B. Temporary Structures](#).

d. Permits

Building Permits for temporary and accessory structures may be issued in accordance with [Art. 3.E.1.G.1.a. Permits](#).

I. Unified Control

All land in a PDD shall be contiguous, unless otherwise stated, and owned or under the control of the applicant or subject to unified control. Unified control shall be in a form acceptable to the County Attorney and shall provide for the perpetual operation and maintenance of all shared/common facilities and improvements, which are not provided, operated or maintained at the public's expense.

1. Exception

Public civic uses and AGR Preservation Areas shall not be subject to unified control, unless required by a condition of approval.

2. Approval

Unified control shall be approved by the County Attorney and recorded by the applicant prior to approval by the DRO of the initial master plan, site plan, or subdivision, whichever occurs first.

3. Control

Unified control for a PDD shall be approved by the County Attorney and recorded by the applicant prior to approval of the first plat.

4. Architectural Guidelines

All buildings and signage shall maintain architectural consistency between all building, signage and project identification. Consistency shall include, a minimum, on overall unified image and character created by the use of common elements such as building and roofing materials, rooflines, muted colors, fenestration, architectural features, and architectural elements. Infrastructure, such as minor

Ninth Order of Business



City of Westlake
Planning and Zoning Department
Staff Report – 1/30/18

PETITION DESCRIPTION

DATE: January 30, 2018

PETITION NUMBER: TEXT-ULDC-2017-03 (**Ordinance 2018-3**)

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: Amend the City of Westlake interim Unified Land Development Code (ULDC) to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods.

ANALYSIS

The subject application is a request for a text amendment to the City of Westlake's interim Unified Land Development Code (ULDC) to address regulatory and use provisions in **Articles 1, 3, and 4** as they relate to the following:

- Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods,
- Planned Unit Development (PUD) pods,
- Traditional Neighborhood Development(TND) pods, and
- Private Civic (PC) pods.

*Text amendments are provided in ~~striketrough~~ and underline format. Proposed modifications are included on the following **six (6) ordinances and their exhibits**:*

- Ordinance 2018-1
- Ordinance 2018-2
- **Ordinance 2018-3**
- Ordinance 2018-4
- Ordinance 2018-5
- Ordinance 2018-6

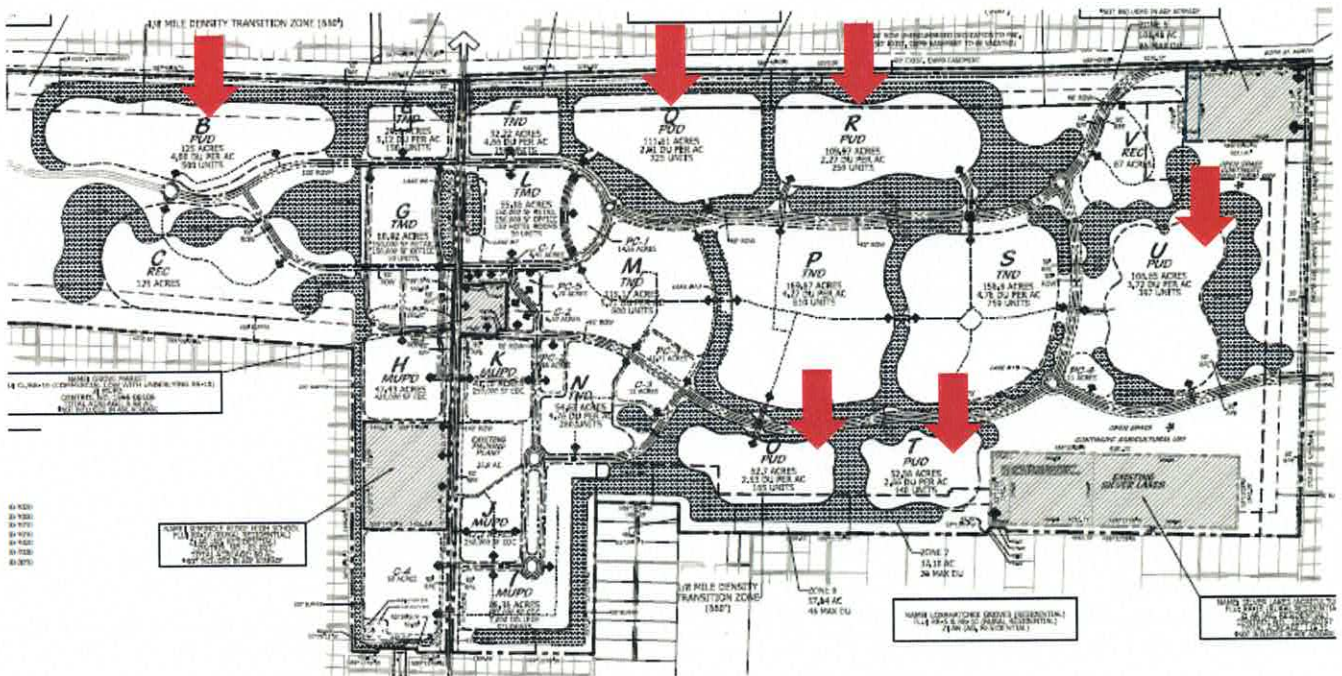
*The subject staff report will address **Ordinance 2018-3**.*

Ordinance 2018-3

The applicant is proposing to make adjustments to the uses which will be allowed in the PUD categories. The proposed amendments include the following use provisions in Article 3, Section 2, Planned Unit Developments (PUDs):

- Required Performance Standards for Neighborhood Parks,
- Table 3.E.2.C., entitled PUD Minimum Thresholds (Acreage),
- Table 3.E.2.C., entitled PUD Land Use Mix, and
- Table 3.E.2.D., entitled Property Development Regulations.

The following figure indicates the location of the PUD pods in the City of Westlake:



Required Performance Standards for Neighborhood Parks

The applicant is proposing changes to the required performance standards for Neighborhood Parks to make the language consistent with the proposed comprehensive plan. Section 3.E.2.B.2.c. of the City’s ULDC requires a Neighborhood Park to be provided within the PUD pods as part of the Performance Standards. The Neighborhood Park requirement in PUDs is additional to the 0.006 acres requirement of recreation area per dwelling unit.

The PUD section of the ULDC (Art. 3.E.2.E.3) requires that recreation areas comply with Art. 5.D. Article 5.D.2.B, *Community and Neighborhood Park Recreation Standards*, sets forth the standards for Neighborhood Parks. The size of the park is the equivalent of 2.5 acres per 1,000 people, based on 2.32 people per unit. Smaller tot lots and passive open space areas will be provided within the residential areas as part of the required recreation acreage.

The applicant is providing a large recreation amenity on Pod PC-1 that will contain water facilities, playgrounds, walking paths, sports courts, and a clubhouse. The applicant is requesting that the Neighborhood Park not be required for those pods in proximity to Pod PC-1 and the ability to combine the Neighborhood Park requirement within the recreation acreage.

Table 3.E.2.C., entitled PUD Minimum Thresholds (Acreage)

The applicant is proposing changes to the PUD thresholds which would eliminate Table 3.E.2.C. PUD Minimum Thresholds, and replace the table with a fifty (50) acre project requirement as a threshold for the PUD submittal and review requirement. As part of this proposed amendment, the applicant is requesting to strike language related to the AGR district and Exurban/Rural transect, which are not applicable to the City of Westlake.

~~Table 3.E.2.C – PUD Minimum Thresholds (Acreage)~~

	AGR	RR	AGE & TTD	LR1	LR2	LR3	MR6	HR8	HR12	HR18
Minimum Acreage	40 (80/20)	100	100 (Rural-TZ) 50	5	5	5	5	3	3	3
	250 (60/40)		3 (Suburban-TZ)							

Table 3.E.2.C., entitled PUD Land Use Mix

The applicant is requesting changes to the PUD Land Use Mix Table 3.E.2.C., which would reduce the open space requirement minimum from forty percent (40%) to twenty-seven percent (27%), and note three would allow for the co-location of civic uses for a PUD within a Traditional Town Development (“TTD”) District, outside of the PUD boundary.

Table 3.E.2.C of the City’s ULDC requires a minimum of 40 percent open space within each PUD pod. The current ULDC is designed to address stand-alone PUD’s which are not part of a larger community design. As part of the Development Order for Minto Westlake TTD, the Applicant is required to maintain a Natural Transect area of 55 percent.

The Natural Transect, by design, maximizes open space outside of the pod boundaries. In order to provide for this significant amount of Natural Transect, the pod boundaries were reduced. The intent of the initial design was for the development to be concentrated within the pod boundaries, so the natural, open space areas could exist outside of the pod. The proposed text amendment would establish an open space requirement of 27 percent within the PUD pod boundaries.

Please see Table 3.E.2.C - PUD Land Use Mix proposed amendments:

Table 3.E.2.C - PUD Land Use Mix

	Res.	Civic (1)	Comm.	Rec.	OS (2)	Preserve Area	Dev. Area
MIN	60%	2% (1)(3)	-	.006 acre	40 27 %	80/20 AGR— 80%	-
						60/40 AGR— 60%	
MAX	-	65%	1%	-	-	-	80/20 AGR—25% (3)
						-	60/40 AGR—40%
[Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-001]							
Notes:							
1. Minimum civic pod requirement may be waived, subject to the following: [Ord. 2011-001] Public civic may not be required where two percent of the gross acreage of a PDD is less than 1.5 acres in size, subject to FD&O approval; and, [Ord. 2011-001] If located in a CCRT area, shall be labeled as private civic unless waived by the BCC. [Ord. 2011-001]							
2. Calculation of open space may include recreation pods, civic pod and open space areas within residential. [Ord. 2006-004]							
3. See 80/20 option exception. Required Civic acreage for a PUD within a TTD may be co-located with other civic uses outside of the PUD boundary.							

Table 3.E.2.D., entitled Property Development Regulations

The applicant is proposing changes to the PUD development regulations which would modify Table 3.E.2.D. PUD Property Development Regulations, providing for minimum lot dimensions in the Traditional Town Development (“TTD”), single family, lot sizes, building coverage and setbacks as follows:

Table 3.E.2.D - PUD Property Development Regulations

POD	Minimum Lot Dimensions			Density		FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min.	Max.			Front	Side	Side Street	Rear
Residential											
SF	<u>6,000</u>	<u>65</u>	<u>75</u>	=	=	=	<u>40%</u>	<u>25</u>	<u>7.5</u>	<u>15</u>	<u>15</u>
TTD SF	<u>3,750 sf</u>	<u>50'</u>	<u>75'</u>	-	-	-	<u>50 percent</u>	<u>10' Bldg</u> <u>20' FLG</u> <u>10' SLG</u>	<u>5'</u>	<u>15' Bldg</u> <u>20' SLG</u>	<u>15'</u>
ZLL	Refer to Article 3.D.2.B, Zero Lot Line (ZLL).										
TH	Refer to Article 3.D.2.A, Townhouse.										
MF	Apply the RM district regulations in Table 3.D.1.A-17, Property Development Regulations.										

Staff has reviewed the request for changes to required performance standards for neighborhood parks, Table 3.E.2.C., PUD Minimum Thresholds (Acreage), Table 3.E.2.C., PUD Land Use Mix and agrees with the reasonable request of the applicant, staff supports the change, allowing for consistent changes to the neighborhood park provision, allowing for the

elimination Table 3.E.2.C., PUD Minimum Thresholds (Acreage), and allowing for modifications to Table 3.E.2.C., PUD Land Use Mix, and Table 3.E.2.D. allowing for minimum lot dimensions, building coverage and setbacks in TTD single family pods.

Please see attached Ordinance 2018-3 and Exhibit "A".



City of Westlake
Planning and Zoning Department
Staff Report – 12/26/2017

PETITION DESCRIPTION

DATE: December 26, 2017

PETITION NUMBER: TEXT-ULDC-2017-03 (***Ordinance 2018-3***)

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: Amend the City of Westlake interim Unified Land Development Code (ULDC) to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods.

ANALYSIS

The subject application is a request for a text amendment to the City of Westlake’s interim Unified Land Development Code (ULDC) to address regulatory and use provisions in **Articles 1, 3, and 4** as they relate to the following:

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*Text amendments are provided in ~~strikethrough~~ and underline format. Proposed modifications are included on the following **six (6) ordinances and its exhibits**:*

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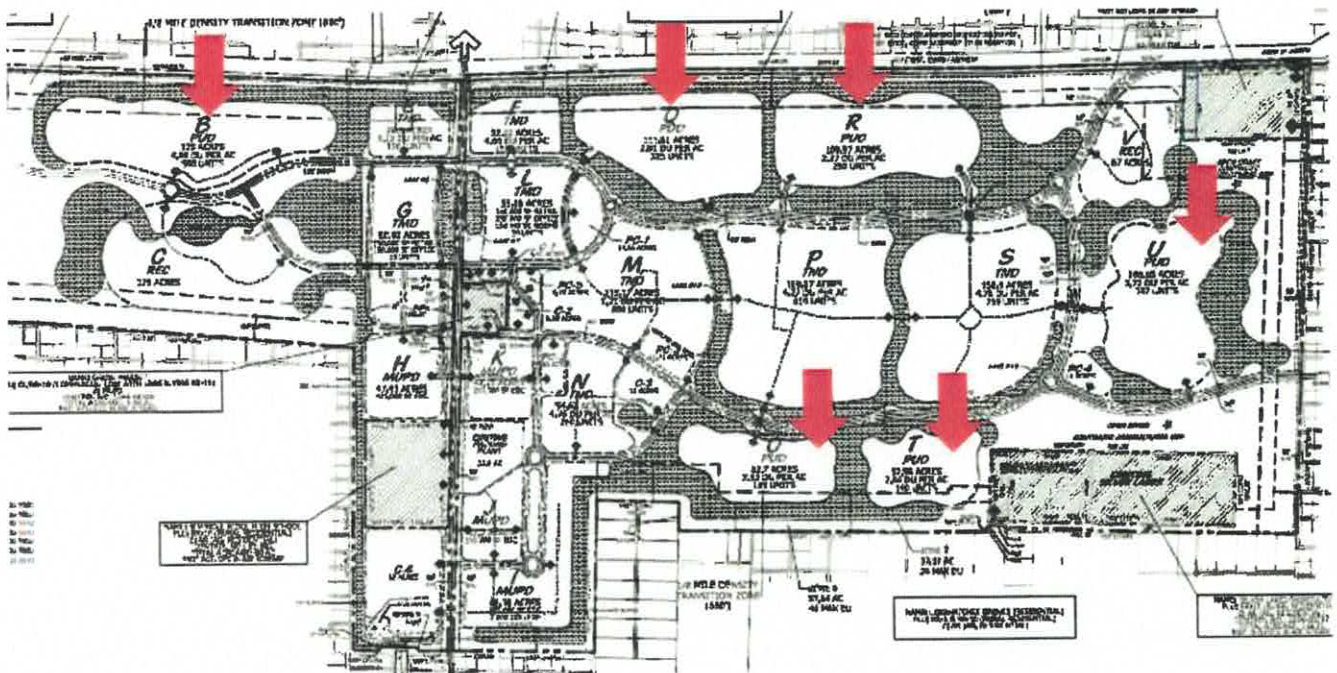
*The subject staff report will address **Ordinance 2018-3.***

Ordinance 2018-3

The applicant is proposing to make adjustments to the uses which will be allowed in the PUD categories. The proposed amendments include the following use provisions in Article 3, Section 2, Planned Unit Developments (PUDs):

- Required Performance Standards for Neighborhood Parks,
- Table 3.E.2.C., entitled PUD Minimum Thresholds (Acreage),
- Table 3.E.2.C., entitled PUD Land Use Mix, and
- Table 3.E.2.D., entitled Property Development Regulations.

The following figure indicates the location of the PUD pods in the City of Westlake:



Required Performance Standards for Neighborhood Parks

The applicant is proposing changes to the required performance standards for Neighborhood Parks to make the language consistent with the proposed comprehensive plan. Section 3.E.2.B.2.c. of the City’s ULDC requires a Neighborhood Park to be provided within the PUD pods as part of the Performance Standards. The Neighborhood Park requirement in PUDs is additional to the 0.006 acres requirement of recreation area per dwelling unit.

The PUD section of the ULDC (Art. 3.E.2.E.3) requires that recreation areas comply with Art. 5.D. Article 5.D.2.B, *Community and Neighborhood Park Recreation Standards*, sets forth the standards for Neighborhood Parks. The size of the park is the equivalent of 2.5 acres per 1,000 people, based on 2.32 people per unit. Smaller lot lots and passive open space areas will be provided within the residential areas as part of the required recreation acreage.

The applicant is providing a large recreation amenity on Pod PC-1 that will contain water facilities, playgrounds, walking paths, sports courts, and a clubhouse. The applicant is requesting that the Neighborhood Park not be required for those pods in proximity to Pod PC-1 and the ability to combine the Neighborhood Park requirement within the recreation acreage.

Table 3.E.2.C., entitled PUD Minimum Thresholds (Acreage)

The applicant is proposing changes to the PUD thresholds which would eliminate Table 3.E.2.C. PUD Minimum Thresholds, and replace the table with a fifty (50) acre project requirement as a threshold for the PUD submittal and review requirement. As part of this proposed amendment, the applicant is requesting to strike language related to the AGR district and Exurban/Rural transect, which are not applicable to the City of Westlake.

~~Table 3.E.2.C – PUD Minimum Thresholds (Acreage)~~

	AGR	RR	AGE & TTD	LR1	LR2	LR3	MR6	HR8	HR12	HR18
Minimum Acreage	40 (80/20)	100	100 (Rural TZ) 50	5	5	5	5	3	3	3
	250 (60/40)		3 (Suburban TZ)							

Table 3.E.2.C., entitled PUD Land Use Mix

The applicant is requesting changes to the PUD Land Use Mix Table 3.E.2.C., which would reduce the open space requirement minimum from forty percent (40%) to twenty-seven percent (27%), and note three would allow for the co-location of civic uses for a PUD within a Traditional Town Development (“TTD”) District, outside of the PUD boundary.

Table 3.E.2.C of the City’s ULDC requires a minimum of 40 percent open space within each PUD pod. The current ULDC is designed to address stand-alone PUD’s which are not part of a larger community design. As part of the Development Order for Minto Westlake TTD, the Applicant is required to maintain a Natural Transect area of 55 percent.

The Natural Transect, by design, maximizes open space outside of the pod boundaries. In order to provide for this significant amount of Natural Transect, the pod boundaries were reduced. The intent of the initial design was for the development to be concentrated within the pod boundaries, so the natural, open space areas could exist outside of the pod. The proposed text amendment would establish an open space requirement of 27 percent within the PUD pod boundaries.

Please see Table 3.E.2.C - PUD Land Use Mix proposed amendments:

Table 3.E.2.C - PUD Land Use Mix

	Res.	Civic (1)	Comm.	Rec.	OS (2)	Preserve-Area	Dev.-Area
MIN	60%	2% (1) (3)	-	.006 acre	40 27%	80/20-AGR—80% 60/40-AGR—60%	-
MAX	-	65%	1%	-	-	-	80/20-AGR—25% (3) 60/40-AGR—40%

[Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-001]

Notes:	
1.	Minimum civic pod requirement may be waived, subject to the following: [Ord. 2011-001] Public civic may not be required where two percent of the gross acreage of a PDD is less than 1.5 acres in size, subject to FD&O approval; and, [Ord. 2011-001] If located in a CCRT area, shall be labeled as private civic unless waived by the BCC. [Ord. 2011-001]
2.	Calculation of open space may include recreation pods, civic pod and open space areas within residential. [Ord. 2006-004]
3.	See 80/20 option exception. Required Civic acreage for a PUD within a TTD may be co-located with other civic uses outside of the PUD boundary.

Table 3.E.2.D., entitled Property Development Regulations

The applicant is proposing changes to the PUD development regulations which would modify Table 3.E.2.D. PUD Property Development Regulations, providing for minimum lot dimensions in the Traditional Town Development (“TTD”), single family, lot sizes, building coverage and setbacks as follows:

Table 3.E.2.D - PUD Property Development Regulations

POD	Minimum Lot Dimensions			Density		FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min.	Max.			Front	Side	Side Street	Rear
Residential											
SF	6,000	65	75	=	=	=	40%	25	7.5	15	15
TTD SF	3,750 sf	50'	75'	-	-	-	50 percent	10' Bldg 20' FLG 10' SLG	5'	15' Bldg 20' SLG	15'
ZLL	Refer to Article 3.D.2.B, Zero Lot Line (ZLL).										
TH	Refer to Article 3.D.2.A, Townhouse.										
MF	Apply the RM district regulations in Table 3.D.1.A-17, Property Development Regulations.										

Staff has reviewed the request for changes to required performance standards for neighborhood parks, Table 3.E.2.C., PUD Minimum Thresholds (Acreage), Table 3.E.2.C., PUD Land Use Mix and agrees with the reasonable request of the applicant, staff supports the change, allowing for consistent changes to the neighborhood park provision, allowing for the elimination Table 3.E.2.C., PUD Minimum Thresholds (Acreage), and allowing for modifications to Table 3.E.2.C., PUD Land Use Mix, and Table 3.E.2.D. allowing for minimum lot dimensions, building coverage and setbacks in TTD single family pods.

Please see attached Ordinance 2018-3 and Exhibit “A”.

DEC 06 2017



Cotleur &
Hearing

Received

Landscape Architects | Land Planners | Environmental Consultants

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City of Westlake ULDC Text Amendment

Justification Statement

December 5, 2017

Introduction

The subject application is a request for various text amendments to the City of Westlake Unified Land Development Code (ULDC). The purpose of the text amendments is to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods. All proposed modification as provided in the attached text amendment document in ~~striketrough~~ and underline format.

ARTICLE 1 DEFINITIONS

The Applicant proposed to add one new definition and modify two existing definitions. A definition of **Density Transition Zone (DTZ)** has been added and the definitions for **Fitness Center** and **Medical and Dental Office** have been modified slightly.

The DTZ is referenced and identified on the approved Final Master Plan, but is not formally defined in the ULDC. In order to prevent any confusion relative to the application of the DTZ, the Applicant proposes that a definition be added to Section 1.1.2.A. This will provide clarity of the terminology, since it does not exist outside of the Westlake Development Order, as well as provide consistency of its application.

Density Transition Zone (DTZ) – *The land area of a TTD extending along the entire perimeter of the TTD as set forth on the Master Plan. Density within this zone shall be calculated using the total dwelling units within the DTZ divided by the total acreage of the land area within the total DTZ. (For example, if the perimeter of the TTD was 66,000 feet and there were 800 dwelling units located within 660' of the perimeter boundary, the density would be calculated as follows.*

$$DTZ = 66,000' \text{ perimeter} * 660' \text{ wide} = 43,560,000 \text{ SF}$$

$$DTZ = 1,000 \text{ AC}$$

$$\text{Density} = 800 \text{ du} / 1,000 \text{ AC}$$

$$\text{Density} = 0.8 \text{ du/ac}$$

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The ***Fitness Center*** definition (No. 22) has been modified to include “wellness services.” It is typical for fitness facilities to include wellness services, such as nutritional coaching, BMI exams, blood pressure tests, minor medical treatments for exercise injuries, flu shots, etc. The additional text will address this use more clearly for future applications.

The ***Medical or Dental Office*** definition (No. 32) has been modified to include “Immediate and/or emergent.” This addition will clarify the type of medical uses envisioned to be encompassed within the medical office category.

ARTICLE 3

PLANNED DEVELOPMENT DISTRICTS (PDDs) TEXT AMENDMENT

Purpose

The purpose of the requested text amendments to the PDD section of Article 3 is to address revisions to the PDD Use Matrix table, PUD regulations, and TTD regulations. In addition, the Applicant has taken the opportunity to update references to “Palm Beach County,” “BCC,” “county,” and prior ordinance references, which are no longer applicable.

1. PDD Use Matrix

Table 3.E.1.B – PDD Use Matrix sets forth the permitted and prohibited uses for the EDC/MUPD pods within the City of Westlake. The vision for the EDC, as outlined in the current Future Land Use Element, is to accommodate employment opportunities, research parks, employment centers, and other ancillary uses to support the EDC uses. However, these types of uses are not fully reflected in Table 3.E.1.B. The uses currently prescribed in the table include heavy industrial uses. In order to foster the employment opportunities envisioned for this area of the City, the EDC pods must include opportunities for professional and medical offices, hospital or medical centers, assisted living facilities, universities, places of worship, financial institutions, personal services, etc. It is also appropriate to locate other business supporting uses in the EDC, such as a car wash, auto repair services, convenience stores with gas sales, restaurants, fitness, etc. The proposed amendments to Table 3.E.1.B – PDD Use Matrix are provided in the attached text amendment document in ~~striketrough~~ and underline format.

2. PUD Regulations

The PUD provisions of Article 3 are designed to address stand-alone PUD’s which are typical of residential development in Palm Beach County. These typical PUD’s are self-contained and not part of a larger community design. The PUD pods within the City of Westlake are unique in that they are one component of a larger TTD framework. Therefore, it is appropriate to amend certain PUD code requirements within the ULDC to be reflective of this unique development pattern. The proposed amendments will bring clarity and consistency with how these regulations are applied within the Westlake TTD. The proposed amendments to PUD regulations are generally

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described below and are provided in the attached text amendment document in ~~strikethrough~~ and underline format.

Neighborhood Park

Section 3.E.2.B.2.c. of the City's ULDC requires a Neighborhood Park to be provided within the PUD pods as part of the Performance Standards. The Neighborhood Park requirement is above and beyond the Parks and Recreation requirement of 0.006 acres of recreation area per dwelling unit. The PUD section of the ULDC (Art. 3.E.2.E.3) requires that recreation areas comply with Art. 5.D. Article 5.D.2.B, *Community and Neighborhood Park Recreation Standards*, sets forth the standards for Neighborhood Parks. The size of the park is the equivalent of 2.5 acres per 1,000 people, based on 2.32 people per unit.

The Applicant is providing a large recreation amenity on Pod PC-1 that will contain water facilities, playgrounds, walking paths, sports courts, a clubhouse, etc. The amenities within Pod PC-1 will far exceed the recreational needs of the City. Smaller tot lots and passive open space areas will be provided within the residential areas as part of the required recreation acreage. Requiring a Neighborhood Park in addition to recreation areas within each pod will dilute the potential of the formal amenity facility in Pod PC-1. Therefore, the Applicant is requesting that the Neighborhood Park not be required for those pods in proximity to Pod PC-1 the ability to combine the Neighborhood Park requirement within the recreation acreage. In addition to Pod PC-1 there are four other private civic pods located throughout the City that will also provide neighborhood services and amenities to the community.

PUD Thresholds

Table 3.E.2.C of the City's ULDC requires a minimum of 40 percent open space within each PUD pod. The current ULDC is designed to address stand-alone PUD's which are not part of a larger community design. As part of the Development Order for Minto Westlake TTD, the Applicant is required to maintain a Natural Transect area of 55 percent. The Natural Transect, by design, maximizes open space outside of the pod boundaries. In order to provide for this significant amount of Natural Transect, the pod boundaries were reduced. The intent of the initial design was for the development to be concentrated within the pod boundaries, so the natural, open space areas could exist outside of the pod. This allows larger tracts of natural areas to be created, rather than small, less usable open space areas within the pods. Therefore, the proposed text amendment would establish an open space requirement of 27 percent within the PUD pod boundaries. As part of this amendment, the Applicant has also taken the opportunity to strike language related to the AGR district and Exurban/Rural transect, which are not applicable to the City of Westlake.

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3. TDD Regulations

Unlike most areas of the current ULDC, the TDD portion of Article 3 has never been implemented in a physical form within Palm Beach County. Therefore, the design provisions have never been tested and are not reflective of current traditional neighborhood trends in the marketplace. Therefore, it is appropriate to amend certain TDD code requirements within the ULDC to recognize industry standards for traditional communities and be reflective of current development patterns that have been field tested and proved successful. The proposed standards have been constructed throughout the State of Florida and have produced the intended results. The proposed amendments to TDD regulations are generally described below and are provided in the attached text amendment document in ~~strike through~~ and underline format.

Traditional Development Permitted Use Schedule

Table 3.F.1.F of the City's ULDC sets forth the permitted uses within the TND and TMD pods. The Westlake Development Order outlines certain conditions of approval that are specific to Private Civic (PC) pods. Resolution 2014-1646, Private Civic, condition no. 1 requires all private civic pods to "follow the development regulations of a Traditional Neighborhood District and Neighborhood Center requirements." Therefore, there is a need to reflect the uses intended to occupy the PC pods in Table 3.F.1.F. The use schedule has been revised to include uses such as passive and public parks, outdoor entertainment, restaurants, and other supportive uses. References to Exurban/Rural tiers has been struck as well.

Block Dimensions

Table 3.F.2.A of the City's ULDC establishes minimum and maximum block standards for TND neighborhoods. Modifications to the block lengths and average perimeters are proposed to allow more flexibility in the neighborhood design. The current regulations would result in a significant increase in pavement and segregation of the home layouts. In addition, the adjusted block lengths will provide the ability to for more curvature in the streets, on-street parking, and street trees. The proposed amendments are based on street designs utilized in numerous traditional communities throughout Palm Beach County.

Street Design Standards

TABLE 3.F.2.A of the City's ULDC establishes standards for street cross-sections. To provide clarity, the Applicant is proposing to add "minimum" to the table's title. In the past, there have been instances where the design standards were applied as both maximum and minimum thresholds. It is the intent that the standards provided in the table be applied as minimum thresholds.

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It is the visions of the Applicant to produce streets that are appropriately scaled and comfortable to the City's future residents. The standards within Table 3.F.2.A are set up to produce much wider roadways that are inconsistent with sound neighborhood design. Narrower streets help to establish a sense of place, solicit lower traffic speeds, and create more integration with the development pods.

Parking

The current TDD code requires structured parking to be provided when the parking ratio exceeds 1 sp/250 sf. This ratio is proposed to reflect a ratio of 1 sp/200 sf, to avoid forcing medial users, who have higher parking ratios, to construct structured parking. Within the EDC/MUPD district, where medical uses are desired, this provision would be especially problematic. The structured parking thresholds should come into effect when excessive amounts of surface parking occur, not when the minimum parking standards required by code are being provided. This would create a significant barrier to entry.

TND Setback Standards

As discussed above, the PC pods are required to adhere to the Neighborhood Center provisions within the framework of the TND. The ULDC provisions for the Neighborhood Center are designed to accommodate small centers located within the TND pods. However, the Conceptual Plan and Final Master Plan for the City of Westlake reflect the co-location of these civic uses into pods outside of the TND pods, which the current ULDC did not anticipate. Therefore, revisions to the setback chart are necessary to create minimum setback standards, rather than maximum setbacks. The PC pods are smaller pods that do not meet the minimum sizes necessary to create effective streets and block structures that are needed to meet the building orientation and build-to line standards. The proposed amendments provide exceptions for PC pods from such requirements, which leaving opportunity for neighborhood centers to be provided within the TND pods in the future.

ARTICLE 4 USE REGULATIONS TEXT AMENDMENT

Purpose

The purpose of the requested text amendments to Article 4 is to address use regulations for **Place of Worship, Medical or Dental Office and Retail Sales, General**. In addition, the Applicant has taken the opportunity to update references to "Palm Beach County," "BCC," "county," and prior ordinance references, which are no longer applicable.

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Article 4, note 29 refers to **Place of Worship**. Recently, Palm Beach County amended Article 4 of the ULDC to address Places of Worship. The revised language included criteria to address location, access, and size.

Article 4, note 83 refers to **Medical or Dental Office**. The modifications to this note are the same as the definition changes made in Article 1. The change in Article 4 is simply to make the two Articles consistent.

Article 4, note 114 refers to **Retail Sales, General**. The additional language in the note establishes a square footage threshold for retail uses within the EDC/MUPD district of 2,500 square feet. This will help ensure that the types of retail uses locating within the EDC remain accessory to and supportive of employment uses. Tenants occupying more than 2,500 square feet will only be permitted as a requested use.

Conclusion

The proposed ULDC text amendment is consistent with the City's Comprehensive Plan. The Applicant looks forward to working with Staff to respond to any questions or issues that might arise as a result of your review.

ORDINANCE NO. 2018- 3

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S INTERIM LAND DEVELOPMENT CODE, ARTICLE 3, SECTION 2, PLANNED UNIT DEVELOPMENTS ("PUDs"), REQUIRED STANDARDS FOR NEIGHBORHOOD PARK, TABLE 3.E.2.C., ENTITLED MINIMUM THRESHOLDS, TABLE 3.E.2.C., ENTITLED PUD LAND USE MIX, AND TABLE 3.E.2.D., ENTITLED PUD PROPERTY DEVELOPMENT REGULATIONS, PROVIDING FOR CHANGES IN THE PLANNED UNIT DEVELOPMENTS ("PUD") DISTRICT; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Chapter 163, upon incorporation, the County's comprehensive plan shall be deemed controlling, until the City of Westlake adopts its' own comprehensive plan; and

WHEREAS, the pursuant to Section 163.3174(4)(C), the Planning and Zoning Board, sitting as the Local Planning Agency(LPA), has the authority to review proposed land development regulations, land development codes, or amendments thereto; and

WHEREAS, the Developer has requested review use provisions in Article 3, Section2, Planned Unit Developments, Required Performance Standards for Neighborhood Parks, Table 3.E.2.C., entitled PUD Minimum Thresholds (Acreage), Table 3.E.2.C., entitled PUD Land Use Mix, and Table 3.E.2.D., entitled Property Development Regulations of the land development codes within the City of Westlake to make adjustments to the uses which will be allowed in the PUD categories; and

WHEREAS, the applicant requested changes to the required performance standards for Neighborhood Parks to make the language consistent with the proposed comprehensive plan; and

WHEREAS, the applicant requested changes to the PUD thresholds which would eliminate Table 3.E.2.C. PUD Minimum Thresholds, and replace the table with a fifty (50) acre project requirement as a threshold for the PUD submittal and review requirement; and

WHEREAS, the applicant requested changes to the PUD Land Use Mix Table 3.E.2.C., which would reduce the open space requirement minimum from forty percent (40%) to twenty-seven percent (27%), and note three would allow for the co-location of civic uses for a PUD within a Traditional Town Development ("TTD") District, outside of the PUD boundary; and

WHEREAS, the applicant requested changes to the PUD development regulations which would modify Table 3.E.2.D. PUD Property Development Regulations, providing for minimum lot dimensions in the Traditional Town Development ("TTD"), single family, lot sizes, building coverage and setbacks; and

WHEREAS, the staff has reviewed the request for changes to required performance standards for neighborhood parks, Table 3.E.2.C., PUD Minimum Thresholds (Acreage), Table 3.E.2.C., PUD Land Use Mix and agrees with the reasonable request of the applicant, staff supports the change, allowing for consistent changes to the neighborhood park provision, allowing for the elimination Table 3.E.2.C., PUD Minimum Thresholds (Acreage), and allowing for modifications to Table 3.E.2.C., PUD Land Use Mix, and Table 3.E.2.D. allowing for minimum lot dimensions, building coverage and setbacks in TTD single family pods; and

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

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

WHEREAS, having considered the recommendations of the Planning and Zoning Board, the City Council for the City of Westlake has found and determined that the adoption of the land development text amendment to Article 3, Section2, Planned Unit Developments, Required Performance Standards for Neighborhood Parks, Table 3.E.2.C., entitled PUD Minimum Thresholds (Acreage), Table 3.E.2.C. entitled PUD Land Use Mix, and. Table 3.E.2.D., entitled PUD Property Development Regulations, will preserve the public health, safety and welfare, enhance the value and character of the community and implement the interim adopted comprehensive plan.

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

Section 1. Incorporation: The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendment: The City of Westlake hereby amends the interim Land Development Code, Article 3, Section2, Planned Unit Developments, Required Performance Standards for Neighborhood Parks, Table 3.E.2.C., entitled PUD Minimum Thresholds (Acreage), Table 3.E.2.C. entitled PUD Land Use Mix, and Table 3.E.2.D., entitled PUD Property Development Regulations, as shown in underline and strikethrough format, in the Exhibit "A" attached hereto and incorporated herein.

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

PASSED this _____ day of January, 2018, on first reading.

PASSED AND ADOPTED this _____ day of February, 2018, on second reading.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

City Attorney
Pam E. Booker, Esq.

Exhibit "A"
City of Westlake Amendment to Article 3, Chapter E, Table 3.E.1.B.

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OVERLAYS & ZONING DISTRICTS

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utilities, water and wastewater treatment plants which are approved for construction in a PDD prior to the approval of other buildings will not be used to set the architectural standards for a PDD. [Ord. 2007-013]

5. Successive Owners

The unified control shall run with the land and shall be binding on all successors in interest to the property.

6. Amendments

Prior to approval of a modification to a master plan, site plan, or subdivision by the DRO, the unified control shall be amended to include/exclude all land added to/deleted from the PDD.

J. Phasing and Platting

1. Phasing

PDDs shall be subject to the phasing, time limitations and review requirements of [Art. 2.E, Monitoring](#), any conditions of approval, and shall proceed in a reasonably continuous and timely manner. If a PDD other than a PUD has multiple phases, each of the first two phases shall contain a minimum of 20 percent of the land area unless otherwise approved in the Development Order approved by the BCC. [Ord. 2005 – 002] [Ord. 2012-003]

2. Platting

All land in a PDD shall be platted in accordance with [Art. 11, SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS](#). [Ord. 2005 – 002] [Ord. 2011-001] [Ord. 2012-003]

a. Exemptions

The following shall be exempt from platting requirements: [Ord. 2012-003]

- 1) Right of way dedicated to a government agency when approved by the County Engineer; or, [Ord. 2012-003]
- 2) A DOA to a prior approval which includes a rezoning to a current PDD, where the proposed amendments do not involve any subdivision or other modifications which would require platting or a re-plat. [Ord. 2012-003]

b. Timing

All land within the PDD, including private civic tracts, golf courses and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential, commercial, or industrial tract. [Ord. 2012-027]

Section 2 [Planned Unit Development \(PUD\)](#)

A. General

1. Purpose and Intent

The purpose of a PUD district is to offer a residential development alternative, which provides a living environment consisting of a range of living opportunities, recreation and civic uses and a limited amount of commercial uses. Residential PUDs shall correspond to a range of land uses in the Plan. The intent of a PUD is to promote imaginative design approaches to the residential living environments. These approaches include but are not limited to:

- a. the preservation of the natural environment;
- b. the integration and connection of land uses with perimeter landscape areas which provide vegetation preservation, buffering, and circulation areas;
- c. the creation of a continuous non-vehicular circulation system;
- d. the establishment of private civic and/or public civic and recreation area to serve the PUD;
- e. provide for a limited amount of commercial uses to serve the residents of the PUD;
- f. provide for efficient use of land and public resources by co-locating harmonious uses to share civic uses and public facilities and services for the residents of PBC;
- g. the reduction of land consumption by roads and other impervious surface areas; and
- h. the provision for flexible PDRs to promote innovative and quality site design.

2. Applicability

The requirements of this Section shall apply to all PUDs, modifications to previously approved PUDs, and modifications to previous approvals specified in Art. 3.A.3.A.2, Planned Development Districts. [Ord. 2009-040] [Ord. 2011-016]

3. Conflicts

If a conflict exists between this Section and other Sections in this Code, the provisions of this Section shall apply to the extent of the conflict.

4. Exemplary

A rezoning to the PUD district or a Development Order Amendment (DOA) to a previously approved PUD shall only be granted to a project exceeding the goals, policies and objectives in the Plan, the minimum requirements of this Code, and the design objectives and performance standards in this Article which include, but are not limited to, sustainability, trip reduction, cross access, buffering, aesthetics, creative design, vegetation preservation, recreational opportunities, mix of uses, mix of unit types, safety, and affordable housing. See the PBC Zoning Division Technical Manual for examples. A DOA to a previously approved PUD shall be reviewed pursuant to [Article 1.E.1.C. Previous Approvals](#). [Ord. 2006-055]

B. Objectives and Standards

1. Design Objectives

A PUD shall comply with the following objectives:

- a. Designed as a predominantly residential district;
- b. Provide a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles;
- c. Provide perimeter landscape areas to buffer incompatible land uses, or where residential uses are adjacent to other incompatible design elements such as roadways, usable open space areas, where a more intense housing type is proposed, or where residential setbacks are less than adjacent residential development outside the perimeter of the PUD. [Ord. 2006-055]
- d. May offer limited commercial uses for the population of the PUD;
- e. Establish neighborhood character and identity;
- f. Preserve the natural environment to the greatest extent possible; and
- g. Provide incentives for civic uses to reduce public capital improvements and expenditures by encouraging joint acquisition, development and operation of publicly owned and operated facilities to serve the residents of the PUD and PBC.

2. Required Performance Standards

A PUD shall comply with the following standards: Standards a – d are required and must be met. A minimum of two of the four standards listed in e – h are required: [Ord. 2006-055]

a. Proximity to Other Uses

All residential pods with five or more units per acre shall be located within 1,320 feet of a neighborhood park, recreation pod, private civic pod, commercial pod, or a public recreational facility. [Ord. 2006-055]

1) Measurement of Distance

For the purpose of this Section, distance shall be measured by drawing a straight line between the property line of a residential Pod to the property line of the pod where the commercial/personal services are located. [Ord. 2004-040]

b. Focal Points

A focal point shall be provided at the terminus of 15 percent of the streets in the project. The focal point may be in the form of a plaza, fountain, landscaping, or similar amenity deemed acceptable to the DRO. The focal point shall not be located on a private residential lot. [Ord. 2006-055]

c. Neighborhood Park

Neighborhood parks shall have a direct connection to the pedestrian system, serve the residents of a neighborhood, and include a tot lot, gazebo, fitness station, rest station, or other similar recreation amenity facilities. Neighborhood parks are designed to serve the population of a neighborhood. ~~The park shall not be used towards the Parks and Recreation Departments minimum recreation requirements and~~ shall not be located within areas designated for drainage, stormwater management or other utility purposes. [Ord. 2006-055]

d. Decorative Street Lighting

Decorative street lights shall be provided along the development entrances. [Ord. 2008-037]

e. Decorative Paving

Decorative pavers shall be provided at the development entrances and incorporated into recreational areas. [Ord. 2006-055]

f. Fountains

A minimum of one fountain shall be located in the main or largest lake or water body. [Ord. 2006-055]

g. Benches or play structures

Benches or play structures shall be provided in usable open space areas and along pedestrian pathways. [Ord. 2006-055]

h. Interspersed Housing

WFH units shall be interspersed with market rate units within a pod. [Ord. 2006-055]

i. Pedestrian Circulation System

An interconnected pedestrian sidewalk, path or trail system shall be provided linking pods to recreational amenities within the development. [Ord. 2008-037]

C. Thresholds

1. Thresholds

Projects that meet or exceed ~~50 acres~~ ~~the acreage threshold indicated in Table 3.E.2.C, PUD Thresholds~~ may be submitted and reviewed as a PUD. [Ord. 2006-004]

Table 3.E.2.C – PUD Minimum Thresholds (Acreage)

	AGR	RR	AGE	LR1	LR2	LR3	MR5	HR8	HR12	HR18
Minimum Acreage	40 (80/20)	100	100 (Rural TZ)	5	5	5	5	3	3	3
	250 (60/40)		3 (Suburban TZ)							

2. Land Use Mix

Table 3.E.2.C, PUD Land Use Mix, indicates the minimum and maximum percentage of each land use allowed in a PUD.

Table 3.E.2.C - PUD Land Use Mix

	Res.	Civic (1)	Comm.	Rec.	OS (2)	Preserve Area	Dev. Area
MIN	60%	2% (1)(3)	-	.006 acre	4027%	80/20 AGR – 80% 60/40 AGR – 60%	-
MAX	-	65%	1%	-	-	-	80/20 AGR – 25% (3) 60/40 AGR – 40%

[Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-001]

Notes:

- Minimum civic pod requirement may be waived, subject to the following: [Ord. 2011-001]
Public civic may not be required where two percent of the gross acreage of a PDD is less than 1.5 acres in size, subject to FD&O approval; and, [Ord. 2011-001]
If located in a CCRT area, shall be labeled as private civic unless waived by the BCC. [Ord. 2011-001]
- Calculation of open space may include recreation pods, civic pod and open space areas within residential. [Ord. 2006-004]
- ~~See 80/20 option exception.~~ Required Civic acreage for a PUD within a TTD may be co-located with other civic uses outside of the PUD boundary.

3. Land Use Calculation

The calculation for the mix of land uses shall be based on the gross acreage of the PUD. Neighborhood parks, water management tracts and local roads, which are internal to a residential pod rather than a separate pod or tract may be credited toward the minimum residential land area requirement in Table 3.E.2.C, PUD Land Use Mix.

a. AGR Exceptions

~~In the AGR FLU designations, the required land use mix shall be based on the gross acreage of the development portion of the PUD only. [Ord. 2006-004]~~

4. Other Land Uses

The acreage for open space tracts, water management tracts, R-O-W, shall be provided on the master plan.

D. Property Development Regulations (PDRs)

The minimum lot dimensions, minimum and maximum density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.2.D, PUD Property Development Regulations, unless otherwise stated.

1. Setbacks

For residential development, building setbacks shall be measured from the inside edge of the perimeter landscape buffers. For non-residential development, building setbacks shall be measured from the property line. Rear or side setbacks may be reduced pursuant to [Article 3.D.1.D.4, Setback Reductions](#).

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Table 3.E.2.D - PUD Property Development Regulations

POD	Minimum Lot Dimensions			Density		FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min.	Max.			Front	Side	Side Street	Rear
Residential											
SF	Apply the RS district regulations in Table 3.D.1.A-17, Property Development Regulations.										
	6,000 sf	65'	75'	-	-	-	40%	25'	7.5'	15'	15'
TTD SF	3,750 sf	50'	75'	-	-	-	50 percent	10' Bldg 20' FLG 10' SLG	5'	15' Bldg 20' SLG	15'
ZLL	Refer to Article 3.D.2.B, Zero Lot Line (ZLL) .										
TH	Refer to Article 3.D.2.A, Townhouse .										
MF	Apply the RM district regulations in Table 3.D.1.A-17, Property Development Regulations.										
Civic											
Private	0.5 ac	100	100	-	-	-	30 percent	25	20	25	20
Public	1.5 ac.	100	200	-	-	-					
Commercial											
Commercial	Apply CC district regulations in Table 3.D.1.A-17, Property Development Regulations										
Recreation											
Recreation Pod	-	65	75	-	-	-	30 percent	25	15	25	15
Neighborhood Park	0.1	45	75	-	-	-	15 percent	15	15	15	15
Preservation (1)											
Preservation	Apply the AGR district regulations in Table 3.D.1.A, Property Development Regulations										
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2008-037]											
Notes:											
1. Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.											
2. The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]											

E. Pods

1. Residential Pod

A residential pod shall be designated on the Master Plan as follows:

a. Range of Housing

~~A PUD in excess of 100 acres and 300 dwelling units shall provide a minimum of two residential use types. A minimum of ten percent of the residential dwellings in a PUD in excess of this threshold shall be of a second use type.~~

b.a. Side Loading Garage

A side loading garage is permitted in a SF pod, subject to a minimum front setback of 15 feet, except as otherwise noted in this Article.

2. Commercial Pod

A commercial pod is intended to provide personal services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD. A commercial pod shall be designated on the master plan as follows:

a. Use Regulations

Uses shall be permitted in accordance with Table 3.E.1.B - PDD Use Matrix, Art. 4: Use Regulations; and, Art. 3.E.5.F, SCO PIPD.

b. Location

A commercial pod shall comply with the following location and design criteria:

1) Frontage

A commercial pod shall not have frontage on a public arterial or collector street traversing or bordering the PUD. Access shall be limited to an arterial or collector street internal to the PUD only.

a) Exception

A private arterial or collector street traversing the PUD is exempt from this requirement.

2) Setback

a) A commercial pod shall be setback a minimum of 1000 feet from the perimeter of the PUD.

b) A commercial pod shall be setback a minimum of 1000 feet from a public arterial or collector street traversing the PUD.

c. Design

1) Any single use exceeding 10,000 square feet of GFA shall obtain approval as a Requested Use.

2) A Type 3 Incompatibility landscape buffer, including a six foot high opaque concrete wall, shall be required adjacent to a residential pod.

3) In addition to the landscape requirements in [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#), R-O-W Buffers shall include a two to three foot high continuous or undulating berm.

4) Freestanding point of purchase signs shall be monument style only and shall be limited to a maximum of ten feet in height with a maximum sign face area of 80 square feet per side. A maximum of one freestanding point of purchase sign shall be allowed per frontage.

5) Outdoor lighting shall not exceed 30 feet in height, and shall be shielded, oriented and directed away from residential uses.

6) Dumpsters, compactors and loading areas shall be setback a minimum of 50 feet from the property line and oriented away from residential uses.

7) Outdoor storage of any merchandise, equipment, refuse or similar material shall be prohibited.

8) A continuous non-vehicular circulation system shall provide access to commercial uses from adjacent residential pods.

d. Architecture

Proposed buildings shall be subject to [Article 5.C, DESIGN STANDARDS](#).

e. Property Development Regulations (PDRs)

The PDRs for a commercial pod are in Table 3.E.2.D, PUD Property Development Regulations.

1) Multiple Uses

A commercial pod meeting the requirements for a MUPD with a CL FLU designation may be developed in accordance with the PDRs in Table 3.E.3.D, MUPD Property Development Regulations.

2) Mixed Use

A commercial pod meeting the requirements for a MXPD with a CL FLU designation may be developed in accordance with the PDRs in Table 3.E.4.D, MXPD Property Development Regulations.

3) Market Place

A commercial pod meeting the requirements for TMD or a TMD with a CL FLU designation may be developed in accordance with the PDRs in Table 3.D.1.A, Property Development Regulations.

f. Hours of Operation

Commercial uses within 300 feet of a residential unit shall not commence business activities, including delivery and stocking operations, prior to 6:00 a.m. nor continue activities later than 11:00 p.m. daily. Commercial lots greater than 300 feet from residential use may be exempt from this requirement, unless required by a BCC condition.

g. Accessory Commercial Areas

Ten percent of the floor area in a recreation or civic pod may be utilized for commercial uses permitted by right in the CC zoning district.

h. Nonconforming Commercial Pods

In addition to the criteria in [Article 3.E.2.E.2.c, Design](#) above, the following standards shall apply to a commercial pod in a PUD approved prior to June 16, 1992, but which has not received site plan approval by the DRO:

1) A single use shall not exceed 15,000 square feet GFA; and

2) Auto repair and gasoline sales shall be prohibited.

3. Recreation Pod

Recreation areas shall be designated on the Master Plan as recreation pods and shall comply with [Art. 5.B.1.A.9, Neighborhood Recreation Facility](#), and [Art. 5.D. Parks and Recreation Standards](#), in addition to the requirements of this section. **[Ord. 2011-001] [Ord. 2013-001]**

4. Civic Pod

A civic pod is intended to promote a coordinated land planning approach for providing and encouraging publicly and privately owned civic, institutional, educational, and additional recreational uses for the community.

a. Applicability

1) Public Civic

Where two percent of a PUD is less than 1.5 acres, public civic pods may not be required subject to FD&O approval. **[Ord. 2011-001]**

2) Private Civic

If a public civic pod is not required in a CCRT area, a private civic pod shall be provided unless waived by the BCC. For any other PUD, private civic pods shall be optional. **[Ord. 2011-001]**

b. AGR PUD Calculation

A PUD in AGR-FLU areas shall use two percent of the developable portion of the PUD. **[Ord. 2011-001]**

c. Public and Private Civic

All civic pods so designated shall be identified as public or private. PBC may require all or a portion of a civic pod to be dedicated to PBC for public purposes. **[Ord. 2011-001] [Ord. 2011-001]**

1) Public Civic

Public civic pods shall be located adjacent to publicly owned, or anticipated to be owned, lands. In the event of co-location with property outside the boundary of the PUD, the required landscape buffer along the common boundary may be waived by the DRO. A minimum 5-foot setback shall be required for all permanent structures, measured from the common interior boundary. The remaining setbacks shall be applied pursuant to Table 3.E.2.D – PUD Property Development Regulations. The location of, and access to, a public civic pod shall be acceptable to FDO prior to certification of the master plan by the DRO. **[Ord. 2005 – 002] [Ord. 2008-037]**

a) Conveyance

Conveyance of a civic pod to PBC shall be in a form and manner acceptable to FDO as outlined in the FDO Property Acquisition Policy and Procedures, and by the County Attorney. Documentation, such as a deed, survey, environmental assessment, and evidence of a clear title shall be required to be provided by the applicant prior to acceptance by PBC. Site shall also be conveyed with: **[Ord. 2005 – 002]**

- 1) concurrency;
- 2) drainage accommodated within and allowed to discharge into the storm water management system of the PUD;
- 3) filled and stabilized;
- 4) sufficient sized water sewer and other associated utilities stubbed to the site; and
- 5) direct access to a utility easement for phone, electric and cable.

b) Uses

Public civic parcels shall consist of civic uses and other typical uses provided by governmental agencies, which are required to provide services to meet concurrency requirements such as, but not limited to, regional parks, water treatment facilities and fire stations, and services required to mitigate other impacts of the development to service providers such as, but not limited to, public schools, libraries or other civic uses. **[Ord. 2005 – 002]**

c) Frontage

A public civic pod shall have frontage on a collector or arterial street unless waived by FDO. **[Ord. 2005 – 002] [Ord. 2011-001]**

d) Alternative Civic Pod Designation

A public civic pod may have an alternative pod designation in addition to the public civic pod designation on the Master Plan approved by the BCC. The alternative pod designation may only be utilized following preliminary approval by FD&O and final

approval by the BCC of a cash-out, off-site dedication agreement, or other proposal that satisfies a public civic obligation. A public civic pod may be excluded from the Master Plan approved by the BCC or DRO provided that prior approval of a cash-out, off-site dedication agreement or other proposal that satisfies a public civic obligation has been rendered acceptable by FD&O and granted by the BCC. **[Ord. 2011-001]**

2) Private Civic

Private civic parcels shall be labeled as "Private" on the master plan and may be underscored for a particular use as defined in this section or as outlined in Zoning Code Use Matrix. Such pods may be located anywhere within the PUD but should remain as one singular parcel. **[Ord. 2005 – 002]**

a) Use Limitations

Private civic sites shall consist of civic uses which: provide services to PUD residents or fulfill recreational or educational needs for the residents of PBC; are customarily privately owned and operated; such as but not limited to, private schools or libraries, day care centers, churches, temples, and property owner association meeting areas. Private civic uses may include parking if such use benefits the intended private civic site function. Private civic sites may not be used as PUD overflow parking areas or to fulfill any other non-civic site related requirements. **[Ord. 2005 – 002]**

d. PDRs

The PDRs for a civic pod shall be in accordance with Table 3.E.2.D, PUD Property Development Regulations. Public civic pods may be exempt from Table 3.E.2.D, PUD Property Development Regulations, by the DRO if the PDRs hinder the proper functioning of the intended civic use.

F. AGR PUD

1. General

The following regulations have been created to fulfill goals, policies and objectives in the AGR FLU designations.

a. Purpose and Intent

In addition to provision in [Article 3.E.2.A.1, Purpose and Intent](#), a PUD is permitted in the AGR FLU designations in order to accommodate low density residential development in conjunction with the preservation of agriculture, wetlands or other significant open space areas. It is the intent of a PUD in this land use designations to provide for the residential development of land in a manner compatible with agriculture, wetlands or other significant open space and which does not detract from the protection and perpetuation of such uses in the area.

b. Applicability

This Section shall apply to PUDs in the AGR FLU designations.

c. Conflicts

If this Section conflicts with another Section of the Code, the provisions of this Section shall apply to the extent of the conflict.

2. Development Options.

a. Options

The following two options are allowed in the AGR FLU designations: 80/20 and 60/40.

1) Minimum Land Area

The minimum gross land area (GLA) for the 80/20 option is 40 acres and 250 acres for the 60/40 option.

2) Areas

Each PUD shall consist of two areas, the Preservation Area and the Development Area. Both areas shall be rezoned to the PUD district.

b. Density

The maximum density for both options shall be based on the total GLA of the PUD calculated at 1 du/ac. The residential density in the Development Area is not restricted, except as necessary to meet applicable development standards and to assure compatibility with adjacent land uses.

c. Land Use Mix

The land area allocated for the Preservation Area and the Development Area shall be based on the ratio specified for each development option as described below.

1) 80/20 Option

A minimum of 80 percent of the GLA of the PUD shall be designated as Preservation Area on the master plan. The remaining land area (20 percent) may be designated on the master plan as residential, civic, commercial, recreation, or open space in accordance with Table 3.E.2.C, PUD Land Use Mix.

a) Exception

Up to an additional five percent of the GLA of the PUD may be allocated to the Development Area where the allocation can be accounted for as R-O-W for streets or water retention areas. In no event shall the Development Area, including R-O-W and water retention areas, exceed 25 percent of the GLA.

2) 60/40 Option

A minimum of 60 percent of the gross land area of the PUD shall be designated as a Preservation Area on the master plan. The remaining land area (40 percent) may be designated on the master plan as residential, civic, commercial, recreation, or open space in accordance with Table 3.E.2.C, PUD Land Use Mix.

3) Both Options

Credit shall not be given that would reduce the size of the Preservation Area for encroachment of R-O-W, water retention, open space, landscape buffers, or natural habitats preserved in the Development Area. Native vegetation required to be set-aside in a Development Area by [Article 14.C. VEGETATION PRESERVATION AND PROTECTION](#), shall not be credited toward satisfying the minimum Preservation Area requirement.

3. Preserve Area

A Preserve Area is intended to support bona fide agriculture uses, wetlands, or other significant open space. Adjacent residential development in the PUD should be designed to be compatible with a Preserve Area and shall not detract from its operation or function. **[Ord. 2015-047]**

a. Location and Access

Preserve Areas which may be situated anywhere in the AGR FLU designations, provided they are accessible by a street. **[Ord. 2015-047]**

b. Uses

Uses allowed in a Preserve Area are indicated in [Table 3.E.1.B, PDD Use Matrix](#), [Table 3.F.1.F, Traditional Development District Permitted Use Schedule](#), or where stated within Art. 4, Use Regulations, and specified by the Preserve Management Plan as approved by ERM. **[Ord. 2006-004] [Ord. 2012-027] [Ord. 2015-047]**

c. Configuration

1) Property Development Regulations

A Preserve Area and any remaining portion of a lot used to create a Preserve Area shall meet the minimum PDRs of the AGR district, with exception to the following: **[Ord. 2006-004]**

- a) lot width may be reduced to 100 feet for a Rural Parkway, as defined in the Plan; or, **[Ord. 2006-004] [Ord. 2015-047]**
- b) for an equestrian use that meanders through a 60/40 development area; or, **Ord. 2006-004] [Ord. 2015-047]**
- c) a legal lot of record that does not meet the minimum acreage or dimensions of the AGR district may be used as a preserve area if in compliance with all other requirements of this Section. **[Ord. 2006-004]**

2) General

Preserve Areas shall be arranged so as to maximize the purpose, function, and perpetuation of the preserve use. This shall be accomplished, in part, through the following: **[Ord. 2015-047]**

a) Agriculture

Agricultural areas shall have boundaries that allow for efficient agricultural operation, and shall not be encroached upon by a Development Area. **[Ord. 2006-004]**

b) Wetlands

The boundary of preserved wetlands shall be determined by the ecological function of the viable area, as determined by the BCC upon recommendations from ERM and/or the SFWMD. Wetland areas shall be preserved in the following order of priority: adjacent to off-site wetlands; open space; fallow land; or, agricultural land. Primary consideration shall be given to preserved wetland areas adjacent to off-site wetlands.

d. 80/20 Contiguity Requirement

The Preserve Area in the 80/20 option shall be located contiguous to the Development Area. **[Ord. 2015-047]**

e. Plans

Plans submitted to the DRO shall depict the Preservation Area as specified below.

1) Contiguous Area

When the Preservation Area is contiguous to the Development Area, the Preservation Area shall be shown and designated on the master plan and all applicable subdivision plans at the same scale and in the same detail as the Development Area.

2) Non-contiguous Area

When the Preservation Area is not contiguous to the Development Area, the Preservation Area shall be referenced by a location sketch and notes on the master plan.

f. Perpetual Preservation

Prior to recording the first plat for a Development Area, the Preservation Area shall be established in perpetuity in a form acceptable to the County Attorney. The Preservation Area shall be established by fee simple dedication to and acceptance by the BCC, or by recordation of an Agricultural Conservation Easement. **[Ord. 2008-037]**

4. Development Area

The Development Area shall contain the development related pods, residential commercial, civic and recreational as described in Table 3.E.2.D, PUD Property Development Regulations, allowed in a Development Area are based on the pod designation indicated in Table 3.E.1.B, PDD Use Matrix.

a. Location

The Development Area for the 60/40 option shall not be located west of S.R.7 (U.S. 441).

1) Frontage

All Development Areas shall have frontage on either SR-7, SR-806 (Atlantic Ave.), SR-804 (Boynton Beach Boulevard), Clint Moore Road, Lyons Road extending north of Boynton Beach Boulevard or Lyons Road extending south of Atlantic Avenue, and Acme Dairy Road extending south of Boynton Beach Boulevard to the L-28 Canal. **[Ord. 2012-027]**

2) Adjacency

Development areas shall be located, to the greatest extent practical, adjacent to existing, planned or projected Development Areas.

3) Connectivity

Development Areas adjacent to potential or existing TMD locations shall have at least one paved pedestrian and vehicular connection.

b. Configuration

1) General

The Development Area shall be a single, compact, contiguous area, which possesses the characteristics listed below. An equestrian community may deviate from these characteristics only to the extent that contiguous pasture land may meander throughout the Development Area:

- a) at least two sides of the Development Area shall share a common border with the perimeter of the PUD;
- b) the Development Area shall be designed as a single unified whole within a tightly compact area with continuous common boundaries with other pods in the PUD;
- c) isolated Development Areas and Preservation Areas shall not be created within a contiguous PUD; and
- d) lakes, water retention areas, golf courses, and other similar amenities shall be located within the Development Area to provide a buffer from adjacent Preservation Areas or off-site agricultural uses.

c. Contiguity

A Development Area shall be situated in only one location and shall be contiguous within itself.

d. Landscape Buffer

A Type 3 incompatibility buffer shall be required between the Development Area and all adjacent properties zoned AGR, AP, SA, or AR; including Preservation Areas. The buffer shall be a minimum of 50 feet in width and installed in accordance with [Article 7, LANDSCAPING](#), except that a wall shall not be required. **[Ord. 2006-004] [Ord. 2008-003]**

1) Buffer Width Reduction

The minimum 50 foot buffer width required along the perimeter of an AGR-PUD Development Area may be reduced for the following: **[Ord. 2013-001]**

a) Abutting R-O-W, Open Space or Another Buffer

A 50 percent reduction (minimum of 25 feet in width) shall be permitted if: **[Ord. 2013-001]**

- (1) the buffer is within a nonresidential pod and adjacent to a R-O-W greater than 50 feet in width;
- (2) the buffer is adjacent to another platted PUD buffer a minimum of 20 feet in width; or

(3) the buffer is adjacent to open space (e.g. lake, canal, etc.) greater than 50 feet in width

b) Abutting a Rural Parkway

A reduction to a minimum of 15 feet in width shall be permitted if the buffer is abutting a Rural Parkway a minimum of 100 feet in width. **[Ord. 2013-001]**

5. Special Provisions

a. Water and Sewer Service

All Development Areas shall utilize central water and wastewater service provided by WUD. The use of package treatment facilities shall not be permitted.

G. RR PUD

1. Rural Residential

The following additional regulations apply to the PUDs in the RR FLU Designation.

a. Purpose and Intent

A PUD is permitted in the RR FLU designations to accommodate low density residential development in conjunction with the protection and maintenance of rural, equestrian, agricultural communities, or to address preservation of specific uses within the Lion Country Safari (LCS). It is the intent of a PUD in these land use designations to provide for the residential development of land in a manner compatible with agriculture, wetlands or other significant open space and which does not detract from the protection and perpetuation of such uses in the area. The areas in which this development alternative is offered are characterized by agriculture, small farming operations, equestrian activities, and open spaces where residents are attracted to low-density lifestyles. **[Ord. 2011-016]**

b. Conflicts

If a conflict exists between this Section and other Sections of this Code, the provisions of this Section shall apply to the extent of the conflict.

c. Lion Country Safari (LCS)

An application for a RR-PUD within the LCS that includes the transfer of density from the Lion Country Safari MUPD or RVPD, shall be limited to Option 1, Rural Cluster, and the following: **[Ord. 2011-016]**

1) Purpose and Intent

The purpose of the LCS is to acknowledge the importance of the Lion Country Safari Park as a unique tourist attraction and recognize that the viability of the park is important for the County's tourism industry, pursuant to Plan Objective 1.11, Lion Country Safari Overlay. The Overlay establishes a mechanism to encourage the preservation of the Safari Park (MUPD), RV Park (RVPD) and related commercial recreation activities, while allowing for residential development at an overall density that is compatible with the surrounding area. This is accomplished by allowing the density of the Safari and RV Parks (excluding hotel approval) to be transferred to the development area of a RR PUD within the boundaries of the Overlay. **[Ord. 2011-016]**

2) Applicability

The LCS is approximately one square mile in size, generally located north of Southern Boulevard and West of Seminole Pratt and Whitney Road in Section 23, Range 40, Township 43, as depicted in the Special Areas Planning Map LU 3.1, in the Map Series of the Plan. The provisions of the LCS are optional, and shall only apply to projects that propose to relocate density from the Safari Park to a PUD within the boundaries of the Overlay. **[Ord. 2011-016]**

3) Application Requirements

Any application that proposes to relocate density from the Safari or RV Parks to a RR PUD within the Overlay shall comply with the following: **[Ord. 2011-016]**

a) Pre-Application Conference

Each application shall require a PAC in accordance with [Art. 2.A.1.E, Pre-Application Conference](#). **[Ord. 2011-016]**

b) Master Plan

A Preliminary or Final Master Plan shall be required to depict the overall boundaries of the LCS, include any Zoning approvals, identify Open Space Preserve Areas from which density will be relocated to the development area of a RR-PUD, location of access and interconnectivity, and related tabular data. **[Ord. 2011-016]**

4) RR PUD Development Area

In addition to the Development Area requirements for a Rural Cluster PUD, the following shall apply: **[Ord. 2011-016]**

- a) Clustered residential units which provide a variety of lot sizes to allow for a range of housing choices; **[Ord. 2011-016]**
- b) Smaller sized lots shall be located towards the center of the Development Area and should transition to larger lot sizes located at the edge, adjacent to the existing residential neighborhoods. **[Ord. 2011-016]**

5) Other Requirements

- a) Existing native vegetation and other natural features located within the LCS, including a minimum of 37 acres of upland native vegetation, shall be preserved. At the time a PUD is requested, higher quality upland native vegetation shall be preserved in accordance with [Art. 14.C.7.B.3. Establishing Native Upland Preserves](#). This requirement shall not preclude the relocation of existing native upland preserves to other areas with higher quality upland native vegetation. **[Ord. 2011-016]**
- b) Interconnectivity shall be provided between uses within the LCS. This shall not preclude the use of security gates within the RR PUD. **[Ord. 2011-016]**
- c) A neighborhood serving commercial store of up to 3,500 square feet shall be permitted within the RVPD to serve campers, or should the RVPD be abandoned, the neighborhood store may be incorporated into a RR-PUD. **[Ord. 2011-016]**
- d) Golf courses are prohibited within the LCS. **[Ord. 2011-016]**

6) Additional Notification Requirements

Pursuant to the adoption of a LCS Overall Master Plan, any subsequent applications for a Development Order Amendment within the boundaries of any designated Open Space Preserve Areas or associated RR-PUD shall provide for the following notification to all affected land owners and Property Owners Associations, as follows: **[Ord. 2011-016]**

- a) The Notice shall describe the applicant's request for a DOA; **[Ord. 2011-016]**
- b) The list of landowners and Property Owners' Association(s) shall be pursuant to the latest PBC Property Appraisal list; **[Ord. 2011-016]**
- c) The Notice shall be sent to the landowners and Property Owners' Association(s) by certified mail within ten days of filing its applications; and, **[Ord. 2011-016]**
- d) The applicant shall provide to the Zoning Division a copy of the Notice and written confirmation the Notice requirements have been satisfied. **[Ord. 2011-016]**

d. Option 1 – Rural Cluster

1) Land Area

A minimum of 100 acres.

2) Open Space

A minimum of 60 percent of the land area shall be designated on the master plan as contiguous and compact open space, unless otherwise determined by the Existing Resources and Site Analysis. Open space satisfying this requirement shall have a minimum width of 150 feet and be designated as common area on the master plan or dedication in perpetuity as a preserve, in accordance with [Article 3.E.2.F.3.g, Perpetual Preservation](#). **a)**

Exception

- (1) Existing environmental, geological and historic resources identified in the site analysis required by [Article 3.E.2.G.4, Existing Resources and Site Analysis](#), and having a minimum area of five acres are not required to be contiguous.
- (2) A PUD within the LCS may comply with minimum Open Space requirements through use of an Overall Master Plan which identifies Preserve Areas within the Lion Country Safari MUPD or RVPD, subject to the following: **[Ord. 2011-016]**
 - (a) Open Space is limited to preservation, conservation, passive recreation, wetlands, bona-fide agriculture, regional water management projects and equestrian trails; or, **[Ord. 2011-016]**
 - (b) The Safari Park MUPD (excluding hotel site) and RVPD shall be permitted to count towards the 60 percent Open Space requirement provided that prior to issuance of the final Development Order, a deed restriction/conservation easement, subject to approval by the PZ&B Executive Director in consultation with the County Attorney, is recorded that limits the use of the site to those listed above, in the event commercial recreation uses were to cease. This shall not preclude any renovation or expansion of park facilities where permitted by this Code. **[Ord. 2011-016]**

b) Common Area

If designated as common area, maintenance of the open space shall be the perpetual responsibility of the HOA.

c) Separate Tract

All areas designated as open space on the Master Plan shall be platted and maintained as a separate tract of land. No area designated as open space on the Master Plan shall be platted with, nor made part of, a lot or land in the development area, excluding alternative LCS Open Space Preserve Areas. [Ord. 2011-016]

d) Plat

All open space shall be platted simultaneously with the first plat in the development area, excluding any previously platted areas identified on a LCS Overall Master Plan. [Ord. 2011-016]

3) Development Area

A maximum of 40 percent of the land area shall be designated on the master plan as the development area. All residential, civic, and recreation pods shall be limited to the development area. All improvements, including streets, water management tracts for on-site and street drainage (including R-O-W), excavation, and accessory structures shall be limited to the development area.

a) Exception

Mitigation projects, excavation with jurisdictional wetlands, and excavation by public agencies, as defined as exempt in [Article 4.D, EXCAVATION](#), and regional water management facilities certified by the SFWMD, shall be permitted in open space areas.

4) Design

The Development Area shall be designed to emphasize the open space areas identified in the site analysis in accordance with [Article 3.E.2.G.4, Existing Resources and Site Analysis](#). The development areas shall be designed so as to not interfere with the continued or future function of any designated open spaces preserves or areas, identified as environmentally, geologically, or historically significant in the site analysis required by [Article 3.E.2.G.4, Existing Resources and Site Analysis](#). Pods should be located and designed to ensure compatibility with open space and preserves areas. All streets shall terminate in a vista or focal point such as trail head, passive park, waterviews, open space, or an alternative acceptable to the BCC.

e. Option 2 – Variable Lot Size

1) Minimum Land Area

A minimum of 100 acres

2) Open Space

No minimum percentage of open space shall be required in a PUD with a RR land use designation utilizing the variable lot size option (Option #2).

3) Development Areas

The development area shall be required to have an equestrian lifestyle. Development shall be designed so as to not interfere with the continued or future function of any area identified as environmentally, geologically, or historically significant in the site analysis required in [Article 3.E.2.G.4, Existing Resources and Site Analysis](#). Residential pods should be located and designed to ensure compatibility with non-residential pods and open space areas. All streets shall terminate in a vista or focal point, such as a trail head, passive park, waterview, agricultural structure, or an alternative acceptable to the BCC.

a) Exception

All drainage improvements, such as water management tracts, street drainage, and excavation for water management purposes, shall be developed as common areas and platted as separate tracts of land. Type 1 excavation, for the purposes of building a single family residence, shall not be permitted on individual lots.

4) Design

A PUD with a RR land use designation utilizing the variable lot size option (Option #2) may subdivide parcels into a range of lot sizes as accepted by the BCC. The minimum lot size shall not be less than indicated in Table 3.E.2.G, RR-PUD Property Development Regulations. The gross density of the PUD shall not exceed the density assigned to the project by the Plan.

2. Pods

a. Residential Pod

Housing type and classification shall be limited to single family detached only, typical residential accessory uses/structures and accessory agricultural or equestrian uses/structures.

1) Lion Country Safari Exception

Townhouses may be permitted within a LCS RR-PUD up to a maximum of 20 percent of all residential units, to the extent necessary to accommodate any density transferred from Open Space Preserve Areas, provided that the units are located within the center of the Development Area. **[Ord. 2011-016]**

b. Commercial Pod

A commercial pod is prohibited, with exception of allowances for a 3,500 square foot neighborhood store within the LCS. **[Ord. 2011-016]**

c. Civic Pod

Civic and institutional uses shall be limited to government services only. No private civic uses shall be permitted

d. Recreation Pod

Active recreation uses, such as golf courses and common outdoor recreation areas shall be limited to the development area only. Equestrian uses shall be allowed in accordance with the AGR/P pod provisions in Table 3.E.1.B, PDD Use Matrix.

3. Property Development Regulations (PDRs)

The PDRs for residential lots are in Table 3.E.2.G, RR-PUD Property Development Regulations. Accessory residential uses/structures may use with the nonconforming lot provisions in the AR district.

Table 3.E.2.G - RR-PUD Property Development Regulations

Pod	Lot Dimensions			Density		FAR	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min	Max			Front Street	Side	Side Rear	Rear
Residential Option 1 (1)	1.25 ac	100	125			.20	20%	50	20	25	25
Residential Option 2	2.5 ac	200	200			.20	20%	50	40	50	50
Public Civic	1%	Apply PUD public civic pod PDRs									
Recreation		Apply PUD recreation pod PDRs									
[Ord. 2011-016]											
Notes:											
1. The following PDRs shall be permitted within the Development Area of a LCS RR-PUD, to the extent necessary to accommodate density relocated from the Safari Park Open Space Preserve Areas within the MUPD or RVPD: <ul style="list-style-type: none"> a. Where Townhouses are permitted, the PDRs of Art. 3.D.2.A, Townhouses; b. SFD lots located within the center of the Development Area may apply the PDRs for the RS Zoning district, in accordance with Table 3.D.1.A, Property Development Regulations; and, c. SFD lots located along the perimeter of the LCS adjacent to residential uses may apply the PDRs for the RT Zoning district (LR-1) in accordance with Table 3.D.1.A, Property Development Regulations. 											

a. Design Standards

The rural design standards in [Article 5.C, DESIGN STANDARDS](#), shall apply to all development not located on a single family lot (e.g. entry features, recreation, public civic pods, or when permitted within the LCS, a commercial pod). **[Ord. 2011-016]**

4. Existing Resources and Site Analysis

The application shall include an analysis and maps of existing environmental, geological, and historic conditions on the proposed site. At a minimum, the analysis shall contain the following information and be subject to review and approval by the DRO prior to certification of the project.

a. Natural Resources and Environmentally Sensitive Areas

Location and identification of environmentally sensitive lands, habitats of endangered species, significant areas of native vegetation, wetlands, canals, ditches, and natural drainage.

b. Historic Resources

Location and identification of all historically and archaeologically significant features, sites and structures.

c. Preservation

Significant environmental, geological, and historic conditions identified in the site analysis shall be incorporated and preserved in open space areas on the master plan or as required by ERM and/or the SFWMD.

d. Open Space Management Plan

The applicant shall submit an Open Space Management Plan for review and approval by the DRO, which ensures that all areas designated as open space on the master plan are maintained in perpetuity. The Open Space Management Plan shall include a bond, or the funding mechanism, in an amount necessary to ensure maintenance of the preserve area on a permanent basis. Bona fide agricultural land shall remain in agricultural production or returned to a natural state acceptable to ERM. Fallow land shall remain free of prohibited species and maintained to prevent the creation of a nuisance on adjacent properties. Wetlands shall remain viable and subject to the permitting and maintenance requirements of the SFWMD.

1) Lion Country Safari Exemption

The required bond or other funding mechanism shall not be required for any Open Space areas located within the LCS MUPD or RVPD that have been counted towards a LCS PUD, until such time as the Safari Park ceases operations. **[Ord. 2011-016]**

e. Plat

All open space shall be platted simultaneously with the first plat in the developments area.

5. Landscape Buffer

A landscape buffer shall only be required around the development area, adjacent to the perimeter of the project. The buffer shall be a minimum of 150 feet in width and consist of 100 percent native vegetation. Landscape buffers providing continuity between open space areas to be preserved may be counted toward meeting the minimum open space requirement.

a. Landscape Requirements

Portions of the buffer which are not adjacent to a street shall comply with the compatibility landscape requirements in [Article 7, LANDSCAPING](#). All landscape material shall be planted in groups and/or a naturalistic pattern.

b. Trails

A continuous equestrian trail, fitness trail, bike path, walking path, or similar trail system shall be incorporated into the internal street R-O-W sections, around lakes, and/or within the buffers in the development area. Trails and paths in open space areas shall only be paved with pervious materials.

H. Supplemental Standards

1. HOA

Concurrent with the first recorded plat a POA shall be formed to manage the common areas and govern the operations of the HOA. The preservation area of an RR-PUD is not required to be governed by a POA.

2. Declaration of Covenants and Restrictions

All properties included in the legal description of a PUD shall be subject to a Declaration of Covenants and Restrictions acceptable to the County Attorney's office which shall, among other things, provide for formation of a single "master" HOA, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended if additional units or land area are added to the PUD.

3. Incompatible Uses

The petitioner shall include in the homeowners documents, as well as written sales brochures and sales contracts, a disclosure statement identifying and notifying of the existence of agricultural, equestrian, or cellular communication towers in the vicinity of the development.

I. Phasing and Platting

A PUD shall be subject to the time limitation and review requirements of [Art. 2.E, Monitoring](#) and [Article 3.E.1.J, Phasing and Platting](#), and shall proceed in a reasonably continuous and timely manner complying with these phasing requirements and the requirements listed below.

1. Plat Requirements

All land within the PUD, including golf courses, shall be platted. All golf courses and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential, commercial, or civic site plat.

Tenth Order of Business



City of Westlake
Planning and Zoning Department
Staff Report –2/1/18

PETITION DESCRIPTION

DATE: January 30, 2018

PETITION NUMBER: TEXT-ULDC-2017-03 (**Ordinance 2018-4**)

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: Amend the City of Westlake interim Unified Land Development Code (ULDC) to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods.

ANALYSIS

The subject application is a request for a text amendment to the City of Westlake's interim Unified Land Development Code (ULDC) to address regulatory and use provisions in **Articles 1, 3, and 4** as they relate to the following:

- Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods,
- Planned Unit Development (PUD) pods,
- Traditional Neighborhood Development(TND) pods, and
- Private Civic (PC) pods.

*Text amendments are provided in ~~striketrough~~ and underline format. Proposed modifications are included on the following **six (6) ordinances and its exhibits**:*

- Ordinance 2018-1
- Ordinance 2018-2
- Ordinance 2018-3
- **Ordinance 2018-4**
- Ordinance 2018-5
- Ordinance 2018-6

*The subject staff report will address **Ordinance 2018-4.***

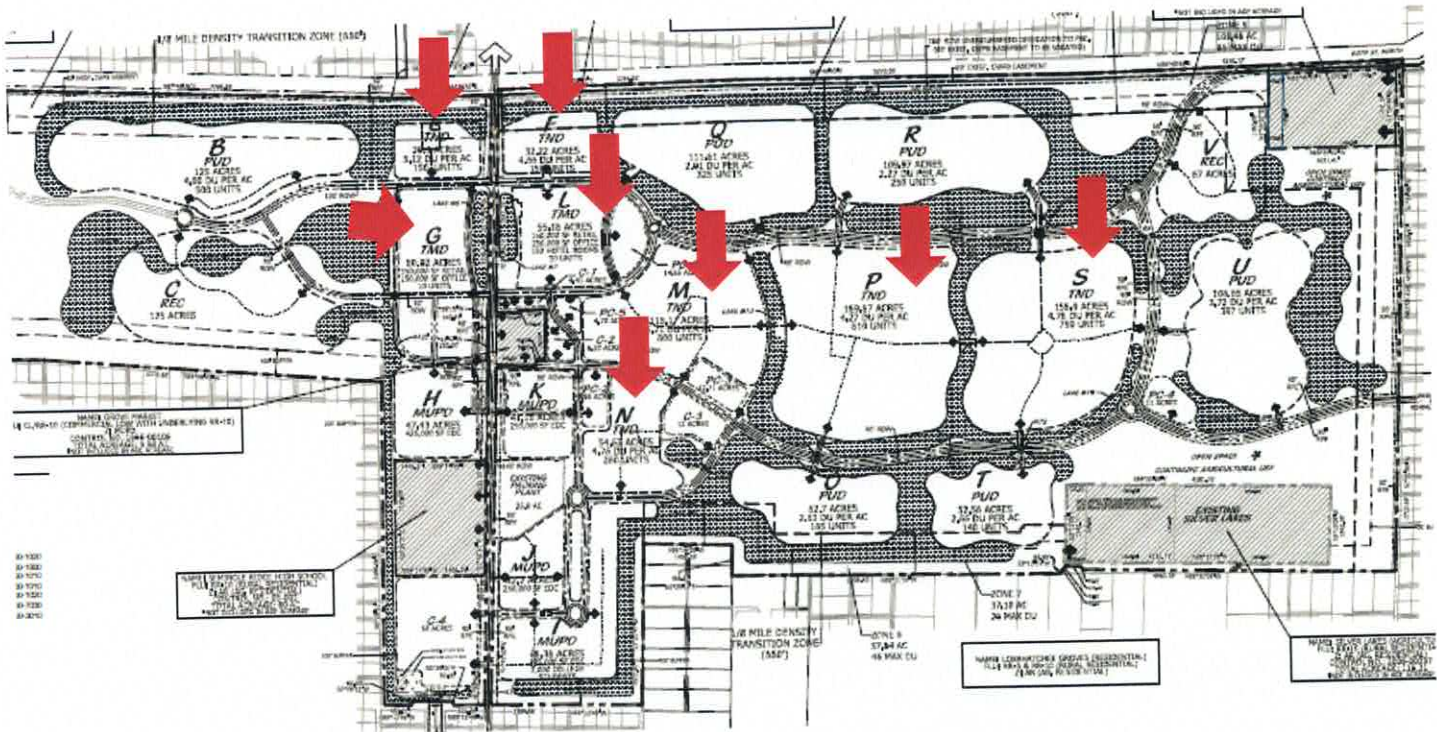
Ordinance 2018-4

Table 3.F.1.F., entitled Traditional Development Permitted Use Schedule

The applicant is requesting amendments to the use provisions in Article 3, Chapter F, Section 1, Table 3.F.1.F., entitled Traditional Development Permitted Use Schedule, of the land development codes within the City of Westlake to make adjustments to the individual uses which will be allowed in the Traditional Development District (TDD). The applicant requested changes to the TDD category of use types which would be allowed either as a permitted right, approval by the development review official, approved by special permit and/or approval by the City Council.

Table 3.F.1.F of the City’s ULDC sets forth the permitted uses within the **TND and TMD** pods. The Westlake Development Order outlines certain conditions of approval that are specific to Private Civic (PC) pods. Resolution 2014-1646, **Private Civic**, condition no. 1 requires all private civic pods to “follow the development regulations of a Traditional Neighborhood District and Neighborhood Center requirements.” Therefore, there is a need to reflect the uses intended to occupy the PC pods in Table 3.F.1.F. The use schedule has been revised to include uses such as passive and public parks, outdoor entertainment, restaurants, and other supportive uses. References to Exurban/Rural tiers has been struck as well.

The following figure indicates the location of the TND, PUD and PC-1 pods in the City of Westlake:



Staff has reviewed the request for change in allowable uses and agrees with the reasonable request of the applicant, staff supports the change, allowing for the changes as noted in Table

3.F.1.F., to be permitted by right, to be approved by the development review official, to be approved by special permit and/or to be approved by the City Council.

Table 3.F.2.A., entitled Block Dimensions Requirements

The applicant has requested review of the Block Dimension Requirements, in Article 3, Chapter F, Section 1, Table 3.F.2.A., of the land development codes within the City of Westlake to make adjustments to the maximum length of blocks and the width of the block pass through for pedestrian access as follows:

Table 3.F.2.A - Block Dimension Requirements

	Maximum Length of Block		
No Pedestrian Pass Through	660-900 ft.		
With Pedestrian Pass Through	750-1,250 ft. (1)		
	Maximum Block Perimeter (2)		
	Minimum	Average	Maximum
Traditional Marketplace Development (TMD)	500 ft.	1,200 – 1,500 – 1,800 ft	2,500 ft.
Traditional Neighborhood Development (TND)		1,500 – 1,800 – 2,200ft.	
[Ord. 2014-031]			
Notes:			
<p>1. The maximum block face within a TND district or Pod may be increased to up to 1,000 ft. subject to the following:</p> <ul style="list-style-type: none"> - Pedestrian pass through shall be a minimum of 50 20-feet in width, and comply with the TND requirements for Neighborhood Parks; - Pedestrian pass through shall interconnect with other pedestrian pass through or streets to provide enhanced interconnectivity between the outer edges of each TND and a required Neighborhood Center; and, <p>2. Parcels located along the perimeter of a TDD may be exempt from the block perimeter requirements where a TMD or TND district or Pod abuts open space, roads external to the development or Pod, or where DEPW-City Engineer requirements preclude vehicular access points necessary to complete the block structure.</p> <p>3. <u>Blocks exceeding 660 feet in length shall provide pedestrian seating areas, decorative lighting, landscape focal features, lake viewing areas, trellises, or other similar elements within pedestrian pass-throughs or other designated open space areas along the block.</u></p>			

Modifications to the block lengths and average perimeters are proposed to allow more flexibility in the neighborhood design. The adjusted block lengths will provide the ability to for more curvature in the streets, on-street parking, and street trees. Emphasis is on design and landscape features proposed along blocks to add visual interest and promote walkability.

Table 3.F.2.A., entitled TDD Street Design Standards

The applicant has requested review of the street design standards for public streets as found in Table 3.F.2.A., TDD Street Design Standards, for the street type, widths, parking, bicycle lanes, sidewalk pathway, tree lawn and private utility easements. TABLE 3.F.2.A of the City’s ULDC establishes standards for street cross-sections. To provide clarity, the applicant is

City of Westlake – Planning & Zoning Staff Report –TEXT-ULDC-2017-03–Ordinance 2018-4

proposing to add “minimum” to the table’s title. It is the intent that the standards provided in the table be applied as minimum thresholds. The applicant is proposing narrower streets to establish a sense of place, solicit lower traffic speeds, and create more integration with the development pods. *Proposed amendments are indicated on ~~strikethrough~~ and underline below:*

1) Street Design

Public streets shall conform to the standards in Table 3.F.2.A, TDD Street Design Standards by Tier. Public and Private streets located within PUD and MUPD shall have the option of utilizing the standards with Table 3.F.2.A or Table 11.E.2.A-2 Private streets within PUDs and MUPDs shall provide a minimum five-foot wide sidewalk along both sides of the street. The cross-sections related to Table 3.F.2.A are for graphical and demonstrative purposes only.

Type of Street	Street R-O-W Width	Travel Lanes		Curb & Gutter	Parking Lane (2)	Bicycle Lane		Sidewalk Pathway(8)	Private Utility Easement (3)	Tree Lawn (7)
		Number	Width							
Commercial Street (TMD)	44ft (4)	2	11 ft.	2 ft.	8 ft. onside	No		10 ft. (4)	No	5'
Local Commercial Street	50	2	11ft	2 ft	8 ft (optional)	No	-	5'	5'	5'
Collector: without on-street	60 ft.	2	11 ft.	2 ft.	Optional	5 ft. (both sides)		5 ft.	10 ft.	5'
Collector: with on-street	70 ft.	2	11 ft.	2 ft.	8 ft.	5 ft. (both sides)		5 ft.	10 ft.	5'
Local Residential Street	44 ft.	2	10 ft.	2 ft.	8 ft (optional)	No		5 ft. (multi-purpose pathway)	10 ft.	5'
Notes:										

1. Unless otherwise stated herein, exceptions to dimensions shall only be permitted to accommodate turn lanes at the perimeter of a TMD, TND or TTD for turn lanes required by the City's Engineering Department, or for roundabouts or other traffic calming measures typically associated with a TDD. This exception shall not be permitted for divider medians.
 2. Parking lane dimensions include the curb and gutter dimensions.
 3. Easements may be located inside of outside of the right-of-way.
- The requirement for a sidewalk on one side of the street may be waived in specific cases where pedestrian access is not required based on building locations and other utilitarian purposes, subject to review and approval by the City Engineer.
4. Collector roads interior to a TND or TMD pod shall not be required to provide a designated bike lane when an 8' minimum sidewalk width is provided.
 6. The typical cross-sections shall be included within the Design Standards for each pod and submitted to the City as part of the development review process.
 7. Tree lawns may be incorporated into hardscape features such as sidewalk or outdoor seating areas with the use of tree grates or other similar amenities. The area of the tree lawn shall be in addition to the minimum sidewalk width.
 8. Sidewalks shall provide a minimum of 5' clearance.

a) Street Lighting

Street lighting shall be provided along all streets ~~and alleys~~ subject to [Art. 5.E.4.E](#),

Table 3.F.2.A - Sidewalk/Pathway Design Standards (1)

	Minimum Clear Area for Pedestrian Travel	Minimum Planting / Hardscape Area (including lighting fixtures and furniture) or Swale	Minimum Required Tree Setback from Curb or Edge of Roadway	Minimum Total Easement Width
AGR and Urban/Suburban Tiers				
TND & PUD Residential Street	6.5 ft.	5 ft.	2.5 ft.	11 ft.
Commercial Mixed-Use	10 ft.	5 ft.	2.5 ft.	15 ft.
Exurban/Rural Tiers				
Residential Street	8 ft.	20 ft.	16 ft.	28 ft.
Commercial Mixed-Use	10 ft.	5 ft.	2.5 ft.	15 ft.
Note:				
1. <u>The sidewalk/pathway design cross-sections shall be included within the Design Standards for each pod and submitted to the City as part of the development review process.</u>				

Outdoor Lighting, and the standards in Table 3.F.2.A, TDD Street Lighting Standards. A minimum of one light fixture shall be located at every crosswalk. Alley lighting shall be provided by wall or other lighting fixture provided by the adjacent property.

c. Location of Parking

Off-street parking is prohibited in required front or side street setbacks. No parking space shall be located further than ~~750~~ 900 feet from a building entrance. Parking shall be equitably distributed throughout the project.

e. Bicycle Parking

Bicycle parking shall be encouraged within non-residential pods or non-residential areas of a residential pod. Bicycle parking areas shall be thoughtfully dispersed throughout the pod. The number of bicycle parking spaces provided shall be equal to five bicycle spaces or two percent of the total number of required vehicular parking spaces, whichever is greater. . One parking area shall be provided for every five units in multi-family housing and for every 20 vehicle parking spaces serving non-residential uses. Bicycle parking spaces shall be indicated on the site plan in visible, well-illuminated areas. For each bicycle parking space required, a stationary object shall be provided to which a user can secure the bicycle. The stationary object may either be a freestanding bicycle rack or a DRO approved alternative. [Ord. 2005—002]

b. Internal Compatibility and Incompatibility Buffers

Buffers are not required within TDDs, except that a solid six-foot high wall or five-foot wide landscape planting area providing a visual screen at least six feet in height is required along an interior property line where a non-residential use abuts a residential use. The height of the wall or landscape screen shall not exceed three feet within required front setback areas. The internal buffer requirement for multi-family and townhouse units may be waived by the DRO when the units are constructed on a main street; are attached to a commercial structure; are separated from a commercial structure by streets or an alley, pedestrian walkway or plaza; or when adjacent to open space, plazas or private recreational uses associated with units requiring a buffer. Buffers within the interior of a TMD, TND, or the Natural Transect shall not be required.

d. Street Trees

Street trees shall be provided along sidewalks, subject to the following standards:

1. Number

A minimum of one canopy tree shall be required for every 40 lineal feet of street frontage. Palm trees may be substituted for a canopy tree on a 4:3 basis along a frontage with a covered walkway (Ord. 2014-031). Not more than 50 percent of the canopy trees may be substituted for palms.

6. Signage

All signs shall be located on site in a manner that ensures consistency within the development; with site, architectural, and landscape plans; site layout; ultimate maturity of vegetation; and, final architectural elevation. When preparing a sign plan the applicant shall consider and give attention to the placement of the sign to provide clear visibility for the tenants. In addition to the regulations in Art. 8, Signage, the following shall apply:

a. Building-Mounted Signs

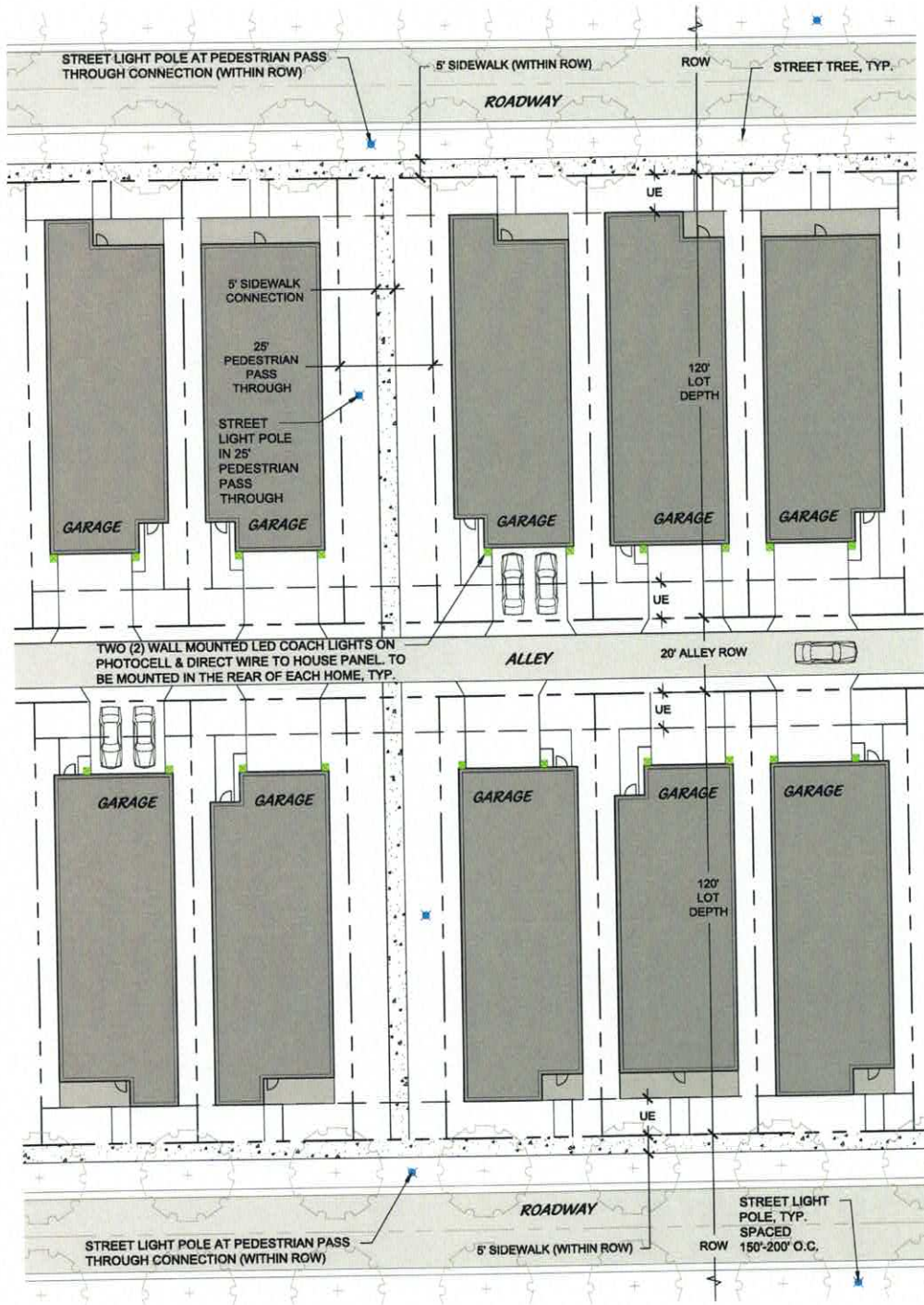
Building-mounted signs, including wall signs, awning and canopy signs, and projecting signs shall be permitted, subject to the following additional requirements:

1) Size

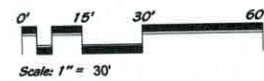
~~0.75~~ One square foot of signage for every linear foot of tenant frontage shall be permitted, up to a maximum of ~~64~~ 70 square feet.

The staff for the City of Westlake has reviewed and agrees with the applicant proposed changes to Article 3, Chapter F, Section 1, Table 3.F.1.F., entitled Traditional Development Permitted Use Schedule, and Article 3, Chapter F, Section 1, Table 3.F.2.A., Block Dimension Requirements, and Table 3.F.2.A., TDD Street Design Standards, Table 3.F.2.A. Sidewalk/Pathway Design Standards, Street Lighting, Bicycle Parking and Landscape and Buffering as modified herein.

Please see attached Ordinance 2018-4 and Exhibit "A".



NOTE: ANY PEDESTRIAN PASS THROUGH THAT EXCEEDS A TOTAL LENGTH OF 260' SHALL HAVE ONE ADDITIONAL LIGHT POLE CENTRALLY LOCATED WITHIN THE 25' WIDE PEDESTRIAN PASS THROUGH OPEN SPACE AREA.



WESTLAKE PEDESTRIAN PASS THROUGH EXHIBIT

02-02-2018





City of Westlake
Planning and Zoning Department
Staff Report – 12/26/2017

PETITION DESCRIPTION

DATE: December 26, 2017

PETITION NUMBER: TEXT-ULDC-2017-03 (**Ordinance 2018-4**)

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: Amend the City of Westlake interim Unified Land Development Code (ULDC) to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods.

ANALYSIS

The subject application is a request for a text amendment to the City of Westlake’s interim Unified Land Development Code (ULDC) to address regulatory and use provisions in **Articles 1, 3, and 4** as they relate to the following:

- Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods,
- Planned Unit Development (PUD) pods,
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*Text amendments are provided in ~~striketrough~~ and underline format. Proposed modifications are included on the following **six (6) ordinances and its exhibits**:*

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- Ordinance 2018-2
- Ordinance 2018-3
- **Ordinance 2018-4**
- Ordinance 2018-5
- Ordinance 2018-6

The subject staff report will address Ordinance 2018-4.

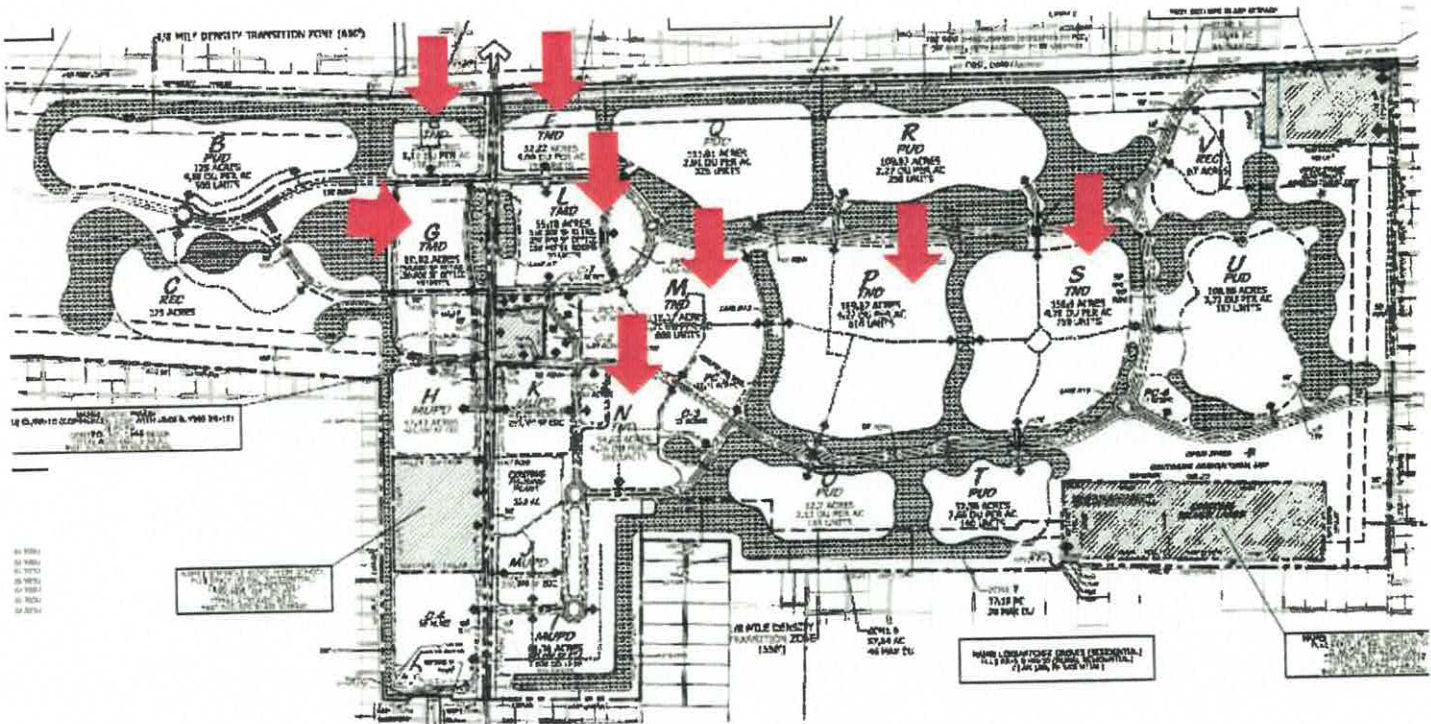
Ordinance 2018-4

Table 3.F.1.F., entitled Traditional Development Permitted Use Schedule

The applicant is requesting amendments to the use provisions in Article 3, Chapter F, Section 1, Table 3.F.1.F., entitled Traditional Development Permitted Use Schedule, of the land development codes within the City of Westlake to make adjustments to the individual uses which will be allowed in the Traditional Development District (TDD). The applicant requested changes to the TDD category of use types which would be allowed either as a permitted right, approval by the development review official, approved by special permit and/or approval by the City Council.

Table 3.F.1.F of the City’s ULDC sets forth the permitted uses within the TND and TMD pods. The Westlake Development Order outlines certain conditions of approval that are specific to Private Civic (PC) pods. Resolution 2014-1646, **Private Civic**, condition no. 1 requires all private civic pods to “follow the development regulations of a Traditional Neighborhood District and Neighborhood Center requirements.” Therefore, there is a need to reflect the uses intended to occupy the PC pods in Table 3.F.1.F. The use schedule has been revised to include uses such as passive and public parks, outdoor entertainment, restaurants, and other supportive uses. References to Exurban/Rural tiers has been struck as well.

The following figure indicates the location of the TND, PUD and PC-1 pods in the City of Westlake:



Staff has reviewed the request for change in allowable uses and agrees with the reasonable request of the applicant, staff supports the change, allowing for the changes as noted in Table

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Table 3.F.2.A., entitled Block Dimensions Requirements

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Table 3.F.2.A - Block Dimension Requirements

	Maximum Length of Block		
No Pedestrian Pass Through	660-900 ft.		
With Pedestrian Pass Through	750-1,250 ft. (1)		
	Maximum Block Perimeter (2)		
	Minimum	Average	Maximum
Traditional Marketplace Development (TMD)		4,200 - 1,500 - 1,800 ft	
Traditional Neighborhood Development (TND)	500 ft.	1,500 - 1,800 - 2,200 ft.	2,500 ft.
[Ord. 2014-031]			
Notes:			
<ol style="list-style-type: none"> The maximum block face within a TND district or Pod may be increased to up to 1,000 ft. subject to the following: <ul style="list-style-type: none"> Pedestrian pass through shall be a minimum of 50 20 feet in width, and comply with the TND requirements for Neighborhood Parks; Pedestrian pass through shall interconnect with other pedestrian pass through or streets to provide enhanced interconnectivity between the outer edges of each TND and a required Neighborhood Center; and, Parcels located along the perimeter of a TDD may be exempt from the block perimeter requirements where a TMD or TND district or Pod abuts open space, roads external to the development or Pod, or where DEPW-City Engineer requirements preclude vehicular access points necessary to complete the block structure. Blocks exceeding 660 feet in length shall provide pedestrian seating areas, decorative lighting, landscape focal features, lake viewing areas, trellises, or other similar elements within pedestrian pass-throughs or other designated open space areas along the block. 			

Modifications to the block lengths and average perimeters are proposed to allow more flexibility in the neighborhood design. The adjusted block lengths will provide the ability to for more curvature in the streets, on-street parking, and street trees. Emphasis is on design and landscape features proposed along blocks to add visual interest and promote walkability.

Table 3.F.2.A., entitled TDD Street Design Standards

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proposing to add "minimum" to the table's title. It is the intent that the standards provided in the table be applied as minimum thresholds. The applicant is proposing narrower streets to establish a sense of place, solicit lower traffic speeds, and create more integration with the development pods. *Proposed amendments are indicated on ~~strikethrough~~ and underline below:*

1) Street Design

Public streets shall conform to the standards in Table 3.F.2.A, TDD Street Design Standards by Tier. Public and Private streets located within PUD and MUPD shall have the option of utilizing the standards with Table 3.F.2.A or Table 11.E.2.A-2 Private streets within PUDs and MUPDs shall provide a minimum five-foot wide sidewalk along both sides of the street. The cross-sections related to Table 3.F.2.A are for graphical and demonstrative purposes only.

Type of Street	Street R-O-W Width	Travel Lanes		Curb & Gutter	Parking Lane (2)	Bicycle Lane	Utility Corridor	Sidewalk Pathway	Private Utility Easement (3)
		Number	Width						
All Tiers									
Commercial Street	42 ft. <u>40 ft.</u>	2	11 ft.	2 ft.	8 ft. (both sides)	No	27 ft.	15-10 ft. (4)	No
U/S Tier									
Collector: without on-street parking	64-50 ft.	2	11 ft.	2 ft.	No	5 ft. (both sides)	24 ft.	6 5 ft.	10 ft.
Collector: with on-street parking	74-70 ft.	2	11 ft.	2 ft.	8 ft. (both sides)	5 ft. (both sides) (5)	27 ft.	6 5 ft.	10 ft.
Local Residential Street	62-66 <u>50 ft.</u>	2	10 ft.	2 ft.	8 ft. No	No	25 ft.	5 ft. (multi-purpose pathway)	10 ft.
Exurban/Rural/Agricultural Reserve Tier									
Plan Roadway Collector	104 ft.	2	11 ft.	4 ft. shoulder. No Curb & Gutter	No	No	27 ft.	8 ft. (multi-purpose pathway)	10 ft.
Non-Plan Roadway Collector	100 ft.	2	11 ft.	2 ft. shoulder. No Curb & Gutter	No	No	27 ft.	8 ft. (multi-purpose pathway)	10 ft.

[Ord. 2005-002] [Ord. 2008-003] [Ord. 2014-031]

- Notes:**
- Unless otherwise stated herein, exceptions to dimensions shall only be permitted to accommodate turn lanes at the perimeter of a TMD, TND or TTD for turn lanes required by the RBC City's Engineering Department, or for roundabouts or other traffic calming measures typically associated with a TDD. This exception shall not be permitted for divider medians. [Ord. 2008-003]
 - Parking lane dimensions include the curb and gutter dimensions. [Ord. 2008-003]
 - Easements may be ~~collocated with alleys~~ located inside of outside of the right-of-way. [Ord. 2008-003]
Includes a minimum ten-foot wide pedestrian sidewalk that may be reduced for arcades, and a minimum five-foot wide strip
The requirement for a sidewalk on one side of the street may be waived in specific cases where pedestrian access is not required based on building locations and other utilitarian purposes, subject to review and approval by the City Engineer.
 - Collector roads interior to a TND or TMD pod shall not be required to provide a designated bike lane when an 8' minimum sidewalk width is provided.
 - The typical cross-sections shall be included within the Design Standards for each pod and submitted to the City as part of the development review process.

- 7. Tree lawns may be incorporated into hardscape features such as sidewalk or outdoor seating areas with the use of tree grates or other similar amenities. The area of the tree lawn shall be in addition to the minimum sidewalk width.
- 8. Sidewalks shall provide a minimum of 5' clearance.

Table 3.F.2.A - Sidewalk/Pathway Design Standards (1)

	Minimum Clear Area for Pedestrian Travel	Minimum Planting / Hardscape Area (including lighting fixtures and furniture) or Swale	Minimum Required Tree Setback from Curb or Edge of Roadway	Minimum Total Easement Width
AGR and Urban/Suburban Tiers				
TND & PUD Residential Street	6.5 ft.	5 ft.	2.5 ft.	14 ft.
Commercial Mixed-Use	10 ft.	5 ft.	2.5 ft.	15 ft.
Exurban/Rural Tiers				
Residential Street	8 ft.	20 ft.	4 ft.	29 ft.
Commercial Mixed-Use	10 ft.	5 ft.	2.5 ft.	15 ft.
Note:				
1. <u>The sidewalk/pathway design cross-sections shall be included within the Design Standards for each pod and submitted to the City as part of the development review process.</u>				

a) Street Lighting

Street lighting shall be provided along all streets ~~and alleys~~ subject to Art. 5.E.4.E, Outdoor Lighting, and the standards in Table 3.F.2.A, TDD Street Lighting Standards. A minimum of one light fixture shall be located at every crosswalk. Alley lighting shall be provided by wall or other lighting fixture provided by the adjacent property.

c. Location of Parking

Off-street parking is prohibited in required front or side street setbacks. No parking space shall be located further than ~~750~~ 900 feet from a building entrance. Parking shall be equitably distributed throughout the project.

e. Bicycle Parking

Bicycle parking shall be encouraged within non-residential pods or non-residential areas of a residential pod. Bicycle parking areas shall be thoughtfully dispersed throughout the pod. The number of bicycle parking spaces provided shall be equal to five bicycle spaces or two percent of the total number of required vehicular parking spaces.

~~whichever is greater. One parking area shall be provided for every five units in multi-family housing and for every 20 vehicle parking spaces serving non-residential uses. Bicycle parking spaces shall be indicated on the site plan in visible, well-illuminated areas. For each bicycle parking space required, a stationary object shall be provided to which a user can secure the bicycle. The stationary object may either be a freestanding bicycle rack or a DRO approved alternative. [Ord. 2005-002]~~

b. Internal Compatibility and Incompatibility Buffers

Buffers are not required within TDDs, except that a solid six-foot high wall or five-foot wide landscape planting area providing a visual screen at least six feet in height is required along an interior property line where a non-residential use abuts a residential use. The height of the wall or landscape screen shall not exceed three feet within required front setback areas. The internal buffer requirement for multi-family and townhouse units may be waived by the DRO when the units are constructed on a main street; are attached to a commercial structure; are separated from a commercial structure by streets or an alley, pedestrian walkway or plaza; or when adjacent to open space, plazas or private recreational uses associated with units requiring a buffer. Buffers within the interior of a TMD, TND, or the Natural Transect shall not be required.

d. Street Trees

Street trees shall be provided along sidewalks, subject to the following standards:

1. Number

A minimum of one canopy tree shall be required for every 40 lineal feet of street frontage. Palm trees may be substituted for a canopy tree on a 4:3 basis ~~along a frontage with a covered walkway (Ord. 2014-031).~~ Not more than 50 percent of the canopy trees may be substituted for palms.

6. Signage

All signs shall be located on site in a manner that ensures consistency within the development; with site, architectural, and landscape plans; site layout; ultimate maturity of vegetation; and, final architectural elevation. When preparing a sign plan the applicant shall consider and give attention to the placement of the sign to provide clear visibility for the tenants. In addition to the regulations in Art. 8, Signage, the following shall apply:

a. Building-Mounted Signs

Building-mounted signs, including wall signs, awning and canopy signs, and projecting signs shall be permitted, subject to the following additional requirements:

1) Size

~~0.75~~ One square foot of signage for every linear foot of tenant frontage shall be permitted, up to a maximum of ~~64~~ 70 square feet.

The staff for the City of Westlake has reviewed and agrees with the applicant proposed changes to Article 3, Chapter F, Section 1, Table 3.F.1.F., entitled Traditional Development Permitted Use Schedule, and Article 3, Chapter F, Section 1, Table 3.F.2.A., Block Dimension Requirements, and Table 3.F.2.A., TDD Street Design Standards, Table 3.F.2.A.

Sidewalk/Pathway Design Standards, Street Lighting, Bicycle Parking and Landscape and Buffering as modified herein.

Please see attached Ordinance 2018-4 and Exhibit "A".

DEC 06 2017

**Cotleur &
Hearing**

Landscape Architects | Land Planners | Environmental Consultants

Received

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City of Westlake

ULDC Text Amendment

Justification Statement

December 5, 2017

Introduction

The subject application is a request for various text amendments to the City of Westlake Unified Land Development Code (ULDC). The purpose of the text amendments is to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods. All proposed modification as provided in the attached text amendment document in ~~strike through~~ and underline format.

ARTICLE 1 DEFINITIONS

The Applicant proposed to add one new definition and modify two existing definitions. A definition of **Density Transition Zone (DTZ)** has been added and the definitions for **Fitness Center** and **Medical and Dental Office** have been modified slightly.

The DTZ is referenced and identified on the approved Final Master Plan, but is not formally defined in the ULDC. In order to prevent any confusion relative to the application of the DTZ, the Applicant proposes that a definition be added to Section 1.1.2.A. This will provide clarity of the terminology, since it does not exist outside of the Westlake Development Order, as well as provide consistency of its application.

Density Transition Zone (DTZ) – *The land area of a TTD extending along the entire perimeter of the TTD as set forth on the Master Plan. Density within this zone shall be calculated using the total dwelling units within the DTZ divided by the total acreage of the land area within the total DTZ. (For example, if the perimeter of the TTD was 66,000 feet and there were 800 dwelling units located within 660' of the perimeter boundary, the density would be calculated as follows.*

$$DTZ = 66,000' \text{ perimeter} * 660' \text{ wide} = 43,560,000 \text{ SF}$$

$$DTZ = 1,000 \text{ AC}$$

$$\text{Density} = 800 \text{ du} / 1,000 \text{ AC}$$

$$\text{Density} = 0.8 \text{ du/ac}$$

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The ***Fitness Center*** definition (No. 22) has been modified to include “wellness services.” It is typical for fitness facilities to include wellness services, such as nutritional coaching, BMI exams, blood pressure tests, minor medical treatments for exercise injuries, flu shots, etc. The additional text will address this use more clearly for future applications.

The ***Medical or Dental Office*** definition (No. 32) has been modified to include “Immediate and/or emergent.” This addition will clarify the type of medical uses envisioned to be encompassed within the medical office category.

ARTICLE 3 PLANNED DEVELOPMENT DISTRICTS (PDDs) TEXT AMENDMENT

Purpose

The purpose of the requested text amendments to the PDD section of Article 3 is to address revisions to the PDD Use Matrix table, PUD regulations, and TTD regulations. In addition, the Applicant has taken the opportunity to update references to “Palm Beach County,” “BCC,” “county,” and prior ordinance references, which are no longer applicable.

1. PDD Use Matrix

Table 3.E.1.B – PDD Use Matrix sets forth the permitted and prohibited uses for the EDC/MUPD pods within the City of Westlake. The vision for the EDC, as outlined in the current Future Land Use Element, is to accommodate employment opportunities, research parks, employment centers, and other ancillary uses to support the EDC uses. However, these types of uses are not fully reflected in Table 3.E.1.B. The uses currently prescribed in the table include heavy industrial uses. In order to foster the employment opportunities envisioned for this area of the City, the EDC pods must include opportunities for professional and medical offices, hospital or medical centers, assisted living facilities, universities, places of worship, financial institutions, personal services, etc. It is also appropriate to locate other business supporting uses in the EDC, such as a car wash, auto repair services, convenience stores with gas sales, restaurants, fitness, etc. The proposed amendments to Table 3.E.1.B – PDD Use Matrix are provided in the attached text amendment document in ~~striketrough~~ and underline format.

2. PUD Regulations

The PUD provisions of Article 3 are designed to address stand-alone PUD’s which are typical of residential development in Palm Beach County. These typical PUD’s are self-contained and not part of a larger community design. The PUD pods within the City of Westlake are unique in that they are one component of a larger TTD framework. Therefore, it is appropriate to amend certain PUD code requirements within the ULDC to be reflective of this unique development pattern. The proposed amendments will bring clarity and consistency with how these regulations are applied within the Westlake TTD. The proposed amendments to PUD regulations are generally

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described below and are provided in the attached text amendment document in ~~striketrough~~ and underline format.

Neighborhood Park

Section 3.E.2.B.2.c. of the City's ULDC requires a Neighborhood Park to be provided within the PUD pods as part of the Performance Standards. The Neighborhood Park requirement is above and beyond the Parks and Recreation requirement of 0.006 acres of recreation area per dwelling unit. The PUD section of the ULDC (Art. 3.E.2.E.3) requires that recreation areas comply with Art. 5.D. Article 5.D.2.B, *Community and Neighborhood Park Recreation Standards*, sets forth the standards for Neighborhood Parks. The size of the park is the equivalent of 2.5 acres per 1,000 people, based on 2.32 people per unit.

The Applicant is providing a large recreation amenity on Pod PC-1 that will contain water facilities, playgrounds, walking paths, sports courts, a clubhouse, etc. The amenities within Pod PC-1 will far exceed the recreational needs of the City. Smaller tot lots and passive open space areas will be provided within the residential areas as part of the required recreation acreage. Requiring a Neighborhood Park in addition to recreation areas within each pod will dilute the potential of the formal amenity facility in Pod PC-1. Therefore, the Applicant is requesting that the Neighborhood Park not be required for those pods in proximity to Pod PC-1 the ability to combine the Neighborhood Park requirement within the recreation acreage. In addition to Pod PC-1 there are four other private civic pods located throughout the City that will also provide neighborhood services and amenities to the community.

PUD Thresholds

Table 3.E.2.C of the City's ULDC requires a minimum of 40 percent open space within each PUD pod. The current ULDC is designed to address stand-alone PUD's which are not part of a larger community design. As part of the Development Order for Minto Westlake TTD, the Applicant is required to maintain a Natural Transect area of 55 percent. The Natural Transect, by design, maximizes open space outside of the pod boundaries. In order to provide for this significant amount of Natural Transect, the pod boundaries were reduced. The intent of the initial design was for the development to be concentrated within the pod boundaries, so the natural, open space areas could exist outside of the pod. This allows larger tracts of natural areas to be created, rather than small, less usable open space areas within the pods. Therefore, the proposed text amendment would establish an open space requirement of 27 percent within the PUD pod boundaries. As part of this amendment, the Applicant has also taken the opportunity to strike language related to the AGR district and Exurban/Rural transect, which are not applicable to the City of Westlake.

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3. TDD Regulations

Unlike most areas of the current ULDC, the TDD portion of Article 3 has never been implemented in a physical form within Palm Beach County. Therefore, the design provisions have never been tested and are not reflective of current traditional neighborhood trends in the marketplace. Therefore, it is appropriate to amend certain TDD code requirements within the ULDC to recognize industry standards for traditional communities and be reflective of current development patterns that have been field tested and proved successful. The proposed standards have been constructed throughout the State of Florida and have produced the intended results. The proposed amendments to TDD regulations are generally described below and are provided in the attached text amendment document in ~~striethrough~~ and underline format.

Traditional Development Permitted Use Schedule

Table 3.F.1.F of the City's ULDC sets forth the permitted uses within the TND and TMD pods. The Westlake Development Order outlines certain conditions of approval that are specific to Private Civic (PC) pods. Resolution 2014-1646, Private Civic, condition no. 1 requires all private civic pods to "follow the development regulations of a Traditional Neighborhood District and Neighborhood Center requirements." Therefore, there is a need to reflect the uses intended to occupy the PC pods in Table 3.F.1.F. The use schedule has been revised to include uses such as passive and public parks, outdoor entertainment, restaurants, and other supportive uses. References to Exurban/Rural tiers has been struck as well.

Block Dimensions

Table 3.F.2.A of the City's ULDC establishes minimum and maximum block standards for TND neighborhoods. Modifications to the block lengths and average perimeters are proposed to allow more flexibility in the neighborhood design. The current regulations would result in a significant increase in pavement and segregation of the home layouts. In addition, the adjusted block lengths will provide the ability to for more curvature in the streets, on-street parking, and street trees. The proposed amendments are based on street designs utilized in numerous traditional communities throughout Palm Beach County.

Street Design Standards

TABLE 3.F.2.A of the City's ULDC establishes standards for street cross-sections. To provide clarity, the Applicant is proposing to add "minimum" to the table's title. In the past, there have been instances where the design standards were applied as both maximum and minimum thresholds. It is the intent that the standards provided in the table be applied as minimum thresholds.

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It is the visions of the Applicant to produce streets that are appropriately scaled and comfortable to the City's future residents. The standards within Table 3.F.2.A are set up to produce much wider roadways that are inconsistent with sound neighborhood design. Narrower streets help to establish a sense of place, solicit lower traffic speeds, and create more integration with the development pods.

Parking

The current TDD code requires structured parking to be provided when the parking ratio exceeds 1 sp/250 sf. This ratio is proposed to reflect a ratio of 1 sp/200 sf, to avoid forcing medical users, who have higher parking ratios, to construct structured parking. Within the EDC/MUPD district, where medical uses are desired, this provision would be especially problematic. The structured parking thresholds should come into effect when excessive amounts of surface parking occur, not when the minimum parking standards required by code are being provided. This would create a significant barrier to entry.

TND Setback Standards

As discussed above, the PC pods are required to adhere to the Neighborhood Center provisions within the framework of the TND. The ULDC provisions for the Neighborhood Center are designed to accommodate small centers located within the TND pods. However, the Conceptual Plan and Final Master Plan for the City of Westlake reflect the co-location of these civic uses into pods outside of the TND pods, which the current ULDC did not anticipate. Therefore, revisions to the setback chart are necessary to create minimum setback standards, rather than maximum setbacks. The PC pods are smaller pods that do not meet the minimum sizes necessary to create effective streets and block structures that are needed to meet the building orientation and build-to line standards. The proposed amendments provide exceptions for PC pods from such requirements, which leaving opportunity for neighborhood centers to be provided within the TND pods in the future.

ARTICLE 4

USE REGULATIONS TEXT AMENDMENT

Purpose

The purpose of the requested text amendments to Article 4 is to address use regulations for **Place of Worship, Medical or Dental Office and Retail Sales, General**. In addition, the Applicant has taken the opportunity to update references to "Palm Beach County," "BCC," "county," and prior ordinance references, which are no longer applicable.

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Article 4, note 29 refers to **Place of Worship**. Recently, Palm Beach County amended Article 4 of the ULDC to address Places of Worship. The revised language included criteria to address location, access, and size.

Article 4, note 83 refers to **Medical or Dental Office**. The modifications to this note are the same as the definition changes made in Article 1. The change in Article 4 is simply to make the two Articles consistent.

Article 4, note 114 refers to **Retail Sales, General**. The additional language in the note establishes a square footage threshold for retail uses within the EDC/MUPD district of 2,500 square feet. This will help ensure that the types of retail uses locating within the EDC remain accessory to and supportive of employment uses. Tenants occupying more than 2,500 square feet will only be permitted as a requested use.

Conclusion

The proposed ULDC text amendment is consistent with the City's Comprehensive Plan. The Applicant looks forward to working with Staff to respond to any questions or issues that might arise as a result of your review.

ORDINANCE NO. 2018- 4

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S INTERIM LAND DEVELOPMENT CODE, ARTICLE 3, CHAPTER F, SECTION 1, TABLE 3.F.1.F. TRADITIONAL DEVELOPMENT DISTRICT ("TDDs") PERMITTED USE SCHEDULE, SECTION 1, TABLE 3.F.2.A., BLOCK DIMENSION REQUIREMENTS, STREET DESIGN, TABLE 3.F.2.A., SIDEWALK/PATHWAY DESIGN STANDARDS, BICYCLE PARKING , LANDSCAPE AND BUFFERING, FENCING AND WALLS, PROVIDING FOR CHANGES IN THE TRADITIONAL DEVELOPMENT DISTRICT ("TDD"); PROVIDING FOR AMENDMENTS TO THE APPROVAL PROCESS, BLOCK LENGTHS AND STREET DESIGN STANDARDS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Chapter 163, upon incorporation, the County's comprehensive plan shall be deemed controlling, until the City of Westlake adopts its' own comprehensive plan; and

WHEREAS, the pursuant to Section 163.3174(4)(C), the Planning and Zoning Board, sitting as the Local Planning Agency(LPA), has the authority to review proposed land development regulations, land development codes, or amendments thereto; and

WHEREAS, the Developer has requested review use provisions in Article 3, Chapter F, Section 1, Table 3.F.1.F., entitled Traditional Development Permitted Use Schedule, of the land development codes within the City of Westlake to make adjustments to the individual uses which will be allowed in the TDD; and

WHEREAS, the applicant requested changes to the TDD category of use types which would be allowed either as a permitted right, approval by the development review official, approved by special permit and/or approval by the City Council; and

WHEREAS, the staff has reviewed the request for change in allowable uses and agrees with the reasonable request of the applicant, staff supports the change, allowing for the changes as noted in Table 3.F.1.F., to be permitted by right, to be approved by the development review official, to be approved by special permit and/or to be approved by the City Council; and

WHEREAS, the applicant has requested review of the Block Dimension Requirements, in Article 3, Chapter F, Section 1, Table 3.F.2.A., of the land development codes within the City of Westlake to make adjustments to the maximum length of blocks and the width of the block pass throughs for pedestrian access; and

WHEREAS, the staff has reviewed the changes as requested by the applicant within Article 3, Chapter F, Section 1, Table 3.F.2.A, for changes to the maximum length of blocks and the width of block pass throughs for pedestrian access; and

WHEREAS, the applicant has requested review of the street design standards for public streets as found in Table 3.F.2.A., TDD Street Design Standards, for the street type, widths, parking, bicycle lanes, sidewalk pathway, tree lawn and private utility easements; and

WHEREAS, the staff has reviewed the changes as requested by the applicant within Table 3.F.2.A, TDD Design Standards, for the street type, widths, parking, bicycle lanes, sidewalk pathway, tree lawn and private utility easements; and

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

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

WHEREAS, the staff for the City of Westlake has reviewed the request of the applicant for changes to Article 3, Chapter F, Section 1, Table 3.F.1.F., entitled Traditional Development Permitted Use Schedule, and Article 3, Chapter F, Section 1, Table 3.F.2.A., Block Dimension Requirements, and Table 3.F.2.A., TDD Street Design Standards, Table 3.F.2.A. Sidewalk/Pathway Design Standards, Street Lighting, Bicycle Parking and Landscape and Buffering as modified herein; and

WHEREAS, having considered the recommendations of the Planning and Zoning Board, the City Council for the City of Westlake has found and determined that the adoption of the land development text amendment to Article 1, Section 2, Table 3.F.1.F., entitled Traditional Development Permitted Use Schedule, and Article 3, Chapter F, Section 1, Table 3.F.2.A., Block Dimension Requirements, and Table 3.F.2.A., TDD Street Design Standards, Table 3.F.2.A. Sidewalk/Pathway Design Standards, Street Lighting, Bicycle Parking and Landscape and Buffering will preserve the public health, safety and welfare, enhance the value and character of the community and implement the interim adopted comprehensive plan.

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

- Section 1.** Incorporation: The above recitals are true and correct and are incorporated herein by this reference.
- Section 2.** Amendment: The City of Westlake hereby amends the interim Land Development Code, Article 3, Chapter F, Section 1, Table 3.F.1.F., entitled Traditional Development Permitted Use Schedule, as shown in underline and strikethrough format, in the Exhibit "A" attached hereto and incorporated herein.
- 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.** Effective Date: This ordinance shall be effective upon adoption on second reading.

PASSED this _____ day of January, 2018, on first reading.

PASSED AND ADOPTED this _____ day of February, 2018, on second reading.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

City Attorney
Pam E. Booker, Esq.

Exhibit "A"
City of Westlake Amendment to Article 3, Chapter F, Section 1, Table 3.F.1.F.

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OVERLAYS & ZONING DISTRICTS

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ARTICLE 3

OVERLAYS & ZONING DISTRICTS

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Table 3.E.8.D - Type I Waivers (Continued)

Requirements	Waiver	Criteria of Review (1)
Tenant Size and Large Tenant		
Art. 3.E.8.C.4.e.1) The total square footage for all freestanding building and large tenants shall not exceed 40 percent of the GFA of the LCC.	Increase a maximum of 10 percent of the total GFA to be designated for freestanding buildings and large tenants.	-Increase Architectural features that exceed Art.5.C ; or -Utilize Green Architecture, if applicable; and -Increase usable open space by 10% for the site.
Art. 3.E.8.C.4.e.6) Single tenants shall not occupy more than 240 feet of frontage.	Increase to a maximum of 325 feet for sides that do not have pedestrian use areas or street frontages other than for service areas.	-Provide Architectural features that exceed Art.5.C ; -Utilize Green Architecture, if applicable.
Vertical Integration		
Art. 3.E.8.C.4.f.1) Vertically integrated units shall be accessed from the main street through a common area, including but not limited to: an internal lobby, courtyard, gathering area or usable open space between buildings.	Vertically integrated units without access from the main street	-Proposed access complies with the entry requirements of Art. 5.C.1.H.1.d, Entries, provided it is adjacent to usable open space.
Usable Open Space		
Table 3.E.8.C. Dimensions for Usable Open Space	Reduce a maximum of 25 percent of the minimum dimensions.	-Proposed design features of the reduced usable open space elements shall exceed minimum code requirements; and, -Demonstrate the overall usable open spaces are evenly distributed to meet the purpose and intent of this requirement.
Parking Lot		
Art. 3.E.8.C.9.a A maximum of 200 parking spaces shall be permitted in each parking lot.	Increase a maximum of 20 percent.	-Only allowed if framed by buildings on all four sides and designed to give the appearance of small parking lots.
[Ord. 2010-005] [Ord. 2012-027]		
Notes:		
1. The applicant can submit additional justification or documentation to support waiver request.		

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)

Section 1 General Provisions for TDDs

A. Purpose and Intent

The purpose and intent of the TDD's is to implement the Traditional Town Development (TTD), the Traditional Marketplace Development (TMD), and the Traditional Neighborhood Development (TND) provisions of the Plan and to:

1. Encourage mixed-use, compact development that is pedestrian in scale and sensitive to environmental characteristics of the land, and facilitates the efficient use of services within PBC;
2. Have residences, shopping, employment, and recreational uses located within close proximity with each other and efficiently organized to provide for the daily needs of the residents;
3. Provide for a range of housing types within pedestrian-oriented, human-scale neighborhoods;
4. Provide efficient circulation systems for pedestrians, non-motorized vehicles, and motorists that serve to functionally and physically integrate the various land use activities; and
5. Allow for a cohesive neighborhood identity and focus.

B. Applicability and Definitions

1. Applicability

The requirements of this Chapter shall apply to all TDDs, whether new or amended, within ~~unincorporated PBC~~ the City of Westlake, in accordance with [Art. 1, General Provisions](#) and [Art. 1.E, Prior Approvals](#). To the extent this Section conflicts with other Sections of this Code, the provisions of this Section shall apply.

2. Definitions

See [Art. 1.I. Definitions and Acronyms.](#)

C. Review and Approval Process

All development within TDDs are subject to the review and approval procedures that apply to planned developments; see [Article 3.E. PLANNED DEVELOPMENT DISTRICTS \(PDDS\).](#)

1. Traditional Town Development (TTD) Required Plan Options

The ~~BCC~~ City Council may approve a Preliminary Master Plan for a TTD, including TMD, MUPD, TND and PUD Pods, and Requested Uses, without concurrent submittal of Preliminary Site Plans or Subdivision Plans. The ~~City Council~~ BCC shall approve a Preliminary Site Plan for a TMD, MUPD and any Requested Uses prior to Final Site Plan approval. Preliminary Site Plan or Subdivision Plan approval shall not be required for a TND or PUD Pod, unless the applicant is requested Waivers or other standard requiring City Council BCC approval. ~~{Ord. 2014-034}~~

D. Types of TDDs

TDDs include the following:

1. Traditional Neighborhood Development (TND)

TNDs are primarily residential areas with neighborhood-scale commercial, civic, and open-space uses.

2. Traditional Marketplace Development (TMD)

TMDs are mixed-use commercial, residential, and office areas that function as town activity centers serving residents in the vicinity.

3. Traditional Town Development (TTD)

TTDs are intended for the coordinated development of larger sites that include a combination of traditional development districts. Standards focus on connections between these districts.

E. FLUA Consistency, FAR and Density

1. Land Use Categories

Any application for a rezoning to a TDD shall be in accordance with [Art. 3.A.3. Zoning District Consistency with Future Land Use Atlas \(FLUA\).](#) ~~{Ord. 2005-002}~~ ~~{Ord. 2011-016}~~

2. TDDs Split by Land Use

a. TMD Exception

A TMD with more than one underlying non-residential FLU designation may utilize either land use, or combination, to satisfy the minimum required land use mix for a TMD. ~~{Ord. 2005-002}~~

3. TND Density Bonus

A TND in the U/S Tier only, may qualify for a density bonus of up to two additional units per acre above the maximum density allowed for a planned development, provided that the TND is consistent with the standards and requirements of this Article. ~~{Ord. 2005-002}~~

F. Use Regulations

Uses permitted in a TDD shall be according to the Zoning District, or Pod designation on the Master Plan, or the land use designation of the TDD, whichever is applicable. Uses may be further limited by the development order, concurrency reservation, or other applicable requirement. ~~{Ord. 2005-002}~~ ~~{Ord. 2014-034}~~

1. Use Designations

Uses permitted in a TDD are classified as: permitted, special, DRO, or requested, as indicated in Table 3.F.1.F, TDD Use Matrix. ~~{Ord. 2005-002}~~

a. Permitted Uses (P)

These uses are allowed by right and are identified by a P in the matrix. ~~{Ord. 2005-002}~~

b. Special Uses (S)

These uses require approval of a special permit and are identified by a S in the matrix. ~~{Ord. 2005-002}~~

c. DRO Uses (D)

These uses require approval by the Development Review Officer (DRO) and are identified by a D in the matrix. ~~{Ord. 2005-002}~~

d. Requested Uses (R)

These uses require approval by the ~~City Council~~ BCC in accordance with the standards and procedures in [Art. 2.B. Public Hearing Procedures](#), and are identified by an R in the matrix. Requested uses shall be shown on the master plan or site plan approved by the ~~City Council~~ BCC. The location, or alternative locations for each requested use must be approved by the ~~City Council~~ BCC, and the requested use must be located in only one of the locations approved by the ~~City Council~~ BCC. ~~{Ord. 2005-002}~~ ~~{Ord. 2005-041}~~

1) Supplementary Use Standards

A number in the 'Note' column of Table 3.F.1.F, Traditional Development Permitted Use Schedule, refers to supplementary land use standards in [Art. 4.B, Supplementary Use Standards](#), which are applicable to the use. **[Ord. 2005-002]**

Table 3.F.1.F - Traditional Development Permitted Use Schedule

District Tier Land Use Pod	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/Rec	Res	NC	Open Space/Rec			Dev.	Preserve	
Residential Uses											
Single family	P			P							122
Zero lot line	P			R							142
Town house	P			R			P	P	P		132
Multi-family	P	P		P	P		P	P	P		87
Accessory dwelling	P			P							1
Congregate living facility, Type 1	P			P			P	P	P		34
Congregate living facility, Type 2	P	DR		R			P	R	R		34
Congregate living facility, Type 3	R	R		R	R		R				34
Farm residence										P	50
Farm workers quarters										P	51
Home occupation	P	P		P	P		P	P	P		70
Kennel, Type I (Private)	P			P							73
Security or caretaker quarters		S			S		S	S	S		119
Agricultural Uses											
Agriculture, bona fide										P	3
Agriculture sales and service									P		6
Community vegetable garden		P	P			P				P	32
Grooms Quarters							P	P	P		65
Nursery, retail		P					P	P	P	S	88
Nursery, wholesale							S	S	S	S	89
Produce stand		P								S	101
Stable, commercial										D	125
Stable, private	P			P						P	126
Public and Civic Uses											
Assembly, nonprofit institutional		R				R	R	R	R		14
Assembly, nonprofit membership		R				R	R	R	R		15
Place of worship		RD				R	R	R	R		29
Day care center, general		R				R	R	R	R		40
Day care center, limited		DR				D	D	D	D		40
Government services		P				P	P	P	P	P	63
Homeless Resource Center											70-1
Hospital or medical center							R	R			71
Kennel, Type IV (Animal Shelter)							R	R	R		74-3
School, elementary or secondary		R				R	R	R	R		118
Recreation Uses											
Amusements, temporary special event		S				S	S	S	S		12
Entertainment, indoor		R				R	R	R	R		45
Entertainment, outdoor		R				R					46
Fitness center		P				P	P	P	P		56
Recreation Facility, Neighborhood		P				P	P	P	P		93
Park, passive		P	P			P	P	P	P		94
Park, public		P	P			P	P	P	P		94
<p>[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2012-007] [Ord. 2012-027]</p> <p>Notes: P Permitted by right. D Permitted subject to approval by the DRO. S Permitted in the district only if approved by Special Permit. R Permitted in the district only if approved by the Westlake City Council as a Requested Use.</p>											

Table 3.F.1.F - Traditional Development Permitted Use Schedule (Continued)

District Tier Land Use Pod	TND						TMD			N O T E	
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/ Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/ Rec	Res	N/C	Open Space/ Rec			Dev		Preserve
Commercial Uses											
Auction enclosed							P				16
Automotive service station							R	R	R		18
Bed and breakfast	S						S	S	S		20
Convenience store		P					P	D	D		36
Convenience store with gas sales							R	R	R		37
Dog Daycare		R					R	R	R		43
Financial institution		R					R	R	R		55
Flea market, enclosed							R	R	R		57
Green market		P					P	P	P		64
Hotel							R				72
Kennel, Type III (Commercial Enclosed)							R	R	R		74-2
Kiosk		P					P	P	P		75
Laundry services		P					P	P	P		78
Live/Work		DR					DR	D	D		141-2
Lounge, cocktail		R					R	R	R		79
Medical or dental office or clinic		P					P	P	P		83
Medical or dental laboratory							P	R	P		84
Office, business or professional		P					P	P	P		91
Personal services		P					P	P	P		98
Printing and copying services		P					P	P	P		100
Repair services, limited		P					P	P	P		108
Restaurant, Type I		R					R	R	R		109
Restaurant, Type II		R					DR	D	D		110
Retail sales, general		P					P	P	P		114
Retail sales, mobile or temporary		S					S	S	S		115
Theater, indoor							P	P	P		129
Veterinary clinic		P					P	P	P		136
Work/live space		P					P	R	R		141-1
Utilities and Excavation											
Communication panel, antennas, commercial	S						DR	D	D		31
Communication tower, commercial							DR	D	D		31
Communication cell sites on wheels (COW)							S				31
Recycling Drop-Off Bin		DR					DR	D	D		104
Renewable Energy Facility, Solar											106-1
Renewable Energy Facility, Wind											106-2
Utility, minor	P	P	P	P	P	P	P	P	P		134
Type II Excavation	R	R	R	R	R	R	R	R	R		49
<p>Notes: P Permitted by right. D Permitted subject to approval by the DRO. S Permitted in the district only if approved by Special Permit. R Permitted in the district only if approved by the Westlake City Council as a Requested Use.</p>											

G. Design Objectives

TDDs shall comply with the following design guidelines:

1. Neighborhoods

a. A mix of residential uses shall be required in a TND, to provide a variety of housing opportunities.

TND residential uses include: **[Ord. 2005 – 002]**

- 1) Single family dwellings;
- 2) Zero lot line (ZLL) dwellings;

- 3) Townhouses;
- 4) Multifamily dwellings;
- 5) Accessory dwellings; or
- 6) Congregate living facilities.

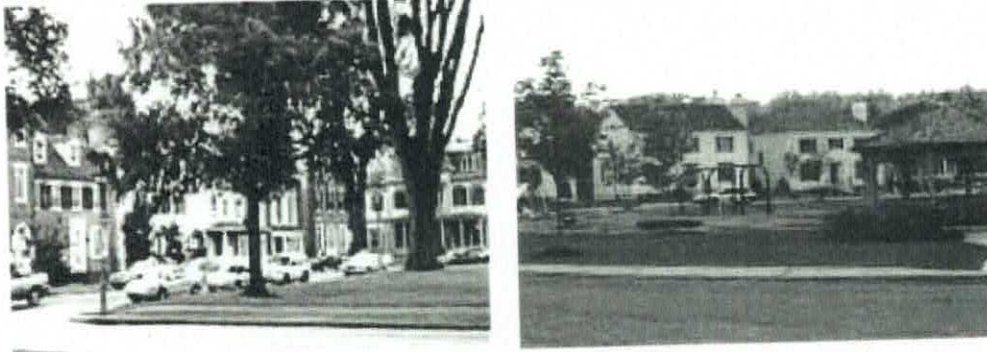
Figure 3.F.1.G - TDD Mixed Housing Types



Residential neighborhoods include a mixture of housing types from multi family buildings integrated with commercial and office uses, to single family detached houses.

- b. Centrally-located community focal points for the formal and informal interaction of neighborhood residents, such as a neighborhood square, community meeting hall, or neighborhood commercial center. These uses are within walking distance (within 1,320 feet) of all neighborhood residents. **[Ord. 2005 – 002]**
- c. A variety of open spaces and recreation areas to allow for both passive and active recreation. Small neighborhood parks and playgrounds should be located throughout the neighborhood, so all residents are closely located (within 1,320 feet) to a neighborhood park. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than in central locations. **[Ord. 2005 – 002]**

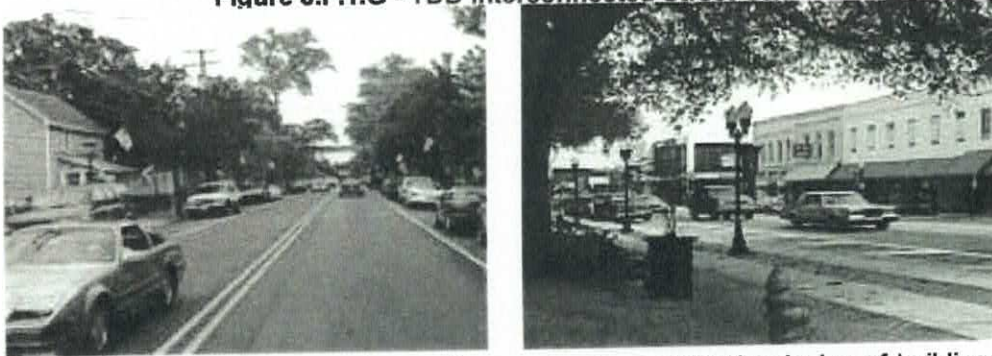
Figure 3.F.1.G - TDD Focal Points



- d. An interconnected network of streets, bike lanes, and sidewalks throughout the neighborhood, providing multiple routes for vehicle, bicycle, and pedestrian travel, diffusing traffic and shortening walking distances. Streets are designed for slower speeds to encourage pedestrian safety. Alleys, where proposed, shall provide vehicular access to garages and open spaces in the rear of buildings. **[Ord. 2005 – 002]**

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Figure 3.F.1.G - TDD Interconnected Street Grid



- e. A safe and attractive pedestrian environment enhanced by the design of buildings which provide windows and entrances to reduce the amount of blank walls. Sidewalks include pedestrian amenities such as shade trees and street furniture.

2. Commercial Districts

- a. Public spaces, such as plazas and squares, integrated within commercial development providing places for people to gather or rest. Walkways provide pedestrian connections throughout the development. Lighting and landscaping accent public spaces and provide for security and shading.
- b. Parking is provided on-street, behind buildings, and in shared parking lots. Parking lots in front of buildings create barriers between pedestrians and storefronts and shall be discouraged. **[Ord. 2005-002]**
- c. Buildings are human-scaled in design with a range of architectural features, which create an attractive and varied streetscape. Building frontages shall be set near the sidewalk and building sizes are generally consistent, providing a sense of enclosure for the street, except where separations are permitted. Architectural detailing and applied decoration enliven facades and add texture. Building entrances and windows shall be located along street frontages to break up blank walls and enhance the pedestrian environment. **[Ord. 2005 – 002]**

H. Phasing and Platting

1. Phasing

TDDs shall be subject to the phasing, time limitations and review requirements of [Art. 2.E. Monitoring](#). **[Ord. 2005 – 002]**

2. Platting

All land in a TDD shall be platted in accordance with [Art. 11. Subdivision, Platting and Required Improvements](#). All land within the TDD, including private civic tracts and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential or commercial tract. **[Ord. 2005 – 002]**

I. Development Phasing

Phasing of TDD developments in the U/S Tier shall be limited to a maximum of four phases of up to three years each. The first phase of the project shall include a minimum of 25 percent of the total project, unless otherwise approved by the [City Council](#). **[Ord. 2005-041]**

Section 2 General Standards

A. Applicability

The following standards shall apply to all TDDs:

1. Streets, Sidewalks, and Alleys

The circulation system within a traditional development shall allow for different modes of travel within the TDD and between adjacent uses, based upon a hierarchy of transportation methods. The street and sidewalk network shall be designed around a series of blocks which provide visual and functional links within and between residential, commercial, office, civic, and open space areas, and shall be connected to existing and proposed external development.

a. TDD Definition for Street

For the purposes of this Section, the term streets shall include private access ways. **[Ord. 2005 – 002]**

b. Block Structure

To ensure compact, contiguous development and to facilitate connectivity and pedestrian accessibility, the layout of streets and alleys shall conform to the following standards.

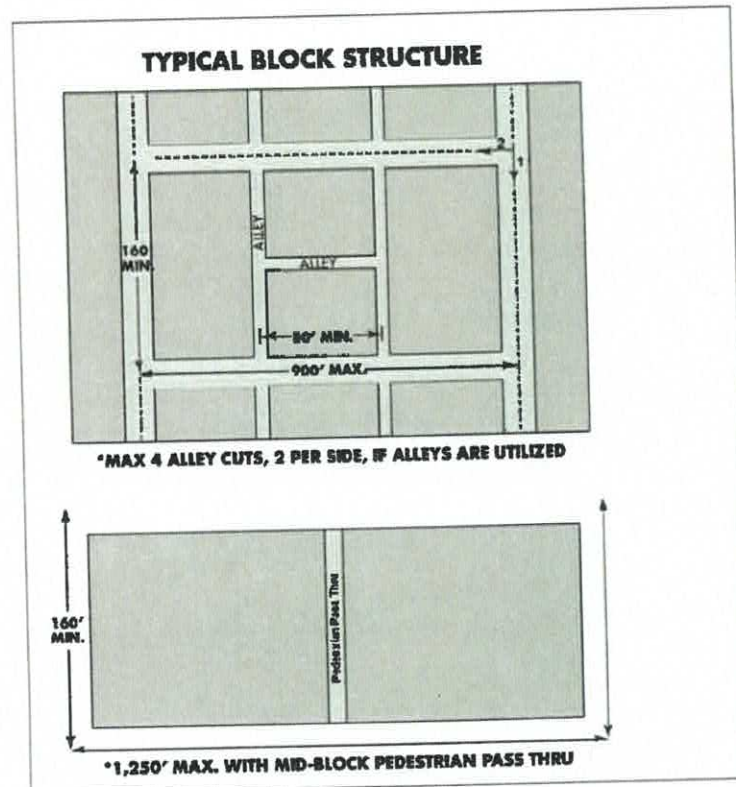
Table 3.F.2.A - Block Dimension Requirements

		Maximum Length of Block		
No Pedestrian Pass Through		660-900 ft.		
With Pedestrian Pass Through		750-1,250 ft. (1)		
		Maximum Block Perimeter (2)		
		Minimum	Average	Maximum
Traditional Marketplace Development (TMD)	500 ft.	500 ft.	1,200 - 1,500 - 1,800 ft	2,500 ft.
Traditional Neighborhood Development (TND)			1,600 - 1,800 - 2,200 ft.	

[Ord. 2014-031]

Notes:

- The maximum block face within a TND district or Pod may be increased to up to 1,000 ft. subject to the following:
 - Pedestrian pass through shall be a minimum of 50-20 feet in width, ~~and comply with the TND requirements for Neighborhood Parks;~~
 - Pedestrian pass through shall interconnect with other pedestrian pass through or streets to provide enhanced interconnectivity between the outer edges of each TND and a required Neighborhood Center; and,
- Parcels located along the perimeter of a TDD may be exempt from the block perimeter requirements where a TMD or TND district or Pod abuts open space, roads external to the development or Pod, or where ~~DEPW City Engineer~~ requirements preclude vehicular access points necessary to complete the block structure.
- Blocks exceeding 660 feet in length shall provide pedestrian seating areas, decorative lighting, landscape focal features, lake viewing areas, trellises, or other similar elements within pedestrian pass-throughs or other designated open space areas along the block.



[Ord. 2005-002]

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- 1) **Maximum Number of Alley Curb Cuts**
Four per block and two per side.
- 2) **Minimum Spacing Between Alley Curb Cuts**
80 feet.

c. Streets

1) Street Design

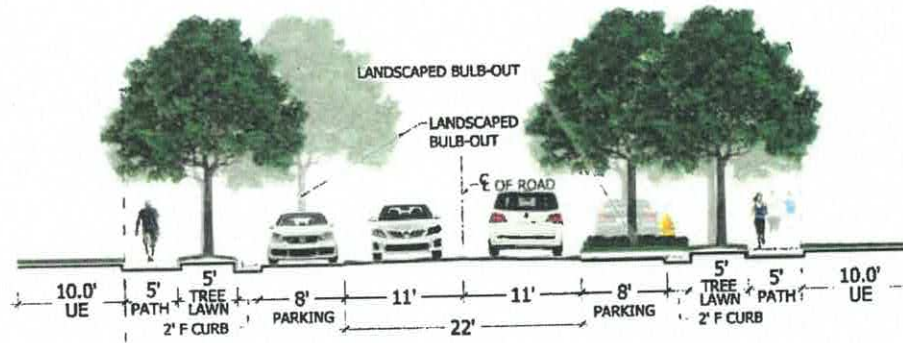
Public streets shall conform to the standards in Table 3.F.2.A, TDD Street Design Standards by Tier. Public and Private streets located within PUD and MUPD shall have the option of utilizing the standards with Table 3.F.2.A or Table 11.E.2.A-2 Private streets within PUDs and MUPDs shall provide a minimum five-foot wide sidewalk along both sides of the street. The cross-sections related to Table 3.F.2.A are for graphical and demonstrative purposes only.

Type of Street	Street R-O-W Width	Travel Lanes		Curb & Gutter	Parking Lane (2)	Bicycle Lane	Utility Corridor	Sidewalk Pathway(8)	Private Utility Easement (3)	Tree Lawn (7)
		Number	Width							
All-Tiers										
Commercial Street (TMD)	42 ft. - 72 ft. 44 ft.	2	11 ft.	2 ft.	8 ft. (one both)	No	27 ft.	45-10 ft. (4)	No	5'
Local Commercial Street	50	2	11 ft.	2 ft.	8 ft. (optional)	No	-	5'	5'	5'
U/S Tier										
Collector: without or street	64-60 ft.	2	11 ft.	2 ft.	No/Optional	5 ft. (both sides)	24 ft.	6-5 ft.	10 ft.	5'
Collector: with on-street parking	74-70 ft.	2	11 ft.	2 ft.	8 ft. (both sides)	5 ft. (both sides)	27 ft.	6-5 ft.	10 ft.	5'
Local Residential Street	62-66/44 ft.	2	10 ft.	2 ft.	8 ft. (optional)	No	25 ft.	5 ft. (multi-purpose pathway)	10 ft.	5'
Exurban/Rural/Agricultural Reserve Tier										
Plan Roadway Collector	104 ft.	2	11 ft.	4 ft. shoulder. No Curb & Gutter	No	No	27 ft.	8 ft. (multi-purpose pathway)	10 ft.	
Non-Plan Roadway Collector	100 ft.	2	11 ft.	2 ft. shoulder. No Curb & Gutter	No	No	27 ft.	8 ft. (multi-purpose pathway)	10 ft.	

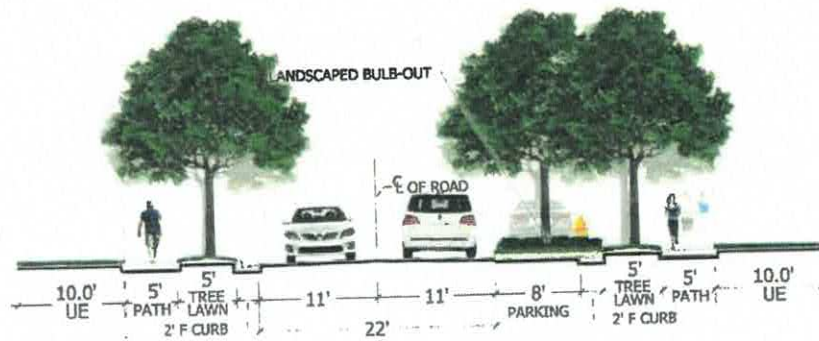
[Ord. 2005-002] [Ord. 2008-003] [Ord. 2014-031]

Notes:

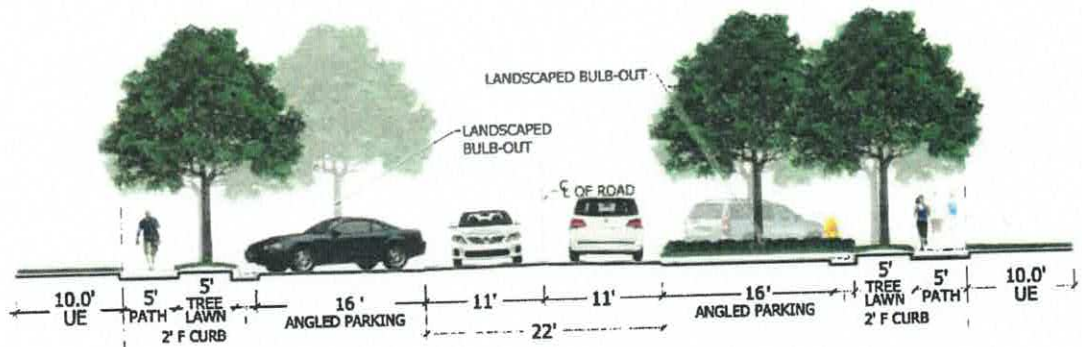
1. Unless otherwise stated herein, exceptions to dimensions shall only be permitted to accommodate turn lanes at the perimeter of a TMD, TND or TTD for turn lanes required by the PBC City's Engineering Department, or for roundabouts or other traffic calming measures typically associated with a TDD. This exception shall not be permitted for divider medians. [Ord. 2008-003]
2. Parking lane dimensions include the curb and gutter dimensions. [Ord. 2008-003]
3. Easements may be collocated with alleys located inside of outside of the right-of-way. [Ord. 2008-003]
4. Includes a minimum ten-foot wide pedestrian sidewalk that may be reduced for arcades, and a minimum five-foot wide strip for street trees and street lights. This dimension may be increased by up to ten feet in width (for a total of 20 feet) to accommodate outdoor dining areas, or larger street tree and street light areas. [Ord. 2008-003]
4. The requirement for a sidewalk on one side of the street may be waived in specific cases where pedestrian access is not required based on building locations and other utilitarian purposes, subject to review and approval by the City Engineer.
4. Collector roads interior to a TND or TMD pod shall not be required to provide a designated bike lane when an 8' minimum sidewalk width is provided.
6. The typical cross-sections shall be included within the Design Standards for each pod and submitted to the City as part of the development review process.
7. Tree lawns may be incorporated into hardscape features such as sidewalk or outdoor seating areas with the use of tree grates or other similar amenities. The area of the tree lawn shall be in addition to the minimum sidewalk width.
8. Sidewalks shall provide a minimum of 5' clearance.



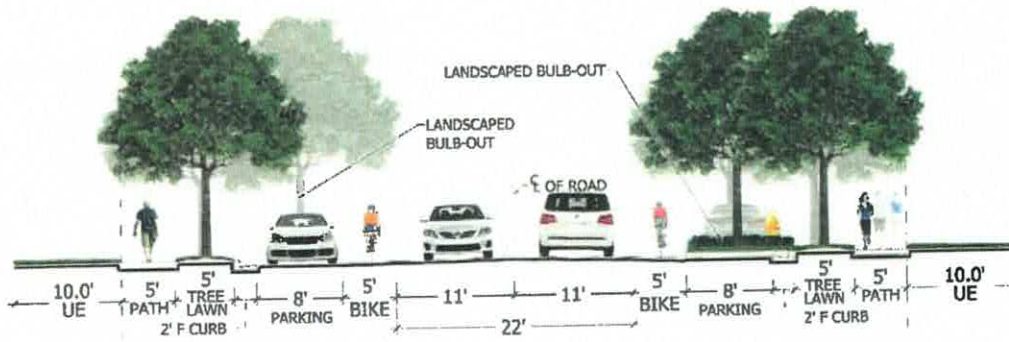
COMMERCIAL STREET WITH PARALLEL ON-STREET PARKING ON BOTH SIDES



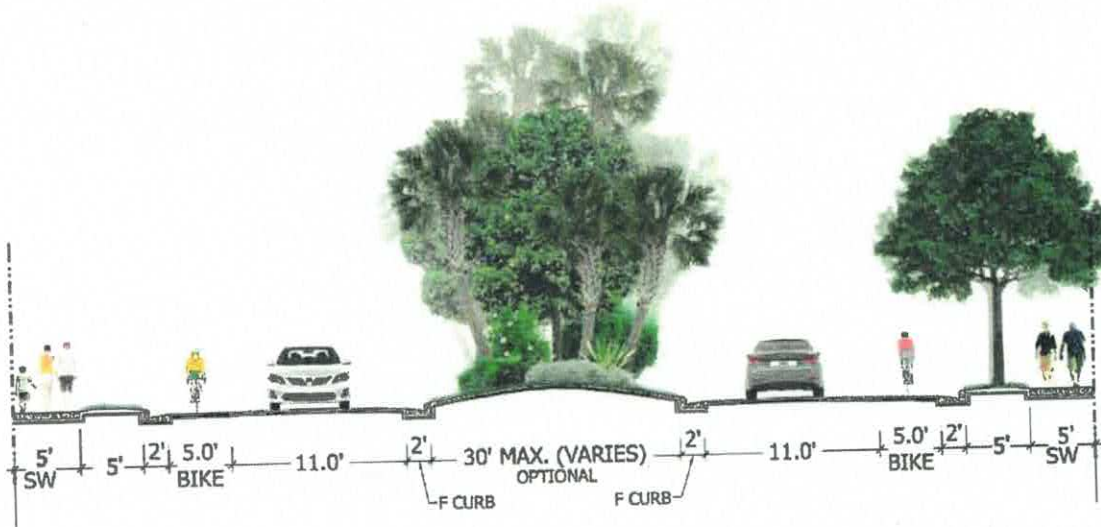
COMMERCIAL STREET WITH PARALLEL ON-STREET PARKING ON ONE SIDE



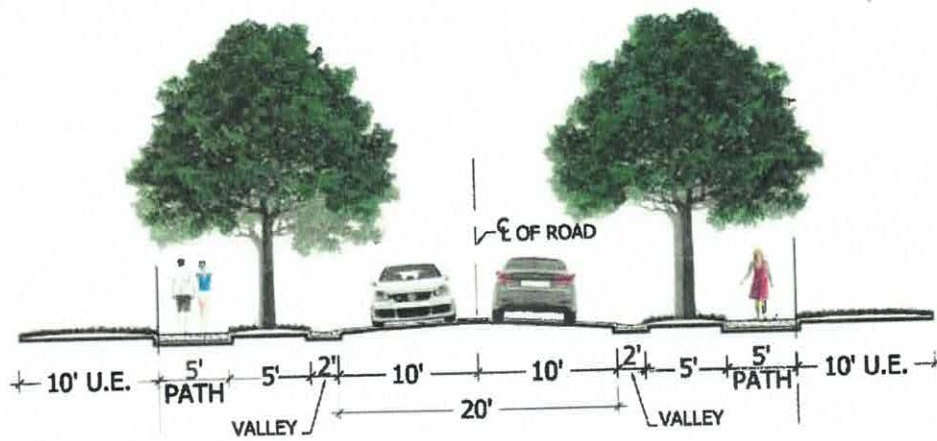
COMMERCIAL STREET WITH ANGLED ON-STREET PARKING ON BOTH SIDES



COLLECTOR STREET WITH ON-STREET PARKING



COLLECTOR STREET WITHOUT ON-STREET PARKING, DIVIDED



LOCAL RESIDENTIAL STREET

Figure 3.F.2.A - TDD Exurban/Rural/AGR (Non-Plan Roadway - Collector)

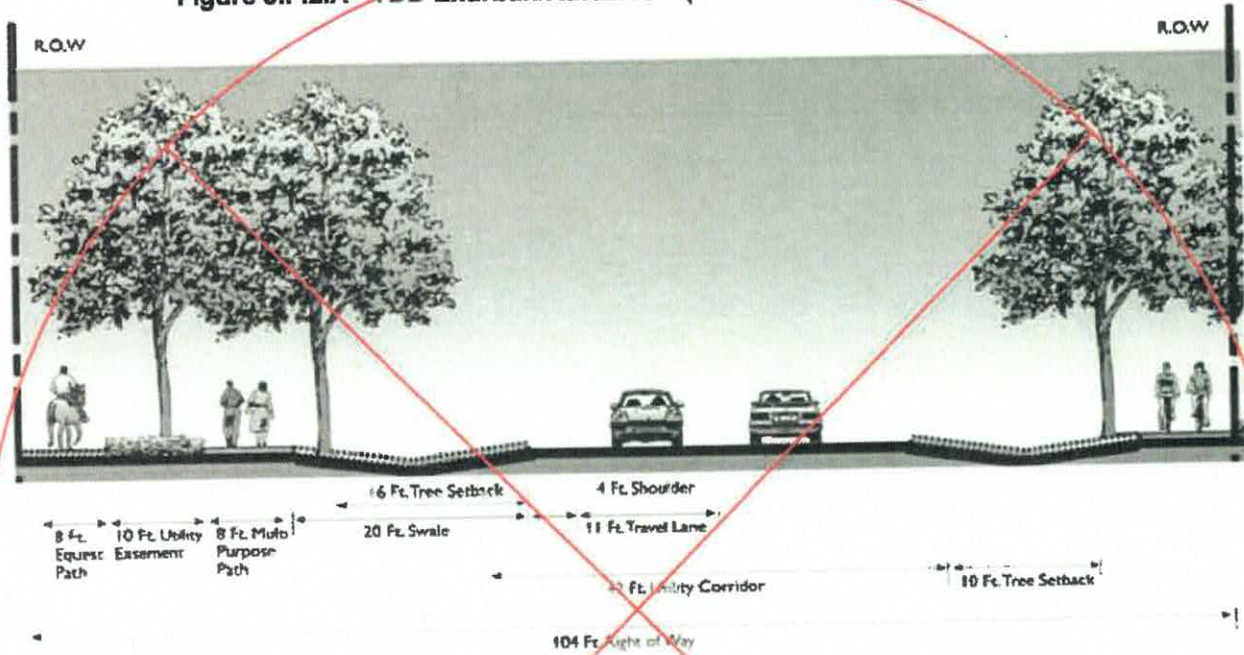
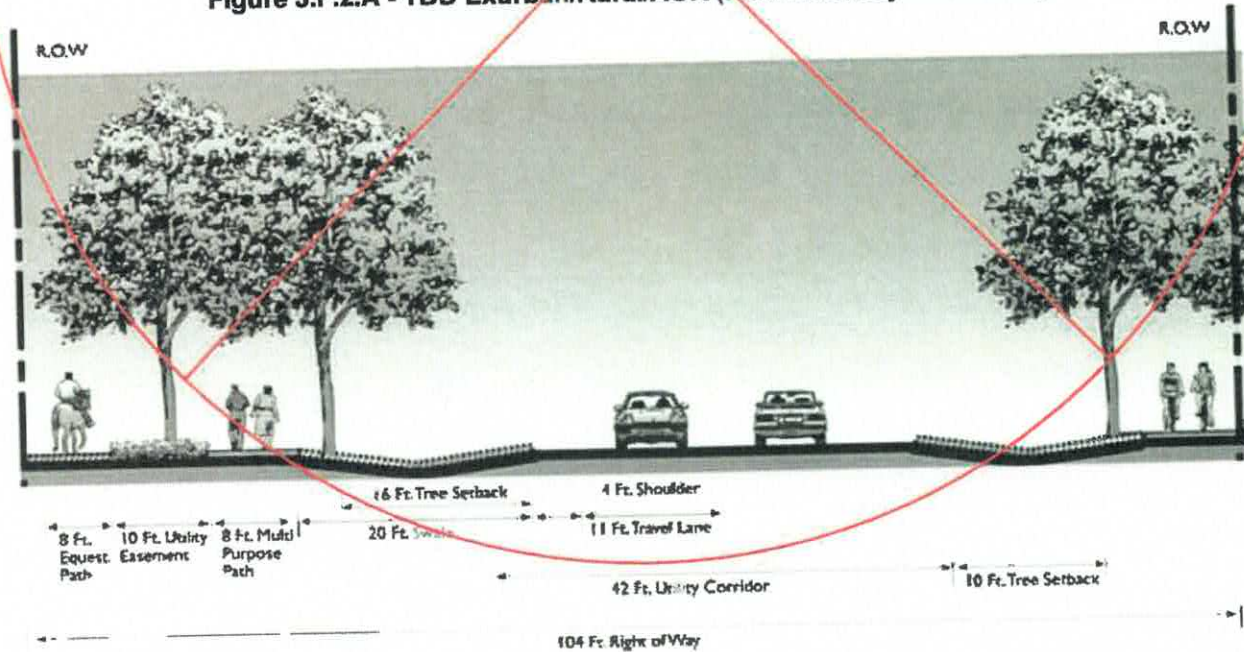


Figure 3.F.2.A - TDD Exurban/Rural/AGR (Plan Roadway - Collector)



2)

Connectivity

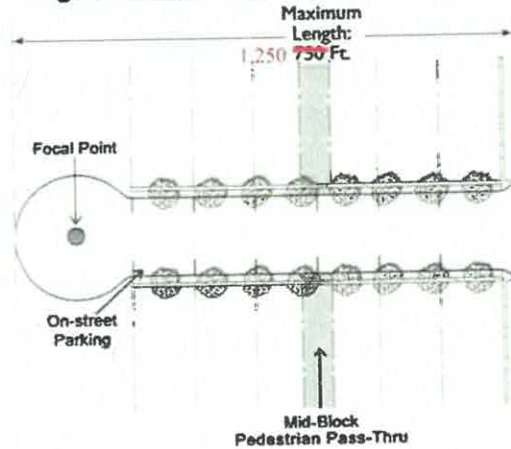
All streets and alleys shall connect to other streets and alleys to form a continuous vehicular and pedestrian network within the district. Streets shall connect to streets in adjacent development or vacant parcels, ~~except for AGR TMDs~~. The use of gates or other preventative barriers shall not be permitted on collector streets. **[Ord. 2005-041]**

a) Dead-End Streets

No more than 20 percent of all TND streets may be dead-end streets, such as cul-de-sacs and T-turnarounds. The maximum length for dead-end streets shall be 660-900 feet and up to 750-1,250 feet, with a mid-block pedestrian pass-thru. The maximum length for dead-end streets shall be: **[Ord. 2005-002]**

- (1) **Single Family Residential**
660-900 feet. Up to 750-1,250 feet with a mid-block pedestrian pass-thru.
- (2) **All Others**
500-900 feet.

Figure 3.F.2.A - TDD Dead-End Streets



d. Sidewalks and Pathways

Sidewalks and/or pedestrian pathways shall connect to one another to form a continuous pedestrian network within the TDD and between all adjacent uses to a TDD. Unless otherwise indicated, sidewalks shall be provided along both sides of the street and shall conform to the standards in Table 3.F.2.A, Sidewalk, Pathway Design Standards.

1) Master Pedestrian Circulation Plan

A Master Pedestrian Circulation Plan, prepared in accordance with the requirements of [Article 11.E.2, Access and Circulation Systems](#) shall be submitted with the Regulating Plan.

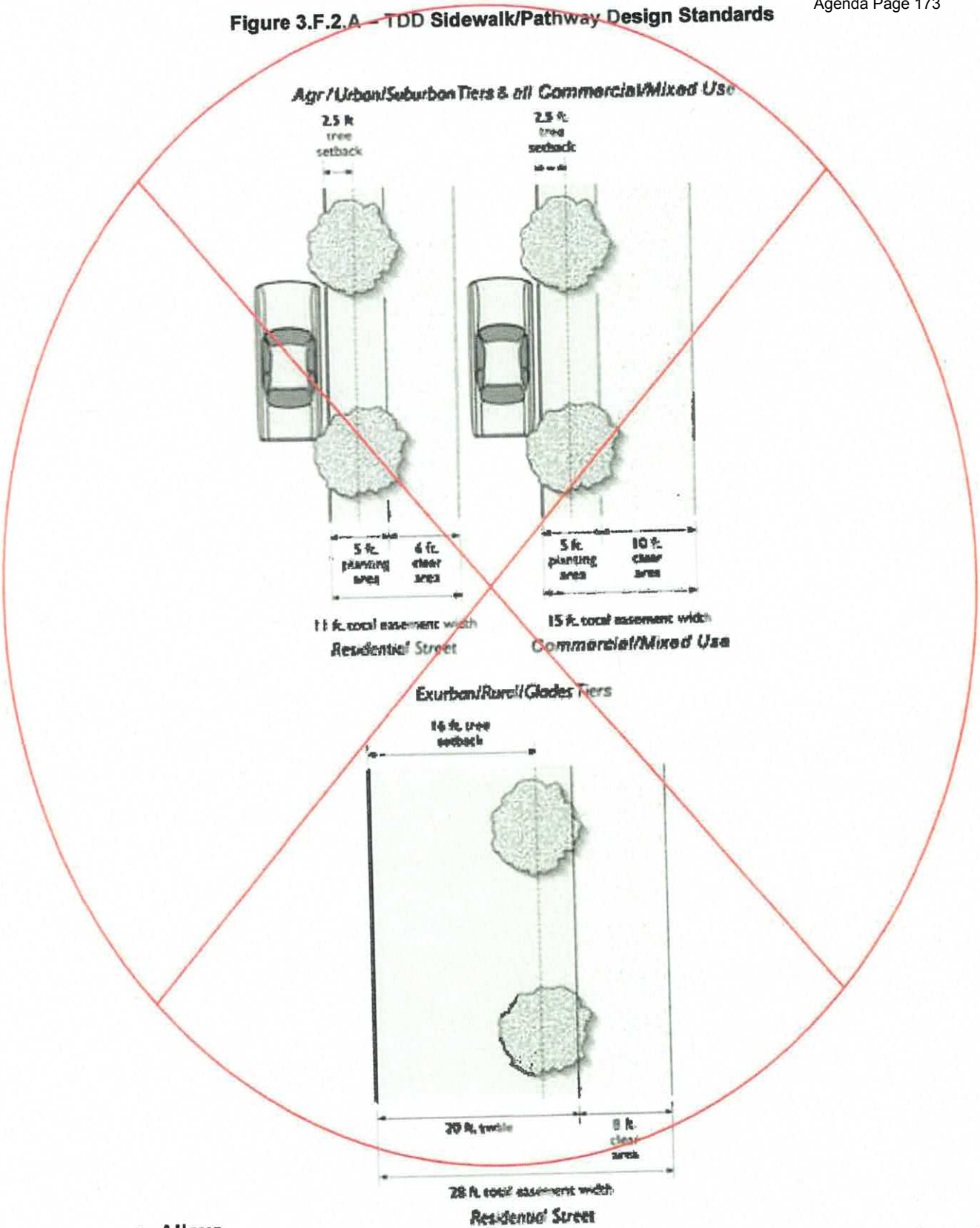
2) Accessibility

Sidewalks at street intersections and pedestrian crossings shall be grade accessible, with the use of curbcuts and/or ramps.

Table 3.F.2.A - Sidewalk/Pathway Design Standards (1)

	Minimum Clear Area for Pedestrian Travel	Minimum Planting / Hardscape Area (including lighting fixtures and furniture) or Swale	Minimum Required Tree Setback from Curb or Edge of Roadway	Minimum Total Easement Width
AGR and Urban/Suburban Tiers				
TND & PUD Residential Street	6-5 ft.	5 ft.	2.5 ft.	11 ft.
Commercial Mixed-Use	10 ft.	5 ft.	2.5 ft.	15 ft.
Exurban/Rural Tiers				
Residential Street	8 ft.	20 ft.	16 ft.	28 ft.
Commercial Mixed-Use	10 ft.	5 ft.	2.5 ft.	15 ft.
<p>Note: 1. The sidewalk/pathway design cross-sections shall be included within the Design Standards for each pod and submitted to the City as part of the development review process.</p>				

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e. Alleys

A minimum of one alley shall be required in all blocks, except blocks of single family, ~~and ZLL,~~ and residential uses and AGR TMDs. Alleys where provided, shall conform to the standards in Article 11.

SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, and the following: ~~[Ord. 2006-041]~~

1) Alleys shall conform to the design standards in Table 3.F.2.A, TDD Alley Design Standards. Alleys providing access to residential buildings shall be built to residential alley standards. Alleys providing access to commercial or office buildings shall be built to commercial alley standards. Where an alley provides access to a block with both residential and commercial uses, the alley shall be built to the commercial alley standards.

Table 3.F.2.A - TDD Alley Design Standards

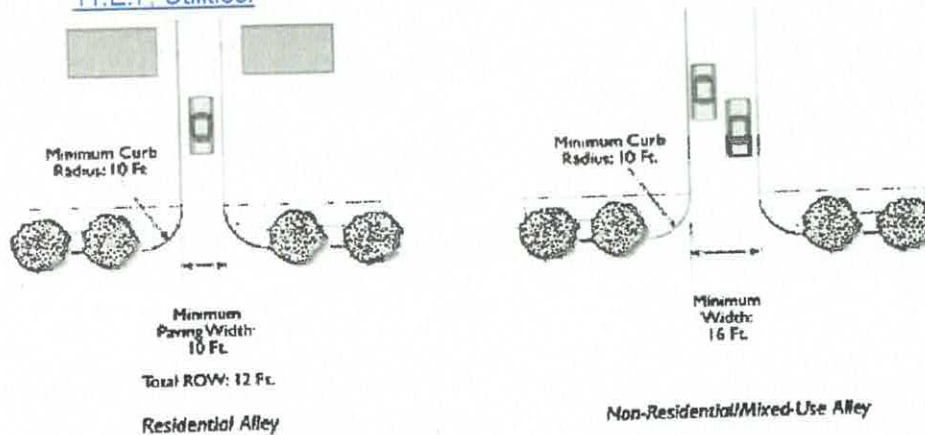
Alley Type	Minimum R-O-W	Minimum Paving Width	Min. Curb Radius
One-way	12-20 ft.	10 ft.	10 ft.
Two-way	16-20 ft.	16 ft.	10 ft.

Figure 3.F.2.A - TDD Alley Design Standards

f. Utilities and Lighting

1) Utilities

Public utilities and lighting shall be installed in accordance with the standards of [Article 11.E.7, Utilities.](#)



2) Lighting

a) Street Lighting

Street lighting shall be provided along all streets ~~and alleys~~, subject to [Art. 5.E.4.E, Outdoor Lighting](#), and the standards in Table 3.F.2.A, TDD Street Lighting Standards. A minimum of one light fixture shall be located at every crosswalk. Alley lighting shall be provided by wall or other lighting fixture provided by the adjacent property.

~~(1) Exurban-Rural Tiers~~

- ~~(a) Lights are optional for residential streets.~~
- ~~(b) All lights must be fully shielded utilizing full cut-off luminaires per the Illuminating Engineer Society of North America (IESNA) definition for full cutoff which allows for zero percent of lumens above 90 degrees from nadir. [Ord. 2014-031]~~

~~(2) AGEO~~

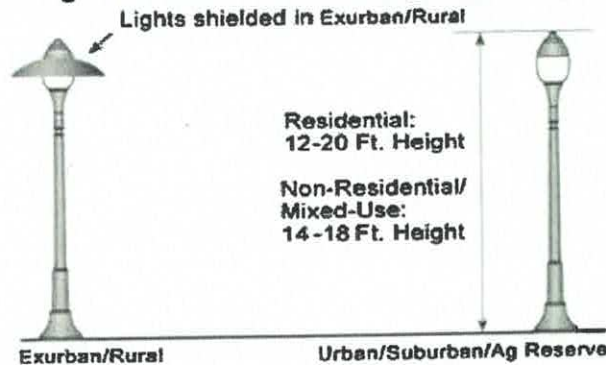
~~All lights must be fully shielded in accordance with the standards for the Exurban and Rural Tiers. [Ord. 2014-031]~~

Table 3.F.2.A – TDD Street Lighting Standards

Fixture Height	Residential	Non-residential/Mixed-Use
Maximum	20 ft.	22 ft.
Minimum	12 ft.	14 ft.

~~[Ord. 2006-041]~~

Figure 3.F.2.A - TDD Street Lighting Standards



b) Parking Lot Lighting

All parking lot lighting shall be fully shielded. All lighting fixtures shall be a maximum of 35 feet in height.

2. Parking and Access

a. Number of Spaces

Parking shall be provided as follows. On-street spaces may be used to meet these parking requirements.

1) Residential

Parking shall be provided in accordance with [Article 6, PARKING](#).

2) Non-residential

a) Minimum Number of Parking Spaces

One parking space per 400 square feet of GFA (2.5/1000). ~~[Ord. 2005-002]~~

b) Maximum Number of Parking Spaces

~~(1) Exurban and Rural Tiers~~

~~One space per 250 square feet of GFA (4/1000). [Ord. 2005-002]~~

~~(2) AGR Tier~~

~~One space per 200 square feet of GFA (5/1000). [Ord. 2005-002]~~

b. Reduction in Requirement

The number of required spaces may be reduced by either of the following methods:

1) The shared parking requirements of [Article 6, PARKING](#); or

2) A parking demand study prepared by a traffic engineer licensed by the State of Florida demonstrating that the parking demand for the project will be less than the requirements of this Section.

c. Location of Parking

Off-street parking is prohibited in required front or side street setbacks. No parking space shall be located further than ~~750-900~~ feet from a building entrance. Parking shall be equitably distributed throughout the project. ~~[Ord. 2005-002]~~

d. Parking Structures

1) U/S and AGR Tiers

Structured parking is required for any spaces in excess of one space per ~~250-200~~ gross square feet of non-residential floor area.

a) Type II Waiver

The requirement for structured parking ~~in the AGR Tier~~ may be waived by the ~~BCC City of Westlake~~ upon approval of a Type II Waiver. ~~[Ord. 2005-002] [Ord. 2012-027]~~

~~2) Exurban and Rural Tiers~~

~~Structured parking is prohibited. [Ord. 2005-002]~~

e. Bicycle Parking

~~Bicycle parking shall be encouraged within non-residential pods or non-residential areas of a residential pod. Bicycle parking areas shall be thoughtfully dispersed throughout the pod. The number of bicycle parking spaces provided shall be equal to five bicycle spaces or two percent of the total number of required vehicular parking spaces, whichever is greater. One parking area shall be provided for every five units in multi-family housing and for every 20 vehicle parking spaces serving non-residential uses. Bicycle parking spaces shall be indicated on the site plan in visible, well-illuminated areas. For each bicycle parking space required, a stationary object shall be provided to which a user can secure the bicycle. The stationary object may either be a freestanding bicycle rack or a DRO approved alternative. [Ord. 2005-002]~~

3. Minimum Pervious Surface

a. ~~U/S and AGR Tiers~~

20 percent of the gross development area. ~~[Ord. 2005-002] [Ord. 2005-041]~~

b. ~~Exurban and Rural Tiers~~

30 percent of the project site. ~~[Ord. 2005-002] [Ord. 2005-041]~~

4. Landscaping and Buffering

In addition to the requirements in Art. 7, Landscaping, the following standards apply: ~~[Ord. 2005-002]~~

a. Buffer Around Districts

1) No buffers are required where one TDD abuts another TDD. ~~[Ord. 2005-002]~~

2) ~~AGR TMD Perimeter Buffer~~

a) ~~Incompatibility Buffer~~

~~A Type III Incompatibility Buffer shall be required between the Development Area and all abutting properties zoned AGR that support agricultural uses, or are vacant (unless deed restricted to non-agricultural or residential uses). The minimum buffer width shall be 25 feet. [Ord. 2005-002]~~

b) ~~R-O-W Buffer~~

~~(1) The R-O-W buffer width reduction permitted under Article 7.F.7, R-O-W Buffer, shall only be permitted for any property line which abuts a 100 foot wide rural parkway. In the AGR Tier, a R-O-W buffer abutting open space a minimum of 100 feet in width and designated as a rural parkway may be deleted subject to DRO approval of a regulating plan that demonstrates that the landscaping in the rural parkway exceeds required R-O-W planting and buffering requirements. Required landscaping must be located within or adjacent to the rural parkway. [Ord. 2005-041]~~

~~(2) A minimum four-foot high hedge, fence or wall visual screen shall be required in a R-O-W buffer adjacent to any surface parking area having more than two rows of parking. [Ord. 2005-041]~~

b. Internal Compatibility and Incompatibility Buffers

Buffers are not required within TDDs, except that a solid six-foot high wall or five-foot wide landscape planting area providing a visual screen at least six feet in height is required along an interior property line where a non-residential use abuts a residential use. The height of the wall or landscape screen shall not exceed three feet within required front setback areas. The internal buffer requirement for multi-family and townhouse units may be waived by the DRO when the units are constructed on a main street; are attached to a commercial structure; are separated from a commercial structure by streets or an alley, pedestrian walkway or plaza; or when adjacent to open space, plazas or private recreational uses associated with units requiring a buffer. Buffers within the interior of a TMD, TND, or the Natural Transect shall not be required. [Ord. 2005-002] [Ord. 2005-041]

c. Off-Street Parking Areas

1) Trees

One canopy tree shall be planted for every eight parking spaces. In a neighborhood center, one canopy tree shall be planted for every six parking spaces. Trees shall not be spaced more than 80 feet apart.

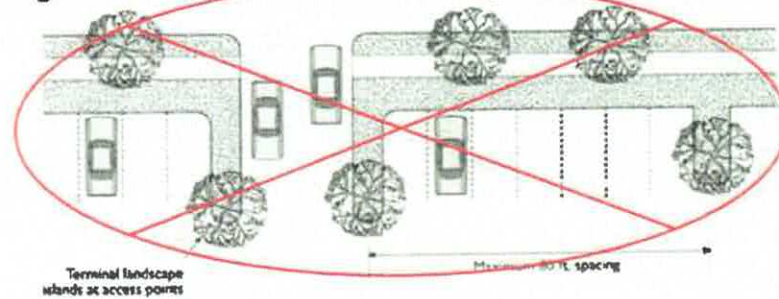
2) Terminal Islands

Terminal landscape islands, subject to the requirements of Art. 7.G, Off-Street Parking Requirements. Terminal and interior landscape islands shall be provided on both sides of all vehicular access points.

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Figure 3.F.2.A - TDD Off-Street Parking Landscaping Standards

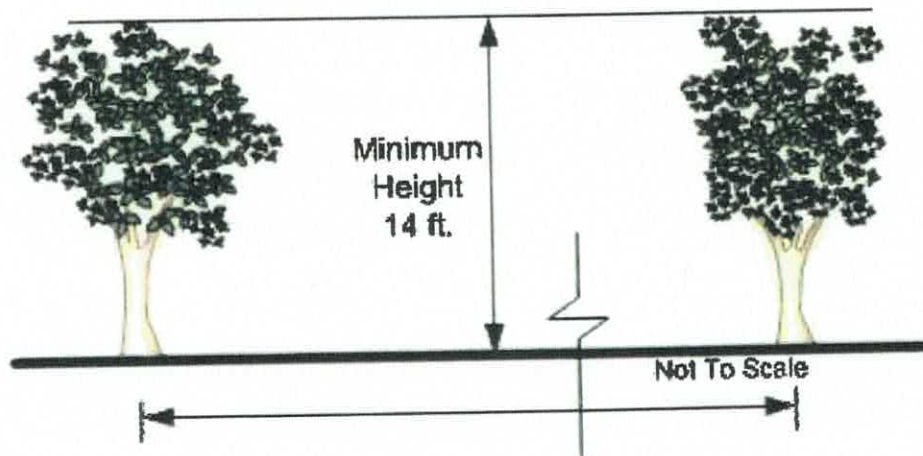


d. Street Trees

Street trees shall be provided along sidewalks, subject to the following standards:

- 1) **Number**
A minimum of one canopy tree shall be required for every 40 lineal feet of street frontage. Palm trees may be substituted for a canopy tree on a 4:3 basis ~~along a frontage with a covered walkway. [Ord. 2014-031].~~ Not more than 50 percent of the canopy trees may be substituted for palms.
- 2) **Minimum Height**
14 feet.
- 3) **Minimum Diameter**
2.5 inches, measured 4.5 feet above grade.
- 4) **Spacing**
Trees shall be spaced between a maximum of 40 feet on center. ~~[Ord. 2014-031]~~

Figure 3.F.2.A - TDD Street Tree Standards



- 5. **Fencing and Walls**
Fences and walls shall be subject to the standards of [Art. 5.B.1.A.2, Fences and Walls](#). Fences shall be made of wood, wrought iron, reinforced concrete with stucco, brick, vinyl-covered chain link, plastic composite or a combination of these materials. ~~Fences in the Exurban, Rural, and AGR tiers shall be made of wood or other materials consistent with the rural design standards that demonstrate a vernacular or rural character.~~
- 6. **Signage**
All signs shall be located on site in a manner that ensures consistency within the development; with site, architectural, and landscape plans; site layout; ultimate maturity of vegetation; and, final architectural elevation. When preparing a sign plan the applicant shall consider and give attention to the placement of the sign to provide clear visibility for the tenants. In addition to the regulations in [Art. 8, Signage](#), the following shall apply: ~~[Ord. 2009-040]~~
 - a. **Building-Mounted Signs**
Building-mounted signs, including wall signs, awning and canopy signs, and projecting signs shall be permitted, subject to the following additional requirements: ~~[Ord. 2009-040]~~

1) Size

~~0.75~~One square foot of signage for every linear foot of tenant frontage shall be permitted, up to a maximum of ~~64-70~~ square feet. ~~[Ord. 2009-040]~~

2) Sign Placement

- a) Signs shall be located between the first and second story of the building. If the second story is non-residential, the signage shall comply with the minimum vertical separation requirements in Table 8.G.1.A, Wall Sign Standards. ~~[Ord. 2009-040]~~
- b) All significant decorative elements on the building shall be considered when locating wall signs to ensure they are in harmony with each other. In addition, the architecture features, elements, or building lines shall not be modified to accommodate the location of the signs. ~~[Ord. 2009-040]~~

3) Projection

Sign projection shall not exceed a maximum of 30 inches from any building face. ~~[Ord. 2009-040]~~

b. Freestanding Signs

Unless otherwise provided herein, all freestanding signs shall be prohibited.

~~1) AGR-TMD Exceptions~~

~~Freestanding signs shall be permitted in an AGR-TMD pursuant to the following requirements: [Ord. 2009-040]~~

~~a) Maximum Size and Height~~

~~Signs shall not exceed 150 square feet of sign face area, and shall be limited to 15 feet in height. [Ord. 2009-040]~~

~~b) Maximum Number Allowed~~

~~One freestanding sign shall be permitted per right-of-way frontage. [Ord. 2009-040]~~

~~2) A-frame Signs~~

~~Temporary freestanding A – frame signs shall be allowed in front of arcades and covered walkways for commercial or mixed-use buildings, provided they do not conflict with pedestrian walkways. [Ord. 2009-040]~~

c. Entrance Wall Signs

Entrance wall signs are permitted for the purpose of identification, subject to the standards in [Art. 8, Signage](#). Sign copy and graphics shall identify only the name of the development and the address.

~~7. Recreation Clubhouse Emergency Generators~~

~~A permanent emergency generator shall be required for all TDD clubhouses 20,000 square feet or greater, and shall meet the standards of [Art. 5.B.1.A.18, Permanent Generators](#). [Ord. 2006-004] [Ord. 2011-016]~~

Section 3 Traditional Neighborhood Development (TND)

A. Specific Purposes

The purpose of the TND district is to:

- 1. Establish a specific neighborhood identity and focus with a pedestrian-oriented design consistent with the tier in which the development is located;
- 2. Provide a range of residential, commercial, civic, and open space land uses in close proximity to one another within the neighborhood;
- 3. Encourage a variety of non-vehicular modes of transportation, such as walking and, bicycling, segways, equestrian, golf carts where permitted by F.S., and water oriented uses such as kayaks, canoes or stand up paddle boards, to reduce the need for local automobile trips; ~~[Ord. 2014-031]~~
- 4. Offer a range of housing opportunities;
- 5. Preserve natural features and scenic areas; and
- 6. Provide a safe and efficient circulation system for pedestrians, non-motorized vehicles, and automobiles, and emphasize connectivity within and to adjacent uses.

B. Uses

Uses allowed in a TND district are listed in Table 3.F.1.F, Traditional Development Permitted Use Schedule.

C. Thresholds

A TND shall comply with [Table 3.A.3.D, TDD Corresponding Land Use](#), and the following: ~~[Ord. 2006-004]~~

Eleventh Order of Business



City of Westlake
Planning and Zoning Department
Staff Report – 1/30/18

PETITION DESCRIPTION

DATE: January 30, 2018

PETITION NUMBER: TEXT-ULDC-2017-03 (***Ordinance 2018-5***)

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: Amend the City of Westlake interim Unified Land Development Code (ULDC) to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods.

ANALYSIS

The subject application is a request for a text amendment to the City of Westlake’s interim Unified Land Development Code (ULDC) to address regulatory and use provisions in **Articles 1, 3, and 4** as they relate to the following:

- Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods,
- Planned Unit Development (PUD) pods,
- Traditional Neighborhood Development(TND) pods, and
- Private Civic (PC) pods.

*Text amendments are provided in ~~striketrough~~ and underline format. Proposed modifications are included on the following **six (6) ordinances and its exhibits**:*

- Ordinance 2018-1
- Ordinance 2018-2
- Ordinance 2018-3
- Ordinance 2018-4
- **Ordinance 2018-5**
- Ordinance 2018-6

*The subject staff report will address **Ordinance 2018-5.***

Ordinance 2018-5

Table 3.F.3.C., entitled Traditional Neighborhood Development District Land Use

The applicant has requested review use provisions in Article 3, Chapter F, Section 3, Table 3.F.3.C., entitled Traditional Neighborhood Development District Land Use, to remove single family, zero lot line and multi-family townhouse from the minimum and maximum requirements within the land development codes for the City of Westlake. *Proposed amendments are indicated on ~~strikethrough~~ and underline below:*

Table 3.F.3.C - TND Land Use

Land Use Mixes	Percent of Total Gross Area	
	Minimum	Maximum
Residential	-	-
<u>Single Family</u>	<u>25</u>	<u>70</u>
<u>Zero Lot Line (ZLL)</u>	-	<u>50</u>
<u>Multi-Family/Townhouse</u>	<u>20</u>	<u>50</u>
Neighborhood Centers	<u>20</u>	10
Civic (1)	2	25
Open Space/ Recreation	5	-
[Ord. 2006-004] [Ord. 2010-022]		
Notes:		
1. Civic uses may be collocated with the Neighborhood Centers.		

Staff has reviewed the request to remove single family, zero lot line and multi-family townhouse from the minimum and maximum requirements contained within Table 3.F.3.C. and agrees with the reasonable request of the applicant, staff supports the change, allowing for the changes as noted in Table 3.F.3.C. above.

Neighborhood Center

The applicant has requested changes in the Neighborhood Center Land Use Zones, General Standards for the location, maximum and minimum site area, maximum floor area ratio, maximum building coverage, as set forth in Article 3, Chapter F, Section 3(D) and Section 3(E), of the land development codes within the City of Westlake. *Proposed amendments are indicated on ~~strikethrough~~ and underline below:*

a. General Standards

1) Location

Each Neighborhood Center shall be centrally located in its neighborhood and shall be adjacent to a minimum of one side of a neighborhood square. A Neighborhood Center not centrally located in a neighborhood shall front onto a Collector or Arterial Road and must be located at least one half mile from the Downtown Mixed-Use Category and any other Neighborhood Centers. ~~A non-central location is permitted on an infill site, provided it is within 1320 linear feet of 100 percent of the units in the TND and also can serve the local shopping needs of an adjacent neighborhood.~~

2) Maximum and Minimum Site Area

Each individual Neighborhood Center shall be ~~a minimum 0.5 acre and a~~ maximum of ~~2.5~~ 10 acres in size.

4) Maximum Floor Area Ratio (FAR)

~~1.0~~ 0.25, FAR for residential uses counted as density shall not be calculated as square footage subject to the maximum FAR. ~~{Ord. 2012-027}~~

5) Maximum building coverage

~~50~~ 35 percent.

3) Multi-family and Live/Work

Multi-family residential and live/work units shall only be permitted subject to approval by the DRO. Horizontal and vertical integration of residential and non-residential uses shall be encouraged. ~~the following: {Ord. 2012-027}~~

~~a) Permitted residential uses are located above non-residential uses; and, {Ord. 2012-027}~~

~~b) The FAR of residential uses shall not exceed 30 percent of the combined FAR of non-residential and residential uses. The calculation of residential FAR in determining compliance herein does not alter that residential uses are calculated as density, unless otherwise stated within the ULDC. {Ord. 2012-027}~~

c. Maximum Building Height

45 feet ~~— U/S Tier, 25 feet — Rural/Exurban Tiers.~~

d. Building Orientation

Buildings shall front or orient towards a street, open space, or pedestrian pass-through. All principal buildings shall have their entrance facing the street or an intersection.

e. Build-to Lines

A minimum of 50 percent of a commercial building shall have a zero setback. The remaining 50 percent may be set back a maximum of ten feet. Exceptions to the minimum setback shall be permitted to allow for utility conflicts, where necessary.

f. Covered Walkways

A minimum of 50 percent of first floor building frontages of retail and commercial uses shall be constructed as storefronts and include features such as, but not limited to, ~~be adjacent to a covered sidewalk, with features such~~ as awnings, colonnades, trellises, or arcades. Colonnades and arcades shall be a minimum of ten feet in width, including any support column intrusions. All covered walkways shall have a minimum interior height clearance of 12 feet from ground to ceiling.

The PC pods are required to adhere to the Neighborhood Center provisions within the framework of the TND. The ULDC provisions for the Neighborhood Center are designed to accommodate small centers located within the TND pods. However, the Conceptual Plan and Final Master Plan for the City of Westlake reflect the co-location of these civic uses into pods outside of the TND pods, which the current ULDC did not anticipate.

Neighborhood Parks

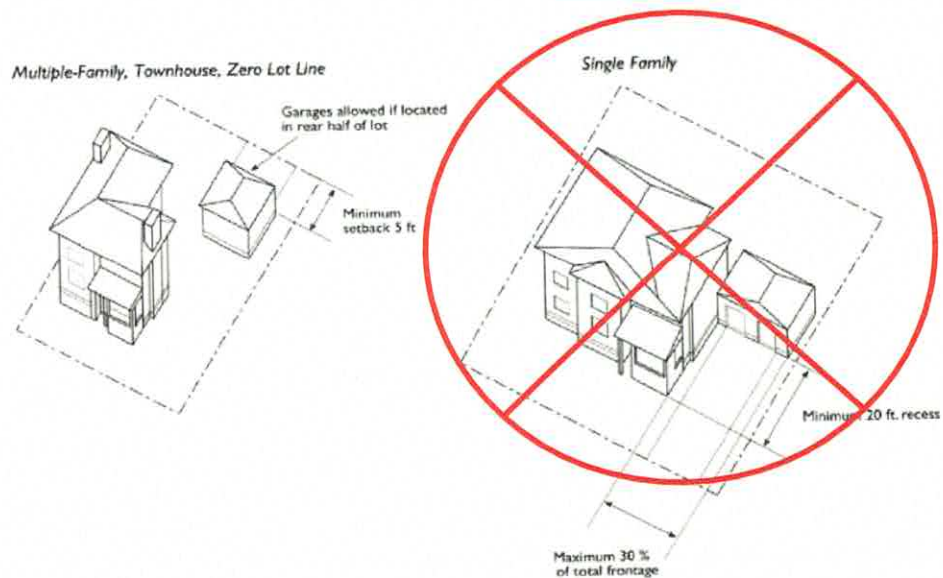
4) **Pedestrian Access**

A minimum of ~~50~~25 percent of a neighborhood park perimeter shall abut a street.

e. **Detached Garages**

Detached Garages are permitted in the rear half of the lot only. Garages accessible from an alley shall be setback a minimum of five feet from the rear property lot line.

Figure 3.F.3.E - TND Detached Garages



1) Exception for Single family or ZLL

~~Garages may be attached to a single family house or ZLL if recessed a minimum of 20 feet from the front facade of the house. Attached garages shall occupy a maximum of 30 percent of the total frontage of the house, as determined by the total length between the two main exterior walls nearest to the interior property lines, including the garage but excluding any attached structures, such as a porch, deck or patio. Attached garages may be increased to a maximum of 40 percent of the total frontage of the house, when a porte cochere is connected to the dwelling and located in front of the garage, and the Driveway widths shall be limited to a maximum of 16-18 feet in width. Wider driveways may be permitted, where adjacent to above-ground mechanical/utility equipment or as otherwise approved by the City Engineer. [Ord. 2014-031]~~

Staff has reviewed the changes as requested by the applicant within Article 3, Chapter F, Section 3(D) and Section 3(E), and staff agrees with the reasonable request of the applicant, staff supports the change, allowing for the changes as noted.

Table 3.F.3.E., entitled TND Residential Lot Size and Setback Regulations

The applicant requested changes to the Article 3, Chapter F, Section 3, Table 3.F.3.E., entitled TND Residential Lot Size and Setback Regulations, changing the minimum single lot width from fifty (50') feet to forty (40'), and changing the townhouse minimum lot depth from seventy-five feet to sixty-five feet, and reducing the side yard setback and rear yard setback. *Proposed amendments are indicated on ~~strike through~~ and underline below:*

Table 3.F.3.E - TND Residential Lot Size and Setback Regulations

Regulation	Single family	ZLL	Townhouse	Multi-Family (1)
Minimum Lot Size	5,000 <u>4,500</u> sq. ft.	3,000 sq. ft.	1,000 sq. ft.	-
Maximum Lot Size	40,000 sq. ft.	15,000 sq. ft.	8,000 sq. ft.	-
Minimum Lot Width	50 <u>40</u> ft.	40 ft.	16 ft.	50 ft.
Minimum Lot Depth	75 ft.	75 ft.	75 <u>65</u> ft.	75 ft.
Front Setback	10 ft. min.	10 ft. min.	5 ft. min.	no min.
	20 ft. max.	20 ft. max.	10 ft. max.	30 ft. max.
Side Setback	5 ft. min.	0 ft. on zero lot line ZLL side and 10 ft. on other	no minimum <u>15-10</u> ft. separation	5 ft. min. 15 ft. separation
			10-5 ft. adjacent to Single family or ZLL Houses	20 ft. adjacent to Single family or ZLL Houses
Side Street Setback	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.
Rear Setback	10 ft.	10 ft. min.	15-10 ft. min.	15 ft. min.
	5 ft. min. for accessory Structure	5 ft. min. for accessory Structure or alley	5 ft. min. for accessory Structure or alley	-
	5 ft. min. for a garage accessible from an alley.	5 ft. min. for a garage accessible from an alley	5 ft. min. for a garage accessible from an alley	-

~~IOrd. 2012 0271 IOrd. 2014 0311~~

Notes:

- Multi-family units located in a Neighborhood Center shall be subject to the lot sizes of that Use Zone.
- The provisions in this table shall not preclude the applicability of Article 5.B.1.A.11.b.1.b.2, which provides setback relief to lots adjacent to open space areas.
- Accessory structures shall maintain the same setbacks as the principal structure, notwithstanding setback reductions provided within the City's ULDC.

Staff has reviewed the request to change the minimum single lot width from fifty (50') feet to forty (40'), and changing the townhouse minimum lot depth from seventy-five feet to sixty-five feet, and reducing the side yard setback and rear yard setback as contained within Table 3.F.3.E., and agrees with the reasonable request of the applicant, staff supports the change, allowing for the changes as noted in Table 3.F.3.E.

Please see attached Ordinance 2018-5 and Exhibit "A".



City of Westlake
Planning and Zoning Department
Staff Report – 12/26/2017

PETITION DESCRIPTION

DATE: December 26, 2017

PETITION NUMBER: TEXT-ULDC-2017-03 (***Ordinance 2018-5***)

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: Amend the City of Westlake interim Unified Land Development Code (ULDC) to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods.

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Ordinance 2018-5

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2) Maximum and Minimum Site Area

Each individual Neighborhood Center shall be ~~a minimum 0.5 acre and a~~ maximum of ~~2.5~~ 10 acres in size.

4) Maximum Floor Area Ratio (FAR)

~~1.0~~ 0.25, FAR for residential uses counted as density shall not be calculated as square footage subject to the maximum FAR. ~~{Ord. 2012-027}~~

5) Maximum building coverage

~~50-35~~ percent.

3) Multi-family and Live/Work

Multi-family residential and live/work units shall only be permitted subject to approval by the DRO. Horizontal and vertical integration of residential and non-residential uses shall be encouraged. ~~the following: {Ord. 2012-027}~~

~~a) Permitted residential uses are located above non residential uses; and, {Ord. 2012-027}~~

~~b) The FAR of residential uses shall not exceed 30 percent of the combined FAR of non residential and residential uses. The calculation of residential FAR in determining compliance herein does not alter that residential uses are calculated as density, unless otherwise stated within the ULDC. {Ord. 2012-027}~~

c. Maximum Building Height

45 feet ~~— U/S Tier, 25 feet — Rural/Exurban Tiers.~~

d. Building Orientation

Buildings shall front a street, open space, or pedestrian pass-through. All principal buildings shall have their entrance facing the street or an intersection.

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A minimum of 50 percent of a commercial building shall have a zero setback. The remaining 50 percent may be set back a maximum of ten feet. Exceptions to the minimum setback shall be permitted to allow for utility conflicts, where necessary.

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The PC pods are required to adhere to the Neighborhood Center provisions within the framework of the TND. The ULDC provisions for the Neighborhood Center are designed to accommodate small centers located within the TND pods. However, the Conceptual Plan and Final Master Plan for the City of Westlake reflect the co-location of these civic uses into pods outside of the TND pods, which the current ULDC did not anticipate.

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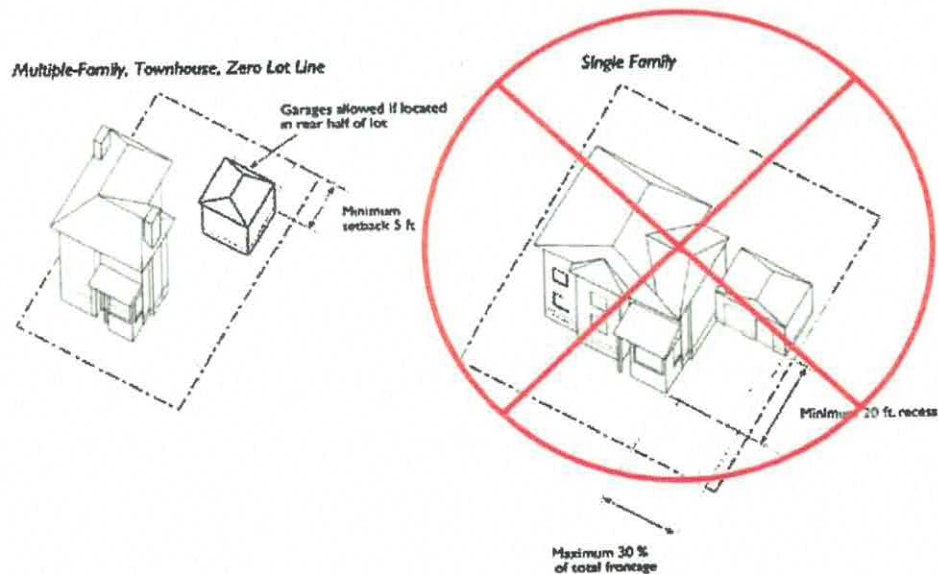
4) **Pedestrian Access**

A minimum of ~~50~~25 percent of a neighborhood park perimeter shall abut a street.

e. **Detached Garages**

Detached Garages are permitted in the rear half of the lot only. Garages accessible from an alley shall be setback a minimum of five feet from the rear property lot line.

Figure 3.F.3.E - TND Detached Garages



~~4) Exception for Single family or ZLL~~

~~Garages may be attached to a single family house or ZLL if recessed a minimum of 20 feet from the front facade of the house. Attached garages shall occupy a maximum of 30 percent of the total frontage of the house, as determined by the total length between the two main exterior walls nearest to the interior property lines, including the garage but excluding any attached structures, such as a porch, deck or patio. Attached garages may be increased to a maximum of 40 percent of the total frontage of the house, when a porte cochere is connected to the dwelling and located in front of the garage, and the Driveway widths shall be limited to a maximum of 16-18 feet in width. Wider driveways may be permitted, where adjacent to above-ground mechanical/utility equipment or as otherwise approved by the City Engineer. [Ord. 2014-031]~~

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Maximum Lot Size	40,000 sq. ft.	15,000 sq. ft.	8,000 sq. ft.	-
Minimum Lot Width	50 <u>40</u> ft.	40 ft.	16 ft.	50 ft.
Minimum Lot Depth	75 ft.	75 ft.	75 <u>65</u> ft.	75 ft.
Front Setback	10 ft. min.	10 ft. min.	5 ft. min.	no min.
	20 ft. max.	20 ft. max.	10 ft. max.	30 ft. max.
Side Setback	5 ft. min.	0 ft. on zero lot line ZLL side and 10 ft. on other	no minimum <u>15-10</u> ft. separation	5 ft. min. 15 ft. separation
			10-5 ft. adjacent to Single family or ZLL Houses	20 ft. adjacent to Single family or ZLL Houses
Side Street Setback	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.
Rear Setback	10 ft.	10 ft. min.	15-10 ft. min.	15 ft. min.
	5 ft. min. for accessory Structure	5 ft. min. for accessory Structure or alley	5 ft. min. for accessory Structure or alley	-
	5 ft. min. for a garage accessible from an alley.	5 ft. min. for a garage accessible from an alley	5 ft. min. for a garage accessible from an alley	-

~~Ord. 2012-0271~~ Ord. 2014-0311

Notes:

- Multi-family units located in a Neighborhood Center shall be subject to the lot sizes of that Use Zone.
- The provisions in this table shall not preclude the applicability of Article 5.B.1.A.11.b.1.b.2. which provides setback relief to lots adjacent to open space areas.
- Accessory structures shall maintain the same setbacks as the principal structure, notwithstanding setback reductions provided within the City's ULDC.

Staff has reviewed the request to change the minimum single lot width from fifty (50') feet to forty (40'), and changing the townhouse minimum lot depth from seventy-five feet to sixty-five feet, and reducing the side yard setback and rear yard setback as contained within Table 3.F.3.E., and agrees with the reasonable request of the applicant, staff supports the change, allowing for the changes as noted in Table 3.F.3.E.

Please see attached Ordinance 2018-5 and Exhibit "A".

DEC 06 2017



Landscape Architects | Land Planners | Environmental Consultants

Received

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City of Westlake ULDC Text Amendment

Justification Statement

December 5, 2017

Introduction

The subject application is a request for various text amendments to the City of Westlake Unified Land Development Code (ULDC). The purpose of the text amendments is to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods. All proposed modification as provided in the attached text amendment document in ~~strike through~~ and underline format.

ARTICLE 1 DEFINITIONS

The Applicant proposed to add one new definition and modify two existing definitions. A definition of **Density Transition Zone (DTZ)** has been added and the definitions for **Fitness Center** and **Medical and Dental Office** have been modified slightly.

The DTZ is referenced and identified on the approved Final Master Plan, but is not formally defined in the ULDC. In order to prevent any confusion relative to the application of the DTZ, the Applicant proposes that a definition be added to Section 1.1.2.A. This will provide clarity of the terminology, since it does not exist outside of the Westlake Development Order, as well as provide consistency of its application.

Density Transition Zone (DTZ) – *The land area of a TTD extending along the entire perimeter of the TTD as set forth on the Master Plan. Density within this zone shall be calculated using the total dwelling units within the DTZ divided by the total acreage of the land area within the total DTZ. (For example, if the perimeter of the TTD was 66,000 feet and there were 800 dwelling units located within 660' of the perimeter boundary, the density would be calculated as follows.*

$$DTZ = 66,000' \text{ perimeter} * 660' \text{ wide} = 43,560,000 \text{ SF}$$

$$DTZ = 1,000 \text{ AC}$$

$$\text{Density} = 800 \text{ du} / 1,000 \text{ AC}$$

$$\text{Density} = 0.8 \text{ du/ac}$$

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The ***Fitness Center*** definition (No. 22) has been modified to include “wellness services.” It is typical for fitness facilities to include wellness services, such as nutritional coaching, BMI exams, blood pressure tests, minor medical treatments for exercise injuries, flu shots, etc. The additional text will address this use more clearly for future applications.

The ***Medical or Dental Office*** definition (No. 32) has been modified to include “Immediate and/or emergent.” This addition will clarify the type of medical uses envisioned to be encompassed within the medical office category.

ARTICLE 3

PLANNED DEVELOPMENT DISTRICTS (PDDs) TEXT AMENDMENT

Purpose

The purpose of the requested text amendments to the PDD section of Article 3 is to address revisions to the PDD Use Matrix table, PUD regulations, and TTD regulations. In addition, the Applicant has taken the opportunity to update references to “Palm Beach County,” “BCC,” “county,” and prior ordinance references, which are no longer applicable.

1. PDD Use Matrix

Table 3.E.1.B – PDD Use Matrix sets forth the permitted and prohibited uses for the EDC/MUPD pods within the City of Westlake. The vision for the EDC, as outlined in the current Future Land Use Element, is to accommodate employment opportunities, research parks, employment centers, and other ancillary uses to support the EDC uses. However, these types of uses are not fully reflected in Table 3.E.1.B. The uses currently prescribed in the table include heavy industrial uses. In order to foster the employment opportunities envisioned for this area of the City, the EDC pods must include opportunities for professional and medical offices, hospital or medical centers, assisted living facilities, universities, places of worship, financial institutions, personal services, etc. It is also appropriate to locate other business supporting uses in the EDC, such as a car wash, auto repair services, convenience stores with gas sales, restaurants, fitness, etc. The proposed amendments to Table 3.E.1.B – PDD Use Matrix are provided in the attached text amendment document in ~~striketrough~~ and underline format.

2. PUD Regulations

The PUD provisions of Article 3 are designed to address stand-alone PUD’s which are typical of residential development in Palm Beach County. These typical PUD’s are self-contained and not part of a larger community design. The PUD pods within the City of Westlake are unique in that they are one component of a larger TTD framework. Therefore, it is appropriate to amend certain PUD code requirements within the ULDC to be reflective of this unique development pattern. The proposed amendments will bring clarity and consistency with how these regulations are applied within the Westlake TTD. The proposed amendments to PUD regulations are generally

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described below and are provided in the attached text amendment document in ~~striketrough~~ and underline format.

Neighborhood Park

Section 3.E.2.B.2.c. of the City's ULDC requires a Neighborhood Park to be provided within the PUD pods as part of the Performance Standards. The Neighborhood Park requirement is above and beyond the Parks and Recreation requirement of 0.006 acres of recreation area per dwelling unit. The PUD section of the ULDC (Art. 3.E.2.E.3) requires that recreation areas comply with Art. 5.D. Article 5.D.2.B, *Community and Neighborhood Park Recreation Standards*, sets forth the standards for Neighborhood Parks. The size of the park is the equivalent of 2.5 acres per 1,000 people, based on 2.32 people per unit.

The Applicant is providing a large recreation amenity on Pod PC-1 that will contain water facilities, playgrounds, walking paths, sports courts, a clubhouse, etc. The amenities within Pod PC-1 will far exceed the recreational needs of the City. Smaller tot lots and passive open space areas will be provided within the residential areas as part of the required recreation acreage. Requiring a Neighborhood Park in addition to recreation areas within each pod will dilute the potential of the formal amenity facility in Pod PC-1. Therefore, the Applicant is requesting that the Neighborhood Park not be required for those pods in proximity to Pod PC-1 the ability to combine the Neighborhood Park requirement within the recreation acreage. In addition to Pod PC-1 there are four other private civic pods located throughout the City that will also provide neighborhood services and amenities to the community.

PUD Thresholds

Table 3.E.2.C of the City's ULDC requires a minimum of 40 percent open space within each PUD pod. The current ULDC is designed to address stand-alone PUD's which are not part of a larger community design. As part of the Development Order for Minto Westlake TTD, the Applicant is required to maintain a Natural Transect area of 55 percent. The Natural Transect, by design, maximizes open space outside of the pod boundaries. In order to provide for this significant amount of Natural Transect, the pod boundaries were reduced. The intent of the initial design was for the development to be concentrated within the pod boundaries, so the natural, open space areas could exist outside of the pod. This allows larger tracts of natural areas to be created, rather than small, less usable open space areas within the pods. Therefore, the proposed text amendment would establish an open space requirement of 27 percent within the PUD pod boundaries. As part of this amendment, the Applicant has also taken the opportunity to strike language related to the AGR district and Exurban/Rural transect, which are not applicable to the City of Westlake.

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3. TDD Regulations

Unlike most areas of the current ULDC, the TDD portion of Article 3 has never been implemented in a physical form within Palm Beach County. Therefore, the design provisions have never been tested and are not reflective of current traditional neighborhood trends in the marketplace. Therefore, it is appropriate to amend certain TDD code requirements within the ULDC to recognize industry standards for traditional communities and be reflective of current development patterns that have been field tested and proved successful. The proposed standards have been constructed throughout the State of Florida and have produced the intended results. The proposed amendments to TDD regulations are generally described below and are provided in the attached text amendment document in ~~strike through~~ and underline format.

Traditional Development Permitted Use Schedule

Table 3.F.1.F of the City's ULDC sets forth the permitted uses within the TND and TMD pods. The Westlake Development Order outlines certain conditions of approval that are specific to Private Civic (PC) pods. Resolution 2014-1646, Private Civic, condition no. 1 requires all private civic pods to "follow the development regulations of a Traditional Neighborhood District and Neighborhood Center requirements." Therefore, there is a need to reflect the uses intended to occupy the PC pods in Table 3.F.1.F. The use schedule has been revised to include uses such as passive and public parks, outdoor entertainment, restaurants, and other supportive uses. References to Exurban/Rural tiers has been struck as well.

Block Dimensions

Table 3.F.2.A of the City's ULDC establishes minimum and maximum block standards for TND neighborhoods. Modifications to the block lengths and average perimeters are proposed to allow more flexibility in the neighborhood design. The current regulations would result in a significant increase in pavement and segregation of the home layouts. In addition, the adjusted block lengths will provide the ability to for more curvature in the streets, on-street parking, and street trees. The proposed amendments are based on street designs utilized in numerous traditional communities throughout Palm Beach County.

Street Design Standards

TABLE 3.F.2.A of the City's ULDC establishes standards for street cross-sections. To provide clarity, the Applicant is proposing to add "minimum" to the table's title. In the past, there have been instances where the design standards were applied as both maximum and minimum thresholds. It is the intent that the standards provided in the table be applied as minimum thresholds.

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It is the visions of the Applicant to produce streets that are appropriately scaled and comfortable to the City's future residents. The standards within Table 3.F.2.A are set up to produce much wider roadways that are inconsistent with sound neighborhood design. Narrower streets help to establish a sense of place, solicit lower traffic speeds, and create more integration with the development pods.

Parking

The current TDD code requires structured parking to be provided when the parking ratio exceeds 1 sp/250 sf. This ratio is proposed to reflect a ratio of 1 sp/200 sf, to avoid forcing medial users, who have higher parking ratios, to construct structured parking. Within the EDC/MUPD district, where medical uses are desired, this provision would be especially problematic. The structured parking thresholds should come into effect when excessive amounts of surface parking occur, not when the minimum parking standards required by code are being provided. This would create a significant barrier to entry.

TND Setback Standards

As discussed above, the PC pods are required to adhere to the Neighborhood Center provisions within the framework of the TND. The ULDC provisions for the Neighborhood Center are designed to accommodate small centers located within the TND pods. However, the Conceptual Plan and Final Master Plan for the City of Westlake reflect the co-location of these civic uses into pods outside of the TND pods, which the current ULDC did not anticipate. Therefore, revisions to the setback chart are necessary to create minimum setback standards, rather than maximum setbacks. The PC pods are smaller pods that do not meet the minimum sizes necessary to create effective streets and block structures that are needed to meet the building orientation and build-to line standards. The proposed amendments provide exceptions for PC pods from such requirements, which leaving opportunity for neighborhood centers to be provided within the TND pods in the future.

ARTICLE 4 USE REGULATIONS TEXT AMENDMENT

Purpose

The purpose of the requested text amendments to Article 4 is to address use regulations for **Place of Worship, Medical or Dental Office and Retail Sales, General**. In addition, the Applicant has taken the opportunity to update references to "Palm Beach County," "BCC," "county," and prior ordinance references, which are no longer applicable.

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Article 4, note 29 refers to **Place of Worship**. Recently, Palm Beach County amended Article 4 of the ULDC to address Places of Worship. The revised language included criteria to address location, access, and size.

Article 4, note 83 refers to **Medical or Dental Office**. The modifications to this note are the same as the definition changes made in Article 1. The change in Article 4 is simply to make the two Articles consistent.

Article 4, note 114 refers to **Retail Sales, General**. The additional language in the note establishes a square footage threshold for retail uses within the EDC/MUPD district of 2,500 square feet. This will help ensure that the types of retail uses locating within the EDC remain accessory to and supportive of employment uses. Tenants occupying more than 2,500 square feet will only be permitted as a requested use.

Conclusion

The proposed ULDC text amendment is consistent with the City's Comprehensive Plan. The Applicant looks forward to working with Staff to respond to any questions or issues that might arise as a result of your review.

ORDINANCE NO. 2018-5

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S INTERIM LAND DEVELOPMENT CODE, ARTICLE 3, CHAPTER F, SECTION 3, TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT ("TNDs"), TABLE 3.F.3.C. TND LAND USE, GENERAL STANDARDS AND TABLE 3.F.3.E., TND RESIDENTIAL LOT SIZE AND SETBACK REGULATIONS; , ARTICLE 3, CHAPTER F, SECTION 3(D) and SECTION 3(E); PROVIDING FOR CHANGES IN THE TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT ("TND"); PROVIDING FOR AMENDMENTS TO THE LAND USE, GENERAL STANDARDS, LOT SIZE AND SETBACK REGULATIONS ; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Chapter 163, upon incorporation, the County's comprehensive plan shall be deemed controlling, until the City of Westlake adopts its' own comprehensive plan; and

WHEREAS, the pursuant to Section 163.3174(4)(C), the Planning and Zoning Board, sitting as the Local Planning Agency(LPA), has the authority to review proposed land development regulations, land development codes, or amendments thereto; and

WHEREAS, the applicant has requested review use provisions in Article 3, Chapter F, Section 3, Table 3.F.3.C., entitled Traditional Neighborhood Development District Land Use, to remove single family, zero lot line and multi-family townhouse from the minimum and maximum requirements within the land development codes for the City of Westlake; and

WHEREAS, the applicant requested changes to the Article 3, Chapter F, Section 3, Table 3.F.3.E., entitled TND Residential Lot Size and Setback Regulations, changing the minimum single lot width from fifty (50') feet to forty (40'), and changing the townhouse minimum lot depth from seventy-five feet to sixty-five feet, and reducing the side yard setback and rear yard setback; and

WHEREAS, the staff has reviewed the request to remove single family, zero lot line and multi-family townhouse from the minimum and maximum requirements contained within Table 3.F.3.C. and agrees with the reasonable request of the applicant, staff supports the change, allowing for the changes as noted in Table 3.F.3.C.; and

WHEREAS, the staff has reviewed the request to change the minimum single lot width from fifty (50') feet to forty (40'), and changing the townhouse minimum lot depth from seventy-five feet to sixty-five feet, and reducing the side yard setback and rear yard setback as contained within Table 3.F.3.E., and agrees with the reasonable request of the applicant, staff supports the change, allowing for the changes as noted in Table 3.F.3.E.; and

WHEREAS, the applicant has requested changes in the Neighborhood Center Land Use Zones, General Standards for the location, maximum and minimum site area, maximum floor area ratio, maximum building coverage, as set forth in Article 3, Chapter F, Section 3(D) and Section 3(E), of the land development codes within the City of Westlake; and

WHEREAS, the staff has reviewed the changes as requested by the applicant within Article 3, Chapter F, Section 3(D) and Section 3(E), and staff agrees with the reasonable request of the applicant, staff supports the change, allowing for the changes as noted; and

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

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

WHEREAS, the staff for the City of Westlake has reviewed the request of the applicant for changes to Article 3, Chapter F, Section 3, Table 3.F.3.C., entitled Traditional Neighborhood Development District Land Use; Neighborhood Center Land Use Zones, General Standards; Article 3, Chapter F, Section 1, Table 3.F.3.E., TND Residential Lot Size and Setback Regulations; and Article 3, Chapter F, Section 3(D) and Section 3(E) as modified herein; and

WHEREAS, having considered the recommendations of the Planning and Zoning Board, the City Council for the City of Westlake has found and determined that the adoption of the land development text amendment to Article 3, Chapter F, Section 3, Table 3.F.3.C., entitled Traditional Neighborhood Development District Land Use; Neighborhood Center Land Use Zones, General Standards; Article 3, Chapter F, Section 1, Table 3.F.3.E., TND Residential Lot Size and Setback Regulations; and Article 3, Chapter F, Section 3(D) and Section 3(E) will preserve the public health, safety and welfare, enhance the value and character of the community and implement the interim adopted comprehensive plan.

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

- Section 1.** Incorporation: The above recitals are true and correct and are incorporated herein by this reference.
- Section 2.** Amendment: The City of Westlake hereby amends the interim Land Development Code, Article 3, Chapter F, Section 3, Table 3.F.3.C., entitled Traditional Neighborhood Development District Land Use; Neighborhood Center Land Use Zones, General Standards; Article 3, Chapter F, Section 1, Table 3.F.3.E., TND Residential Lot Size and Setback Regulations; and Article 3, Chapter F, Section 3(D) and Section 3(E), as shown in underline and strikethrough format, in the Exhibit "A" attached hereto and incorporated herein.
- 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.** Effective Date: This ordinance shall be effective upon adoption on second reading.

PASSED this _____ day of January, 2018, on first reading.

PASSED AND ADOPTED this _____ day of February, 2018, on second reading.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

City Attorney
Pam E. Booker, Esq.

Exhibit "A"
City of Westlake Amendment to Article 3, Chapter F, Section 3
Traditional Neighborhood Development

ARTICLE 3

OVERLAYS & ZONING DISTRICTS

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- 1) Size**
~~0.75~~One square foot of signage for every linear foot of tenant frontage shall be permitted, up to a maximum of ~~64-70~~ square feet. ~~[Ord. 2009-040]~~
- 2) Sign Placement**
 - a) Signs shall be located between the first and second story of the building. If the second story is non-residential, the signage shall comply with the minimum vertical separation requirements in Table 8.G.1.A, Wall Sign Standards. ~~[Ord. 2009-040]~~
 - b) All significant decorative elements on the building shall be considered when locating wall signs to ensure they are in harmony with each other. In addition, the architecture features, elements, or building lines shall not be modified to accommodate the location of the signs. ~~[Ord. 2009-040]~~
- 3) Projection**
 Sign projection shall not exceed a maximum of 30 inches from any building face. ~~[Ord. 2009-040]~~
- b. Freestanding Signs**
 Unless otherwise provided herein, all freestanding signs shall be prohibited.
 - ~~1) AGR-TMD Exceptions~~
~~Freestanding signs shall be permitted in an AGR-TMD pursuant to the following requirements: [Ord. 2009-040]~~
 - ~~a) Maximum Size and Height~~
~~Signs shall not exceed 150 square feet of sign face area, and shall be limited to 15 feet in height [Ord. 2009-040]~~
 - ~~b) Maximum Number Allowed~~
~~One freestanding sign shall be permitted per right-of-way frontage. [Ord. 2009-040]~~
 - 2) A-frame Signs**
 Temporary freestanding A – frame signs shall be allowed in front of arcades and covered walkways for commercial or mixed-use buildings, provided they do not conflict with pedestrian walkways. ~~[Ord. 2009-040]~~
- c. Entrance Wall Signs**
 Entrance wall signs are permitted for the purpose of identification, subject to the standards in [Art. 8, Signage](#). Sign copy and graphics shall identify only the name of the development and the address.
- ~~7. Recreation Clubhouse Emergency Generators~~
~~A permanent emergency generator shall be required for all TDD clubhouses 20,000 square feet or greater, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators. [Ord. 2006-004] [Ord. 2011-016]~~

Section 3 Traditional Neighborhood Development (TND)

A. Specific Purposes

The purpose of the TND district is to:

- 1. Establish a specific neighborhood identity and focus with a pedestrian-oriented design consistent with the tier in which the development is located;
- 2. Provide a range of residential, commercial, civic, and open space land uses in close proximity to one another within the neighborhood;
- 3. Encourage a variety of non-vehicular modes of transportation, such as walking and, bicycling, segways, equestrian, golf carts where permitted by F.S., and water oriented uses such as kayaks, canoes or stand up paddle boards, to reduce the need for local automobile trips; ~~[Ord. 2014-034]~~
- 4. Offer a range of housing opportunities;
- 5. Preserve natural features and scenic areas; and
- 6. Provide a safe and efficient circulation system for pedestrians, non-motorized vehicles, and automobiles, and emphasize connectivity within and to adjacent uses.

B. Uses

Uses allowed in a TND district are listed in Table 3.F.1.F, Traditional Development Permitted Use Schedule.

C. Thresholds

A TND shall comply with [Table 3.A.3.D, TDD Corresponding Land Use](#), and the following: ~~[Ord. 2006-004]~~

1. Minimum Size

The minimum gross land area required for a TND is 40 contiguous acres. Within the U/S Tier, the minimum size may be reduced to 25 acres for infill projects that are adjacent to existing residential, civic, or commercial development on at least two sides. ~~[Ord. 2006-004]~~

2. Land Use Mix

TNDs shall provide residential, recreational, civic, and neighborhood commercial land uses, as provided in Table 3.F.3.C, TND Land Use. A TND developed as part of a TTD is subject to the minimum land use allocations provided in Table 3.F.5.D, Traditional Town Development Land Use Allocations. ~~[Ord. 2006-004]~~

Table 3.F.3.C - TND Land Use

Land Use Mixes	Percent of Total Gross Area	
	Minimum	Maximum
Residential	-	-
Single-Family	25	70
Zero-Lot-Line (ZLL)	-	50
Multi-Family/Townhouse	20	60
Neighborhood Centers	20	10
Civic (1)	2	25
Open Space/ Recreation	5	-
[Ord. 2006-004] [Ord. 2010-022]		
Notes:		
1. Civic uses may be collocated with the Neighborhood Centers.		

3. Minimum Development Threshold

Any TND or single project of TNDs with more than 320 acres shall be developed as a TTD. ~~[Ord. 2006-004] [Ord. 2010-022] [Ord. 2014-031]~~

D. General Standards

The following standards apply to all TND development:

1. Neighborhoods

The basic component of a TND is the neighborhood, organized in blocks around a neighborhood center. ~~Each neighborhood within a TND shall not exceed 80 acres.~~ No TND shall include more than four neighborhoods unless the TND is included within a TTD Refer to [Art. 3.F.5. TTD.](#)

2. Connections

All uses in a TND shall be connected by sidewalks or pedestrian paths, bicycle paths or bicycle lanes, and vehicular streets. A minimum of 80 percent of all streets shall connect at both ends to other streets at an intersection. All paths or trails, including bicycle paths or lanes, shall interconnect to form a continuous network throughout the TND and to paths or trails linked adjacent neighborhoods. Vehicular gates are prohibited on all streets, except alleys serving residential uses. Vehicular gates are not allowed on alleys serving commercial uses. ~~[Ord. 2006-004]~~

E. Land Use Zones

1. Neighborhood Center

A Neighborhood Center is intended to accommodate neighborhood-oriented non-residential uses and services. It may include professional offices, community facilities, and civic uses to serve the population of the TND and adjacent neighborhoods. Multi-family or live/work residential uses are encouraged when located above non-residential uses. ~~[Ord. 2012-027]~~

a. General Standards

1) Location

Each Neighborhood Center shall be centrally located in its neighborhood and shall be adjacent to a minimum of one side of a neighborhood square. ~~A Neighborhood Center not centrally located in a neighborhood shall front onto a Collector or Arterial Road and must be located at least one half mile from the Downtown Mixed-Use Category and any other Neighborhood Centers. A non-central location is permitted on an infill site, provided it is within 1320 linear feet of 100 percent of the units in the TND and also can serve the local shopping needs of an adjacent neighborhood.~~

2) Maximum and Minimum Site Area

Each individual Neighborhood Center shall be a ~~minimum 0.5 acre and a maximum of 2.5~~ 10 acres in size.

3) Parking

Parking shall be provided in accordance with [Article 3.F.2.A.2. Parking and Access.](#)

4) Maximum Floor Area Ratio (FAR)

~~1.00~~ 25 FAR for residential uses counted as density shall not be calculated as square footage subject to the maximum FAR. ~~[Ord. 2012-027]~~

5) Maximum building coverage

~~50-35~~ percent.

6) Maximum Total Floor Area

~~40,000 square feet of GFA, excluding multi-family units or the residential portion of a live/work unit counted as density. [Ord. 2012-027]~~

b. Building Standards

1) Maximum Floor Area per Tenant

8,000 square feet.

a) Exception

Up to 30,000 square feet is allowed for a food store. If a TND is developed as part of a TTD, the maximum allowed for a food store in a Neighborhood Center shall be 20,000 square feet.

2) Setbacks

Minimum and maximum building setbacks shall conform to the standards in Table 3.F.3.E, TND Non-Residential Setback Regulations.

Table 3.F.3.E - TND Non-Residential Setback Regulations

Regulation	Neighborhood Center and Civic	Open Space/Recreation
Front Setback	0 ft. min. 10 ft. max.	20 ft.
Side Setback	0 ft. for attached buildings 5 ft. min. for detached buildings 10 ft. adjacent to residential	20 ft.
Rear Setback	10 ft. min.	20 ft.

3) Multi-family and Live/Work

Multi-family residential and live/work units shall only be permitted subject to approval by the DRO. Horizontal and vertical integration of residential and non-residential uses shall be encouraged. the following: [Ord. 2012-027]
~~a) Permitted residential uses are located above non-residential uses; and, [Ord. 2012-027]~~
~~b) The FAR of residential uses shall not exceed 30 percent of the combined FAR of non-residential and residential uses. The calculation of residential FAR in determining compliance herein does not alter that residential uses are calculated as density, unless otherwise stated within the ULDC. [Ord. 2012-027]~~

c. Maximum Building Height

~~45 feet — U/S Tier, 25 feet — Rural/Exurban Tiers.~~

d. Building Orientation

Buildings shall front or orient towards a street, open space, or pedestrian pass-through. All principal buildings shall have their entrance facing the street or an intersection.

e. Build-to Lines

A minimum of 50 percent of a commercial building shall have a zero setback. The remaining 50 percent may be set back a maximum of ten feet. Exceptions to the minimum setback shall be permitted to allow for utility conflicts, where necessary. Private civic pods adhering to the Neighborhood Center provisions shall be exempt from the Build-to line requirements.

f. Covered Walkways

A minimum of 50 percent of ~~all~~-first floor building frontages of retail and commercial uses shall be constructed as storefronts and include features such as, but not limited to, be adjacent to a covered sidewalk, with features such as awnings, colonnades, trellises, or arcades. Colonnades and arcades shall be a minimum of ten feet in width, including any support column intrusions. All covered walkways shall have a minimum interior height clearance of 12 feet from ground to ceiling.

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5) Maximum building coverage

~~50-35 percent.~~

6) Maximum Total Floor Area

~~40,000 square feet of GFA, excluding multi-family units or the residential portion of a live/work unit counted as density. [Ord. 2012-027]~~

b. Building Standards

1) Maximum Floor Area per Tenant

8,000 square feet.

a) Exception

Up to 30,000 square feet is allowed for a food store. If a TND is developed as part of a TTD, the maximum allowed for a food store in a Neighborhood Center shall be 20,000 square feet.

2) Setbacks

Minimum and maximum building setbacks shall conform to the standards in Table 3.F.3.E, TND Non-Residential Setback Regulations.

Table 3.F.3.E - TND Non-Residential Setback Regulations

Regulation	Neighborhood Center and Civic	Open Space/Recreation
Front Setback	0 ft. min. 10 ft. max.	20 ft.
Side Setback	0 ft. for attached buildings 5 ft. min. for detached buildings 10 ft. adjacent to residential	20 ft.
Rear Setback	10 ft. min.	20 ft.

3) Multi-family and Live/Work

Multi-family residential and live/work units shall only be permitted subject to approval by the DRO. Horizontal and vertical integration of residential and non-residential uses shall be encouraged. the following: [Ord. 2012-027]

- a) ~~Permitted residential uses are located above non-residential uses; and, [Ord. 2012-027]~~
- b) ~~The FAR of residential uses shall not exceed 30 percent of the combined FAR of non-residential and residential uses. The calculation of residential FAR in determining compliance herein does not alter that residential uses are calculated as density, unless otherwise stated within the ULDC. [Ord. 2012-027]~~

c. Maximum Building Height

~~45 feet — U/S Tier, 25 feet — Rural/Exurban Tiers.~~

d. Building Orientation

Buildings shall front a street, open space, or pedestrian pass-through. All principal buildings shall have their entrance facing the street or an intersection.

e. Build-to Lines

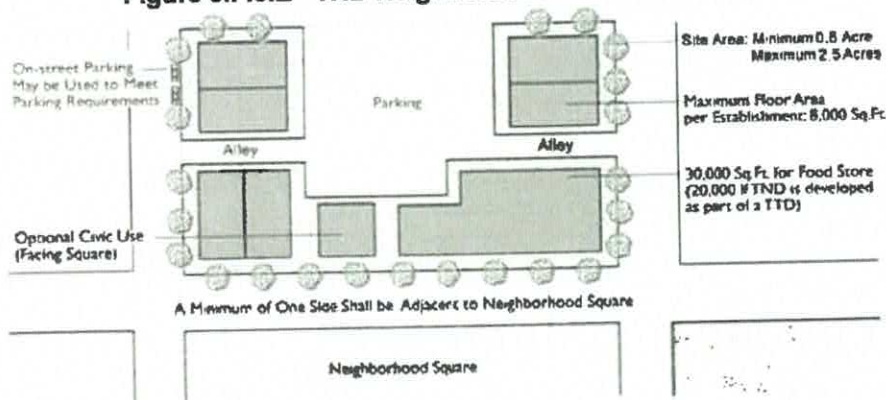
A minimum of 50 percent of a commercial building shall have a zero setback. The remaining 50 percent may be set back a maximum of ten feet. Exceptions to the minimum setback shall be permitted to allow for utility conflicts, where necessary. Private civic pods adhering to the Neighborhood Center provisions shall be exempt from the Build-to line requirements.

f. Covered Walkways

A minimum of 50 percent of ~~all~~ first floor building frontages of retail and commercial uses shall be constructed as storefronts and include features such as, but not limited to, be adjacent to a covered sidewalk, with features such as awnings, colonnades, trellises, or arcades. Colonnades and arcades shall be a minimum of ten feet in width, including any support column intrusions. All covered walkways shall have a minimum interior height clearance of 12 feet from ground to ceiling.

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Figure 3.F.3.E - TND Neighborhood Center Standards



2. Civic
The civic

designation is

intended to accommodate publicly and privately owned institutional land uses intended to serve the neighborhood.

a. Location

Civic parcels used for community buildings shall be located adjacent to a neighborhood square or park, or on a lot terminating a street vista.

b. Public Land Dedication

Based on the proportional impacts of development on the demand for public services and facilities, a portion of a TND may be required to be conveyed or voluntarily committed in simple fee title to the PBC-City of Westlake for civic purposes. These conveyances shall be in a form approved by the County-City Attorney or in the form of a development agreement.

3. Open Space/Recreation

Areas designated for open space/recreation include neighborhood parks, neighborhood squares, and active or passive recreation uses.

4. Neighborhood Square

a. Each neighborhood within a TND shall include a centrally located neighborhood square or "commons." The square and abutting neighborhood commercial and civic uses should serve as a focal point for the surrounding residential neighborhoods.

1) Size

The square shall have a minimum lot size of 20,000 to 140,000 square feet, see Figure 3.F.3.E, TND Neighborhood Park and Square.

2) Street Access

A minimum of 75 percent of a square perimeter shall abut a street.

3) Minimum Pervious Area

The minimum required area of a neighborhood park that must be pervious surface is:

a) ~~U/S Tier~~

25 percent.

b) ~~Exurban and Rural Tiers~~

50 percent.

b. Neighborhood Parks

1) Minimum Area

A minimum of 25 percent of the open space/recreation area required by Table 3.F.3.C, TND Land Use, must be common open space or park accessible to the public. Each neighborhood park shall have a minimum area of 20,000 square feet.

2) Location

Neighborhood parks shall be located within each neighborhood of a TND and shall be distributed so that 100 percent of all dwelling units are located within 1320 linear feet from a park or other recreation area.

3) Minimum Pervious Area

The minimum required area of a neighborhood park that must be pervious surface is:

a) ~~U/S Tier~~

50 percent.

b) Exurban and Rural Tiers

66 percent.

4) Pedestrian Access

A minimum of ~~50-25~~ percent of a neighborhood park perimeter shall abut a street.

5) Active Recreation Areas

Common active recreation uses, such as playing fields and swimming pools, shall be buffered by a perimeter landscape area that complies with the compatibility buffers in [Article 7, LANDSCAPING](#). The neighborhood square shall be exempt from this requirement.

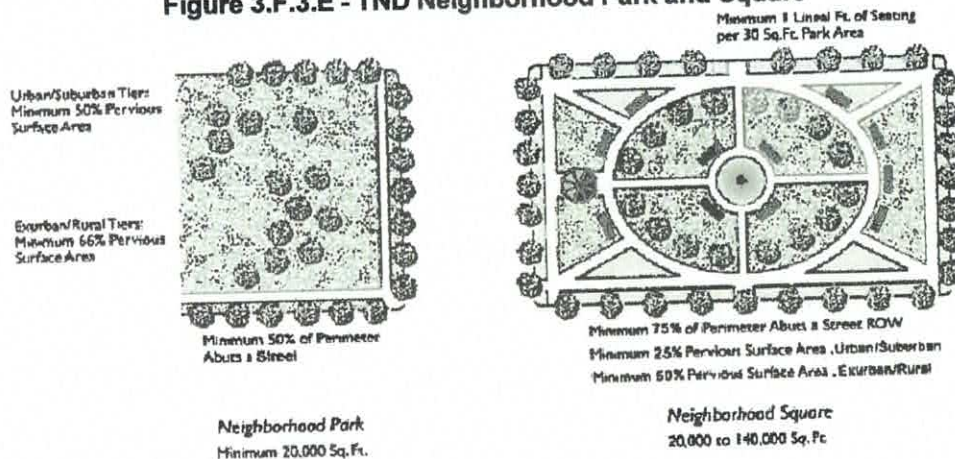
a) Active Recreation Areas in Residential Buildings

Penthouse and rooftop active and passive recreation shall not be counted towards the minimum open space/recreation area requirement.

6) Required Amenities

Neighborhood squares shall include street furniture for outdoor seating and other amenities such as gazebos, fountains, statuary, flag poles, kiosks, and benches. ~~At least one lineal foot of seating area shall be provided for each 100 square feet of park area.~~ Seating area may include wooden benches, seating walls, and retaining walls where the seating area is between 16 inches and 30 inches above grade. **[Ord. 2014-031]**

Figure 3.F.3.E - TND Neighborhood Park and Square



5. Residential Uses

a. Lot Size and Setbacks

Minimum and maximum lot sizes and building setbacks shall conform to the standards in Table 3.F.3.E, TND Residential Lot Size and Setback Regulations, with exception to multi-family units located in a Neighborhood Center. **[Ord. 2012-027]**

b. Maximum Building Height

35 feet.

1) U/S Tier

One foot of additional height may be allowed for multi-family residential buildings for each additional foot of front and side setback, or upper story setback, provided beyond the minimum required setback, up to a total building height of 45 feet.

c. Building Orientation

Residential buildings shall front a street, neighborhood square, open space, or neighborhood park and be directly accessible from a street or designated pedestrian pathway.

d. Accessory Buildings

Accessory buildings shall not exceed 25 feet in height and may be used as a garage or accessory dwelling.

1) Calculation of Density

Accessory dwellings are not considered "dwelling units" for the purposes of calculating the maximum allowable density in a TND.

2) Maximum Number

Up to one accessory dwelling unit per principal dwelling unit is permitted.

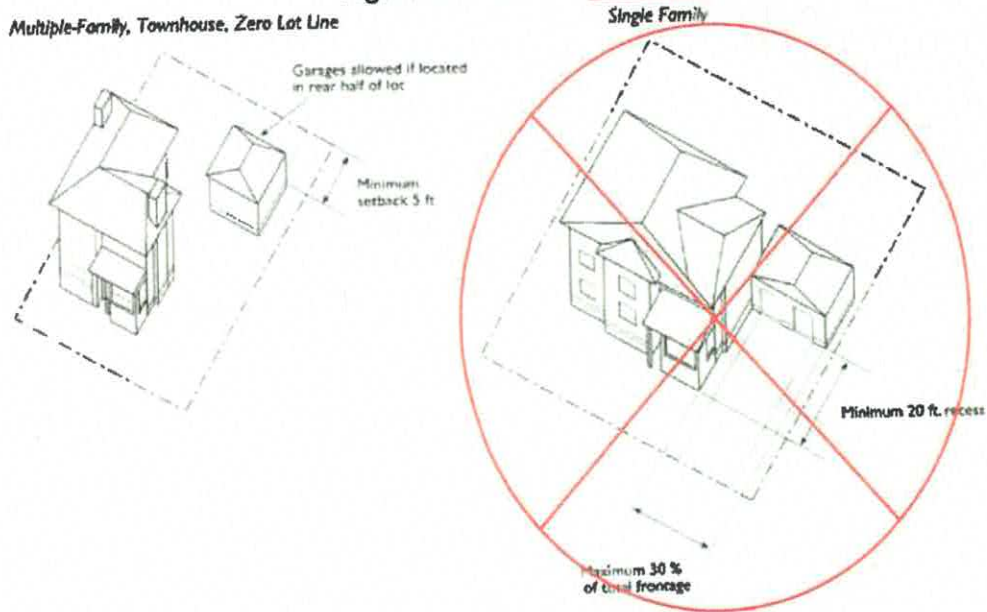
3) Required Parking

One additional parking space per accessory dwelling is required.

e. Detached Garages

Detached Garages are permitted in the rear half of the lot only. Garages accessible from an alley shall be setback a minimum of five feet from the rear property lot line.

Figure 3.F.3.E - TND Detached Garages

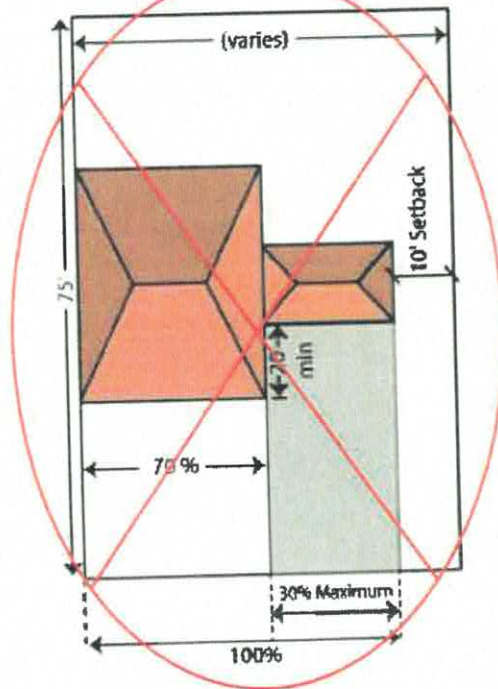


1) Exception for Single family or ZLL

~~Garages may be attached to a single family house or ZLL if recessed a minimum of 20 feet from the front facade of the house. Attached garages shall occupy a maximum of 30 percent of the total frontage of the house, as determined by the total length between the two main exterior walls nearest to the interior property lines, including the garage but excluding any attached structures, such as a porch, deck or patio. Attached garages may be increased to a maximum of 40 percent of the total frontage of the house, when a porte cochere is connected to the dwelling and located in front of the garage, and the Driveway widths shall be limited to a maximum of 46-18 feet in width. Wider driveways may be permitted, where adjacent to above-ground mechanical/utility equipment or as otherwise approved by the City Engineer. [Ord. 2014-031]~~

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Figure 3.F.3.E - ZLL Garages



f. Main Entrances

All residential structures shall have their main entrance fronting a street, neighborhood square, Neighborhood Park, open space, or an intersection, consistent with Article 3.F.3.E.5.c. Corner entries at street intersections are preferred for multi-family structures.

g. Porches

All ~~s~~Single family and ZLL dwellings ~~shall have~~containing a front porch, ~~shall raised at the porch~~ a minimum of ~~18-12~~ inches from the finished grade, or from the sidewalk located in the front yard within the R-O-W. **[Ord. 2014-031]**

1) Size

Porches shall have a minimum depth of six feet and a minimum width of ~~12-8~~ feet.

2) Enclosure

Porches shall comply with the definition of TND, porch in Art. 1.I, Zoning Definitions and Acronyms.

3) Setback Encroachment

A porch, and attached porte cochere where applicable, may encroach a maximum of 25 percent into a front or side street setback, provided there is no utility easement overlap. **[Ord. 2014-031]**

h. Balconies and Patios

A minimum of 20 percent of the total number of dwelling units on each floor in a multi-family structure shall have individual balconies and/or patios.

1) Setback Encroachment

A single family or ZLL patio may encroach a maximum of 25 percent into a front or side street setback, provided there is no utility easement overlap. A balcony may encroach a maximum of six feet into a front or side street setback, provided there is no utility easement overlap. **[Ord. 2014-031]**

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Table 3.F.3.E - TND Residential Lot Size and Setback Regulations Agenda Page 210

Regulation	Single family	ZLL	Townhouse	Multi-Family (1)
Minimum Lot Size	5,000-500 sq. ft.	3,000 sq. ft.	1,000 sq. ft.	-
Maximum Lot Size	40,000 sq. ft.	15,000 sq. ft.	8,000 sq. ft.	-
Minimum Lot Width	50-40 ft.	40 ft.	16 ft.	50 ft.
Minimum Lot Depth	75 ft.	75 ft.	75-65 ft.	75 ft.
Front Setback	10 ft. min.	10 ft. min.	5 ft. min.	no min.
	20 ft. max.	20 ft. max.	10 ft. max.	30 ft. max.
Side Setback	5 ft. min.	0 ft. on zero lot line ZLL side and 10 ft. on other	no minimum 15-10 ft. separation	5 ft. min.
			10-5 ft. adjacent to Single family or ZLL Houses	15 ft. separation
Side Street Setback	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.
Rear Setback	10 ft.	10 ft. min.	15-10 ft. min.	15 ft. min.
	5 ft. min. for accessory Structure	5 ft. min. for accessory Structure or alley	5 ft. min. for accessory Structure or alley	-
	5 ft. min. for a garage accessible from an alley.	5 ft. min. for a garage accessible from an alley	5 ft. min. for a garage accessible from an alley	-
[Ord. 2012-027] [Ord. 2014-031]				
Notes:				
1. Multi-family units located in a Neighborhood Center shall be subject to the lot sizes of that Use Zone.				
2. The provisions in this table shall not preclude the applicability of Article 5.B.1.A.11.b.1.b.2, which provides setback relief to lots adjacent to open space areas.				
3. Accessory structures shall maintain the same setbacks as the principal structure, notwithstanding setback reductions provided within the City's ULDC.				

Section 4 Traditional Marketplace Development (TMD)

A. Purpose

The purpose of the TMD district is to: [Ord. 2005 – 041]

1. Provide a concentrated area for shopping, entertainment, business, services and cultural opportunities by allowing a mix of commercial and institutional uses and establishing physical development and design standards that create pedestrian-oriented development; [Ord. 2005 – 002]
2. Provide housing opportunities through integrated residential uses; [Ord. 2005 – 002] [Ord. 2014-031]
3. Promote a mix of uses in a manner that creates a stronger pedestrian orientation through design, placement and organization of buildings, plazas, common public space, and dispersed parking; and [Ord. 2005 – 002]
4. Ensure traditional marketplaces are compatible with the overall design objectives of the Plan and the MGTS. [Ord. 2005 – 041]

B. Purpose of the TMD District in the AGR Tier (AGR-TMD)

In addition to the above, the purpose of the AGR-TMD is to: [Ord. 2005–041]

1. Promote the preservation of agriculture by providing for compact commercial areas and preserved agricultural land; [Ord. 2005 – 002]
2. Provide for commercial uses serving AGR residents at accessible locations on major arterials; and [Ord. 2005 – 002]
3. Encourage design that is compatible with the surrounding agricultural or rural area; [Ord. 2005 – 002]
4. Implement the conceptual designs that submitted to the BCC on April 6, 2005; and [Ord. 2005-041]
5. Implement the requirements of FLUE Policy 1.5-m, 1.5.1-m, 1.5.1-n, and 2.4-c of the plan. [Ord. 2005-041]

C. Uses Allowed

Uses allowed in a TMD district are listed in Table 3.F.1.F, Traditional Development Permitted Use Schedule. [Ord. 2005 – 002]

D. Development Standards for all TMDs

The following standards apply to TMDs located in all tiers: [Ord. 2005 – 002]

1. General Standards

The following standards apply to all TMDs; however, additional standards or provisions shall apply to the AGR Tier, per [Art. 3.F.4.E, Standards Applicable to AGR Tier](#). [Ord. 2005-002] [Ord. 2005-041]

a. Thresholds

A TMD shall comply with [Table 3.A.3.D, TDD Corresponding Land Use](#), and the following: [Ord. 2006-004]

1) Minimum Site Area

The minimum gross land area required for a TMD is ten contiguous acres. [Ord. 2005-002] [Ord. 2006-004]

2) Minimum Total Floor Area

The following MGTS thresholds shall apply to all non-residential development within a TMD, unless stated otherwise herein: [Ord. 2010-022]

a) U/S Tier

In the U/S Tier, 200,000 square feet is required, with a minimum of 125,000 square feet in the first phase. [Ord. 2010-022]

b) Exurban/Rural Tiers

In the Exurban and Rural tiers, 125,000 square feet is required. Additional development may be phased but shall not exceed a total of 200,000 square feet for the Exurban and Rural Tiers. [Ord. 2010-022]

(1) Agricultural Enclave (AGE) Exception

The minimum square footage for TMDs within an AGE shall be in accordance with an AGE Site Specific FLUA Conceptual Plan. [Ord. 2010-022]

c. AGR Tier

See Art. 3.F.4.E, Standards Applicable to AGR Tier, for AGR Standards. [Ord. 2010-022]

d. Civic and Institutional Exception

Civic and Institutional uses are not subject to these floor area limitations. [Ord. 2005-002] [Ord. 2006-004] [Ord. 2010-022]

3) Minimum FAR

0.4 in the U/S Tier. [Ord. 2005-002] [Ord. 2006-004]

b. Permitted Locations

1) Within the CL designations in Exurban, Rural and AGR Tiers. [Ord. 2005-002]

2) Within the CL/CH designations in the U/S Tier. [Ord. 2005-002]

3) Within an area designated as a TMD Pod within a TTD. [Ord. 2010-022] [Ord. 2014-031]

4) A TMD must have at least 200 feet of frontage along an arterial or collector street. [Ord. 2005-002]

c. Maximum Floor Area per Single Tenant [Ord. 2005-041]

1) U/S Tier

No single tenant may occupy more than 50,000 sq. ft. unless approved as a requested use. Single tenants occupying more than 100,000 square feet are prohibited. [Ord. 2005-002]

2) Exurban/Rural and AGR Tiers

No single tenant may occupy more than 25,000 sq. ft. unless approved as a requested use. Single tenants occupying 65,000 sq. ft. or more are prohibited. [Ord. 2005-002]

3) Maximum Ground Floor Area per Establishment

No single tenant may occupy more than 40 percent of the total ground floor area of a TMD. [Ord. 2005-002]

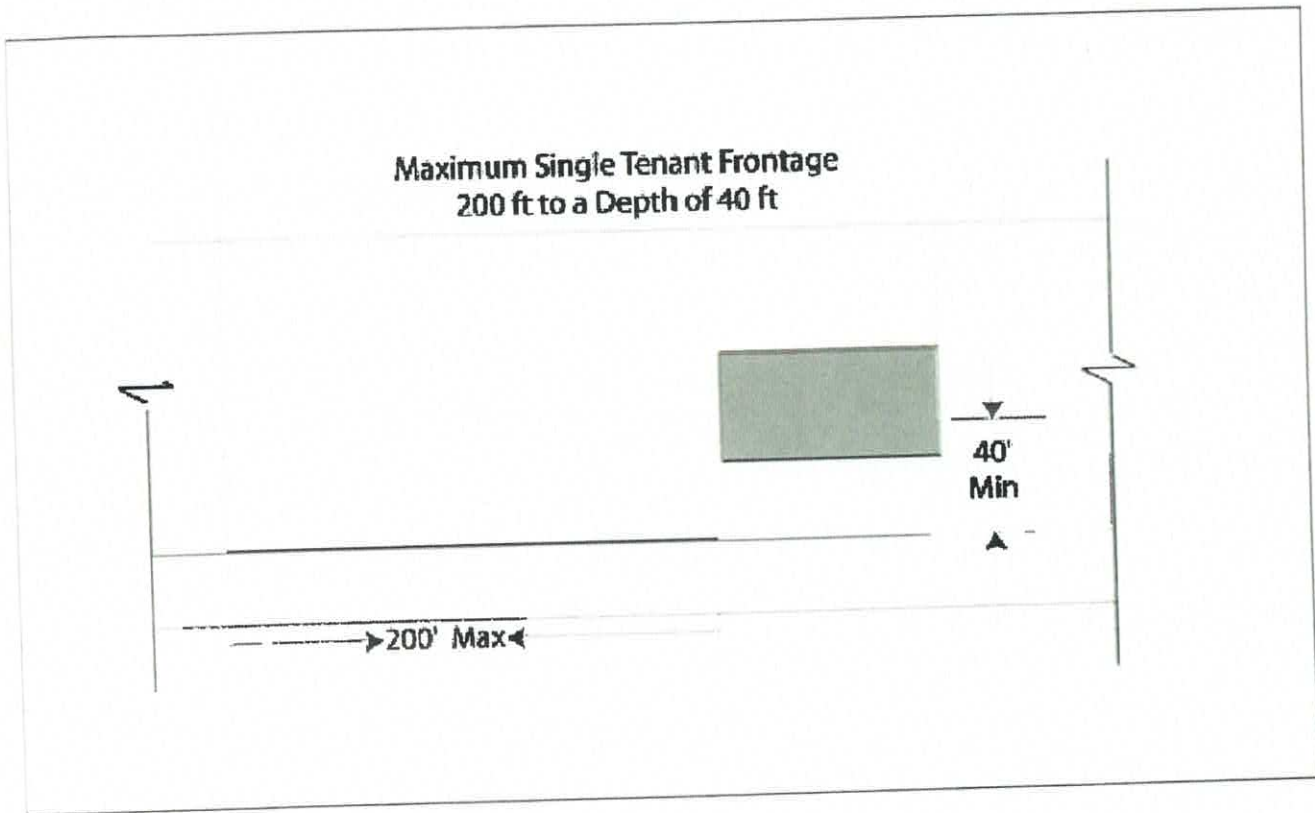
4) Maximum Frontage Per Single Tenant

No single tenant may occupy more than 200 feet of frontage. An increase of up to 240 feet of frontage per single tenant is permitted in the AGR Tier, provided that any increase over 200 feet incorporates the appearance of a separate storefront on the subject façade, to include the following: a distinct architectural style a minimum of 40 feet in length, a similar percentage of transparency, and an additional building entrance, or appearance of an entrance. [Ord. 2005-002] [Ord. 2005-041]

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Figure 3.F.4.D - TMD Maximum Frontage Per Establishment

[Ord. 2005-002]



d. Density/Intensity

1) Multiple Use Projects

Multiple Use Projects may be allowed to utilize up to 100 percent of the combination of a site's residential density and its commercial intensity equivalent. (Additional density or intensity is equivalent to the corresponding amount of non-utilized existing density or intensity). (A = percent of additional density or intensity, U = percent of utilized density or intensity. $A = 100 - U$). [Ord. 2005 - 002]

2) Mixed Use Projects

Mixed Use Projects which vertically integrate at least 20 percent of their allowed residential units with non-residential uses may be allowed to utilize up to 100 percent of both a site's residential density and commercial intensity. [Ord. 2005 - 002]

2. Street Designations and Configurations

All streets and alleys in a TMD dedicated to the public or meeting the definition of a private street shall conform to the standards of [Art. 11. Subdivision, Platting and Required Improvements](#). All neighborhood centers and the central plaza of a TMD shall be directly connected by a non-gated street network. [Ord. 2005 - 002]

a. Mainstreet

At least two two-way streets forming an inter-section shall be designated as Main streets. A minimum of one mainstreet shall cross through the entire length or width of a TMD, unless waived by the BCC. Main streets shall be designed to be consistent with Figure 3.F.2.A, TDD Commercial Street. [Ord. 2005 - 002]

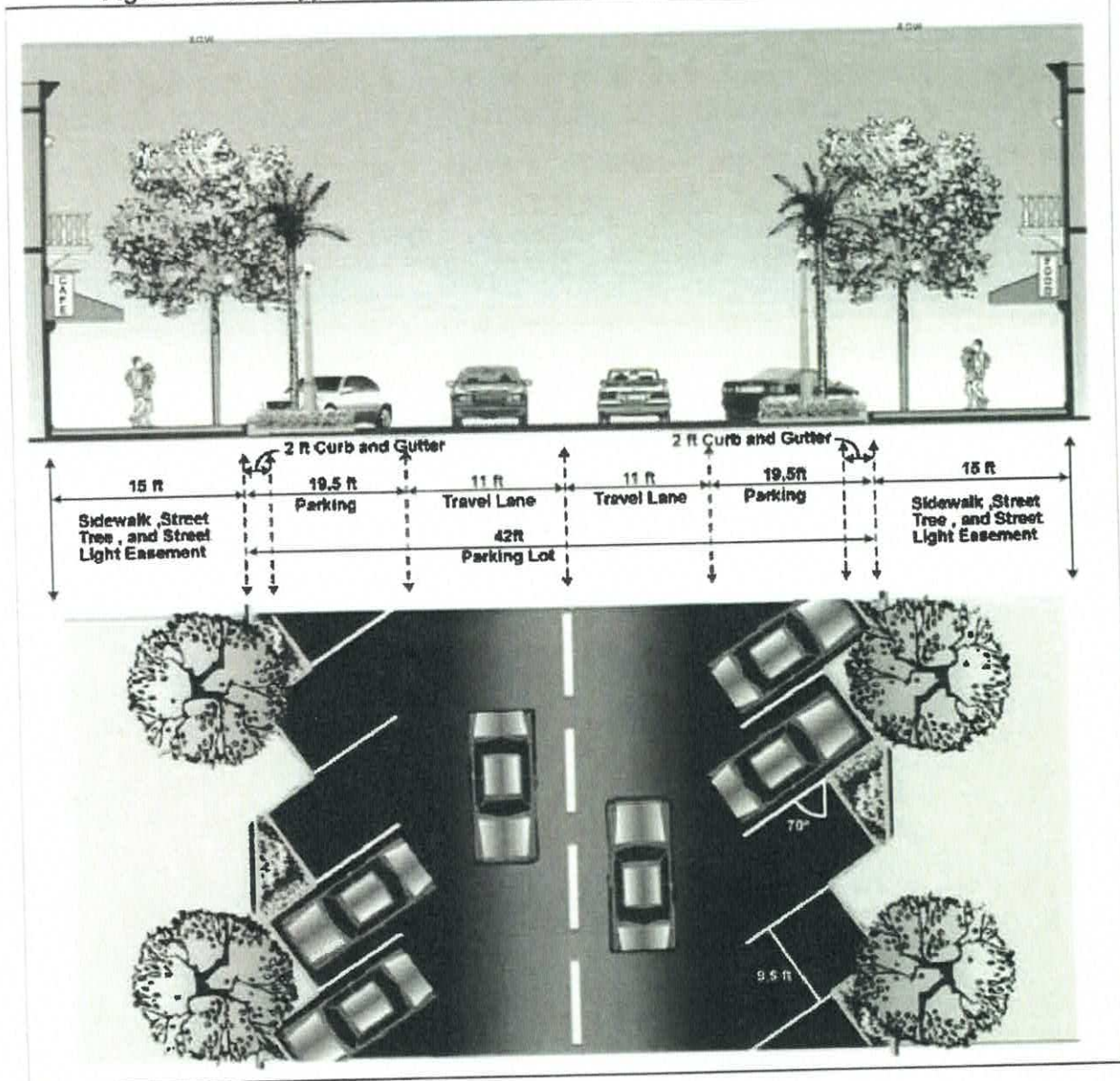
1) Design Exception

Main streets designed as an access way or non-residential parking lot may increase the overall width to provide for angled parking, not to exceed a 70 degree angle, as indicated in Figure 3.F.4.D, Typical Example of TMD Commercial Street with Angled Parking. The required width of travel lanes shall be as approved by the County Engineer based upon such factors as anticipated average daily traffic and overlap of back-out maneuvers. Parking stall dimensions shall be in accordance with Table 6.A.1.D, Minimum Parking Dimensions for

[Ord. 2005-002]

Non-residential Uses and Residential Uses with Shared Parking Lots. [Ord. 2005- 002] [Ord. 2007- 013]

Figure 3.F.4.D - Typical Example of TMD Commercial Street with Angled Parking



- b. Sidewalks**
Sidewalks are required on both sides of all streets and shall be designed to be consistent with Figure 3.F.2.A, TDD Commercial Street, except for: alleys; drive isles between rows of parking or providing access to a surface parking lot; service streets; the side of a street abutting a preserve area of an AGR-TMD; and, where one side of a street abuts a surface parking lot or open space. All sidewalks shall conform to the requirements of [Art. 3.F.2.A.1, Streets, Sidewalks, and Alleys](#). [Ord. 2005-002] [Ord. 2005 – 041]
- c. Alley Access**
Alley access is not allowed from a Main Street. [Ord. 2005 – 002]
- d. Prohibition of Vehicular Gates**
Vehicular gates are not allowed in a TMD. [Ord. 2005 – 002]

3. Building Form
a. Maximum Building Height
1) U/S Tier

- a) 45 feet and two stories. A third story is allowed if the top floor is dedicated to residential uses. [Ord. 2005 – 002]
- b) The height limit shall not apply to those exceptions listed in [Art. 3.D.1.E.4, Height Exceptions](#). [Ord. 2005 – 002]

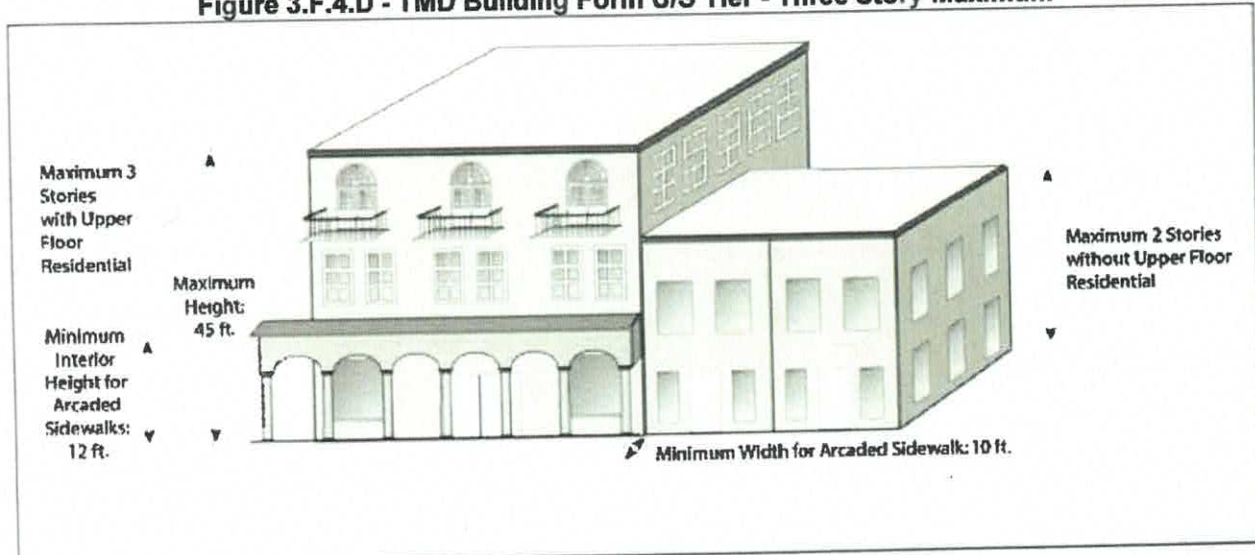
2) Exurban, Rural, and Agricultural Reserve Tiers

35 feet and two stories. [Ord. 2005 – 002]

a) AGR Tier Exception

- 1) A third story is allowed if limited to residential uses where a garage is provided on the ground floor for each residential unit. [Ord. 2005 – 002]
- 2) The height limit shall be 45 feet for those exceptions listed in [Art. 3.D.1.E.4, Height Exceptions](#). [Ord. 2005 – 002]

Figure 3.F.4.D - TMD Building Form U/S Tier - Three Story Maximum



[Ord. 2005-002]

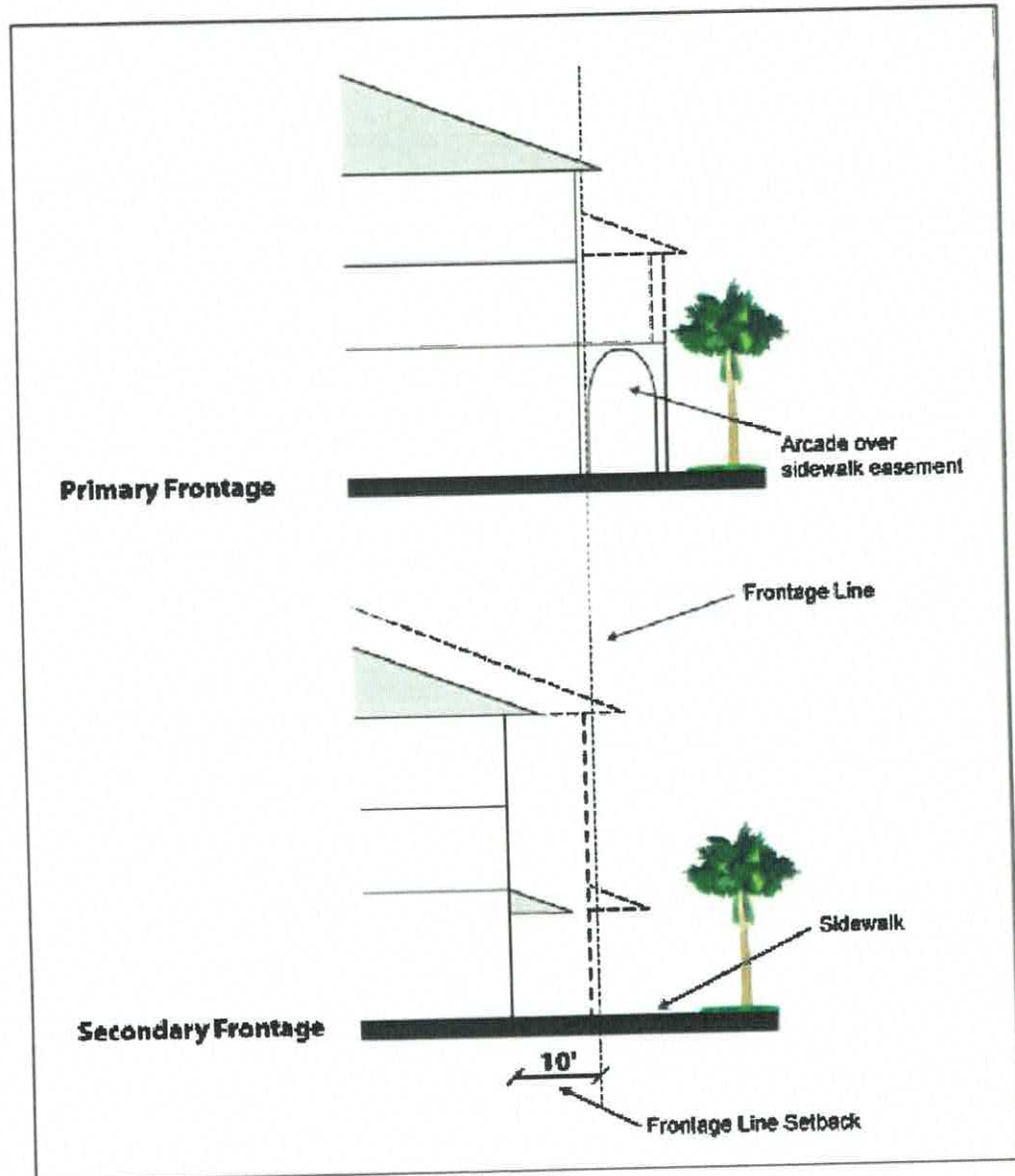
4. Frontages and Residential PDRs

All buildings shall be designated on the site plan as either Primary or Secondary Frontage and shall conform to the following requirements: [Ord. 2005-002] [Ord. 2005 – 041]

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Figure 3.F.4.D - Primary and Secondary Frontage for TMD

[Ord. 2005-002]

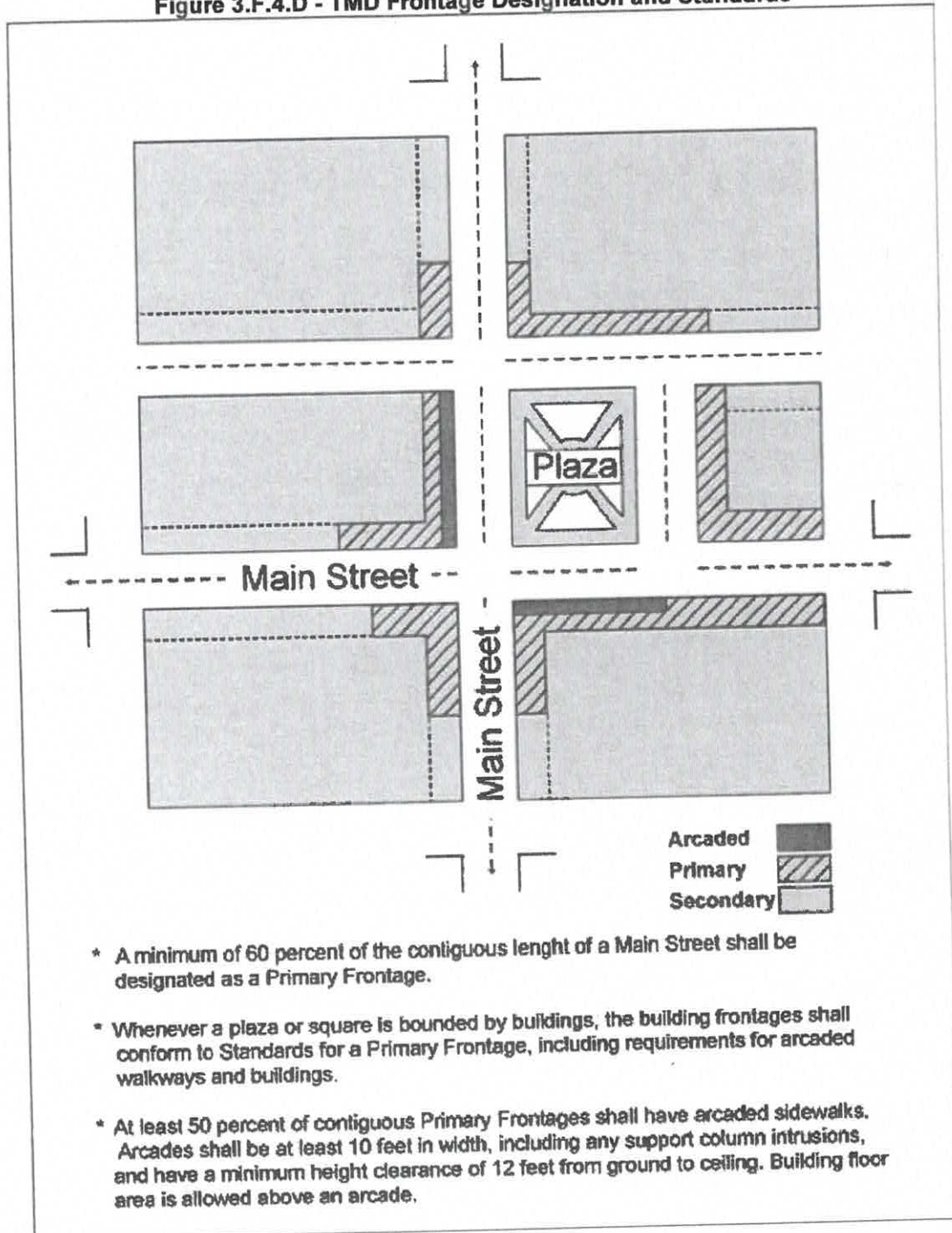


a. Standards for Primary Frontage

- 1) A minimum of 60 percent of the length of a Main Street shall be designated as a Primary Frontage. [Ord. 2005 – 002]

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Figure 3.F.4.D - TMD Frontage Designation and Standards



[Ord. 2005-002]

2) Continuity and Separations

Primary Frontage shall be continuous, except as follows: [Ord. 2005 – 002]

- a) A central plaza or square may be located at the end of a block. [Ord. 2005 – 002]
- b) One separation between buildings is allowed for each 120 linear feet of frontage, provided it is located a minimum of 120 feet from the end of a block. [Ord. 2005 – 002]
 - (1) The width of this separation shall not exceed: [Ord. 2005 – 002]
 - (a) 20 feet for pedestrian access to internal parking areas, off-street loading, refuse collection or recessed building entrances. [Ord. 2005 – 002]

- (b) 30 feet for outdoor dining areas or pedestrian shade and rest areas. [Ord. 2005 – 002]
- (c) 60 feet for a mid-block plaza, other than the central plaza. [Ord. 2005 – 002]

3) Build to Lines

All building and structures along a Primary Frontage shall abut the required sidewalk. [Ord. 2005 – 002]

(a) Exception

A maximum of ten percent of Primary Frontage structures may be set back a maximum of 20 feet from the build to line to provide for outdoor dining areas and/or usable open space, subject to the following: [Ord. 2005 – 002]

- (1) No more than one area described above shall be permitted at any intersection or at any intersection created by permitted separations; and, [Ord. 2005 – 002]
- (2) The area shall not exceed 40 feet in length, nor be within 40 feet of any other setback area or building separation, except as permitted above. [Ord. 2005 – 002]

4) Arcaded Sidewalk

At least 50 percent of the Primary Frontages shall have arcaded sidewalks. Arcades shall be a minimum of ten feet in width, including any support column intrusions, and have a minimum height clearance of 12 feet from ground to ceiling. Building floor area is allowed above an arcade. The arcade shall provide for a pedestrian walkway a minimum of eight feet in width with no encumbrances such as support columns, but may be reduced to six feet in width to provide for outdoor dining areas, as illustrated in [Figure 3.B.14.G, WCRAO Arcade and Gallery Standards](#). [Ord. 2005 – 002] [Ord. 2008-003]

b. Standards for Secondary Frontage

1) Secondary Frontage

A maximum of 40 percent of the length of a main street may be designated as Secondary Frontage. [Ord. 2005 – 002]

2) Separations

Secondary Frontage may include physical separations between buildings, as follows:

- a) One separation between buildings for each 80 linear feet of frontage, provided it is located a minimum of 80 feet from the end of a block or from the edge of a plaza. [Ord. 2005 – 002]
- b) The width of this physical separation shall not exceed:
 - (1) 20 feet for pedestrian access to internal parking areas or recessed building entrances; [Ord. 2005 – 002]
 - (2) 30 feet for an alley or vehicular access to internal parking, outdoor dining areas, or pedestrian shade and rest areas; or [Ord. 2005 – 002]
 - (3) 60 feet for a mid block plaza. [Ord. 2005 – 002]

3) Build-to Lines

All building structures along a Secondary Frontage shall be located within ten feet of the required sidewalk. [Ord. 2005 – 002]

(a) Exception

A maximum of ten percent of Secondary Frontage structures may be set back a maximum of 20 feet from the build to line to provide for outdoor dining areas and/or usable open space, subject to the following: [Ord. 2005 – 002]

- (1) No more than one area described above shall be permitted at any intersection or at any intersection created by permitted separations; and, [Ord. 2005 – 002]
- (2) The area shall not exceed 40 feet in length, nor be within 40 feet of any other setback area or building separation, except as permitted above. [Ord. 2005 – 002]

c. Standards for Buildings abutting Perimeter Frontages

Exterior facade of buildings that abut arterial or collector streets shall be designed to provide views of building entrances or display windows. [Ord. 2005 – 002] [Ord. 2010-022]

d. Optional Standards for Residential PDRs

Residential buildings may use the TND Residential Lot Size and Setback Regulations, or the following: [Ord. 2005-041]

1) Multi-family Alley Frontage Design Alternative

Multi-family dwellings may be permitted to have frontage from a street built to alley standards, subject to the following: [Ord. 2005-041]

a) Build to Lines and Setbacks

Setbacks or build to lines must be measured from the inside alley edge, or sidewalk if provided. **[Ord. 2005-041]**

- (1) Front setbacks must be a minimum of five feet, and a maximum of 10 feet. Garages fronting the alley shall be setback at least 20 feet. **[Ord. 2005-041]**
- (2) Side street setbacks must be a minimum of five feet, and a maximum of 10 feet. An exception may be made for one side of a block which fronts on open space or a recreation use. **[Ord. 2005-041]**
- (3) The rear of each unit shall have access to and be within 20 feet of a street, open space or plaza a minimum of 40 feet in width, with sidewalks that connect to the projects pedestrian circulation system. **[Ord. 2005-041]**

b) Continuity and Separations

One separation between buildings is allowed for each 80 feet of frontage, provided it is located a minimum of 80 feet from the end of a block. The width of this separation shall not exceed 25 feet for pedestrian access, or 40 feet for a mid block plaza. One mid block plaza may be permitted to have a separation of up to 120 feet in the AGR Tier only. **[Ord. 2005-041]**

5. Pedestrian Circulation

In addition to the sidewalk requirements of [Art. 3.F.2.A.1, Streets, Sidewalks, and Alleys](#), all internal sidewalks shall provide a minimum clear width of six feet. **[Ord. 2005 – 002]**

6. Foundation Planting

Notwithstanding the requirements of [Art. 7.D.11, Foundation Plantings](#), foundation plantings shall not be required for primary and secondary building frontages, buildings along an alley or access way to a parking area, where the alley or access way is located in-between non-residential buildings, or where buildings front on a plaza or square. **[Ord. 2005-002] [Ord. 2005 – 041]**

7. Parking

On-street parking is required on both sides of all two-way streets and on at least one-side of one-way streets, except within 25 feet of a street intersection or alley, or ten feet of a fire hydrant, or along arterials, planned collector streets, alleys or a vehicular access way to internal parking. **[Ord. 2005-002] [Ord. 2005 – 041]**

8. Plazas

Plazas are required to provide a focal point for pedestrians, and must meet the minimum standards of Table 3.F.4.D-53, Minimum Dimensions for Required Plazas, and the following: **[Ord. 2005-002] [Ord. 2005 – 041]**

Table 3.F.4.D - Minimum Dimensions for Required Plazas

	Minimum Size	Minimum Length	Minimum Width
Central Plaza	10,000 sf	120 feet	80 feet
Other Plazas	5,000 sf	60 feet	40 feet

a. Minimum Total Area

20,000 square feet or five percent of the gross development area within a TMD, whichever is greater, shall be used for public plazas or squares. **[Ord. 2005 – 002]**

b. Required Location

The central plaza shall front on a Main Street; other plazas shall be bounded by a street on at least one side. **[Ord. 2005-002] [Ord. 2005-041]**

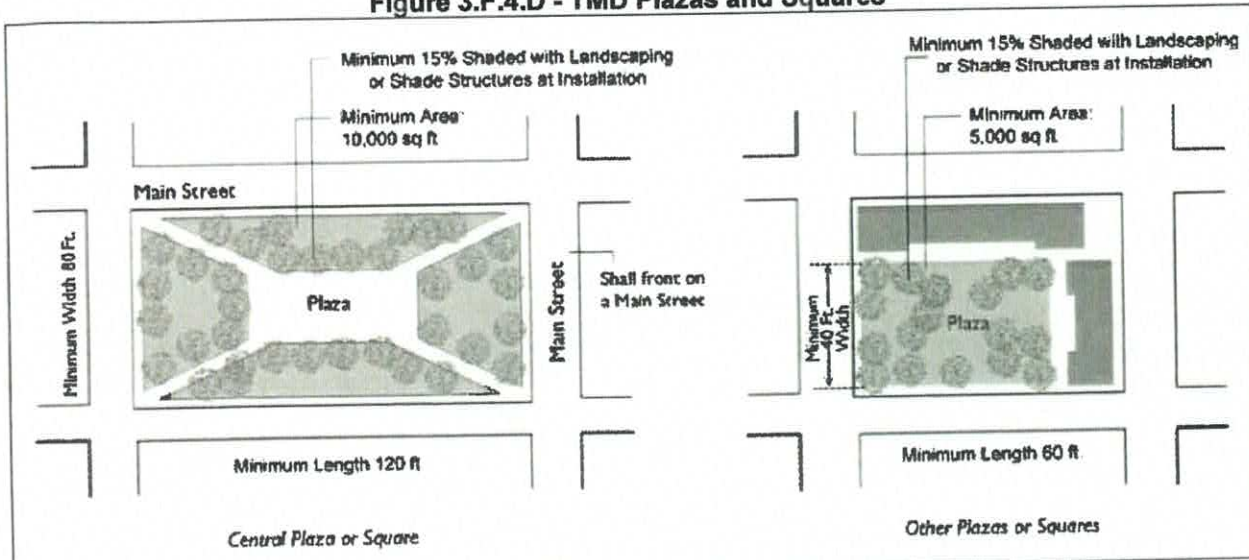
c. Required Landscaping and Pedestrian Amenities [Ord. 2005-041]

- 1) A minimum of 15 percent of each plaza shall be shaded by landscaping or shade structures, at time of installation. Landscaping shall provide a minimum of 50 percent of required shade. **[Ord. 2005-002] [Ord. 2005-041]**
- 2) A minimum of 40 percent of the overall plaza areas shall be pervious. **[Ord. 2005-002] [Ord. 2005-041]**
- 3) Each plaza must provide a minimum of one linear foot of seating for each 200 square feet of overall area. **[Ord. 2005-002] [Ord. 2005-041]**

d. Corner and Mid-Block Plaza Abutting Buildings

Wherever a plaza is bounded by buildings, the building frontages must conform to the standards for a Primary Frontage, including requirements for arcaded walkways and building see [Art. 3.F.4.D.4, Frontages and Residential PDRs](#). **[Ord. 2005-002] [Ord. 2005-041]**

Figure 3.F.4.D - TMD Plazas and Squares



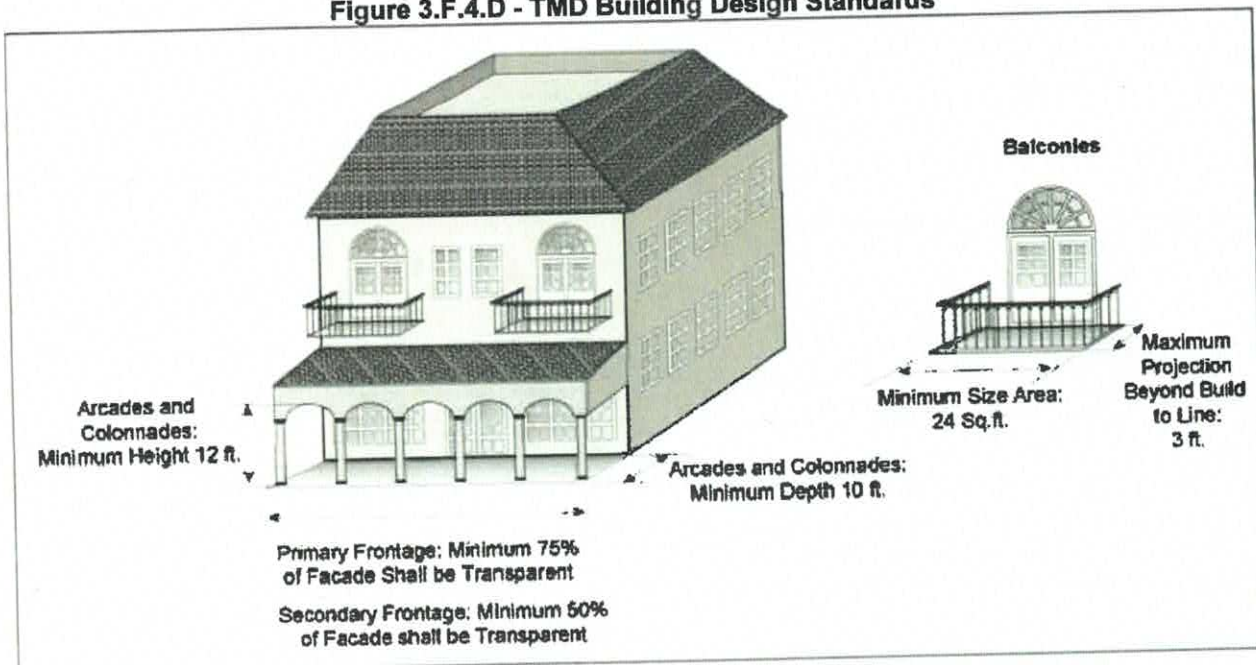
[Ord. 2005-002]

9. Building Design

a. Transparency

All commercial first story façades shall consist of transparent glass that provides views into a commercial use or window display. Calculation of transparency shall be pursuant to [Art. 1.C.4.K. Building Transparency](#). [Ord. 2005 – 002] [Ord. 2010-022]

Figure 3.F.4.D - TMD Building Design Standards



[Ord. 2005-002]

1) Percentage

- a) Primary Frontage – 60 percent. [Ord. 2010-022]
- b) Secondary Frontage – 50 percent. [Ord. 2010-022]
- c) Perimeter Frontage – 25 percent. [Ord. 2005 – 002] [Ord. 2010-022]

2) Exemption

Indoor movie or any type of theater shall be exempt from the Secondary and Perimeter Frontage transparency requirements. The minimum transparency requirement may be

- reduced by up to 75 percent for medical offices and other similar uses that require privacy as determined by the Zoning Director, subject to the following: **[Ord. 2010-022] [Ord. 2014-031]**
- (a) Documentation that there is no interior layout options to maximize use of lobby, reception or other similar areas to attain required transparency; and, **[Ord. 2014-031]**
 - (b) Use of architectural embellishment that provide the appearance of glazing commensurate with the reduction in required transparency. **[Ord. 2010-022] [Ord. 2014-0313]**

b. Balconies

Balconies may project beyond build-to lines, subject to the following standards: **[Ord. 2005 – 002]**

- 1) **Maximum Projection**
Three feet. **[Ord. 2005 – 002]**
- 2) **Maximum Size**
24 sq. ft. **[Ord. 2005 – 002]**

10. Phasing

a. Phasing

TMDs shall be subject to the phasing and time limitations in [Art. 3.F.1-H, Phasing and Platting](#), as well as [Art. 2.E, Monitoring](#). **[Ord. 2005 – 002]**

b. First Phase

The following elements shall be constructed before the issuance of the first CO: **[Ord. 2005 – 002]**

- 1) All plazas and squares located on required mainstreets, including required landscaping; **[Ord. 2005 – 002]**
- 2) Fifty percent of required primary frontage buildings located on required main streets. **[Ord. 2005 – 002]**
- 3) All main streets, including all sidewalks, landscaping and lighting required to service the above. **[Ord. 2005 – 002]**

E. Standards Applicable to AGR Tier

1. Minimum Site Area

25 acres, including preserve area. **[Ord. 2005 – 002]**

2. Maximum Development Area

40 percent of gross acreage. **[Ord. 2005 – 002]**

3. Minimum Retail and Commercial Floor Area

175,000 sq. ft. of commercial/civic uses (inclusive of work/live space). Of these, 125,000 sq. ft. shall be retail and office space. **[Ord. 2005 – 002]**

4. Maximum Retail and Commercial Floor Area

375,000 sq. ft. **[Ord. 2005 – 002]**

5. Maximum Floor Area Ratio FAR

1.0. **[Ord. 2005 – 002]**

6. Maximum Residential Density

One dwelling unit per acre. Residential density shall be transferred from the preserve area to the development area at a ratio of one to one. **[Ord. 2005 – 002]**

7. Permitted Locations

A TMD shall only be located within 1,320 feet of the intersections of Lyons Road and Boynton Beach Boulevard and Lyons Road and Atlantic Avenue, on a site with a CL FLU designation. A maximum of one TMD is allowed at each of these intersections. **[Ord. 2005 – 002]**

8. Preserve Area and Open Space Requirements

A TMD shall conform to Objective 1, [Art. 1.E, Prior Approvals](#), and the following additional requirements: **[Ord. 2005 – 002]**

a. Minimum Preserve Area

A minimum of 60 percent of the gross acreage, less roadways identified on the Thoroughfare Identification Map, shall be designated as preserve area. Rural parkway easements may be counted toward the preserve requirement. **[Ord. 2005 – 002]**

b. Location

The preserve area shall be contiguous with the TMD, or noncontiguous provided it has a common border with other land that is at least 150 acres and: **[Ord. 2005 – 002]**

- 1) In a Conservation district; **[Ord. 2005 – 002]**
- 2) Designated as an AGR preserve; or **[Ord. 2005 – 002]**

- 3) Has had development rights removed and is permanently restricted to use as agricultural uses through a conservation easement or other legal instrument approved by the County Attorney's Office. [Ord. 2005 – 002]

c. Preserve Areas

An AGR preserve area shall comply with the requirements of [Art. 3.E.2.F.3, Preservation Area](#), [Table 3.F.1.F, Traditional Development Permitted Use Schedule](#); [Article 4.B., Supplementary Use Standards](#); all other development regulations that are applicable to the AGR Tier and proposed use(s); and policies under Objective 1.5 of the FLUE of the Plan. Nothing herein shall be misconstrued as requiring a Preserve Area to conform to [Article 3.F.4.D, Development Standards for all TMDs](#). [Ord. 2005 – 002] [Ord. 2006-004] [Ord. 2007-013]

9. Block Structure

a. Type II Waiver

An AGR TMD shall comply with [Art. 3.F.2.A.1.b, Block Structure](#), except for the provision below, unless waived through a Type II Waiver by the BCC upon the BCC determining that the block structure proposed is functionally equivalent for the purpose of [Art. 3.F.1.A.4](#), and [Art. 3.F.4.A Purpose](#). The Type II Waiver may be granted only upon the applicant's agreement to be bound by the block configuration of the site plan approved by the BCC. [Ord. 2005-002] [Ord. 2005041] [Ord. 2012-027]

b. AGR TMD Free Standing Structures

A maximum of ten percent of the overall allowable square footage of an AGR TMD may be permitted to be developed as free standing structures, provided that a minimum of one façade is developed according to the standards for primary or secondary frontage. Buildings developed under this provision shall not be required to have circulation on all four sides, nor be subject to continuity and separation requirements. [Ord. 2005 – 002]

10. Definition for Street

Streets for TMD may also include access aisles in a parking lot for Commercial blocks, only when located along the side or ear of a block; non-residential alleys; and, alleys in residential blocks, subject to the standards or [Art. 3.F.4.D.4.d.1 Multi-Family Alley Frontage Design Alternative](#). [Ord. 2005-041]

Section 5 Traditional Town Development (TTD)

A. Specific Purpose

The purpose of the TTD district is to:

1. Provide a framework for the coordinated development of compact, walkable neighborhoods with a well-developed traditional marketplace center and a mixture of office, open space and recreation, and civic uses serving local residents;
2. Ensure an interconnected street and pedestrian circulation network that serves the needs of pedestrian, vehicles, and other non-motorized forms of transportation and that functionally and physically integrates the various land use activities;
3. Provide for larger-scale community development that retains a strong neighborhood identity through a compatible scale of development, an identifiable center and edge, and well-defined public spaces for recreation and civic activities;
4. Accommodate optional development districts to provide additional employment opportunities and housing choices interconnected with traditional neighborhoods and within close proximity to the commercial, civic, and recreation and open space amenities of the traditional town; and
5. Make traditional towns compatible with the overall design objectives of the Plan and its MGTS.

B. Organization and Applicability

The requirements of this Section, [Article 3.F.1, General Provisions for TDDs](#), and [Article 3.F.2, General Standards](#), shall apply to all TTDs. In addition, the components of a TTD shall be subject to the following requirements:

1. Traditional Neighborhood Development (TND)

The requirements of [Article 3.F.3, Traditional Neighborhood Development \(TND\)](#) shall apply to residential pods in a TTD.

2. Traditional Marketplace Development (TMD)

The requirements of [Article 3.F.4, Traditional Marketplace Development \(TMD\)](#) shall apply to commercial pods in a TTD.

3. Residential Planned Unit Development (PUD)

A residential Planned Unit Development (PUD) may be included within a TTD, subject to the requirements of [Article 3.E.2, Planned Unit Development \(PUD\)](#) district.

4. Multiple Use Planned Development (MUPD)

A MUPD may be included within a TTD with a minimum of 320 acres, subject to the requirements for a Multiple Use Planned Development (MUPD) with an EDC FLU designation **[Ord. 2014-025]**

C. Uses

Uses allowed in a TTD district are listed in Table 3.F.1.F, Traditional Development Permitted Use Schedule, of this Article.

D. General Requirements

1. Thresholds

The minimum gross land area required for a TTD is 200 contiguous acres. **[Ord. 2006-004]**

2. Land Use Mix

TTDs shall consist of a balanced mix of land uses subject to the minimum land use allocations in Table 3.F.5.D, Traditional Town Development (TTD) Land Use Allocations.

Table 3.F.5.D - Traditional Town Development Land Use Allocations

	Allowable Gross Acreage (Percent of Total)	
	Minimum	Maximum
Traditional Neighborhoods (TND)	60	90
Traditional Marketplace (TMD)	10	25
Civic/Institutional1	-	20
Recreation & Open Space	-	25
Residential PUD	-	10
MUPD2	-	5

Notes:

1. Regional-serving civic and institutional uses may be located outside a TND but may not be used to fulfill the Civic/Institutional requirements of a TND as established by Table 3.F.3.E-37, TND Land Use.
2. Requires a TTD with a minimum of 320 acres.

3. Connectivity

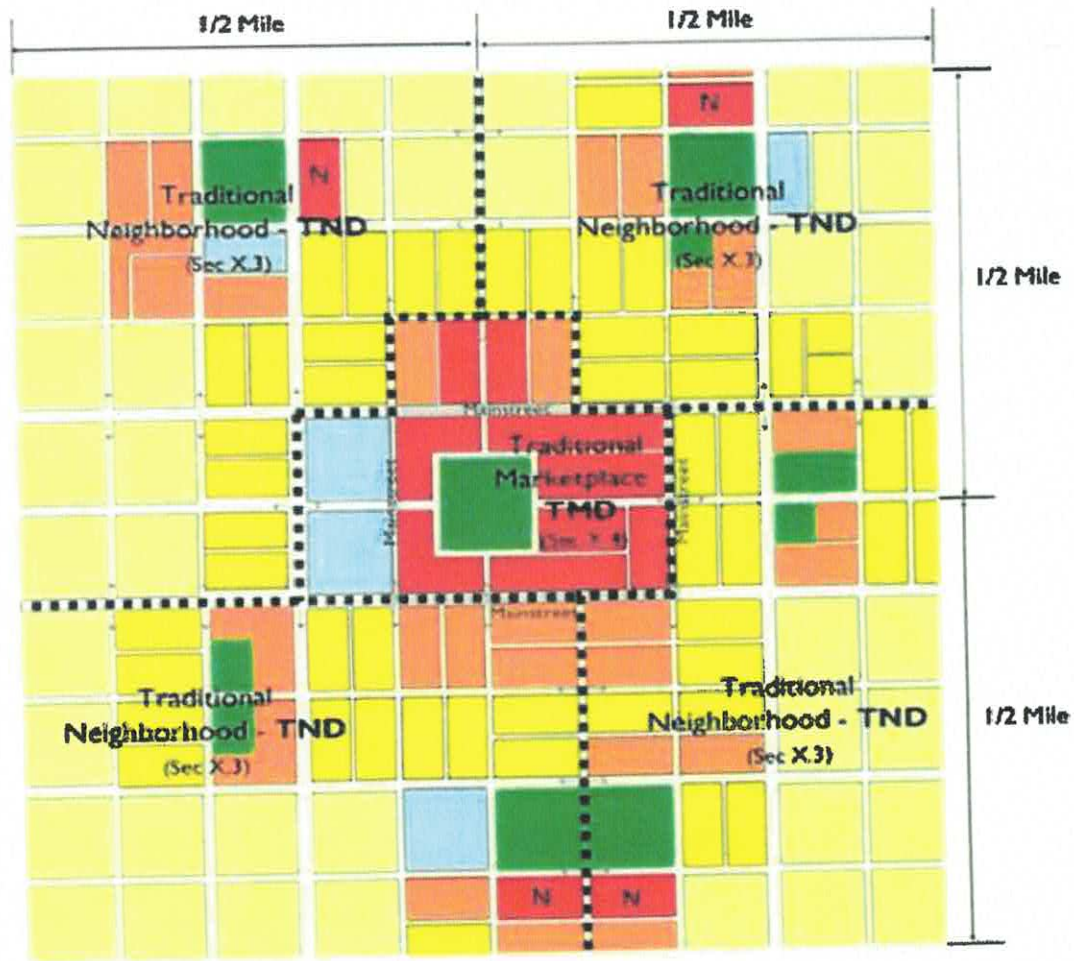
An interconnected network of streets, and sidewalks or pathways shall be provided that connects all pods within the TTD and to any adjacent thoroughfare roads.

4. Landscape Buffer

A minimum 50 foot wide Type 3 incompatibility buffer shall be provided around the perimeter of a TTD.

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**APPENDIX 3 - TRADITIONAL DEVELOPMENT PROTOTYPES EXAMPLE OF LAY OUT
MARKETPLACE, NEIGHBORHOODS, AND STREET NETWORK**



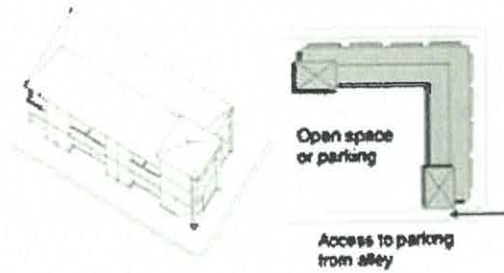
Traditional Town Development (Sec X.5)

- Residential (Primarily Single Family and Zero Lot Line)
- Residential (Mixed Building Types)
- Residential (Primarily Town Houses + Multi-Family Buildings)
- Neighborhood Center
- Traditional Marketplace
- Civic / Institutional
- Plaza / Recreation / Open Space

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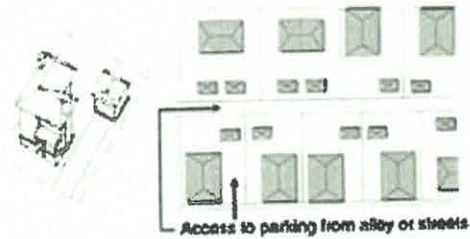
APPENDIX 4 – TRADITIONAL NEIGHBORHOODS EXAMPLE OF RESIDENTIAL DEVELOPMENTS

Multi-Family



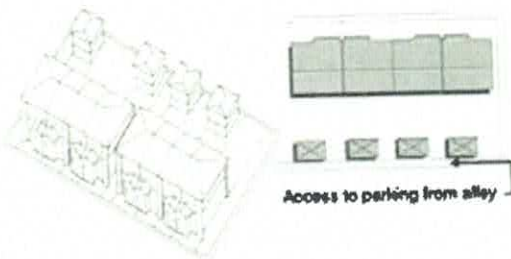
Two to three story Multi-Family buildings with parking garages or structured parking facing an alley

Zero Lot Line



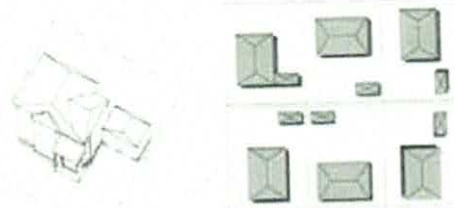
Zero Lot Line homes with garage along back alley

Town House



Two story town houses with parking along back alleys

Single - Family



Single-family detached houses with garage at side or rear

Amendment History:

[Ord. 2004-040; October 21, 2004] [Ord. 2004-051; November 24, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2005-041; September 1, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-013; June 27, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2006-055; December 1, 2006] [Ord. 2007-001; January 31, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2008-037; September 4, 2008] [Ord. 2009-040; October 28, 2009] [Ord. 2010-005; February 2, 2010] [Ord. 2010-009; April 2, 2010] [Ord. 2010-022; September 1, 2010] [Ord. 2011-001; February 4, 2011] [Ord. 2011-016; September 6, 2011] [Ord. 2012-003; February 1, 2012] [Ord. 2012-007; March 29, 2012] [Ord. 2012-027; August 31, 2012] [Ord. 2013-001; January 31, 2013] [Ord. 2013-021; August 30, 2013] [Ord. 2014-001; February 3, 2014] [Ord. 2014-025; September 3, 2014] [Ord. 2015-006; February 3, 2015] [Ord. 2014-031; July 7, 2015] [Ord. 2015-031; September 3, 2015] [Ord. 2015-047; December 4, 2015] [Ord. 2016-016; February 2, 2016] [Ord. 2016-020; March 24, 2016]

Twelfth Order of Business



City of Westlake
Planning and Zoning Department
Staff Report – 1/30/18

PETITION DESCRIPTION

DATE: January 30, 2018

PETITION NUMBER: TEXT-ULDC-2017-03 (***Ordinance 2018-6***)

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: Amend the City of Westlake interim Unified Land Development Code (ULDC) to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods.

ANALYSIS

The subject application is a request for a text amendment to the City of Westlake’s interim Unified Land Development Code (ULDC) to address regulatory and use provisions in **Articles 1, 3, and 4** as they relate to the following:

- Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods,
- Planned Unit Development (PUD) pods,
- Traditional Neighborhood Development(TND) pods, and
- Private Civic (PC) pods.

*Text amendments are provided in ~~striketrough~~ and underline format. Proposed modifications are included on the following **six (6) ordinances and its exhibits**:*

- Ordinance 2018-1
- Ordinance 2018-2
- Ordinance 2018-3
- Ordinance 2018-4
- Ordinance 2018-5
- **Ordinance 2018-6**

*The subject staff report will address **Ordinance 2018-6**.*

Ordinance 2018-6

The applicant is requesting a text amendments to Article 4 to address use regulations for Place of Worship, Medical or Dental Office and Retail Sales, General. In addition, the Applicant has taken the opportunity to update references to "Palm Beach County," "BCC," "county," and prior ordinance references, which are no longer applicable.

Place of Worship

Article 4, note 29 refers to Place of Worship. The proposed language includes criteria to address location, access, and size. has requested places of worship greater than or equal to 15,000 square feet have frontage and access on an arterial or collector street, places of worship greater than 5,000 square feet and less than 15,000 square feet shall have frontage and access from an arterial, collector or local commercial street, and a place of worship less than 5,000 square feet, shall have frontage and access from a local residential street. *Proposed amendments are indicated on ~~strikethrough~~ and underline below:*

29. Place of Worship

Means a sanctuary which may include a retreat, convent, seminary or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services. A place of worship may include collocated facilities that require additional approval, such as a day care, school, cemetery, or CLF.

a. Location

A Place of Worship shall be in compliance with one of the following:

- 1) A Place of Worship greater than or equal to 15,000 square feet, including accessory uses, shall have frontage on and access from an Arterial or Collector Street.
- 2) A Place of Worship greater than or equal to 5,000 square feet and less than 15,000 square feet, including accessory uses, shall have frontage on and access from an Arterial, Collector or Local Commercial Street.
- 3) A Place of Worship less than 5,000 square feet, including accessory uses, may have frontage on and access from a Local Residential Street.

The applicant is also proposing the deletion of paragraphs 1, 2, 5, and 6, under "use limitations", removing the DRO Approval process, the accessory/collocated use provision, and the institutional designation permitting housing as an accessory use, and removing the reference to the AGR District.

Medical or Dental Office

Article 4, note 83 refers to Medical or Dental Office. The modifications to this note are the same as the definition changes made in Article 1. The modification to the definition of the term "Medical or Dental Office", which modification would permit "immediate and/or emergent" examinations and or treatment for patients where no overnight stays are permitted. *Proposed amendments are indicated on ~~strikethrough~~ and underline below:*

83. Medical or Dental Office

An establishment where patients, who are not lodged overnight, are admitted for immediate and/or emergency examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida

MUPD/EDC District

Article 4, note 114 refers to Retail Sales, General. The applicant has requested a modification to the “general retail sales” in the Mixed Use Planned Development (“MUPD”) district, and the Economic Development Center (“EDC”) districts, which would permit an approval by the DRO process for developments less than 2,500 square feet in size and approval by the City Council for developments in excess of 2,500 square feet. *Proposed amendments are indicated on ~~striketrough~~ and underline below:*

MUPD / EDC District

In a MUPD/EDC district, general retail sales 2,500 SF in size or less shall be approved by the DRO. Tenants occupying a bay larger than 2,500 SF in size shall be a requested use and require approval from the City Council.

Staff reviewed the above requested text amendments and agrees with the proposed changes.

Please see attached Ordinance 2018-6 and Exhibit “A”.



City of Westlake
Planning and Zoning Department
Staff Report – 12/26/2017

PETITION DESCRIPTION

DATE: December 26, 2017

PETITION NUMBER: TEXT-ULDC-2017-03 (*Ordinance 2018-6*)

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: Amend the City of Westlake interim Unified Land Development Code (ULDC) to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods.

ANALYSIS

The subject application is a request for a text amendment to the City of Westlake’s interim Unified Land Development Code (ULDC) to address regulatory and use provisions in **Articles 1, 3, and 4** as they relate to the following:

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- Ordinance 2018-2
- Ordinance 2018-3
- Ordinance 2018-4
- Ordinance 2018-5
- **Ordinance 2018-6**

*The subject staff report will address **Ordinance 2018-6.***

Ordinance 2018-6

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Place of Worship

Article 4, note 29 refers to Place of Worship. The proposed language includes criteria to address location, access, and size. has requested places of worship greater than or equal to 15,000 square feet have frontage and access on an arterial or collector street, places of worship greater than 5,000 square feet and less than 15,000 square feet shall have frontage and access from an arterial, collector or local commercial street, and a place of worship less than 5,000 square feet, shall have frontage and access from a local residential street. *Proposed amendments are indicated on ~~striketrough~~ and underline below:*

29. Place of Worship

Means a sanctuary which may include a retreat, convent, seminary or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services. A place of worship may include collocated facilities that require additional approval, such as a day care, school, cemetery, or CLF.

a. Location

A Place of Worship shall be in compliance with one of the following:

- 1) A Place of Worship greater than or equal to 15,000 square feet, including accessory uses, shall have frontage on and access from an Arterial or Collector Street.
- 2) A Place of Worship greater than or equal to 5,000 square feet and less than 15,000 square feet, including accessory uses, shall have frontage on and access from an Arterial, Collector or Local Commercial Street.
- 3) A Place of Worship less than 5,000 square feet, including accessory uses, may have frontage on and access from a Local Residential Street.

The applicant is also proposing the deletion of paragraphs 1, 2, 5, and 6, under "use limitations", removing the DRO Approval process, the accessory/collocated use provision, and the institutional designation permitting housing as an accessory use, and removing the reference to the AGR District.

Medical or Dental Office

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83. Medical or Dental Office

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MUPD / EDC District

In a MUPD/EDC district, general retail sales 2,500 SF in size or less shall be approved by the DRO. Tenants occupying a bay larger than 2,500 SF in size shall be a requested use and require approval from the City Council.

Staff reviewed the above requested text amendments and agrees with the proposed changes.

Please see attached Ordinance 2018-6 and Exhibit “A”.

DEC 06 2017



Received
Landscape Architects | Land Planners | Environmental Consultants

1934 Commerce Lane · Suite 1 · Jupiter, Florida · 33458 · Ph 561.747.6336 · Fax 561.747.1377 · www.cotleurhearing.com · Lic # LC-C000535

City of Westlake

ULDC Text Amendment

Justification Statement

December 5, 2017

Introduction

The subject application is a request for various text amendments to the City of Westlake Unified Land Development Code (ULDC). The purpose of the text amendments is to address regulatory and use provisions in Articles 1, 3, and 4 as they relate to the Economic Development Center (EDC)/Multiple Use Planned Development (MUPD) pods, Planned Unit Development (PUD) pods, Traditional Neighborhood Development (TND) pods, and Private Civic (PC) pods. All proposed modification as provided in the attached text amendment document in ~~striketrough~~ and underline format.

ARTICLE 1

DEFINITIONS

The Applicant proposed to add one new definition and modify two existing definitions. A definition of **Density Transition Zone (DTZ)** has been added and the definitions for **Fitness Center** and **Medical and Dental Office** have been modified slightly.

The DTZ is referenced and identified on the approved Final Master Plan, but is not formally defined in the ULDC. In order to prevent any confusion relative to the application of the DTZ, the Applicant proposes that a definition be added to Section 1.1.2.A. This will provide clarity of the terminology, since it does not exist outside of the Westlake Development Order, as well as provide consistency of its application.

Density Transition Zone (DTZ) – *The land area of a TTD extending along the entire perimeter of the TTD as set forth on the Master Plan. Density within this zone shall be calculated using the total dwelling units within the DTZ divided by the total acreage of the land area within the total DTZ. (For example, if the perimeter of the TTD was 66,000 feet and there were 800 dwelling units located within 660' of the perimeter boundary, the density would be calculated as follows.*

$$DTZ = 66,000' \text{ perimeter} * 660' \text{ wide} = 43,560,000 \text{ SF}$$

$$DTZ = 1,000 \text{ AC}$$

$$\text{Density} = 800 \text{ du} / 1,000 \text{ AC}$$

$$\text{Density} = 0.8 \text{ du/ac}$$

ULDC Text Amendment
 TEXT-2017-03
 CH 130518.51
 December 5, 2017
 Page 2 of 6

The ***Fitness Center*** definition (No. 22) has been modified to include “wellness services.” It is typical for fitness facilities to include wellness services, such as nutritional coaching, BMI exams, blood pressure tests, minor medical treatments for exercise injuries, flu shots, etc. The additional text will address this use more clearly for future applications.

The ***Medical or Dental Office*** definition (No. 32) has been modified to include “Immediate and/or emergent.” This addition will clarify the type of medical uses envisioned to be encompassed within the medical office category.

ARTICLE 3

PLANNED DEVELOPMENT DISTRICTS (PDDs) TEXT AMENDMENT

Purpose

The purpose of the requested text amendments to the PDD section of Article 3 is to address revisions to the PDD Use Matrix table, PUD regulations, and TTD regulations. In addition, the Applicant has taken the opportunity to update references to “Palm Beach County,” “BCC,” “county,” and prior ordinance references, which are no longer applicable.

1. PDD Use Matrix

Table 3.E.1.B – PDD Use Matrix sets forth the permitted and prohibited uses for the EDC/MUPD pods within the City of Westlake. The vision for the EDC, as outlined in the current Future Land Use Element, is to accommodate employment opportunities, research parks, employment centers, and other ancillary uses to support the EDC uses. However, these types of uses are not fully reflected in Table 3.E.1.B. The uses currently prescribed in the table include heavy industrial uses. In order to foster the employment opportunities envisioned for this area of the City, the EDC pods must include opportunities for professional and medical offices, hospital or medical centers, assisted living facilities, universities, places of worship, financial institutions, personal services, etc. It is also appropriate to locate other business supporting uses in the EDC, such as a car wash, auto repair services, convenience stores with gas sales, restaurants, fitness, etc. The proposed amendments to Table 3.E.1.B – PDD Use Matrix are provided in the attached text amendment document in ~~strike through~~ and underline format.

2. PUD Regulations

The PUD provisions of Article 3 are designed to address stand-alone PUD’s which are typical of residential development in Palm Beach County. These typical PUD’s are self-contained and not part of a larger community design. The PUD pods within the City of Westlake are unique in that they are one component of a larger TTD framework. Therefore, it is appropriate to amend certain PUD code requirements within the ULDC to be reflective of this unique development pattern. The proposed amendments will bring clarity and consistency with how these regulations are applied within the Westlake TTD. The proposed amendments to PUD regulations are generally

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described below and are provided in the attached text amendment document in ~~strikethrough~~ and underline format.

Neighborhood Park

Section 3.E.2.B.2.c. of the City's ULDC requires a Neighborhood Park to be provided within the PUD pods as part of the Performance Standards. The Neighborhood Park requirement is above and beyond the Parks and Recreation requirement of 0.006 acres of recreation area per dwelling unit. The PUD section of the ULDC (Art. 3.E.2.E.3) requires that recreation areas comply with Art. 5.D. Article 5.D.2.B, *Community and Neighborhood Park Recreation Standards*, sets forth the standards for Neighborhood Parks. The size of the park is the equivalent of 2.5 acres per 1,000 people, based on 2.32 people per unit.

The Applicant is providing a large recreation amenity on Pod PC-1 that will contain water facilities, playgrounds, walking paths, sports courts, a clubhouse, etc. The amenities within Pod PC-1 will far exceed the recreational needs of the City. Smaller tot lots and passive open space areas will be provided within the residential areas as part of the required recreation acreage. Requiring a Neighborhood Park in addition to recreation areas within each pod will dilute the potential of the formal amenity facility in Pod PC-1. Therefore, the Applicant is requesting that the Neighborhood Park not be required for those pods in proximity to Pod PC-1 the ability to combine the Neighborhood Park requirement within the recreation acreage. In addition to Pod PC-1 there are four other private civic pods located throughout the City that will also provide neighborhood services and amenities to the community.

PUD Thresholds

Table 3.E.2.C of the City's ULDC requires a minimum of 40 percent open space within each PUD pod. The current ULDC is designed to address stand-alone PUD's which are not part of a larger community design. As part of the Development Order for Minto Westlake TTD, the Applicant is required to maintain a Natural Transect area of 55 percent. The Natural Transect, by design, maximizes open space outside of the pod boundaries. In order to provide for this significant amount of Natural Transect, the pod boundaries were reduced. The intent of the initial design was for the development to be concentrated within the pod boundaries, so the natural, open space areas could exist outside of the pod. This allows larger tracts of natural areas to be created, rather than small, less usable open space areas within the pods. Therefore, the proposed text amendment would establish an open space requirement of 27 percent within the PUD pod boundaries. As part of this amendment, the Applicant has also taken the opportunity to strike language related to the AGR district and Exurban/Rural transect, which are not applicable to the City of Westlake.

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3. TDD Regulations

Unlike most areas of the current ULDC, the TDD portion of Article 3 has never been implemented in a physical form within Palm Beach County. Therefore, the design provisions have never been tested and are not reflective of current traditional neighborhood trends in the marketplace. Therefore, it is appropriate to amend certain TDD code requirements within the ULDC to recognize industry standards for traditional communities and be reflective of current development patterns that have been field tested and proved successful. The proposed standards have been constructed throughout the State of Florida and have produced the intended results. The proposed amendments to TDD regulations are generally described below and are provided in the attached text amendment document in ~~striketrough~~ and underline format.

Traditional Development Permitted Use Schedule

Table 3.F.1.F of the City's ULDC sets forth the permitted uses within the TND and TMD pods. The Westlake Development Order outlines certain conditions of approval that are specific to Private Civic (PC) pods. Resolution 2014-1646, Private Civic, condition no. 1 requires all private civic pods to "follow the development regulations of a Traditional Neighborhood District and Neighborhood Center requirements." Therefore, there is a need to reflect the uses intended to occupy the PC pods in Table 3.F.1.F. The use schedule has been revised to include uses such as passive and public parks, outdoor entertainment, restaurants, and other supportive uses. References to Exurban/Rural tiers has been struck as well.

Block Dimensions

Table 3.F.2.A of the City's ULDC establishes minimum and maximum block standards for TND neighborhoods. Modifications to the block lengths and average perimeters are proposed to allow more flexibility in the neighborhood design. The current regulations would result in a significant increase in pavement and segregation of the home layouts. In addition, the adjusted block lengths will provide the ability to for more curvature in the streets, on-street parking, and street trees. The proposed amendments are based on street designs utilized in numerous traditional communities throughout Palm Beach County.

Street Design Standards

TABLE 3.F.2.A of the City's ULDC establishes standards for street cross-sections. To provide clarity, the Applicant is proposing to add "minimum" to the table's title. In the past, there have been instances where the design standards were applied as both maximum and minimum thresholds. It is the intent that the standards provided in the table be applied as minimum thresholds.

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It is the visions of the Applicant to produce streets that are appropriately scaled and comfortable to the City's future residents. The standards within Table 3.F.2.A are set up to produce much wider roadways that are inconsistent with sound neighborhood design. Narrower streets help to establish a sense of place, solicit lower traffic speeds, and create more integration with the development pods.

Parking

The current TDD code requires structured parking to be provided when the parking ratio exceeds 1 sp/250 sf. This ratio is proposed to reflect a ratio of 1 sp/200 sf, to avoid forcing medical users, who have higher parking ratios, to construct structured parking. Within the EDC/MUPD district, where medical uses are desired, this provision would be especially problematic. The structured parking thresholds should come into effect when excessive amounts of surface parking occur, not when the minimum parking standards required by code are being provided. This would create a significant barrier to entry.

TND Setback Standards

As discussed above, the PC pods are required to adhere to the Neighborhood Center provisions within the framework of the TND. The ULDC provisions for the Neighborhood Center are designed to accommodate small centers located within the TND pods. However, the Conceptual Plan and Final Master Plan for the City of Westlake reflect the co-location of these civic uses into pods outside of the TND pods, which the current ULDC did not anticipate. Therefore, revisions to the setback chart are necessary to create minimum setback standards, rather than maximum setbacks. The PC pods are smaller pods that do not meet the minimum sizes necessary to create effective streets and block structures that are needed to meet the building orientation and build-to line standards. The proposed amendments provide exceptions for PC pods from such requirements, which leaving opportunity for neighborhood centers to be provided within the TND pods in the future.

ARTICLE 4 USE REGULATIONS TEXT AMENDMENT

Purpose

The purpose of the requested text amendments to Article 4 is to address use regulations for **Place of Worship, Medical or Dental Office and Retail Sales, General**. In addition, the Applicant has taken the opportunity to update references to "Palm Beach County," "BCC," "county," and prior ordinance references, which are no longer applicable.

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Article 4, note 29 refers to **Place of Worship**. Recently, Palm Beach County amended Article 4 of the ULDC to address Places of Worship. The revised language included criteria to address location, access, and size.

Article 4, note 83 refers to **Medical or Dental Office**. The modifications to this note are the same as the definition changes made in Article 1. The change in Article 4 is simply to make the two Articles consistent.

Article 4, note 114 refers to **Retail Sales, General**. The additional language in the note establishes a square footage threshold for retail uses within the EDC/MUPD district of 2,500 square feet. This will help ensure that the types of retail uses locating within the EDC remain accessory to and supportive of employment uses. Tenants occupying more than 2,500 square feet will only be permitted as a requested use.

Conclusion

The proposed ULDC text amendment is consistent with the City's Comprehensive Plan. The Applicant looks forward to working with Staff to respond to any questions or issues that might arise as a result of your review.

ORDINANCE NO. 2018- 6

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S INTERIM LAND DEVELOPMENT CODE, ARTICLE 4, CHAPTER B, SUPPLEMENTARY USE STANDARDS, SECTION 1, USES, PROVIDING FOR CHANGES IN THE LOCATION, USE LIMITATION, AND DEVELOPMENT THRESHOLDS FOR PLACE OF WORSHIP, PROVIDING FOR A MODIFICATION OF THE USES PERMITTED IN MEDICAL OR DENTAL OFFICE AND PROVIDING FOR APPROVAL PROCESS FOR USE IN RETAIL SALES, GENERAL; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Chapter 163, upon incorporation, the County's comprehensive plan shall be deemed controlling, until the City of Westlake adopts its' own comprehensive plan; and

WHEREAS, the pursuant to Section 163.3174(4)(C), the Planning and Zoning Board, sitting as the Local Planning Agency(LPA), has the authority to review proposed land development regulations, land development codes, or amendments thereto; and

WHEREAS, the Developer has requested review of a provision of the land development codes regarding the supplemental use standards utilized for place of worship developments within the City of Westlake, wherein the existing code provides frontage and access requirements, location of facilities and use limitations; and

WHEREAS, the Developer has requested places of worship greater than or equal to 15,000 square feet have frontage and access on an arterial or collector street, places of worship greater than 5,000 square feet and less than 15,000 square feet shall have frontage and access from an arterial, collector or local commercial street, and a place of worship less than 5,000 square feet, shall have frontage and access from a local residential street; and

WHEREAS, the Developer has requested the deletion of paragraphs 1, 2, 5, and 6, under "use limitations", removing the DRO Approval process, the accessory/collocated use provision, and the institutional designation permitting housing as an accessory use, and removing the reference to the AGR District; and

WHEREAS, the Developer has requested a modification to the definition of the term "Medical or Dental Office", which modification would permit "immediate and/or emergent" examinations and or treatment for patients where no overnight stays are permitted; and

WHEREAS, the Developer has requested a modification to the "general retail sales" in the Mixed Use Planned Development ("MUPD") district, and the Economic Development Center ("EDC") districts, which would permit an approval by the DRO process for developments less than 2,500 square feet in size and approval by the City Council for developments in excess of 2,500 square feet; and

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

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

WHEREAS, the staff for the City of Westlake has reviewed the request of the applicant and the, within Article 4, Chapter B, Supplementary Use Standards, Section 1, Uses, (29) Place of Worship, of the City's interim land development code, which changes will allow for frontage and access for places of worship based upon square footage, removes references to housing as an accessory use in the institutional future land use designation, and removes references to the agricultural tier uses; and

WHEREAS, the staff for the City of Westlake has reviewed the request of the applicant and the, within Article 4, Chapter B, Supplementary Use Standards, Section 1, Uses, (83) Medical or Dental Office, of the City's interim land development code, which changes will allow for immediate and/or emergent care services to be provided within the medical or dental office use categories; and

WHEREAS, the staff for the City of Westlake has reviewed the request of the applicant and the, within Article 4, Chapter B, Supplementary Use Standards, Section 1, Uses, (114) Retail Sales, General, which will allow for general retail sales of less than 2,500 square feet to be approved by the DRO, and for general retail sales in excess of 2,500 square feet to be approved by the City Council; and

WHEREAS, having considered the recommendations of the Planning and Zoning Board, the City Council for the City of Westlake has found and determined that the adoption of the land development text amendment to Article 4, Chapter B, Supplementary Use Standards, Section 1, Uses, will preserve the public health, safety and welfare, enhance the value and character of the community and implement the interim adopted comprehensive plan.

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

- Section 1.** Incorporation: The above recitals are true and correct and are incorporated herein by this reference.
- Section 2.** Amendment: The City of Westlake hereby amends the interim Land Development Code, Article 4, Chapter B, Supplementary Use Standards, Section 1, Uses, as shown in underline and strikethrough format, in the Exhibit "A" attached hereto and incorporated herein, said amendments are applicable to the standards for "Place of Worship", "Medical or Dental Office", and "Retail Sales, General" within the jurisdictional boundaries of the City of Westlake.
- Section 3.** Severability: Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

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

PASSED this _____ day of January, 2018, on first reading.

PASSED AND ADOPTED this _____ day of February, 2018, on second reading.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

City Attorney
Pam E. Booker, Esq.

Exhibit "A"
City of Westlake Amendment to Article 4, Chapter B, Supplemental Use Standards

ARTICLE 4 USE REGULATIONS

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ARTICLE 4

USE REGULATIONS

CHAPTER A USE CLASSIFICATION

Section 1 General

A. Use Matrix

Uses permitted by right, permitted subject to a Special Permit permitted by the DRO, or subject to conditional use approval in each standard district shall be determined in [Table 4.A.3.A, Use Matrix](#).

B. PDDs and TDDs

The use regulations for the Planned Development Districts, (PDDs) and Traditional Development Districts (TDDs) are specified in [Article 3.E, PLANNED DEVELOPMENT DISTRICTS \(PDDs\)](#) and [Article 3.F, TRADITIONAL DEVELOPMENT DISTRICTS \(TDDs\)](#).

C. Overlays

The use regulations within overlays shall be determined by the uses allowed in the underlying district and [Article 3.B, OVERLAYS](#).

D. Airport Zones

Uses in airport zones may be further restricted or subject to special regulations as specified in [Article 16, AIRPORT REGULATIONS](#).

E. District Specific Regulations

Special standards apply within certain districts as specified in this Article.

Section 2 Definitions

See [Art. 1.I, Definitions and Acronyms](#)

Section 3 Use Matrix

The list of uses in [Table 4.A.3.A, Use Matrix](#) is intended to classify uses on the basis of common functional characteristics and land use compatibility. Uses not specifically listed, but consistent with the definition of a listed use, may be so classified by the Executive Director of PZB pursuant to [Article 1.B, INTERPRETATION OF THE CODE](#).

A. Standard Use Matrix

[Table 4.A.3.A, Use Matrix](#), applies as follows:

1. Permitted

Uses identified with a "P" are permitted by right in the district, subject to the supplementary use standards indicated in the "Note" column and the other requirements of this Code.

2. DRO

Uses identified with a "D" or exceeding the thresholds of [Table 4.A.3.A, Threshold for Projects Requiring DRO Approval](#) are permitted subject to approval by the DRO in accordance with [Article 2.D, ADMINISTRATIVE PROCESS](#). [Ord. 2005-002]

3. General Requirement

All site improvements shown on the site plan or subdivision plan shall be completed in accordance with the permit required by the affected regulatory agency and a CO obtained (if required), prior to utilization of the development order approved by the DRO.

4. Special Permit

Uses identified with an "S" are permitted in the district only if approved by the Zoning Director in accordance with [Article 2.D.2, Special Permit](#).

5. Class B Conditional Use

Uses identified with a "B" are permitted in the district only if approved by the ZC in accordance with [Article 2.B, PUBLIC HEARING PROCESS](#) - Class B conditional uses.

6. Class A Conditional Use

Uses identified with an "A" are permitted in the district only if approved by the BCC in accordance with [Article 2.B, PUBLIC HEARING PROCESS](#) - Class A conditional uses.

7. Prohibited Uses

- 4) Cemeteries owned and operated or dedicated by a Place of Worship prior to June 23, 1976. **[Ord. 2015-006]**
- 5) A columbarium consisting of less than one-half acre which is collocated with a Place of Worship. **[Ord. 2015-006]**
- 6) A mausoleum consisting of two acres or less which is collocated with a Place of Worship. **[Ord. 2015-006]**
- 7) A columbarium consisting of five acres or less which is located on the main campus of a state university as defined in s. 1000.21(6). **[Ord. 2015-006]**

c. RM District

In the RM district, a cemetery may include a funeral home or a crematory subject to approval as a Class A Conditional Use, provided the use is restricted to those being interred within that cemetery. **[Ord. 2013-001]**

d. Pet Cemetery

A pet cemetery shall be permitted in the CG and IPF districts as a Class A Conditional Use. **[Ord. 2013-001]**

28. Chipping and Mulching

An establishment using equipment designed to cut tree limbs, brush or wood construction debris into small pieces for use as mulch.

a. Lot Size

A minimum of five acres.

b. Setback

A minimum of 500 feet from any property line abutting a residential district.

c. Accessory Uses

Potting soil manufacturing may be allowed as an accessory use to chipping and mulching.

d. Access

An access road for collection vehicles shall be provided to the entrance of the facility. Access from a local residential street shall be prohibited. Access from a local commercial street shall be prohibited where the street also serves residential uses. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site. **[Ord. 2005 – 002]**

e. Storage

Except in the AP district, outdoor storage of unprocessed material shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet. Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district or use. Storage areas shall be screened from view, pursuant to [Article 5.B. ACCESSORY AND TEMPORARY USES](#).

f. Hours of Operation

The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1000 feet of a residential zoning district.

g. Supplemental Application Requirements

1) Site Plan

A site plan illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, chipper and storage piles.

2) Waste Volume

An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.

3) Dust Control

A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.

h. AR/RSA

May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. **[Ord. 2005 – 002]**

29. Place of Worship

Means a sanctuary which may include a retreat, convent, seminary or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services. A place of worship may include collocated facilities that require additional approval, such as a day care, school, cemetery, or CLF. **[Ord. 2005-041]**
[Ord. 2006-013]

a. ~~Frontage and Access~~

~~A place of worship with collocated uses such as a day care, school, CLF, or cemetery; or, in excess of 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or an arterial street. [Ord. 2006-013]~~

a. ~~Location~~

~~A Place of Worship shall be in compliance with one of the following:~~

- ~~1) A Place of Worship greater than or equal to 15,000 square feet, including accessory uses, shall have frontage on and access from an Arterial or Collector Street.~~
- ~~2) A Place of Worship greater than or equal to 5,000 square feet and less than 15,000 square feet, including accessory uses, shall have frontage on and access from an Arterial, Collector or Local Commercial Street.~~
- ~~3) A Place of Worship less than 5,000 square feet, including accessory uses, may have frontage on and access from a Local Residential Street.~~

b. ~~Use Limitations~~**1) ~~DRO Approval~~**

~~A place of worship not exceeding 3,000 square feet of GFA or 150 seats, including collocated or accessory uses, shall be permitted in the CN, CC, CG, UC or UI, MUPD, MXP, TMD districts, and a commercial pod in a PDD or TDD subject to DRO approval. [Ord. 2005-002] [Ord. 2006-013] [Ord. 2011-016]~~

2) ~~Accessory/Collocated Use~~

~~A place of worship not exceeding 3,000 square feet of GFA or 150 seats shall be permitted as an accessory use to an assembly, civic, educational or recreational use in any nonresidential district, except IL, IG or a PDD with an IND FLU designation, subject to approval by the DRO. [Ord. 2006-013]~~

3) ~~Temporary Sales~~

~~Temporary sales, such as rummage, bake, or seasonal sales, shall be permitted as an accessory use. Temporary sales greater than three consecutive days shall obtain a Special Permit for Temporary Retail Sales.~~

4) ~~Limited Day Care~~

~~A limited day care shall be permitted as a collocated use to a place of worship with a minimum of 3,000 square feet of GFA or 150 seats subject to DRO approval. [Ord. 2005-002] [Ord. 2006-013].~~

5) ~~INST~~

~~In the INST FLU designation, affordable housing shall be permitted as an accessory use to a place of worship, subject to approval of a Class A conditional use. Such housing shall be requested and under the direct supervision of a sponsoring nonprofit organization or community based group, provided at below market rental rates, and not for resale. The number of units allowed shall be determined by the Planning Director based on a land use compatibility analysis of the surrounding area. [Ord. 2006-013]~~

6) ~~AGR District~~

~~The use shall be limited to that which serves the needs of farm workers or residents of the AGR Tier and shall not be located west of SR 7/US 441. [Ord. 2006-013]~~

30. College or University

An institution of higher learning offering undergraduate or graduate degrees, and including the buildings required for educational or support services, such as classrooms, laboratories, dormitories and the like.

31. Communication Towers, Commercial

Any tower whose principal use is to facilitate transmissions for AM/FM radio, television, microwave and cellular telephone transmission towers, antennae and accessory equipment and buildings. All tower and antennae types are subject to standards in [Article 4.C. COMMUNICATION TOWER, COMMERCIAL.](#)

a. Communication Panel Antennas, Commercial

Standards shall apply to commercial communication panels and antennas mounted on roofs, or attached to buildings or legal billboards.

b. Communication Cell Sites on Wheels (COWs)

A temporary facility utilized to ensure adequate telecommunications capacity during periods of high usage or during periods when traditional modes of communication are unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with attached antenna, mounted on a trailer or truck.

32. Community Vegetable Garden

A plot of land used primarily as a vegetable garden which is cultivated and harvested by a group of residents from the surrounding area.

a. Accessory Structures

Accessory structures shall be limited to 400 square feet.

b. Setbacks

Accessory activities shall maintain a setback of five feet from all property lines adjacent to residential districts. Accessory structures shall meet the setbacks of the district.

c. Spraying

c. Flex Space

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in [Table 3.E.1.B – PDD Use Matrix](#), [Table 4.A.3.A – Use Matrix](#), and pursuant to [Article 5.B.1.C, Flex Space](#). [Ord. 2010-005]

82. Marine Facility

A commercial facility related to boating. Typical uses include boat docks, marinas, boatyards, yacht clubs, charter boat operations, and boatels. Any marine facility with five or more slips shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection Plan. [Ord. 2009040]

a. Boatel Units

A boat used as a hotel or motel unit. The total number of units shall be prorated on the basis of one for using 1,000 square feet of dry land for each unit.

b. Setbacks

Dry storage of boats and other marina related uses may be setback zero feet from the water's edge.

83. Medical or Dental Office

An establishment where patients, who are not lodged overnight, are admitted for immediate and/or emergency examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. [Ord. 2005 – 002] [Ord. 2010009] [Ord. 2011-001] [Ord. 2011-016]

a. CN District

May exceed 3,000 square feet of GFA if approved as a Class A conditional use.

b. Ambulatory Surgical Center

Ambulatory surgical centers licensed by the Florida Agency for Health Care Administration (AHCA), under the authority of F.S. Chapter 395, Part 1, and FAC Chapter 59A-5, limited to the provision of elective same day surgical care, where patients are ambulatory. [Ord. 2005-041]

1) Floor Area

- a) An ambulatory surgical center up to 10,000 square feet of GFA may be permitted subject to the approval process for a medical or dental office. [Ord. 2005-041]
- b) An ambulatory surgical center greater than 10,000 square feet of GFA is only permitted in developments with a CH FLU designation, subject to BCC approval as a Class A or Requested Use. [Ord. 2005-041]

2) Elective Surgical Care

Ambulatory surgical centers must not be designed to accept patients requiring emergency care, including the provision of ambulance drop off areas; however, ambulatory surgical centers may be permitted to incorporate ambulance loading zones and related emergency facilities necessary to address any complications that may arise during normal procedures, as required by AHCA or Florida Statute. [Ord. 2005-041]

c. INST FLU Designation

A medical or dental office may be permitted subject to DRO approval, within the boundaries of the following five site specific FLUA amendments: [Ord. 2011-001] [Ord. 2012-027]

- 1) SCA 2005-027, Linton/Jog Institutional, Ord. 2006-005; [Ord. 2012-027]
- 2) SCA 2008-015, Jog/Joe DeLong Institutional, Ord. 2008-005; [Ord. 2012-027]
- 3) SCA 2009-002, Atlantic/Sims Medical Office, Ord. 2009-008; [Ord. 2012-027]
- 4) LGA 2010-014, Sues Institutional (Southern & Seminole Pratt and Whitney), Ord. 2010-031; and, [Ord. 2012-027]
- 5) LGA 2012-002, Agriculture Reserve Boynton Beach, Ord. 2012-017. [Ord. 2012-027]

84. Medical or Dental Laboratory

A facility for the construction or repair of prosthetic devices or medical testing exclusively on the written work order of a licensed member of the dental or medical profession and not for the public.

a. Flex Space

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in [Table 3.E.1.B – PDD Use Matrix](#), [Table 4.A.3.A – Use Matrix](#), and pursuant to [Article 5.B.1.C, Flex Space](#). [Ord. 2010-005]

85. Mobile Home Dwelling

The use of a lot or a unit for one mobile home.

a. Mobile Home

beverage license. The Special Permit shall be subject to the following restrictions: **[Ord. 2006-004]**

1) Accessory Use

Alcohol sales, service, and consumption shall not exceed 30 percent of receipts. An annual accounting of the restaurant receipts prepared by a Certified Public Accountant (CPA) shall be provided to the Zoning Division.

2) Kitchen

The restaurant shall have a full kitchen which shall remain open and serving full course meals while alcohol is being served.

3) Floor Area

A maximum of 30 percent of the floor area of the restaurant or number of seats, whichever is less, shall be devoted solely to alcohol sales.

4) Special Permit Renewal

The Special Permit shall be renewed annually.

b. Use Limitations and Approval Process

1) DRO Approval

a) CLO and CHO Districts; PDDs with a CLO or CHO FLU; TNDs NC

A Type II Restaurant less than 3,000 square feet of GFA per establishment including outdoor dining areas, may be approved by the DRO, provided the total of all Type II Restaurants do not exceed 30 percent of the GFA of the development. **[Ord. 2006-036]**
[Ord. 2007-013]

b) CHO District; and PDDs with a CHO FLU

If contained in an office, hotel or motel structure that does not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO. **[Ord. 2006-036]** **[Ord. 2007-013]**

c) CRE District; PDDs with a CL or CR FLU; PUD Commercial Pods and PIPD Commercial Use Zone

A Type II Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO. **[Ord. 2006-036]** **[Ord. 2007-013]**

2) Catering Service

Catering may be permitted as an accessory use to a restaurant. Except in the IL district, the use of three or more delivery or service vehicles shall require DRO approval. **[Ord. 2006004]**
[Ord. 2006-036]

3) Take Out Service

Take out service is permitted as an accessory use provided there are no vehicle take out windows that include exterior menu boards, queuing lanes or order service. **[Ord. 2006-004]**
[Ord. 2006-036]

4) TND, TMD, and LCC Districts

Take out windows designed for vehicular use are prohibited unless located in the rear of a building, with access from an alley or the interior of a parking area, and covered by a canopy or the second story of a building. **[Ord. 2006-004]** **[Ord. 2006-036]** **[Ord. 2007-001]** **[Ord. 2010-005]**

112.Reserved for Future Use

113.Retail Sales, Auto Accessories and Parts

An establishment providing retail sales of auto accessories and parts.

a. Architecture

Stand alone or freestanding auto accessory and parts stores contiguous to a public street or residential zoning district shall comply with [Article 5.C. DESIGN STANDARDS.](#)

b. Disposal of Motor Oil

Auto part stores shall provide an oil recycling drum or other device for the disposal of motor oil, as prescribed by the U.S. Environmental Protection Agency (EPA).

c. LCC District

Sales shall be limited to 3,000 square feet GFA provided that the use is not located in a freestanding building and shall not have outdoor storage or any installation of vehicle parts in the main streets or parking lots. **[Ord. 2010-005]**

114.Retail Sales, General

An establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. Uses include typical retail stores such as clothing stores, bookstores, business machine sales, food and grocery stores (excluding convenience stores),

window tinting, marine supply sales (excluding boat sales), and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may include limited repair services for their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services. **[Ord. 2011-016]**

a. TND District

In a Neighborhood Center, general retail sales shall not exceed 5,000 square feet of GFA per establishment (40,000 square feet for a food store or 20,000 square feet for a food store when the TND is developed as part of a TTD). In a multi-family building with more than 50 units, a "corner store" is allowed, provided it does not exceed 1,000 square feet and is integrated into the building and at a corner location.

b. TMD District

Shall not exceed 100,000 square feet of GFA per establishment in the U/S tier, 50,000 square feet of GFA per establishment in the Exurban and Rural tiers and 65,000 square feet of GFA in the AGR. A drive-thru facility for a drug store is allowed if located in the rear of a building. Access shall be from an alley, an interior parking area, or a street not designated as a Main Street. The drive-thru facility shall be covered by a canopy or the second story of a building.

~~[Ord. 2005-002]~~

c. MUPD / EDC District

In a MUPD/EDC district, general retail sales 2,500 SF in size or less shall be approved by the DRO. Tenants occupying a bay larger than 2,500 SF in size shall be a requested use and require approval from the City Council.

(This space intentionally left blank)

e.d. CN District

Shall be limited to a maximum of 3,000 square feet of GFA per use.

d. LOSTO

~~Shall be limited to specialty shops selling merchandise such as hand-crafted items, nature books, prepackaged meals, snacks, and non-alcoholic beverages for consumption off the premises, hiking supplies such as backpacks and walking sticks, and outfitters renting equipment for recreational use including bicycles, skates, canoes, and kayaks and 3,000 square feet of total floor area shall be allowed subject to approval of a Special Permit.~~

e. Fireworks

The retail sale or storage of fireworks as a principal use in any commercial district is prohibited.

1) Exception

Temporary sale of sparklers, subject to a special permit.

f. SR-7 EDO

~~Shall be prohibited as a principal use. [Ord. 2010-022]~~

g-f. Sale or Dispensing of Controlled Substances - Pharmacy

A pharmacy shall be subject to the following: [Ord. 2011-016]

- 1) No more than 15 percent of the total number of prescriptions filled within a thirty (30) day period can be derived from the sale of controlled substances that are identified in Schedule II in accordance with F.S. § 893.03, and as further amended by F.S. § 893.035, 893.0355, or 893.0356, as determined by audits or information provided through the Florida Department of Health or any other government agency having the legal right to view such records. [Ord. 2011-016]

115. Retail Sales, Mobile or Temporary

General retail sales without a fixed or permanent location.

a. General Requirements

1) Frontage

Mobile or temporary retail sales shall front an arterial street.

2) Setbacks

Mobile or temporary retail sales shall comply with the setbacks of the district. The minimum setback from streets is 20 feet. Setbacks shall not be located in any safe sight triangle.

3) Insurance

Proof of liability insurance shall be submitted listing the BCC as additionally insured or certificate holder, paid in full covering the period for which the permit is issued, in the minimum amount of \$500,000 per occurrence.

4) Landscape

Mobile or temporary sales shall not be located in any landscape buffer.

5) Location Plan

An application for mobile or temporary sales shall submit a plan delineating location, parking and signage.

6) Warranty Deed

Submit a copy of the recorded warranty deed for the property.

b. Temporary Sales

Temporary sales shall be conducted without a fixed or permanent location. Typical uses include sparklers, as defined in F.S. §791.01, or special event sales, such as the sale of furniture, and seasonal sales regulating (e.g. Christmas trees, pumpkins) that may require a tent or temporary structure.

1) Districts

Limited to the CN, CC, CG, IPF, AGR, UC, UI, MUPD, or MXPD Zoning districts. [Ord. 2011-016]

2) AGR District

Temporary sales in the AGR district shall be limited to plants, pumpkins and Christmas trees.

3) Duration

Temporary sales shall not exceed 30 days in duration. Issuance of a Special Permit shall be limited to four times a year per parcel.

4) Tent

A maximum of one temporary tent or structure shall be allowed per parcel.

5) Sign

One on-site, non-illuminated freestanding sign shall be permitted. This sign shall not exceed 32 square feet in sign area, shall not exceed six feet in height from finished grade, and shall

be located at least five feet from all base building lines. The sign may remain on the site only for the approved duration of the temporary sale.

- 6) **Debris**
All debris shall be removed within 48 hours of expiration of the Special Permit and the property returned to its original condition.
- 7) **Storage**
Temporary storage trailers may be permitted in conjunction with temporary sales. Trailers shall not obstruct primary circulation routes and shall be parked the maximum extent possible from all buildings on or surrounding the site.

c. Special Provisions for Sparklers

Sale of sparklers shall comply with the following additional requirements:

1) Seasonal Limitations

Seasonal sales shall be limited to June 20 through July 5 and December 10 through January 2 of each year.

2) CG and IL Districts

Limited to the sale of sparklers only.

3) Hours of Operation

Hours of operation shall be limited from 7 a.m. to 11 p.m. daily.

4) Electrical Service

All electrical uses shall meet the requirements established by the PBC Chief Electrical Inspector and PBC Fire-Rescue Department.

5) Supplemental Application Requirements

The Special Permit application shall include the following information:

a) Liability

A hold harmless affidavit, which holds PBC harmless for any liability connected with the operation.

b) Certification

A certification of registration from the State Fire Marshal authorizing the sale of sparklers.

c) Affidavit of Compliance

A signed and notarized affidavit of compliance with the Approved List of Sparklers maintained by the State Fire Marshal. The affidavit shall be submitted affirming that only products on the State Fire Marshal's approved List of Sparklers and Novelty Items will be sold and that violation of the affidavit may result in an injunction.

6) Documentation

The applicant shall submit copies of State of Florida registration documents for any corporate or other business entity, evidence of registering any fictitious name to be used and driver's licenses for the applicant's authorized agents.

d. Mobile Sales [Ord. 2005 – 002]

Mobile sales shall be conducted from a portable stand, structure, or trailer which is removed each night. Mobile sales operations shall be limited to flowers and food products and shall:

1) District

Mobile sales shall be limited to the CC, CG, IL, PO, UC, UI, and MUPD Zoning districts.

[Ord. 2011-016]

2) Location

Mobile sales shall not be located in any required parking spaces nor in such a manner as to distract motor vehicle operators or promote, require or cause any vehicles to stop, stand or to park in violation of official traffic-control devices, including, but not limited to, signs, signals, and markings erected by authority of the County or State of Florida for the purpose of regulating, moving or guiding traffic. Mobile sales shall not be located in any driveway aisles or loading areas or interfere with on-site circulation.

3) Adjacent Residential District

Mobile sales shall be located a minimum of 300 feet from the property line of any existing residential use.

4) Number

Only one mobile sales vendor shall be permitted per parcel of land.

5) Electric Service


Electric service shall not be permitted.

6) Hours of Operation

Thirteenth Order of Business

MEMORANDUM

To: Mayor Roger Manning
City Council Members
Ken Cassel, City Manager

From: Pam E. Booker, City Attorney 

Date: January 29, 2018

Subject: Resolution for Final Plat the Hammocks of Westlake Phase II

Please find a resolution for approval of the Final Plat for the Hammocks of Westlake, Phase II, a Planned Unit Development (P.U.D.). The acreage for this plat is approximately twenty-nine (29) acres of land. This acreage contained within this plat is the balance of the Pod Q, plat. The property is located east of Seminole Pratt Whitney road and north of Town Center Parkway. Hammocks of Westlake, Phase II, plat is the second phase of development for construction of residential units within the City of Westlake.

There are several dedications on the plat to various parties. First, Tract Q-2 is reserved for the applicant for future development. Second, there are dedication provision to the homeowner's association for the Hammocks of Westlake for recreation tracts. The Hammocks homeowner's association shall be responsible for the maintenance of the road right of way and the recreation tracts contained within the plat. The City's staff has reviewed the homeowner's association documents for the Hammocks of Westlake and the City Attorney approves the final version of said documents. Third, there are dedications on the plat to the Seminole Improvement District for open space tracts, lake maintenance access easements, utility easements and drainage easements, as the party responsible for the maintenance of these facilities for the City of Westlake.

The applicant provided a boundary survey which corresponds to the plat boundaries. The plat and the boundary survey have been reviewed by the City Engineer, the City Planner, and a Surveyor/Mapper for the City of Westlake to ensure compliance with the City's interim Land Development regulations and the Florida Statutes. We would recommend approval of the resolution, approving the Final Plat for the Hammocks of Westlake, Phase II. Should you have any questions, or need any additional information, please do not hesitate to contact staff.

February 12, 2018

RESOLUTION 2018-03

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE FINAL PLAT OF MINTO WESTLAKE, HAMMOCKS OF WESTLAKE, PHASE II, TRADITIONAL TOWN DEVELOPMENT (TTD), LOCATED BY METES AND BOUNDS AS A PORTION OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, AND A PORTION OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, AND BEING DESCRIBED AS A REPLAT OF TRACT "Q-2" AND O.S.T. 8 AND 9 OF HAMMOCKS OF WESTLAKE, PER PLAT BOOK 124, PAGES 71-81, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Minto PBLH, LLC, a Florida Limited Liability Company, as the Applicant has requested approval for Minto Westlake, Hammocks of Westlake Phase II, Final Plat, described by metes and bounds description as a parcel of land lying in Section 6, Township 43 South, Range 41 East, and a portion of Section 1, Township 43 South, Range 40 East, and being described as a re-plat of Tract "Q-2" and O.S.T. 8 and O.S.T. 9 of Hammocks of Westlake, per plat book 124, pages 71-81, and, in the City of Westlake, Palm Beach County, Florida, as described in Exhibit "A", attached hereto; and

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

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

WHEREAS, the building staff, engineering staff and planning staff for the City of Westlake has reviewed the application, the final plat and the boundary survey, and the collective staff has recommended approval; and

WHEREAS, after careful review and consideration, the collective staff has determined that this application has complied with the City of Westlake's interim Land Development Codes and Florida law.

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

Section 1: The above recitals are true and correct and are incorporated herein by this reference.

Section 2: The City Council for the City of Westlake hereby approves the final plat and boundary survey for Hammocks of Westlake, Phase II, as described in the attached Exhibit "A", containing approximately twenty-nine (29) acres, which is located in the City of Westlake, and in Palm Beach County, Florida.

Section 3. The applicant shall provide a certified copy of the recorded plat and the applicant shall cover the costs of recording the plat in the public records in and for Palm Beach County Florida.

Section 4: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 12th day

of February, 2018.

City of Westlake
Roger Manning, Mayor

Sandra Demarco, City Clerk

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

**“Exhibit A”
Legal Description
Hammocks of Westlake, Phase II**

COMMENCE AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE S.89°48'53"E. ALONG THE NORTH BOUNDARY OF SAID SECTION 6, A DISTANCE OF 1228.85 FEET; THENCE DEPARTING SAID NORTH BOUNDARY OF SECTION 6 S.00°11'07"W., A DISTANCE OF 950.00 FEET TO A POINT ON THE WEST BOUNDARY LINE OF TRACT "Q-2", HAMMOCKS OF WESTLAKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 124, PAGES 71 THROUGH 81, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO THE POINT OF BEGINNING; THENCE ALONG THE BOUNDARY LINE OF SAID TRACT "Q-2" THE FOLLOWING COURSES; S.00°11'07"W., A DISTANCE OF 741.19 FEET; THENCE N.89°48'53"W., A DISTANCE OF 125.00 FEET; THENCE N.00°11'07"E., A DISTANCE OF 34.00 FEET; THENCE N.89°48'53"W., A DISTANCE OF 50.00 FEET; THENCE S.45°11'07"W., A DISTANCE OF 35.36 FEET; THENCE N.89°48'53"W., A DISTANCE OF 100.00 FEET; THENCE N.00°11'07"E., A DISTANCE OF 732.19 FEET; THENCE N.89°48'53"W., A DISTANCE OF 89.93 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY WITH A RADIUS OF 750.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°10'55", A DISTANCE OF 107.10 FEET TO A POINT OF TANGENCY; THENCE S.82°00'14"W., A DISTANCE OF 171.33 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY WITH A RADIUS OF 550.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°15'42", A DISTANCE OF 165.70 FEET TO A POINT OF TANGENCY; THENCE N.80°44'06"W., A DISTANCE OF 119.16 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY WITH A RADIUS OF 650.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°50'31", A DISTANCE OF 100.31 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE WESTERLY WITH A RADIUS OF 450.00 FEET AND A RADIAL BEARING OF S.88°29'23"W. AT SAID INTERSECTION; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 40°56'06", A DISTANCE OF 321.50 FEET TO A POINT OF TANGENCY; THENCE S.39°25'29"W., A DISTANCE OF 208.66 FEET TO A POINT ON THE EAST BOUNDARY LINE OF O.S.T.#9, HAMMOCKS OF WESTLAKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 124, PAGES 71 THROUGH 81, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY LINE OF SAID O.S.T.#9 THE FOLLOWING COURSES, S.39°25'29"W., A DISTANCE OF 10.00 FEET; THENCE N.50°34'31"W., A DISTANCE OF 125.00 FEET; THENCE N.39°25'29"E., A DISTANCE OF 10.00 FEET TO A POINT ON SAID TRACT "Q-2" BOUNDARY LINE; THENCE ALONG THE BOUNDARY OF SAID TRACT "Q-2" THE FOLLOWING

COURSES, N.39°25'29"E., A DISTANCE OF 23.00 FEET; THENCE N.50°34'31"W., A DISTANCE OF 50.00 FEET; THENCE S.39°25'29"W., A DISTANCE OF 43.00 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY WITH A RADIUS OF 625.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°55'02", A DISTANCE OF 10.01 FEET TO A POINT ON THE CURVE, ALSO A POINT ON THE EAST BOUNDARY LINE OF O.S.T.#8, HAMMOCKS OF WESTLAKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 124, PAGES 71 THROUGH 81, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY LINE OF SAID O.S.T.#8 THE FOLLOWING COURSES, FROM A POINT ON A CURVE CONCAVE SOUTHEASTERLY WITH A RADIUS OF 625.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°55'00", A DISTANCE OF 10.00 FEET TO A POINT OF TANGENCY; THENCE N.52°24'33"W., A DISTANCE OF 125.00 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE SOUTHEASTERLY WITH A RADIUS OF 750.00 FEET AND A RADIAL BEARING OF S.52°24'33"E. AT SAID INTERSECTION; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°45'50", A DISTANCE OF 10.00 FEET TO A POINT ON SAID CURVE, ALSO A POINT ON THE BOUNDARY OF SAID TRACT "Q-2"; THENCE CONTINUE ALONG SAID TRACT "Q-2" FOR THE FOLLOWING COURSES; FROM A POINT ON THE CURVE CONCAVE SOUTHEASTERLY WITH A RADIUS OF 750.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°04'12", A DISTANCE OF 14.01 FEET TO A POINT OF TANGENCY; THENCE N.39°25'29"E., A DISTANCE OF 228.66 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY WITH A RADIUS OF 150.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE 30°14'26", A DISTANCE OF 79.17 FEET TO A POINT OF TANGENCY; THENCE S.81°52'18"W., A DISTANCE OF 137.43 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY WITH A RADIUS OF 1100.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE 13°35'39", A DISTANCE OF 260.99 FEET TO A POINT OF TANGENCY; THENCE N.84°32'03"W., A DISTANCE OF 71.33 FEET; THENCE S.05°27'57"W., A DISTANCE OF 51.27 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY WITH A RADIUS OF 250.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE 65°27'55", A DISTANCE OF 285.65 FEET TO A POINT OF TANGENCY; THENCE S.59°59'58"E., A DISTANCE OF 87.04 FEET; THENCE S.29°15'02"W., A DISTANCE OF 125.01 FEET; THENCE N.59°59'58"W., A DISTANCE OF 22.80 FEET; THENCE S.30°00'02"W., A DISTANCE OF 50.00 FEET; THENCE S.59°59'58"E., A DISTANCE OF 23.46 FEET; THENCE S.29°15'02"W., A DISTANCE OF 125.01 FEET; THENCE N.59°59'58"W., A DISTANCE OF 90.97 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY WITH A RADIUS OF

550.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $65^{\circ}27'55''$, A DISTANCE OF 628.42 FEET TO A POINT OF TANGENCY; THENCE $N.05^{\circ}27'57''E.$, A DISTANCE OF 50.99 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE SOUTHERLY WITH A RADIUS OF 1700.00 FEET AND A RADIAL BEARING OF $S.04^{\circ}25'40''W.$ AT SAID INTERSECTION; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $05^{\circ}48'43''$, A DISTANCE OF 172.44 FEET TO A POINT OF TANGENCY; ; THENCE $S.88^{\circ}36'57''W.$, A DISTANCE OF 62.10 FEET; THENCE $N.01^{\circ}23'03''W.$, A DISTANCE OF 125.00 FEET; THENCE $N.88^{\circ}36'57''E.$, A DISTANCE OF 31.07 FEET; THENCE $N.01^{\circ}23'03''W.$, A DISTANCE OF 50.00 FEET; THENCE $S.88^{\circ}36'57''W.$, A DISTANCE OF 30.97 FEET; THENCE $N.01^{\circ}23'03''W.$, A DISTANCE OF 125.00 FEET; THENCE $N.88^{\circ}36'57''E.$, A DISTANCE OF 1139.58 FEET; THENCE $S.89^{\circ}48'53''E.$, A DISTANCE OF 919.94 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY WITH A RADIUS 300.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $90^{\circ}00'00''$, A DISTANCE OF 471.24 FEET TO A POINT OF TANGENCY AND THE POINT OF BEGINNING.

CONTAINING: 1263256 SQUARE FEET OR 29.00 ACRES, MORE OR LESS.



CITY OF WESTLAKE

Engineering Department
4001 Seminole Pratt Whitney Road
Westlake, Florida 33470

Phone: (561) 530-5880

www.westlakegov.com

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1. **DATE:** February 5, 2018
 2. **PETITION NUMBER:** ENG-2017-10
 3. **DESCRIPTION:** Hammocks of Westlake – Phase II
APPLICANT: Cotleur & Hearing, Inc.
OWNER: Minto PBLH, LLC
REQUEST: Plat & Boundary Survey Review
LOCATION: Westlake, Florida
 4. **STAFF REVIEW:** 2nd Comment Letter

This is the second review of this Plat and Boundary Survey. This review is done for compliance with Chapters 177, 5J-17, Florida Statutes, and the City of Westlake’s codes and ordinances. Following are our comments:

General Plat Comments

1. None

SHEET ONE

1. In the first paragraph of the Dedication and Description, which begins with “Know all men by these presents”. The Hammocks of Westlake Homeowners Association should be added as owners, as Tracts O.S.T. #1 through Tract O.S.T. #13 were previously dedicated to them.
2. The Acknowledgement to the dedication by John Carter – president of the Homeowners Association calls out John Massey – President of the Seminole Improvement District.

Boundary Survey Comments

1. All of our previous comments have been adequately addressed. The survey is now in compliance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers in rule 5J17-050-052 Florida Administrative Code, pursuant to Chapter 472.027 F.S.

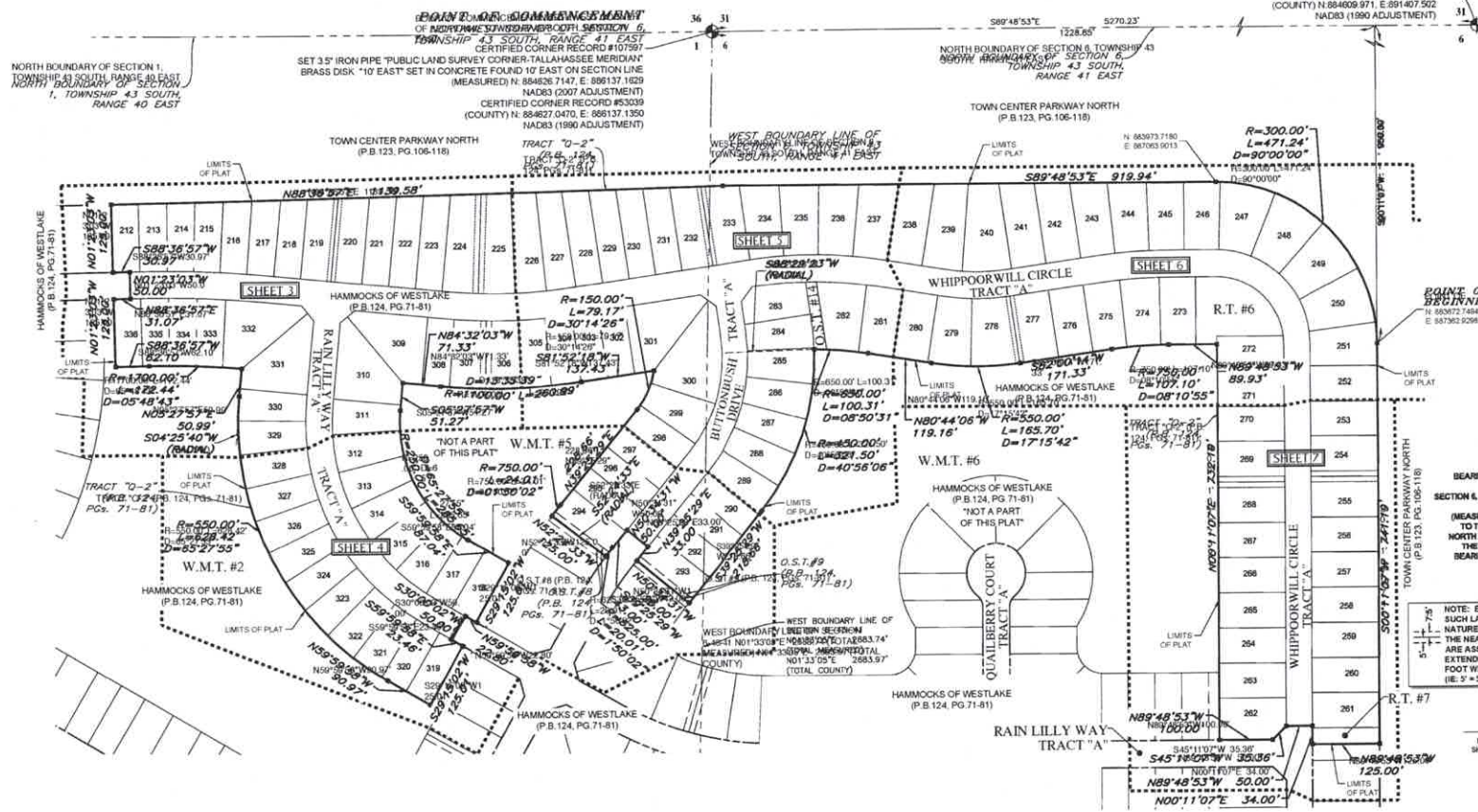
This letter has been prepared by the following individual, in association with their consultants and subconsultants:

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

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

HAMMOCKS OF WESTLAKE - PHASE II

BEING A REPLAT OF TRACTS "Q-2", O.S.T. #8 AND O.S.T. #9 OF HAMMOCKS OF WESTLAKE PER PLAT BOOK 124, PAGES 71-81, BEING A PORTION OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, AND A PORTION OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA



POINT OF BEGINNING
 N 89° 48' 53" E
 88.93'
 E 89° 48' 53" E
 88.93'

BASIS OF BEARINGS
 BEARINGS SHOWN HEREON ARE BASED ON THE NORTH BOUNDARY OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, HAVING A GRID BEARING OF S 89° 48' 53" E. (MEASURED) BEARINGS SHOWN HEREON, REFER TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICA DATUM OF 1983 (NAD 83 - 87) FOR THE EAST ZONE OF FLORIDA. BASE BEARS OF BEARING IS THE SAME IN THE NORTH AMERICAN DATUM OF 1983 (NAD 83 - 86).

NOTE: EASEMENTS, BUFFERS AND OTHER SUCH LABELS AND DIMENSIONS OF A PARALLEL NATURE AS SHOWN HEREON AND INDICATED TO THE NEAREST FOOT (IE: 5' UTILITY EASEMENT) ARE ASSUMED TO BE THE SAME DIMENSION EXTENDED TO THE NEAREST HUNDRETH OF A FOOT WITH NO GREATER OR LESSER VALUE (IE: 5' = 5.00') (IE: 7.5' = 7.50')

KEY SHEET
 NOTE: REFER TO THE FOLLOWING SHEETS OF THIS PLAT FOR DETAILED LABELING AND DIMENSIONING.

- LEGEND:**
- — Indicates (P.R.M.) Permanent Reference Monument - 4" x 4" Concrete Monument LB7768, unless otherwise noted.
 - ⊕ — Indicates (P.P.M.) Offset Permanent Reference Monument - 4" x 4" Concrete Monument LB7768, unless otherwise noted.
 - — Indicates (P.C.P.) Permanent Control Point LB7768
 - P.B.C. — Palm Beach County
 - P.B. — Plat Book
 - FCM — Found Concrete Monument
 - O.R. — Official Records Book
 - (TYP) — Typical
 - (RB) — Radial Bearing
 - (NR) — Non-Radial line
 - (PR) — Private Road
 - (U.E) — Utility Easement
 - (D.E) — Drainage Easement
 - C — Curve
 - L — Line
 - B.T. — Buffer Tract
 - O.S.T. — Open Space Tract
 - W.M.T. — Water Management Tract
 - L.M.E. — Lake Maintenance Easement
 - L.M.A.E. — Lake Maintenance Access Easement
 - L.A.E. — Limited Access Easement
 - PG. — Page
 - R.T. — Recreation Tract
 - S.I.D. — Seminole Improvement District
 - NAD — North American Datum
 - LB — Licensed Business
 - P.S.M. — Professional Surveyor and Mapper
 - 1/4 — One Quarter
 - R — Radius
 - L — Arc Length
 - D — Delta-Central Angle
 - C — Chord Length
 - CB — Chord Bearing

NOTICE:
 THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL, IN NO CIRCUMSTANCES BE SUPERPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

COORDINATES SHOWN HEREON ARE FLORIDA STATE PLANE DATUM = NAD83 2007 ADJUSTMENT
 ZONE = FLORIDA EAST
 LINEAR UNITS = US SURVEY FEET
 COORDINATE SYSTEM = 1983 STATE PLANE
 PROJECTION = TRANSVERSE MERCATOR
 ALL DISTANCES ARE GROUND
 SCALE FACTOR: 1.0000
 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
 PLAT BEARING = GRID BEARING
 NO ROTATION
 ALL TIES TO SECTION CORNERS AND QUARTER CORNERS ARE GENERATED FROM MEASURED VALUES

- NOTES:**
1. THIS PARCEL CONTAINS 29.00 ACRES, MORE OR LESS
 2. ALL LINES THAT INTERSECT A CURVE THAT ARE NOT LABELED NON-RADIAL, ARE RADIAL.

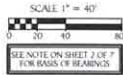
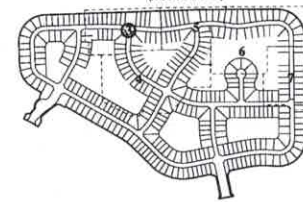


4151 W. Blue Heron Blvd. Phone: (561) 444-3720
 Suite 105 www.geopointsurvey.com
 Riviera Beach, FL 33404 Licensed Business Number LB 7164

HAMMOCKS OF WESTLAKE - PHASE II

BEING A REPLAT OF TRACTS "Q-2", O.S.T. #8 AND O.S.T. #9 OF HAMMOCKS OF WESTLAKE PER PLAT BOOK 124, PAGES 71-81, BEING A PORTION OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, AND A PORTION OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA

SHEET MAP (NOT TO SCALE)



- LEGEND:**
- Indicates (P.R.M.) Permanent Reference Monument - 4"x4" Concrete Monument LB7768, unless otherwise noted.
 - ⊕ Indicates (P.R.M.) Offset Permanent Reference Monument - 4"x4" Concrete Monument LB7768, unless otherwise noted.
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 - L — Arc Length
 - D — Delta-Central Angle
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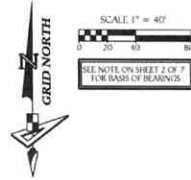
NO.	BEARING	LENGTH
L37	S 88°36'57" W	31.03'
L38	N 84°32'03" W	340.53'
L39	S 84°32'03" E	171.33'
L40	N 50°27'57" E	35.36'
L41	N 05°27'57" E	151.27'
L42	N 05°27'57" E	151.27'
L43	N 39°32'03" W	35.36'
L44	N 84°32'03" W	69.20'
L45	S 88°36'57" W	31.03'
L46	S 88°36'57" W	19.03'
L47	S 88°36'57" W	12.00'
L48	N 84°32'03" W	12.85'
L49	N 84°32'03" W	50.00'
L50	N 84°32'03" W	57.50'
L51	N 84°32'03" W	57.50'
L52	N 84°32'03" W	50.00'
L53	N 84°32'03" W	50.00'
L54	N 84°32'03" W	50.00'
L55	N 84°32'03" W	50.00'
L56	N 84°32'03" W	50.00'
L57	N 84°32'03" W	50.00'
L58	N 84°32'03" W	50.00'
L59	N 84°32'03" W	50.00'
L60	N 84°32'03" W	50.00'
L61	N 84°32'03" W	50.00'
L62	N 84°32'03" W	50.00'
L63	N 84°32'03" W	50.00'
L64	N 84°32'03" W	50.00'
L65	N 84°32'03" W	50.00'
L66	N 84°32'03" W	50.00'
L67	N 84°32'03" W	50.00'
L68	N 84°32'03" W	50.00'
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L70	N 84°32'03" W	50.00'
L71	N 84°32'03" W	50.00'
L72	N 84°32'03" W	50.00'
L73	N 84°32'03" W	50.00'
L74	N 84°32'03" W	50.00'
L75	N 84°32'03" W	50.00'
L76	N 84°32'03" W	50.00'
L77	N 84°32'03" W	50.00'
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L82	N 84°32'03" W	50.00'
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L84	N 84°32'03" W	50.00'
L85	N 84°32'03" W	50.00'
L86	N 84°32'03" W	50.00'
L87	N 84°32'03" W	50.00'
L88	N 84°32'03" W	50.00'
L89	N 84°32'03" W	50.00'
L90	N 84°32'03" W	50.00'
L91	N 84°32'03" W	50.00'
L92	N 84°32'03" W	50.00'
L93	N 84°32'03" W	50.00'
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L106	N 84°32'03" W	50.00'
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L110	N 84°32'03" W	50.00'
L111	N 84°32'03" W	50.00'
L112	N 84°32'03" W	50.00'
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L118	N 84°32'03" W	50.00'
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L121	N 84°32'03" W	50.00'
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L131	N 84°32'03" W	50.00'
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L136	N 84°32'03" W	50.00'
L137	N 84°32'03" W	50.00'
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L145	N 84°32'03" W	50.00'
L146	N 84°32'03" W	50.00'
L147	N 84°32'03" W	50.00'
L148	N 84°32'03" W	50.00'
L149	N 84°32'03" W	50.00'
L150	N 84°32'03" W	50.00'
L151	N 84°32'03" W	50.00'
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L161	N 84°32'03" W	50.00'
L162	N 84°32'03" W	50.00'
L163	N 84°32'03" W	50.00'
L164	N 84°32'03" W	50.00'
L165	N 84°32'03" W	50.00'
L166	N 84°32'03" W	50.00'
L167	N 84°32'03" W	50.00'
L168	N 84°32'03" W	50.00'
L169	N 84°32'03" W	50.00'
L170	N 84°32'03" W	50.00'
L171	N 84°32'03" W	50.00'
L172	N 84°32'03" W	50.00'
L173	N 84°32'03" W	50.00'
L174	N 84°32'03" W	50.00'
L175	N 84°32'03" W	50.00'
L176	N 84°32'03" W	50.00'
L177	N 84°32'03" W	50.00'
L178	N 84°32'03" W	50.00'
L179	N 84°32'03" W	50.00'
L180	N 84°32'03" W	50.00'
L181	N 84°32'03" W	50.00'
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L191	N 84°32'03" W	50.00'
L192	N 84°32'03" W	50.00'
L193	N 84°32'03" W	50.00'
L194	N 84°32'03" W	50.00'
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L206	N 84°32'03" W	50.00'
L207	N 84°32'03" W	50.00'
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L211	N 84°32'03" W	50.00'
L212	N 84°32'03" W	50.00'
L213	N 84°32'03" W	50.00'
L214	N 84°32'03" W	50.00'
L215	N 84°32'03" W	50.00'
L216	N 84°32'03" W	50.00'
L217	N 84°32'03" W	50.00'
L218	N 84°32'03" W	50.00'
L219	N 84°32'03" W	50.00'
L220	N 84°32'03" W	50.00'
L221	N 84°32'03" W	50.00'
L222	N 84°32'03" W	50.00'
L223	N 84°32'03" W	50.00'
L224	N 84°32'03" W	50.00'
L225	N 84°32'03" W	50.00'
L226	N 84°32'03" W	50.00'
L227	N 84°32'03" W	50.00'
L228	N 84°32'03" W	50.00'
L229	N 84°32'03" W	50.00'
L230	N 84°32'03" W	50.00'
L231	N 84°32'03" W	50.00'
L232	N 84°32'03" W	50.00'
L233	N 84°32'03" W	50.00'
L234	N 84°32'03" W	50.00'
L235	N 84°32'03" W	50.00'
L236	N 84°32'03" W	50.00'
L237	N 84°32'03" W	50.00'
L238	N 84°32'03" W	50.00'
L239	N 84°32'03" W	50.00'
L240	N 84°32'03" W	50.00'
L241	N 84°32'03" W	50.00'
L242	N 84°32'03" W	50.00'
L243	N 84°32'03" W	50.00'
L244	N 84°32'03" W	50.00'
L245	N 84°32'03" W	50.00'
L246	N 84°32'03" W	50.00'
L247	N 84°32'03" W	50.00'
L248	N 84°32'03" W	50.00'
L249	N 84°32'03" W	50.00'
L250	N 84°32'03" W	50.00'
L251	N 84°32'03" W	50.00'
L252	N 84°32'03" W	50.00'
L253	N 84°32'03" W	50.00'
L254	N 84°32'03" W	50.00'
L255	N 84°32'03" W	50.00'
L256	N 84°32'03" W	50.00'
L257	N 84°32'03" W	50.00'
L258	N 84°32'03" W	50.00'
L259	N 84°32'03" W	50.00'
L260	N 84°32'03" W	50.00'
L261	N 84°32'03" W	50.00'
L262	N 84°32'03" W	50.00'
L263	N 84°32'03" W	50.00'
L264	N 84°32'03" W	50.00'
L265	N 84°32'03" W	50.00'
L266	N 84°32'03" W	50.00'
L267	N 84°32'03" W	50.00'
L268	N 84°32'03" W	50.00'
L269	N 84°32'03" W	50.00'
L270	N 84°32'03" W	50.00'
L271	N 84°32'03" W	50.00'
L272	N 84°32'03" W	50.00'
L273	N 84°32'03" W	50.00'
L274	N 84°32'03" W	50.00'
L275	N 84°32'03" W	50.00'
L276	N 84°32'03" W	50.00'
L277	N 84°32'03" W	50.00'
L278	N 84°32'03" W	50.00'
L279	N 84°32'03" W	50.00'
L280	N 84°32'03" W	50.00'
L281	N 84°32'03" W	50.00'
L282	N 84°32'03" W	50.00'
L283	N 84°32'03" W	50.00'
L284	N 84°32'03" W	50.00'
L285	N 84°32'03" W	50.00'
L286	N 84°32'03" W	50.00'
L287	N 84°32'03" W	50.00'
L288	N 84°32'03" W	50.00'
L289	N 84°32'03" W	50.00'
L290	N 84°32'03" W	50.00'
L291	N 84°32'03" W	50.00'
L292	N 84°32'03" W	50.00'
L293	N 84°32'03" W	50.00'
L294	N 84°32'03" W	50.00'
L295	N 84°32'03" W	50.00'
L296	N 84°32'03" W	50.00'
L297	N 84°32'03" W	50.00'
L298	N 84°32'03" W	50.00'
L299	N 84°32'03" W	50.00'
L300	N 84°32'03" W	50.00'

NO.	BEARING	LENGTH
L74	N 84°32'03" W	12.88'
L75	S 84°32'03" E	35.29'
L76	S 84°32'03" E	136.04'
L77	N 50°27'57" E	17.88'
L78	N 05°27'57" E	17.88'
L79	N 05°27'57" E	140.79'
L80	N 05°27'57" E	10.48'
L81	N 05°27'57" E	13.94'
L82	N 05°27'57" E	137.32'
L83	N 39°32'03" W	17.66'
L84	N 39°32'03" W	17.70'
L85	N 39°32'03" W	18.93'
L86	N 39°32'03" W	50.00'
L87	N 39°32'03" W	53.39'
L88	N 39°32'03" W	52.83'
L89	N 39°32'03" W	52.94'
L90	N 39°32'03" W	53.19'
L91	N 39°32'03" W	53.64'
L92	N 39°32'03" W	50.36'
L93	N 39°32'03" W	50.36'
L94	N 39°32'03" W	50.36'
L95	N 39°32'03" W	50.36'
L96	N 39°32'03" W	50.36'
L97	N 39°32'03" W	50.36'
L98	N 39°32'03" W	50.36'
L99	N 39°32'03" W	

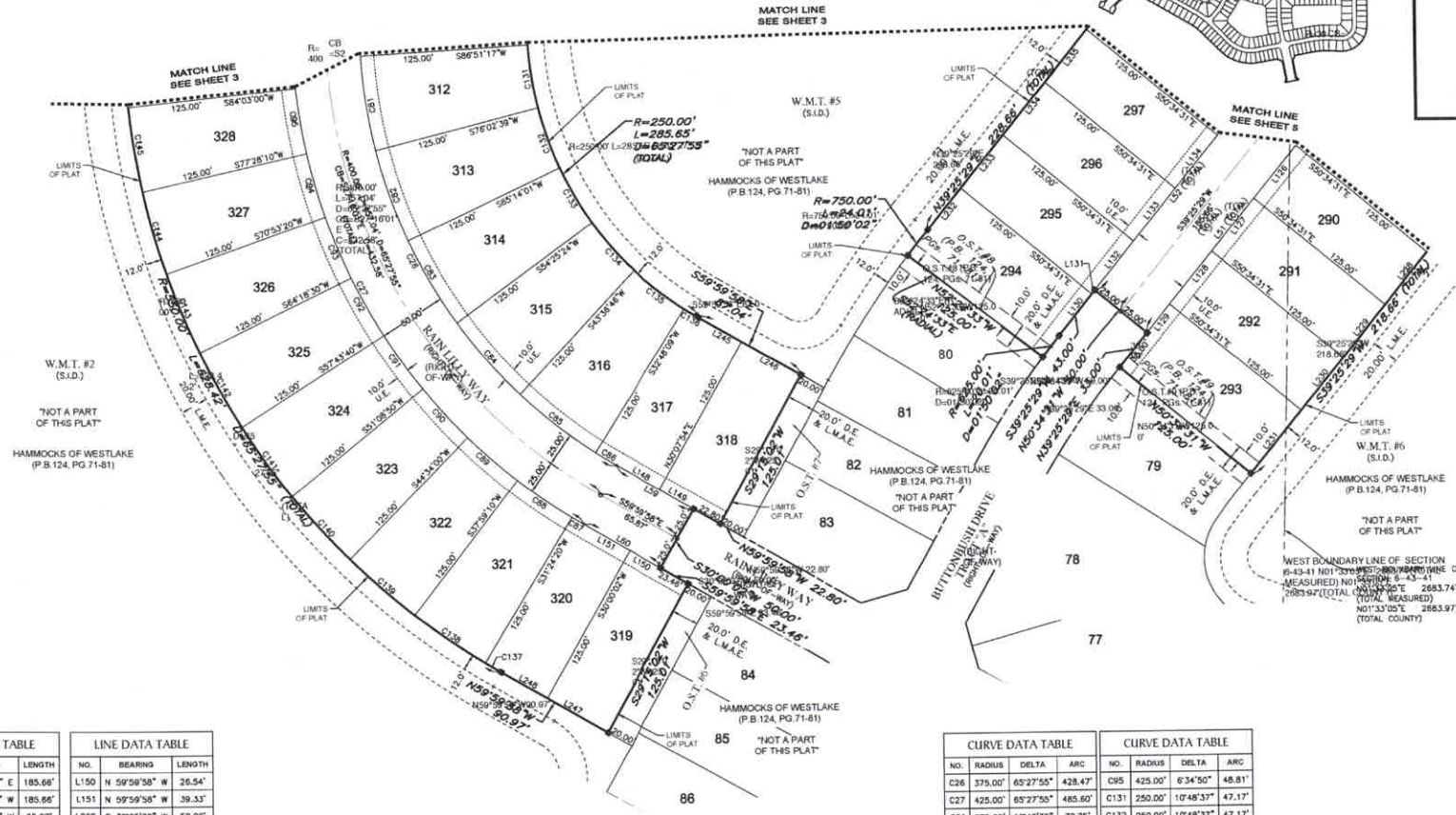
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SHEET MAP (NOT TO SCALE)



SEE NOTE ON SHEET 3 OF 7 FOR BASH OF BEARINGS



LINE DATA TABLE

NO.	BEARING	LENGTH
L151	N 39°25'29" E	185.66'
L152	S 39°25'29" W	185.66'
L159	N 59°59'58" W	65.87'
L160	N 59°59'58" W	65.87'
L126	N 39°25'29" E	50.00'
L127	N 39°25'29" E	50.00'
L128	N 39°25'29" E	50.00'
L129	N 39°25'29" E	27.00'
L130	S 39°25'29" W	39.33'
L131	S 39°25'29" W	3.65'
L132	S 39°25'29" W	46.36'
L133	S 39°25'29" W	50.00'
L134	S 39°25'29" W	50.00'
L148	N 59°59'58" W	36.78'
L149	N 59°59'58" W	29.09'

LINE DATA TABLE

NO.	BEARING	LENGTH
L150	N 59°59'58" W	26.54'
L151	N 59°59'58" W	39.33'
L228	S 39°25'29" W	50.00'
L229	S 39°25'29" W	50.00'
L230	S 39°25'29" W	50.00'
L231	S 39°25'29" W	60.00'
L232	N 39°25'29" E	39.33'
L233	N 39°25'29" E	50.00'
L234	N 39°25'29" E	50.00'
L235	N 39°25'29" E	50.00'
L240	S 60°00'00" E	37.08'
L246	S 60°00'00" E	49.97'
L247	N 59°59'58" W	51.84'
L248	N 59°59'58" W	39.33'

LEGEND:

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- C — Curve
- L — Line
- B.T. — Buffer Tract
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- 1/4 — One Quarter
- R — Radius
- L — Arc Length
- D — Delta-Central Angle
- C — Chord Length
- CB — Chord Bearing

CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC
C26	375.00'	65°27'55"	428.47'
C27	425.00'	65°27'55"	465.60'
C81	375.00'	10°48'37"	70.75'
C82	375.00'	10°48'37"	70.75'
C83	375.00'	10°48'37"	70.75'
C84	375.00'	10°48'37"	70.75'
C85	375.00'	10°48'37"	70.75'
C86	375.00'	2°48'07"	18.35'
C87	425.00'	1°24'18"	10.43'
C88	425.00'	6°34'50"	48.81'
C89	425.00'	6°34'50"	48.81'
C90	425.00'	6°34'50"	48.81'
C91	425.00'	6°34'50"	48.81'
C92	425.00'	6°34'50"	48.81'
C93	425.00'	6°34'50"	48.81'
C94	425.00'	6°34'50"	48.81'

CURVE DATA TABLE

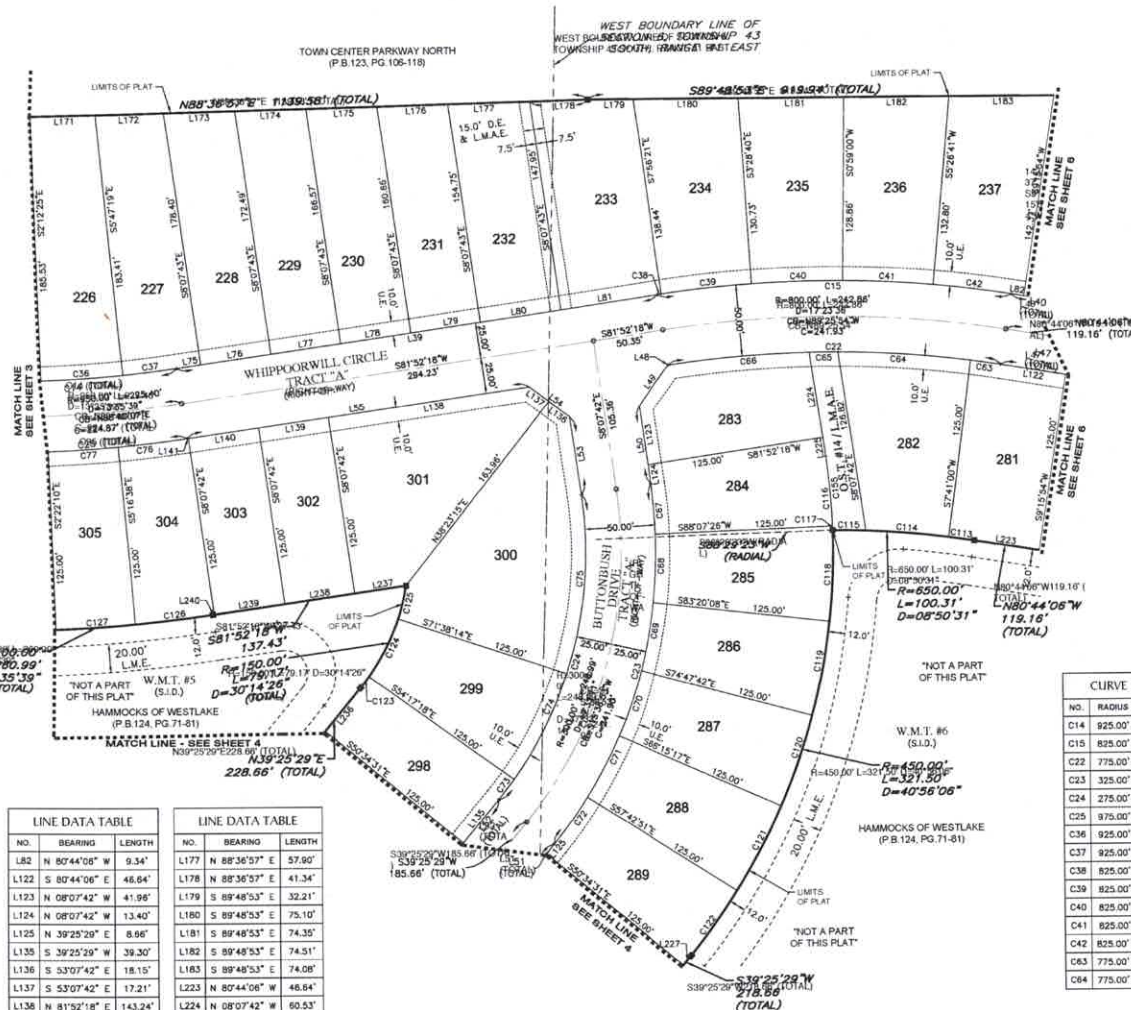
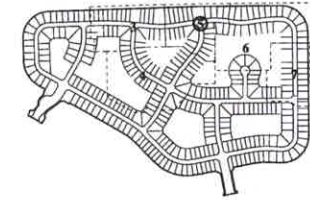
NO.	RADIUS	DELTA	ARC
C95	425.00'	6°34'50"	48.81'
C131	250.00'	10°48'37"	47.17'
C132	250.00'	10°48'37"	47.17'
C133	250.00'	10°48'37"	47.17'
C134	250.00'	10°48'37"	47.17'
C135	250.00'	10°48'37"	47.17'
C136	250.00'	2°48'05"	12.22'
C137	550.00'	1°24'18"	13.48'
C138	550.00'	6°34'50"	63.17'
C139	550.00'	6°34'50"	63.17'
C140	550.00'	6°34'50"	63.17'
C141	550.00'	6°34'50"	63.17'
C142	550.00'	6°34'50"	63.17'
C143	550.00'	6°34'50"	63.17'
C144	550.00'	6°34'50"	63.17'
C145	550.00'	6°34'50"	63.17'

4152 W. Blue Heron Blvd. Phone: (561) 444-2720
 Suite 101 www.geopointsurveying.com
 River Beach, FL 33404 License Number: LB 7758
SHEET 4 OF 7 SHEETS

HAMMOCKS OF WESTLAKE - PHASE II

BEING A REPLAT OF TRACTS "Q-2", O.S.T. #8 AND O.S.T. #9 OF HAMMOCKS OF WESTLAKE PER PLAT BOOK 124, PAGES 71-81, BEING A PORTION OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, AND A PORTION OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA

SHEET MAP (NOT TO SCALE)



- LEGEND:**
- — Indicates (P.R.M.) Permanent Reference Monument - 4"x4" Concrete Monument LB7768, unless otherwise noted.
 - — Indicates (P.R.M.) Offset Permanent Reference Monument - 4"x4" Concrete Monument LB7768, unless otherwise noted.
 - — Indicates (P.C.P.) Permanent Control Point LB7768
 - P.B.C. — Palm Beach County
 - P.B. — Plat Book
 - FCM — Found Concrete Monument
 - O.R. — Official Records Book
 - (TYP) — Typical
 - (RB) — Radial Bearing
 - (NR) — Non-Radial line
 - (PR) — Private Road
 - (U.E.) — Utility Easement
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 - C — Curve
 - L — Line
 - B.T. — Buffer Tract
 - O.S.T. — Open Space Tract
 - W.M.T. — Water Management Tract
 - L.M.E. — Lake Maintenance Easement
 - L.M.A.E. — Lake Maintenance Access Easement
 - L.A.E. — Limited Access Easement
 - PG. — Page
 - R.T. — Recreation Tract
 - S.I.O. — Seminole Improvement District
 - NAD — North American Datum
 - LB — Licensed Business
 - P.S.M. — Professional Surveyor and Mapper
 - 1/4 — One Quarter
 - R — Radius
 - L — Arc Length
 - D — Delta-Central Angle
 - C — Chord Length
 - GB — Chord Bearing

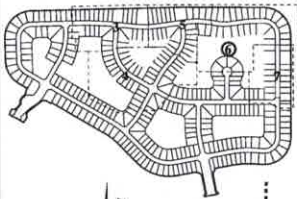
NO.	BEARING	LENGTH
L39	S 81°52'18" W	344.58'
L40	N 80°44'06" E	119.16'
L47	S 80°44'06" E	119.16'
L48	N 81°52'18" E	0.35'
L49	N 39°25'29" E	35.36'
L50	N 08°07'42" W	55.36'
L51	N 39°25'29" E	185.66'
L52	S 39°25'29" W	185.66'
L53	S 08°07'42" E	55.36'
L54	S 53°07'42" E	35.36'
L55	N 81°52'18" E	244.23'
L75	S 81°52'18" W	17.34'
L76	S 81°52'18" W	50.00'
L77	S 81°52'18" W	50.00'
L78	S 81°52'18" W	50.00'
L79	S 81°52'18" W	50.00'
L80	S 81°52'18" W	57.50'
L81	S 81°52'18" W	69.74'

NO.	BEARING	LENGTH
L82	N 80°44'06" E	9.34'
L122	S 80°44'06" E	46.64'
L123	N 08°07'42" W	41.96'
L124	N 89°48'53" E	13.40'
L125	N 39°25'29" E	8.66'
L135	S 39°25'29" W	39.30'
L136	S 53°07'42" E	18.15'
L137	S 53°07'42" E	17.21'
L138	N 81°52'18" E	143.24'
L139	N 81°52'18" E	50.00'
L140	N 81°52'18" E	50.00'
L141	N 81°52'18" E	0.99'
L171	N 88°36'57" E	46.33'
L172	N 88°36'57" E	47.94'
L173	N 88°36'57" E	50.35'
L174	N 88°36'57" E	50.35'
L175	N 88°36'57" E	50.35'
L176	N 88°36'57" E	50.35'

NO.	BEARING	LENGTH
L177	N 88°36'57" E	57.60'
L178	N 88°36'57" E	41.34'
L179	S 89°48'53" E	32.21'
L180	S 89°48'53" E	75.10'
L181	S 89°48'53" E	74.35'
L182	S 89°48'53" E	74.51'
L183	S 89°48'53" E	74.08'
L223	N 80°44'06" W	46.64'
L224	N 08°07'42" W	60.53'
L225	N 08°07'42" W	13.40'
L227	S 39°25'29" W	8.66'
L236	N 39°25'29" E	39.31'
L237	S 81°52'18" W	36.44'
L238	S 81°52'18" W	50.00'
L239	S 81°52'18" W	50.00'
L240	S 81°52'18" W	0.99'

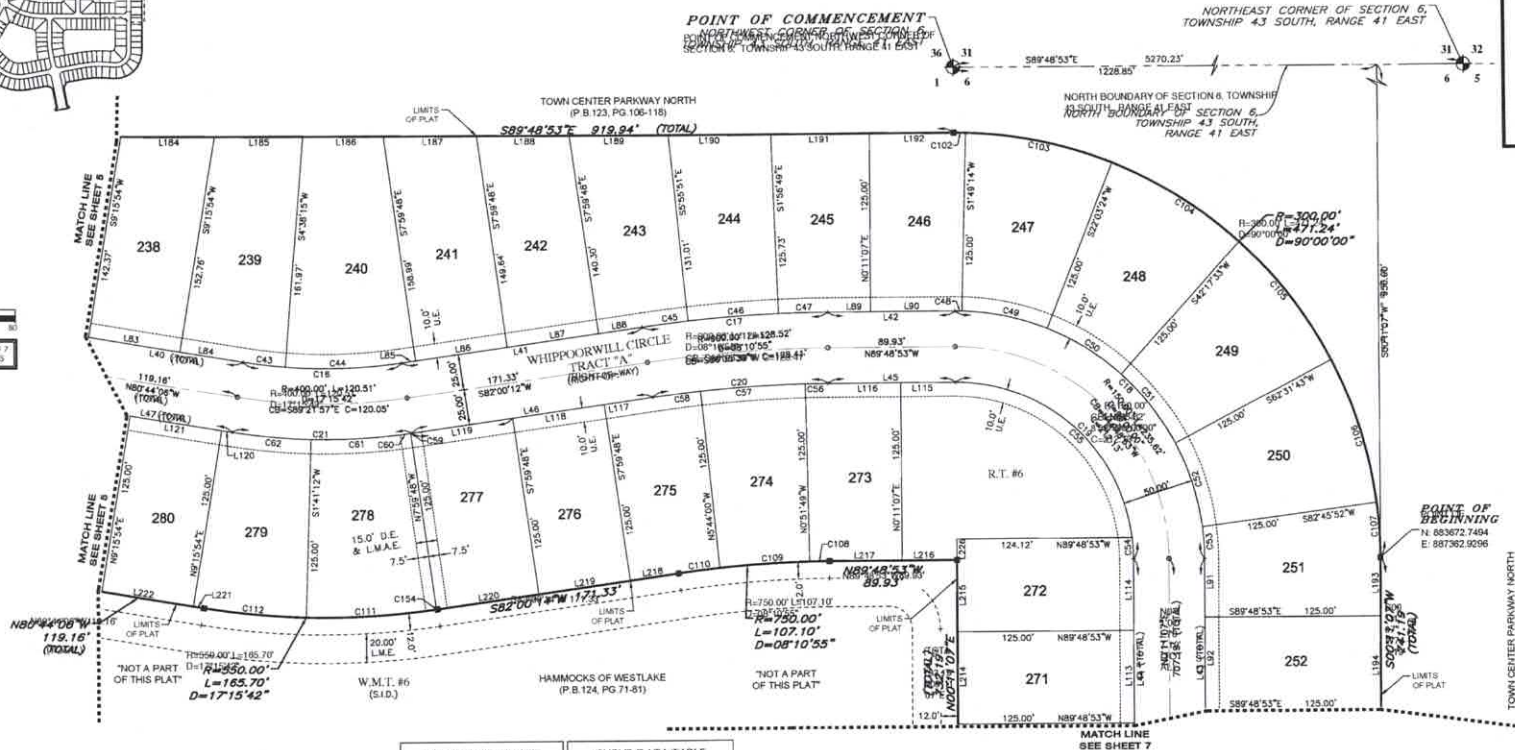
CURVE DATA TABLE			CURVE DATA TABLE			CURVE DATA TABLE					
NO.	RADIUS	DELTA	ARC	NO.	RADIUS	DELTA	ARC	NO.	RADIUS	DELTA	ARC
C14	925.00'	1°33'36"	219.47'	C65	775.00'	1°29'38"	20.20'	C115	650.00'	2°03'22"	23.33'
C15	825.00'	1°23'36"	250.45'	C66	775.00'	7°31'15"	99.93'	C116	450.00'	6°15'08"	49.10'
C22	775.00'	1°23'36"	235.27'	C67	325.00'	6°10'08"	35.47'	C117	450.00'	0°21'58"	2.88'
C23	325.00'	4°33'11"	269.74'	C68	325.00'	8°32'26"	48.44'	C118	450.00'	8°10'28"	64.19'
C24	275.00'	4°33'11"	228.24'	C69	325.00'	8°32'26"	48.44'	C119	450.00'	8°32'26"	67.08'
C25	975.00'	1°35'39"	231.33'	C70	325.00'	8°32'26"	48.44'	C120	450.00'	8°32'26"	67.08'
C36	925.00'	3°34'54"	57.83'	C71	325.00'	8°32'26"	48.44'	C121	450.00'	8°32'26"	67.08'
C37	925.00'	2°20'23"	37.77'	C72	325.00'	7°08'19"	40.51'	C122	450.00'	7°08'20"	56.07'
C38	825.00'	0°11'51"	2.72'	C73	275.00'	3°42'47"	17.82'	C123	149.66'	3°43'15"	9.72'
C39	825.00'	4°27'41"	64.24'	C74	275.00'	17°20'56"	83.27'	C124	149.66'	17°23'23"	45.42'
C40	825.00'	4°27'41"	64.24'	C75	275.00'	28°29'28"	127.15'	C125	149.66'	9°12'00"	24.03'
C41	825.00'	4°27'41"	64.24'	C76	975.00'	2°51'04"	48.52'	C126	1100.00'	2°51'04"	54.73'
C42	825.00'	3°48'12"	55.01'	C77	975.00'	2°54'29"	49.48'	C127	1100.00'	2°54'29"	55.82'
C63	775.00'	1°34'54"	21.39'	C113	650.00'	1°34'54"	17.94'	C155	450.00'	6°37'06"	51.98'
C64	775.00'	6°55'49"	93.74'	C114	650.00'	5°12'15"	59.04'				

SHEET MAP
(NOT TO SCALE)



HAMMOCKS OF WESTLAKE - PHASE II

BEING A REPLAT OF TRACTS "O-2", O.S.T. #8 AND O.S.T. #9 OF HAMMOCKS OF WESTLAKE, PER PLAT BOOK 124, PAGES 71-81, BEING A PORTION OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, AND A PORTION OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA



NO.	BEARING	LENGTH
L40	N 80°44'06" W	119.16'
L41	S 82°00'12" W	171.33'
L42	N 89°48'53" W	89.93'
L43	N 00°11'07" E	707.19'
L44	N 00°11'07" E	707.19'
L45	N 89°48'53" W	89.93'
L46	N 82°00'12" E	171.33'
L47	S 80°44'06" E	119.16'
L83	N 80°44'06" E	85.00'
L84	N 80°44'06" E	44.83'
L85	S 82°00'12" W	10.04'
L86	S 82°00'12" W	65.00'
L87	S 82°00'12" W	65.00'
L88	S 82°00'12" W	31.28'
L89	N 89°48'53" W	30.21'
L90	N 89°48'53" W	59.72'

NO.	BEARING	LENGTH
L91	N 00°11'07" E	41.09'
L92	N 00°11'07" E	85.00'
L93	N 00°11'07" E	85.00'
L94	N 00°11'07" E	50.19'
L95	N 89°48'53" W	38.93'
L96	N 89°48'53" W	51.00'
L97	N 82°00'12" E	34.79'
L98	N 82°00'12" E	85.00'
L99	N 82°00'12" E	71.54'
L100	S 80°44'06" E	7.52'
L101	S 80°44'06" E	85.00'
L102	S 89°48'53" E	85.82'
L103	S 89°48'53" E	82.80'
L104	S 89°48'53" E	57.21'
L105	S 89°48'53" E	85.07'
L106	S 89°48'53" E	85.07'

NO.	BEARING	LENGTH
L169	S 89°48'53" E	70.07'
L190	S 89°48'53" E	73.42'
L191	S 89°48'53" E	69.30'
L192	S 89°48'53" E	59.72'
L193	S 00°11'07" W	41.09'
L194	S 00°11'07" W	85.00'
L214	N 00°11'07" E	85.00'
L215	N 00°11'07" E	50.19'
L216	N 89°48'53" W	38.93'
L217	N 89°48'53" W	51.00'
L218	S 82°00'14" W	34.79'
L219	S 82°00'14" W	85.00'
L220	S 82°00'14" W	71.54'
L221	N 80°44'06" W	7.52'
L222	N 80°44'06" W	85.00'
L226	N 00°11'07" E	14.81'

NO.	RADIUS	DELTA	ARC
C18	375.00'	1°15'42"	112.98'
C17	925.00'	8°10'35"	132.08'
C18	175.00'	90°00'00"	274.89'
C19	125.00'	90°00'00"	196.35'
C20	875.00'	8°10'35"	124.93'
C21	425.00'	1°15'42"	128.04'
C43	375.00'	4°37'39"	30.29'
C44	375.00'	1°28'03"	82.68'
C45	925.00'	2°03'57"	33.35'
C46	925.00'	3°59'02"	64.32'
C47	925.00'	2°07'56"	34.42'
C48	175.00'	1°38'08"	4.99'
C49	175.00'	20°14'09"	81.81'
C50	175.00'	20°14'09"	81.81'
C51	175.00'	20°14'09"	81.81'
C52	175.00'	20°14'09"	81.81'
C53	175.00'	7°25'16"	22.66'
C54	125.00'	6°48'08"	14.84'
C55	125.00'	8°31'52"	181.51'

NO.	RADIUS	DELTA	ARC
C56	875.00'	1°02'56"	16.02'
C57	875.00'	4°52'11"	74.37'
C58	875.00'	2°15'48"	34.56'
C59	425.00'	0°07'44"	0.96'
C60	425.00'	1°00'40"	7.50'
C61	425.00'	8°32'36"	63.37'
C82	425.00'	7°34'42"	56.21'
C102	300.00'	1°38'08"	8.55'
C103	300.00'	20°14'09"	105.96'
C104	300.00'	20°14'09"	105.96'
C105	300.00'	20°14'09"	105.96'
C106	300.00'	20°14'09"	105.96'
C107	300.00'	7°25'16"	38.85'
C108	750.00'	1°02'56"	13.73'
C109	750.00'	4°52'11"	63.74'
C110	750.00'	2°15'48"	29.63'
C111	550.00'	9°35'01"	92.00'
C112	550.00'	7°34'42"	72.74'
C114	550.00'	0°05'59"	0.96'

- LEGEND:
- — Indicates (P.R.M.) Permanent Reference Monument - 4"x4" Concrete Monument LB7768, unless otherwise noted.
 - ⊕ — Indicates (P.R.M.) Offset Permanent Reference Monument - 4"x4" Concrete Monument LB7768, unless otherwise noted.
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- C — Curve
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- L.M.A.E. — Lake Maintenance Access Easement
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- PQ — Page
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- 1/4 — One Quarter
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- L — Arc Length
- D — Delta-Central Angle
- C — Chord Length
- CB — Chord Bearing




4132 W. Blue Heron Blvd. Phone: 561-314-7720
Suite 103 www.geopointsurvey.com
Riviera Beach, FL 33404 Licensed Surveyor Number LB 7768
SHEET 6 OF 7 SHEETS

Fourteenth Order of Business

MEMORANDUM

To: Mayor Roger Manning
City Council Members
Ken Cassel, City Manager

From: Pam E. Booker, City Attorney 

Date: January 29, 2018

Subject: Resolution for Final Plat for POD K, Medical Center Phase 1

Please find a resolution for approval of POD K, Medical Center, Phase 1, plat. This site plan consists of approximately six acres (5.660) of land abutting Seminole Pratt Whitney Road and Persimmon Boulevard. There are utility easements and a six-foot wide (6') sidewalk easement dedicated to the Seminole Improvement District. There are no dedications on the plat to the City of Westlake.

The plat and the boundary survey has been reviewed by the City Planner, the City Engineer and a surveyor/mapper for the City of Westlake to ensure compliance with the Palm Beach County Unified Land Development regulations and the Florida Statutes. We would recommend approval of the resolution approving the final plat for Medical Center, Phase 1, (POD-K) for a free-standing emergency medical center. Should you have any questions, or need any additional information, please do not hesitate to call.

February 12, 2018

RESOLUTION 2018-04

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE FINAL PLAT OF MEDICAL CENTER, PHASE I, TRADITIONAL TOWN DEVELOPMENT (TTD), LOCATED BY METES AND BOUNDS AS A PORTION OF LAND LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Minto PBLH, LLC, a Florida Limited Liability Company, as the Applicant has requested approval Medical Center, Phase 1, Final Plat, described by metes and bounds description as a parcel of land lying in Section 12, Township 43 South, Range 40 East, in the City of Westlake, Palm Beach County, Florida, as described in Exhibit "A", attached hereto; and

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

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

WHEREAS, the building staff, engineering staff and planning staff for the City of Westlake has reviewed the application, the final plat and the boundary survey, and the collective staff has recommended approval; and

WHEREAS, after careful review and consideration, the collective staff has determined that this application has complied with the City of Westlake's interim Land Development Codes and Florida law.

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

Section 1: The above recitals are true and correct and are incorporated herein by this reference.

Section 2: The City Council for the City of Westlake hereby approves the final plat and boundary survey for Medical Center, Phase 1, Final Plat, as described in the attached Exhibit "A", containing approximately six (5.66) acres, which is located in the City of Westlake, and in Palm Beach County, Florida.

Section 3. The applicant shall provide a certified copy of the recorded plat and the applicant shall cover the costs of recording the plat in the public records in and for Palm Beach County Florida.

Section 4: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 12th day

of February, 2018.

City of Westlake
Roger Manning, Mayor

Sandra Demarco, City Clerk

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

EXHIBIT "A"
MEDICAL CENTER PLAT
LEGAL DESCRIPTION

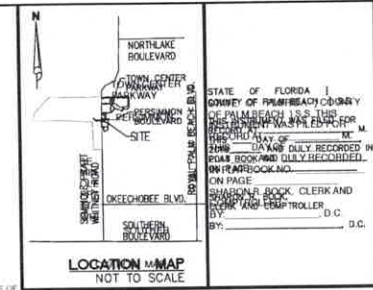
A PARCEL OF LAND LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.01°33'05"W. ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 250.33 FEET TO A POINT ON THE NORTH LINE OF THE 80 FOOT M-CANAL EASEMENT AS RECORDED IN DEED BOOK 1156, PAGE 58, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND AS SHOWN IN ROAD PLAT BOOK 6, PAGE 136 OF SAID RECORDS AND AS MONUMENTED; THENCE S.88°36'57"W. ALONG SAID NORTH LINE OF THE 80 FOOT M-CANAL EASEMENT, A DISTANCE OF 3776.52 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1544, PAGE 378, AND OFFICIAL RECORD BOOK 1640, PAGE 1626 BOTH OF SAID PUBLIC RECORDS; THENCE S.01°42'52"W. ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 4784.06 FEET; THENCE S.88°17'08"E., A DISTANCE OF 10.00 FEET TO **THE POINT OF BEGINNING**; THENCE N.01°42'52"E. ALONG THE EAST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 28479, PAGE 822 OF SAID PUBLIC RECORDS, A DISTANCE OF 313.88 FEET; THENCE N.46°42'52"E. ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 56.57 FEET; THENCE S.88°17'08"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD AS RECORDED IN SAID OFFICIAL RECORD BOOK 28479, PAGE 822, A DISTANCE OF 14.59 FEET; THENCE S.75°52'41"E., A DISTANCE OF 24.85 FEET; THENCE S.64°46'35"E., A DISTANCE OF 41.77 FEET; THENCE S.88°17'08"E., A DISTANCE OF 625.50 FEET; THENCE S.01°27'40"W., A DISTANCE OF 328.37 FEET; THENCE N.88°33'22"W., A DISTANCE OF 744.12 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 246,553 SQUARE FEET OR 5.660 ACRES MORE OR LESS.

MEDICAL CENTER

BEING A REPLAT OF A PORTION OF O.S.T. 2 AS SHOWN ON
PERSIMMON BOULEVARD EAST - PLAT 1,
RECORDED IN PLAT BOOK _____, PAGES _____ AND _____,
TOGETHER WITH A PORTION OF SECTION 12,
TOWNSHIP 43 SOUTH, RANGE 40 EAST,
CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA



DEDICATION AND DESCRIPTION

KNOW ALL MEN BY THESE PRESENTS THAT MINTO PBLH, LLC, A FLORIDA LIMITED LIABILITY COMPANY, OWNER OF THE LAND SHOWN AND DESCRIBED HEREON AS **MEDICAL CENTER**, BEING A REPLAT OF A PORTION OF O.S.T. 2 AS SHOWN ON PERSIMMON BOULEVARD EAST - PLAT 1, AS RECORDED IN PLAT BOOK _____, PAGES _____ AND _____ TOGETHER WITH A PORTION OF SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, THENCE 8 01 71 09"W ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 256.33 FEET TO A POINT ON THE NORTH LINE OF THE 80 FOOT MACANAL EASEMENT AS RECORDED IN DEED BOOK 1156, PAGE 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND AS SHOWN IN ROAD PLAT BOOK 6, PAGE 116 OF SAID RECORDS AND AS UNASSIGNED, THENCE S 88 06 07"W ALONG SAID NORTH LINE OF THE 80 FOOT MACANAL EASEMENT, A DISTANCE OF 175.52 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SEMINOLE-PRAATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 144, PAGE 178, AND OFFICIAL RECORD BOOK 144, PAGE 168 BOTH OF SAID PUBLIC RECORDS, THENCE S 04 25 27"W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 476.06 FEET, THENCE E 88 71 09", A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING**, THENCE N 01 42 37"E ALONG THE EAST RIGHT-OF-WAY LINE OF SEMINOLE-PRAATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 2819, PAGE 822 OF SAID PUBLIC RECORDS, A DISTANCE OF 111.88 FEET, THENCE N 40 42 27"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 50.77 FEET, THENCE S 89 07 51"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD AS RECORDED IN SAID OFFICIAL RECORD BOOK 2819, PAGE 822, A DISTANCE OF 14.59 FEET, THENCE S 79 24 17"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD AS SHOWN ON PERSIMMON BOULEVARD EAST - PLAT 1, AS RECORDED IN PLAT BOOK _____, PAGES _____ AND _____ OF SAID PUBLIC RECORDS, A DISTANCE OF 24.85 FEET, THENCE ALONG THE SOUTH LINE OF THE SIDEWALK TRACT AS SHOWN ON PERSIMMON BOULEVARD EAST - PLAT 1, FOR THE WEST 1/4 CORNER, S 1 54 40 01"E, A DISTANCE OF 41.77 FEET, 2 1/4 CORNER, A DISTANCE OF 82.50 FEET, THENCE S 01 27 40"W, A DISTANCE OF 124.37 FEET, THENCE N 85 13 22"W, A DISTANCE OF 74.12 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 286,933 SQUARE FEET OR 3.866 ACRES MORE OR LESS

HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DO HEREBY DEDICATE AS FOLLOWS:

DEDICATION

TRACT "A", AS SHOWN HEREON, IS HEREBY RESERVED FOR MINTO PBLH, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR FUTURE DEVELOPMENT AND PURPOSES CONSISTENT WITH THE ZONING REGULATIONS OF CITY OF WESTLAKE, FLORIDA, AND BE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID MINTO PBLH, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO CITY OF WESTLAKE.

UTILITY EASEMENTS

ALL EASEMENTS, DESCRIBED ON THIS PLAT ARE PRIVATE NON-EXCLUSIVE EASEMENTS UNLESS EXPRESSLY STATED OTHERWISE THEREIN. ALL RIGHTS AND EASEMENTS ESTABLISHED BY OR RESERVED BY THIS PLAT ARE HEREBY RESERVED TO THE SEMINOLE IMPROVEMENT DISTRICT, A LOCAL UNIT OF SPECIAL PURPOSE GOVERNMENT ESTABLISHED PURSUANT TO CHAPTER 186 AND 206, FLORIDA STATUTES, AS A PUBLIC UTILITY PROVIDER OF WATER, SEWER AND RECLAIMED WATER, ITS SUCCESSORS AND ASSIGNS, SUBJECT TO THOSE CERTAIN RESTRICTIONS OF RIGHTS, COVENANTS AND DEDICATIONS AS MAY HEREAFTER BE IMPOSED BY GRANTOR, PROVIDED FURTHER SAID GRANTS OR ASSIGNMENTS SHALL NOT BE DEEMED A PUBLIC DEDICATION OF SAID RIGHTS OR EASEMENTS.

IN WITNESS WHEREOF, MINTO PBLH, LLC, A FLORIDA LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER AND ITS COMPANY SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS MEMBERS THIS _____ DAY OF _____, 2018

MINTO PBLH, LLC
A FLORIDA LIMITED LIABILITY COMPANY

WITNESS _____ BY _____
JOHN F. CARTER, MANAGER

WITNESS _____
PRINT NAME _____

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME PERSONALLY APPEARED JOHN F. CARTER WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS MANAGER OF MINTO PBLH, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT HE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID COMPANY, AND THAT THE SEAL AFFIXED TO SAID INSTRUMENT IS THE CORPORATE SEAL OF SAID COMPANY AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR STATUTORY AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2018

MY COMMISSION EXPIRES _____ NOTARY PUBLIC STATE OF FLORIDA

PRINT NAME _____

COMMISSION NO. _____

(SEAL)

ACCEPTANCE OF DEDICATIONS & RESERVATIONS

STATE OF FLORIDA
COUNTY OF PALM BEACH

SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, HEREBY ACCEPTS THE DEDICATIONS AND RESERVATIONS TO SAID DISTRICT AS STATED AND SHOWN HEREON, AND HEREBY ACCEPTS ITS MAINTENANCE OBLIGATIONS FOR SAME AS STATED HEREON, DATED THIS _____ DAY OF _____, 2018.

SEMINOLE IMPROVEMENT DISTRICT
AN INDEPENDENT SPECIAL DISTRICT
OF THE STATE OF FLORIDA

WITNESS _____ BY _____
SCOTT MASSEY, PRESIDENT

PRINT NAME _____

WITNESS _____

PRINT NAME _____

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

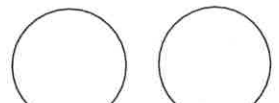
WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2018

MY COMMISSION EXPIRES _____ NOTARY PUBLIC STATE OF FLORIDA

PRINT NAME _____

COMMISSION NO. _____

(SEAL)



TITLE CERTIFICATION

STATE OF FLORIDA
COUNTY OF _____

WE, FOUNDERS TITLE, A TITLE INSURANCE COMPANY, AS DULY AUTHORIZED TO DO BUSINESS IN THE STATE OF FLORIDA DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY, THAT WE FIND THE TITLE TO THE PROPERTY IS VESTED IN MINTO PBLH, LLC, A FLORIDA LIMITED LIABILITY COMPANY AND SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, THAT THE CURRENT TAXES HAVE BEEN PAID, AND THAT ALL PALM BEACH COUNTY SPECIAL ASSESSMENT ITEMS, AND ALL OTHER ITEMS HELD AGAINST SAID LANDS HAVE BEEN SATISFIED, THAT THERE ARE NO MORTGAGES OF RECORD, AND THAT THERE ARE ENCUMBRANCES OF RECORD BUT THOSE ENCUMBRANCES DO NOT PROHIBIT THE CREATION OF THE SUBDIVISION DEPICTED BY THIS PLAT.

DATED _____ HARRY BRINDE, PRESIDENT
FOUNDERS TITLE

CITY OF WESTLAKE'S APPROVAL

THIS CERTIFIES THAT THIS PLAT HAS BEEN ACCEPTED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE BY A RESOLUTION DULY ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2018 IN ACCORDANCE WITH SEC. 177.07(2), F.S., AND HAS BEEN REVIEWED BY A PROFESSIONAL SURVEYOR & MAPPER EMPLOYED BY THE CITY OF WESTLAKE IN ACCORDANCE WITH SEC. 177.08(1), F.S.

CITY MANAGER, KEN CASSEL CITY MAYOR, ROGER MANNING

AREA TABLE

1. TRACT "A"	= 5.60 AC
TOTAL	= 5.60 AC

SURVEYOR'S NOTES

- PERMANENT REFERENCE MONUMENTS ARE SHOWN THIS _____ AS 1 1/2" BRASS DISK STAMPED "PBL 12708" SET IN A 12"X12" CONCRETE MONUMENT, UNLESS OTHERWISE NOTED.
- BEARINGS SHOWN HEREON ARE BASED ON THE NORTH BOUNDARY OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 40 EAST, HAVING A GRID BEARING OF 3 28 07 51"E. BEARINGS SHOWN HEREON, REFER TO THE STATE PLANE COORDINATE SYSTEM, NORTH BOUNDARY OF 180 (NAD 83) SYSTEM FOR THE EAST ZONE OF FLORIDA. SAID BARS OF BEARING IS THE SAME AS THE NORTH AMERICAN DATUM OF 1983 (NAD 83) 99.
- NO BUILDINGS OR ANY KIND OF CONSTRUCTION OR TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT PRIOR WRITTEN CONSENT OF ALL EASEMENT BENEFICIARIES AND ALL APPLICABLE CITY APPROVALS OR PERMITS AS REQUIRED FOR SUCH ENCUMBRANCES THERE WILL BE NO ABOVE GROUND ENCUMBRANCES WHERE LAKE MAINTENANCE EASEMENTS AND UTILITY EASEMENTS ARE INVOLVED.
- THE BUILDING SETBACKS SHALL BE AS REQUIRED BY THE CITY OF WESTLAKE ZONING REGULATIONS.
- NOTICE THIS PLAT AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEFINITION OF THE SURVEYED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THE PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY.
- IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE COINCIDE, DRAINAGE EASEMENTS SHALL HAVE FIRST PRIORITY, UTILITY EASEMENTS SHALL HAVE SECOND PRIORITY, ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL BE SUBORDINATE TO THESE WITH THEIR PRIORITY BEING DETERMINED BY USE RIGHTS GRANTED.
- ALL LINES INTERSECTING CIRCULAR CURVES ARE RADIAL UNLESS OTHERWISE NOTED.
- COORDINATES SHOWN HEREON ARE FLORIDA STATE PLANE GRID DATUM = NAD 83 2011 ADJUSTMENT ZONE = FLORIDA EAST LINEAR UNITS = US SURVEY FEET COORDINATE SYSTEM = 1983 STATE PLANE PROJECTION = TRANSVERSE MERCATOR ALL DISTANCES ARE GROUND SCALE FACTOR = 1.000 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE PLAT BEARING = GRID BEARING NO ROTATION ALL TIES TO SECTION CORNERS AND QUARTER CORNERS ARE GENERATED FROM MEASURED VALUES.

SURVEYOR & MAPPER CERTIFICATE

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION, THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT PERMANENT REFERENCE MONUMENTS ("P.R.M.") HAVE BEEN PLACED AS REQUIRED BY LAW, AND THAT PERMANENT CONTROL POINTS ("C.P.P.") AND MONUMENTS ACCORDING TO SEC. 177.09(2), F.S., WILL BE SET UNDER THE GUARANTEES POSTED WITH THE CITY OF WESTLAKE FOR THE REQUIRED IMPROVEMENTS, AND FURTHER, THAT THE SURVEY DATA COMPLES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF THE CITY OF WESTLAKE, FLORIDA.

DATE _____ LUBB ORETI, P.E.M.
LICENSE NO. 12706
STATE OF FLORIDA

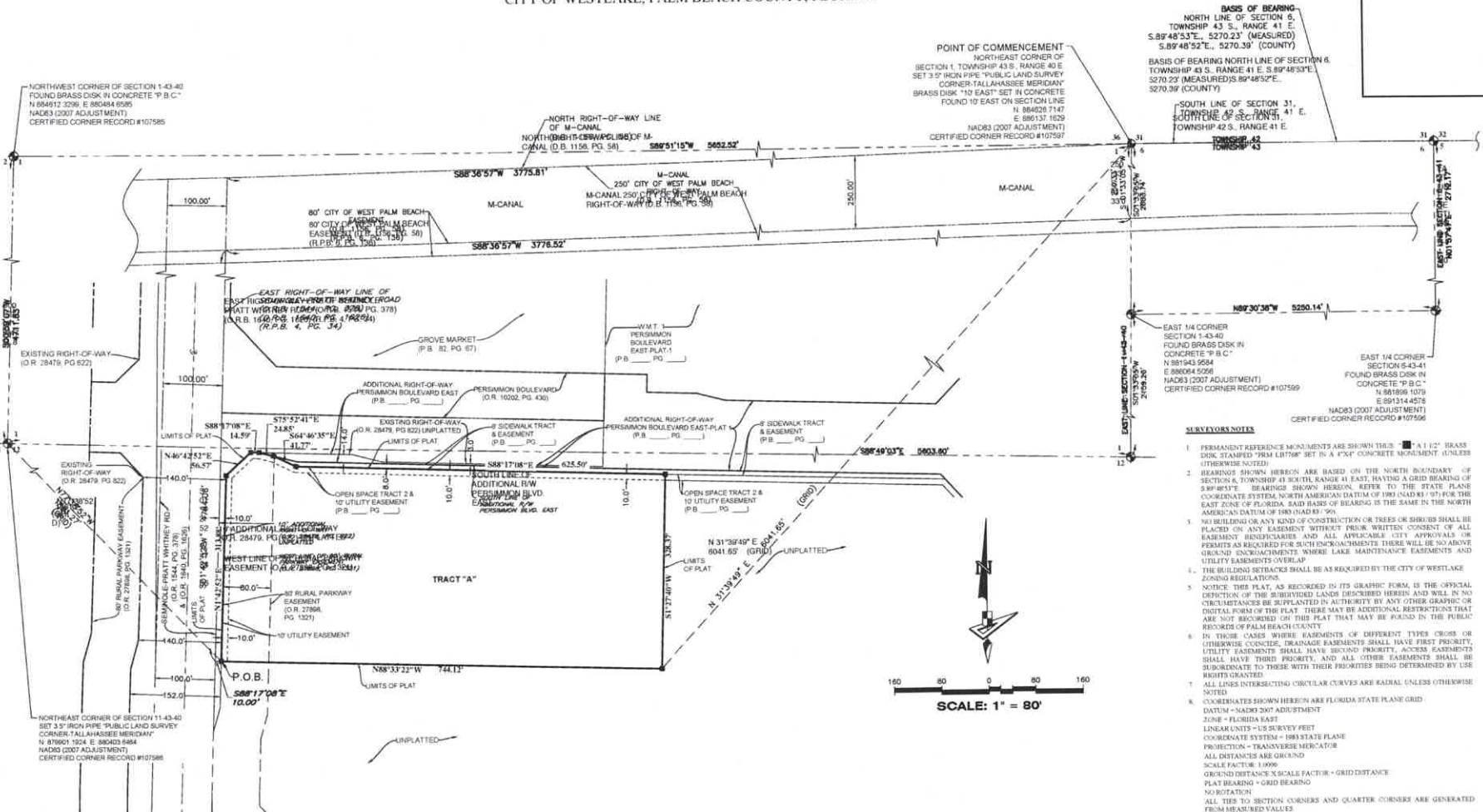
THIS INSTRUMENT PREPARED BY:
LUBB ORETI, P.E.M.
12706 STATE OF FLORIDA
GEOPPOINT SURVEYING, INC.
4152 WEST BLOC HERON BOULEVARD, SUITE 105,
MILVERA BEACH, FLORIDA 33404
CERTIFICATE OF AUTHORIZATION NO. 127188



4152 W. Blue Heron Blvd. Phone: (561) 444-2720
Suite 105 www.geopointsurvey.com
Pompano Beach, FL 33064 License Number: 127188

MEDICAL CENTER

BEING A REPLAT OF A PORTION OF O.S.T. 2 AS SHOWN ON
 PERSIMMON BOULEVARD EAST - PLAT 1,
 RECORDED IN PLAT BOOK _____, PAGES _____ AND _____,
 TOGETHER WITH A PORTION OF SECTION 12,
 TOWNSHIP 43 SOUTH, RANGE 40 EAST,
 CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA



- SURVEYORS NOTES**
- PERMANENT REFERENCE MONUMENTS ARE SHOWN THIS PLAT AS 1" (2") BRASS DISK STAMPED "P.B.C." SET IN A 4"x4" CONCRETE MONUMENT, UNLESS OTHERWISE NOTED.
 - BEARINGS SHOWN HEREON ARE BASED ON THE NORTH BOUNDARY OF SECTION 5, TOWNSHIP 43 SOUTH, RANGE 41 EAST, HAVING A GRID BEARING OF 89°48'52"E. BEARINGS SHOWN HEREON REFER TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83) FOR THE EAST ZONE OF FLORIDA. SAID BASIS OF BEARING IS THE SAME IN THE NORTH AMERICAN DATUM OF 1983 (NAD 83) '90.
 - NO BUILDING OR ANY KIND OF CONSTRUCTION OR TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT PRIOR WRITTEN CONSENT OF ALL EASEMENT BENEFICIARIES AND ALL APPLICABLE CITY APPROVALS OR PERMITS AS REQUIRED FOR SUCH CONSTRUCTION. THERE WILL BE NO ABOVE GROUND ENCROACHMENTS WHERE LAKE MAINTENANCE EASEMENTS AND UTILITY EASEMENTS OVERLAP.
 - THE BUILDING SETBACKS SHALL BE AS REQUIRED BY THE CITY OF WESTLAKE ZONING REGULATIONS.
 - NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM IS THE OFFICIAL DESCRIPTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY.
 - IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE COINCIDE, DRAINAGE EASEMENTS SHALL HAVE FIRST PRIORITY, UTILITY EASEMENTS SHALL HAVE SECOND PRIORITY, ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL BE SUBORDINATE TO THESE WITH THEIR PRIORITIES BEING DETERMINED BY USE RIGHTS GRANTED.
 - ALL LINES INTERSECTING CURVILINEAR CURVES ARE RADIAL UNLESS OTHERWISE NOTED.
 - COORDINATES SHOWN HEREON ARE FLORIDA STATE PLANE GRID DATUM - NAD83 2007 ADJUSTMENT ZONE - FLORIDA EAST LINEAR UNITS - FEET SURVEY FEET COORDINATE SYSTEM - TRANSVERSE MERIDIAN PROJECTION - TRANSVERSE MERIDIAN ALL DISTANCES ARE GROUND SCALE FACTOR: 1.0000 GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE PLAT BEARING = GRID BEARING NO ROTATION ALL TIES TO SECTION OWNERS AND QUARTER CORNERS ARE GENERATED FROM MEASURED VALUES.

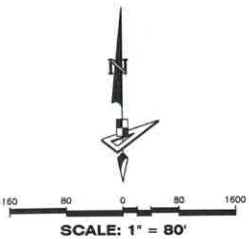
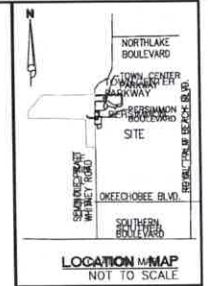
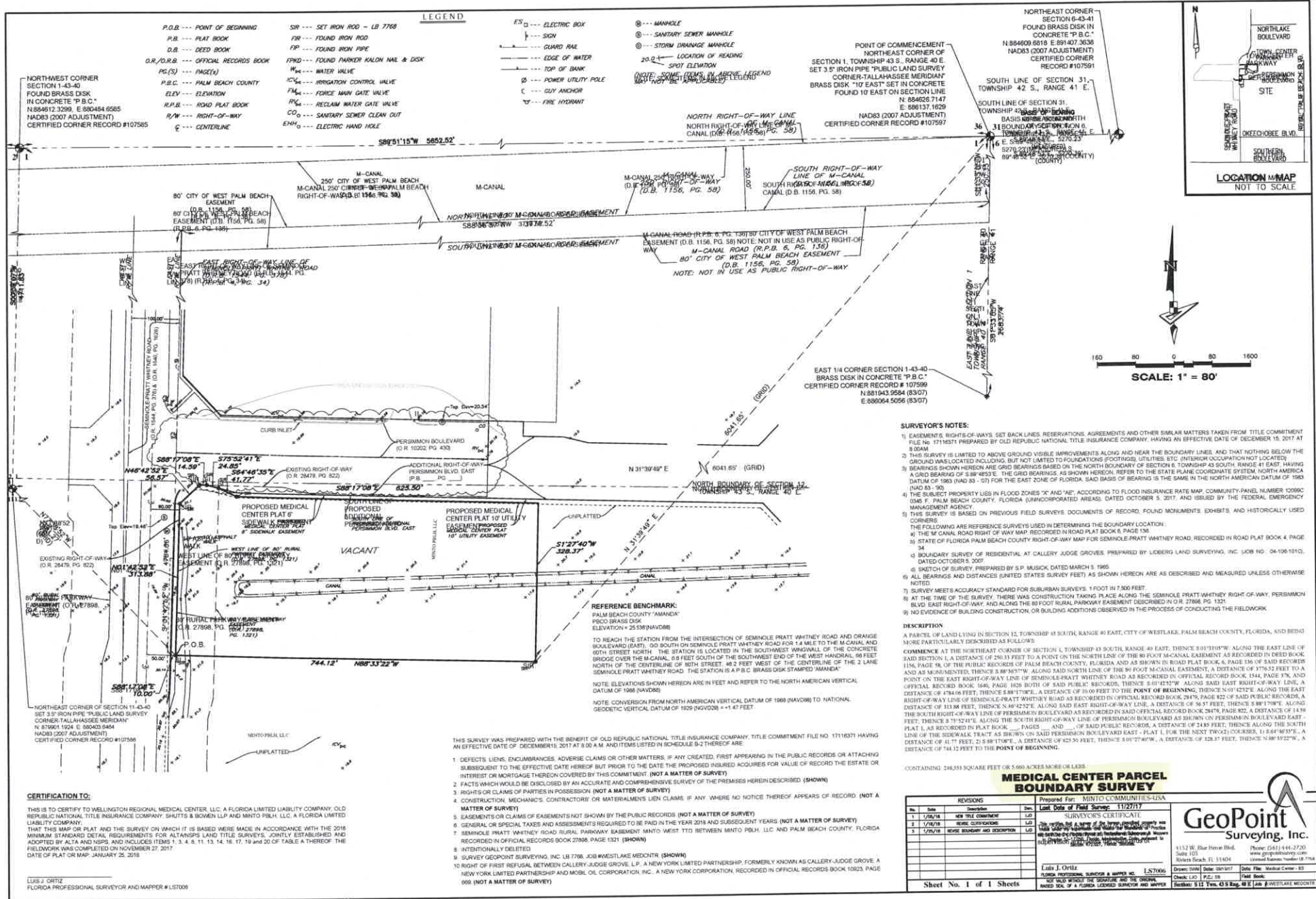
NOTICE: THIS PLAT IS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THE DESCRIBED PLAT IS SUBJECT TO ANY AND ALL RESTRICTIONS, EASEMENTS, ENCUMBRANCES, AND OTHER INTERESTS THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY.

GeoPoint Surveying, Inc.

4152 W. Blue Heron Blvd.
 Suite 107
 West Palm Beach, FL 33404

Phone: (561) 644-7700
 www.geopointsurvey.com
 License No. 14484-1754

Sheet No. 2 of 2 Sheets



LEGEND

- P.O.B. --- POINT OF BEGINNING
- P.B. --- PLAT BOOK
- D.B. --- DEED BOOK
- O.R./O.R.B. --- OFFICIAL RECORDS BOOK
- P.G.(S) --- PAGE(S)
- P.B.C. --- PALM BEACH COUNTY
- ELEV. --- ELEVATION
- R.P.B. --- ROAD PLAT BOOK
- R/W --- RIGHT-OF-WAY
- C --- CENTERLINE
- SIR --- SET IRON ROD - LB 7768
- PIR --- FOUND IRON ROD
- PIP --- FOUND IRON PIPE
- FPK --- FOUND PARKER KALON NAIL & DISK
- WV --- WATER VALVE
- ICV --- IRRIGATION CONTROL VALVE
- FMV --- FORCE MAIN GATE VALVE
- RMV --- RECLAIM WATER GATE VALVE
- CS --- SANITARY SEWER CLEAN OUT
- EHV --- ELECTRIC HAND LITE
- ES --- ELECTRIC BOX
- SK --- SKIN
- GR --- GRAD RAIL
- EW --- EDGE OF WATER
- TD --- TOP OF BANK
- PU --- POWER UTILITY POLE
- CA --- CUY ANCHOR
- FI --- FIRE HYDRANT
- MANHOLE
- SANITARY SEWER MANHOLE
- STORM DRAINAGE MANHOLE
- LOCATION OF READING
- SPOT ELEVATION

SURVEYOR'S NOTES:

- 1) EASEMENTS, RIGHTS-OF-WAY, SET BACK LINES, RESERVATIONS, AGREEMENTS AND OTHER SIMILAR MATTERS TAKEN FROM TITLE COMMITMENT FILE NO. 17116371 PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, HAVING AN EFFECTIVE DATE OF DECEMBER 15, 2017 AT 8:00 AM.
- 2) THIS SURVEY IS LIMITED TO ABOVE GROUND VISIBLE IMPROVEMENTS ALONG AND NEAR THE BOUNDARY LINES AND THAT NOTHING BELOW THE GROUND WAS LOCATED INCLUDING, BUT NOT LIMITED TO FOUNDATIONS (FOOTINGS), UTILITIES, ETC. (INTERIOR OCCUPATION NOT LOCATED).
- 3) BEARINGS SHOWN HEREON ARE GRID BEARINGS BASED ON THE NORTH BOUNDARY OF SECTION 6 (TOWNSHIP 43 SOUTH, RANGE 40 EAST, HAVING A GRID BEARING OF S89°51'15\"/>

REFERENCE BENCHMARK:

PALM BEACH COUNTY "AMANDA"
 FOUND BRASS DISK
 ELEVATION = 253.96 (NAVD83)
 TO REACH THE STATION FROM THE INTERSECTION OF SEMNOLE PRATT WHITNEY ROAD AND ORANGE BOULEVARD (EAST), GO SOUTH ON SEMNOLE PRATT WHITNEY ROAD FOR 14 MILES TO THE M-CANAL AND 60TH STREET NORTH. THE STATION IS LOCATED IN THE SOUTHWEST QUADRANT OF THE CONCRETE BRIDGE OVER THE M-CANAL, 60 FEET SOUTH OF THE SOUTHWEST END OF THE WEST HANDRAIL, 48 FEET NORTH OF THE CENTERLINE OF 80TH STREET, 48.5 FEET WEST OF THE CENTERLINE OF THE 2 LANE SEMNOLE PRATT WHITNEY ROAD. THE STATION IS A P.C. BRASS DISK STAMPED "AMANDA".
 NOTE: ELEVATIONS SHOWN HEREON ARE IN FEET AND REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83).
 NOTE: CONVERSION FROM NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83) TO NATIONAL GEODESIC VERTICAL DATUM OF 1929 (NGVD29) = +1.47 FEET.

THIS SURVEY WAS PREPARED WITH THE BENEFIT OF OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, TITLE COMMITMENT FILE NO. 17116371 HAVING AN EFFECTIVE DATE OF DECEMBER 15, 2017 AT 8:00 AM AND ITEMS LISTED IN SCHEDULE B-THEREOF ARE:

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT. (NOT A MATTER OF SURVEY)
2. FACTS WHICH WOULD BE DISCLOSED BY AN ACCURATE AND COMPREHENSIVE SURVEY OF THE PREMISES HEREIN DESCRIBED. (SHOWN)
3. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION. (NOT A MATTER OF SURVEY)
4. CONSTRUCTION, MECHANICS, CONTRACTORS' OR MATERIALMEN'S LIEN CLAIMS, IF ANY, WHERE NO NOTICE THEREOF APPEARS OF RECORD. (NOT A MATTER OF SURVEY)
5. EASEMENTS OR CLAIMS OF EASEMENTS NOT SHOWN BY THE PUBLIC RECORDS. (NOT A MATTER OF SURVEY)
6. GENERAL OR SPECIAL TAXES AND ASSESSMENTS REQUIRED TO BE PAID IN THE YEAR 2018 AND SUBSEQUENT YEARS. (NOT A MATTER OF SURVEY)
7. SEMNOLE PRATT WHITNEY ROAD RURAL PARKWAY EASEMENT MINTO WEST LTD BETWEEN MINTO PBLM, LLC AND PALM BEACH COUNTY, FLORIDA RECORDED IN OFFICIAL RECORDS BOOK 27888, PAGE 1321. (SHOWN)
8. INTERNATIONALLY DELIBERED.
9. SURVEY GEOPORT SURVEYING, INC. LB 7768, JOB WESTLAKE MEDICTR. (SHOWN)
10. RIGHT OF FIRST REFUSAL BETWEEN CALLERY-JUDGE GROVE, L.P. A NEW YORK LIMITED PARTNERSHIP, FORMERLY KNOWN AS CALLERY-JUDGE GROVE, A NEW YORK LIMITED PARTNERSHIP AND MOBIL OIL CORPORATION, INC. A NEW YORK CORPORATION, RECORDED IN OFFICIAL RECORDS BOOK 10023, PAGE 669. (NOT A MATTER OF SURVEY)

CERTIFICATION TO:

THIS IS TO CERTIFY TO WELLINGTON REGIONAL MEDICAL CENTER, LLC, A FLORIDA LIMITED LIABILITY COMPANY, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, SHUTTS & BOWEN LLP AND MINTO PBLM, LLC, A FLORIDA LIMITED LIABILITY COMPANY, THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTIMERS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 6, 11, 13, 14, 16, 17, 19 AND 20 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON NOVEMBER 27, 2017. DATE OF PLAT OR MAP: JANUARY 25, 2018.

LUIS J. ORTIZ
 FLORIDA PROFESSIONAL SURVEYOR AND MAPPER #125700

MEDICAL CENTER PARCEL BOUNDARY SURVEY

DIVISIONS		Prepared For: MINTO COMMUNITIES-LSA
No.	Date	Last Date of Survey: 11/27/17
1	1/26/18	NEW THE COMMISSION
2	1/26/18	REVISE CORRECTIONS
3	1/26/18	REVISE BOUNDARY AND DESCRIPTION

SURVEYOR'S CERTIFICATE
 I, Luis J. Ortiz, a duly Licensed Professional Surveyor in the State of Florida, do hereby certify that the above described parcel was surveyed and the boundaries thereon were established in accordance with the Minimum Standard Detail Requirements for Altimers Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 3, 4, 6, 11, 13, 14, 16, 17, 19 and 20 of Table A thereof. The fieldwork was completed on November 27, 2017.
 Surveyed and Platted on: 01/25/18
 Date of Plat or Map: 01/25/18

Luis J. Ortiz
 Florida Professional Surveyor and Mapper No. 125700
 Check Log P.C. 18
 Sheet No. 1 of 1 Sheets

4112 W. Blue Heron Blvd. Phone: (561) 441-2720
 Suite 105 www.geopoint-surveying.com
 Boca Raton, FL 33404
 Down State Date 08/01/17 Date File: 08/01/17
 Check Log P.C. 18
 Sheet No. 1 of 1 Sheets



CITY OF WESTLAKE

Engineering Department
 4001 Seminole Pratt Whitney Road
 Westlake, Florida 33470

Phone: (561) 530-5880

www.westlakegov.com

- 1. **DATE:** 2/2/2018
- 2. **PETITION NUMBER:** ENG-2017-12
- 3. **DESCRIPTION:** POD K Phase 1 – Medical Center
- APPLICANT:** Minto PBLH, LLC
- OWNER:** Minto PBLH, LLC
- REQUEST:** Plat & Boundary Survey Review
- LOCATION:** Westlake, Florida
- 4. **STAFF REVIEW:** 2nd Comment Letter

This is the second review of this Plat and Boundary Survey. This review is done for compliance with Chapters 177, 5J-17, Florida Statutes, and the City of Westlake’s codes and ordinances. Following are our comments:

General Plat Comments

1. All missing public record references shall be added prior to final plat approval. After the Plat of Persimmon Boulevard East- Plat 1, has been recorded, the record information needs to be added to this plat before this plat of Medical Center is submitted for recording.

All of previous comments have been adequately addressed. The plat is now in compliance with Chapter 177 F.S. We recommend that the City of Westlake accept the plat.

Boundary Survey Comments

All of our previous comments have been adequately addressed. The survey meets the requirements of Chapter 5J-17.50 of the Florida administrative code, pursuant to Chapter 472.027 F.S.

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

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



CITY OF WESTLAKE

Engineering Department
 4001 Seminole Pratt Whitney Road
 Westlake, Florida 33470

Phone: (561) 530-5880

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

Fifteenth Order of Business

MEMORANDUM

To: Mayor Roger Manning
City Council Members
Ken Cassel, City Manager

From: Pam E. Booker, City Attorney 

Date: January 29, 2018

Subject: Resolution for Site Plan POD K, Phase 1, Medical Center

Please find a resolution for approval of the Site Plan for POD K, Phase 1, Medical Center, for a free-standing emergency room facility. This site plan consists of approximately six acres (5.66) of land abutting Seminole Pratt Whitney Road and Persimmon Boulevard. The purpose of the site plan is for United Health Systems of Delaware, Inc. to construct a free-standing emergency room facility. The medical center parcel will contain approximately 10,379 square feet with future expansion for an additional 2,000 square feet of medical office space.

The site plan has been reviewed by the City Planner and the City Engineer for the City of Westlake to ensure compliance with the Palm Beach County Unified Land Development regulations and the Florida Statutes. We would recommend approval of the resolution approving the site plan for the Medical Office, as a free-standing emergency room facility. Should you have any questions, or need any additional information, please do not hesitate to call.

February 12, 2018

RESOLUTION 2018-05

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE SITE PLAN FOR THE POD K, PHASE 1, MEDICAL OFFICE, LOCATED AT 16400 PERSIMMON BOULEVARD, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's Interim Land Development Regulations provides procedures for the review and adoption of site plans by the City Council; and

WHEREAS, the developer Minto PBLH, LLC, submitted an application for site plan review and approval for Pod K, Phase 1, for medical office uses, located at, 16400 Persimmon Boulevard, Westlake, Florida, 33470, legally described in the attached Exhibit "A", ("Medical Office Phase 1"); and

WHEREAS, staff has reviewed and recommends approval of the proposed site plan provided in the attached Exhibit "B", (site plan); and

WHEREAS, the site plan is consistent with the previously approved conceptual site plan and all the requirements of the Unified Land Development Regulations; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in Palm Beach County, notifying the public of this proposed resolution and of the public hearing; and

WHEREAS, the City Council for the City of Westlake finds that the adoption an implementation of this resolution is in the best interest and welfare of the residents of the City of Westlake.

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

Section 1: Recitals: The above recitals are true and correct and are incorporated herein by this reference.

Section 2: Approval of Site Plan: The City Council for the City of Westlake hereby approves the Pod K, Phase 1, Medical Office Site Plan, containing approximately six acres (5.66), located at 16400 Persimmon Boulevard, Westlake, Florida, 33470, as described in the attached Exhibit "A", which is located in the City of Westlake, and in Palm Beach County, Florida. The site plan approval is subject to the applicant meeting all of the conditions set forth in the development approval, as attached hereto as Exhibit "C", which is incorporated herein and made a part hereof.

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

Section 4: Effective Date: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 12th day

of February, 2018.

City of Westlake
Roger Manning, Mayor

Sandra Demarco, City Clerk

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

Exhibit "A"**MEDICAL CENTER SITE PLAN**

A PARCEL OF LAND LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.01°33'05"W. ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 250.33 FEET TO A POINT ON THE NORTH LINE OF THE 80 FOOT M-CANAL EASEMENT AS RECORDED IN DEED BOOK 1156, PAGE 58, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND AS SHOWN IN ROAD PLAT BOOK 6, PAGE 136 OF SAID RECORDS AND AS MONUMENTED; THENCE S.88°36'57"W. ALONG SAID NORTH LINE OF THE 80 FOOT M-CANAL EASEMENT, A DISTANCE OF 3776.52 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1544, PAGE 378, AND OFFICIAL RECORD BOOK 1640, PAGE 1626 BOTH OF SAID PUBLIC RECORDS; THENCE S.01°42'52"W. ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 4784.06 FEET; THENCE S.88°17'08"E., A DISTANCE OF 10.00 FEET TO **THE POINT OF BEGINNING**; THENCE N.01°42'52"E. ALONG THE EAST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 28479, PAGE 822 OF SAID PUBLIC RECORDS, A DISTANCE OF 313.88 FEET; THENCE N.46°42'52"E. ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 56.57 FEET; THENCE S.88°17'08"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD AS RECORDED IN SAID OFFICIAL RECORD BOOK 28479, PAGE 822, A DISTANCE OF 14.59 FEET; THENCE S.75°52'41"E., A DISTANCE OF 24.85 FEET; THENCE S.64°46'35"E., A DISTANCE OF 41.77 FEET; THENCE S.88°17'08"E., A DISTANCE OF 625.50 FEET; THENCE S.01°27'40"W., A DISTANCE OF 328.37 FEET; THENCE N.88°33'22"W., A DISTANCE OF 744.12 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 246,553 SQUARE FEET OR 5.660 ACRES MORE OR LESS.



City of Westlake
Planning and Zoning Department
Staff Report –2/1/18

1. PETITION DESCRIPTION

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: The Applicant is requesting approval of the Site Plan for a Free-Standing Emergency Room (FSER). The proposed FSER is 10,379 square feet with a future expansion area of 2,000 square feet. The proposed structure is located on 5.66-acre portion of Pod K, known as Phase I.

PCN: 77-40-43-12-00-000-1010

LOCATION MAP:



2. PETITION FACTS

- a. **Total Gross Site Area:** 41.156 acres
- b. **Total Affected Area:** 5.660 acres
- c. **Total Building Footprint Area:** 12,379 sq. ft.
- d. **Total Building Square Footage:**
 - **Free-Standing Emergency Room:** 10,379 sq. ft. (one story)
 - **Future Expansion:** 2,000 sq. ft.
- e. **Land Use and Zoning**
 - Existing Land Use** Vacant and Agricultural
 - Future Land Use** Agricultural Enclave (AGE)
 - Zoning** Traditional Town Development (TTD)
Agricultural Enclave Overlay (AGEO)
Multiple Use Planned Development/Economic Development Center (MUPD/ECD)

3. BACKGROUND

The Applicant is requesting approval of the Site Plan for a Free-Standing Emergency Room (FSER). The proposed FSER is 10,379 square feet with a future expansion area of 2,000 square feet. The proposed structure is located on 5.66-acre portion of Pod K, known as Phase I.

Pod K Phase I located within the Westlake TTD, on the east side of Seminole Pratt Whitney Road and the south side of Persimmon Boulevard East. The pod abuts the Grove Market to the north, the Packing House to the south, Pod PC-2 to the east, and Pod H to the west.

Pod K has a MUPD/EDC designation on the TTD Master Plan. The Applicant is requesting approval of the Final Site plan for a 5.66-acre portion of Pod K, known as Phase I, which has been submitted concurrently with the Plat and Final Subdivision Plan applications for the same. The site plan, subdivision plan, and plat applications for the balance of the 41-acre pod will be submitted at a later date.

4. PLANNING & ZONING REVIEW

The applicant is proposing a 10,379 square feet Free-Standing Emergency Room (FSER) and a future expansion area of 2,000 square feet.

The proposed FSER will be a medical office use as defined by the City’s Interim ULDC. Article 1 defines a Medical Office as *“an establishment where patients, who are not lodged overnight, are admitted for immediate and/or emergency examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. A pain management clinic shall not be considered a medical or dental office.”*

Medical Office is a permitted use within the MUPD/EDC district. Per the applicant Justification Statement *“The proposed use admits patients for immediate and/or emergency examination or treatment and does not retain patients overnight.”* Per above code provision, the proposed use meets the definition of medical office.

The Site Plan Application review was conducted based on documents submitted by applicant on January 8, 2018. Please see following analysis for compliance with the City of Westlake Interim ULDC code provisions:

Section 3 Multiple Use Planned Development (MUPD)

Required	Proposed	Status
A. General		
1. Purpose and Intent		
The purpose of an MUPD is to provide for the efficient use of land by the integration of multiple uses, or large single uses, within a unified development. The intent of an MUPD is to provide opportunities for enlightened and imaginative approaches to community planning and site design by: [Ord. 2014-025]	The proposed structure is located on 5.66-acre portion of Pod K, known as Phase I.	The site plan, subdivision plan, and plat applications for the balance of the 41-acre pod will be submitted at a later date.
a. allowing flexibility from standard PDRs;		
b. applying PDRs to the entire project rather than individual lots, such as: access, parking, lot dimensions, lot frontage, and landscaping; and	The proposed structure is located on 5.66-acre portion of Pod K, known as Phase I.	As the applicant submits next phases, Staff will further review applicable Code.
c. encouraging the creation of a unified image between buildings and signage through architecture and linkages between land uses.	The proposed structure is located on 5.66-acre portion of Pod K, known as Phase I.	As the applicant submits next phases, Staff will further review applicable Code.
2. Applicability		
The requirements of this Section shall apply to all MUPDs, modifications to previously approved MUPDs, and modifications to previous approvals specified in Art. 3.E, Planned Development Districts unless otherwise stated. [Ord. 2009-040] [Ord. 2011-016]	The proposed structure is located on 5.66-acre portion of Pod K, known as Phase I.	As the applicant submits next phases, Staff will further review applicable Code.
3. Conflicts		
If a conflict exists between this Section and other Sections of this Code, the provisions of this Section shall apply to the extent of the conflict.	Acknowledged.	Acknowledged.

Required	Proposed	Status
B. Objectives and Standards		
1. Design Objectives		
A MUPD shall comply with the following objectives:		
a. Designed as a predominantly non-residential district;	Proposed 10,379 Sq. Ft. Free-Standing Emergency Room (FSER) and a future expansion area of 2,000 square feet. FSER will be a medical office use as defined by the City's Interim ULDC.	In compliance with Code.
b. Provide innovative building location and orientation;	Parking lot is fronting the street and building is located on the rear.	Staff discussed with applicant the location of futures buildings. The City encourages buildings fronting the street.
c. Protect adjacent residential uses from potential adverse impacts;	Proposed site plan is Not adjacent to residential uses	In compliance with Code.
d. Provide interconnection between uses in and adjacent to the project;	Sidewalks are extended to adjacent parcels.	In compliance with Code.
e. Allow for landscape design that enhances the appearance of the project; and, [Ord. 2014-025]	Landscape is enhancing the project.	In compliance with Code.
f. An MUPD with an EDC FLU designation shall be primarily utilized by office and research parks, which may also include manufacturing and processing, research and development, wholesale distribution and storage of products. [Ord. 2014-025]	Proposed building will be a medical office use as defined by the City's Interim ULDC.	In compliance with Code This is Phase I of Pod K. As the applicant submit next phases, Staff will further review applicable Code.
2. Performance Standards		
A MUPD shall comply with the following standards:		
a. Freestanding Buildings		
The maximum number of freestanding buildings in a MUPD with continuous vehicular circulation on all four sides is indicated in Table 3.E.3.B, Freestanding Buildings. For the purpose of this Section, circulation shall mean any portion of a driveway, drive aisle, or other means of vehicular access located within 50 feet of a building, excluding one-way drive through lanes, dedicated bypass lanes, and one primary building.	Proposed Phase I indicates one (1) Building	Per Table 3.E.3.B, shown below, the maximum number of freestanding buildings for the EDC is three (3) buildings.

Table 3.E.3.B - Freestanding Buildings

FLU Designations	CL	CH	CLO	CHO	IND	EDC	CR	INST
Number of buildings	1	3	1	3	3	3	3	3
[Ord. 2014-025]								

Required	Proposed	Status
b. Non-vehicular Circulation		
A MUPD shall be designed to provide for pedestrian and bicycle oriented circulation system throughout the development.	Bicycle- and pedestrian oriented circulation has been provided for Phase 1.	As the applicant submits next phases, Staff will further review applicable Code.
1) Sidewalks		
Where sidewalks cross vehicular use areas, they shall be constructed of pavers, brick, decorative concrete, or similar pavement treatment.	Site plan shows paver crosswalks as typical.	In compliance with Code.
c. Landscape Buffers		
A Type 3 incompatibility buffer shall be provided in any area of an MUPD adjacent to a residential use type or undeveloped land with a residential FLU designation. The BCC may allow an alternative buffer as a condition of approval.	N/A	Landscape review by Chen-Moore.
1) No overlap or easement encroachment shall be permitted in R-O-W buffers.	N/A	Landscape review by Chen-Moore.
d. Cross Access		
Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Cross access shall be provided between a MUPD and adjacent land with a non-residential FLU designation, if required by the DRO. The cross access shall be in a location and manner acceptable to the DRO.	N/A	As the applicant submits next phases, Staff will further review applicable Code.
e. Parking		
Off street parking areas shall comply with Article 6, PARKING, Article 7, LANDSCAPING, and the following:	62 off-street parking spaces required for Phase 1.	63 off-street parking spaces provided for Phase 1. As the applicant submits next phases, Staff will further review applicable Code.
1) Parking Areas		
a) Groundcover or small shrubs 18 to 24 inches in height at installation, and maintained to achieve a maximum of 30 inches in height shall be planted in all terminal islands and divider medians.	N/A	Landscape review by Chen-Moore.
b) Where pedestrian access ways cross terminal islands or are provided within divider medians, they shall consist of brick, decorative concrete, or similar paving treatment.	None proposed for Phase 1.	As the applicant submits next phases, Staff will further review applicable Code.

Required	Proposed	Status
2) Loading Area Screening		
Internally oriented loading areas shall provide an opaque wall of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall.	None proposed for Phase 1.	As the applicant submits next phases, Staff will further review applicable Code.
Required	Proposed	Status
3. Civic Dedication		
The BCC may require that a portion of the gross acreage of the development be dedicated to PBC for public purposes, when insufficient facilities are available to allow for the provision of government services required for the proposed development. The dedication of such property shall be in accordance with Art. 3.E.2.E.4.c.1), Public Civic. The PDRs for the PO district shall apply to the civic parcel. [Ord. 2006-004]	N/A	As the applicant submits next phases, Staff will further review applicable Code.
4. EDC FLU - Use Limitations		
All permitted Commercial, Public and Civic, Agricultural, Utility or Industrial uses shall comply with the following: [Ord. 2014-025]		
a. Shall be clustered within the overall project so as to minimize any adverse impacts, including heavy truck traffic, on office and research portions of the project; and, [Ord. 2014-025]	N/A. Only medical office use proposed for Phase 1.	As the applicant submits next phases, Staff will further review applicable Code.
b. Outdoor storage or activity areas shall be buffered and screened from view of office or research areas, or operate completely in enclosed buildings. [Ord. 2014-025]	N/A. None proposed for Phase 1.	As the applicant submits next phases, Staff will further review applicable Code.

Required	Proposed	Status
C. Thresholds		
Projects that meet or exceed the requirements of Table 3.E.3.D, MUPD Property Development Regulations, in addition to all other minimum MUPD requirements, may be submitted and reviewed as a MUPD. [Ord. 2006-004] [Ord. 2007-013] [Ord. 2015-031]	Acknowledged	Acknowledged
1. Underlying Land Use		
A MUPD with an underlying nonresidential FLU designation may utilize either land use, or a combination of land uses, to satisfy the requirements of Table 3.E.3.D, MUPD Property Development Regulations. Uses allowed shall correspond to the FLU designation in Table 3.E.1.B, PDD Use Matrix.	Acknowledged	Acknowledged

D. Property Development Regulations		
The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in the MUPD district are indicated in Table 3.E.3.D, MUPD Property Development Regulations, unless otherwise stated.	See "Provided" below.	In compliance with Code.

Table 3.E.3.D - MUPD Property Development Regulations									
EDC	Minimum Lot Dimensions			Max. FAR (2)	Max. Bldg. Coverage	Minimum Setbacks (1)			
	Size	Width & Frontage	Depth			Front	Side	Side Street	Rear
Required	5 ac	300	300	-	45 percent	30	C-15 R-40	30	C-20 R-40
Provided	5.660 ac	329.37	744.09	.05	5 percent	>30	>15	N/A	>20
[Ord. 2007-001] [Ord. 2014-025] [Ord. 2015-031]									
Notes:									
C	Indicates the building setback if the lot abuts a parcel with a non-residential zoning district or FLU designation, that does not support a residential use. [Ord. 2015-031]								
R	Indicates the setback from an adjacent parcel with residential zoning. [Ord. 2015-031]								
1.	Setbacks are measured in linear feet from the boundary of the MUPD.								
2.	The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan , and other related provisions, unless otherwise noted.								

Required	Proposed	Status
1. Work/Live Space	None proposed in Phase 1.	As the applicant submits next phases, Staff will further review applicable Code.
A space within a building that is used jointly for residential, commercial and/or industrial purposes, where the residential space is accessory to the primary use as a place of work. Work/Live spaces shall comply with the following supplemental use standards: [Ord. 2006-004]	N/A	N/A
Accessory work/live spaces may be permitted in a MUPD, MXPd, commercial pod of a PUD, commercial and industrial pods of a PIPD, or a TMD as follows: [Ord. 2004-040]	N/A	N/A
a. Shall not exceed 1000 square feet of living area; [Ord. 2004-040]	N/A	N/A
b. A minimum of 10 percent of the living area shall be designated as office space; [Ord. 2004-040]	N/A	N/A

c. Shall be counted as non-residential square footage; [Ord. 2004-040]	N/A	N/A
d. The maximum number allowed in a PDD is indicated in Table 3.E.3.D-32, Work/Live PDD; [Ord. 2004-040]	N/A	N/A
e. The maximum number allowed by the DRO in a PDD is indicated in the Table 3.E.3.D-32, Work/Live Space PDD. The maximum number allowed by the DRO in a TMD is indicated in the Table 3.E.3.D-33, Work/Live Space TMD; and [Ord. 2004-040]	N/A	N/A
f. Work/live spaces in excess of the maximum number allowed by the DRO shall be a Requested Use. [Ord. 2004-040]	N/A	N/A

Table 3.E.3.D - Work/Live Space PDD						
FLU Designation	Commercial Pod in a PUD	CH	CLO	CHO	IND (1)	EDC (1)
Number of Spaces	1/acre	5/acre	3/acre	3/acre	3/acre	3/acre
DRO (2)	8	24	24	24	24	24
[Ord. 2004-040] [Ord. 2014-025]						
Notes:						
(1)	Limited to commercial pods in a PIPD only. [Ord. 2014-025]					
(2)	Maximum number of spaces.					

5. FINAL REMARKS

The following conditions of approval are recommended as part of this application:

- 1. Maximum three (3) free-standing buildings per parcel.**
- 2. Encourage location of buildings fronting the street with parking lots on the rear.**



CITY OF WESTLAKE

Engineering Department
4001 Seminole Pratt Whitney Road
Westlake, Florida 33470

Phone: (561) 530-5880

www.westlakegov.com

- 1. DATE:** February 5, 2018
- 2. PETITION NUMBER:** SP-2018-01
- 3. DESCRIPTION:** Pod K Phase I - Comment Letter 2 - Revised
- APPLICANT:** United Health Systems of Delaware, Inc.
- OWNER:** Minto PBLH, LLC
- REQUEST:** Site Plan Approval
- LOCATION:** Westlake, Florida

4. STAFF REVIEW:

The plans for the subject review are approved with the following conditions:

1. The revised site plan has acceptable loading zone dimensions. Revise the conceptual engineering plan to be consistent with the site plan.
2. Drainage Statement Original Comment: This facility will be considered critical and should be elevated to at least 3-feet above the BFE per Article 18, Section 3(I). Please incorporate criteria for a critical facility in the Drainage Statement.
 - A. Comment not addressed: the Drainage Statement indicates that building FFE will be set at or above the 100-year / 3-day, zero discharge rainfall event.
 - B. Since the plans are in compliance with the Finished Floor Elevation Criteria, this comment can stand as a condition of approval.
3. The Engineering Department finds the traffic statement in compliance with the City ULDC. The traffic statement is approved with the following conditions:
 - A. In the Application Form under "Traffic Trips Existing" and "Traffic Trips Proposed, please indicate both the inbound and outbound trips for "Approval Total", "Proposed Pod K" and "Cumulative to date". The Application Form currently only shows total trips for AM and PM peaks; this could be confusing because the trip directionality is not consistent among the noted three items.
4. The following comments are recommendations to the applicant. Approval is not contingent upon these comments.
 - A. Recommend planting seedling Live Oak to increase genetic diversity within Westlake and ensure the future canopy is as resilient to pests/pathogens as possible.



CITY OF WESTLAKE

Engineering Department
4001 Seminole Pratt Whitney Road
Westlake, Florida 33470

Phone: (561) 530-5880

www.westlakegov.com

-
- B. Recommend planting tree species with medium mature size in areas where separation from hardscaping is less than 5' instead of Live Oak.
-

This letter has been prepared by the following individual, in association with their consultants and subconsultants. Please address comment responses to this individual.

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

Suzanne Dombrowski, P.E.

Chen Moore and Associates

Tel: 561.746.6900 x 1035

Email: sdombrowski@chenmoore.com



JAN 08 2018
Received
Landscape Architects | Land Planners | Environmental Consultants

1934 Commerce Lane | Suite 1 | Jupiter, Florida | 33458 | Ph 561.747.6336 | Fax 561.747.1377 | www.cotleurhearing.com | Lic # LC-C000239

Westlake Pod K Phase I

Final Site Plan Approval

Justification Statement

January 8, 2018

Introduction

The Applicant is requesting approval of the Final Site Plan for a portion of Pod K located within the Westlake Traditional Town Development (TTD). Pod K is a 41-acre Multiple Use Planned Development / Economic Development Center (MUPD/EDC) pod situated centrally within the TTD property on the east side of Seminole Pratt Whitney Road and the south side of Persimmon Boulevard East. The portion of Pod K that is the subject of the application is the 5.66 acres at the northwest corner of the Pod.

Background

The Minto Westlake site is located East and West of Seminole Pratt Whitney Blvd., South of 60th Street North, and North of 50th Street N, East of Mead Hill Drive, and 44th Street North, East of 190th Terrace North and West of 140th Avenue North. The 3,788.60-acre property has a current FLUA designation of Agricultural Enclave and Rural Residential-10. The property is currently in active construction..

Minto Westlake is roughly co-extensive with SID, a legislatively-created special district with the authority to provide public infrastructure and services and to operate district facilities. SID provides drainage, water, and wastewater services for the subject property, and owns a canal right-of-way and/or easement for access and drainage from the subject site running approximately four miles south to the C-51 Canal.

Historic and Recent Planning and Zoning Entitlements

On October 29, 2014, the property received approval from the Board of County Commissioners for a Comprehensive Plan Amendment (Ordinance 2014-030), Rezoning and Preliminary Master Plan (Resolution 2014-1646), and Requested Uses (Resolutions 2014-1647 and 1648).

Ordinance No. 2014-030 approved an amendment to the Comprehensive Plan for the site specific Agricultural Enclave, including a Conceptual Master Plan and Implementing Principles. The Ordinance also made various text changes to the Plan related to the Agricultural Enclave Future Land Use. These Amendments were codified and are included as part of the Palm Beach County's Comprehensive Plan.

Westlake Pod K Phase I Site Plan
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Resolution No. 2014-1646 approved the Zoning application for the Minto West Traditional Development District. The Resolution included rezoning the property from Agricultural Residential (AR) and Public Ownership (PO) Zoning Districts to the Traditional Town Development (TTD) Zoning District.

Resolution No. R-2014-1647 approved a Requested Use for a College or University to be located within the property.

Resolution No. R-2014-1648 approved a Requested Use for a Hotel to be located within the property.

The Board of County Commission approved a corrective resolution (No. R-2014-1892), which amended Engineering Condition E.9 of Resolution 2014-1646 to add "iii. Notwithstanding the foregoing, no connection of Persimmon Boulevard shall be made to 140th prior to the issuance of the 2700th dwelling unit permit."

On June 20, 2016, the City of Westlake became the 39th municipality in Palm Beach County.

In January 2017, the City Council approved Resolution 2017-3 allowing an amendment to the Final Master Plan to make minor adjustments to pod boundaries of Pods F, L, P, Q, R, and PC-1, to modify the number of dwelling units in Pods Q and U, and make necessary geometric adjustments to certain rights-of-ways.

In November 2017, the City staff approved petition MPA-2017-01 allowing an amendment to the Final Master plan for Minto Westlake. The amendment included the reallocation of 11 dwelling units from Pod Q to Pod R.

Subject Request

The Applicant is requesting approval of the Final Site Plan for Pod K Phase I located within the Westlake TTD. Pod K is situated on the east side of Seminole Pratt Whitney Road and the south side of Persimmon Boulevard East. The pod abuts the Grove Market to the north, the Packing House to the south, Pod PC-2 to the east, and Pod H to the west. The pod has a MUPD/EDC designation on the TTD Master Plan. The Applicant is requesting approval of the Final Site plan for a 5.66-acre portion of Pod K, know as Phase I, which has been submitted concurrently with the Plat and Final Subdivision Plan applications for the same. The site plan, subdivision plan, and plat applications for the balance of the 41-acre pod will be submitted at a later date.

The site is being developed for a Free-Standing Emergency Room (FSER). The proposed FSER is 10,379 square feet with a future expansion area of 2,000 square feet. The FSER is a medical office use as defined by the City's ULDC. Article 1 defines a medical office as *"an establishment where patients, who are not lodged overnight, are admitted for immediate and/or emergency*

Westlake Pod K Phase I Site Plan
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CH 17-1107
January 8, 2018

examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropractists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. A pain management clinic shall not be considered a medical or dental office.” The proposed use admits patients for immediate and/or emergency examination or treatment and does not retain patients overnight. Therefore, the proposed use meets the definition of medical office. Medical Office is a permitted use within the MUPD/EDC district. The facility will provide much needed medical services to the citizens of Westlake as well as to the surrounding area.

Vehicular Access and Circulation

The subject property has frontage on Seminole Pratt Whitney Road and Persimmon Boulevard East. The vehicular access to the property is from two points on the south side of Persimmon Boulevard East. The westernmost entrance is a full median opening and will be the main entry into the project for patrons and employees. The easternmost entrance will provide a right-in/right-out movement only. This secondary entrance will be for ambulance, public safety, and delivery vehicles only.

There is full vehicular circulation throughout the site to ensure patrons and emergency vehicles can safely and effectively enter and exit the property without delay. Due to the nature of the use, effective internal traffic circulation is extremely important. No dead end parking or driveways are proposed.

Parking

The use has been parked based on the requirements for medical office (1 space per 200 square feet). This produces 52 required parking spaces for the initial building and an additional 10 parking spaces for the future expansion. The Applicant is proposing 63 parking spaces. All parking areas meet the minimum stall and drive aisle dimensions required by Article 6.

Traffic

A traffic statement has been provided by Pinder Troutman Consulting, Inc. The FSER use was not identified as a specific use in the original approval; therefore, an equivalency analysis was conducted to demonstrate compliance with the traffic approvals. The proposed 12,379-square-foot FSER is equipvalent to 11,000 square feet of general office. The proposed use will generate 309 daily trips, 14 AM Peak Hour Trips, and 19 PM Peak Hour Trips. Many of these trips will be internalized within the project as the residential population of the City continues to increase.

Landscape Buffers

The proposed site plan includes a 20-foot ROW buffer along the north side of the property abutting Persimmon Boulevard East. Five-foot compatibility buffers are proposed on south and

Westlake Pod K Phase I Site Plan
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January 8, 2018

east sides of the property. A Preliminary Landscape Plan will be submitted to the City demonstrating compliance with the required buffer plantings, foundation landscaping, and internal site landscaping. The property contains 74 percent greenspace.

Signage

The Applicant is proposing two non-residential pod entry signs at the westernmost entrance off of Persimmon Boulevard East. The monuments will be located on either side of the entry driveway to frame the main entrance into the project. The proposed monument signs will be a slightly scaled down version of the design parameters established in the TTD Design Standards, so that the signs are properly scaled to the project entrance. The associated monuments are contained within the Pod K Design Standards proposed as part of this application.

Design Standards

The pod-specific design standards for Pod K have been included herein. The Design Standards establish the themeing, architectural style, and pedestrian features of the pod. Features such as pedestrian furniture, lighting, crosswalks, signage, etc.

Drainage

The site is located within the boundaries of the SFWMD C-51 basin, Seminole Improvement District (SID) and the City of Westlake basin. It is proposed that runoff be directed to on-site inlets and storm sewer with discharge to a dry detention area for ½" dry pre-treatment prior to discharging to an existing farm ditch. Legal positive outfall is available via the farm ditch connection to the Master Drainage System which ultimately discharges to the SID canal system. The master development has been permitted under SFWMD ERP No. 50-00021-S, Application No. 14-141120-2. Land use is consistent with the master permit for commercial areas.

Conclusion

The Applicant is requesting approval of the Pod K Phase I Site Plan as presented. The Applicant will work closely with Staff to bring this application to completion as quickly as possible. The Applicant and the entire development team are available to answer any questions Staff might have and/or provide necessary information to supplement the information provided in the submittal.

minto
WESTLAKE

design
STANDARDS
WORKING DOCUMENT

PALM BEACH COUNTY, FLORIDA



POD K

2018



**Cotleur &
Hearing**

Landscape Architects | Land Planners | Environmental Consultants
www.cotleurhearing.com

City of Westlake

JAN 08 2018

Received



K Design Standards

January 8, 2018

CH #17-1107

POD K

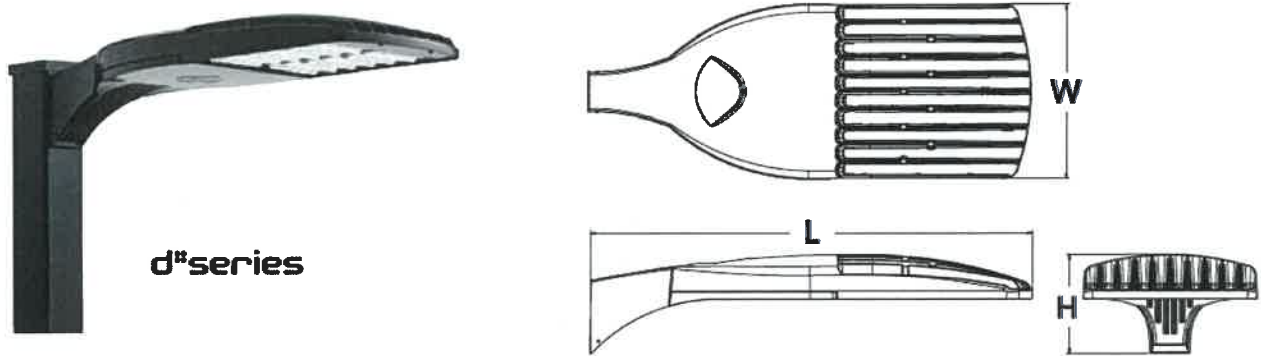
Pod K is a MUPD/EDC pod within the Minto Westlake TTD. The Pod is 41 acres in size, consistent with the Final Master Plan. Pod K is located centrally within the TTD on the east side of Seminole Pratt Whitney Road. Access to the pod is via Persimmon Boulevard East, Seminole Pratt Whitney Road, the north-south road on along the east boundary of Pod K and a connector road along the southern boundary.

PEDESTRIAN NETWORK

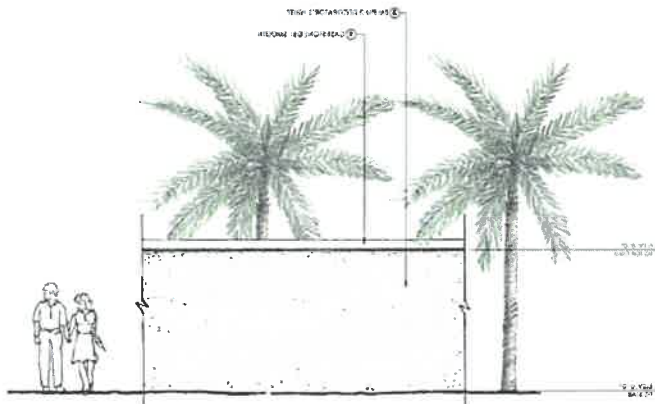
Pedestrian pathways connect the facility to the surrounding sidewalk system along Persimmon Boulevard East..

LIGHTING

Pod K will contain the light fixtures shown below. All light fixtures shall be shielded to reduce light waste.



SCREEN WALL



13' WALL

*ULTIMATE SCREEN WALL HEIGHT TO BE ONE FOOT ABOVE THE TOP OF THE MECHANICAL EQUIPMENT.

SITE ELEMENTS

SITE AMENITIES

Pod K shall contain pedestrian-scaled amenities within and around the facility and open space areas. Benches, trashcans, and bicycle racks shall be located along pedestrian walkways. The crosswalks within Pod K shall be treated with decorative pavers.

PEDESTRIAN BENCHES

THE FOLLOWING ARE RECOMMENDED BENCH EXAMPLES FOR THE DESIGN CHARACTER OF MINTO WEST. A MODERN APPROACH THAT USES QUALITY RECYCLED MATERIALS AND WOOD SLATS TO CREATE A TIMELESS AESTHETIC THAT WON'T EVER GO OUT OF STYLE.



TRASH CANS

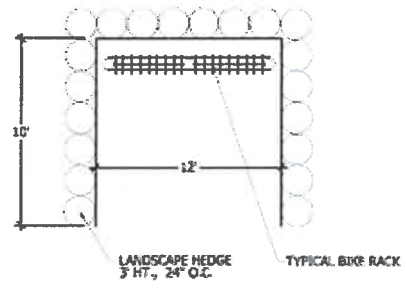
THE TRASH CANS THROUGHOUT MINTO WEST WILL CONTINUE THE THEME OF LINEAR LINES AND WOOD SLATS, THAT REFERENCE THE ARCHITECTURAL TECHNIQUES OF THE REGION BUT ARE DESIGNED IN A MORE CONTEMPORARY FASHION THAT FEELS FRESH AND NEW.



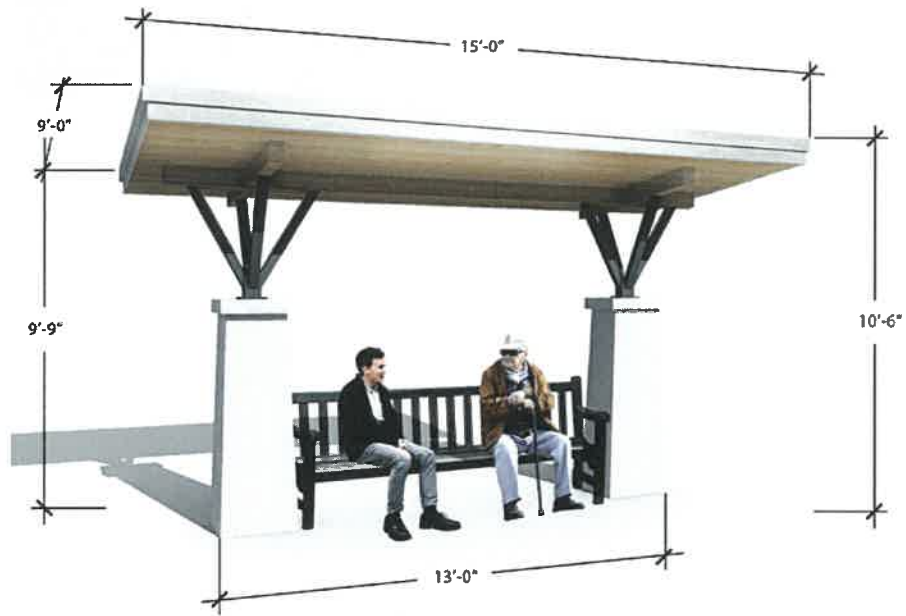
BICYCLE RACKS



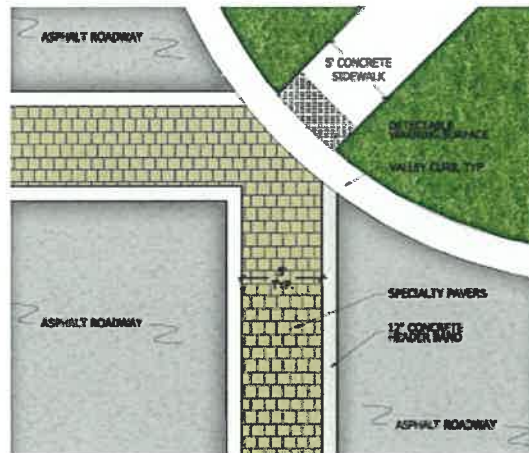
BIKE RACK DETAIL



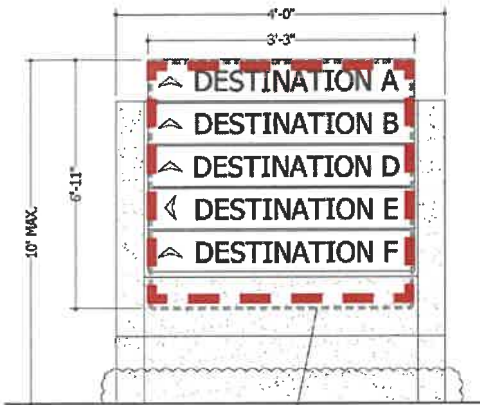
BUS SHELTER



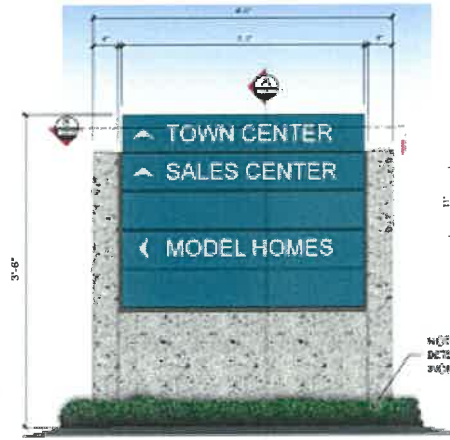
TYPICAL CROSSWALK DETAIL



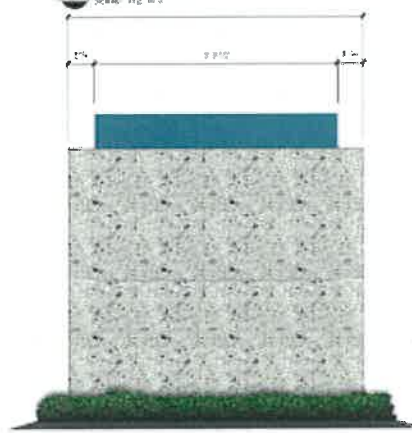
NON-RESIDENTIAL DIRECTIONAL SIGNS



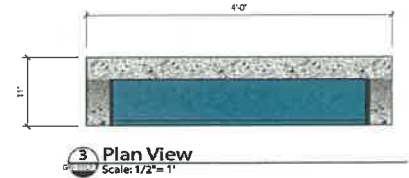
RESIDENTIAL
 SINGLE FACED SIGN
 SIGN FACE AREA: 24 SF MAX.



1 Front View
 Scale: 3/8" = 1'

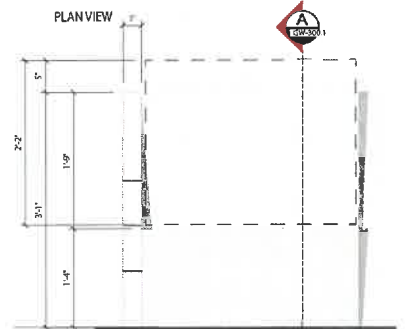


2 Rear View
 Scale: 3/8" = 1'



3 Plan View
 Scale: 1/2" = 1'

NOTE: LANDSCAPE HEIGHT TO BE DETERMINED BY START WITH EACH ANCHORING FOOT APPROXIMATE.



A Front View - Base
 Scale: 1/2" = 1'



FREESTANDING EMERGENCY DEPARTMENTS

Finish Standards - Westlake, Florida

1. Paint: 6215 Rocky River Eggshell Sherwin Williams
2. Paint: 6214 Underseas Eggshell Sherwin Williams
3. Paint: 6213 Halcyon Green Eggshell Sherwin Williams
4. Paint: 6211 Rainwashed Eggshell Sherwin Williams
5. Paint: 7005 Pure White Eggshell Sherwin Williams
6. Privacy Curtain: Backtrack Putty Standard Textile (All Exam Areas)
7. Ceramic Wall Tile: Border - Architectural Grey Semi-gloss 4" x 4" Daletile (Bathroom Walls)
8. Ceramic Wall Tile: Wall - Almond Semi-gloss 4" x 4" Daletile (Bathroom Walls)
9. Sheet Vinyl Flooring: Linen - Mannington Biospec (Accent Floor Pattern)
10. Sheet Vinyl Flooring: Ecru - Mannington Biospec (Typical Floor Pattern)
11. Solid Surface: Frosted White Wilsonart (Counter-tops in Public Areas)
12. Plastic Laminate: 7937-38 River Cherry Wilsonart (Millwork Horizontal Surfaces)
13. Plastic Laminate: 4877-38 Grey Mesh Wilsonart (Counter-tops in Exam and Back of House Areas)

Typical Exam/RME Room

- Provide cubicle curtain on inside of door (independent suspension in FL)
- Provide view lite window (6X30) in door slab
- Provide (2) vertical crash rails on head wall at 24" oc spacing

Additional Owner furnished mobile equipment:

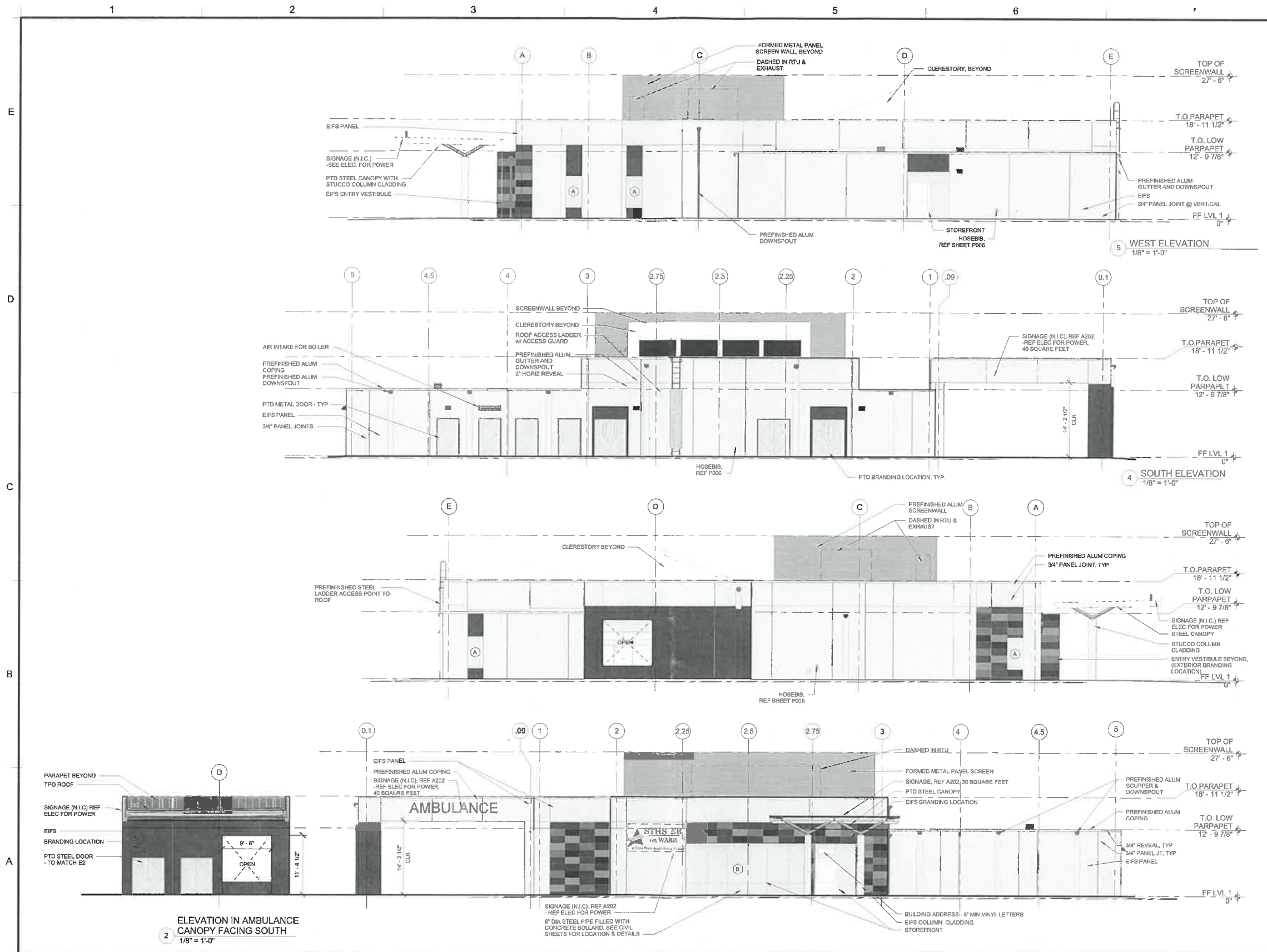
- Portable IV stand, Mayo cart, Mobile supply cart
- Television mounted on footwall above sink upper cabinet

City of Westlake

JAN 08 2018

Received





UNIVERSAL HEALTH SERVICES, Inc.
 387 South Gulph Road
 P.O. Box 61558
 King of Prussia, PA 19406
 GA PROJECT No: 1862 - WESTLAKE
 2625 5th Ave N.
 BESSEMER, AL 35020
 P: 205.953.9920
 GASTUDIO.COM

NOTES & LEGEND

[Symbol]	[Text]
[Symbol]	[Text]
[Symbol]	[Text]
[Symbol]	[Text]

ISSUE SCHEDULE:

-	11
-	11
-	11

REVISION SCHEDULE:

NUM.	DESCRIPTION	DATE

CURRENT DRAWING SET:

ISSUE DATE: 12/15/2017
 SHEET:
BUILDING ELEVATIONS

A201

1/2/2019 2:19:51 PM



Transportation Consultants



January 5, 2018

2005 Vista Parkway, Suite 111
West Palm Beach, FL 33411-6700
(561) 296-9698 Fax (561) 684-6336
Certificate of Authorization Number: 7989

Ms. Kate DeWitt
Cotleur & Hearing
1934 Commerce Lane, Suite 1
Jupiter, FL 33458

Re: Westlake Pod K - #PTC17-114

Dear Ms. DeWitt:

The purpose of this letter is to present a trip generation analysis of the proposed Pod K Site Plan Application and an evaluation of the Development Order conditions as required by Engineering Conditions 6a and 6b. Westlake is an approved project under Article 12, Traffic Performance Standards, of the Palm Beach County Unified Land Development Code (ULDC) with a buildout year of 2035. This Pod K application consists of 12,379 SF of Free-Standing Emergency Department (FSED).

Attachment 1 provides a land use inventory of the approved uses, current requests and previously proposed requests for Westlake. The calculation of trips associated with Pod K is provided on Attachment 2A. The cumulative trip generation for all proposed site plan applications is provided on Attachment 2B. The total trips do not exceed the approved trips for Westlake.

Attachment 3 provides a summary of engineering conditions associated with dwelling units or trips. As shown, there are several conditions applicable to this request. The building permits will be phased to commencement of construction/contracts let for these improvements.

Because a free-standing emergency department was not identified as a specific use in the original Approval, an equivalency analysis was conducted. As shown on Attachments 4A and 4B, 12,379 SF of FSED is equivalent to 11,000 SF of General Office. Attachment 5 provides the driveway volumes for this site. Auxiliary turn lanes are not warranted.

Therefore, with phasing to the listed conditions on Attachment 3, the proposed Site Plan Application is in compliance with the Westlake Development Order.

Sincerely,

Rebecca J. Mulcahy, P.E.
Florida Registration #42570

1/5/18

City of Westlake

JAN 08 2018

Received

Attachments

ec: John Carter

Attachment 1
Westlake
Land Use Inventory
Pod K Application

Land Use	ITE Code	Approved Intensity	Current Request (1)	Previously Proposed (2)	Proposed To Date	Remaining To Be Built
Residential - SF	210	3,446 DUs		336	336	3,110
Residential - MF Condos.	230	600 DUs		-	-	600
Residential - 55+ Detached	251	300 DUs		-	-	300
Residential - 55+ Attached	252	200 DUs		-	-	200
Hotel	310	150 Rooms		-	-	150
Community College	540	3,000 Students		-	-	3,000
General Office	710	450,000 SF	11,000	-	11,000	439,000
Research & Devel.	760	600,000 SF		-	-	600,000
Light Industrial	110	450,000 SF		-	-	450,000
Retail	820	500,000 SF		-	-	500,000
Community Center	495	70,000 SF		12,940	12,940	57,060
Church	560	70,000 SF		-	-	70,000
Daycare	565	10,000 SF		-	-	10,000
Park	412	192 Acres		-	-	192

(1) Pod K: 12,379 SF of Free-Standing Emergency Department is equivalent to 11,000 SF of General Office. See Attachments 4A and 4B.

(2) Represents Pods Q and Private Civic Site.

**Attachment 2A
 Westlake
 Trip Generation
 Pod K Application**

Daily

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Total Trips
Free-Standing Emergency Room	650	12,379 SF	24.94 /1,000 SF	309
TOTAL				309

AM Peak Hour

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Total Trips		
				In	Out	Total
Free-Standing Emergency Room	650	12,379 SF	1.12 /1,000 SF (50/50)	7	7	14
TOTAL				7	7	14

PM Peak Hour

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Total Trips		
				In	Out	Total
Free-Standing Emergency Room	650	12,379 SF	1.52 /1,000 SF (46/54)	9	10	19
TOTAL				9	10	19

(1) Source: Institute of Transportation Engineers (ITE), Trip Generation, 10th Edition and Palm Beach County.

**Attachment 2B
Westlake
Cumulative Trip Generation
Pod K Application**

Daily

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Total Trips
Residential Single Family	210	336 DU	10 /DU	3,360
Free-Standing Emergency Room	650	12,379 SF	24.94 /1,000 SF	309
TOTAL				3,669

Approved Total	63,562
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AM Peak Hour

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Total Trips		
				In	Out	Total
Residential Single Family	210	336 DU	0.75 /DU (25/75)	63	189	252
Free-Standing Emergency Room	650	12,379 SF	1.12 /1,000 SF (50/50)	7	7	14
TOTAL				70	196	266

Approved Total	2,384	2,278	4,662
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PM Peak Hour

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Total Trips		
				In	Out	Total
Residential Single Family	210	336 DU	$Ln(T) = 0.90Ln(X) + 0.51$ (63/37)	197	116	313
Free-Standing Emergency Room	650	12,379 SF	1.52 /1,000 SF (46/54)	9	10	19
TOTAL				206	126	332

Approved Total	2,281	2,651	4,932
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(1) Source: Institute of Transportation Engineers (ITE), Trip Generation, 10th Edition and Palm Beach County.

**Attachment 3
 Westlake
 Conditions Associated with Units or Trips
 Pod K Application**

Cond. #	Threshold			Improvement			Applicable ?	Met ?	Notes
	Units	Trips	Date	Roadway	Link	Lanes			
1b	39			Seminole Pratt Whitney Rd	Seminole Ridge H.S. to M Canal	4LD	✓	No	Building permits will be phased to construction.
1c	83		10/1/2019	Northlake Blvd	Hall Blvd to Coconut Blvd	4LD	✓	No	
1d	98		10/1/2019	SR 7	Okeechobee Blvd to 60th St N	4LD	✓	No	Building permits will be phased to construction.
1e	304		10/1/2018	SR 7	60th St N to Northlake Blvd	4LD	✓	No	Building permits will be phased to construction.
1f	447	251 AM Out	10/1/2017	Northlake Blvd	Seminole Pratt Whitney to Hall Blvd	4LD	✓	No	Building permits will be phased to construction.
1g	536		10/1/2016	Intersection	60th St N / RPB Blvd		✓	No	PBC to let contract in 2015.
1h	872			Prop Share Payment	\$7,984,927				
1i	1,021	574 AM Out	10/1/2020	Southern Blvd	Lion Country Safari to Forest Hill Blvd	6LD			
1j	1,904	1071 AM Out		Prop Share Payment	\$7,356,582				
1k	2,269	1276 AM Out	10/1/2020	Roebuck Rd	SR 7 to Jog Rd (or Pay \$1,144,578)	4LD			
1l	2,430	1367 AM Out		Prop Share Payment	\$3,667,913				
1m	2,581	1452 AM Out		Prop Share Payment	\$9,855,072				
1n	2,706	756 PM Out		Prop Share Payment	\$8,653,561				
1o	3,045	1713 AM Out		Prop Share Payment	\$4,558,546				
1p	3,240	1822 AM Out		Prop Share Payment	\$1,180,850				
1q	3446 + 600 Condos + 255 + Units	2118 AM Out		Prop Share Payment	\$2,281,800				
1r		2125 PM Out		Prop Share Payment	\$832,533				
				CRALLS Payment	\$3,363,800				
1s		2192 AM Out		Prop Share Payment	\$3,701,222				
1t		2270 AM Out		Seminole Pratt Whitney Rd	Persimmon to 60th St N	6LD			
4		2125 PM Out		Program	Ridesharing				
6a		Any DRO Application		Trip Generation Analysis			✓	Yes	
6b		Any DRO Application		DO Conditions Evaluated			✓	Yes	
8	1,300	(East of SPW Rd)		Town Center Pkwy	Seminole Pratt Whitney to 60th St N				Construct or pay \$9,000,000
9	3,000	(East of SPW Rd)		Persimmon (2nd E/W Conn)	Seminole Pratt Whitney to East of Proj				Construct or pay \$9,000,000
10	2,600			60th St N (North E/W Conn)	W of SPW to Seminole Pratt Whitney				

**Attachment 4A
Westlake
AM Peak Hour Trip Generation**

West Side

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Total Trips			Internal Trips (2)		External Trips			Interzonal Trips (2)	External Trips			Pass-by Trips (3)	New Trips				
				In	Out	Total	In	Out	In	Out	Total		In	Out	Total		In	Out	Total		
Residential - SF	210	- DUs	0.75 /DU (25/75)	-	-	-	-	4.0%	-	-	-	-	0.0%	-	-	-	-	0%	-	-	-
Residential - MF Apts.	220	- DUs	T=0.49(X) + 3.73 (20/80)	-	-	-	-	4.0%	-	-	-	-	0.0%	-	-	-	-	0%	-	-	-
Residential - MF Condos.	230	150 DUs	Ln(T) = 0.80Ln(x)+0.26 (17/83)	12	59	71	3	4.0%	12	56	68	7	9.9%	10	51	61	-	0%	10	51	61
Residential - 55+ Detached	251	300 DUs	0.22 /DU (35/65)	23	43	66	3	4.0%	21	42	63	7	10.6%	19	37	56	-	0%	19	37	56
Residential - 55+ Attached	252	200 DUs	0.2 /DU (34/66)	14	26	40	2	4.0%	14	24	38	4	10.0%	13	21	34	-	0%	13	21	34
General Office	710	150,000 SF	Ln(T) = 0.80Ln(x)+1.57 (88/12)	233	32	265	22	8.3%	222	21	243	15	5.7%	211	17	228	23	10%	190	15	205
Research & Devel.	760	425,000 SF	Ln(T) = 0.87Ln(x)+0.86 (83/17)	379	78	457	38	8.3%	361	58	419	26	5.7%	342	51	393	39	10%	308	46	354
Retail	820	350,000 SF	0.96 /1000 SF (62/38)	208	128	336	58	17.0%	176	102	278	73	21.7%	138	67	205	59	28.7%	98	48	146
Park	412	125 Acres	0.02 /Acre (61/39)	2	1	3	-	10.0%	2	1	3	-	10.0%	2	1	3	-	0%	2	1	3
TOTALS				871	367	1,238	126	10.2%	808	304	1,112	132	10.7%	735	245	980	121		640	219	859

East Side

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Total Trips			Internal Trips (2)		External Trips			Interzonal Trips (2)	External Trips			Pass-by Trips (3)	New Trips				
				In	Out	Total	In	Out	In	Out	Total		In	Out	Total		In	Out	Total		
Residential - SF (N,O,T,U)	210	1,010 DUs	0.75 /DU (25/75)	190	568	758	57	7.5%	177	524	701	13	1.7%	174	514	688	-	0%	174	514	688
Residential - SF (F,M,P,Q,R,S)	210	2,436 DUs	0.75 /DU (25/75)	457	1,370	1,827	137	7.5%	426	1,264	1,690	31	1.7%	419	1,240	1,659	-	0%	419	1,240	1,659
Residential - MF Condos.	230	450 DUs	Ln(T) = 0.80Ln(x)+0.26 (17/83)	29	143	172	13	7.5%	27	132	159	3	1.7%	26	130	156	-	0%	26	130	156
Residential - MF Apts.	220	- DUs	T=0.49(X) + 3.73 (20/80)	-	-	-	-	7.5%	-	-	-	-	0.0%	-	-	-	-	0%	-	-	-
Hotel	310	150 Rooms	0.53 /Room (59/41)	47	33	80	36	45.0%	43	1	44	3	3.8%	41	-	41	4	10%	37	-	37
Community College	540*	3,000 Students	0.11 /Student (87/13)	287	43	330	62	18.8%	237	31	268	14	4.2%	228	26	254	-	0%	228	26	254
General Office	710	289,000 SF	Ln(T) = 0.80Ln(x)+1.57 (88/12)	393	54	447	55	12.4%	351	41	392	19	4.3%	344	29	373	37	10%	310	26	336
Research & Devel.	760	175,000 SF	Ln(T) = 0.87Ln(x)+0.86 (83/17)	175	36	211	27	12.4%	157	27	184	9	4.3%	155	20	175	18	10%	140	17	157
Light Industrial	110	450,000 SF	0.92 /1000 SF (88/12)	364	50	414	51	12.4%	325	38	363	18	4.3%	318	27	345	35	10%	286	24	310
Retail	820	150,000 SF	0.96 /1000 SF (62/38)	89	55	144	83	57.6%	34	27	61	15	10.4%	25	21	46	17	36.6%	16	13	29
Park	412	67 Acres	0.02 /Acre (61/39)	1	-	1	-	29.1%	1	-	1	-	0.0%	1	-	1	-	0%	1	-	1
Community Center	495	70,000 SF	2.05 /1000 SF (66/34)	95	49	144	42	29.1%	68	34	102	3	2.1%	66	33	99	5	5%	63	31	94
Church	560	70,000 SF	0.56 /1000 SF (62/38)	24	15	39	11	29.1%	17	11	28	1	2.6%	16	11	27	1	5%	15	11	26
Daycare	565	10,000 SF	12.18 /1000 SF (53/47)	65	57	122	36	29.1%	47	39	86	2	1.6%	46	38	84	42	50%	23	19	42
FSED	650	12,379 SF	Pre-Calc'd	7	7	14	2	14.3%	7	5	12	1	4.3%	7	4	11	1	10%	6	4	10
TOTALS				2,223	2,480	4,703	612	13.0%	1,917	2,174	4,091	132	2.8%	1,866	2,093	3,959	160		1,744	2,055	3,799

COMBINED TOTALS	3,094	2,847	5,941	738	12.4%	2,725	2,478	5,203	264	4.4%	2,601	2,338	4,939	281		2,384	2,274	4,658
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* Rate obtained from Palm Beach State College trip generation study by Kimley-Horn. See Appendix B.
 (1) Source: Institute of Transportation Engineers, Trip Generation, 9th Edition, unless otherwise noted.
 (2) Internalization matrices are included in Appendix B.
 (3) Source: Palm Beach County ULDC Article 13.

Project Internalization: 16.8%

Approved Totals
2,384 2,278 4,662

**Attachment 4B
Westlake
PM Peak Hour Trip Generation**

West Side

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Total Trips			Internal Trips (2)		External Trips			Interzonal Trips (2)		External Trips			Pass-by Trips (3)		New Trips		
				In	Out	Total	In	Out	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	
Residential - SF	210	- DUs	$\text{Ln}(T) = 0.90\text{Ln}(x) + 0.51 (63/37)$	-	-	-	-	48.4%	-	-	-	-	0.0%	-	-	-	-	0%	-	-	-
Residential - MF Apts.	220	- DUs	0.62 /DU (65/35)	-	-	-	-	48.4%	-	-	-	-	0.0%	-	-	-	-	0%	-	-	-
Residential - MF Condos.	230	150 DUs	$\text{Ln}(T) = 0.82\text{Ln}(x) + 0.32 (67/33)$	56	28	84	42	48.4%	27	15	42	17	20.2%	17	8	25	-	0%	17	8	25
Residential - 55+ Detached	251	300 DUs	0.27 /DU (61/39)	49	32	81	39	48.4%	25	17	42	17	21.0%	15	10	25	-	0%	15	10	25
Residential - 55+ Attached	252	200 DUs	0.25 /DU (54/46)	27	23	50	24	48.4%	14	12	26	11	22.0%	7	8	15	-	0%	7	8	15
General Office	710	150,000 SF	1.49 /1000 SF (17/83)	38	186	224	25	11.3%	32	167	199	27	12.1%	22	150	172	17	10%	20	135	155
Research & Devel.	760	425,000 SF	$\text{Ln}(T) = 0.83\text{Ln}(X) + 1.06 (15/85)$	66	372	438	49	11.3%	55	334	389	53	12.1%	36	300	336	34	10%	32	270	302
Retail	820	350,000 SF	$\text{Ln}(T) = 0.67\text{Ln}(X) + 3.31 (48/52)$	666	721	1,387	164	11.8%	578	645	1,223	290	20.9%	473	460	933	268	28.7%	337	328	665
Park	412	125 Acres	0.09 /Acre (61/39)	7	4	11	1	10.0%	6	4	10	1	10.0%	5	4	9	-	0%	5	4	9
TOTALS				909	1,366	2,275	344	15.1%	737	1,194	1,931	416	18.3%	575	940	1,515	319		433	763	1,196

East Side

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Total Trips			Internal Trips (2)		External Trips			Interzonal Trips (2)		External Trips			Pass-by Trips (3)		New Trips		
				In	Out	Total	In	Out	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	
Residential - SF (N,O,T,U)	210	1,010 DUs	$\text{Ln}(T) = 0.90\text{Ln}(x) + 0.51 (63/37)$	530	312	842	136	16.2%	446	260	706	77	9.1%	391	238	629	-	0%	391	238	629
Residential - SF (F,M,P,Q,R,S)	210	2,436 DUs	$\text{Ln}(T) = 0.90\text{Ln}(x) + 0.51 (63/37)$	1,172	688	1,860	301	16.2%	987	572	1,559	171	9.2%	865	523	1,388	-	0%	865	523	1,388
Residential - MF Condos.	230	450 DUs	$\text{Ln}(T) = 0.82\text{Ln}(x) + 0.32 (67/33)$	138	68	206	33	16.2%	116	57	173	19	9.2%	102	52	154	-	0%	102	52	154
Residential - MF Apts.	220	- DUs	0.62 /DU (65/35)	-	-	-	-	16.2%	-	-	-	-	0.0%	-	-	-	-	0%	-	-	-
Hotel	310	150 Rooms	0.6 /Room (51/49)	46	44	90	39	43.3%	22	29	51	12	13.3%	16	23	39	4	10%	14	21	35
Community College	540*	3,000 Students	0.14 /Student (54/46)	227	193	420	116	27.6%	166	138	304	37	8.8%	146	121	267	-	0%	146	121	267
General Office	710	289,000 SF	1.49 /1000 SF (17/83)	73	358	431	67	15.6%	46	318	364	18	4.2%	42	304	346	35	10%	38	273	311
Research & Devel.	760	175,000 SF	$\text{Ln}(T) = 0.83\text{Ln}(X) + 1.06 (15/85)$	32	178	210	33	15.6%	20	157	177	9	4.3%	16	152	168	17	10%	14	137	151
Light Industrial	110	450,000 SF	0.97 /1000 SF (12/88)	52	385	437	68	15.6%	33	336	369	18	4.1%	29	322	351	35	10%	26	290	316
Retail	820	150,000 SF	$\text{Ln}(T) = 0.67\text{Ln}(X) + 3.31 (48/52)$	377	409	786	304	38.7%	262	220	482	52	6.6%	234	196	430	157	36.6%	148	125	273
Park	412	67 Acres	0.09 /Acre (61/39)	4	2	6	2	31.9%	3	1	4	-	0.0%	3	1	4	-	0%	3	1	4
Community Center	495	70,000 SF	2.74 /1000 SF (49/51)	94	98	192	61	31.9%	63	68	131	2	1.0%	61	68	129	6	5%	58	65	123
Church	560	70,000 SF	0.55 /1000 SF (48/52)	19	20	39	12	31.9%	13	14	27	-	0.0%	13	14	27	1	5%	12	14	26
Daycare	565	10,000 SF	12.34 /1000 SF (47/53)	58	65	123	39	31.9%	39	45	84	1	0.8%	38	45	83	42	50%	19	22	41
FSED	650	12,379 SF	Pre-Calc'd	9	10	19	11	57.9%	1	7	8	-	4.2%	1	7	8	1	10%	1	6	7
TOTALS				2,831	2,830	5,661	1,222	21.6%	2,217	2,222	4,439	416	7.3%	1,957	2,066	4,023	298		1,837	1,888	3,725

COMBINED TOTALS	3,740	4,196	7,936	1,566	19.7%	2,954	3,416	6,370	832	10.5%	2,532	3,006	5,538	617		2,270	2,651	4,921
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* Rate obtained from Palm Beach State College trip generation study by Kimley-Horn. See Appendix B.
 (1) Source: Institute of Transportation Engineers, Trip Generation, 9th Edition, unless otherwise noted.
 (2) Internalization matrices are included in Appendix B.
 (3) Source: Palm Beach County ULDC Article 13.

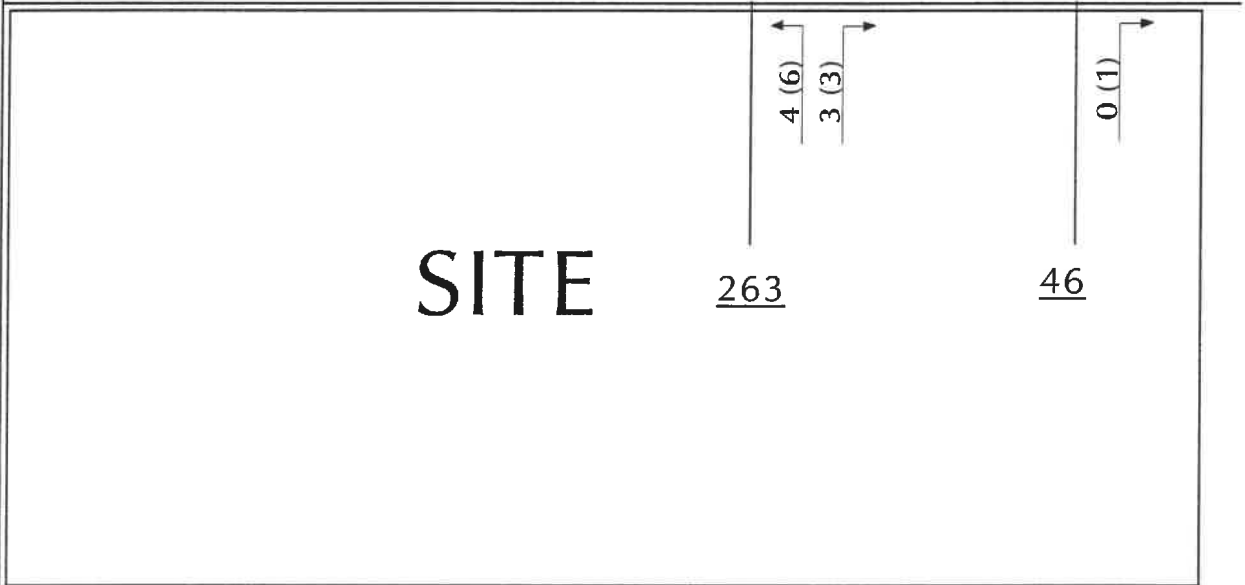
Project Internalization: 30.2%

Approved Totals
2,281 2,651 4,932



Seminole Pratt Whitney Rd

Persimmon Blvd



SITE

263

46

LEGEND

- X - AM PEAK HOUR
- (X) - PM PEAK HOUR
- XXX - AADT

17-114
1/5/18

WESTLAKE
POD K


ATTACHMENT 5
PROJECT DRIVEWAY VOLUMES

PTC

Sixteenth Order of Business

MEMORANDUM

To: Mayor Roger Manning
City Council Members
Ken Cassel, City Manager

From: Pam E. Booker, City Attorney 

Date: January 29, 2018

Subject: Resolution for Site Plan POD PC-1, Westlake Amenity Parcel

Please find a resolution for approval of the Site Plan for POD PC-1, Westlake Amenity Parcel. This site plan consists of approximately fifteen acres (14.880) of land abutting Town Center Parkway north and Kingfisher Boulevard. The purpose of the site plan is for Minto to construct a neighborhood recreation facility ("amenity parcel") for the residents within the Hammocks plat and potential future development pods. The amenity parcel will contain a meandering family pool, open lawns, pavilions, concession areas and an outdoor amphitheater.

The site plan has been reviewed by the City Planner and the City Engineer for the City of Westlake to ensure compliance with the Palm Beach County Unified Land Development regulations and the Florida Statutes. We would recommend approval of the resolution approving the site plan for the Westlake Amenity parcel. Should you have any questions, or need any additional information, please do not hesitate to call.

February 12, 2018

RESOLUTION 2018-02

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE SITE PLAN FOR THE POD PC-1, AMENITY PARCEL, LOCATED AT 16054 TOWN CENTER PARKWAY NORTH IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's Interim Land Development Regulations provides procedures for the review and adoption of site plans by the City Council; and

WHEREAS, the developer Minto PBLH, LLC, submitted an application for site plan review and approval for Pod PC-1, known as the Amenity Parcel, 16054 Town Center Parkway North, legally described in the attached Exhibit "A", ("Amenity Parcel"); and

WHEREAS, staff has reviewed and recommends approval of the proposed site plan provided in the attached Exhibit "B", (site plan); and

WHEREAS, the site plan is consistent with the previously approved conceptual site plan and all the requirements of the Unified Land Development Regulations; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in Palm Beach County, notifying the public of this proposed resolution and of the public hearing; and

WHEREAS, the City Council for the City of Westlake finds that the adoption an implementation of this resolution is in the best interest and welfare of the residents of the City of Westlake.

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

Section 1: Recitals: The above recitals are true and correct and are incorporated herein by this reference.

Section 2: Approval of Site Plan: The City Council for the City of Westlake hereby approves the Amenity Parcel Site Plan, containing approximately fifteen acres (14.88), located at 16054 Town Center Parkway North, as described in the attached Exhibit "A", which is located in the City of Westlake, and in Palm Beach County, Florida. The site plan approval is subject to the applicant meeting all of the conditions set forth in the development approval, as attached hereto as Exhibit "C", which is incorporated herein and made a part hereof.

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

Section 4: Effective Date: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 12th day

of February, 2018.

City of Westlake
Roger Manning, Mayor

Sandra Demarco, City Clerk

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

Exhibit "A"Legal DescriptionWestlake Amenity Parcel (PC-1)DESCRIPTION:

A PARCEL OF LAND BEING O.S.T. 3 AS SHOWN ON THE PLAT OF TOWN CENTER PARKWAY NORTH AS RECORDED IN PLAT BOOK 123, PAGES 106 THROUGH 118, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND A PORTION OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.01°33'05"W. ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 250.33 FEET TO A POINT ON THE NORTH LINE OF THE 80 FOOT M-CANAL EASEMENT AS RECORDED IN DEED BOOK 1156, PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND AS SHOWN IN ROAD PLAT BOOK 6, PAGE 136 OF SAID RECORDS, AND AS MONUMENTED; THENCE S.88°36'57"W. ALONG SAID NORTH LINE OF THE 80 FOOT M-CANAL EASEMENT, A DISTANCE OF 2750.66 FEET; THENCE S.01°23'03"E., DEPARTING SAID NORTH LINE OF 80.00 FOOT M-CANAL EASEMENT, A DISTANCE OF 1542.71 FEET TO A POINT ON THE SOUTH BOUNDARY OF TOWN CENTER PARKWAY NORTH AS RECORDED IN PLAT BOOK 123, PAGES 106 THROUGH 118, OF SAID PUBLIC RECORDS; THENCE CONTINUE ALONG SAID SOUTH BOUNDARY OF TOWN CENTER PARKWAY NORTH FOR THE FOLLOWING FOUR (4) COURSES; 1) THENCE N.90°00'00"E., A DISTANCE OF 357.06 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 950.00 FEET; 2) THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 24°39'15", A DISTANCE OF 408.78 FEET TO A NON-TANGENT INTERSECTION; 3) THENCE S.12°19'26"E., A DISTANCE OF 55.23 FEET; 4) THENCE S.59°12'32"W., A DISTANCE OF 75.09 FEET TO THE **POINT OF BEGINNING**; THE FOLLOWING SIX (6) COURSES BEING ALONG THE SOUTHWESTERLY BOUNDARY LINE OF TOWN CENTER PARKWAY AS SHOWN ON SAID PLAT OF TOWN CENTER PARKWAY NORTH; 1) THENCE N.75°15'27"E., A DISTANCE OF 61.91 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE SOUTHWESTERLY WITH A RADIUS OF 950.00 FEET AND A RADIAL BEARING OF S.34°05'18"W. AT SAID INTERSECTION; 2) THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31°09'00", A DISTANCE OF 516.48 FEET TO THE POINT OF TANGENCY; 3) THENCE S.24°45'42"E., A DISTANCE OF 66.74 FEET TO THE POINT OF

CURVATURE OF A CURVE CONCAVE WESTERLY WITH A RADIUS OF 70.00 FEET; 4) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $54^{\circ}11'53''$, A DISTANCE OF 66.22 FEET TO THE POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE EASTERLY WITH A RADIUS OF 110.00 FEET; 5) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $77^{\circ}37'46''$, A DISTANCE OF 149.04 FEET TO POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE SOUTHWESTERLY WITH A RADIUS OF 70.00 FEET; 6) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $57^{\circ}17'52''$, A DISTANCE OF 70.00 FEET TO THE POINT OF COMPOUND CURVATURE WITH A CURVE CONCAVE NORTHWESTERLY WITH A RADIUS OF 950.00 FEET; THENCE SOUTHWESTERLY ALONG SAID SOUTHWESTERLY BOUNDARY OF TOWN CENTER PARKWAY AND ITS WESTERLY EXTENSION, AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $51^{\circ}24'52''$, A DISTANCE OF 852.48 FEET TO A NON-TANGENT INTERSECTION; THENCE $N.72^{\circ}24'54''W.$, A DISTANCE OF 34.52 FEET; THENCE $N.26^{\circ}06'12''W.$, A DISTANCE OF 119.16 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY WITH A RADIUS OF 1069.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $26^{\circ}06'11''$, A DISTANCE OF 487.02 FEET TO THE POINT OF TANGENCY; THENCE $N.00^{\circ}00'01''W.$, A DISTANCE OF 165.77 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY WITH A RADIUS OF 1069.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $28^{\circ}42'52''$, A DISTANCE OF 535.74 FEET TO THE POINT OF TANGENCY; THENCE $N.28^{\circ}42'51''E.$, A DISTANCE OF 115.94 FEET; THENCE $N.75^{\circ}15'27''E.$, A DISTANCE OF 17.96 FEET TO THE **POINT OF BEGINNING.**

CONTAINING: 648,192 SQUARE FEET OR 14.880 ACRES MORE OR LESS.

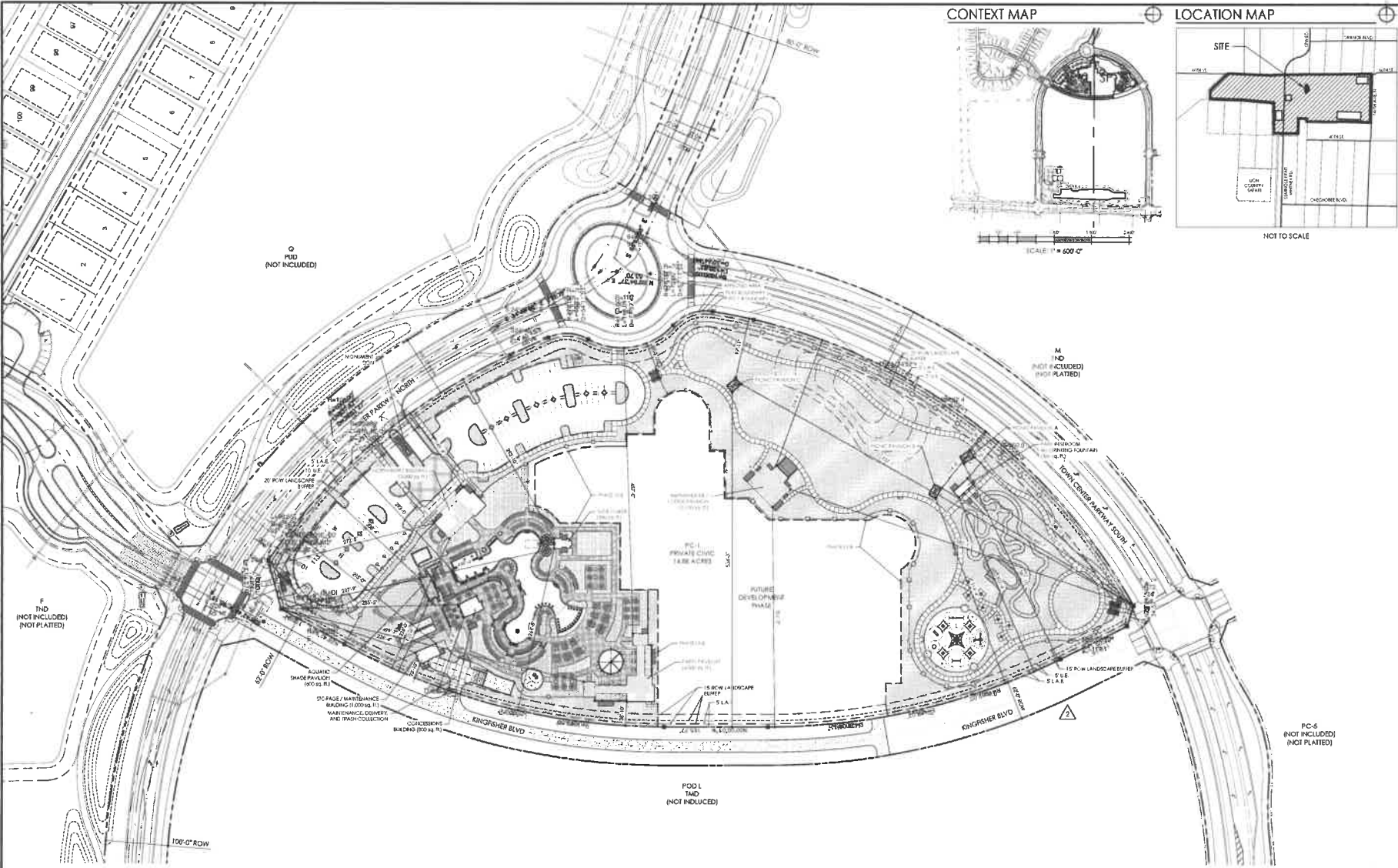
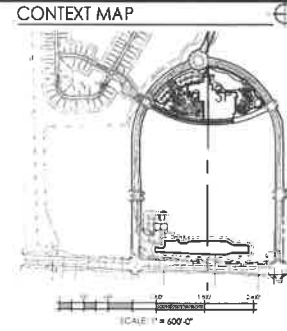


planning
architecture
landscape architecture
urban design
visual communication

Jacksonville
ELM Studio
1085 Kings Avenue
Jacksonville, FL 32207
t: 904 296 8066

Seattle
The Champion Building
1921 First Alley
Suite 3B
Seattle, WA 98101
t: 206 650 8589
elmplan.com

A2300044 - 123000239



LANDSCAPE REQUIREMENTS

15' BAND OF WIDTHS (PER TABLE 7.2.7.2.1, 7.2.7.2.2, & 7.2.7.2.3)

1. STRIPED COVER PER 4.17
2. SMALL SHRUBS PER 4.17
3. MEDIUM SHRUBS PER 4.17
4. LARGE SHRUBS PER 4.17
5. CANOPY TREE PER 4.17

4" MIN H @ 4' OC MAX
16" MIN H @ 24" OC MAX
24" MIN H @ 48" OC MAX
36" MIN H @ 48" OC MAX
12" MIN HEIGHT

PHASE 1 TREE AND SHRUB REQUIREMENTS (PER TABLE 7.2.3)

PHASE 1 TREE SQUARE FOOTAGE: 443,726 SF
CANOPY TREES (11/2000 SF OF SITE): 234 TREES
TREE MAX (PER TABLE 7.2.3.2): 71 SPECIES
DENSITY (2000 SF OF ARE): 71% DENSITY
VUA REQUIREMENTS: 1188 VUA (PER 7.2.3.2)

SITE DATA

NAME OF APPLICANT: WESTLAKE - AMENITY PARKWAY PHASE 1B
PROJECT NUMBER: 2023-002
LAND ACRES: 15.363
LAST MOD APPROVAL DATE: 10/27/2023
LAST MOD APPROVAL DATE: 06/03/2021
RESOLUTION NUMBER: TROP 2024-146, P.001 & 1047, P.001-046, CR 2024-003
SITE: 1047-146
PREVIOUS LAND USE DESCRIPTION: PRIVATE CHURCH
ZONING: T10
OWNER: AQUADURAL ENCLAVE OVERLAY
DEVELOPER: AQUADURAL ENCLAVE OVERLAY
SCHEDULE / CATEGORY / RANGE: 77-40-4301-00-00-010
ZONING USE: VACANT / ARCHITECTURE / ARTS
PROPOSED USE: PRIVATE CHURCH
PC-1 AREA: 14.88 AC

*WESTLAKE IS A LIMITED URBAN SERVICES AREA (LUSA) THEREFORE SHALL BE REVIEWED IN ACCORDANCE WITH THE REQUIREMENTS OF THE URBAN SUBURBAN USE OVERLAY.

USE AND COVER REQUIREMENTS

USE AND COVER (PHASE 1)	SF	% (OF MAX)	MAX (PER TABLE 7.2.3)
NORTH ENTRY BUILDING	2,100 SF	25	8475
CONCRETE BUILDING	801 SF	25	1776
SLICE TOWER	300 SF	40	1176
PARK PAVILION	4,000 SF	32	2016
STORAGE / MAINTENANCE BUILDING	1,000 SF	18	1800
AQUATIC SHADE PAVILION	600 SF	20	1200
AMPHITHEATRE / LODGE PAVILION	2,100 SF	28	4176
PARK RESTROOM	300 SF	20	1080
PC-1B PAVILION A, B, & C	180 SF EA	10%	1080 (1,296 TOTAL)
TOTAL	12,900 SF	27.8%	27,816

AREA CALCULATIONS

AREA CALCULATIONS	SF	% (OF MAX)	%
BUILDING LOT COVERAGE (S/M/A/M)	12,400 SF	75.2%	1.0%
VEHICLE USE AREA	76,640 SF	176.4%	11.0%
IDEAL WAYLAND POLYDECK	17,380 SF	222.4%	15.0%
GREEN SPACE	200,500 SF	444.4%	43.1%
LANDSCAPE	181,640 SF	417.4%	28.0%
TOTAL	488,560 SF	1088.4%	100.0%

PERCENT COVER

PERCENT COVER	PERCENT COVER	PERCENT COVER	
NORTH ENTRY BUILDING	145.1%	272.6%	204.0%
CONCRETE BUILDING	290.2%	282.5%	118.9%
SLICE TOWER	290.2%	290.2%	244.4%
PARK PAVILION	450.7%	499.7%	214.4%
STORAGE / MAINTENANCE BUILDING	290.2%	290.2%	81.0%
AQUATIC SHADE PAVILION	290.2%	220.9%	123.0%
AMPHITHEATRE / LODGE PAVILION	210.0%	600.1%	181.0%
PARK RESTROOM	162.7%	162.7%	202.4%
PC-1B PAVILION A	36.0%	36.0%	347.1%
PC-1B PAVILION B	118.4%	118.4%	214.4%
PC-1B PAVILION C	97.11%	97.11%	504.0%

* FRONT PROPERTY LINE TO BE DOWN CENTER PARKWAY.

SCALE: 1" = 60' 0"

DRO AMENDMENTS

ZONING STAMP

ISSUE DATES

NO.	DESCRIPTION	DATE
1	CONCEPT PLAN	2023-08-15
2	CONCEPT PLAN	2023-08-15
3	CONCEPT PLAN	2023-08-15

PREPARED BY: [NAME]

CHECKED BY: [NAME]

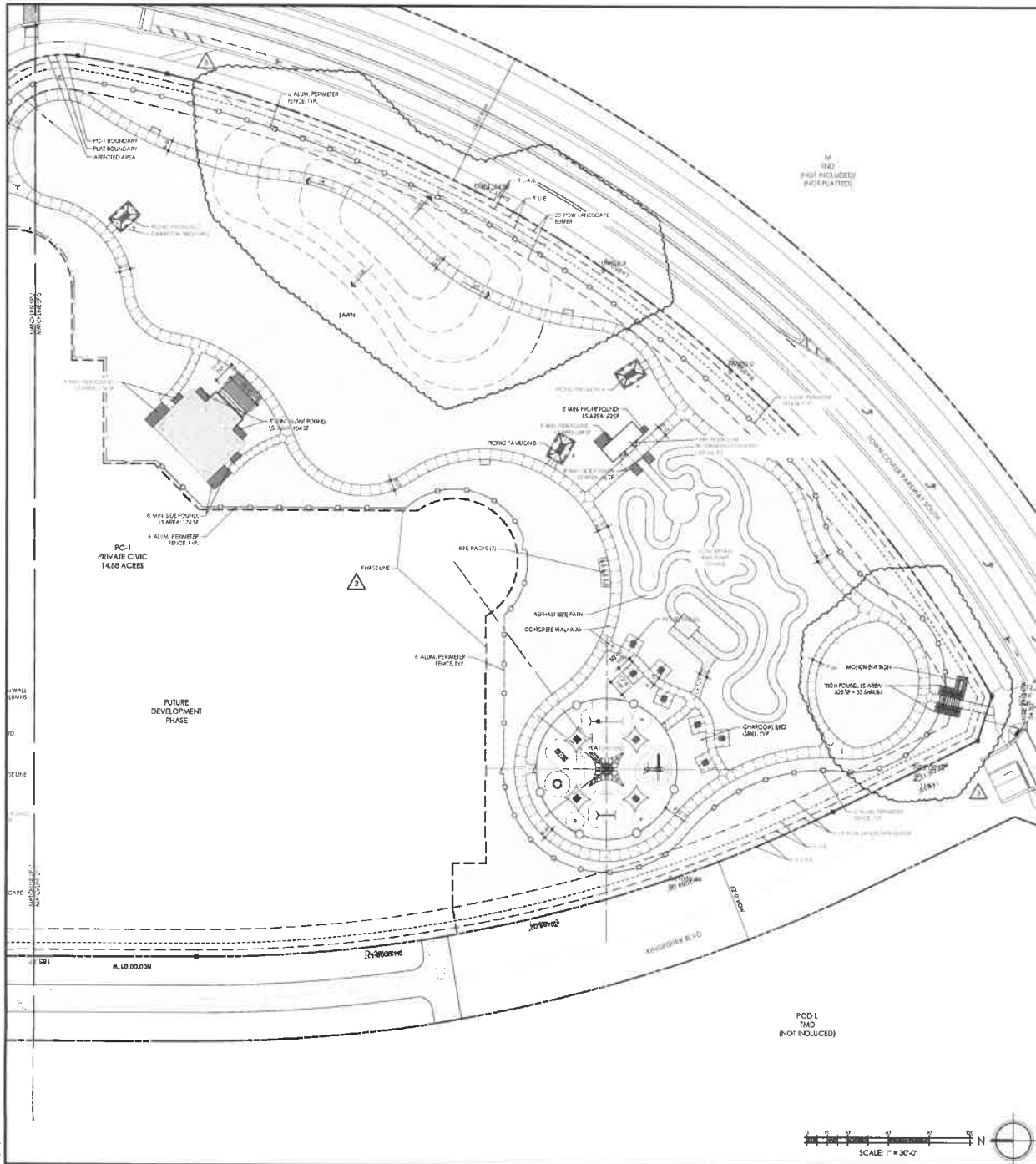
SCALE: AS NOTED

OVERALL FINAL SITE PLAN

SHEET NUMBER SP-1

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

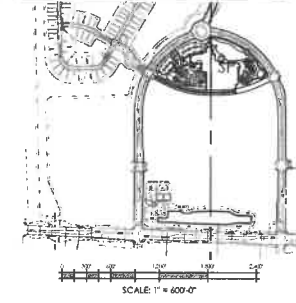
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FOUNDATION PLANTING DATA

DESCRIPTION	QUANTITY	SPACING
NORTH ENTRY BUILDING		
NORTH (WIDE PLANTING BED)	31 SF	31 SF
EAST (WIDE PLANTING BED)	149 SF	149 SF
SOUTH (WIDE PLANTING BED)	132 SF	132 SF
WEST (WIDE PLANTING BED)	132 SF	132 SF
CONCESSION BUILDING		
EAST (WIDE PLANTING BED)	132 SF	132 SF
WEST (WIDE PLANTING BED)	132 SF	132 SF
SIDE TOWER		
NORTH (WIDE PLANTING BED)	31 SF	31 SF
EAST (WIDE PLANTING BED)	132 SF	132 SF
SOUTH (WIDE PLANTING BED)	132 SF	132 SF
WEST (WIDE PLANTING BED)	132 SF	132 SF
FARM BUILDING		
EAST (WIDE PLANTING BED)	132 SF	132 SF
SOUTH (WIDE PLANTING BED)	132 SF	132 SF
WEST (WIDE PLANTING BED)	132 SF	132 SF
STORAGE / MAINTENANCE BUILDING		
EAST (WIDE PLANTING BED)	132 SF	132 SF
SOUTH (WIDE PLANTING BED)	132 SF	132 SF
WEST (WIDE PLANTING BED)	132 SF	132 SF
ADJACENT SIDEWALK		
EAST (WIDE PLANTING BED)	132 SF	132 SF
SOUTH (WIDE PLANTING BED)	132 SF	132 SF
WEST (WIDE PLANTING BED)	132 SF	132 SF
FUTURE DEVELOPMENT PHASE		
NORTH (WIDE PLANTING BED)	132 SF	132 SF
EAST (WIDE PLANTING BED)	132 SF	132 SF
SOUTH (WIDE PLANTING BED)	132 SF	132 SF
WEST (WIDE PLANTING BED)	132 SF	132 SF
ROOF / LAWN BROWDER SIDE LANDSCAPE		
1 SHrub PER 10 SF	263 SF	27 1/2 SHRUBS
NORTH GATEWAY SIGN LANDSCAPE		
1 SHrub PER 10 SF	263 SF	27 1/2 SHRUBS
SOUTH GATEWAY SIGN LANDSCAPE		
1 SHrub PER 10 SF	263 SF	27 1/2 SHRUBS

CONTEXT MAP



LANDSCAPE REQUIREMENTS

- 1" SHrub PER 10 SF**
- 2. GROUND COVER PER 1 SF
 - 1. SMALL SHRUB PER 2 SF
 - 1. MEDIUM SHRUB PER 4 SF
 - 1. LARGE SHRUB PER 8 SF
 - 1. CANOPY TREE PER 25 SF
- PHASE 1 TREE AND SHRUB REQUIREMENTS (PER TABLE 7.2.C)**
- PHASE 1 TOTAL SQUARE FOOTAGE:** 860,724 SF

SITE DATA

NAME OF APPLICATION	WEBSITE: POD PC-1 FINISH PLAN		
PERMIT NUMBER	2024-00123		
PROJECT NUMBER	ELM-15-243		
LAB REC APPROVAL DATE	10/20/2024		
LAB DRG APPROVAL DATE	06/04/2024		
RESOLUTION NUMBER	2024-00123		
USE	RESIDENTIAL		
FUTURE LAND USE DESIGNATION	R-1		
EMERGENCY RESPONSE DISTRICT	1		
CORRECTION	NO		
SECTION / TOWNSHIP / RANGE	15 N 43 W 24 E		
PROPERTY CONTROL NUMBER(S)	15-001-001-001		
OWNER USE	RESIDENTIAL		
APPROVED USE	RESIDENTIAL		
PROPOSED USE	RESIDENTIAL		
PC-1 AREA	14.88 AC		
BUILDING DATA (PHASE 1)			
NORTH ENTRY BUILDING	3,130 SF	35	66%
CONCESSION BUILDING	800 SF	23	13%
SIDE TOWER	500 SF	40	11%
FARM BUILDING	4,000 SF	32	6%
STORAGE / MAINTENANCE BUILDING	1,000 SF	16	3%
ADJACENT SIDEWALK	400 SF	20	13%
FARM BUILDING	300 SF	10	6%
PROJECT FOOTPRINT A, B & C	1,800 SF	18	27%
TOTAL	12,930 SF	108	27%
TOTAL PARKING REQUIREMENT	67 MIN.		
TOTAL PARKING SPACES PROVIDED	146 SPACES (PHASE 1)		
MANICADA (INCLUDED IN PARKING TOTAL)	5 SPACES		
NET PARKING SPACES	141 SPACES		
REQUIRED (5 SPACES PER 250 WHICH EVER IS GREATER)	5 SPACES		
PROVIDED	141 SPACES		
AREA CALCULATIONS			
AREA (TOTAL)	12,930 SF	0.29 AC	1.9%
AREA (TOTAL EXCEPT DRIVEWAY)	7,648 SF	1.74 AC	11.0%
AREA (TOTAL EXCEPT DRIVEWAY AND POOL DECK)	7,335 SF	1.66 AC	10.5%
GREEN SPACE	280,000 SF	6.44 AC	43.0%
PHASE 2	181,449 SF	4.17 AC	28.0%
TOTAL	461,449 SF	10.61 AC	80.0%
TABLE 7.2.C			
MINIMUM COVER			
1.000 SF	145.4	277.8'	20.4'
2.000 SF	290.7	355.6'	40.8'
3.000 SF	436.1	533.4'	61.2'
4.000 SF	581.4	711.2'	81.6'
5.000 SF	726.8	889.0'	102.0'
6.000 SF	872.1	1,066.8'	122.4'
7.000 SF	1,017.5	1,244.6'	142.8'
8.000 SF	1,162.8	1,422.4'	163.2'
9.000 SF	1,308.2	1,600.2'	183.6'
10.000 SF	1,453.5	1,778.0'	204.0'
11.000 SF	1,598.9	1,955.8'	224.4'
12.000 SF	1,744.2	2,133.6'	244.8'
13.000 SF	1,889.6	2,311.4'	265.2'
14.000 SF	2,034.9	2,489.2'	285.6'
15.000 SF	2,180.3	2,667.0'	306.0'
16.000 SF	2,325.6	2,844.8'	326.4'
17.000 SF	2,471.0	3,022.6'	346.8'
18.000 SF	2,616.3	3,200.4'	367.2'
19.000 SF	2,761.7	3,378.2'	387.6'
20.000 SF	2,907.0	3,556.0'	408.0'

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1035 Kings Avenue
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904.255.8056

Seattle
The Chameleon Building
1021 Post Alley
Suite 3B
Seattle, WA 98101
1.206.452.8389

elmplan.com
AIA/CES/CEU 00000000

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

ISSUE DATES

NO.	DESCRIPTION	DATE
1	CONCEPT	2024-06-04
2	LABORATORY	2024-06-04
3	FINAL	2024-06-04

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PROJ. NO.: 15383

DATE: 2024-06-04

DESIGNED BY: JMB

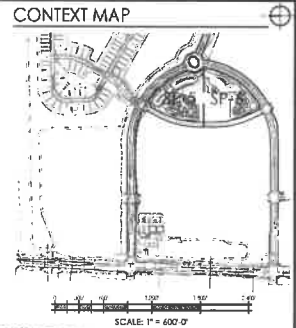
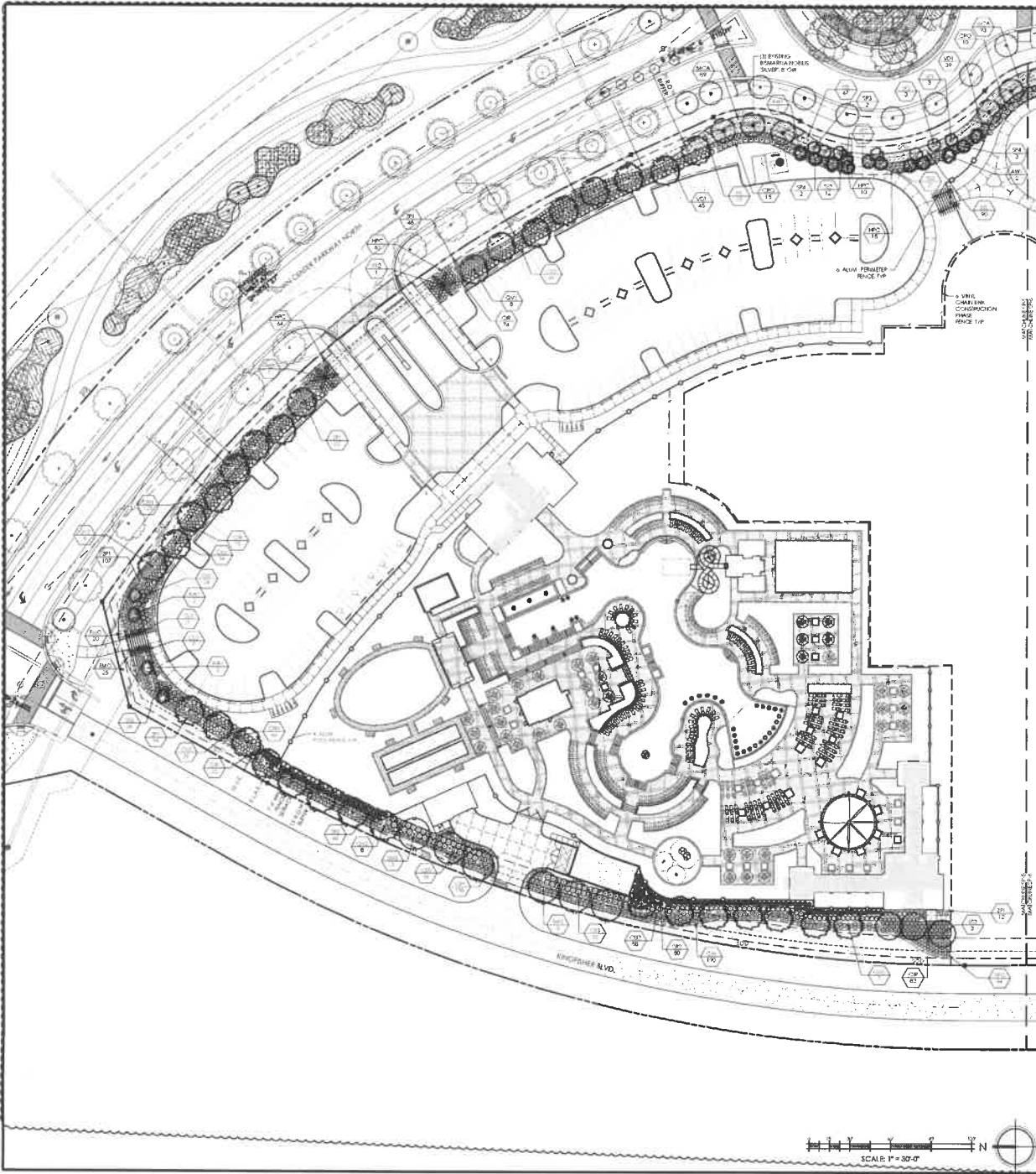
CHECKED BY: JMB

SCALE: AS NOTED

FINAL SITE PLAN

SHEET NUMBER
SP-3

2/12/2024 6:16:28 PM



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landscape architecture
urban design
visual communication

Jacksonville
elm Studio
1035 Kings Avenue
Jacksonville, FL 32207
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Seattle
The Champion Building
1921 First Avenue
Suite 38
Seattle, WA 98101
T. 206.650.8589
elmplan.com
M3000001-12.000029

LANDSCAPE REQUIREMENTS

12' AND 30' BUFFER (FOR TABLE 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12)

2. 6' MIN. H. & 10' CANOPY
3. 18' MIN. H. & 24' CANOPY
4. 24' MIN. H. & 36' CANOPY
5. 30' MIN. H. & 48' CANOPY
6. 36' MIN. H. & 60' CANOPY
7. 42' MIN. H. & 72' CANOPY
8. 48' MIN. H. & 84' CANOPY
9. 54' MIN. H. & 96' CANOPY
10. 60' MIN. H. & 108' CANOPY
11. 66' MIN. H. & 120' CANOPY
12. 72' MIN. H. & 132' CANOPY

R.O.W. BUFFER - 12' (REQUIRE 60% AND 30' DOWN CENTER PARKWAY)
(SEE TABLE 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12)

CATEGORY	COUNT	REQUIRED	PROVIDED
GRAND COVER	1	500	1,719
SMALL SHRUB PER 2 LF	1	1,275	1,275
MEDIUM SHRUB PER 2 LF	1	100	100
SMALL TREE PER 25 LF	1	100	100

30' DOWN BUFFER - 12' (REQUIRE 60% AND 30' DOWN CENTER PARKWAY)
(SEE TABLE 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12)

R.O.W. BUFFER PLANT SCHEDULE

PLANT TREES	QTY	BOTANICAL NAME	COMMON NAME	SPACING	NATIVE	REMARKS
AW1	14	ACACIA	FAUCONER PALM	A.S.	YES	6'-8" H. 10'-12" CANOPY
BE2	2	POINSETTIA	FLORIDA PINEAPPLE PALM	A.S.	YES	12' CANOPY, 18" FLORIDA PINEAPPLE, MATCHED
SP4	3	SABAL	CABBAGE PALM	A.S.	YES	10' C.T., 8'-8" H. 30' CANOPY, REGENERATED
SP2	3	SABAL	CABBAGE PALM	A.S.	YES	8' C.T., 8'-8" H. 30' CANOPY, REGENERATED
SP3	3	SABAL	CABBAGE PALM	A.S.	YES	12' C.T., 8'-8" H. 30' CANOPY, REGENERATED
SHADE TREES	24	BOTANICAL NAME	COMMON NAME	SPACING	NATIVE	REMARKS
BS2	17	BURSERA	QUINCY JACO	A.S.	YES	12'-14" H. 6'-7" SP. 25' CANOPY, 2.5' CAL.
MS1	11	JACARANDA	JACARANDA	A.S.	NO	10'-12" H. 6'-7" SP. 25' CANOPY, 2.5' CAL.
CV2	62	QUERUS	LIVE OAK	A.S.	YES	12'-14" H. 6'-7" SP. 25' CANOPY, 2.5' CAL.
SM3	6	SWERTERIA	WEST INDIAN MANHATTAN	A.S.	YES	12'-14" H. 6'-7" SP. 25' CANOPY, 2.5' CAL.
SHRUBS	2	BOTANICAL NAME	COMMON NAME	SPACING	NATIVE	REMARKS
AWJ	6	ACA	JAVA WHITE ACALYHA	42" O.C.	NO	18" H. & 18" SP. FULL
DL2	36	ORAL	ENHART BOTTLE BRUSH	30" O.C.	PPD	18" H. & 18" SP. FULL
CR	348	CHORISANDRA	CHORISANDRA	36" O.C.	YES	18" H. & 24" SP. FULL
CR	619	CHORISANDRA	CHORISANDRA	36" O.C.	YES	24" H. & 24" SP. FULL
CR	124	CLUSA	SMALL LEAF CLUSA	48" O.C.	YES	36" H. & 18" SP. FULL
CR	634	CLUSA	DWARF FRUIT APPLE	36" O.C.	YES	18" H. & 18" SP. FULL
CR	231	COCCOLUSIA	TEA OLEA	42" O.C.	YES	30" H. & 30" SP. FULL
CR	46	COCCOLUSIA	SILVER BOTTLEWOOD	48" O.C.	YES	30" H. & 24" SP. FULL
CR	200	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	18" H. & 18" SP. FULL
CR	114	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	NO	18" H. & 18" SP. FULL
CR	112	HAEMELIA	ENHART BOTTLE BRUSH	48" O.C.	YES	48" H. & 36" SP. FULL
CR	116	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	118	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	122	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	124	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	126	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	128	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	130	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	132	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	134	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	136	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	138	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	140	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	142	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	144	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	146	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	148	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	150	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	152	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	154	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	156	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	158	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	160	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	162	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	164	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	166	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	168	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	170	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	172	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	174	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	176	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	178	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	180	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	182	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	184	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	186	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	188	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	190	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	192	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	194	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	196	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	198	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL
CR	200	HAEMELIA	ENHART BOTTLE BRUSH	36" O.C.	YES	36" H. & 24" SP. FULL

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

ISSUE DATES

NO.	DATE	BY
1	03/11/2018	03/11/18
2	03/11/2018	03/11/18
3	03/11/2018	03/11/18

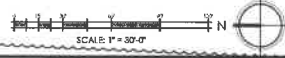
PROPOSED PLANTING MUST BE INSTALLED WITHIN 90 DAYS OF THE DATE OF THE PERMIT. THE OWNER SHALL BE RESPONSIBLE FOR THE COST OF THE PLANTING. THE PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE PLAN. THE PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE PLAN.

PROJ. NO. 18-001
DATE: 03/11/18
DRAWN BY: JEM
CHECKED BY: JEM
SCALE: AS NOTED

DRO AMENDMENTS ZONING STAMP

R.O.W. BUFFER
LANDSCAPE PLAN
SHEET NUMBER
SP-5

3/27/2018 6:18:55 PM





City of Westlake
Planning and Zoning Department
Staff Report –2/1/18

1. PETITION DESCRIPTION

APPLICANT: Coteleur & Hearing

APPLICATION NO.: SP-2017-02

OWNER: Minto PBLH, LLC

REQUEST: The Applicant is requesting approval of the Site Plan for Pod PC-1, Phase 1 (10.71 acres)

PCN: 77-40-43-01-00-000-1010

LOCATION MAP:



2. PETITION FACTS

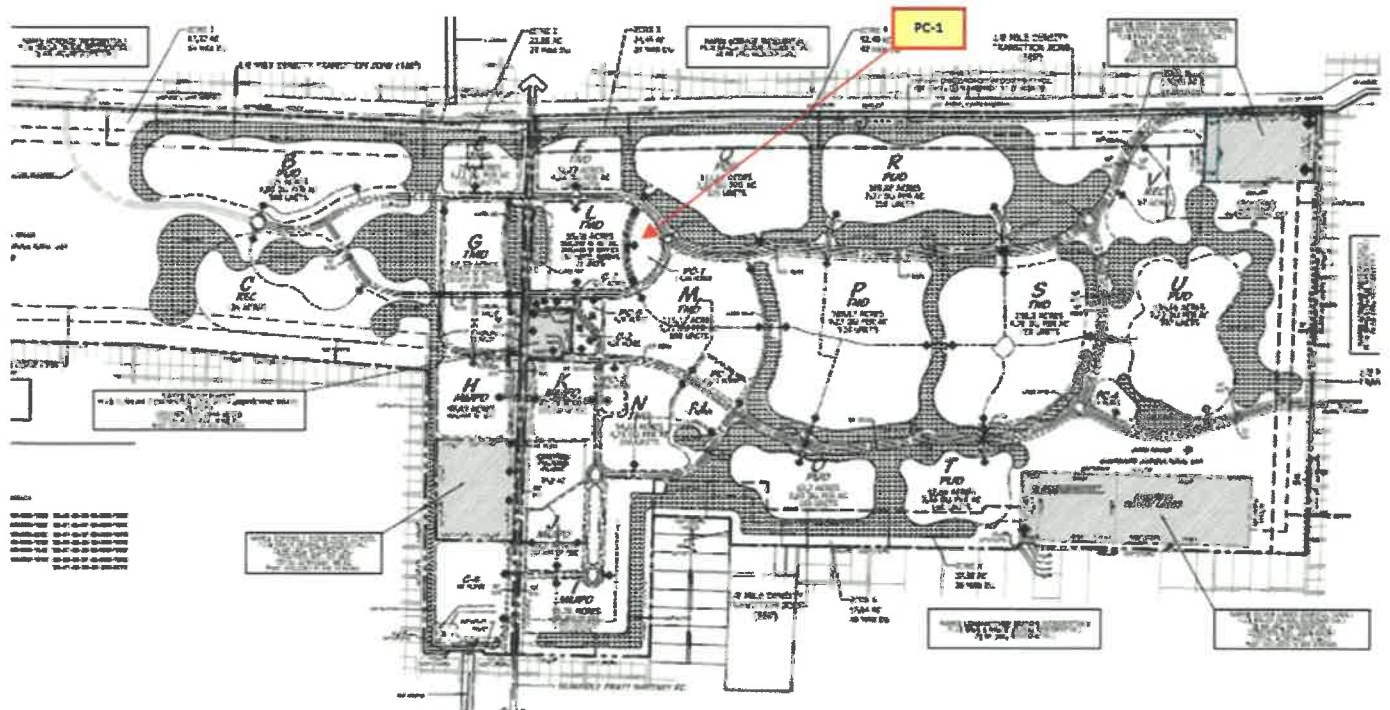
- a. **Total Gross Site Area:** 14.88 acres
- b. **Phase 1:** 10.71 acres (subject application)
- c. **Phase 2:** 4.17 acres
- d. **Total Building Footprint Area:** 12,940 sq. ft.
- e. **Land Use and Zoning**

Existing Land Use Vacant and Agricultural
Future Land Use Agricultural Enclave (AGE)
Zoning Traditional Town Development (TTD)
 Agricultural Enclave Overlay (AGEO)
 Private Civic (PC-1)

3. BACKGROUND

The Applicant is requesting approval of the Site Plan for Pod PC-1 located within the Westlake TTD. The subject Pod has a Private Civic designation on the TTD Master Plan which includes five (5) separate parcels as Private Civic Pods. Pod PC-1 includes 14.88 acres and is situated on the east side of Seminole Pratt Whitney Road. The pod abuts Pod L on its west boundary, Pod M on its southeast boundary, and Pod Q on its northeast boundary.

The applicant proposes Pod PC-1 as a private amenity parcel or Neighborhood Recreation Facility including a variety of recreational amenities open to Westlake residents only. The property will contain a swimming pool, a formal lap pool, sports courts, kid playgrounds, walking paths, biking areas, open lawns, pavilions, concession areas, outdoor amphitheater, etc.



Per the TTD Master Plan Conditions of Approval private civics uses **must follow** Neighborhood Center requirements (a sub-section of the Traditional Neighborhood Development regulations) as indicated below:

CONDITIONS OF APPROVAL	
PRIVATE CIVIC	
1.	Development of the Private Civic Pods, PC-1 to PC-5, shall follow the development regulations of a Traditional Neighborhood District and Neighborhood Center requirements. (ONGOING: ZONING-Zoning)
2.	The private Civic Pods shall receive Site Plan approval, by the required approving authority (i.e. DRO, ZC, or BCC), prior to the development of each Pod. (ONGOING: ZONING - Zoning)
3.	To comply with the Civic uses limitation of Planning Condition 2 and preserve appropriate intensity for the development of Public Civic Pods, development of the Private Civic Pods (PC-1 to PC-5) shall be limited to a combined total not to exceed 150,000 square feet. Intensity of Public Civic uses not measured by square footage for Concurrency purposes (i.e. fire station, school, park, etc.) shall not count against the Civic use limitation of Planning Condition 2. (DRO: PROPERTY REAL ESTATE MANAGEMENT – Property Real Estate Management)

4. PLANNING & ZONING REVIEW

The Neighborhood Center regulations were initially intended to apply to small, local recreational areas within residential pods, the subject application is proposing to concentrate its main recreational private amenity within a single stand-alone parcel. The applicant is proposing a 14.88-acre parcel as a Private Civic pod with a recreational use category to be developed in two phases. *The subject application consists of Phase 1 (10.71 acres) of the overall PC-1 recreation pod. Phase 1 includes the following initiatives:*

- Family Swimming Pool (11,300 sq. ft.)
- Slide Tower (500 sq. ft.)
- Kids Swimming Pool (1,200 sq. ft.)
- North Entry Building including administrative and health service offices (3,100 sq. ft.)
- Concessions Buildings (800 sq. ft.)
- Party Pavilion (4,000 sq. ft.)
- Storage/Maintenance Building (1,000 sq. ft.)
- Aquatic Shade Pavilion (600 sq. ft.)
- Amphitheater/Lodge Pavilion (2,100 sq. ft.)
- Park Restroom (300 sq. ft.)
- Picnic Pavilion A, B, &C (180 sq. ft.)

The total sq. ft. of buildings and pavilions is 12,940 sq. ft. The recreation facility also includes kid playgrounds, walking paths, biking areas, open lawns and a BMX pump course.

Per the above condition of approval, the subject application must comply with the Neighborhood Center requirements included on the Interim City’s ULDC code which was amended per application TEXT-ULDC-2017-03 (Ordinance 2018-5).

In general, the provisions of the Traditional Neighborhood Development (TND) emphasizes the following urban characteristics:

1. Establish a specific neighborhood identity and focus with a pedestrian-oriented design consistent with the tier in which the development is located;

2. Provide a range of residential, commercial, **civic**, and open space land uses in close proximity to one another within the neighborhood;
3. Encourage a variety of non-vehicular modes of transportation, such as walking and, bicycling, segways, equestrian, golf carts where permitted by F.S., and water oriented uses such as kayaks, canoes or stand up paddle boards, to reduce the need for local automobile trips.
4. Offer a range of housing opportunities;
5. Preserve natural features and scenic areas; and
6. Provide a safe and efficient circulation system for pedestrians, non-motorized vehicles, and automobiles, and emphasize connectivity within and to adjacent uses.

With regard to compliance with Neighborhood Center provisions, please see the following analysis:

1. Neighborhood Center	Proposed	Compliance with Code
A Neighborhood Center is intended to accommodate neighborhood-oriented non-residential uses and services. It may include professional offices, community facilities, and civic uses to serve the population of the TND and adjacent neighborhoods. Multi-family or live/work residential uses are encouraged when located above non-residential uses.	Private Civic	Meets Code
a. General Standards		
1) Location		
Each Neighborhood Center shall be centrally located in its neighborhood and shall be adjacent to a minimum of one side of a neighborhood square. A Neighborhood Center not centrally located in a neighborhood shall front onto a Collector or Arterial Road and must be located at least one half mile from the Downtown Mixed-Use Category and any other Neighborhood Centers.	Abuts Collector Streets on all sides.	Meets Code.
2) Parking		
Parking shall be provided in accordance with Article 3.F.2.A.2, Parking and Access.	1/400 sq. ft. 61 Min Phase 1 provides: 144 spaces	Meets Code
3) Maximum Floor Area Ratio (FAR)		
0.25, FAR for residential uses counted as density shall not be calculated as square footage subject to the maximum FAR.	N/A	N/A
5) Maximum building coverage		
35 percent.	1.9%	Meets Code
b. Building Standards		
1) Maximum Floor Area per Tenant		
8,000 square feet.	N/A	N/A

a) Exception	N/A	N/A
Up to 30,000 square feet is allowed for a food store. If a TND is developed as part of a TTD, the maximum allowed for a food store in a Neighborhood Center shall be 20,000 square feet.	N/A	N/A
2) Setbacks		
Minimum and maximum building setbacks shall conform to the standards in Table 3.F.3.E, TND Non-Residential Setback Regulations.		
Table 3.F.3.E - TND Non-Residential Setback Regulations		
	See site plan drawing SP-2	Meets Code
3) Multi-family and Live/Work	N/A	N/A
Multi-family residential and live/work units shall only be permitted subject to approval by the DRO. Horizontal and vertical integration of residential and non-residential uses shall be encouraged.	N/A	N/A
c. Maximum Building Height		
45 feet	40 feet	Meets Code
d. Building Orientation		
Buildings shall front or orient towards a street, open space, or pedestrian pass-through. All principal buildings shall have their entrance facing the street or an intersection.	Entire parcel surrounded by streets	Meets Code
e. Build-to Lines		
A minimum of 50 percent of a commercial building shall have a zero setback. The remaining 50 percent may be set back a maximum of ten feet. Exceptions to the minimum setback shall be permitted to allow for utility conflicts, where necessary. Private civic pods adhering to the Neighborhood Center provisions shall be exempt from the Build-to line requirements.	N/A	Exempt
f. Covered Walkways		
A minimum of 50 percent of first floor building frontages of retail and commercial uses shall be constructed as storefronts and include features such as, but not limited to, awnings, colonnades, trellises, or arcades. Colonnades and arcades shall be a minimum of ten feet in width, including any support column intrusions. All covered walkways shall have a minimum interior height clearance of 12 feet from ground to ceiling.	No retail or commercial uses.	N/A

Access, Vehicular Circulation and Traffic Analysis

The amenity parcel has vehicular access from Town Center Parkway North and from Kingfisher Boulevard. The entry driveway on Town Center Parkway North will be a divided entrance that will direct traffic to the main parking area at the northeast portion of the property. This parking area has 144 parking spaces. All parking space and drive aisle dimensions are consistent with Article 6 of the ULDC.

A second access point will be located along Kingfisher Boulevard, which separates Pod PC-1 and Pod L. This roadway is still under design and has not received Final Subdivision Plan approval; therefore, this driveway entrance is part of Phase II, as shown on the Phasing Plan. To satisfy PBC Fire Rescue's need for a secondary point of access to the property, the applicant is proposing to stabilize the northern portion of Kingfisher from its intersection with Town Center Parkway North until the maintenance driveway.

The proposed amenities include 12,400 square feet of community recreation center uses. The applicant indicates that the subject project is intended to be for use by City of Westlake residents only; therefore, there is no generation of outside traffic. Then, since the facility are internal to the City, no additional traffic will be generated and the project is in compliance with Palm Beach County Traffic Performance Standards. A letter from the Traffic Engineer of record has been included with the submittal.

Signage

The Applicant is proposing a series of monument and building signage throughout the site. The Pod Entry sign, as depicted in the Design Standards, will be located at the two entrances on Town Center Parkway North and Kingfisher Boulevard. The signs at the Kingfisher entrance will be provided during Phase II. Two smaller monument signs are proposed to be located at the northernmost and southernmost points of the property, where Town Center Parkway intersects with Kingfisher Boulevard.

These two signs will be connected to a trellis feature and tie into the surrounding hardscape and landscape design. Lastly, the building signage on the various concession, snack bar, and lodge buildings have been depicted in the Design Standards Appendix. The proposed signage is consistent with the linear footage calculations in Article 3, as well as the ULDC Text Amendment currently under review with the City.

5. FINAL REMARKS

The following condition of approval is recommended as part of this application:

1. Approval of the subject application is contingent to the City Council amending the Interim City's ULDC code per application TEXT-ULDC-2017-03.



CITY OF WESTLAKE

Engineering Department
4001 Seminole Pratt Whitney Road
Westlake, Florida 33470

Phone: (561) 530-5880

www.westlakegov.com

-
1. **DATE:** January 19, 2018
 2. **PETITION NUMBER:** SP-2017-02
 3. **DESCRIPTION:** POD PC-1 Final Site Plan
 - APPLICANT:** Minto PBLH, LLC
 - OWNER:** Minto PBLH, LLC
 - REQUEST:** Final Site Plan Administrative Approval
 - LOCATION:** Pod PC-1, Westlake, FL
 4. **STAFF REVIEW:** Approval Letter

The Engineering Department approves the plans.

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

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

Suzanne Dombrowski, P.E.

Chen Moore and Associates

Tel: 561.746.6900 x 1035

Email: sdombrowski@chenmoore.com



Landscape Architects | Land Planners | Environmental Consultants

1934 Commerce Lane □ Suite 1 □ Jupiter, Florida □ 33458 □ Ph 561.747.6336 □ Fax 561.747.1377 □ www.cotleurhearing.com □ Lic # LC-C000239

Westlake
Pod PC-1 Site Plan Approval
Justification Statement
 January 2, 2018

Introduction

The Applicant is requesting approval of the Final Site Plan for Pod PC-1 located within the Westlake Traditional Town Development (TTD). Pod PC-1 is a 14.88-acre private civic pod situated centrally within the TTD property on the east side of Seminole Pratt Whitney Road, and is located in the City of Westlake.

Background

The Minto Westlake site is located East and West of Seminole Pratt Whitney Blvd., South of 60th Street North, and North of 50th Street N, East of Mead Hill Drive, and 44th Street North, East of 190th Terrace North and West of 140th Avenue North. The 3,788.60-acre property has a current FLUA designation of Agricultural Enclave and Rural Residential-10. The property is currently in active construction...

Minto Westlake is roughly co-extensive with SID, a legislatively-created special district with the authority to provide public infrastructure and services and to operate district facilities. SID provides drainage, water, and wastewater services for the subject property, and owns a canal right-of-way and/or easement for access and drainage from the subject site running approximately four miles south to the C-51 Canal.

Historic and Recent Planning and Zoning Entitlements

On October 29, 2014, the property received approval from the Board of County Commissioners for a Comprehensive Plan Amendment (Ordinance 2014-030), Rezoning and Preliminary Master Plan (Resolution 2014-1646), and Requested Uses (Resolutions 2014-1647 and 1648).

Ordinance No. 2014-030 approved an amendment to the Comprehensive Plan for the site specific Agricultural Enclave, including a Conceptual Master Plan and Implementing Principles. The Ordinance also made various text changes to the Plan related to the Agricultural Enclave Future Land Use. These Amendments were codified and are included as part of the Palm Beach County's Comprehensive Plan.

City of Westlake

JAN 02 2018

Received

Westlake Pod PC-1 Site Plan
SP-2017-02
Justification Statement
CH 13-0518.32
November 13, 2017
Revised December 11, 2017
Revised January 2, 2018

Resolution No. 2014-1646 approved the Zoning application for the Minto West Traditional Development District. The Resolution included rezoning the property from Agricultural Residential (AR) and Public Ownership (PO) Zoning Districts to the Traditional Town Development (TTD) Zoning District.

Resolution No. R-2014-1647 approved a Requested Use for a College or University to be located within the property.

Resolution No. R-2014-1648 approved a Requested Use for a Hotel to be located within the property.

The Board of County Commission approved a corrective resolution (No. R-2014-1892), which amended Engineering Condition E.9 of Resolution 2014-1646 to add "iii. Notwithstanding the foregoing, no connection of Persimmon Boulevard shall be made to 140th prior to the issuance of the 2700th dwelling unit permit."

On June 20, 2016, the City of Westlake became the 39th municipality in Palm Beach County.

In January 2017, the City Council approved Resolution 2017-3 allowing an amendment to the Final Master plan for Minto Westlake. The amendment included the reallocation of 11 dwelling units from Pod Q to Pod R.

The Final Subdivision Plan for Pod PC-1 was approved on June 24, 2017.

In July 2017, the City Council adopted Resolution 2017-10 approved the final plat of the Westlake Amenity Parcel (a.k.a Pod PC-1).

Subject Request

The Applicant is requesting approval of the Final Site Plan for Pod PC-1 located within the Westlake TTD. Pod PC-1 is 14.88 acres and is situated on the east side of Seminole Pratt Whitney Road. The pod abuts Pod L on its west boundary, Pod M on its southeast boundary, and Pod Q on its northeast boundary. The pod has a private civic designation on the TTD Master Plan. The master plan contains approximately 53 acres of private civic areas with 150,000 square feet of associated civic entitlements. The Applicant is requesting approval of the Final Site plan for this pod.

Westlake Pod PC-1 Site Plan
 SP-2017-02
 Justification Statement
 CH 13-0518.32
 November 13, 2017
 Revised December 11, 2017
 Revised January 2, 2018

Conditions of Approval

The Westlake Development Order, Resolution 2014-1646, outlines three conditions of approval that are specific to Private Civic (PC) pods.

1. Development of the Private Civic Pods, PC-1 to PC-5, shall follow the development regulations of a Traditional Neighborhood District and Neighborhood Center requirements. (ONGOING: ZONING- Zoning)

The Applicant has designed the project in accordance with the existing and proposed ULDC text amendment language that relate to the Neighborhood Center.

2. The private Civic Pods shall receive Site Plan approval, by the required approving authority (i.e. ORO, ZC, or BCC), prior to the development of each Pod. (ONGOING: ZONING – Zoning)

The review process is determined by the uses proposed within the individual private civic parcel. The principal proposed use is Neighborhood Recreation Facility, which is a permitted use in the Neighborhood Center district. As part of the site plan request, an outdoor pavilion is proposed, which is classified as Outdoor Entertainment. This use requires City Council approval.

3. To comply with the Civic uses limitation of Planning Condition 2 and preserve appropriate intensity for the development of Public Civic Pods, development of the Private Civic Pods (PC-1 to PC-5) shall be limited to a combined total not to exceed 150,000 square feet. Intensity of Public Civic uses not measured by square footage for Concurrency purposes (i.e. fire station, school, park, etc.) shall not count against the Civic use limitation of Planning Condition 2. (ORO: PROPERTY REAL ESTATE MANAGEMENT – Property Real Estate Management)

The proposed project includes approximately 13,000 square feet of civic use. A traffic statement verifying the projects compliance with the 150,000 square foot maximum has been included hererin.

Site Plan

Pod PC-1 is the amenity parcel or Neighborhood Recreation Facility for the Westlake community. The amenity parcel will showcase a variety of recreational amenities to serve the surrounding residents. The property will contain an extensive meandering family pool, a formal lap pool, sports courts, kid playgrounds, walking paths, biking areas, open lawns, pavilions, concession areas, outdoor amphitheater, etc.

Westlake Pod PC-1 Site Plan
SP-2017-02
Justification Statement
CH 13-0518.32
November 13, 2017
Revised December 11, 2017
Revised January 2, 2018

Access & Vehicular Circulation

The amenity parcel has vehicular access from Town Center Parkway North and from Kingfisher Boulevard. The entry driveway on Town Center Parkway North will be a divided entrance that will direct traffic to the main parking area at the northeast portion of the property. This parking area has 144 parking spaces. All parking space and drive aisle dimensions are consistent with Article 6 of the ULDC. All parking areas provide safe and effective circulation patterns and do not contain any dead-ends. The parking lot has also been designed to meet the necessary turning radius for PBC Fire Rescue vehicles.

A second access point will be located along Kingfisher Boulevard, which separates Pod PC-1 and Pod L. This roadway is still under design and has not received Final Subdivision Plan approval; therefore, this driveway entrance is part of Phase II, as shown on the Phasing Plan. To satisfy PBC Fire Rescue's need for a secondary point of access to the property, we will be stabilizing the northern portion of Kingfisher from its intersection with Town Center Parkway North until the maintenance driveway.

Traffic

The subject project is intended to be for use by City of Westlake residents only; therefore, there is no generation of outside traffic. The proposed amenities include 12,400 square feet of community recreation center uses. The Private Civic sites for Westlake are approved for a total of 150,000 square feet. Because the approved uses and the facility are internal to the City, no additional traffic will be generated and the project is in compliance with Palm Beach County Traffic Performance Standards. A letter from the Traffic Engineer of record has been included with the submittal.

Landscaping and Buffers

Landscape buffers are proposed throughout the property along the perimeter. The property is bound wholly by rights-of-way. Town Center Parkway North (100' wide) abuts the northeast portion of the property, Town Center Parkway South (100' wide) abuts the southeast portion of the property, and Kingfisher Boulevard (62' wide) abuts the entire west side of the property. Based on the respective right-of-way widths a 20-foot wide landscape buffer will be provided along the eastern property line and a 15-foot wide landscape buffer will be provided along the western property line.

Landscaping will be provided throughout the parking lot areas as prescribed in Article 7. Foundation plantings are also proposed for all of the buildings and pavilions on site. The Landscape Plan will be submitted with the Engineering submittal.

Westlake Pod PC-1 Site Plan
SP-2017-02
Justification Statement
CH 13-0518.32
November 13, 2017
Revised December 11, 2017
Revised January 2, 2018

Lighting

Parking lot lighting, bollards, and pedestrian lighting have been reflected on the proposed site plan and in the Design Standards.

Signage

The Applicant is proposing a series of monumentation and building signage throughout the site. The Pod Entry sign, as depicted in the Design Standards, will be located at the two entrances on Town Center Parkway North and Kingfisher Boulevard. The signs at the Kingfisher entrance will be provided during Phase II. Two smaller monument signs are proposed to be located at the northernmost and southernmost points of the property, where Town Center Parkway intersects with Kingfisher Boulevard. These two signs will be connected to a trellis feature and tie into the surrounding hardscape and landscape design. Lastly, the building signage on the various concession, snack bar, and lodge buildings have been depicted in the Design Standards Appendix. The proposed signage is consistent with the linear footage calculations in Article 3, as well as the ULDC Text Amendment currently under review with the City.

Phasing

The project will be developed in two phases. The phases have been depicted on the Site Plans provided herein.

Conclusion

The Applicant is requesting approval of the Pod PC-1 Site Plan as presented. The Applicant will work closely with Staff to bring this application to completion as quickly as possible. The Applicant and the entire development team are available to answer any questions Staff might have and/or provide necessary information to supplement the information provided in the submittal.

PTC

Transportation Consultants



2005 Vista Parkway, Suite 111
West Palm Beach, FL 33411-6700
(561) 296-9698 Fax (561) 684-6336
Certificate of Authorization Number: 7989

December 8, 2017
Revised December 22, 2017

Ms. Kate DeWitt
Cotleur & Hearing
1934 Commerce Lane, Suite 1
Jupiter, FL 33458

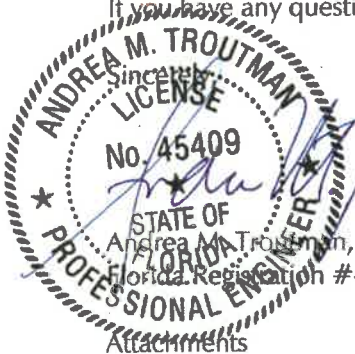
Re: Westlake – Private Civic (PC-1) - #PTC13-013

Dear Ms. DeWitt:

The purpose of this letter is to provide a traffic statement to accompany the site plan application for the Amenity Facility to be built on the Private Civic (PC-1) site. This site is internal to the City of Westlake and is only for use by the residents of the city. The proposed amenities include 12,940 SF of community center uses. The Private Civic sites for Westlake are approved for a total of 150,000 SF as shown on Attachment 1. Because the proposed uses are less than the approved uses and the facility is internal to the City, no additional traffic will be generated and the project is in compliance with Palm Beach County Traffic Performance Standards.

Trip generation for the Community Center was calculated as shown on Attachments 1A and 1B to determine driveway geometric needs. Driveway volumes are provided on Attachment 2. A left turn ingress lane is being constructed. A right turn ingress lane is not warranted.

If you have any questions, please do not hesitate to contact me.

Sincerely,

 Andrea M. Troutman, P.E.
 Florida Registration #45409
 Attachments

[Handwritten Signature]
 12/22/17

cc: Jared Stern
John Carter
Tara Duh

City of Westlake

JAN 02 2018

Received

**Attachment 1
Westlake
Land Use Inventory
Private Civic (PC-1) Application**

Land Use	ITE Code	Approved Intensity	Current Request	Previously Proposed (1)	Proposed To Date	Remaining To Be Built
Residential - SF	210	3,446 DUs	-	918	918	2,528
Residential - MF Condos.	230	600 DUs		-	-	600
Residential - 55+ Detached	251	300 DUs		-	-	300
Residential - 55+ Attached	252	200 DUs		-	-	200
Hotel	310	150 Rooms		-	-	150
Community College	540	3,000 Students		-	-	3,000
General Office	710	450,000 SF		-	-	450,000
Research & Devel.	760	600,000 SF		-	-	600,000
Light Industrial	110	450,000 SF		-	-	450,000
Retail	820	500,000 SF		-	-	500,000
Community Center - Private Civic	495	70,000 SF	12,940	-	12,940	57,060
Church - Private Civic	560	70,000 SF		-	-	70,000
Daycare - Private Civic	565	10,000 SF		-	-	10,000
Park	412	192 Acres		-	-	192

(1) Includes Pod P and Q.

12/8/2017
 Tripgen Civic 13-013 12-8-17

**Attachment 2A
 Westlake Private Civic (PC-1) Site
 Daily Trip Generation**

Proposed

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	New Trips
Community Center	495	12,940 SF	33.82 / 1,000 SF	438
TOTAL		12,940 SF		438

(1) Source: Palm Beach County and ITE Trip Generation, 9th Edition.

12/8/2017

Tripgen Civic 13-013 12-8-17

**Attachment 2B
Westlake Private Civic (PC-1) Site
Peak Hour Trip Generation**

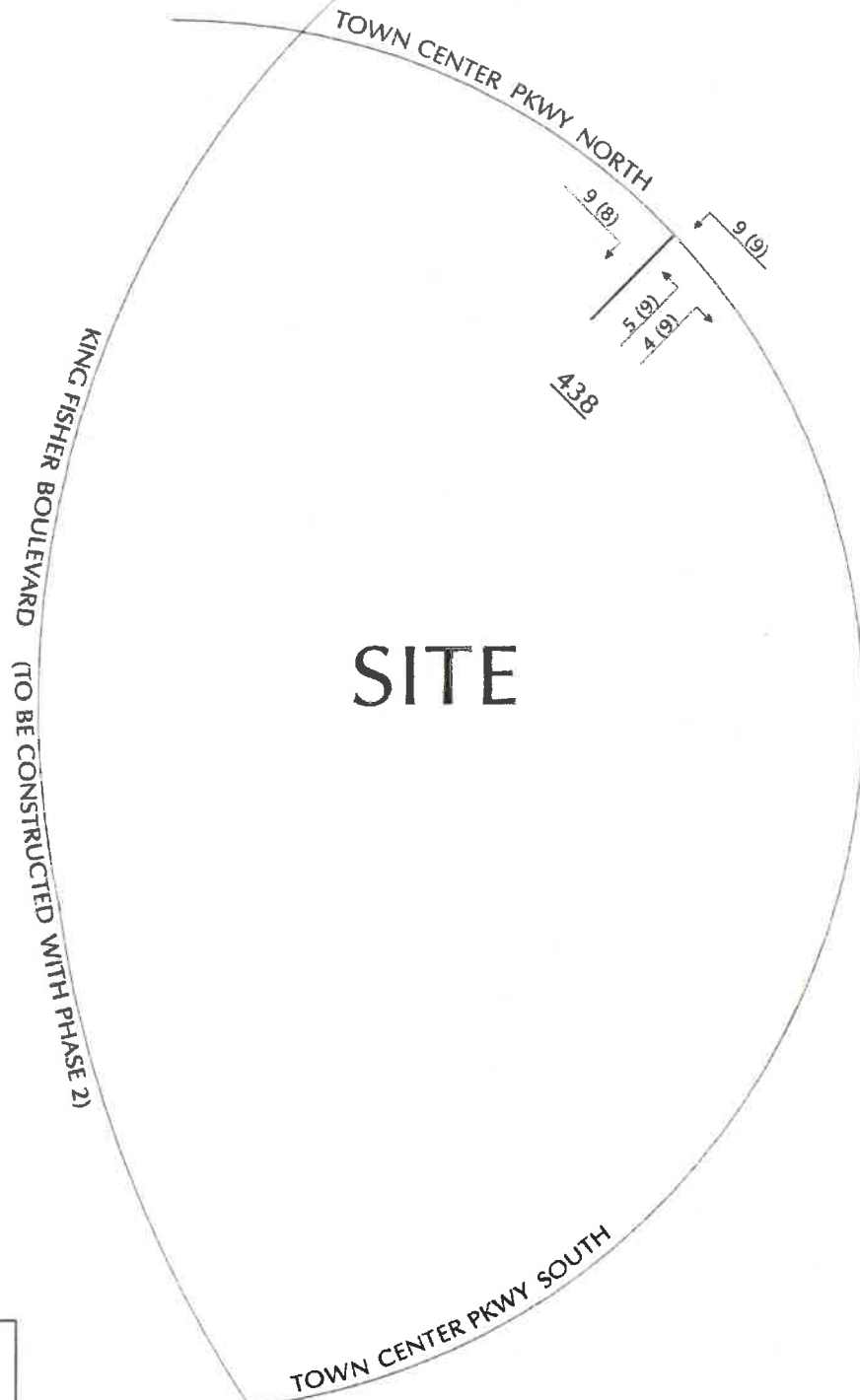
Proposed AM Peak

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	New Trips		
				In	Out	Total
Community Center	495	12,940 SF	2.05 /Acre (66/34)	18	9	27
TOTAL		12,940 SF		18	9	27

Proposed PM Peak

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	New Trips		
				In	Out	Total
Community Center	495	12,940 SF	2.74 / Acre (49/51)	17	18	35
TOTAL		12,940 SF		17	18	35

(1) Source: Palm Beach County and ITE Trip Generation, 9th Edition.



LEGEND	
9	- AM PEAK HOUR
(8)	- PM PEAK HOUR
<u>438</u>	- AADT

13-013
12/8/17

WESTLAKE PRIVATE
CIVIC (PC-1) POD

ATTACHMENT 3
PROJECT DRIVEWAY VOLUMES



City of Westlake
 DEC 12 2017
Received



1 ADULT POOL
 Secluded and quiet, yet still close to the excitement of the Lagoon Pool, this beautiful pool allows adults to swim laps, socialize and relax in a peaceful environment.



2 EVENT LAWN
 This expansive grassy area provides the perfect setting for community events or farmers markets.



3 CENTRAL PAVILION
 An elevated covered stage and stair-stepped grassy lawn sets the scene for outdoor performances in the park.



4 LAWN GAMES
 Spread out and go deep, or grab a bean bag and take aim. Whether you're playing bocce or corn hole, this wide open grassy space is the perfect place to let the games begin.



5 PUMP PARK
 Grab your bike and ride around this awesome new Pump Park featuring a course full of exciting whoops, berms and turns to get your legs and heart pumping.



6 CONCESSION BUILDING
 The concession stand is an oasis offering snacks and drinks, plus a beautiful patio area with seating overlooking the Lagoon Pool.



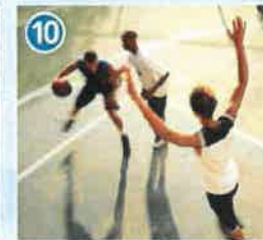
7 TOWER SLIDE
 Children and adults, kiss dry land goodbye and launch yourself down a twisty slide and splash down into the refreshing Lagoon Pool.



8 LAGOON POOL
 Take a dip, soak up the sun or slide into your own tropical oasis. This lush spa area is surrounded by swaying palms and lined with chaise lounges.



9 SPLASH PAD
 Children big and small will love all of the wet and wild, splash-salacious fun of this soft surfaced splash pad.



10 BASKETBALL COURTS
 Four basketball courts allow you to work on your shot or join a pick-up game with friends.



11 ADVENTURE PLAYGROUND
 There's plenty for children to run, jump, swing, slide and climb their way through - plus ample benches for parents - at the Adventure Playground.

minto
WESTLAKE

design
STANDARDS
WORKING DOCUMENT

PALM BEACH COUNTY, FLORIDA

City of Westlake
DEC 12 2017
Received



POD PC-1

2017



**Cotleur &
Hearing**

Landscape Architects | Land Planners | Environmental Consultants

www.cotleurhearing.com



PC-1 Design Standards

November 13, 2017
Revised December 11, 2017

CH #13-0518.32

POD PC-1

Pod PC-1 is a private civic pod within the Minto Westlake TTD. The Pod is 14.88 acres in size, consistent with the Final Master Plan. Pod PC-1 is located in the northern portion of the TTD on the east side of Seminole Pratt Whitney Road. Access to the pod is via Town Center Parkway North, Town Center Parkway South, and Kingfisher Boulevard. Pod PC-1 is located east of Pod L, south of Pod Q, and north of Pod M.

OPENSOURCE AND RECREATION

RECREATION

Pod PC-1 has been designed as the premier amenity parcel for the Westlake community. The amenity parcel will showcase a variety of recreational amenities to serve the surrounding residents. The property will contain an extensive meandering family pool, a formal lap pool, sports courts, kid playgrounds, walking paths, biking areas, open lawns, pavilions, concession areas, outdoor amphitheater, etc. Expansive paver patio areas allow significant space for patrons to move throughout the facility efficiently, enjoy outdoor seating areas, and vast amount of lounge chairs.

PEDESTRIAN NETWORK

Pedestrian pathways shall be provided throughout the amenity facility. Spacious eight-foot wide sidewalks have been provided along the parking areas and throughout the property. All sidewalks within the Pod shall connect to the larger pedestrian network within the TTD.

LIGHTING

Pod PC-1 may contain a minimum of two types of light fixtures. A decorative fixture shall be utilized along the entrances into the pod. A typical light fixture shall be utilized at street intersections and crosswalks within the pod. All light fixtures shall be shielded to reduce light waste.

TYPICAL STREET LIGHT FIXTURE



DECORATIVE STREET LIGHT FIXTURE



FENCING

4' POOL FENCE



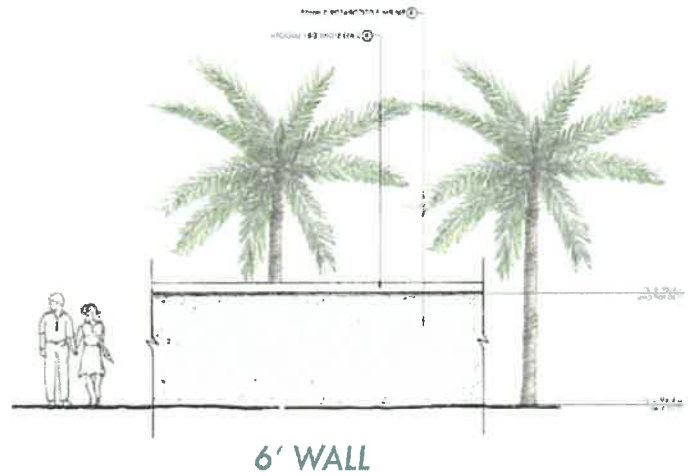
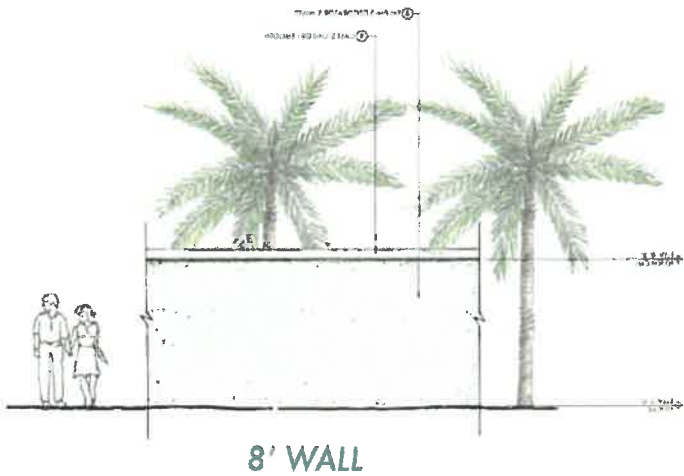
6' PERIMETER FENCE



6' VINYL CHAIN LINK FENCE



SCREEN WALL



SITE ELEMENTS

SITE AMENITIES

Pod PC-1 shall contain pedestrian-scaled amenities within and around the facility and open space areas. Benches, trashcans, and bicycle racks shall be located along pedestrian walkways. The crosswalks within Pod PC-1 shall be treated with decorative pavers.

PEDESTRIAN BENCHES

THE FOLLOWING ARE RECOMMENDED BENCH EXAMPLES FOR THE DESIGN CHARACTER OF MINTO WEST. A MODERN APPROACH THAT USES QUALITY RECYCLED MATERIALS AND WOOD SLATS TO CREATE A TIMELESS AESTHETIC THAT WON'T EVER GO OUT OF STYLE.



TRASH CANS

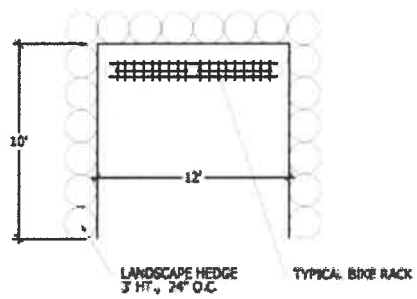
THE TRASH CANS THROUGHOUT MINTO WEST WILL CONTINUE THE THEME OF LINEAR LINES AND WOOD SLATS, THAT REFERENCE THE ARCHITECTURAL TECHNIQUES OF THE REGION BUT ARE DESIGNED IN A MORE CONTEMPORARY FASHION THAT FEELS FRESH AND NEW.



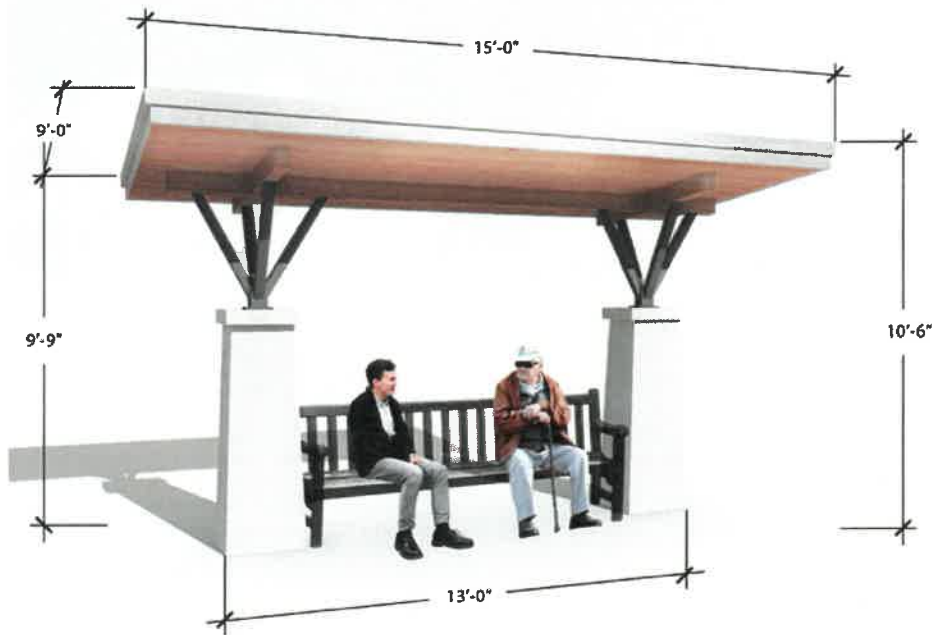
BICYCLE RACKS



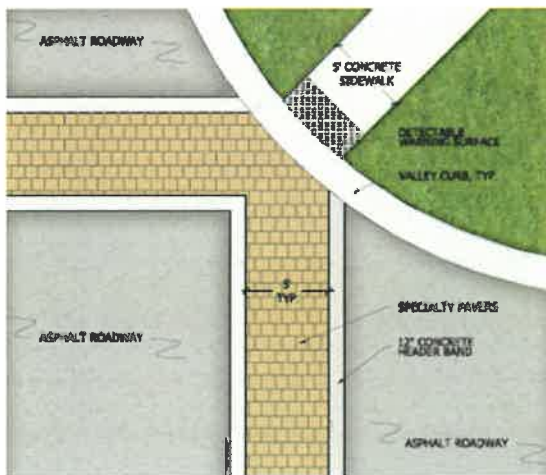
BIKE RACK DETAIL



BUS SHELTER



TYPICAL CROSSWALK DETAIL



TRELLIS DETAIL



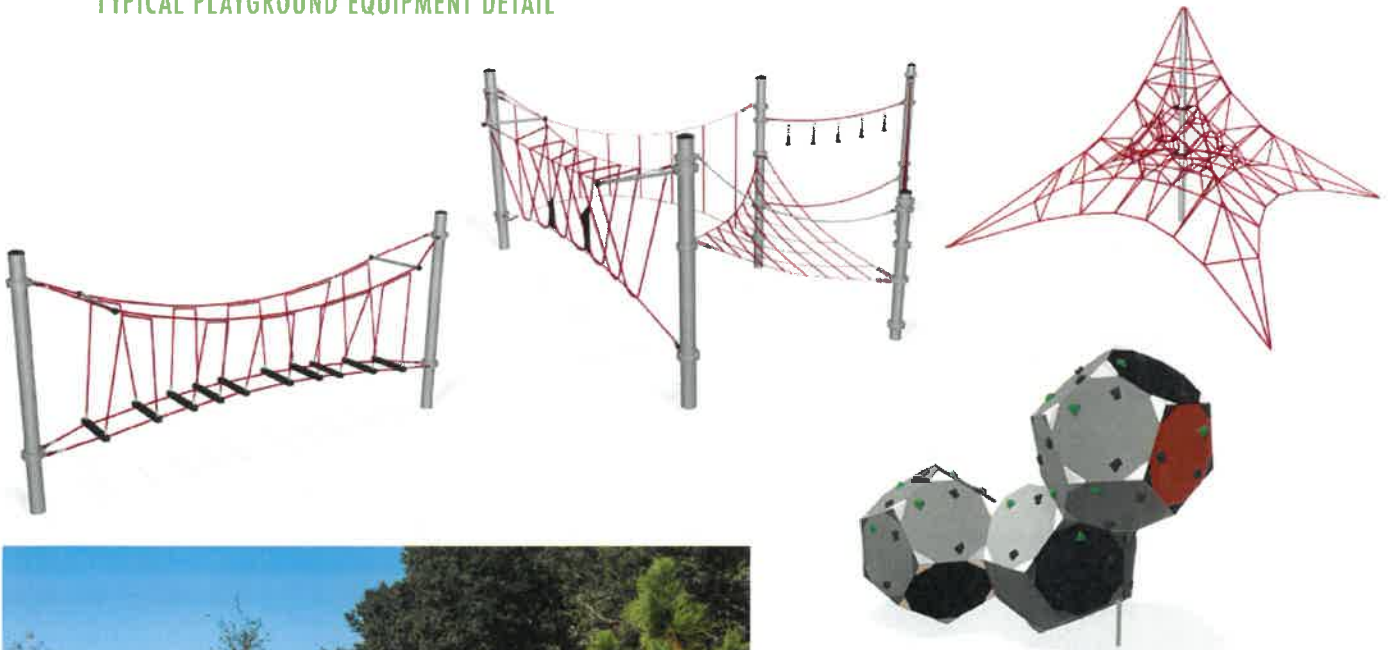
PAVERS



RECREATION AMENITIES

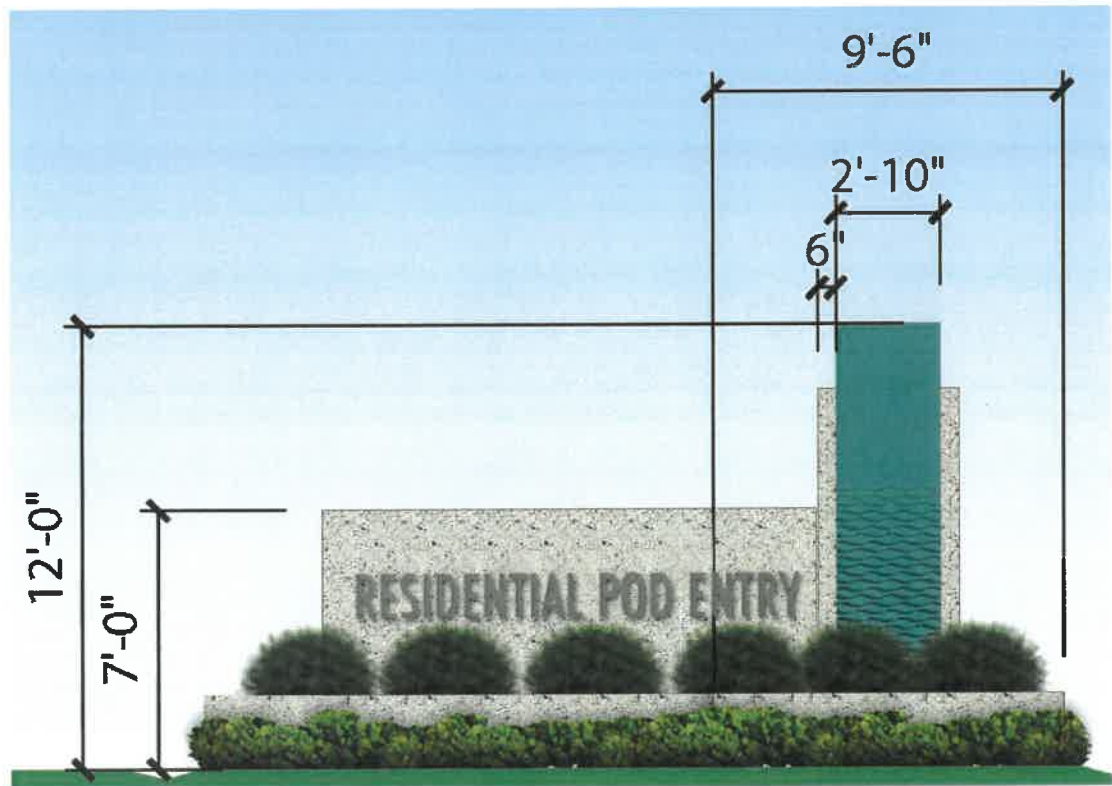
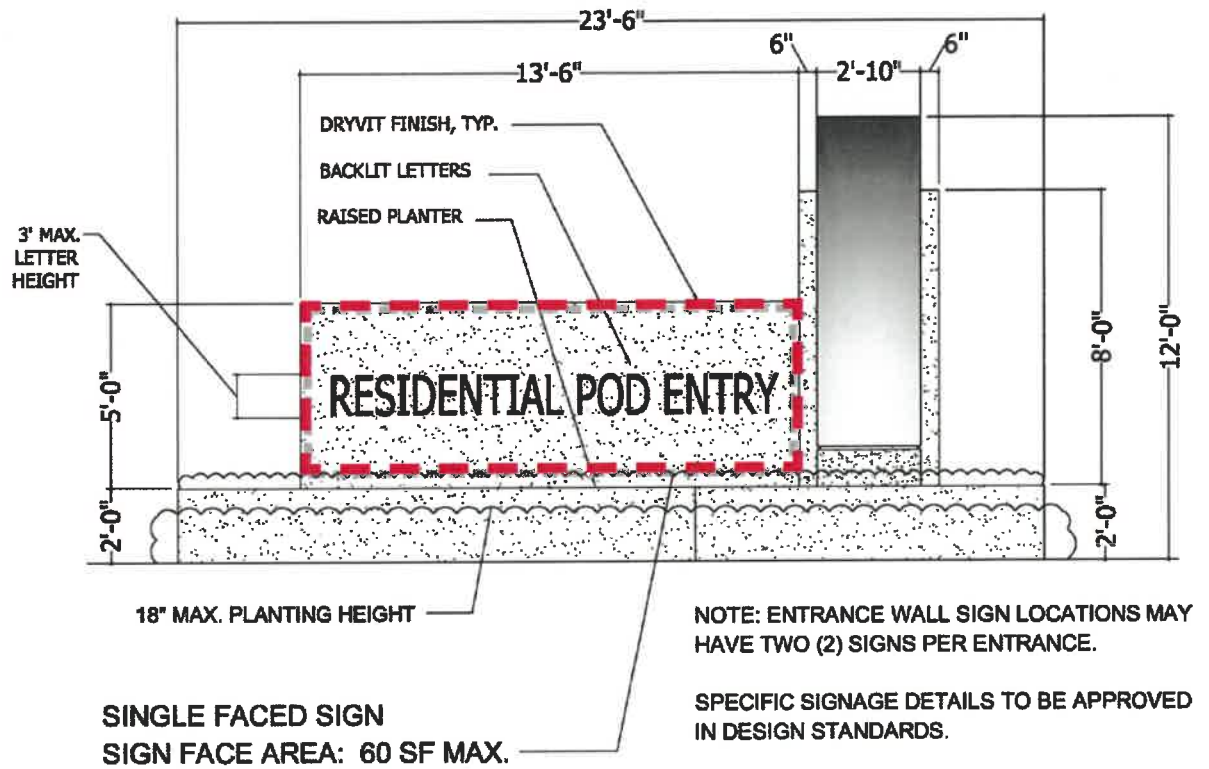
The kids playground area and other open space areas may include structures such as play equipment, fitness equipment, gazebos, shade structures, or other similar type amenities.

TYPICAL PLAYGROUND EQUIPMENT DETAIL

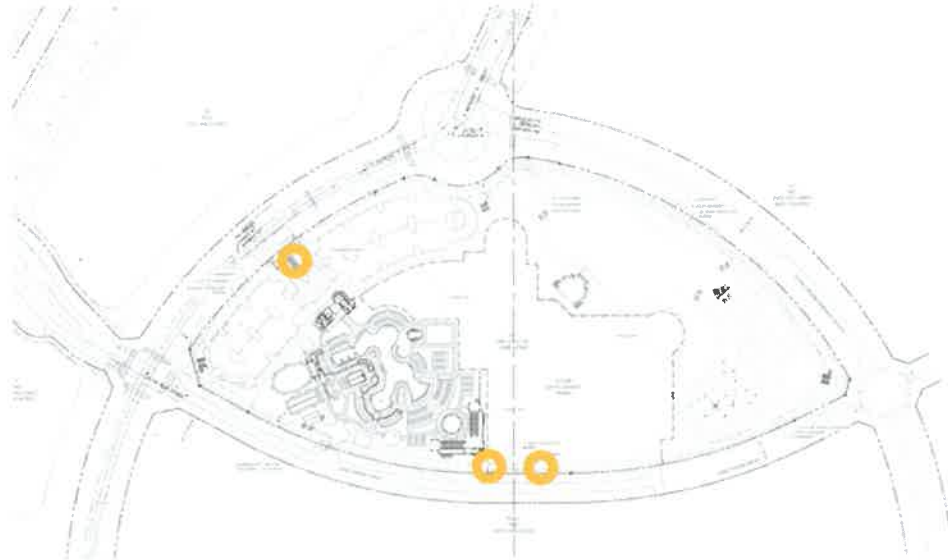


POD ENTRY MONUMENT SIGNS

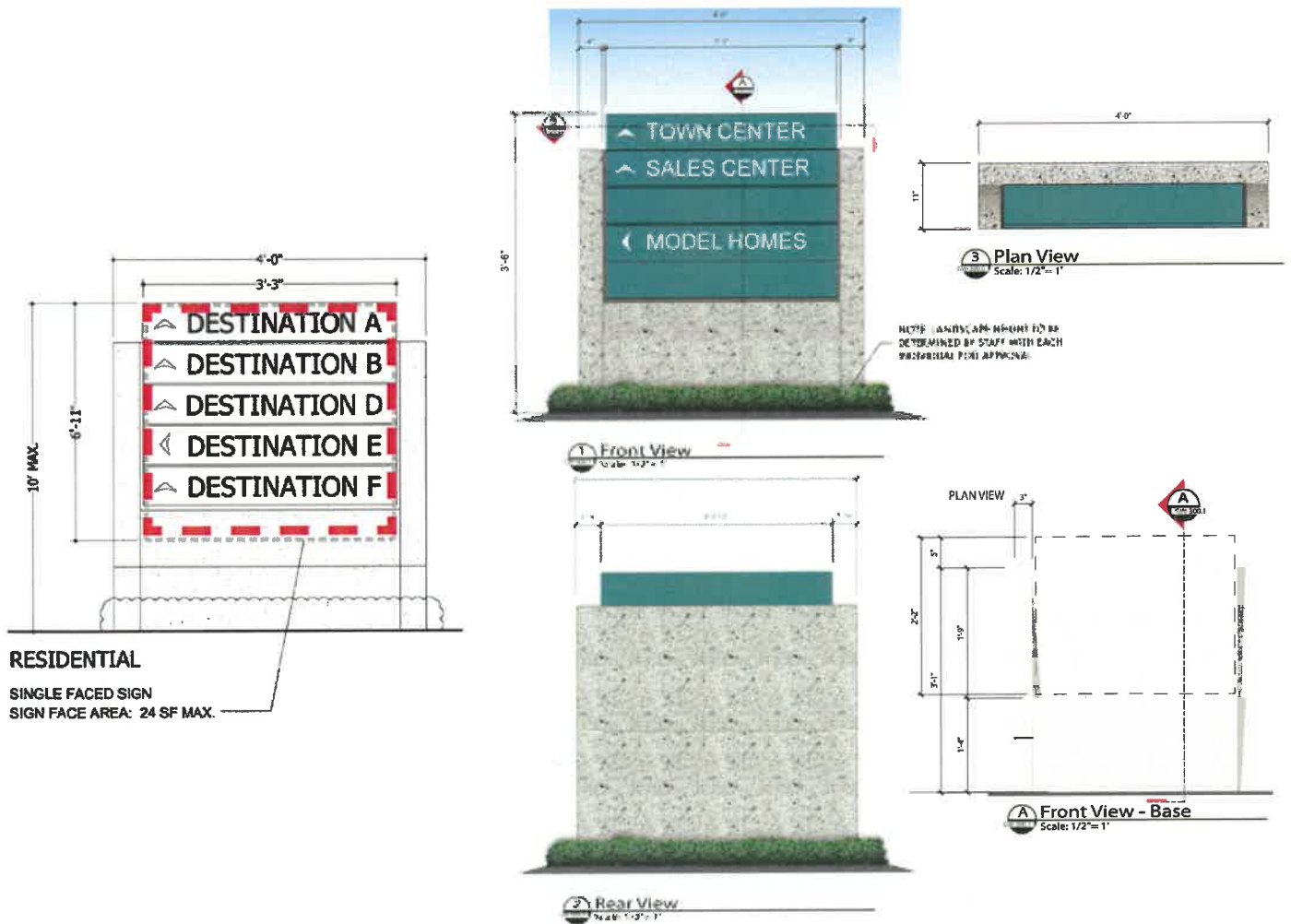
Two Pod Entry Monuments are permitted at each entrance to the pod. Sign dimensions shown below are maximum thresholds.



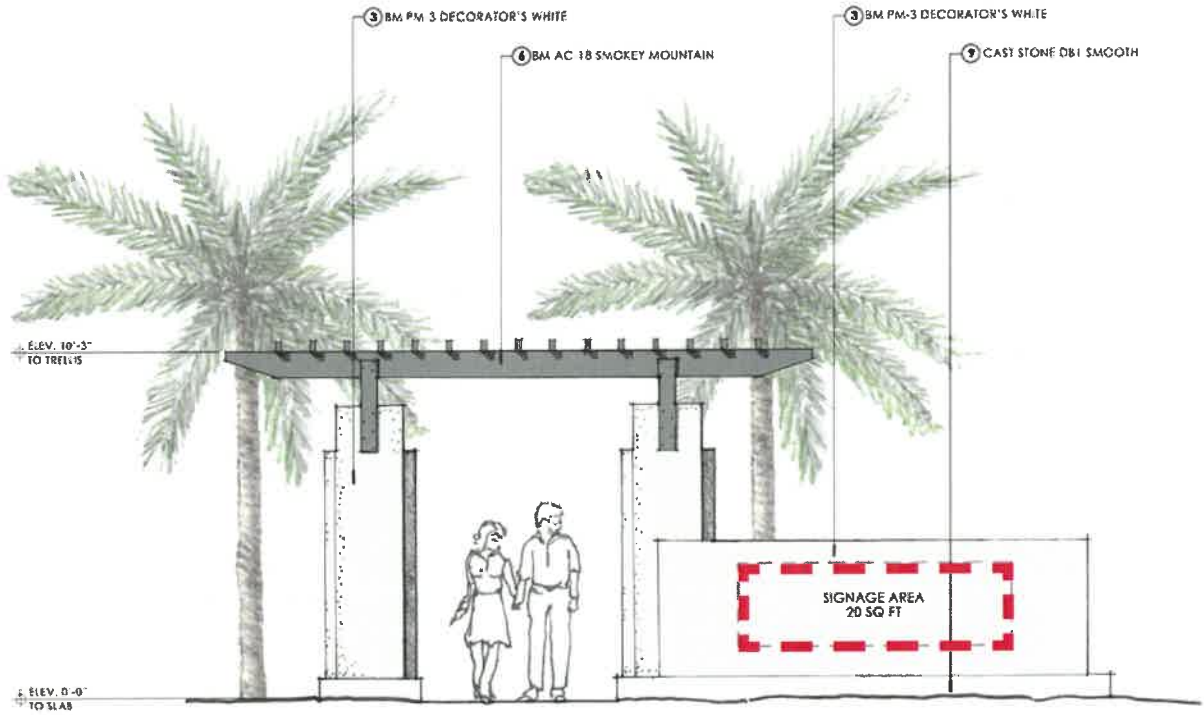
POD ENTRY MONUMENT SIGNS | LOCATION MAP



NON-RESIDENTIAL DIRECTIONAL SIGNS















SIGN ARBOR



SIGN ARBOR | LOCATION MAP



MATERIAL AND COLOR PALETTE LEGEND

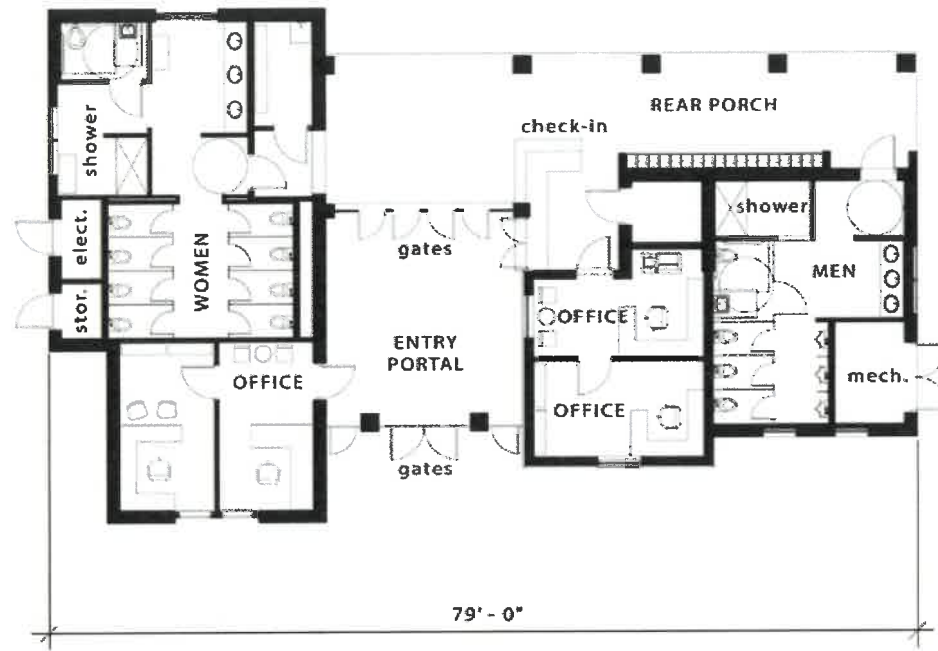
- ①  **Roof Tile:**
Boral Concrete Roof Tile
Saxony 900 Slate
Dark Charcoal Blend
- ②  **Metal Roof:**
Berridge
Prewathered Galvalume
- ③  **Stucco:**
Benjamin Moore
Decorator's White
PM-3
- ④  **Fascia, Soffit, Brackets:**
Benjamin Moore
Willow
CC-542
- ⑤  **Cast Stone Base:**
Dryvit TerraNeo
Everest #209
- ⑥  **Louvered Vents & Trellis:**
Benjamin Moore
Smokey Mountain
AC-18
- ⑦  **Windows:**
Marvin
Gunmetal
- ⑧  **Flat Metal Canopy:**
Match Benjamin Moore
Smokey Mountain
AC-18
- ⑨  **Cast Stone:**
St. Augustine Cast Stone
DB1 Smooth
- ⑩  **Metal Railing / Fence:**
Pac-Clad
Dark Bronze
- ⑪  **Horizontal Slat Wall:**
Prodema
ProdEx
Mocca
- ⑫  **Fabric Awning:**
Sunbrella
Baycrest Sky
4992-0000

City of Westlake

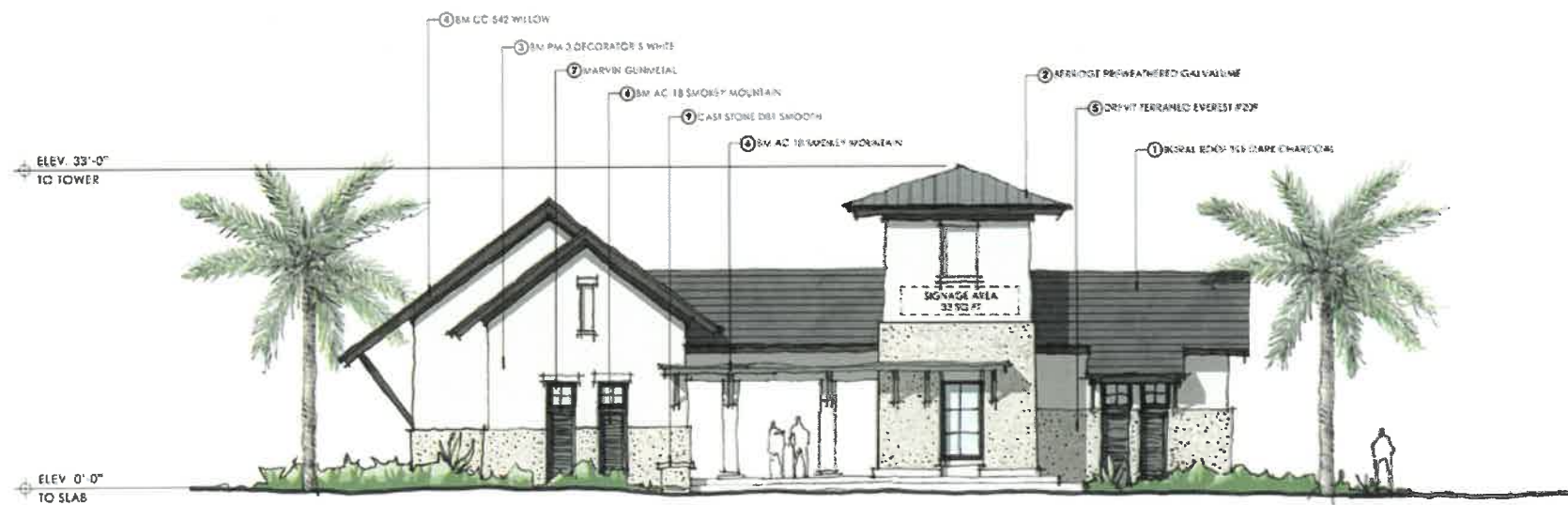
DEC 12 2017

Received

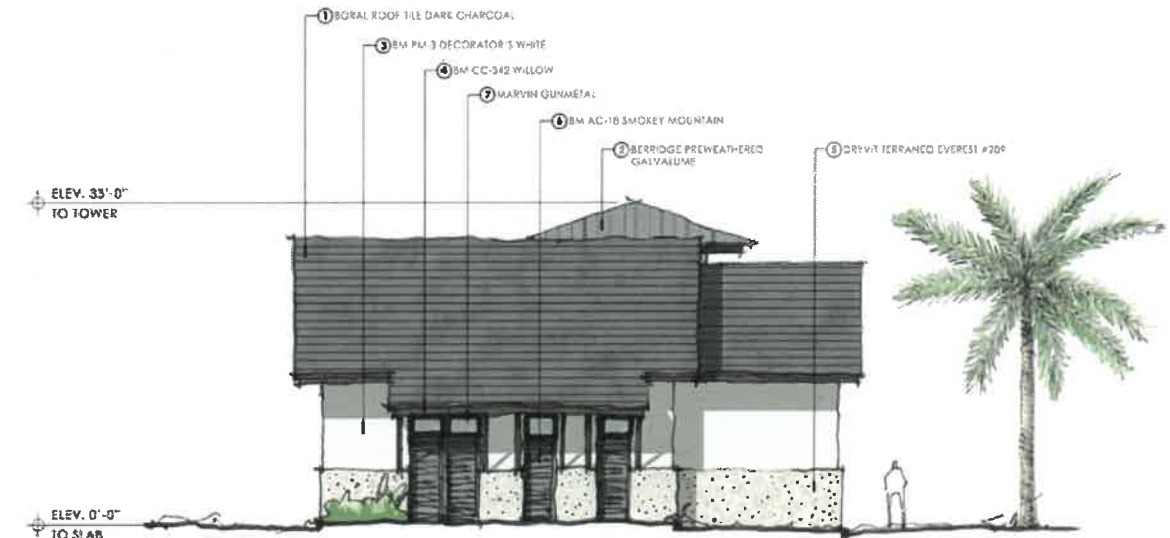




Floor Plan



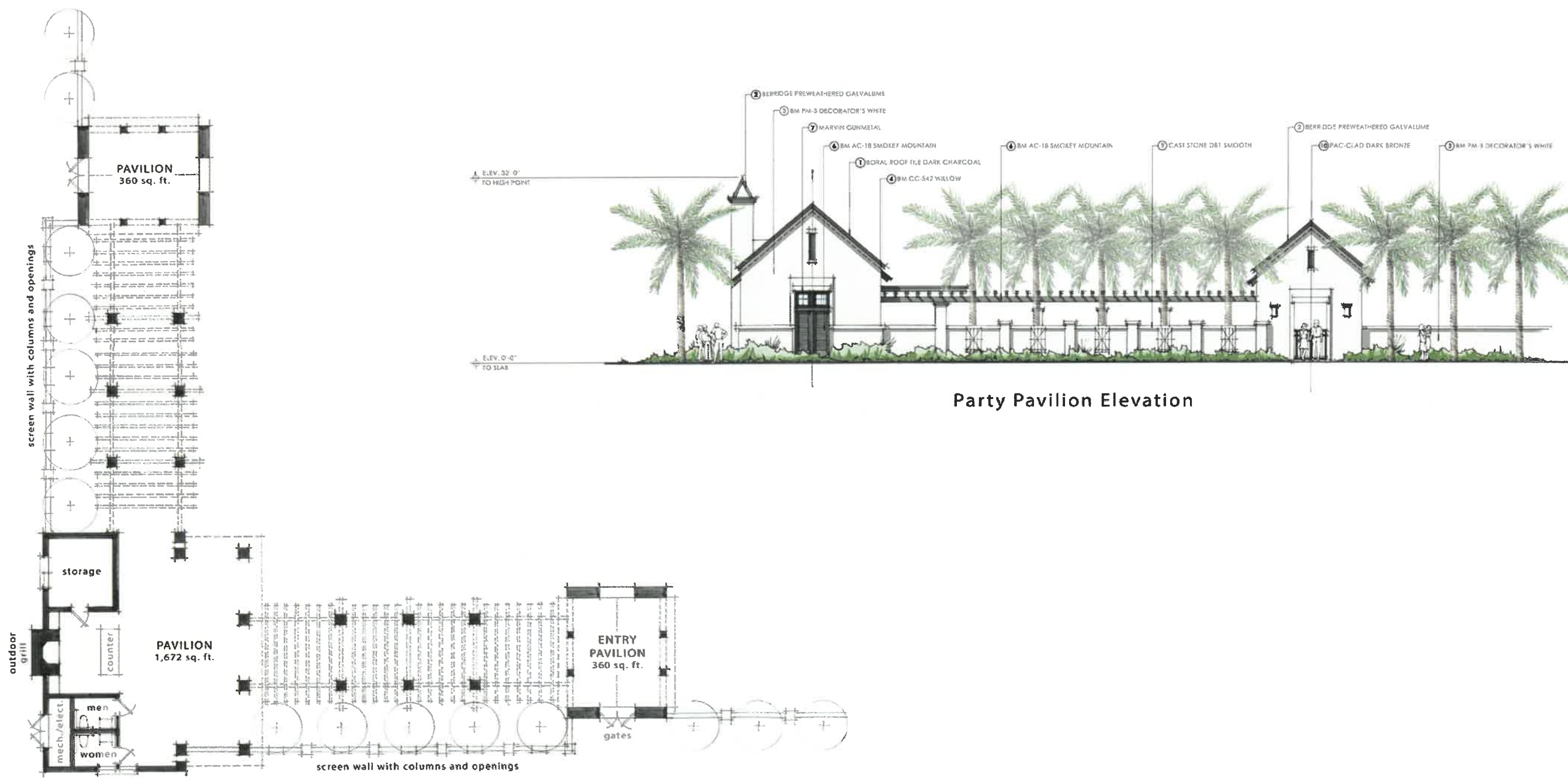
Front Elevation



Side Elevation

FACADE LENGTH = 79'-0" = 79.00'
 1 SQ. FT. IS THE MAXIMUM ALLOWABLE SIGNAGE AREA PER LINEAR FOOT OF BUILDING FACADE BY CODE
 79.00 X 1 = 79.00
 SIGNAGE AREA = 33 sq ft

*PLEASE NOTE THAT THE RENDERINGS ARE PROVIDED TO ESTABLISH THEMING AND DESIGN INTENT. THE FINAL ELEVATIONS WILL BE PROVIDED AT BUILDING PERMIT FOR STAFF REVIEW.

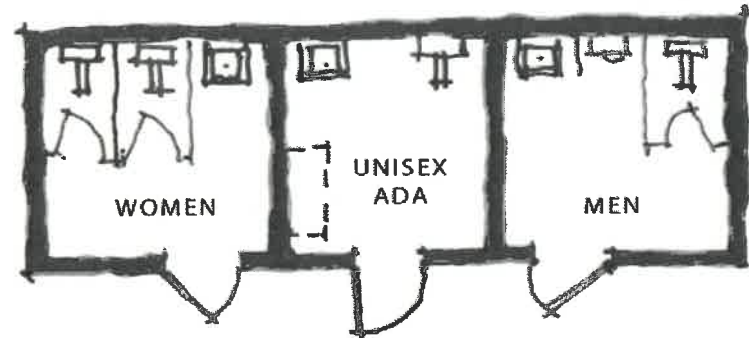


Party Pavilion Elevation

Party Pavilion Floor Plan

UNDER ROOF: 2,432 sq. ft.

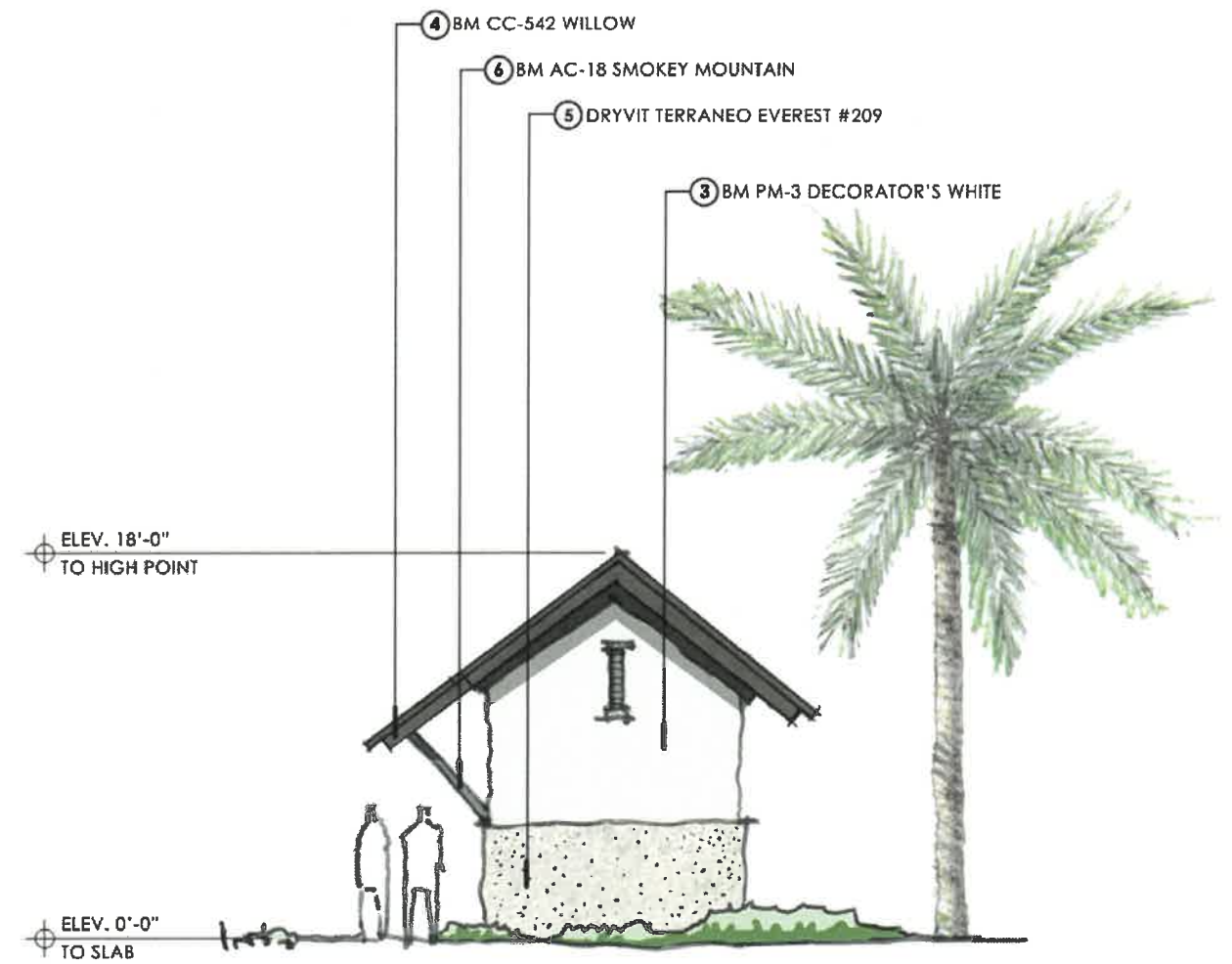




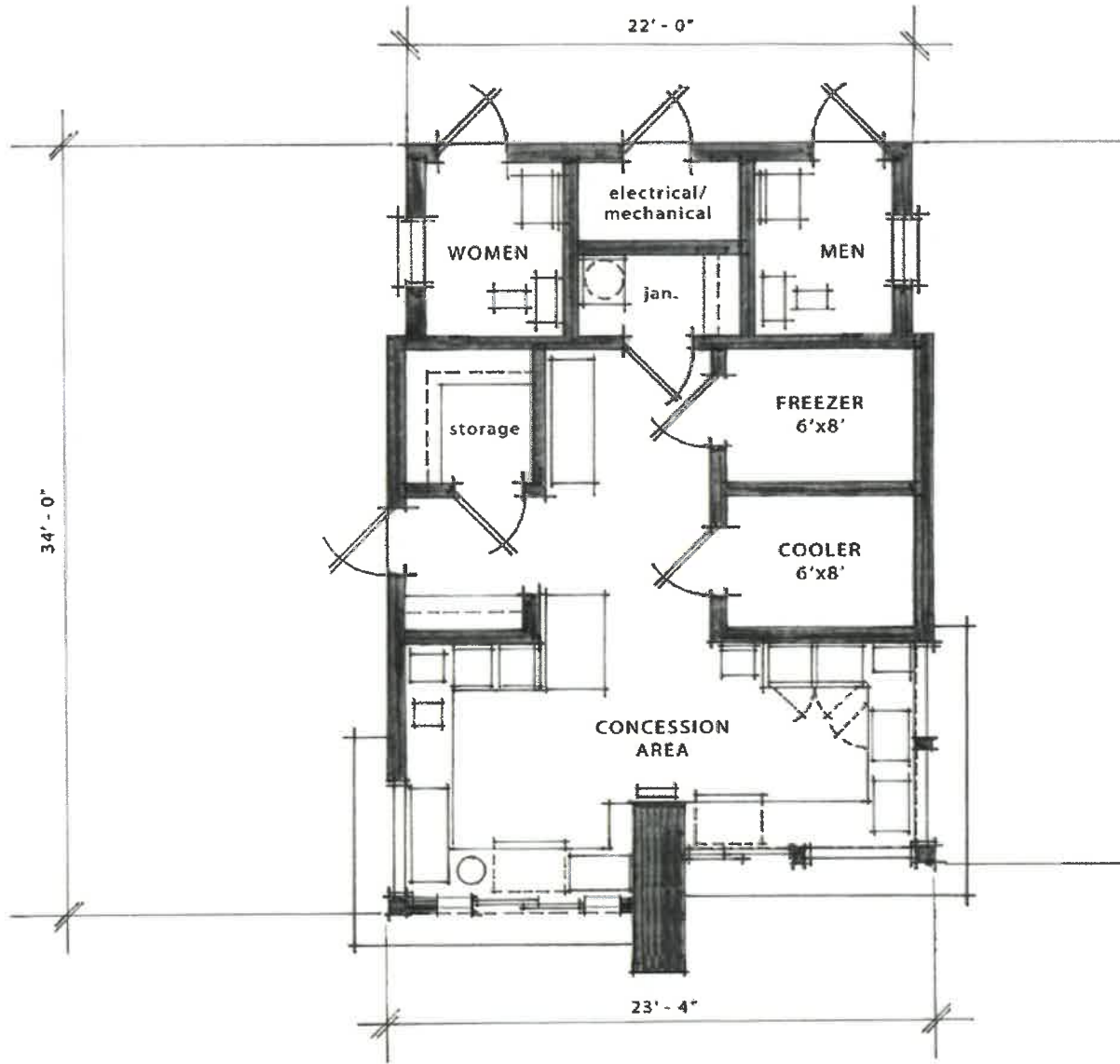
Floor Plan



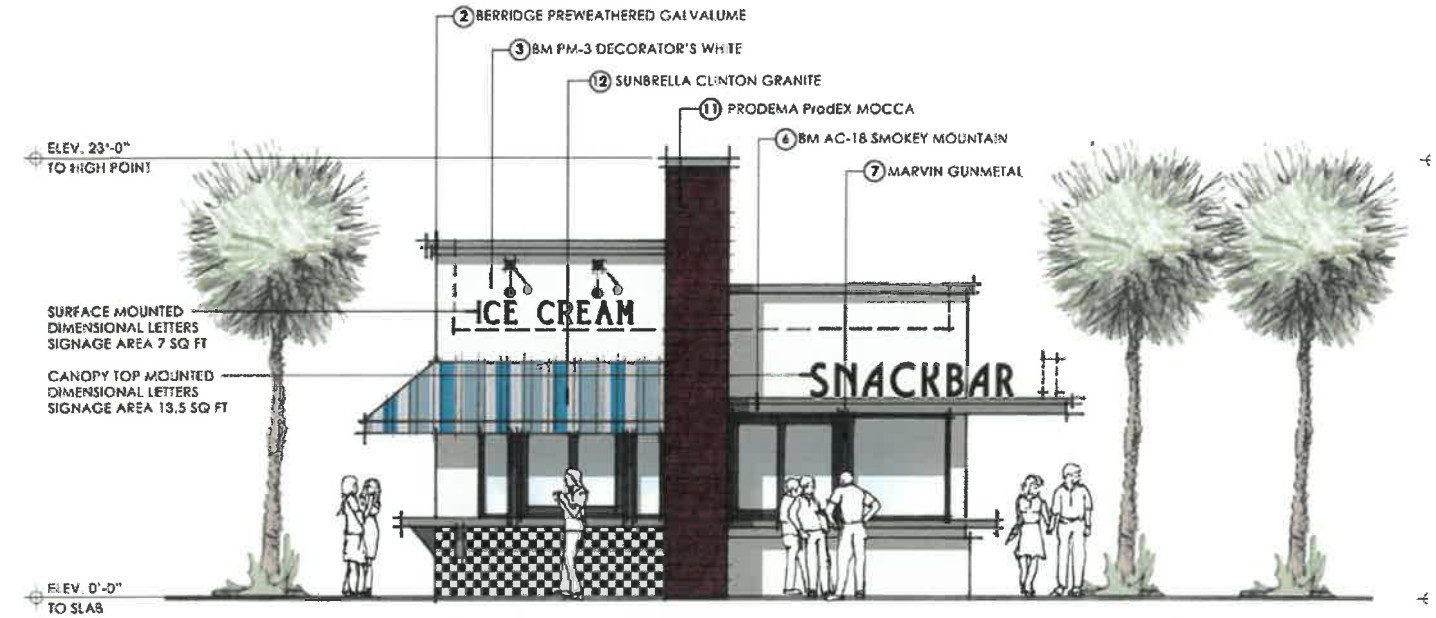
Front Elevation



Side Elevation



Floor Plan
745 sq. ft. under roof



Front Elevation

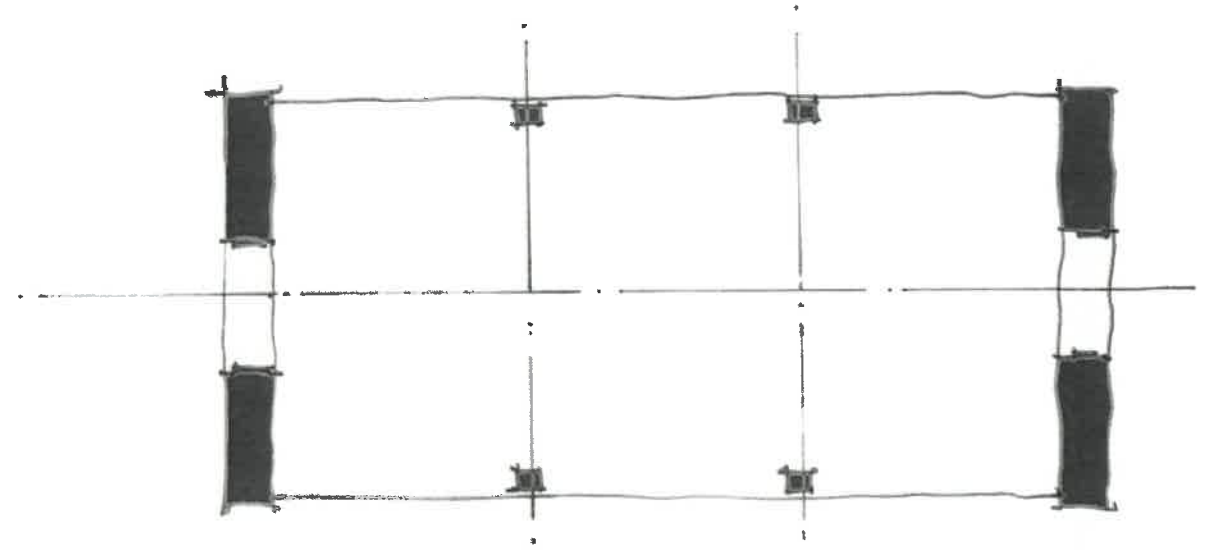
FACADE LENGTH = 23'- 4" = 23.33'
1 SQ. FT. IS THE MAXIMUM ALLOWABLE SIGNAGE AREA PER LINEAR FOOT OF BUILDING FACADE BY CODE
 23.33 X 1 = 23.33
 ICE CREAM = 7 sq ft
 SNACKBAR = 13.5 sq ft
 7 + 13.5 = 20.5



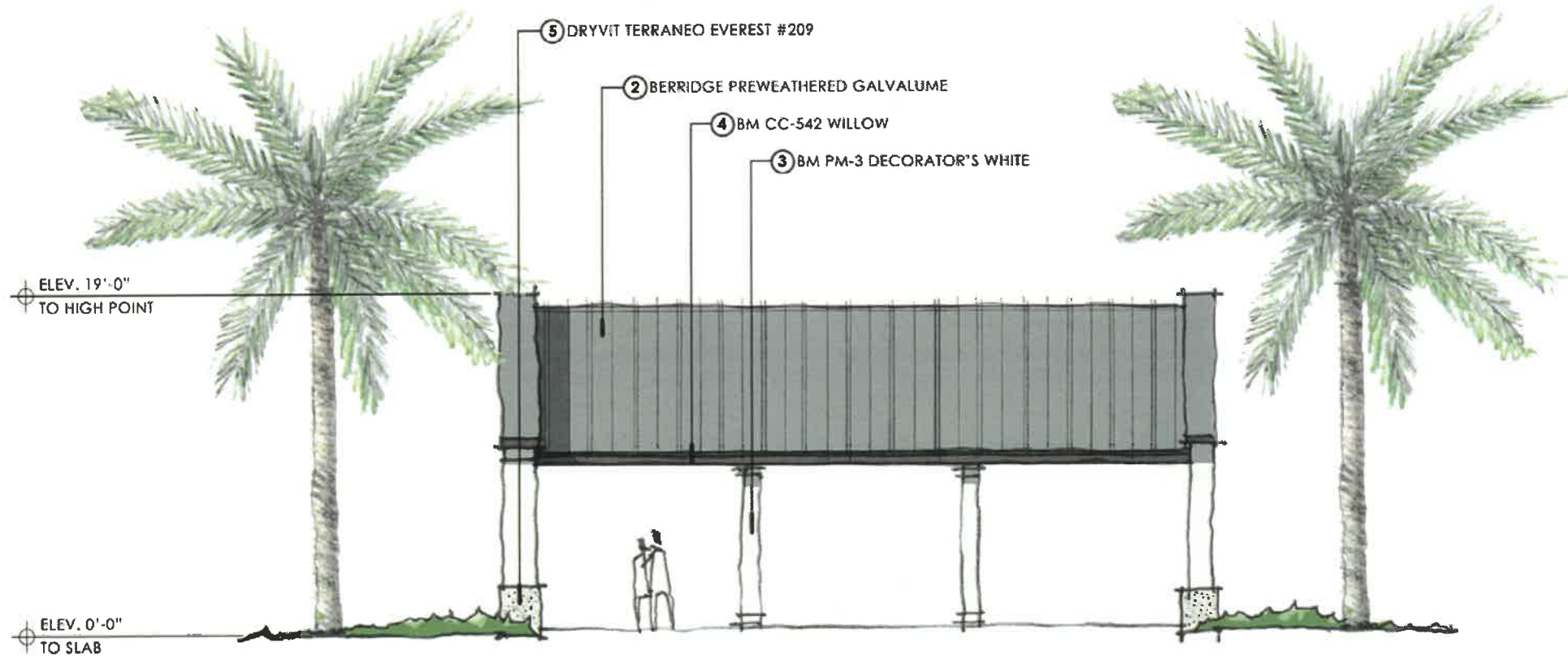
Side Elevation

FACADE LENGTH = 31'- 6" = 31.5'
1 SQ. FT. IS THE MAXIMUM ALLOWABLE SIGNAGE AREA PER LINEAR FOOT OF BUILDING FACADE BY CODE
 31.5 X 1 = 31.5
 SNACKBAR = 13.5 sq ft

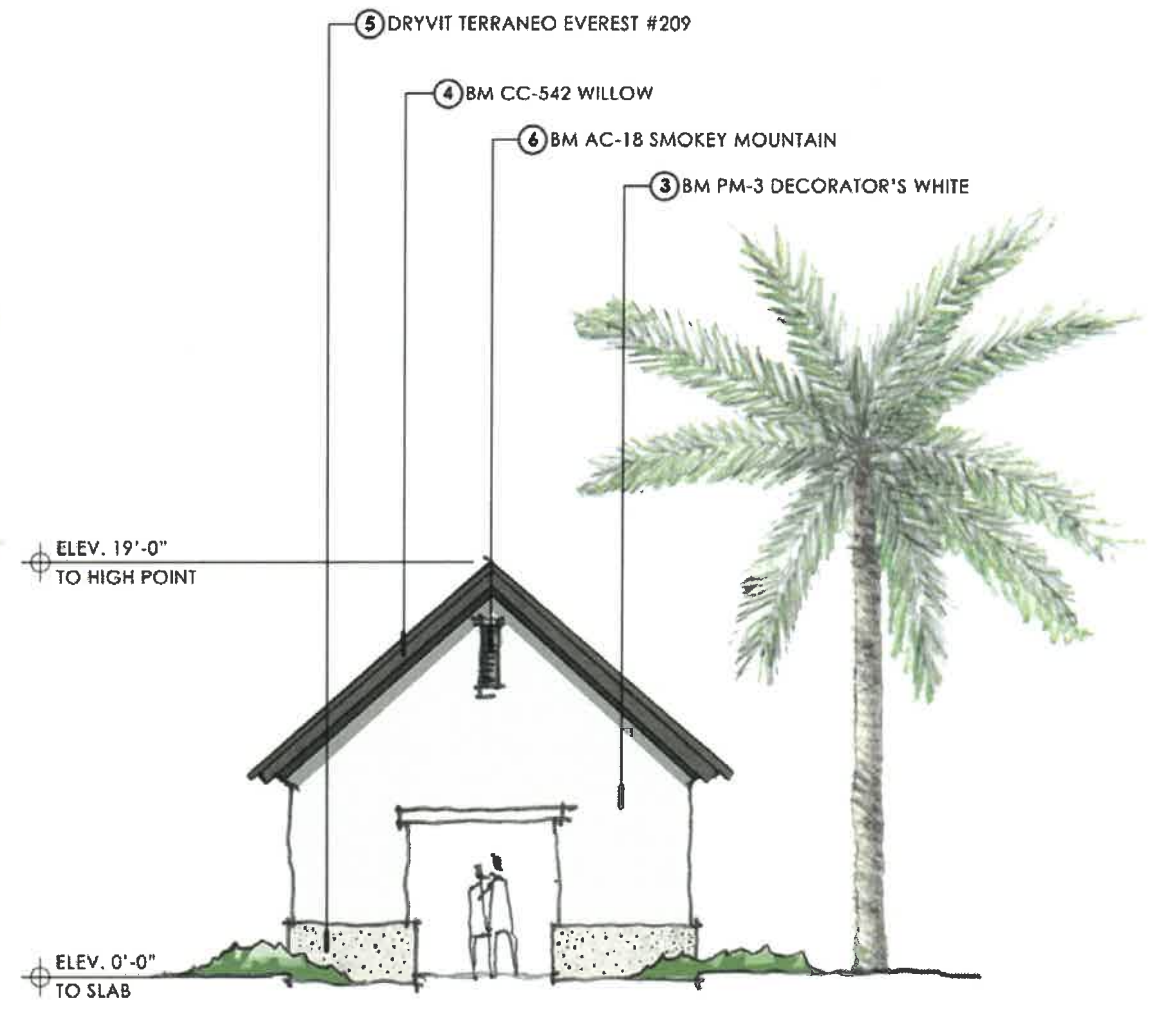




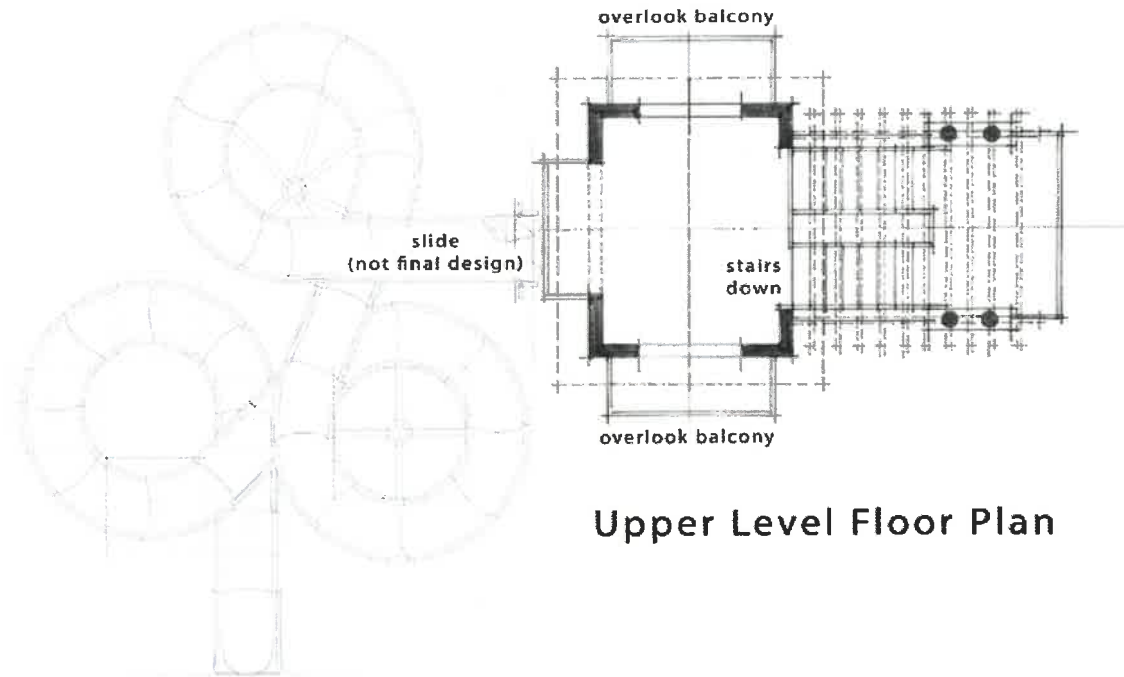
Floor Plan



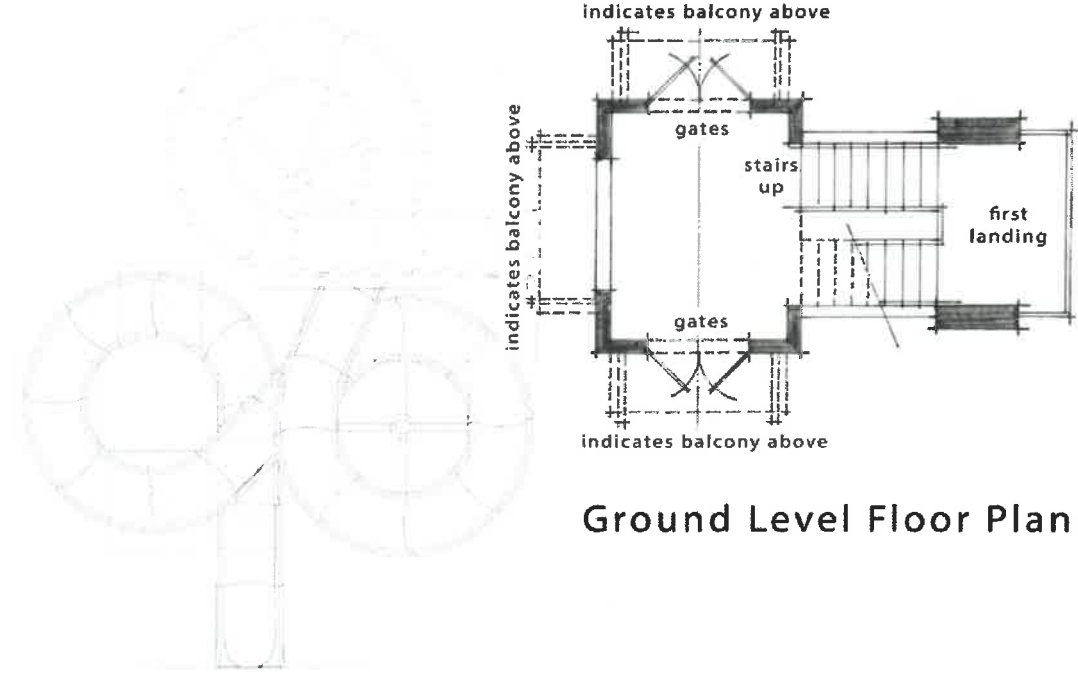
Front Elevation



Side Elevation



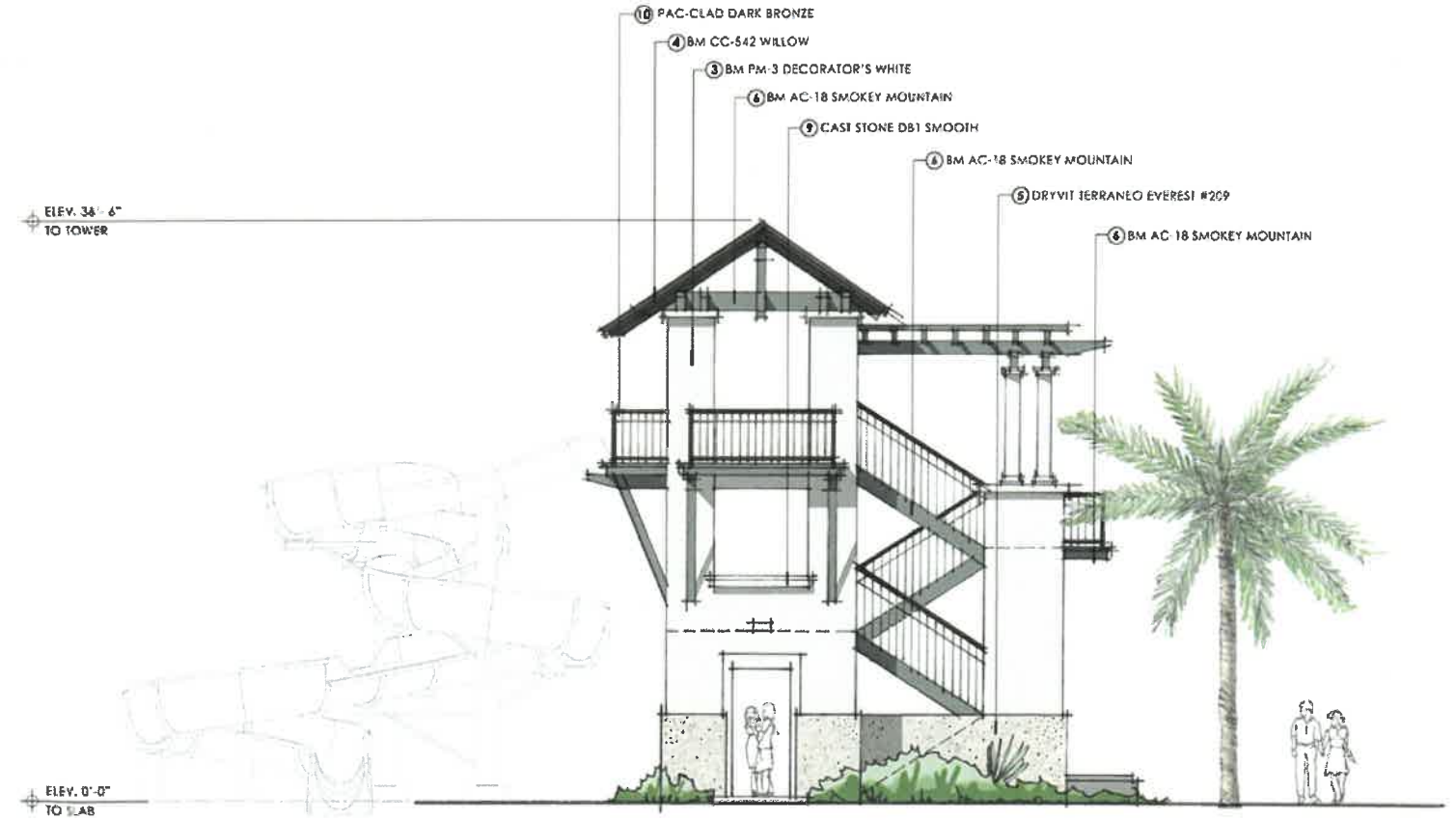
Upper Level Floor Plan

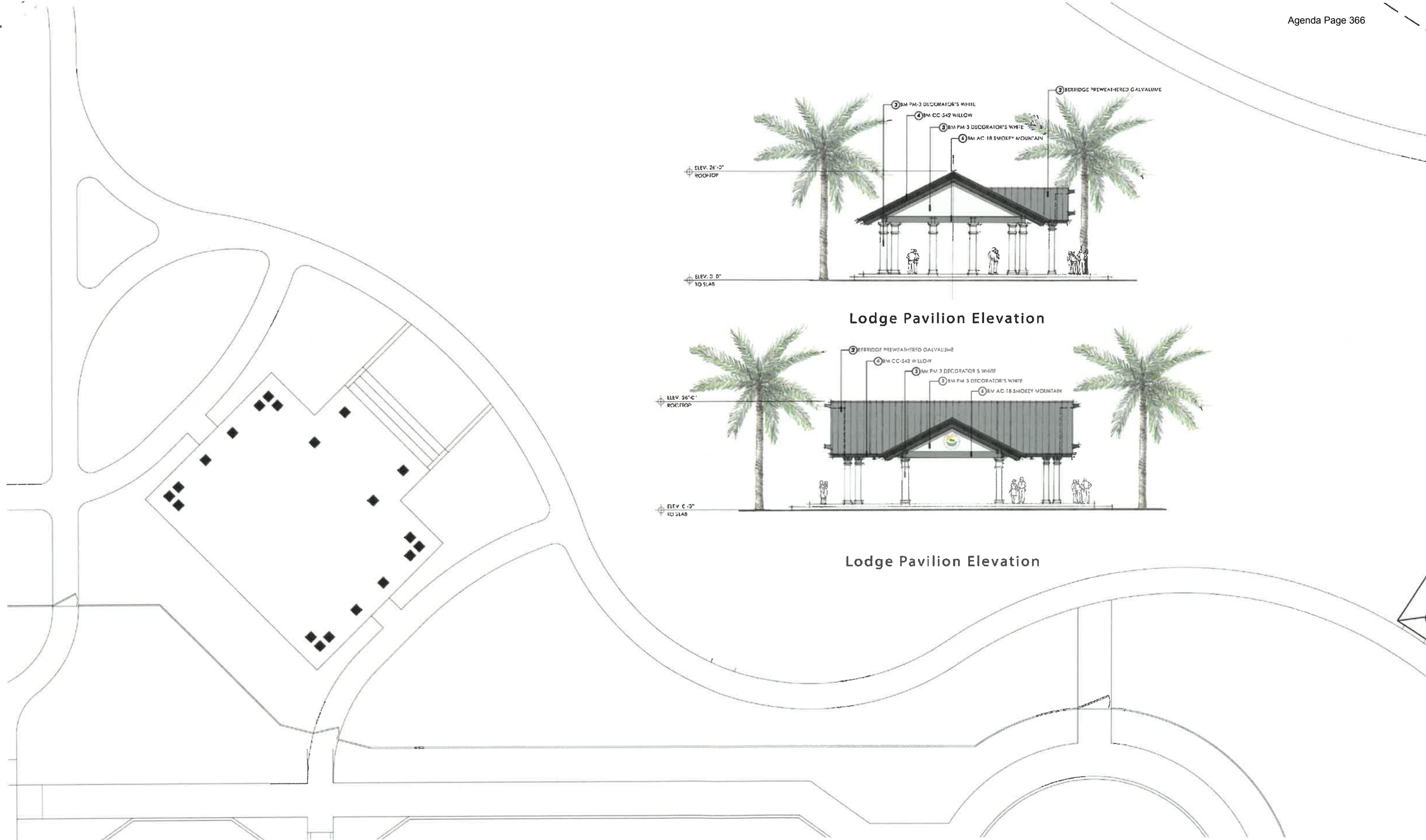


Ground Level Floor Plan



wall fountain and basin





Lodge Pavilion Elevation

Lodge Pavilion Elevation

Seventeenth Order of Business

February 12, 2018

RESOLUTION · 2018-6

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ADOPTING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WESTLAKE AND THE SEMINOLE IMPROVEMENT DISTRICT REGARDING THE PROVISION OF CERTAIN SERVICES, INFRASTRUCTURE AND PUBLIC FACILITIES, AND PROVIDING ASSURANCE FOR THE NON-DUPLICATION OF SERVICES, AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO TAKE ANY AND ALL STEPS NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THE INTERLOCAL AGREEMENT FOR THE CITY OF WESTLAKE, PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.01, Florida Statutes, known as the “Florida Interlocal Cooperation Act of 1969”, authorizes local governmental entities to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and to provide services and facilities that will harmonize geographic, economic population, and other factors influencing the needs and development of local communities; and

WHEREAS, the City of Westlake was incorporated on June 20, 2016 through an electoral initiated incorporation and is possessed of full home rule powers pursuant to Article VIII, Section 2 of the Florida Constitution; Chapter 166, Florida Statutes and the City of Westlake’s Municipal Charter; and

WHEREAS, the Seminole Improvement District (“SID”) is an independent special taxing district and political subdivision created by Special Act of the Florida Legislature, Chapter 2000-431, Laws of Florida, and SID possesses certain powers enumerated thereunder and pursuant to Chapter 189 and Chapter 298, of the Florida Statutes; and

WHEREAS, pursuant to the City of Westlake’s Municipal Charter, Section 13(H), Non-Duplication of Services, the City shall not exercise any function or provide any service being performed by or provided by SID, therefore, the Parties’ (SID and the City of Westlake), have set forth items for which each party is responsible and a process for which the Parties’ may consult and agree as to the provision of services in a manner which shall not conflict with the Charter provision; and

WHEREAS, the Interlocal Agreement provides clarification as to the various obligations for the provision of specific services and the cooperation required between the entities for the provision of said services without duplicating the provision of said services; and

WHEREAS, the Parties’ believe that by entering into this Interlocal Agreement, the Parties’ will best provide services and facilities needed for the future growth and development in a mutually beneficial manner to their respective residents and customers served; and

WHEREAS, the City Council for the City of Westlake finds that this resolution and the Interlocal Agreement attached hereto are in the best interest and welfare of the City of Westlake and its residents.

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

Section 1: Recitals: The above recitals are true and correct and are incorporated herein by this reference.

Section 2: Adoption of the Interlocal Agreement: The City Council for the City of Westlake hereby adopts the Interlocal Agreement between the City of Westlake and the Seminole Improvement District ("SID"), substantially in the form attached hereto as Exhibit "A".

Section 3. Authorization: The City Manager and the City Attorney are hereby authorized to take any and all steps necessary to execute the required actions and documents necessary to carry out the purpose and intent of the Interlocal Agreement.

Section 4. Non-Duplication of Services: The Parties shall implement the terms and conditions of the Interlocal Agreement in a manner which will not conflict with the Charter provision regarding duplication of services.

Section 5: Severability: Should any section, sentence, clause, or phrase of the Interlocal Agreement is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of the Interlocal Agreement.

Section 6: Effective Date: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this _____ day

of February 2018.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

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

**INTERLOCAL AGREEMENT BETWEEN
THE CITY OF WESTLAKE
AND THE
SEMINOLE IMPROVEMENT DISTRICT**

**REGARDING THE PROVISION OF CERTAIN SERVICES, INFRASTRUCTURE, AND
PUBLIC FACILITIES IN THE CITY OF WESTLAKE AND
FOR ASSURANCE OF NON-DUPLICATION OF SERVICES**

____, 2018

INTERLOCAL AGREEMENT BETWEEN THE CITY OF WESTLAKE AND THE SEMINOLE IMPROVEMENT DISTRICT REGARDING THE PROVISION OF CERTAIN SERVICES, INFRASTRUCTURE, AND PUBLIC FACILITIES IN THE CITY OF WESTLAKE AND FOR ASSURANCE OF NON-DUPLICATION OF SERVICES

THIS INTERLOCAL AGREEMENT (“Agreement”) is made and entered into as of the ___ day of ____, 2017, by and between the City of Westlake, a political subdivision of the State of Florida whose address is 4001 Seminole Pratt Whitney Road, Westlake, FL 33470 (“Westlake”) and the Seminole Improvement District, a Florida Independent Special Taxing District, whose address is 4001 Seminole Pratt Whitney Road, Westlake, Florida 33470 (“SID”). In this Agreement, Westlake and SID may be referred to individually as “Party” and collectively as “Parties.”

RECITALS

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969" (the “Act”) authorizes local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, the City of Westlake was incorporated June 20, 2016 through an elector-initiated incorporation and is possessed of full home rule powers pursuant to Article VIII, Section 2 of the Florida Constitution; Chapter 166, Florida Statutes; and the City of Westlake Municipal Charter (“Charter”); and

WHEREAS, SID exists as an independent special taxing district and political subdivision created by Special Act of the Florida Legislature, Chapter 2000-431, Laws of Florida (“Enabling Act”), a copy of which is attached hereto and incorporated herein as Exhibit A, and possesses certain powers enumerated thereunder and pursuant to Chapters 189 and 298, Florida Statutes; and

WHEREAS, SID possess certain powers pursuant to the Enabling Act and Florida Statutes, including the powers to construct, own, and maintain a number of types of public works and facilities and provide services including but not limited to infrastructure and services related to water, sewer, drainage, irrigation, water management, parks, recreation, facilities, roadways and others more particularly described in the Enabling Act; and

WHEREAS, the geographic boundaries of SID are coextensive with the geographic boundaries of Westlake; and

WHEREAS, the Parties agree that SID currently provides all services and facilities, and exercises all powers permitted by the Enabling Act and Florida Statutes that are currently necessary within the SID boundaries; and

WHEREAS, pursuant to the elector-initiated incorporation, SID will become a dependent special district on a certain date (“Transition Date”) at which point in time all SID assets, facilities, and infrastructure will transfer to the City of Westlake as a matter of law; and

WHEREAS, SID has an adopted Water Control Plan (“Plan”) governing certain enumerated facilities and services; and

WHEREAS, SID has entered into an interlocal agreement with Palm Beach County Regarding Sale of Bulk Water and Wastewater Service and Establishment of Water, Wastewater, and Reclaimed Water Service Areas, dated April 18, 2006, a copy of which is attached hereto as Exhibit B; and

WHEREAS, SID has entered into an interlocal agreement with Palm Beach County for Purchase and Sale of Bulk Reclaimed Water dated April 20, 2010, a copy of which is attached hereto as Exhibit C; and

WHEREAS, SID has existing permits for the entire Service Area including a water use permit from the South Florida Water Management District (“SFWMD”), an environmental resource permit from SFWMD, and a Section 404 Clean Water permit from the U.S. Army Corps of Engineers; and

WHEREAS, SID and Westlake have determined on the basis of mutual advantage and in accordance with geographic, economic, population and other factors influencing the needs and development of properties within the coextensive SID and Westlake boundaries which of the entities may be in the better position to provide the services, facilities and infrastructure discussed in this Agreement; and

WHEREAS, SID and Westlake agree that the procedures and understanding contained in this Agreement are intended to reduce the costs to the Parties, avoid unnecessary duplication of facilities and services, provide for the efficient delivery of services and facilities; increase transparency; provide for accountability; and improve the quality of life for residents; and

WHEREAS, the Charter, a copy of which is attached hereto as Exhibit D, provides in Section 13(F) that Westlake “shall not exercise any function or provide any service being performed by or provided by Seminole Improvement District at any time prior to the Transition Date. This provision does not impair the ability of [Westlake] to contract for fire rescue or law enforcement services;” and

WHEREAS, Westlake and SID are entering into this Agreement pursuant to the Act and in furtherance of the Charter and the Plan; and

WHEREAS, by entering into this Agreement, the Parties have coordinated the efficient planning of services and infrastructure and intend to ensure that public facilities will be available as needed through the term of this Agreement; and

WHEREAS, the Parties wish to memorialize in this Agreement their understandings and intentions as to the provision of services and construction of facilities and to agree to a process for the planning, design, and permitting of such facilities and services; and

WHEREAS, the Parties find that the benefits of this Agreement will accrue to both Parties;

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Parties, the Parties covenant and agree as follows:

1. **Incorporation.** The recitals above are true and correct and are hereby incorporated herein as if fully set forth.

2. **Effective Date.** This agreement shall become effective on the date the Agreement is filed with the Clerk of the Circuit Court for Palm Beach County.

3. **Definitions.** Words not defined in this Agreement shall have the meaning found in the definitions Section of Chapter 163, Florida Statutes; or, if not defined by this Agreement or the definitions Section of Chapter 163, Florida Statutes, shall be interpreted using their ordinary dictionary definition. In this Agreement, the following words have the following meanings:

- a. "Emergency" means an interruption of water, wastewater, sewer, reclaimed water, or other critical services caused by power failures, acts of God or the public enemy, war, national emergency, allocation or other governmental restrictions upon the use or availability of labor or materials, rationing, civil insurrection, riot, disorder or demonstration, terrorism, strike, embargo, flood, tidal wave, fire, explosion, bomb detonation, nuclear fallout, windstorm, hurricane, earthquake, or other casualty, disaster or catastrophe. This definition of "emergency" does not apply to the phrases "emergency medical services," "emergency meeting," or any other reading of the word that does not logically follow the context.
- b. "Exclusive Provider" means the only entity authorized to provide the relevant service or facility and to charge fees, costs or other monies for such service or facility. The term "Exclusive Provider" shall not be construed to require the entity to generate the service or facility and specifically permits the entity to provide such service or facility after it has purchased the service or facility from another entity,

nor does it prohibit one entity from collecting fees on behalf of another entity under such terms as the Parties may agree

- c. “Governing Body” means the SID Board of Supervisors or the Westlake City Council, in accordance with the most reasonable reading of the word in the context of this Agreement.
- d. “Initiating Party” means a Party who wishes to undertake a project or take an action that falls within the categories listed in Paragraph 16(c) that was not discussed at the Semi-Annual Consultation, who sends a written request to the other Party (“Responsive Party”) regarding project consultation under Paragraph 16(b) of this Agreement.
- e. “Manager” means the SID District Manager or the Westlake City Manager in accordance with the most reasonable reading of the word in the context of this Agreement.
- f. “Plan” shall have the same meaning as “Water Control Plan.”
- g. “Resident” means any person, business, for-profit or not for profit corporation, government, or other entity that owns or uses property within the Service Area and uses the services or facilities of SID.
- h. “Requesting Party” means the Party desiring the other Party to exercise that other Party’s powers or take an action that reasonably falls within the other Party’s responsibilities, obligations, or powers under this Agreement.
- i. “Responsible Party” means the Party that is responsible for taking an action pursuant to this Agreement.
- j. “Responsive Party” means the Party who receives the written request for project consultation from the Initiating Party.
- k. “Service Area” means the geographic region of land within the coextensive boundaries of SID and Westlake, as illustrated in Exhibit E.
- l. “Water Control Plan” means the Seminole Improvement District Water Control Plan dated October 13, 2015, as the same may be amended from time to time.

4. Interpretation of Section, Subsection, and Paragraph. For purposes of this Agreement, the terms “section,” “subsection,” and “paragraph” 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” shall refer to any letter, and “i” shall refer to any Roman numeral. The terms above shall be understood as follows:

- 1 Section
 - a. Subsection

i. Paragraph

5. **Scope.** This Agreement shall apply to all parcels within the Service Area. In the event of a conflict between the terms of this Agreement and any other source concerning the topics herein, the terms of this Agreement shall control.
6. **No Limitation on Powers.** Nothing in this Agreement shall be construed so as to in any way limit SID's lawful exercise of any powers pursuant to the Enabling Act or other applicable law, ordinance, rule, regulation, or code, including but not limited to SID's ability to enter into agreements with any person, firm, corporation or entity for the furnishing by such person, firm, corporation, or entity of any facilities or services SID is authorized to provide, acquire, maintain, or otherwise put into effect. Nothing in this Agreement prohibits or prevents SID from agreeing to allow a developer or contractor to construct or install potable water, wastewater, reclaimed water, irrigation, roadway, drainage, transportation, park, or other infrastructure or facilities and transfer such infrastructure or facilities to SID's ownership and control.

Nothing in this Agreement shall be construed to restrict Westlake's home rule powers, police powers, or Westlake's authority to amend its Comprehensive Plan and make planning, zoning, or other land use decisions.
7. **No Effect on Existing Agreements.** Nothing in this Agreement shall be construed so as to limit, inhibit, cancel, modify, or otherwise affect any existing contracts or agreements between either Party and any other entity or entities that may exist as of the Effective Date of this Agreement.
8. **Water Control Plan Controlling.** The Water Control Plan is hereby incorporated herein by reference as if fully set forth. SID shall have exclusive power concerning any items, projects, plans, intentions, undertakings, or actions provided for in the Water Control Plan, unless otherwise agreed to by the Parties in writing by amendment to this Agreement.
9. **Parks.** SID and Westlake may each plan for the provision of public parks and recreational facilities. SID and Westlake will coordinate the best methods and sources of funding for the planning, acquisition, development, operation, and maintenance of park facilities within Westlake. Westlake shall be responsible for acquisition, development, planning, and designing of park facilities. Westlake may enter into an interlocal agreement with SID for the operation and maintenance of park facilities. Westlake shall evaluate and address funding for operation and maintenance costs in the planning and design phases of park and recreational facilities development in coordination with SID.
10. **Police.** Westlake shall have the sole responsibility to engage, contract for, employ, or otherwise provide all personnel, facilities, assets, funding, equipment, and related items for provision of law enforcement services within the Service Area. Nothing in this Agreement shall be construed to limit or otherwise inhibit Westlake's ability to contract for such

services with any other entity. Nothing in this agreement shall be construed to limit SID's ability to provide public safety measures, including security, guardhouses, fences, gates, electronic intrusion detection systems, patrols, or other measures as provided for in the Enabling Act. Notwithstanding the foregoing, 1) nothing in this Agreement permits SID to exercise police power, and 2) nothing in this Agreement shall be construed so as to require SID to provide the aforementioned public safety measures.

- 11. Fire and Emergency Medical Services.** Westlake shall have the sole responsibility to engage, contract for, employ, or otherwise provide all personnel, facilities, assets, funding, equipment, and related items to fire prevention and control, and emergency medical services. Westlake may require SID to install and provide water for water mains, plugs, and hydrants in a manner consistent with any applicable law, ordinance, rule, regulation or code. SID and Westlake shall coordinate to ensure that adequate water for fire protection services is available prior to the issuance of any certificate of occupancy or equivalent authorization for any new development or redevelopment. Nothing in this Agreement shall be construed to limit or otherwise inhibit Westlake's ability to contract for fire prevention and control and emergency medical services with any other entity.

12. Provision of Potable Water, Wastewater, and Reclaimed Water Utility Services and Facilities

- a. SID shall be the exclusive provider of potable water, wastewater, and reclaimed water services and facilities within the Service Area. The Parties agree that any additional potable water, wastewater, and reclaimed water capacity required to meet the needs of SID, Westlake, or the properties within the Service Area that is greater than the existing SID capacity as of the Effective Date shall be provided exclusively by SID except in an Emergency, as provided for in Section 23, to which SID is unable to respond. Westlake will not authorize any connection to SID facilities until a permit from SID has been obtained. To the extent it has jurisdiction, Westlake will not permit any new private utilities, septic tanks, or wells to be constructed within the Service Area.
- b. Nothing in this Agreement prevents SID from expanding the facilities and services described in this section within the Service Area as SID, in its sole discretion, deems necessary to provide potable water, wastewater, and reclaimed water services within the Service Area.
- c. SID shall have the exclusive power and responsibility to own, acquire, construct, finance, operate, and maintain systems to produce, purify, store, and distribute potable water for consumption in the Service Area.
- d. SID shall have the exclusive power and responsibility to own, acquire, construct, finance, operate, and maintain systems for the collection, transport, treatment, and disposal of wastewater in the Service Area.

- e. SID shall have the exclusive power and responsibility to own, acquire, construct, finance, operate, and maintain systems for the delivery, storage, and distribution of reclaimed water or stormwater used for irrigation purposes in the Service Area.
- f. SID shall retain the ability to discontinue service and assess reasonable penalties, including attorneys' fees, against any user or property for such rates, fees, rentals, fares, or other charges that become delinquent and require collection after such proceedings as may be required by statute, law, the Enabling Act, ordinance, rule, regulation or code.
- g. SID shall retain the power and responsibility to fund or finance any service or facility provided for in this section as provided by law or the Enabling Act. SID may participate with Westlake or any other party in the financing or implementation of any project or facility for the provision of water, wastewater, or reclaimed water services upon such terms as may be agreed.
- h. SID and Westlake shall coordinate to ensure that adequate potable water and wastewater capacity and facilities are available and owned by SID prior to the issuance of any certificate of occupancy or equivalent authorization for any new development or redevelopment. Westlake shall not issue a certificate of occupancy or equivalent authorization until such capacity and facilities are available and owned by SID. All facilities shall be designed and constructed in compliance with any applicable law, ordinance, rule, regulation or code.
- i. SID shall not reduce the capacity to provide services described in this section below a level that will prevent the City from meeting level of service standards within a 5-year period or in a manner inconsistent with the 5-year capital improvements schedule found in the Capital Improvements Element of the City of Westlake Comprehensive Plan. Westlake will ensure that no development orders are issued that will compromise SID's ability to meet applicable level of service standards.

13. Provision of Irrigation Water Service

- a. SID shall be the exclusive provider of water to be used for irrigation purposes within the Service Area. SID shall have the exclusive power to own, construct, operate, and maintain irrigation works, machinery, piping, and plants in the Service Area.

14. Roadways and Transportation Infrastructure

- a. SID shall have the ability, within the Service Area, to construct, improve, pave, and maintain roads necessary and convenient for the exercise of the powers or duties of SID as provided for in the Water Control Plan; and to include as a component of roads, parkways, bridges, landscaping, irrigation, bicycle and jogging paths, street lighting, traffic signals, road striping, and all other customary elements of modern

road systems. Westlake may own any roads within the Service Area and SID may transfer ownership of roads within the Service Area to Westlake.

- b. SID shall have the ability to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for providing transportation throughout the Service Area, including private or contract carriers, buses, vehicles, railroads, and other transportation facilities, to meet the transportation requirements of SID or Westlake for activities conducted within the Service Area. This subsection does not prohibit the City from developing and implementing a mobility fee funding system.
- c. SID shall cooperate with Westlake to title in Westlake such elements of the roadway or transportation network as is necessary to qualify Westlake for fuel tax revenue sharing pursuant to Chapter 206, Florida Statutes. Westlake shall designate in its budget an amount equal to that portion of its budget revenue originating from fuel tax that must be used solely for transportation purposes as required by law to be transferrable to SID for use in transportation projects under the same terms, conditions, and restrictions that would apply to Westlake if Westlake were to use such funds. Notwithstanding title to roadway or transportation network assets, SID shall operate and maintain such roadways or assets.
- d. Any funding provided by Westlake to SID that originated as funds collected from any fuel tax shall be so designated and shall only be used for construction and maintenance of transportation infrastructure in compliance with the uses provided by law for such funding. SID shall not, under any circumstances, use such funding for any purpose not contemplated by law or ordinance and shall take all measures necessary to ensure compliance with this Agreement and all applicable laws, ordinances, rules, regulations, and codes concerning such funding. SID shall be required to refund to Westlake any such funds not used in accordance of the limitations in this Agreement. SID shall provide to Westlake, on an annual basis, an accounting and report demonstrating that such funds were used in compliance with statutory requirements.
- e. As between SID and Westlake, Westlake shall have the sole power and responsibility to set and enforce speed limits and other traffic laws within the Service Area, including regulations concerning required signage related to traffic laws and traffic safety.

15. Surface Water Management and Drainage.

- a. SID shall have the exclusive power to construct, operate, and maintain canals, ditches, drains, levees, lakes, ponds, and other works for surface water management and control purposes, including drainage within the Service Area.

- b. SID shall have the exclusive power to acquire, purchase, operate, and maintain pumps, plants, and pumping systems for surface water management and control purposes within the Service Area.
- c. Westlake will ensure that no canals, lakes, or other stormwater management facilities owned or maintained by SID are designated as recreational areas, and shall not authorize fishing, swimming, or other recreational activities in such facilities. This subsection does not prohibit SID from authorizing fishing, swimming, or other recreational activities in its own facilities.

16. Requirement for Consultation. In order to effectuate the intent of this Agreement, the Parties have agreed to the consultation procedures outlined in this Section.

- a. **Semi-Annual Consultation.** The Parties shall consult at least twice annually (“Semi-Annual Consultation”) to discuss projects or actions that either Party wishes to undertake in the foreseeable future that fall within the categories listed in Sections 9 and 12-15, above, and subsection 16(c). The purpose of the Semi-Annual Consultation is to determine which Party is best equipped to undertake such projects or take such actions.
 - i. The Semi-Annual Consultation shall take place at a properly noticed public meeting. Both Parties shall be responsible for ensuring the Semi-Annual Consultation is noticed as required by law.
 - ii. During the Semi-Annual Consultation, the Parties must discuss the 5-year capital improvements schedule found in the Capital Improvements Element of the City of Westlake Comprehensive Plan and the individual items described in that 5-year schedule.
 - iii. At least 30 days prior to the Semi-Annual Consultation meeting, each Party shall submit to the other Party a list of projects or actions (“Project List”) that it expects, desires, or plans to undertake within one year of the Semi-Annual Consultation meeting that fall within the categories listed in subsection 16(c).
 - iv. At the Semi-Annual Consultation, the Parties shall use their best efforts to allocate the projects or activities on the Project Lists to the Party best equipped to undertake the Project or Activity and desirous of undertaking the project or activity. The Parties may agree to more than one Semi-Annual Consultation or to continue a Semi-Annual Consultation to a subsequent meeting.
 - v. In the event both Parties wish to undertake the same or a substantially similar project or activity, SID shall be given the right to undertake that project or activity; provided, however, that SID must commence substantial

work on that project or activity within 18 months of the Semi-Annual Consultation meeting where the item was discussed, or within such other time as agreed to by the Parties. Alternatively, the Parties may agree to jointly undertake a project or activity so long as the execution of the project or activity does not violate the law, the Charter, the Enabling Act, or this Agreement.

- b. **Project Consultation.** No Party may expend funds or resources towards any project or action that falls within the categories listed in subsection 16(c) without first notifying the other Party in writing and requesting consultation on that item. After an Initiating Party notifies Responsive Party in writing of the project or action concerned:
- i. If both Parties agree in writing that the Initiating Party may undertake the project or action, then no further action is required and the Initiating Party may commence with the project or action immediately. If both Parties agree in writing that Responsive Party is the best Party to undertake the action, and the Responsive Party desires to undertake the action, then the Responsive Party may undertake the action or project; provided however, that the Responsive Party must commence substantial work on the action or project within 18 months or such other time as agreed to by the Parties. If such work is not commenced, the Initiating Party may issue a Request to Exercise Authority as provided for in Section 23 of this Agreement.
 - ii. If the Parties both desire to undertake the project or action and disagree as to which party is best able to undertake the Project, SID shall be given the right to undertake that project or activity; provided, however, that SID must commence substantial work on that project or activity within 18 months of the Project Consultation meeting where the item was discussed or within or such other time as agreed to by the Parties. \
 - iii. If the Responsive Party does not respond within 45 days to the written notice by the Initiating Party, the Responsive Party will be deemed to have consented to Initiating Party undertaking the project or action described in the notice.
- c. **Consultation Items.** The Parties agree that consultation is required prior to any undertakings, including but not limited to planning, expending funds, issuing procurement documents, and similar actions, for the following categories to the extent not addressed in Sections 9 and 12-15, above:
- i. Parking
 - ii. Parks or Recreational Facilities

- iii. Mosquito or Arthropod Control
- iv. Conservation Areas, Mitigation Areas, or Wildlife Habitat
- v. Transportation or Transportation Infrastructure
- vi. Tangible or physical infrastructure, including but not limited to roads, pipes, underground utilities, water, cable or internet lines, fiber optic lines, gas lines, telephone lines, electrical lines and housing, solar power or renewable energy facilities, or any other infrastructure that may be used in providing municipal facilities or services.
- vii. All other items, actions, or projects that are provided for in the Enabling Act.

d. **Consultation Prior to Water Control Plan Amendment.** SID shall provide notice as required by law for any Water Control Plan adoption or amendment. Westlake shall respond in writing within the time permitted in Section 298.301, Florida Statutes, identifying any suggestions, objectives, concerns, or the lack thereof, under Chapter 298, Florida Statutes or this Agreement regarding the proposed water control plan or water control plan amendments. SID shall not amend the Water Control Plan to include projects or activities already planned or being undertaken by Westlake without the express written consent of Westlake. SID shall not amend the Water Control Plan in any way that will decrease services that are provided for in the 5-year plan in the Capital Improvements Element of the City of Westlake Comprehensive Plan, and shall not make any changes to the Water Control Plan that are inconsistent with the 5-year plan in the Capital Improvements Element of the City of Westlake Comprehensive Plan.

17. No Limitation on Staff. Nothing in this Agreement shall be read to prohibit or impede the staff of Westlake and the staff of SID from meeting, collaborating, planning, consulting, or communicating except as otherwise prohibited or governed by Florida law. Specifically, the SID Manager and the City Manager, the SID Attorney and City Attorney, and the SID Engineer and the City Engineer are specifically authorized to meet and formulate plans and recommendations to present to their respective Governing Bodies concerning efficient provision of facilities and services and implementation and compliance with this Agreement. It is an express purpose of this Agreement to facilitate information sharing and exchange between the Parties.

18. Permitting and Plan Review. The Parties hereby agree to the following process for the review and issuance of plats and development orders within the Service Area.

- a. The Parties will develop a common form of application(s) for development orders, as that term is as defined in Sections 380.04 and 163.3164(15), Florida Statutes. The form will require sufficient information for each Party to determine whether it may or desires to approve the requested action within the Party's area of responsibility as outlined below. Each Party will use the common form to document its own land development activities.
- b. SID shall have the exclusive authority to set requirements and standards for, review, approve, and issue permits for the facilities: 1) depicted in its Water Control Plan, and 2) addressed in Sections 9 and 12-15, above. Applicants applying for permits under SID's authority described above shall apply directly to SID for such permit. SID shall provide notice to Westlake of each final permit issued by SID, including amendments thereto, and of each and close-out of such permits.
- c. Westlake has the exclusive authority to set requirements and standards for, approve, and issue permits or authorizations for all comprehensive planning, zoning and land development activities not falling within SID's area of authority as set forth above. Applicants applying for permits or authorizations under Westlake's authority shall apply directly to Westlake for such permit or authorization. Westlake shall provide to SID notice of permits for projects at which utility meters will need to be installed prior to being issued a certificate of occupancy. Westlake shall not approve any action which would violate any SFWMD water use permit, SFWMD environmental resource permit, or United States Army Corps of Engineers Clean Water Act permits issued to SID.
- d. Each Party shall provide the other with copies of all land use or development order applications within five (5) days of the receipt of any application or preliminary plans associated with an application. Each Party shall have ten (10) working days after the receipt of such copies to provide any comments on the application regarding any matters within that Party's authority. SID shall review each application for its effects upon SID works, services, facilities and infrastructure. Westlake shall not issue development orders until SID has confirmed that SID has the existing or planned capacity and facilities to meet the level of service standard applicable to the project described in the application, or that the developer will construct and convey to SID the facilities or infrastructure required to meet the applicable level of service standard prior to the issuance of a certificate of occupancy or equivalent authorization. SID may require the applicant to provide funds for the infrastructure required to support the project.
- e. If a development order will authorize development or a project that will require facilities or infrastructure that is not planned for in the 5-year capital improvements schedule found in the Capital Improvements Element of the City of Westlake Comprehensive Plan, the Parties shall require as a condition of the development order that the developer to construct the required facilities or infrastructure and then

transfer ownership of such facilities or infrastructure to SID prior to the issuance of a certificate of occupancy or equivalent authorization. SID will only accept facilities and infrastructure that meets all applicable laws, ordinances, rules, regulations, and codes.

- f. Each Party 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.

19. Enforcement. If either Party has a grievance that arises from matters discussed in this Agreement or believes the other Party has breached this Agreement, that Party shall notify the other Party in writing as provided for in subsection 32(d) of this Agreement. The Parties shall then meet to discuss the issues identified in the notice and attempt in good faith to resolve the issue, dispute or conflict prior to either Party initiating the intergovernmental conflict resolution process provided in by Chapter 164, Florida Statutes.

20. Joint Undertakings. Nothing in this Agreement shall prevent the Parties from undertaking projects or actions jointly when the Parties so desire. Westlake may contribute financing to the provision of the services and facilities described herein under such terms and conditions as agreed to by the Parties.

21. No Partnership. Nothing in this Agreement shall be deemed or construed as creating a partnership, joint venture, agency, or employee relationship between the Parties.

22. Permission to use Right of Way. Each Party agrees to grant the other the necessary easements to effectuate each Party's provision of services and facilities as described in this Agreement. Such easements may be reflected on plat as the land is developed. The Parties agree to enter into and execute any legal agreement necessary to effectuate this provision and agree that any such legal document may be recorded in the public records of Palm Beach County for such purposes. Westlake shall not permit any action or the installation of any item that will impede or prevent SID from use of the rights of way without advance written consent from SID. SID shall not permit any action or the installation of any item that will impede or prevent Westlake from use of the rights of way without advance written consent from Westlake. When roads are dedicated to the City, the City shall provide SID with an exclusive easement in the right of way for utilities' infrastructure, construction, and maintenance.

23. Emergency. In the event of an Emergency to which SID is unable to respond, Westlake may take any measures necessary to protect the health, safety, and welfare of any Residents, including pumping water and making connection to other such infrastructure, facilities, or systems that may be available for the duration of the Emergency or until the threat to health, safety, and welfare of Residents is alleviated.

24. Fees.

- a. **Service, Facility, and Connection Fees.** SID shall have the sole authority to prescribe, fix, establish, and collect rates, fees, rentals, fares or other charges, and revise the same from time to time, for the facilities and services furnished or to be furnished by SID and to recover the cost of making connection to any SID facility, system, or other physical, electronic, or other infrastructure.
- b. **Impact Fees.** This Agreement shall not be construed so as to impact SID's ability to enter into impact fee credit arrangements for matters contained in or outside the scope of this Agreement.
- c. **Waiver.** Westlake and SID hereby agree to waive review and permit fees for all projects or activities undertaken by the other Party. This waiver does not apply to projects undertaken by third parties, even if the resulting facilities or infrastructure will be turned over to SID or Westlake.

25. Financing. This Agreement shall have no effect on SID and Westlake's ability to enter into other interlocal agreements concerning the financing of the services and facilities described herein.

26. Request for Exercise of Authority

- a. In the event either Party desires for the other Party to exercise the powers to take an action that reasonably falls within the other Party's responsibilities, obligations, or powers under this Agreement, the Requesting Party may notify the Responsible Party of its request at any time according to the following procedure:
 - i. The Requesting Party shall place an item on its own agenda for deliberation by the Governing Body of the Requesting Party. By passage of a motion, the Governing Body of the Requesting Party may authorize a written request to the Responsible Party to take action or may authorize its Manager to act on behalf of the Governing Body in presenting such a request to the Responsible Party and/or negotiating the terms and implementation of the request. The Responsible Party shall place the request on the agenda for its next regularly scheduled meeting of its Governing Body, or may call an emergency meeting of its Governing Body to respond to the request. The Responsible Party may, through passage of a motion, authorize its Manager to respond to or negotiate with the Requesting Party or the Manager of the Requesting Party for the implementation of the request.
 - ii. In the event the Governing Body of the non-requesting Party determines it is the Responsible Party and that it desires to take the requested action, it shall notify the Requesting Party of its decision in writing as provided for in subsection 32(d) of this Agreement as soon as is practicable.

- iii. In the event the Governing Body of the non-requesting Party determines that it is not the Responsible Party or does not desire to take the requested action, it shall notify the Requesting Party in writing as provided for in subsection 32(d) of this Agreement as soon as is practicable.
- iv. If no agreement can be reached between the Parties as to who is the Responsible Party, SID shall be given the right to undertake that project or activity; provided, however, that SID must commence substantial work on that project or activity within 18 months of the meeting where the item was discussed or within or such other time as agreed to by the Parties.

27. Request to Cease Actions

- a. For purposes of this section, the term “Notifying Party” means the Party that believes that pursuant to this Agreement it is the only Party responsible, obligated, or empowered to perform an action and that desires for the other Party to cease performing such an action. The term “Acting Party” shall mean the Party performing the action that the Notifying Party believes it is solely empowered to perform.
- b. It is the intent of the Parties to avoid duplication of services by allocating responsibility pursuant to this Agreement.
- c. In the event one Party feels the other Party is performing a service that is outside of the other Party’s scope of responsibilities pursuant to this Agreement, it shall notify that other party through the following procedure:
 - i. The Notifying Party shall place an item on its own agenda for deliberation by the Governing Body of the Notifying Party. By passage of a motion, the Governing Body of the Notifying Party may authorize a written request to the Acting Party to cease that action or may authorize its Manager to act on behalf of the Governing Body in presenting such a request to the Acting Party and/or negotiating the terms and implementation of the request. The Acting Party shall place the request on the agenda for its next regularly scheduled meeting of its Governing Body, or may call an emergency meeting of its Governing Body to respond to the request. The Acting Party may, through passage of a motion, authorize a response to or negotiations with the Notifying Party for the implementation of the request.
 - ii. In the event the Governing Body of the non-Notifying Party determines it properly responsible, obligated, or empowered to perform the action pursuant to the Agreement and that it desires to continue taking such action, it shall notify the Notifying Party of its decision in writing as provided for in subsection 32(d) of this Agreement as soon as is practicable.

- iii. In the event the Governing Body of the non-Notifying Party determines that it is not responsible, obligated, or empowered to continue the action and does not desire to continue taking that action, it shall notify the Notifying Party in writing as provided for in subsection 32(d) of this Agreement as soon as is practicable.
- iv. If no agreement can be reached between the Parties as to who is the proper party to take the action, SID shall be given the right to undertake that project or activity subject to other restrictions in this Agreement; provided, however, that SID must commence substantial work on that project or activity within 18 months of the meeting where the item was discussed or within or such other time as agreed to by the Parties.

28. Compliance with Westlake Comprehensive Plan and Zoning. This Agreement does not represent acquiescence on the part of Westlake to SID's provision of services or facilities inconsistent with the Westlake Comprehensive Plan or inconsistent with any development orders/approvals affecting the Service Area. Notwithstanding any other provision in this Agreement, Westlake reserves its legislative authority with respect to all planning and zoning decisions affecting SID, and nothing in this Agreement should be construed as guaranteeing SID any particular zoning or planning decision on the part of Westlake.

29. Dispute Resolution. In the event a dispute arises as to the terms or provisions of this Agreement, the Parties agree to participate in Conflict Resolution Procedures set out in Chapter 164, Florida Statutes.

30. Transfer of Roads. Pursuant to § 335.0415, Florida Statutes, the Parties agree that the jurisdiction of public roads will be transferred only through mutual agreement of both Parties and in accordance with all statutory requirements.

31. Mutual Aid. In the event of an Emergency or at such other time as the Parties deem necessary to protect from a threat, whether natural or manmade, to health, safety, or welfare within the service area, the Parties may provide mutual aid to one another and may donate manpower, supplies, facilities, services, or funds to alleviate such a threat and in furtherance of such mutual aid. No Party shall be liable to another Party for, or be considered in default or breach of this Agreement, for delay or failure to provide aid under this section. Each Party is encouraged to provide the other Party with an updated list each year listing emergency contact information for such Party.

32. Miscellaneous

- a. **SID Powers.** SID acknowledges that it does not have planning or zoning authority, home rule or general police powers, and nothing in this Agreement shall be read or interpreted to mean otherwise.
- b. **Interlocal Agreement.** This is an interlocal agreement entered into between the parties pursuant to Section 163.01, Florida Statutes. A true and correct copy of this Agreement and any amendments shall be filed with the Clerk of the Circuit Court in Palm Beach County.
- c. **Development Order.** This Agreement is not a development order, as that term is defined in Sections 380.04 and 163.3164, Florida Statutes. This Agreement does not grant or entitle SID to any development approvals or densities greater than those allowed under the density provisions of the Comprehensive Plan of the City of Westlake, nor to densities or development rights as may otherwise be limited by the City Council of the City of Westlake
- d. **Notice.** Any notice or other document required or allowed to be given pursuant to this Agreement shall be in writing and shall be delivered personally, or by recognized overnight courier or sent by certified mail, postage prepaid, return receipt requested. The use of electronic communication is not considered as providing proper Notice pursuant to this Agreement.

If to SID, such Notice shall be addressed to SID at:

District Manager
Seminole Improvement District
4001 Seminole Pratt Whitney Road
Westlake, FL 33470

with a copy to:

District Counsel
Robert P. Diffenderfer, Esquire
Lewis, Longman & Walker, P.A.
515 North Flagler Drive
Suite 1500
West Palm Beach, Florida 33401

or such other address as SID may provide in writing to Westlake.

If to Westlake, such notice shall be addressed to Westlake at:

City Manager
City of Westlake

4001 Seminole Pratt-Whitney Road
Westlake, FL 33470
with a copy to:

City Attorney
City of Westlake
4001 Seminole Pratt-Whitney Road
Westlake, FL 33470

or such other address as Westlake may provide in writing to SID.

- e. **No Assignment.** This Agreement shall be binding upon and inure to the benefit of both Westlake and SID's successors and assigns. Neither Westlake nor SID may assign its rights under this Agreement.
- f. **Beneficiaries.** This Agreement is solely for the benefit of Westlake and SID and no other causes of action shall accrue upon or by reason hereof to or for the benefit of any third party, who or which is not a formal party to this Agreement. Nothing in the Agreement expressed or implied is intended or shall be construed to confer upon or give any person or entity other than the Parties any right, remedy or claim under or by reason of this Agreement or any provisions or conditions hereto.
- g. **Headings.** The headings used are for convenience only and shall be disregarded in the construction and interpretation of this Agreement.
- h. **Interpretation.** This Agreement shall be governed by, and construed and interpreted in accordance with, the laws of the State of Florida. The drafting of this Agreement constituted a joint effort of Westlake and SID and the Agreement's interpretation shall assume that neither had any more input or influence. In the event any term or provision of this Agreement is determined by appropriate judicial authority to be illegal or otherwise invalid, such provision shall be given its nearest legal meaning or be construed as deleted, as such authority determines, and the remainder of this Agreement shall be construed to be in full force and effect.
- i. **Amendment.** This Agreement may be amended only if executed in writing and signed by Westlake and SID.
- j. **Integration.** This Agreement and any documents referred to herein, collectively embody the entire agreement and understandings between Westlake and SID and all other agreements or understandings, oral or written, with reference to this Agreement are merged into and superseded by this Agreement. This Agreement may be executed in one or more counterparts, each of which shall be considered an original.
- k. **Severability.** If any part of this Agreement is found invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the other parts of the

Agreement if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can continue to be achieved. To that end, this Agreement is declared severable.

- l. **No Impact on Funding.** If any portion of this Agreement is determined to disqualify or otherwise impair either Party’s ability to collect taxes, assessments, or other revenue as provided by statute, that portion shall be deemed deleted from this Agreement and the remainder of the Agreement shall remain in effect.

- m. **No Transfer of Powers.** Nothing contained in this Agreement shall be construed to constitute a transfer of powers in any way whatsoever. This Agreement is solely an agreement delineating the parties’ responsibilities and understandings concerning coordination and non-duplication of services through cooperative measures, as authorized in Florida Statutes, Chapter 163. The governing bodies for Westlake and SID shall each maintain all legislative authority with regard to their respective political subdivision. All of the privileges and immunities from liability; exemption from laws, ordinances, and rules; and pensions and relief, disability, workers’ compensation and other benefits which apply to the activity of officers, agents, or employees of any public agents or employees of any public agency when performing within the territorial limits for their respective agencies shall apply to the same degree and extend to the performance of such functions and duties of such officers, agents, or employees extra-territorially under the provisions of this Agreement.

- n. **Termination.** This Agreement shall terminate upon the Transition Date or upon earlier written agreement of the Parties.

- o. **Force Majeure.** In the event that the performance of this Agreement by either party to this Agreement is prevented or interrupted in consequence of any cause beyond the control of the other party, which may include, but is not limited to, acts of God or the public enemy, war, national emergency, allocation or other governmental restrictions upon the use or availability of labor or materials, rationing, civil insurrection, riot, disorder or demonstration, terrorism, strike, embargo, flood, tidal wave, fire, explosion, bomb detonation, nuclear fallout, windstorm, hurricane, earthquake, or other casualty, disaster or catastrophe of plant facilities or line breaks, neither party shall be liable for such non-performance.

IN WITNESS WHEREOF, Westlake and SID have executed or have caused this Agreement, with the named Exhibits attached, to be duly executed.

ATTEST:

SEMINOLE IMPROVEMENT DISTRICT

By: _____

By: _____

Secretary

Scott Massey, President

Dated: _____, 2018

DISTRICT ATTORNEY

Approved as to form and legal sufficiency

By: _____

Date: _____

ATTEST:

Clerk

CITY OF WESTLAKE, FLORIDA
BY ITS CITY COUNCIL

By: _____
Clerk, Sandra DeMarco

By: _____
Roger Manning, Mayor

Printed Name: _____

Dated: _____, 2018

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: _____
City Attorney, Pam E. Booker

By: _____
District Attorney, Robert P. Diffenderfer

APPROVED AS TO TERMS AND CONDITIONS

By: _____
Ken Cassel, District Manager

By: _____
Ken Cassel, City Manager

CHAPTER 2000-431

House Bill No. 1559

An act relating to Seminole Water Control District, Palm Beach County; codifying and reenacting provisions of chapters 70-854 and 88-504, Laws of Florida; providing for codification of special acts relating to Seminole Water Control District, a special tax district created pursuant to chapter 70-854, Laws of Florida, as amended, pursuant to s. 189.429, F.S.; providing that the name of the District shall be the Seminole Improvement District; providing for legislative intent; providing for applicability of chapter 298, F.S., and other general laws; providing additional authority relating to the provision of public infrastructure, services, assessment, levy and collection of taxes, non-ad valorem assessments and fees, public finance, and District operations; providing powers of the District; providing for compliance with county plans and regulations; providing for election of a Board of Supervisors; providing for organization, powers, duties, terms of office, and compensation of the board; providing for levy of ad valorem taxes and non-ad valorem assessments; providing for costs; requiring referendums under specified circumstances; providing for collection, enforcement, and penalties; providing for issuance of revenue bonds, assessment bonds, and bond anticipation notes; providing for general obligation bonds; providing a District charter; providing for repeal of prior special acts related to the Seminole Water Control District; providing severability; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

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

Section 1. Chapters 70-854 and 88-504, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 2. The Seminole Water Control District is re-created and renamed and the charter for such District is re-created and reenacted to read:

Section 1. District renamed.—The Seminole Water Control District shall henceforth be known as the Seminole Improvement District.

Section 2. Intent.—Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Seminole Water Control District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the District, including all current legislative authority granted to the District by its several legislative enactments, any additional authority granted by this act, and authority granted by applicable general law.

Section 3. District created and boundaries thereof.—For the purposes of providing public infrastructure, services, the assessment, levy, and collection of taxes, non-ad valorem assessments and fees, the operation of District facilities and services, and all other purposes stated in this act consistent

with chapters 189 and 298, Florida Statutes, and other applicable general law, an independent improvement district is hereby created and established in Palm Beach County, Florida, to be known as the Seminole Improvement District, the territorial boundaries of which shall be as follows, to-wit:

All of Sections 1 and 2, that part of Section 3 situated Southerly and Eastwardly of the Canal "M" right of way, and Section 12 except the East Half (E ½) of the Southeast Quarter (SE ¼) thereof, all in Township 43 South, Range 40 East.

All of Sections 5 and 6, the North Half (N ½) of Section 7 and the North Half (N ½) of Section 8, Township 43 South, Range 41 East.

All in the County of Palm Beach, State of Florida, consisting of 4,032 acres, more or less.

Section 4. Provisions of other laws made applicable.—The provisions of chapter 298, Florida Statutes, and all of the laws amendatory thereof, now existing or hereafter enacted are hereby declared to be applicable to said Seminole Improvement District. Said Seminole Improvement District shall have all of the powers and authorities mentioned in or conferred by said chapter 298, Florida Statutes, as it may be amended from time to time.

Section 5. Powers of the District; compliance with county plans and regulations.—

(1) Said District shall have the following powers:

(a) To sue and be sued by its name in any court of law or in equity, to make contracts, to adopt and use a corporate seal and to alter the same at pleasure;

(b) To acquire by purchase, gift, or condemnation real and personal property, either or both, within or without the district, and to convey and dispose of such real and personal property, either or both, as may be necessary or convenient to carry out the purposes, or any of the purposes, of this act, and chapter 298, Florida Statutes;

(c) To construct, operate, and maintain canals, ditches, drains, levees, lakes, ponds, and other works for water management and control purposes;

(d) To acquire, purchase, operate, and maintain pumps, plants, and pumping systems for water management and control purposes;

(e) To construct, operate, and maintain irrigation works, machinery, and plants;

(f) To construct, improve, pave, and maintain roadways and roads necessary and convenient for the exercise of the powers or duties or any of the powers or duties of said District or the supervisors thereof; and to include as a component of roads, parkways, bridges, landscaping, irrigation, bicycle and jogging paths, street lighting, traffic signals, road striping, and all other customary elements of a modern road system;

(g) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for

providing transportation throughout the District, including private or contract carriers, buses, vehicles, railroads, and other transportation facilities, to meet the transportation requirements of the District in activities conducted within the District;

(h) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain parking facilities within the District boundaries;

(i) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses;

(j) To acquire, construct, finance, operate, and maintain water plants and systems to produce, purify, and distribute water for consumption;

(k) To acquire, construct, finance, operate, and maintain sewer systems for the collection, disposal, and reuse of waste and to prevent water pollution in the District;

(l) To levy ad valorem taxes, non-ad valorem assessments, prescribe, fix, establish, and collect rates, fees, rentals, fares, or other charges, and to revise the same from time to time, for the facilities and services furnished or to be furnished by the District and to recover the cost of making connection to any District facility or system;

(m) To provide for the discontinuance of service and reasonable penalties including attorney's fees, against any user or property for any such rates, fees, rentals, fares, or other charges that become delinquent and require collection. However, no charges or fees shall be established until after a public hearing of the board at the District at which all affected persons shall be given an opportunity to be heard;

(n) To enter into agreements with any person, firm, or corporation for the furnishing by such person, firm, or corporation of any facilities and services of the type provided for in this act;

(o) To enter into impact fee credit agreements with local general purpose governments. In the event the District enters into an impact fee credit agreement with a local general purpose government where the District constructs or makes contributions for public facilities for which impact fee credits would be available, the agreement may provide that such impact fee credits shall inure to the landowners within the District in proportion to their relative assessments, and the District shall, from time to time, execute such instruments (such as assignments of impact fee credits) as may be necessary or desirable to accomplish or confirm the foregoing.

(p) To construct and maintain facilities for and take measures to control mosquitoes and other arthropods of public health importance;

(q) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and

facilities for conservation areas, mitigation areas and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property;

(r) To borrow money and issue negotiable or other bonds of said District as hereinafter provided; to borrow money, from time to time, and issue negotiable or other notes of said district therefore, bearing interest at not exceeding the maximum interest allowable by law, in anticipation of the collection of taxes, levies, and assessments or revenues of said district, and to pledge or hypothecate such taxes, levies, assessments, and revenues to secure such bonds, notes, or obligations, and to sell, discount, negotiate, and dispose of the same;

(s) To provide public safety, including, but not limited to, security, guard-houses, fences and gates, electronic intrusion detection systems and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general purpose government agencies for an increased level of such service within the District boundaries;

(t) To provide systems and facilities for fire prevention and control and emergency medical services, including the construction or purchase of fire stations, water mains and plugs, fire trucks, and other vehicles and equipment consistent with any adopted Palm Beach County ordinances, rules, or regulations if authorized by the county;

(u) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, and maintain additional systems and facilities for school buildings and related structures, which may be leased, sold, or donated to the school district for use in the educational system when authorized by the District school board;

(v) To establish and create such departments, committees, boards or other agencies, including a public relations committee, as from time to time the Board of Supervisors may deem necessary or desirable in the performance in the acts or other things necessary to the exercise of the powers provided in this act, and to delegate to such departments, boards, or other agencies such administrative duties and other powers as the Board of Supervisors may deem necessary or desirable; and

(w) To exercise all other powers necessary convenient or proper in connection with any of the powers or duties of said District stated in this act. The powers and duties of said District shall be exercised by and through the Board of Supervisors thereof, which board shall have the authority to employ engineers, attorneys, agents, employees, and representatives as the Board of Supervisors may, from time to time, determine, and to fix their compensation and duties. However, in addition thereto, said District shall have all of the powers provided for in chapter 298, Florida Statutes, as amended from time to time. All powers and authority of the District shall extend and apply to the District as a whole and to each unit of development as, from time to time, may be designated by the Board of Supervisors.

(2) Notwithstanding any authority contained within this section, the development, operation, or maintenance of any District facilities or services shall comply with the adopted comprehensive plan for Palm Beach County and any adopted land development regulations or specialized plans adopted thereunder which apply within the geographic boundaries of the District.

Section 6. Board of Supervisors, organization, powers, duties, and terms of office.—

(1) There is hereby created a Board of Supervisors of Seminole Improvement District which shall be the governing body of said District. Said Board of Supervisors shall consist of three (3) persons, who, except as herein otherwise provided, shall hold office for the term of three (3) years and until their successors shall be duly elected and qualified.

(2) Each year during the month of June, beginning with the month of June, 1971, a Supervisor shall be elected, as hereinafter provided, by the landowners of said District to take the place of the retiring Supervisor. All vacancies or expirations on said board shall be filled as required by this act and chapter 298, Florida Statutes. The Supervisors of said Seminole Improvement District shall be residents of the State of Florida and citizens of the United States. In case of a vacancy in the office of any Supervisor, the remaining Supervisors may fill such vacancy until the next annual meeting of the landowners, when his or her successor shall be elected by the landowners for the unexpired term. As soon as practicable after their election, the Board of Supervisors of said District shall organize by choosing one of their number president of said Board of Supervisors and by electing some suitable person secretary, who may or may not be a member of said Board. The Board of Supervisors shall adopt a seal which shall be the seal of said District. At each annual meeting of the landowners of the District, the Board of Supervisors shall report all work undertaken or completed during the preceding year, and the status of the finances of the District.

(3) All Supervisors shall hold office until their successors shall be elected and qualified. Whenever any election shall be authorized or required by this act to be held by the landowners at any particular or stated time or day, and if for any reason such election shall not or cannot be held at such time or on such day, then in such event and in all and every such event, the power or duty to hold such election shall not cease or lapse, but such election shall be held thereafter as soon as practicable and consistent with this act.

Section 7. Compensation of Board.—Each Supervisor shall be paid for his or her services a per-diem of twenty-five Dollars (\$25.00) for each day actually engaged in work pertaining to the said District. In addition to the said per-diem, Supervisors shall be paid travel and related expenses at rates authorized by general law for public officials pursuant to chapter 112, Florida Statutes.

Section 8. Meetings of landowners; election of Supervisors.—Each year during the month of June, beginning with the month of June in the year 1971, a meeting of the landowners of said District shall be held for the purpose of electing a Supervisor to take the place of the retiring Supervisor.

and hearing reports of the Board of Supervisors. Elections shall be conducted in accord with applicable provisions of chapter 298, Florida Statutes, as amended from time to time.

Section 9. Taxes; non-ad valorem assessments.—

(1) AD VALOREM TAXES.—The Board of Supervisors, subject to referendum approval pursuant to Art. VII, s. 9 of the State Constitution, shall have the power to levy and assess an ad valorem tax on all the taxable real and tangible personal property in the District to pay the principal of and interest on any general obligation bonds of the District, to provide for any sinking or other funds established in connection with any such bonds, and to pay the costs for construction or maintenance of any of the projects or activities of the District authorized by the provisions of this act or applicable general law. The total amount of such ad valorem taxes levied in any year shall not be in excess of ten (10) mills on the dollar per annum on the assessed value of the taxable property within the District. The ad valorem tax provided for herein shall be in addition to county and municipal ad valorem taxes provided for by law.

(2) REFERENDUM REQUIRED.—No residential or related urban development shall be authorized or undertaken pursuant to this act until the referendum required by Art. VII, s. 9 of the State Constitution is conducted. Such referendum shall be conducted within two (2) years after the effective date of this act at the expense of the District.

(3) NON-AD VALOREM ASSESSMENTS.—Non-ad valorem assessments for the construction, operation, or maintenance of District facilities, services, and operations shall be assessed, levied, and collected pursuant to chapter 298, chapter 170, or chapter 197, Florida Statutes, as amended from time to time.

(4) TAXES, ASSESSMENTS, AND COSTS, A LIEN ON LAND AGAINST WHICH ASSESSED, ETC.—All taxes and assessments provided for in this act, together with all penalties for default in payment of the same, all costs in collecting the same, shall, from the date of assessment thereof until paid, constitute a lien of equal dignity with the liens for county taxes, and other taxes of equal dignity with county taxes, upon all the lands against which such taxes shall be levied as is provided in this chapter.

(5) COMPENSATION OF PROPERTY APPRAISER, TAX COLLECTOR AND CLERK OF THE CIRCUIT COURT.—The Property Appraiser, Tax Collector and Clerk of the Circuit Court of Palm Beach County shall be entitled to compensation for services performed in connection with taxes and assessments of said District as provided by general law.

(6) LEVIES OF NON-AD VALOREM ASSESSMENTS ON LAND LESS THAN ONE (1) ACRE.—In levying and assessing all assessments, each tract or parcel of land less than one (1) acre in area shall be assessed as a full acre, and each tract or parcel of land more than one (1) acre in area which contains a fraction of an acre shall be assessed at the nearest whole number of acres, a fraction of one half or more to be assessed as a full acre.

Section 10. When unpaid taxes and assessments delinquent; penalty.— All taxes and assessments provided for in this act shall be and become delinquent and bear penalties on the amount of said taxes in the same manner as county taxes.

Section 11. Enforcement of taxes and assessments.—The collection and enforcement of all taxes and assessments levied by said District shall be at the same time and in like manner as county taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes, the issuance, sale, and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedure in connection therewith, shall be applicable to said District and the delinquent and unpaid taxes of said District to the same extent as if said statutory provisions were expressly set forth in this act. All taxes and assessments shall be subject to the same discounts as county taxes.

Section 12. (1) ISSUANCE OF REVENUE BONDS, ASSESSMENT BONDS, AND BOND ANTICIPATION NOTES.—

(a) In addition to the other powers provided the District, and not in limitation thereof, the District shall have the power, pursuant to chapter 298, Florida Statutes, and applicable general law as amended from time to time, at any time, and, from time to time, after the issuance of any bonds of the District shall have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal sum not in excess of the authorized maximum amount of such bond issue.

(b) Pursuant to chapter 298, Florida Statutes, and applicable general law as amended from time to time, the District shall have the power to issue assessment bonds and revenue bonds, from time to time, without limitation as to amount for the purpose of financing those systems and facilities provided for in section 5. Such revenue bonds may be secured by, or payable from, the gross or net pledge of the revenues to be derived from any project or combination of projects; from the rates, fees, or other charges to be collected from the users of any project or projects; from any revenue-producing undertaking or activity of the District; from special assessments; or from any other source or pledged security. Such bonds shall not constitute an indebtedness of the District, and the approval of the qualified electors shall not be required unless such bonds are additionally secured by the full faith and credit and taxing power of the District.

(c) Any issue of bonds may be secured by a trust agreement by and between the District and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the District and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including, without limitation, covenants setting forth the duties of

the District in relation to: the acquisition, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any projects; the fixing and revising of the rates, fees, and charges, and the custody, safeguarding, and application of all moneys and for the employment of consulting engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair, or operation.

(d) Bonds of each issue shall be dated; shall bear interest at such rate or rates, including variable rates, which interest may be tax exempt or taxable for federal income tax purposes; shall mature at such time or times from their date or dates; and may be made redeemable before maturity at such price or prices and under such terms and conditions as may be determined by the board.

(e) The District shall have the power to issue bonds for the purpose of refunding any outstanding bonds of the District.

(2) GENERAL OBLIGATION BONDS.—

(a) Pursuant to this act, the District shall have the power from time to time to issue general obligation bonds to finance or refinance capital projects or to refund outstanding bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of thirty-five percent (35%) of the assessed value of the taxable property within the District as shown on the pertinent tax records at the time of the authorization of the general obligation bonds for which the full faith and credit of the District is pledged. Except for refunding bonds, no general obligation bonds shall be issued unless the bonds are issued to finance or refinance a capital project and the issuance has been approved at an election held in accordance with the requirements for such election as prescribed by the State Constitution. Such elections shall be called to be held in the District by the Board of County Commissioners of the County upon the request of the Board of the District. The expenses of calling and holding an election shall be at the expense of the District and the District shall reimburse the county for any expenses incurred in calling or holding such elections.

(b) The District may pledge its full faith and credit for the payment of the principal and interest on such general obligation bonds and for any reserve funds provided therefor and met unconditionally and irrevocably pledge itself to ad valorem taxes on all taxable property within the District, to the extent necessary for the payment thereof, without limitations as to greater amount.

(c) If the board determines to issue general obligation bonds for more than one capital project, the approval of the issuance of the bonds for each and all such projects may be submitted to the elector on one and the same ballot. The failure of the electors to approve the issuance of bonds for any one or more of the capital projects shall not defeat the approval of bonds for any capital project which has been approved by the electors.

(d) In arriving at the amount of general obligation bonds permitted to be outstanding at any one time pursuant to paragraph (a), there shall not be

included any general obligation bonds which are additionally secured by the pledge of:

1. Special assessments levied in the amount sufficient to pay the principal and interest on a general obligation bond so additionally secured, which assessments have been equalized and confirmed by resolution or ordinance of the board pursuant to section 170.08, Florida Statutes.

2. Water revenues, sewer revenues, or water and sewer revenues of the District to be derived from user fees in an amount sufficient to pay the principal and interest on the general obligation bond so additionally secured.

3. Any combination of assessments and revenues described in subparagraphs 1 and 2.

Section 13. Minimum charter requirements.—

(1) The District is organized and exists for all purposes set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(2) The powers, functions, and duties of the District regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements shall be as set forth in chapters 170, 189, and 298, Florida Statutes, or any other applicable general or special law, as they may be amended from time to time.

(3) The District was created by special act of the Florida Legislature by chapter 70-854, Laws of Florida, in accordance with chapter 298, Florida Statutes.

(4) The District's charter may be amended only by special act of the Legislature.

(5) In accordance with chapter 189, Florida Statutes, this act, and section 298.11, Florida Statutes, the District is governed by a three-member board, elected on a one-acre, one-vote basis by the landowners in the District. The membership and organization of the board shall be as set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(6) The compensation of board members shall be governed by this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(7) The administrative duties of the Board of Supervisors shall be as set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(8) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per-diem expenses for officers and employ-

ees shall be as set forth in chapters 112, 189, 286, and 298, Florida Statutes, as they may be amended from time to time.

(9) The procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the District shall be as set forth in chapter 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(10) The procedures for conducting District elections and for qualification of electors shall be pursuant to this act and chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

(11) The District may be financed by any method established in this act, chapter 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(12) The methods for collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapters 197 and 298, Florida Statutes, and other applicable general laws as they may be amended from time to time.

(13) The District's planning requirements shall be as set forth in this act.

(14) The District's geographic boundary limitations shall be as set forth in this act.

Section 3. Chapters 70-854 and 88-504, Laws of Florida, are repealed.

Section 4. In case any one or more of the sections or provisions of this act or the application of such sections or provisions to any situations, circumstances, or person shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this act or the application of such sections or provisions to any other situation, circumstance or person, and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Section 5. In the event of a conflict between the provisions of this act and the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 7, 2000.

Filed in Office Secretary of State June 7, 2000.



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INTERLOCAL AGREEMENT BETWEEN

**PALM BEACH COUNTY
AND THE
SEMINOLE IMPROVEMENT DISTRICT**

**REGARDING SALE OF BULK WATER AND WASTEWATER SERVICE
AND ESTABLISHMENT OF WATER, WASTEWATER AND RECLAIMED
WATER SERVICE AREAS AND SETTLING CERTAIN DISPUTES AND
LAWSUITS BETWEEN THE PARTIES**

This is not a certified copy

April 18, 2006

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**INTERLOCAL AGREEMENT BETWEEN
PALM BEACH COUNTY AND THE SEMINOLE IMPROVEMENT DISTRICT
REGARDING SALE OF BULK WATER AND WASTEWATER SERVICE AND
ESTABLISHMENT OF WATER, WASTEWATER AND RECLAIMED WATER SERVICE
AREAS AND SETTLING CERTAIN DISPUTES AND LAWSUITS BETWEEN THE PARTIES**

THIS INTERLOCAL AGREEMENT ("Agreement") is made and entered into as of the 18th day of April, 2006, by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida whose address is 301 N. Olive Avenue, 12th Floor, West Palm Beach, Florida 33401 ("County") and the **SEMINOLE IMPROVEMENT DISTRICT**, a Florida Special Taxing District whose address is 4001 Seminole Pratt-Whitney Road, Loxahatchee, Florida 33470 ("District").

RECITATIONS, GENERAL

1. Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969" (the "Act") authorizes local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and
2. The County and District are entering into this Agreement pursuant to the Act and in follow-up to the multiple meetings between County and District representatives; and
3. County and District own and operate separate water, wastewater and reclaimed water facilities in Palm Beach County, Florida; and
4. By entering into this Agreement, the County and District have coordinated the efficient planning of water, wastewater and reclaimed water infrastructure in certain areas of unincorporated Palm Beach County and are complying with the intent of the Florida Legislature that public facilities be available concurrent with the impact of development; and
5. The District may need additional water and/or wastewater capacity to fully or partially supplement the District's utility facilities to provide service to its utility customers within the District Service Area and the County has available water and wastewater capacity and is willing to sell such capacity to the District; and
6. The County and District have determined on the basis of mutual advantage and in accordance with geographic, economic, population and other factors influencing the needs and development of certain areas of unincorporated areas of Palm Beach County, which of the entities may be in the better position to provide water, wastewater and reclaimed water service to certain areas of unincorporated Palm Beach County; and

7. The County and District are engaged in a series of disputes concerning the rights of each to provide utility services in certain areas of unincorporated Palm Beach County; and
8. The County and District dispute the existence and efficacy of the District Master Plan; and
9. The County and District desire to resolve all outstanding disputes relating to the provision of utility services including the dispute between the County and the District contained in the lawsuit styled *The Village of Royal Palm Beach, and Palm Beach County v. Village of Wellington, Seminole Improvement District, and Acme Improvement District*, Case No. 502004CA009615XXXMB (into which is Consolidated Case No. 502004CA010492XXXMB), and those other items addressed herein; and
10. Pursuant to Chapter 298, Laws of Florida, the District has the exclusive right to provide utility services within District's legislative boundaries; and
11. Capitalized terms not otherwise defined are defined in Section 3.

RECITATIONS, SPECIFICS

It is the intention of the parties hereto that this Agreement shall accomplish the following objectives:

- (a) Establish and recognize definitive water and wastewater utility service areas, as between the parties, with the County agreeing that the District shall be the exclusive provider of such services within the District Service Area and with the District retaining the right to serve all of its existing customers outside of its legislative boundaries for a period of time, while agreeing not to connect any new customers outside of the District Service Area from and after the Effective Date of this Agreement hereof;
- (b) The County will pay to the District consideration for a portion of the District's installed water pipeline capacity located outside the District Service Area and on the border of the District Service Area as the County will be acquiring both customers and planned District water and wastewater Service Area located outside the District Service Area that the District has contemplated providing service for, as shown in the District's Master Plan and in the vicinity of the subject lines and as such the District's use of the installed pipelines full or intended capacity may be impaired by the County's acquisition of such customers and service area;
- (c) The County will pay to the District consideration for purchasing select District installed, owned, leased and/or operated pipelines located outside of the District Service Area, outside of property owned by the District, and outside of easements held by the District, as identified in this Agreement;
- (d) The County will pay to the District consideration for the right to apply services to its existing and intended future customers located outside of the District Service Area

and in consideration for the District's agreeing to provide service, except as provided herein, only within the District Service Area in the future;

This is a public document.

- (e) The County will agree to construct and make available to the District additional water and/or wastewater capacity for exclusive use by the District in order to service its present and/or future retail customers located within the District Service Area;
- (f) The County will establish bulk water and wastewater rates and long-term rate schedules based upon a mutually agreed cost of service study for all Capital Charges to reserve capacity for the exclusive use by the District and Commodity Charges associated with receiving Bulk Utility Service;
- (g) The District shall grant to the County the right of first refusal to acquire the District System and County shall grant to the District the right to "put" the District System to the County for purchase, according to a predetermined formula for calculation of said purchase price; and
- (h) The parties recognize the intention of the District to build a reclaimed water facility and to establish a mechanism by which reclaimed water service from that facility shall be made available to the District and to the County for use within their respective service areas; and
- (i) The District agrees that the County has the right to utilize an existing road right-of-way along Seminole Pratt-Whitney Road for construction, operation, maintenance, and replacement of potable water, wastewater, and reclaimed water pipelines; and
- (j) The County agrees to the District's right to utilize existing or future County road rights-of-ways for construction, operation, maintenance and replacement of District potable water, wastewater and reclaimed water pipelines under the County's normal right of way permitting processes for the granting of such permits, which shall not be unreasonably withheld.
- (k) To encourage the development and use of alternative water supplies; and
- (l) Resolve all outstanding utility disputes between the parties. In this regard, the District and the County acknowledge that the City of West Palm Beach and Palm Beach County have resolved their territorial disagreements, by virtue of the execution of that certain "Interlocal Agreement between Palm Beach County and the City of West Palm Beach regarding water and Wastewater Service Areas [County Resolutions R-2005-2445 and R-2005-2446]. Both parties agree and intend that they do not, by this Agreement, violate the subject West Palm Beach Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties covenant and agree as follows:

1. **Incorporation.** The recitations contained above are true and correct and are incorporated herein by specific reference.

2. **Effective Date.** The Effective Date of this Agreement shall be the date the Agreement is ratified by the Palm Beach County Board of County Commissioners (the "Effective Date").

3. **Definitions.**

- This is not a contract
- a. "Additional Reserve Capacity Payment Agreement" means the document that specifies the District's request and the County's ability to provide future additional water and/or wastewater capacity and the associated Capital Charge to be paid by the District to reserve said capacity.
 - b. "Agreement" means this Interlocal Agreement Regarding the Sale of Bulk Water and Wastewater Service and Establishment of Water, Wastewater, and Reclaimed Water Service Areas and Settling Certain Disputes and Lawsuits between the County and the District.
 - c. "Average Annual Daily Flow" or "AADF" means the average annual daily flow of metered water and/or wastewater service received by the District during any three hundred sixty five (365) consecutive days divided by 365 days, exclusive of flows associated with emergency conditions, extraordinary events, data anomalies or other similar conditions.
 - d. "Billing Period" means that period for which Bulk Service is provided by the County to the District which serves as the time period for determining the billing determinants for which the Commodity Charges are imposed by the County, which period will generally average thirty (30) days.
 - e. "Bulk Utility Service" or "Bulk Service" means the provision of water, wastewater or reclaimed water service from one utility service provider to another utility service provider for resale or redistribution to other persons or entities and includes any provision of water, wastewater, or reclaimed water service not included under the definition of Retail Service provided herein. The terms "bulk" or "bulk service" mean the same thing and are interchangeable with the term "wholesale" or "wholesale service".
 - f. "Bulk Service Customer" means any customer, including the District, which receives either potable water, wastewater treatment and/or reclaimed water service on a Bulk Service basis from the County.
 - g. "Capacity Availability Date" means the date on which the District requests that bulk water and/or wastewater capacity be made available by the County for the District's exclusive use.
 - h. "Capacity Default" means a failure of the County to provide Potable Water and/or Wastewater Reserved Capacity as requested in accordance Section 6 in an amount reflected in the Notice to Reserve Additional Potable Water and/or Wastewater Capacity issued by the District.
 - i. "Commodity Charge" means the Bulk Service water service and/or wastewater rates established by this Agreement charged by the County to the District for metered potable water delivered to the District by the County at the Point(s) of

Delivery and for metered wastewater flow delivered to the County by the District at the Point(s) of Collection.

- j. "Capital Charges" means those one-time charges paid by the District to purchase Reserved Potable Water Capacity and/or Reserved Wastewater Capacity from the County.
- k. "District Master Plan" means the utility master plan adopted by the District, a copy of which is attached as Exhibit 13.
- l. "District Service Area" means the District's legislative boundaries as shown on Exhibits 1 and 2.
- m. "District System" means the water production, treatment, transmission, storage, and distribution system owned by the District to provide potable water Retail Service to the District customers and the wastewater collection, transmission, treatment and effluent disposal system, including any facilities designated as reclaimed water facilities, owned by the District to provide wastewater Retail Service to the District customers. The District System also includes all plant sites, easements, right-of-way, appurtenances, rolling stock and inventories, real property and all other assets required to provide utility service by the District to its customers.
- n. "Emergency" means the situation defined in Section 8.2 of this Agreement.
- o. "End User" means the ultimate retail consumer of water, wastewater, or reclaimed water service.
- p. "Existing District Customer" means those parcels, accounts, or entities currently served or capable of being served by such customer pursuant to the agreements as specifically identified on Exhibit 3 of this Agreement by the District System as of the Effective Date.
- q. "Existing Facilities" means those facilities respectively owned by either the County or the District which have been constructed or are under construction by the respective party as of the Effective Date.
- r. "External Facilities" means those District-owned Existing Facilities external to the District Service Area.
- s. "FDEP" means the Florida Department of Environmental Protection.
- t. "Fiscal Year" means the twelve consecutive months beginning October 1st and ending September 30th.
- u. "GPD" means gallons per day.
- v. "Impaired Asset" means a pipeline that the District previously constructed for the purpose of providing potable water service to future customers and as to which the District agrees to limit the use of such pipeline to service only existing users of the

District's services at the time of this Agreement to comply with the terms of this Agreement.

This is not a contract

- w. "Interconnect Utility" refers to the Utility Service Provider interconnected with the District System in order to obtain emergency potable water, wastewater and/or reclaimed water service from such utility provider other than the County.
- x. "Interim Reserve Capacity" means the amount of potable water and/or wastewater capacity that is purchased from a Utility Service Provider other than the County, to meet the District Service Area needs of the District between the time when capacity is requested to be made available to the District from the County (as referenced in the Notice to Reserve Additional Potable Water and/or Wastewater Capacity issued by the District to the County) and when the County can make such requested capacity available.
- y. "Irrigation Quality Water" includes Reclaimed Water as well as other non-potable water sources used by the District for the purpose of irrigation.
- z. "MGD" means millions of gallons per day.
- aa. "MOR" means Monthly Operating Reports required to be filed with the FDEP, Palm Beach County Health Department or any other agency with jurisdiction for all water, wastewater, and reclaimed water facilities.
- bb. "Notice to Reserve Additional Potable Water and/or Wastewater Capacity" means the form that the District agrees to submit to the County to request additional potable water and/or wastewater capacity for the exclusive use of the District to meet the potable water and wastewater demands within the District Service Area.
- cc. "Phase Two Transfer Date" means the point in time when the Phase Two Purchased Assets are transferred to the County pursuant to Section 5.4.
- dd. "Point(s) of Collection" means the connection point(s) whereby the wastewater system of the County is connected to the wastewater system of the District and includes all appurtenances such as pipes, meters, and valves, etc. to receive and measure sanitary sewer deliveries from the District to the County.
- ee. "Point(s) of Delivery" means the connection(s) whereby the potable water system of the County interconnects with the potable water system of the District and includes all appurtenances such as metering, valves, etc. to receive and measure potable water deliveries from the County to the District.
- ff. "Potable Water Reserved Capacity" means the amount of water supply and treatment capacity owned by the County expressed on an average annual daily use basis in gallons per day allocable exclusively to the District from the County's Existing Facilities for its use in meeting the potable water demands of the District Service Area.
- gg. "Price Index" means half of the Gross Domestic Product Implicit Price Deflator as published by the United States Department of Labor, Bureau of Labor Statistics Data, Water and Sewerage Maintenance ("Gross Domestic Product Implicit Price

Deflator”) or three percent (3%), whichever is less, as measured on a Fiscal Year basis beginning in each case in the first year of actual consumption of County-produced potable water or wastewater.

- hh. “Purchased Asset” means pipelines or customers which the County agrees to purchase from the District and subsequently own pursuant to Section 5 of this Agreement.
- ii. “Reclaimed Water” means the water produced by treatment of domestic wastewater and/or water generated as a by-product of water treatment to yield a product suitable for reuse for irrigation or similar uses.
- jj. “Retail Service” means the provision of water or wastewater service by a Utility Service Provider directly to an End User and not for resale or redistribution to other persons or entities.
- kk. “Service Area” means a geographic region of land which a party is permitted to exclusively provide Retail Service.
- ll. “Term” means the period of time of this Agreement as described in Section 10 hereof.
- mm. “Transfer Trigger Date” means the date on which the Parties agree to initiate Phase 2 of this Agreement with respect to pipelines and customers. The date shall be the date on which the District’s Annual Average Daily Flow of its 540,000 GPD water treatment plant exceeds ninety-percent of its capacity as documented on the District’s FDEP Monthly Operating Reports or earlier at the District’s option.
- nn. “UPAP” means the Palm Beach County Water Utilities Department Uniform Procedures and Policy Manual.
- oo. “Utility” means a potable water production, treatment, storage and distribution system, and/or a sanitary wastewater collection, treatment and disposal system and/or a reclaimed water production and distribution system.
- pp. “Utility Service Provider” means an entity which provides water, wastewater, or reclaimed water service to another party through a network of pipes, whether such service is retail, bulk, wholesale, or otherwise. For purposes of this Agreement, Utility Service Provider includes all public and private utilities within Palm Beach County.
- qq. “Wastewater Reserved Capacity” means the amount of wastewater treatment and disposal capacity owned by the County expressed on an Average Annual Daily Flow basis in gallons per day from the County’ allocable exclusively to the District for its use in meeting the sanitary sewer demands of the District Service Area.
- rr. “Wheeling” means the transmission by the District of water, wastewater, or reclaimed water service delivered by a third party to the District, by the delivery of such water, wastewater, or reclaimed water service to an area outside the District Service Area. “Wheeling” also means the resale or provision of water or wastewater service by a third party which acquired said water or wastewater

service from the District to areas where the District is prohibited from providing such services under this Agreement.

4. **Service Area Boundaries**

4.1 After the Effective Date of this Agreement, the District shall not provide Water or Wastewater Service outside the District Service Area except as specified in this Agreement. The District Service Area shall be the District Service Area as shown in Exhibit 1. The legal description of the District Service Area is attached as Exhibit 2 and shall prevail in any conflict between the map (Exhibit 1) and the written description of the District Service Area in Exhibit 2. Any change to the legislative boundaries of the District following the Effective Date of this Agreement shall not change the District Service Area as set forth in Exhibits 1 and 2 for the purposes of this Agreement.

4.2 After the Effective Date of this Agreement, the District shall not provide Bulk or Retail Potable Water and/or Wastewater Service outside the District Service Area except for those agreements existing on the Effective Date and identified on Exhibit 3. The County shall not provide either Bulk or Retail Potable Water, Wastewater, or Reclaimed Service within the District Service Area, except as set forth in this Agreement. For purposes of this Agreement, the provision of Bulk Potable Water, Wastewater, or Reclaimed Water Service occurs at the Point(s) where potable water, wastewater, or reclaimed water service supplied by either the County or the District is used for re-sale or re-distribution to other persons or entities. For purposes of this Agreement, an emergency interconnect that meets the requirements of Section 8 below does not constitute Bulk Potable Water, Wastewater, or Reclaimed Water Service.

4.3 Upon notice by the County that the District or a third party that receives water and/or wastewater from the District is Wheeling, re-selling or re-distributing potable water, domestic wastewater, or reclaimed water utility service outside of the District Service Area, the District shall, to the extent practicable, reduce the quantity of water or volume of sewage treatment capacity sold or distributed to said third party by the quantity of water or volume of sewage treatment capacity the third party is re-selling or re-distributing outside the District Service Area. If the District contests the County's notice, the parties shall attend voluntary non-binding mediation. If the parties are unable to resolve the dispute by mediation, the County may pursue declaratory and/or injunctive relief in the Fifteenth Judicial Circuit. If injunctive relief is sought, the County shall not be required to post a bond and the parties agree that violation of the anti-Wheeling provisions of this Agreement constitute irreparable harm. Further, in this regard, the District and County hereby agree to join forces to enforce this provision, including judicially, if necessary.

4.4 The County agrees it will not unreasonably prohibit the District from utilizing County owned Rights of Ways and easements for the District's provision of utilities as provided for within this Agreement. The District agrees that such uses may be subject to permitting requirements of other agencies and County departments, including the Palm Beach County Engineering Department.

5. **Purchase/Sale and Impairment of Assets.** The County shall compensate the District for Impaired Assets and Purchased Assets, as appropriate, subject to the terms and conditions of this Agreement. This Agreement restricts the ability of the District to provide utility services outside of the District Service Area. The County recognizes that the District has made substantial commitments to construct facilities outside of its District Service Area to provide

service to several tracts of land. A description of these tracts is attached hereto and incorporated herein as Exhibit 3. The District cannot discontinue service to said tracts until such time as County facilities are available to serve those existing customers, and the District cannot release the flows associated with those customers until sufficient flow from other, new customers within the District is available to allow efficient operation of the District's Existing Facilities. Thus, the parties have agreed upon a two-phase process involving the sale of the External Facilities and the service rights to the associated customers now receiving utility services from such facilities, as follows:

A. Phase One. The first phase, as of the Effective Date of this Agreement specifically includes that portion of the District's Impaired Assets which could be used to provide service to new customers outside of the District Service Area and the County purchase of potential customers expected to be served by the District System that are located outside the District Service Area. The County shall compensate the District a total of \$1,700,000 for the Phase One Impaired Assets and shall deliver other consideration within 30 days after the Effective Date of this Agreement, as detailed hereinbelow and in Exhibit 5.

5.1 Phase One Impaired Assets: The Phase One Impaired Assets shall include the following water main segments as depicted in Exhibit 4 and listed in sections 5.1.1. through 5.1.10 below. All District Existing Facilities as of the Effective Date that can be used to directly provide service outside the District Service Area shall be considered "impaired," meaning that the District will not allow those facilities, from and after the Effective Date, to be utilized to provide service outside of the District Service Area, except by agreement between such outside users and the County. The District will continue to consider the Impaired Assets as Existing Facilities and the County will not have the right to use the Impaired Assets to provide Retail Service outside of the District Service Area.

5.1.1 The 12-inch diameter water main located within the District's boundary along 140th Avenue North extending south from the northeast corner of the District's boundary 1.7 miles to the southeast corner of the District boundary. The District agrees to limit new connections to this water main to customers located within the District and will not connect new customers east of this pipeline. The County agrees to compensate the District \$254,000 to impair this pipeline fifty-percent (50%).

5.1.2 The 12-inch diameter water main located along 140th Avenue North extending 0.45 miles south to Sunsport Gardens. This District agrees to limit use of this water main to Sunsport Gardens and will not connect new customers along this pipeline. The County agrees to compensate the District \$123,250 to impair this pipeline eighty-five percent (85%).

5.1.3 The 12-inch diameter water main located along the District's M-2 Canal Right-of-Way extending 2.2 miles south from the District's southern boundary to the Okeechobee Boulevard. The District agrees to limit use of this water main to Lion Country Safari, Loxahatchee Groves Elementary School and for emergency interconnection purposes. The County agrees to compensate the District \$490,450 to impair this pipeline eighty-five percent (85%).

5.1.4 The 12-inch diameter water main located within the District's boundary along the M-2 Canal extending 0.40 miles south from Orange Grove Boulevard to the District's southern boundary. The District agrees to limit use of this water main to customers located within the District Service Area and will not connect new customers south or west of this

pipeline. The County agrees to compensate the District \$68,500 to impair this pipeline fifty-percent (50%).

5.1.5. The 8-inch diameter water main located within the District Service Area along 60th Street extending 1.3 miles west to 180th Avenue North. The District agrees to limit new connections to this water main to customers located within the District and will not connect new customers north of this pipeline. The County agrees to compensate the District \$121,000 to impair this pipeline fifty-percent (50%).

5.1.6. The 6-inch diameter water main located along 180th Avenue North extending 0.80 miles north to the Frontier Elementary School and the Osceola Lakes Middle School. The District agrees to limit use of this water main to Frontier Elementary School and the Osceola Lakes Middle School and will not connect new customers along this pipeline. The County agrees to compensate the District \$112,200 to impair this pipeline eighty-five percent (85%).

5.1.7 The 12-inch diameter water main located along Okeechobee Boulevard extending 0.80 miles east to the Loxahatchee Groves Elementary School. The District agrees to limit use of this water main to the Loxahatchee Groves Elementary School and will not connect additional customers. The County agrees to compensate the District \$268,770 to impair this pipeline eighty-five percent (85%).

5.1.8 The 12-inch diameter water main located within the Lion Country Safari Property extending 0.45 miles west from the District's M-2 Canal. The District agrees to limit use of this water main to Lion Country Safari and will not connect new customers along this pipeline. The County agrees to compensate the District \$196,350 to impair this pipeline eighty-five percent (85%).

5.1.9 The 4-inch diameter water main intersecting Okeechobee Boulevard extending 0.2 miles south to the Loxahatchee Groves Elementary School. The District agrees to limit use of this water main to Loxahatchee Groves Elementary School and will not connect new customers along this pipeline. The County agrees to compensate the District \$42,500 to impair this pipeline eighty-five percent (85%).

5.1.10 The 4-inch diameter water main intersecting 140th Avenue North extending 0.2 miles west to the Sunsport Gardens. The District agrees to limit use of this water main to Sunsport Gardens and will not connect new customers along this pipeline. The County agrees to compensate the District \$21,500 to impair this pipeline eighty-five percent (85%).

5.1.11 The District shall be solely responsible for maintaining proper water quality to those potable water customers along impaired pipelines until the Transfer Date.

5.2 Phase One Other Considerations: The Purchased Assets shall include the following customer and right-of-way usage rights:

5.2.1 A listing of existing customers is attached hereto and incorporated herein as Exhibit 4. All existing customers located outside the District Service Area shall continue to be served by the District until the Transfer Date is attained.

5.2.2 A payment of \$2,500,000 is being made by the County in settlement of all disputes between the District and the County related to any and all claims related to the District

Master Plan discussed in Section 13.4 below and shall be paid by the County to the District within 30 days after the Effective Date of this Agreement.

5.2.3 District agrees to recognize the County's right to utilize the property conveyed to the County from the City National Bank of Miami Beach, as Trustee, in the Right of Way Deed dated July 6, 1967, accepted by the Palm Beach County Board of County Commissioners on February 20, 1968, and recorded in the Public Records for Palm Beach County at Official Records Book 1640, Pages 1626-27, for any and all pipelines and related appurtenances for potable water, wastewater, and reclaimed water. By entering into this Agreement, District hereby for itself and its successors, assigns, predecessor, affiliated entities, directors, officers, employees, principals, agents and servants, releases, acquits, and forever discharges any and all claims it may have to challenge the rights of the County to utilize this property for pipelines and related appurtenances for potable water, wastewater, and reclaimed water. This section shall not be construed, in any proceeding or venue whatsoever to constitute a waiver of any right the County has to claim that the Right of Way Deed referenced above conveyed the right to lay public utilities within the conveyed property.

B. Phase Two. The second phase shall occur within sixty (60) days after the Transfer Trigger Date.

5.3 Phase Two Impaired Assets: The District shall not receive additional compensation for assets impaired during Phase One located inside the District Service Area or rights-of-way. Select Phase One impaired assets shall be purchased by the County as described in Section 5.4 and its sub-sections. All other impaired assets shall remain impaired by the District at the Phase One percentages for the duration of this Agreement.

5.4 Phase Two Purchased Impaired Assets: The Purchased Assets shall include the following water main segments as depicted in Exhibit 4 and listed below in Sections 5.4.1 through 5.4.6. In addition, the Purchased Assets shall include the additional consideration listed in Sections 5.4.7 through 5.5 below. Prior to the time of conveyance of such Purchased Assets, the County shall compensate the District for such conveyance of the Purchased Assets listed below (i) \$134,880 for the Purchased Assets listed in Sections 5.4.1 through 5.4.6 below and (ii) an amount to be subsequently determined for the Purchased Assets listed in Sections 5.4.7 through 5.5 below calculated in accordance with Section 12.4.1(a)-(c) inclusive hereof. The amount to be subsequently determined is contingent upon budgeting by the County.

5.4.1 The 12-inch diameter water main located along 140th Avenue North extending 0.45 miles south to Sunsport Gardens. The District agrees to fully discontinue use of this water main. The District shall physically disconnect this segment of the water main from its distribution system such that it is no longer connected with the existing 12-inch diameter water main located within the District Service Area. The County agrees to compensate the District an additional \$21,750 to fully impair and purchase this pipeline.

5.4.2 The 12-inch diameter water main located within the Lion Country Safari Property extending 0.45 miles west from the District's M-2 Canal. The District agrees to fully discontinue use of this water main. The District shall physically disconnect this segment of the water main from its distribution system such that it is no longer connected with the existing 12-inch diameter water main located along the District's M-2 Canal. The County agrees to compensate the District an additional \$34,650 to fully impair and purchase this pipeline.

5.4.3. The 6-inch diameter water main located along 180th Avenue North extending 0.80 miles north to the Osceola Lakes Middle School. The District agrees to fully discontinue use of this water main. The District shall physically disconnect this segment of the water main from its distribution system such that it is no longer connected with the existing 8-inch diameter water main located along 60th Street. The County agrees to compensate the District an additional \$19,800 to fully impair and purchase District's rights to this pipeline.

5.4.4 The 12-inch diameter water main located along Okeechobee Boulevard extending 0.80 miles east to the Loxahatchee Groves Elementary School. The District agrees to fully discontinue use of this water main. The District shall physically disconnect this segment of the water main from its distribution system such that it is no longer connected with the existing 12-inch diameter water main located along the District's M-2 Canal. The County agrees to compensate the District an additional \$47,430 to fully impair and purchase this pipe.

5.4.5 The 4-inch diameter water main intersecting Okeechobee Boulevard extending 0.20 miles south to the Loxahatchee Groves Elementary School. The District agrees to fully discontinue use of this water main. The District shall physically disconnect this segment of the water main from its distribution system. The County agrees to compensate the District an additional \$3,750 to fully impair and purchase this pipe.

5.4.6. The 4-inch diameter water main intersecting 140th Avenue North extending 0.20 miles west to the Sunsport Gardens. The District agrees to fully discontinue use of this water main. The District shall physically disconnect this segment of the water main from its distribution system. The County agrees to compensate the District an additional \$7,500 to fully impair and purchase this pipe.

5.4.7 All easements, licenses and rights-of-way and consents owned by the District for the construction, operation and maintenance of the Purchased Assets. The District warrants that it has the authority to transfer said easements, licenses, rights-of-way or consents to the County without the consents of the underlying property owners, or that it has obtained such consents prior to the Effective Date of this Agreement.

5.4.8 All water distribution and transference facilities of every kind and description whatsoever, including but not limited to pipes or facilities, valves, meters, service connections and all other physical facilities and property installations physically connected to and used in connection with the Purchased Assets, which the District owns and which lie outside the District Service Area. The District Service Area is shown on Exhibit 1, and the legal description of which is attached hereto and incorporated herein on Exhibit 2. Any change of the boundaries of the District following the Effective Date of this Agreement shall have no effect on the ownership of the facilities described in this Section.

5.4.9 All certificates, immunities, privileges, permits, licenses, license rights, easements, consents, leaseholds, rights-of-way and all rights to construct, maintain and operate the Purchased Assets.

5.4.10 All prints, plans, engineering reports, surveys, specifications, shop drawings, equipment manuals, and other information pertaining to the Purchased Assets.

5.4.11 One (1) set of record drawings, including as-built drawings where available, showing all facilities of the Purchased Assets. Such drawings shall also include any original tracings, sepias or other reproducible material in possession of the District.

5.5 Phase Two Purchased Customers. The County and District acknowledge that the District has certain customer service agreements that require the consent of the customer for assignment. The parties shall be responsible for securing consent letters from such customers prior to the Phase Two Transfer Date. At the Phase Two Transfer Date, the County shall become the service provider to all assigned existing and new customers located outside the District Service Area. District agrees to transfer all billing records of these customers upon request by the County, and to otherwise fully cooperate with the transfer of said customers to the County. The District shall remain the utility service provider to all customers located within the District Service Area.

5.6 Upon the Effective Date, the District shall deliver to County a Bill of Sale with respect to the Purchased Assets, in Trust, in a form acceptable to the County. The District shall also deliver to the County on the Effective Date, in Trust, assignments of all permits, easements and warranties used or held by the District with respect to the Purchased Assets, all in a form acceptable to the County. The subject instruments of conveyance as referenced in this Section 5 shall be held by the Clerk of the Court of Palm Beach County, in escrow, pending the Phase Two Transfer Date. On the occurrence of those events, the parties shall jointly advise the said Clerk of the Court in writing that escrow is to be broken, and the instruments of conveyance shall be delivered to the County Attorney for recordation and distribution to the appropriate County offices.

5.7 Plan Review/Inspections and Monitoring. Prior to the modification of any District plants or facilities, any improvements to or expansion of said plants or facilities, or improvements to expansion of the water distribution and wastewater collection systems, the District shall provide the design construction documents, including, but not limited to, plans and specifications to the County for review and approval. The County shall review the design and construction documents for consistency with the County's standards as set forth in the UPAP, as such may be amended from time to time, excepting those standards exempted by mutual consent of the Director of the County's Water Utility Department and the District. During the construction or expansion of or improvement to the facilities, or the water distribution and wastewater collection systems, the County, its agents and employees, shall have the right to inspect the construction, improvements, or expansion for compliance with the approved plans and specifications. The District shall provide reasonable prior written notice to the County of all construction to permit the County to inspect the construction.

6. Reservation of Water/Wastewater Reserved Capacity

6.1 The County recognizes the District's rights as granted by the State Legislature to construct, expand, or modify the water and wastewater facilities as needed to provide Retail Service within the District Service Area and to be the exclusive provider of such services within the District Service Area. By executing this Agreement, the District agrees that any additional water and wastewater capacity required to meet the needs of the District within the District Service Area above that served by existing District capacity in service at the Effective Date or as may be constructed by the District in the future shall be provided exclusively by the District or the County, except for emergency conditions identified in Section 8 and to the extent that the County cannot provide service pursuant to Section 6. Nothing in this Agreement prohibits the District from expanding its own water and wastewater facilities and services to satisfy the capacity requirements as determined by the District within the District Service Area. This Agreement does not require the District to purchase any Potable Water or Wastewater Reserved Capacity or any specific quantity of water or wastewater Bulk Service from the County.

6.2. The County and the District recognize this Agreement defines service area territories of both entities and settles issues under litigation. The District does not have an immediate need for water and/or wastewater Bulk Services. This Agreement is intended to establish the process by which the District shall receive Bulk Service exclusively from the County if the District decides to purchase Bulk Service from the County during the Term of this Agreement. This Agreement also limits the District to purchasing Bulk Service exclusively from the County during the Term of this Agreement.

6.3. The District will receive an allocation from the County of the Potable Water and and/or Wastewater Capacity for its exclusive use upon the payment of the respective Capital Charges, either in full or under an installment basis that results in the District's having a liability for the payment of such capacity (defined herein as the "Reserved Capacity"). The District shall have the exclusive right to the use of the Reserved Capacity that will be available at all times during the Term of this Agreement. The County will own and operate all facilities associated with the Reserved Capacity and such facilities will continue to be an asset of the County System. The District will have an entitlement to the Reserved Capacity but will not be responsible for the operation, maintenance or replacement of such facilities owned by the County and necessary to meet the Reserved Capacity commitments by the County to the District.

6.4. The County agrees during the Term of this Agreement that it shall make available, upon the District's payment therefor, for the potential reservation by the District of up to 5.0 MGD of Bulk Potable Water Service expressed on an AADF basis. The County agrees during the Term of this Agreement that it shall make available, upon the District's payment therefor, for the potential reservation by the District of up to 4.0 MGD of Bulk Wastewater Service expressed on an AADF basis. The availability of such capacity by the County shall not constitute a liability to the District to reserve such capacity and the reservation of any potable water or wastewater service capacity will be at the sole discretion of the District, as provided by this Agreement with respect to the capacity reservation process.

6.5 At such time as the District determines to purchase Potable Water Reserved Capacity from the County, the District shall submit to the County a Notice to Reserve Additional Potable Water Capacity requesting the purchase of an increment of Reserved Capacity. The Notice to Reserve Additional Potable Water Capacity shall include the following information: the increment of capacity required for reservation, the date on the notice requesting additional Potable Water Reserved Capacity, the Capacity Availability Date and the total acquisition cost of such Reserved Capacity based on the Water System Capital Charges calculated in accordance with Section 6.15 that are in effect at the time the Notice to Reserve Additional Potable Water Capacity is submitted. The District will have the sole responsibility for the determination of the Capacity Availability Date for the additional Potable Water Reserved Capacity to be included in the said notice, except as provided in Section 6.7 of this Agreement.

6.6 At such time as the District determines to purchase Wastewater Reserved Capacity from the County, the District shall submit to the County a Notice to Reserve Additional Wastewater Capacity requesting the purchase of such increment of Reserved Capacity. The Notice to Reserve Additional Wastewater Capacity shall include the following information: the increment of capacity required for reservation, the date on the notice requesting additional Wastewater Reserved Capacity, the Capacity Availability Date and the total acquisition cost of such Reserved Capacity based on the Wastewater System Capital Charges calculated in accordance with Section 6.15 that are in effect at the time the Notice to Reserve Additional

Potable Wastewater Capacity is submitted. The District will have the sole responsibility for the determination of the Capacity Availability Date for the additional Wastewater Reserved Capacity to be included in the said notice, except as provided in Section 6.7 of this Agreement.

6.7 In no case shall the Capacity Availability Date for any additional Potable Water Reserved Capacity or Wastewater Reserved Capacity being requested by the District be less than 90 days after the date of said notice. Within 30 days after receipt of said notice from the District, the County shall inform the District in writing whether the additional Potable Water Reserved Capacity and the additional Wastewater Reserved Capacity as requested by the District will be available as of the Capacity Availability Date. If such potable water capacity or wastewater capacity is determined by the County to be available for the exclusive use by the District, the District shall enter into an Additional Reserved Capacity Payment Agreement, a copy of which is attached hereto and incorporated herein as Exhibit 13, to pay for such additional Reserved Capacity. The Additional Reserved Capacity Payment Agreement shall identify the cost of the potable water capacity or wastewater capacity addition and shall establish the liability to the District for payment of such Reserved Capacity to be secured by the District in accordance with the terms of this Agreement. The Additional Reserved Capacity Payment Agreement will identify the total amount of Potable Water and/or Wastewater Reserved Capacity being purchased by the District, the total cost of such said capacity, and the payment terms for the purchase of said capacity. Payment for any reservation of capacity shall be made as follows: Fifty percent (50%) to be due within thirty (30) days after the County's notification to District that the capacity will be available at the Capacity Availability Date, and fifty percent (50%) to be due within thirty (30) days after the Capacity Availability Date.

6.8. The District agrees to purchase any requested additional potable water Reserved Capacity and Wastewater Capacity from the County in capacity increments. With respect to the purchase of additional Potable Water Reserved Capacity, the District shall purchase such capacity in increments of not less than 100,000 GPD expressed on an AADF basis. With respect to the purchase of additional Wastewater Reserved Capacity, the District shall purchase such capacity in increments of not less than 50,000 GPD expressed on an AADF basis.

6.9 If the County cannot provide the additional Potable Water and/or Wastewater Reserved Capacity by the Capacity Availability Date as referenced in the Notice to Reserve Additional Potable Water and/or Wastewater Capacity, then such inability to provide one hundred percent (100%) of such total specifically requested additional capacity will be considered as a Capacity Default by the County. If the County cannot obligate potable water and/or wastewater capacity to meet the full request for additional Reserved Capacity which results in a Capacity Default position, the County shall notify the District within 30 days after receipt of notice from the District under Section 6.7 of its intent to provide additional Potable Water and/or Wastewater Reserved Capacity in the future, the date that such additional Reserved Capacity will be made available, and automatically agrees to allow the District to either construct its own capacity to meet the additional needs or to allow the District to secure interim capacity from another provider until such capacity is made available by the County. Once the County has the additional capacity available to meet the additional Reserved Capacity requested by the District, the District shall purchase such capacity from the County in accordance with the terms of this Agreement if it has not constructed its own capacity to meet the needs as identified in the Notice to Reserve Additional Potable Water and/or Wastewater Capacity. If the District purchases the additional Reserved Capacity from the County, the respective Capacity Charge that will be applied to such incremental capacity originally requested by the District when the County was in a Capacity Default situation shall be the charge in effect during such Fiscal Year that the request was made by the District pursuant to

the Notice to Reserve Additional Potable Water and/or Wastewater Capacity and not when the such capacity is made available by the County to the District. If the County has caused a Capacity Default and the District constructs its own Potable Water and/or Wastewater Facilities to cure such default, the County shall pay damages for such default equal to the difference between the total cost to design, construct and place into service such facilities less the amount of Capital Charges that would be due the County if such capacity was provided by the County.

6.10. To the extent that the requested additional Reserved Capacity is not made available by the County by the Capacity Availability Date as referenced in the Notice to Reserve Additional Potable Water and/or Wastewater Capacity, the District may construct additional potable water and/or wastewater capacity within the service area of the District for its own use. The District will notify the County of its intent to construct facilities within 180 days of the County's notice of its inability to provide the requested Reserved Capacity to the District. If the District has notified the County of its intent to construct the additional capacity, the County cannot require the District to purchase such additional Reserved Capacity at the time such capacity then becomes available. The District may construct a capacity addition greater than the amount of capacity that was requested by the District which was considered unavailable by the County at the Capacity Availability Date.

6.11. To the extent that the District is required to purchase the requested Reserved Capacity at a date subsequent to the Capacity Availability Date which will require the purchase of Interim Reserved Capacity from another utility, then the County will pay the District an amount sufficient to enable the District to recover any capital investment paid by the District in order to purchase such Interim Reserved Capacity, including but not limited to: (a) that respective utility's capital facility or capacity charges, and (b) the difference in the monthly cost of the actual commodity purchase from such utility based on the rates being charged to the District by the then Utility Service Provider and the commodity rates that would have been in effect for the County if the County was providing the service in accordance with and for the Term of this Agreement (only if it results in an increase in the cost of commodity service and referred to in this Agreement as the "Additional Charges"). Such payments will be made by the County within 30 days after notification of the additional costs as provided by the District. The District agrees to provide the necessary documentation and calculations to affirm the additional costs being incurred by the District associated with the purchase of Interim Reserved Capacity from the supplying utility. Once the County notifies the District that the additional Reserved Capacity is available, the District will have up to 45 days to discontinue service with the then current supplying utility for such Interim Reserved Capacity. The County will be responsible for the payment of all Additional Charges until the District begins receiving the additional Reserved Capacity as initially requested from the County, but not later than 45 days after notification by the County of the availability of the additional Reserved Capacity. Accordingly, the District must discontinue service from the other Utility Service Provider within 45 days and begin to receive service associated with the additional Reserved Capacity from the County.

6.12. Once the District has purchased additional potable water and/or wastewater Reserved Capacity from the County, the County will no longer have the right to use that amount of potable water and/or wastewater capacity for providing service to any other County Retail Service or Bulk Service customers.

6.13. The County will make available upon reasonable request of the District the Monthly Operating Reports which are submitted to the FDEP, the Palm Beach County Health Department and all other agencies with jurisdiction which will quantify the AADF or capacity use for each individual water plant or wastewater plant that comprises a portion of the County

Existing Facilities that does or will provide additional capacity to the District. To the extent that the County requires the use of any portion of the District's unused but available Reserved Capacity to meet the County's other potable water or wastewater requirements in the County's Service Area, the County shall compensate the District for the use of such capacity. The compensation shall be made within 30 days after District notification in accordance with the following formula:

	Calculation	Example
Total District Reserved Capacity Used	----- MGD	0.150 MGD
Assumed Average Cost of Reserved Capacity Purchased	\$-- per gallon	\$3.00 per gallon
Total Average Cost of Reserved Capacity	\$--,---,---	\$450,000
Monthly Discount Rate (annual rate of 6%)	0.50%	0.50%
Amortization (recovery) Period (years)	30 years	30 years
Calculation Factor (*)	.005996	.005996
Monthly Credit Due District	\$--,---,---	\$2,698.20
(*) Represents amortization factor applied to payment due that will provide the monthly payment due with interest.		

6.14 In no event will the County use the Reserved Capacity of the District to meet other County potable water and/or wastewater Retail Service and Bulk Service area requirements, if doing so would compromise the operational or service area needs of the District. To the extent that the County uses the Reserved Capacity of the District in a manner that does compromise the ability of the District to provide service to its customers, the County shall have caused a Capacity Default and shall pay damages as provided in Section 6.9. Additionally, the County will refund to the District the unamortized cost of the previously paid Reserved Capacity Charges for such Reserved Capacity considered as a Capacity Default based on the remaining Term of the Agreement. For example, assuming a \$3,000,000 payment of capacity for the Reserved Capacity no longer being available and a remaining Term of the Agreement of 15 years, the County would be responsible to repay the District \$1,500,000 in unused Capacity Charges.

6.15 The District shall pay a Water System Capital Charge to the County for all Potable Water Reserved Capacity contracted by the District as set forth in Exhibit 5. The District shall pay a Wastewater System Capital Charge to the County for all wastewater Reserved Capacity contracted by the District as set forth in Exhibit 6. The initial Water System and Wastewater System Capital Charges on Exhibits 5 and 6 are based on a study prepared by the County. The Water System and Wastewater System Capital Charges shall be effective and remained unchanged until September 30, 2011. The Water System and Wastewater System Capital Charge shall be increased annually starting on October 1, 2011 and annually for each Fiscal Year after October 1, 2011 (only one adjustment per each twelve consecutive month period) by one half of the Gross Domestic Product Implicit Price Deflator as published by the United States Department of Labor, Bureau of Labor Statistics Data, Water and Sewerage Maintenance ("Gross Domestic Product Implicit Price Deflator") or three percent (3%), whichever is less. In determination of the annual factor associated with the Gross Domestic Price Deflator, the factor will represent the percentage change in the index as

published for July of the current year when compared to the index published for July of the previous year. Upon the request of the District, the County must notify the District by the first day of each Fiscal Year of the change in the Reserved Capacity Charges and provide the calculation of such charges. The Reserved Capacity Charge will be expressed on a "per gallon of Reserved Capacity" basis and will always be rounded to the nearest cent for billing and calculation purposes. In no event shall the County change the fee structure or application methodology, as applied to the District during the Term of this Agreement. The capital costs included in the determination of the Capital Charges do not include those costs associated with constructing the net capacity required to serve the County Service Area and its Bulk Service commitments and shall include water production and treatment, wastewater treatment and effluent disposal, other than reclaimed water facilities which are for alternative water resource purposes, and transmission facilities. The Capital Charges do not include (a) water storage facilities; water distribution system costs which would include water lines with a diameter of 6" or less, meters, services, and hydrants; or (b) wastewater collection facilities which would include wastewater lines and force mains with a diameter of 6" or less, laterals, and local lift stations.

6.16 The County is named as the permit holder of the potable water and the wastewater facilities required to provide the Reserved Capacity as it relates to the operation of such facilities by the FDEP and all other regulatory agencies which may have jurisdiction with respect to such facilities. The County, at all times, will operate the facilities that provide the Reserved Capacity in accordance with generally accepted utility operating procedures such that they will not be in violation of State and Federal regulations governing the operation of the facilities with such permit(s) and will at all times renew such permits on a timely basis in accordance with applicable regulations to maintain such permit(s) in an approved active status mode. In the event that the County is not in compliance with the operating permits for all facilities required to provide the Reserved Capacity to the District, and the County is fined or required to implement capital or operational improvements to such facilities as required by any regulatory agency, the District will not be responsible for such costs, including penalties, and the County shall not attempt to recover such costs from the District in the future or reduce the Reserved Capacity of the District due to an impairment in the County Existing Facilities because of the County's noncompliance.

6.17 In the event the County fails or refuses to provide the District with Bulk Potable Water or Bulk Wastewater Service, after such time as County has previously agreed to reserve such service for the District, and the County has been paid for such capacity, and when the District is in otherwise compliance with its reservation agreement and this Agreement, and where such failure is not due to a bona fide emergency as defined above and where such failure or refusal continues for one hundred eighty (180) days after written notice from District, District may, at its option, terminate this Agreement.

6.18 Notwithstanding any other provision hereof, the County shall not be required to commit to more than 3.0 MGD of bulk potable water capacity during the first 24 months of this Agreement and failure of County to have such capacity during such time shall not be considered a default hereunder.

7. Bulk Water/Wastewater Service Commodity Charges

7.1. The District will be responsible for the payment of all charges associated with the monthly use of its Potable Water Reserved Capacity. In accordance with this Agreement, all

potable water delivered by the County to the District will be metered at the Point(s) of Delivery. The District shall pay the County the Potable Water Commodity Charge as set forth on Exhibit 7 for all potable water service delivered by the County at the Point(s) of Delivery. The initial Potable Water Commodity Use Charge on Exhibit 7 was based on a study as prepared by the County and shall remain in effect through September 30, 2011. The County will be allowed to adjust the Potable Water Commodity Charge starting on October 1, 2011 and annually for each Fiscal Year after October 1, 2011 (only one adjustment per each twelve consecutive month period) by one half of the Gross Domestic Product Implicit Price Deflator as published by the United States Department of Labor, Bureau of Labor Statistics Data, Water and Sewerage Maintenance ("Gross Domestic Product Implicit Price Deflator") or three percent (3%), whichever is less. The annual factor associated with the Gross Domestic Price Deflator, will be the percentage change in the index between the number published in July of the current year and the number published for July of the previous year. The Potable Water Commodity Charge will be expressed on a per thousand gallons of metered potable water as delivered to the Point(s) of Delivery basis and will always be rounded to the nearest cent for billing and charge calculation purposes. During the Term of this Agreement, the County shall maintain a uniform commodity charge for all metered potable water use and in no event shall the County change the fee structure or application methodology applicable to the District during the Term of this Agreement. The County acknowledges that the District shall not be liable for or bear the cost of (nor shall the rates and charges include), any royalty or surcharge payment to the Village of Royal Palm Beach pursuant to that agreement entered into between the County and the Village of Royal Palm Beach dated August 24, 2004 or any other unit of local government during the Term of this Agreement.

7.2. The District will be responsible for the payment of all charges associated with the monthly use of its Wastewater Reserved Capacity. In accordance with this Agreement, all wastewater flow delivered by the District to the County for disposal will be metered at the Point(s) of Collection. The District shall pay the County the Wastewater Commodity Charge as set forth on Exhibit 8 for all wastewater service delivered by the District at the Point(s) of Collection. The initial Wastewater Commodity Charge on Exhibit 8 was based on a study prepared by the County and shall remain in effect through September 30, 2011. The County will be allowed to adjust the Wastewater Commodity Charge starting on October 1, 2011 and annually for each Fiscal Year after October 1, 2011 (only one adjustment per each twelve consecutive month period) by one half of the Gross Domestic Product Implicit Price Deflator or three percent (3%), whichever is less. The annual factor associated with the Gross Domestic Price Deflator will be the percentage change between in the index published for July of the current year and the index published for July of the previous year. The Wastewater Commodity Charge will be expressed on a per thousand gallons of metered wastewater flow basis as delivered to the Point(s) of Collection basis and will always be rounded to the nearest cent for billing and charge calculation purposes. During the Term of this Agreement, the County shall maintain a uniform commodity charge for all metered wastewater flow and in no event shall the County change the fee structure or application methodology applicable to the District during the Term of this Agreement. The County acknowledges that the District shall not be liable for or bear the cost of nor shall the rates and charges include, any royalty or surcharge payment to the Village of Royal Palm Beach pursuant to that agreement entered into between the County and the Village of Royal Palm Beach dated August 24, 2004 or any other unit of local government during the Term of this Agreement.

7.3. Bulk Potable Water and Wastewater Service shall be delivered at the Point(s) of Delivery and Point(s) of Collection, respectively, which shall initially be located in proximity to the County's existing water main and wastewater transmission pipelines at 140th Avenue North

and Seminole Pratt-Whitney Road as shown on Exhibit 10 and as may be adjusted by mutual consent of the parties. The District shall bear the cost and responsibility for making the actual connection to the County's water main and wastewater collection lines and after completion of such Point(s) of Delivery or Collection, such facilities shall become Existing Facilities of the District. The District shall design the connections based on the capacity set forth in, and the flows contemplated by, this Agreement. The location and type of the District's connection to the County's water main and wastewater collection lines shall be approved in writing by the County prior to any work being performed, which consent shall not be unreasonably withheld. The County may monitor such work to ensure such work conforms to the County's approved connection requirements and all applicable State and County standards and regulations. The District shall furnish proof, in the form of a signed and sealed statement from an engineer registered in the State of Florida, to the County's designated utility agent of the comparability and equivalency of all material and standards of performance to the requirements set forth in the UPAP, which is incorporated herein by reference. In addition to said statement, District shall also supply certified as-built drawings, pipeline testing reports, and permit releases for service from the Palm Beach County Health Department and Florida Department of Environmental Protection to the County. Additional Point(s) of Connection may be provided in the future as mutually agreed by both the District and the County.

7.4 The District shall install, as part of its connection to the County water and wastewater system, an appropriate metering device(s) meeting all County requirements and specifications. Meter installations shall be provided at all Point(s) of Connection and after completion of such meter installations by the District, such facilities shall become Existing Facilities of the District. The device(s) must be acceptable to the County. The District shall pay all costs associated with the purchase and installation of such meter(s). After their installation, the District shall own, operate and maintain the meter(s), and the County shall have the absolute right of access for testing, reading purposes, and for any necessary repairs to maintain the integrity of the County's water or wastewater system. The District shall also have an absolute right of access to the meters.

7.5 Subject to the terms and conditions of this Agreement, the County shall invoice the District for services on a monthly basis in accordance with its meter readings, calculated charges and other applicable service fees. The invoice shall include, at a minimum, the billing period of service, the amount of water and wastewater flows metered and billed, the rates for service, the amount of the invoice, contact person for questions regarding the invoice, and other information deemed acceptable by the parties. The District shall make payment based upon the invoice amount within thirty (30) days after receipt of the invoice from the County. If payment is not made within thirty (30) days after receipt of the invoice, the District shall pay interest or penalties on the outstanding balance as established from time to time in the UPAP, which may be amended from time to time. The charging of interest and penalties shall not extend the due date for any payment and any failure to pay may be considered a default under the terms of this Agreement.

7.6 The District shall be liable for the costs of the purchase and installation of any additional or replacement meters or similar equipment or devices used to measure the amount of water provided by the County to the District and wastewater delivered to the County by the District. If the District disputes the accuracy of any meter reading, it must notify the County within fifteen (15) days after receipt of the bill and demonstrate through appropriate calibration testing that the meter is not properly calibrated or is otherwise not functioning properly. All meter readings not disputed within fifteen (15) days after receipt of the bill by the District shall be final and not subject to dispute. If the District disputes a billing, it shall still pay the amount

billed by the County, unless the error is self-evident or obvious when compared to typical average usage and/or historical flows. If it is subsequently determined, in accordance with the procedure specified below, that the billing is in error, then the District shall be reimbursed or credited for any difference within thirty (30) days of such determination. If a dispute concerning the meter's performance or accuracy is unresolved, the County and District shall mutually select an independent testing company qualified to perform appropriate tests upon the meter. The decision of the mutually selected testing company as to the meter's performance or accuracy shall be binding upon the County and District. If the meter is determined to be accurate within the manufacturer's range of tolerance, then the cost of testing shall be paid by the District. If the meter is determined to be inaccurate and outside the range of tolerances, then the County shall pay for the cost of such testing. The District shall be required to calibrate all meters at the Point(s) of Delivery and Point(s) of Collection at least every two years and replace all of the respective Bulk Service meters no less than once every ten (10) years.

7.7 County shall supply District with potable water as provided for herein that is in full compliance with all local, state, and federal laws, rules, and regulations as they relate to water quality. In addition, the potable water quality provided by the County to the District shall satisfy the further quality criteria set forth in Exhibit 16. County shall provide potable water, unless otherwise agreed to and absent an emergency situation, at no less than 55 PSI and no more than 75 PSI at any single Point(s) of Delivery, unless otherwise agreed, as measured at downstream side of the backflow prevention device. The District shall maintain storage capacity within its water distribution network to satisfy peak demands. The County shall maintain pressures within the County force main as mentioned at the Point of Collection of no less than 25 PSI and no more than 40 PSI.

7.8 In the event that the South Florida Water Management District or other governmental unit (exclusive of the Board of County Commissioners) with just cause and authority declares a water shortage, then the County shall have the right to restrict service to the District by the same percentage, level and/or manner as the County restricts service to similarly situated Bulk Service customers located within the County limits, taking into consideration the South Florida Water Management District's approach to facilities utilizing reclaimed water. In no event shall the County adjust the Commodity Charge to the District to promote water conservation as a result of the declared shortage, unless the County raises rates to all County customers on a uniform and non-discriminatory manner and for no greater period of time than that of the declared emergency. Moreover, any such surcharge shall not be subject to "indexing" should the County adopt indexing provisions for its ratemaking in the future unless the County raises rates to all County customers, including the District, on a uniform and non-discriminatory manner and for no greater period of time than that of the declared emergency. Moreover, any such surcharge shall not be subject to "indexing" should the County adopt indexing provisions for its ratemaking in the future.

7.9 Both the County and District acknowledge that during the initial years of operation, the County's water main and/or wastewater transmission pipelines along 140th Avenue North may require annual maintenance for proper maintenance. The District agrees to provide the County an easement to be used solely by the County during required pipeline maintenance events. The County agrees to coordinate pipeline maintenance activities with the District a minimum of 14 days in advance of such scheduled work. Subject to and conditional upon the limitations set forth in Section 768.28, Florida Statutes, County shall indemnify and hold harmless District from and against any and all damage, loss, claim, demand, liability or expense by reason of any claim, suit or judgment brought by or in favor of any person or persons for damages, loss or expense due to, but not limited to, bodily injury, including death

resulting any time therefrom, and property damage sustained by such person or persons, which damage or injury arises out of, is occasioned by or is in any way attributable to the use or occupancy of this easement by County, its agents, employees, or contractors.

Following each use of the easement property, County shall fully restore the land encumbered by the easement to its condition prior to said use.

7.10 The County agrees it shall not provide any similarly situated Bulk Service to any other similarly situated customers that reflects a lower Capital Charge for contracting Reserved Capacity or Commodity Charges for the use of such capacity at rates lower than those provided to the District. This provision shall not apply to any rates or agreement agreed to by the County prior to the Effective Date. In the event the County's Bulk Service rates, or components of these rates, are reduced in the future, the District shall be charged the lower rates for current and future usage. Other than as provided for herein, corrections for prior usage shall not be made by the County. However, in no event shall the County increase the Commodity Charge except as provided for in this Agreement.

8. Emergency Interconnection with Other Utilities

8.1 The District may interconnect its water or wastewater facilities with another utility, subject to the terms and conditions of this Agreement.

8.2 It is the intention of the parties that the County shall be the District's sole and exclusive supplier of Bulk Potable Water and Wastewater Services. The District may interconnect its water or wastewater facilities with the facilities of the Village of Wellington, the City of West Palm Beach or Indian Trail Improvement District or any other legally authorized utility service provider (individually, "Interconnect Utility"; collectively, "Interconnect Utilities") for the sole limited purpose of emergency use. Notwithstanding the foregoing, the County reserves the right to challenge the extension of water lines to/from the District Service Area, based on common law, statutory law, contractual rights, or law in equity. For the purpose of this Agreement, emergency use is defined to mean either (1) any instance in which the County fails to provide the District with Bulk Potable Water or Bulk Wastewater Service in the amount of the Reserved Capacity as secured by the District; (2) a bona fide emergency, which is defined as an interruption of water or wastewater service caused by power failures, natural, man-made or technological disasters, acts of terrorism or acts of God, and which will have a substantial likelihood of causing significant injury or harm to the customers of the District or significant damage to or loss of property, and which cannot be rectified through a temporary increased flow of bulk potable water or bulk wastewater service from the County; or (3) at the request of the County due to operational and maintenance activities upon the County's Existing Facilities which necessitates the purchase from other Utility Service Providers to facilitate such activities.

8.3 In the case of a bona fide emergency as defined above, District shall be permitted to utilize potable water and/or wastewater service from any of the Interconnect Utilities. District's use of said interconnects in the case of a bona fide emergency shall be subject to the following conditions:

a. The emergency interconnection shall not be used for routine maintenance of the District's Existing Facilities nor to provide potable water and/or wastewater capacity for new development.

b. The District shall notify Palm Beach County's Director of Utilities each time an emergency interconnection is opened and shall submit a report to Palm Beach County's Director of Utilities within twenty-four (24) hours of each such use detailing the reason for the use, the length of time the interconnect was used and the volume of water distributed. Additionally, a quarterly report containing such information shall be sent to Palm Beach County's Director of Utilities.

c. The use of the emergency interconnect shall be time-limited to the duration of the bona fide emergency.

8.4. Any interconnection by the District with an Interconnect Utility shall be independent of and preserve the integrity of the County's potable water system; therefore, any such interconnection may not result in a physical connection to the County's water mains.

8.5. The District may not use any interconnection by the District with an Interconnect Utility to solicit Bulk Water Service from an Interconnect Utility or to deliver water directly or indirectly to another customer or other customers wherever located, or for purposes of Wheeling (as defined in Section 3 hereof), except as may be requested by the County relative to the delivery of County potable water to such Interconnect Utility. To the extent that the County does request the District to Wheel such service for the benefit of the County or an Interconnect Utility, the District shall be compensated for the use of the District Existing Facilities necessary for the transaction.

8.6. The District may expand its External Facilities ("New External Facilities") to effectuate Emergency Interconnects. These New External Facilities may only be used for the purposes described in this Section 8.

8.7. In any instance where an interconnection shall exist, appropriate safety measures, including back flow prevention devices, and other devices or instruments as are customarily employed by the County, shall be employed by the District.

9. Bulk Reclaimed Water Service

9.1. The County and the District agree on the importance of constructing and implementing alternative water resources, such as reclaimed water. Both parties agree to work together to promote the use of reclaimed water within and outside the District Service Area. As such, the District is currently providing reclaimed water from its facilities and County acknowledges that it does not presently have any reclaimed water facilities within the District Service Area or the area surrounding the District Service Area.

9.2. The County and the District agree that the timing and phasing of development is uncertain as of the Effective Date but should be identifiable within the 12 months after the Effective Date. Both parties agree that they shall negotiate a separate agreement to specifically identify the timing and phasing of the needs and provision for reclaimed water service which shall be subject to the following general parameter: Notwithstanding the above, if no agreement is reached between the parties within 12 months after the Effective Date in this regard, both parties shall be free to proceed on their own to provide reclaimed water service within their own respective service areas.

9.2.1. The County and the District agree that the District shall be responsible to plan, design, permit, construct, and operate a regional reclaimed water facility located within the

District Service Area. The District agrees to be responsible for operation of the facility and may negotiate with the County to perform such operations on a contractual basis. The District's use of reclaimed water shall be limited to properties located within the District Service Area. The County's use of reclaimed water shall be limited to properties located outside the District Service Area. Both parties shall be individually responsible for designing, permitting, constructing, and operating wastewater transmission and reclaimed water distribution pipelines required to serve their customers and each party shall bear its own cost for such.

9.2.2 The parties acknowledge that use of reclaimed water is promoted by the South Florida Water Management District as a viable Alternative Water Resource intended to reduce demands on the local groundwater aquifer system and regional water supply system. The County's existing Water Use Permit issued by the South Florida Water Management District requires documented use of reclaimed water within the County's service area. The District's existing Water Use Permit issued by the South Florida Water Management District does not require the implementation of a reclaimed water program as a condition of the Water Use Permit. The District agrees that all reclaimed water utilized by the District within and outside the District Service Area shall be documented and applied to the County's and the District's Water Use Permit requirements on a pro rata basis to each computed on the basis of the respective Reserved Capacity provided by the County and the District's constructed capacity as of October 1st of each Fiscal Year.

9.2.3 The County projects a potential future reclaimed water demand up to fifteen (15) MGD in the portion of the County's service area west of State Road 7. As additional reclaimed water users are contracted by the County, the County shall be responsible for requesting additional reclaimed water capacity from the District's facility. The District shall notify the County within 30 days of said request whether the requested reclaimed water capacity will be available to the County. If the District will not have sufficient reclaimed water capacity to meet the County's needs, then the District agrees the County may proceed with design, permitting, construction, and operation of a new County-owned facility above what is presently being served by the District reclaimed water facility (the County cannot build additional capacity and reduce the use of the allocated capacity at the District reclaimed water facility without the consent of the District).

9.2.4 The County intends to be the reclaimed water provider for customers located outside the District Service Area. However, the County further agrees that within the part of County's Service Area located west of 140th Avenue North, as shown on Exhibit 1, the District shall have the first right of refusal to sell reclaimed water, either as Bulk Service or as Retail Service, as mutually agreed by District and County, but only, however, when the County does not have the ability to provide such reclaimed service in its own right. The District shall have exclusive rights, as with all other sales, to sell reclaimed water within the District Service Area.

9.2.5 The District shall have the right to purchase additional reclaimed water from other utilities for the benefit of meeting the irrigation and reclaimed water demands within the District Service Area. To the extent that the District determines that there exists additional reclaimed water demands above that currently being provided by the District's reclaimed water system, the District will allow the County the first right of refusal to provide bulk reclaimed water to the District for these purposes. In no event shall the District provide reclaimed water services outside of the District Service Area when there is a need for that same reclaimed water within the District Service Area.

9.2.6 The District agrees that the County may send domestic wastewater from the County's service area to the District's reclaimed facility for suitable treatment and production of reclaimed water for ultimate use with the District, to the extent the demand for reclaimed water with the District exceeds the supply generated by the District's reclaimed facilities. If excess reclaimed water exists over that amount needed by the District for utilization within the District Service Area, the County may utilize that reclaimed water for the County own needs and within the County service area.

9.2.7 At such time as the County purchases the District's utility system, as referenced in Section 12 hereof, the District's Reclaimed Water System shall be included in such assets.

10. Term. The term of this Agreement shall be for 30 years from the Effective Date and shall automatically renew for an additional 10 years unless District delivers to the County written notice of cancellation of this Agreement no later than six months before the expiration of the Term of this Agreement. After 40 years, the Agreement shall automatically renew for an additional 10 years unless the District delivers written notice within six months prior to the expiration date of the Agreement. After 50 years, the Agreement shall continually renew annually, unless either party delivers written notice of cancellation of this Agreement at least six months prior to its expiration.

10.1 Term Adjustment for Incremental Reserved Capacity Additions

10.1.1 The County recognizes that the timing for the District's capacity needs over the Term of this Agreement is not presently known. To ensure the District optimizes its beneficial use of Capital Charges paid to the County for Reserved Capacity, the District shall be allowed to automatically extend the Term of the Agreement so that each increment of capacity reserved is valid for a minimum of 20 years. Under this circumstance, the term extension shall commence the date the District pays the County the appropriate Capital Charge(s) for the reservation of the additional capacity, whether for water or wastewater service. Therefore, if the District purchases additional Reserved Capacity when the remainder of the then Agreement Term is less than twenty years, the Agreement Term will automatically be extended to have a remaining term of twenty years beyond the Capacity Availability Date of such purchase of additional Reserved Capacity. After the end of the Term, as may be adjusted by the purchase of additional Reserved Capacity, the Term of the Agreement will be extended as provided in this section. Both parties reserve the right to terminate this Agreement at the expiration date by providing written notice of cancellation no later than six months before such expiration of the adjusted Term of this Agreement.

11. Compliance with Palm Beach County Comprehensive Plan

11.1 This Agreement does not represent acquiescence on the part of the County to the District's serving potable water and/or wastewater customers inconsistent with the Comprehensive Plan of Palm Beach County or inconsistent with any development orders/approvals held by the District. Notwithstanding any other provision in this Agreement, the County reserves its legislative authority with respect to all planning and zoning decisions affecting the District, and nothing in this Agreement should be construed as guaranteeing the District any particular zoning or planning decision on the part of the County.

11.2 The County recognizes the District's service to all parcels identified in Exhibit 2 as consistent with the Comprehensive Plan of Palm Beach County, where such service is otherwise consistent with the terms of this Agreement.

11.3 The County recognizes the District's right to expand and modify its existing water, wastewater, and reclaimed facilities that constitute the District System to provide Retail Service to its water, wastewater, and reclaimed water customers located within the District Service Area as delineated in this Agreement.

12. County Right of First Refusal for District System, District Right to Offer this Utility to the County, and Methodologies for Voluntary Sale/Purchase of District Utility System.

12.1 The District grants the County the right of first refusal to acquire the District System. The District shall not dispose of the District System, in whole or in part, without first offering the District System to the County in accordance with the requirements of this section. This section regarding the disposition of the District System does not apply to such District System assets that are no longer required for the provision of Retail Service by the District or have reached their useful service life and are no longer required to provide utility service as determined by the District. Within ten (10) days after receiving a written binding and irrevocable offer to purchase the District System from a bona fide third party not legally or functionally related to the District or the County, the District shall identify the name and address of the said bona fide third party or parties who offered to purchase the District System and provide a copy of the offer or the terms of such offer in writing to the County.

12.2 The County shall have ninety (90) days after the receipt of the terms of the offer within which to elect to purchase the District System at the price and upon the same material terms offered by the third party or parties. If the County fails to elect to exercise its option, the District shall have the right to dispose of the District System, but only to the third party or parties who made the original offer to purchase the District System and only upon the same material terms and conditions.

12.3 For the purpose of this selection, the term "dispose" includes, but is not limited to, the acts of selling, assigning, transferring, giving, or any other form of voluntary conveyance, whether in whole or in part.

12.4 In the event the District and County mutually agree to sell and purchase the District System, the Purchase Price to be paid by the County to the District for said system shall be calculated based on the discounted cash flow value of the anticipated net revenue of the District System as more fully described below:

12.4.1 The total Purchase Price for the acquisition of the District System and corresponding service area shall be determined within 90 days of the District's agreement to sell and the County's agreement to purchase said District System. The determination of the Purchase Price shall be as follows:

Capitalizing the Net Income of the District System based on the average of: (a) the rates for the District customers being served for the twenty-four month period preceding the date of the determination of the agreement to purchase between the parties, and (b) the rates imposed by the County. Moreover, in calculating

Net Income available for debt service purposes, after the initial five year period from and after the Closing Date, the rates to be utilized will be the rates of the County. The Net Income of the District System will represent the difference between the Operating Income of the District System and the Operating Expenses of the District System as more fully defined below:

i. Operating Income shall include the recurring revenues of the District System received from the following sources:

- (1) Revenues derived from the monthly service charges (billing, base, and commodity and other related charges) for providing water, wastewater and reclaimed water service to all customers being serviced by the District System based on the rates to be charged by the County within the District Service Area;
- (2) Any other recurring revenue of the District System received during the course of providing utility service.

ii. Operating Expenses shall mean those expenditures reasonably anticipated to occur with the County operation of the District System, which shall include:

- (1) Operation and maintenance of the utility plant in service;
- (2) County legal, administrative, accounting, customer billing and other expenses associated with the daily operation of the District System that would be reasonably incurred at an amount equal to that incurred for the County system at the time of acquisition. Such expenses shall not include any payments in lieu of taxes or franchise fees paid by the County Utility System to the County's General Fund, Royal Palm Beach or any other governmental agency that receives service from the County Utility System; and
- (3) The funding of a renewal and replacement reserve in an amount equal to 5.0% of the estimated Operating Income.

iii. The discount rate to be used for the capitalization of the Net Income shall be equal to the then average annual interest rate for a tax exempt water and wastewater utility revenue bond financing issued by the County assuming a "AAA Credit Rating". The term to be used for the capitalization of the Net Income shall be equal to 30 years.

c) In lieu of a futures calculation and to provide the District benefit for the future growth in the District System that may reasonably occur after the acquisition date, the determination of the Net Revenues will be adjusted to recognize the anticipated and reasonable growth expected to be realized within the purchased system by the County ten years from the date of Closing in its capitalization of the Net Income calculations. Such calculation will also recognize an increase in Operating Income based on the rates and fees, to be in effect for

the District System by the County and the average usage requirements for all other customers being served by the District System. Such calculation will recognize an allowance for increased variable costs (power, chemicals and sludge disposal only) for serving such customers and any specific capital expenditures (not including any impact fees, capital charges, or similar fees) necessary to serve such increased customers.

d) In addition to the capitalization of the Net Income of the District System operations as described above, the County shall reimburse the District as follows:

- i. For any Capital Charges that have been paid by the District to the County for Reserved Capacity that, as of the date of District System transfer, represents capacity that is uncommitted and unreserved to the future development in the District Service Area. Uncommitted and unreserved capacity shall represent that portion of the Reserved Capacity that the District has not received Capital Charges from new development for the use of such capacity. In the determination of the unreserved capacity in the District facilities, it will be assumed that all impact, capacity or capital charges received shall first be applied towards the use of the District-owned utility plant and then towards the Reserved Capacity purchased by the District from the County. The County's obligation to reimburse the District for such Capital Charges shall be limited to those charges that the County may resell to developers or other parties within the District boundaries, in the future; plus
- ii. To the extent not previously recovered by the District through Capital Charges or other developer or user fees, the depreciated original cost of unused District capital facilities, but not including any District on-site water plant or wastewater plant, and only to the extent that same will be used and useful by the County as permanent County utility facilities, including tanks, major trunk lines, reclaimed water treatment plants, and other facilities which will be used by the County after closing and for which the County will receive capacity fees and/or connection charges from third parties who will benefit from the utilization of such facilities in the future.

12.4.2 The Purchase Price to be paid by the County to the District shall be determined by the mutual agreement of the parties in the ordinary course of business.

12.4.3 In the event of a subsequent purchase and sale of the District System by the County, both parties shall comply with the provisions of Section 125.3401 and 189.423, Florida Statutes, or such other lawful prerequisites as are then applicable.

12.5 The District may, at any time, offer its utility system to the County for purchase, and in that event, County shall (in the mandatory sense) purchase the District's Utility utilizing the formula set forth in Section 12.4 above. Notwithstanding the foregoing, nothing in this Agreement shall be construed as pledging County ad valorem dollars. Said purchase agreement shall be contingent upon budgeting by the County.

13. Dismissal of Disputes and Lawsuits

13.1 The District shall dismiss with prejudice, within five (5) days after the Effective Date of this Agreement all of its claims and interests in that certain case brought in Circuit Court for Palm Beach County, Case No. 50 2004 CA 01-2091-XXXX, and titled "*City of West Palm Beach, a municipal corporation; Seminole Improvement District, an independent special district and Callery-Judge Grove, L.P., a Florida limited partnership, Plaintiffs v. Palm Beach County, Defendant.*" Each party shall bear its own costs, including attorney's fees, related to the case.

13.2 The District shall waive its right to appeal or otherwise seek administrative or judicial review immediately upon the Effective Date of this Agreement the final order entered by the Department of Community Affairs on October 21, 2005 in Department of Community Affairs Docket No. 04-1-NOI-5001-(A)-(I) and Division of Administrative Hearings, Case No. 04-04336GM and titled "*City of West Palm Beach, Seminole Improvement District, Callery-Judge Grove, L.P., and Nathaniel Roberts, Petitioners v. Department of Community Affairs and Palm Beach County, Respondents.*" Each party shall bear its own costs, including attorney's fees, related to the administrative appeal.

13.3 County shall dismiss with prejudice, within five (5) days after the Effective Date of this Agreement, all claims and interest against the District in that certain case brought in the Circuit Court for Palm Beach County, No. 50 2004 CA 01-0492-XXXX, and titled "*The Village of Royal Palm Beach, a municipal corporation of the State of Florida, and Palm Beach County, a political subdivision of the State of Florida, Plaintiffs, v. Village of Wellington, a municipal corporation in Florida; Seminole Improvement District, a special improvement district of the State of Florida and Acme Improvement District, a special improvement district of the State of Florida, Defendants.*" This provision shall not include the County's claims and interests against Defendants, Village of Wellington and Acme Improvement District, which the County may continue to pursue. Each party shall bear its own costs, including attorney's fees, related to the case.

13.4 Except as otherwise expressly provided in this Agreement regarding the District's rights to provide services, District hereby for itself and its successors, assigns, predecessor, affiliated entities, directors, officers, employees, principals, agents and servants, releases, acquits, and forever discharges any and all claims it or they may have against the County and/or its commissioners, officers, employees, principals, agents, servants, attorneys and representatives from any and all actions, causes of actions, claims or counterclaims, demands, damages (whether nominal, compensatory, punitive or otherwise), costs, expenses, attorneys' and legal assistants' fees and costs, consultant, fees and costs, expert witness fees and costs and/or any and all relief (whether at law, in equity or administrative) and compensation whatsoever, whether known or unknown, concerning, relating to, and/or arising from the District Master Plan, a copy of which is attached hereto as Exhibit 12, including but not limited to the claim by the District that the Master Plan authorizes the District to provide 4.5 MGD of water and 3.5 MGD of wastewater service to 12,000 utility customers inside the District Service Area and 6,000 utility customers outside the District Service Area.

13.5 Future Land Use Element Policy 3.1-c of the County's Comprehensive Plan provides that the County Water Utilities Department shall provide potable water, reclaimed water and wastewater service to all unincorporated areas of the County, except those unincorporated areas where the Palm Beach County Board of County Commissioners has entered or enters into a written agreement that provides utility service area rights to a public or privately owned, potable water, reclaimed water and/or wastewater utility, or in the areas where

the County Water Utilities Department is specifically excluded from providing utility service by Florida law. The County acknowledges that this Agreement provides potable water, wastewater and reclaimed water service area rights to the County and that absent this Agreement, the County would be specifically precluded from providing utility service within the District Service Area without the District's consent.

13.6 The County agrees that it shall not challenge the District's renewal and increase of its Water Use Permit issued by South Florida Water Management District (Permit No. 50-03711-W) provided that such use is consistent with this Agreement, and provided further, however, that the said South Florida Water Management District subsequently granted permit is not substantially different from that applied for by the District. Further, the District agrees that it shall not construct any water withdrawal wells outside of the District boundaries.

14. Delegation of Authority by the County and the District to its Administrator and/or Manager

The County and District hereby delegate to its respective Chief Executive Officer (in the case of the County to the County Administrator, and in the case of the District, to the District Manager), or their respective designees, the power and authority to carry out the administrative provisions hereof, such as signing capacity reservation agreements, or to act on the Phase Two Transfer Date. Nothing herein contained, however, shall be so construed so as to allow any party other than the County Board of County Commissioners or the District Board of Supervisors the authority to act on the ultimate purchase of the District System as provided in Section 12 hereof.

15. Enforcement of Agreement

15.1 The County and District stipulate that damages resulting from a breach of this Agreement can not be reasonably ascertained, in part, because of the uncertainty of the cost of providing water and wastewater service within the District Service Area, as well as the uncertainty of the revenue to be derived from providing such service.

15.2 If a party breaches this Agreement, the other party must notify the breaching party of such breach by delivering written notice to the breaching party as set forth in Section 16.3 of this Agreement. Such notice shall identify the breach complained of and request that the breaching party cease and desist from continuing such breach and, if applicable, that the breaching party cure such breach. If, within 15 days after delivery of the written notice, the breaching party fails to acknowledge, cease and desist from continuing the activities alleged to be a breach or, if applicable, fails to cure such breach, the other party may institute an action to enjoin the breaching party from continuing such breach of this Agreement and shall be entitled to injunctive or other equitable relief without the showing of irreparable harm. The County and District stipulate that proof of a breach of this Agreement shall be sufficient for a court of competent jurisdiction to (i) enter an injunction prohibiting the breaching party from continuing such breach of this Agreement, (ii) require a cure of such breach, and (iii) award such other relief as is necessary and consistent to carry out the intent and purpose of this Agreement. In no case shall either party be entitled to receive prevailing party's attorney's fees for litigation arising out of this Agreement, nor shall the prevailing party be required to post a bond in order to secure the injunctive or other equitable relief envisioned herein.

Nothing herein contained shall be so construed so as to preclude the right of the County to discontinue service to the District, upon proper notice and in accordance with UPAP, if the District fails to timely pay commodity charges due to the County for utility services rendered.

16. Miscellaneous

16.1 Interlocal Agreement. This is an interlocal agreement entered into between the parties pursuant to Section 163.01, Florida Statutes. A true and correct copy of this Agreement and any amendments shall be filed with the Clerk of the Circuit Court in Palm Beach County.

16.2 Development Order. This Agreement is not a development order, as that term is defined in Section 380.04, Florida Statutes. This Agreement does not grant or entitle the District to any development approvals or densities greater than those allowed under the density provisions of the Comprehensive Plan of Palm Beach County, nor to densities or development rights as may otherwise be limited by the Board of County Commissioners.

16.3 Notice. Any notice or other document required or allowed to be given pursuant to this Agreement shall be in writing and shall be delivered personally, or by recognized overnight courier or sent by certified mail, postage prepaid, return receipt requested. The use of electronic communication is not considered as providing proper Notice pursuant to this Agreement.

If to the District, such Notice shall be addressed to the District at:

District Manager
Seminole Improvement District
4001 Seminole Pratt-Whitney Road
Loxahatchee, FL 33470

with a copy to:

Robert P. Diffenderfer, Esquire
Lewis, Longman & Walker, P.A.
1700 Palm Beach Lakes Boulevard
Suite 1000
West Palm Beach, Florida 33401

or such other address as the District may provide in writing to the County.

If to the County, such notice shall be addressed to the County at:

Department Director
Palm Beach County Water Utilities Department
8100 Forest Hill Boulevard
P.O. Box 16097
West Palm Beach, Florida 33416

with a copy to:

County Attorney
301 N. Olive Avenue, Ste. 601
West Palm Beach, Florida 33401

or such other address as the County may provide in writing to the District.

16.4 No Assignment. This Agreement shall be binding upon and inure to the benefit of both the County and District's successors and assigns. Neither the County nor District may assign its rights under this Agreement.

16.5 Beneficiaries. This Agreement is solely for the benefit of the County and District and no other causes of action shall accrue upon or by reason hereof to or for the benefit of any third party, who or which is not a formal party to this Agreement.

16.6 Headings. The headings used are for convenience only and shall be disregarded in the construction and interpretation of this Agreement.

16.7 Interpretation. This Agreement shall be governed by, and construed and interpreted in accordance with, the laws of the State of Florida. The drafting of this Agreement constituted a joint effort of the County and District and the Agreement's interpretation shall assume that neither had any more input or influence. All words, terms, and conditions are to be read in concert, each with the other, and a provision contained under one heading may be considered to be equally applicable under another heading in the interpretation of this Agreement. In the event any term or provision of this Agreement is determined by appropriate judicial authority to be illegal or otherwise invalid, such provision shall be given its nearest legal meaning or be construed as deleted, as such authority determines, and the remainder of this Agreement shall be construed to be in full force and effect.

16.8 Amendment. This Agreement may be amended only if executed in writing and signed by the County and District.

16.9 Integration. This Agreement and any documents referred to herein, collectively embody the entire agreement and understandings between the County and District and there are no other agreements or understandings, oral or written, with reference to this Agreement that are not merged into and superseded by this Agreement. This Agreement may be executed in one or more counterparts, each of which shall be considered an original.

16.10 Severability. If any part of this Agreement is found invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the other parts of the Agreement if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can continue to be effected. To that end, this Agreement is declared severable.

16.11 No Transfer of Powers. Nothing contained in this Agreement shall be construed to constitute a transfer of powers in any way whatsoever. This Agreement is solely an agreement delineating the parties' respective potable water, wastewater, and reclaimed water service areas, as well as an agreement related to the provision of bulk water utility services, as authorized in Florida Statutes, Chapter 163. The governing bodies for County and District shall each maintain all legislative authority with regard to their respective political subdivision. All of the privileges and immunities from liability; exemption from laws, ordinances, and rules; and pensions and relief, disability, workers' compensation and other benefits which apply to the activity of officers, agents, or employees of any public agents or employees of any public agency when performing within the territorial limits for their respective agencies shall apply to

the same degree and extend to the performance of such functions and duties of such officers, agents, or employees extra-territorially under the provisions of this Agreement.

16.12 Termination. This Agreement shall terminate upon the County's purchase of the District System, as referenced in Section 12 hereof.

16.13 Force Majeure. In the event that the performance of this Agreement by either party to this Agreement is prevented or interrupted in consequence of any cause beyond the control of the other party, which may include, but is not limited to, acts of God or the public enemy, war, national emergency, allocation or other governmental restrictions upon the use or availability of labor or materials, rationing, civil insurrection, riot, disorder or demonstration, terrorism, strike, embargo, flood, tidal wave, fire, explosion, bomb detonation, nuclear fallout, windstorm, hurricane, earthquake, or other casualty, disaster or catastrophe of plant facilities or line breaks, neither party shall be liable for such non-performance.

[REMAINDER OF PAGE LEFT BLANK; SIGNATURES ON FOLLOWING PAGE]

This is not a certified copy

IN WITNESS WHEREOF, the County and District have executed or have caused this Agreement, with the named Exhibits attached, to be duly executed.

ATTEST:

SEMINOLE IMPROVEMENT DISTRICT

By: Sharon Ann Doucett
Clerk

By: Thomas G. O'Brien III
Thomas G. O'Brien III, President

Dated: March 31, 2006

DISTRICT ATTORNEY
Approved as to form and legal sufficiency

By: [Signature]
Date: 3/31/06

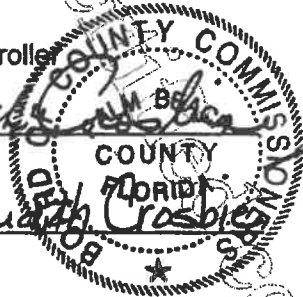
ATTEST:
SHARON BOCK
Clerk And Comptroller

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

By: Judith Crosbie
Deputy Clerk
Printed Name: Judith Crosbie

By: Tony Maslotti
Tony Maslotti, Chairman

Dated: APR 10 2006, 2006



R2006-0732

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: [Signature]
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: Burt Bean
Department Director

EXHIBIT 1
MAP OF SEMINOLE IMPROVEMENT DISTRICT
SERVICE AREA BOUNDARY



**EXHIBIT 2
LEGAL DESCRIPTION OF
DISTRICT SERVICE AREA BOUNDARY**

Source: 2000 Florida Legislature, HB 1559 First Engrossed

"District created and boundaries thereof. For the purposes of providing public infrastructure, services, the assessment, levy, and collection of taxes, non-ad valorem assessments and fees, the operation of District facilities and services, and all other purposes stated in this act consistent with chapters 189 and 298, Florida Statutes, and other applicable general law, an independent improvement district is hereby created and established in Palm Beach County, Florida, to be known as the Seminole Improvement District, the territorial boundaries of which shall be as follows, to-wit:

All of Sections 1 and 2, that part of Section 3 situated Southerly and Eastwardly of the Canal "M" right of way, and Section 12 except the East Half (E 1/2) of the Southeast Quarter (SE 1/4) thereof, all in Township 43 South, Range 40 East.

All of Sections 5 and 6, the North Half (N 1/2) of Section 7 and the North Half (N 1/2) of Section 8, Township 43 South, Range 41 East.

All in the County of Palm Beach, State of Florida, consisting of 4,032 acres, more or less."

**EXHIBIT 3
LISTING OF AGREEMENTS ALLOWING DISTRICT
TO PROVIDE SERVICE OUTSIDE OF ITS
SERVICE AREA BOUNDARIES**

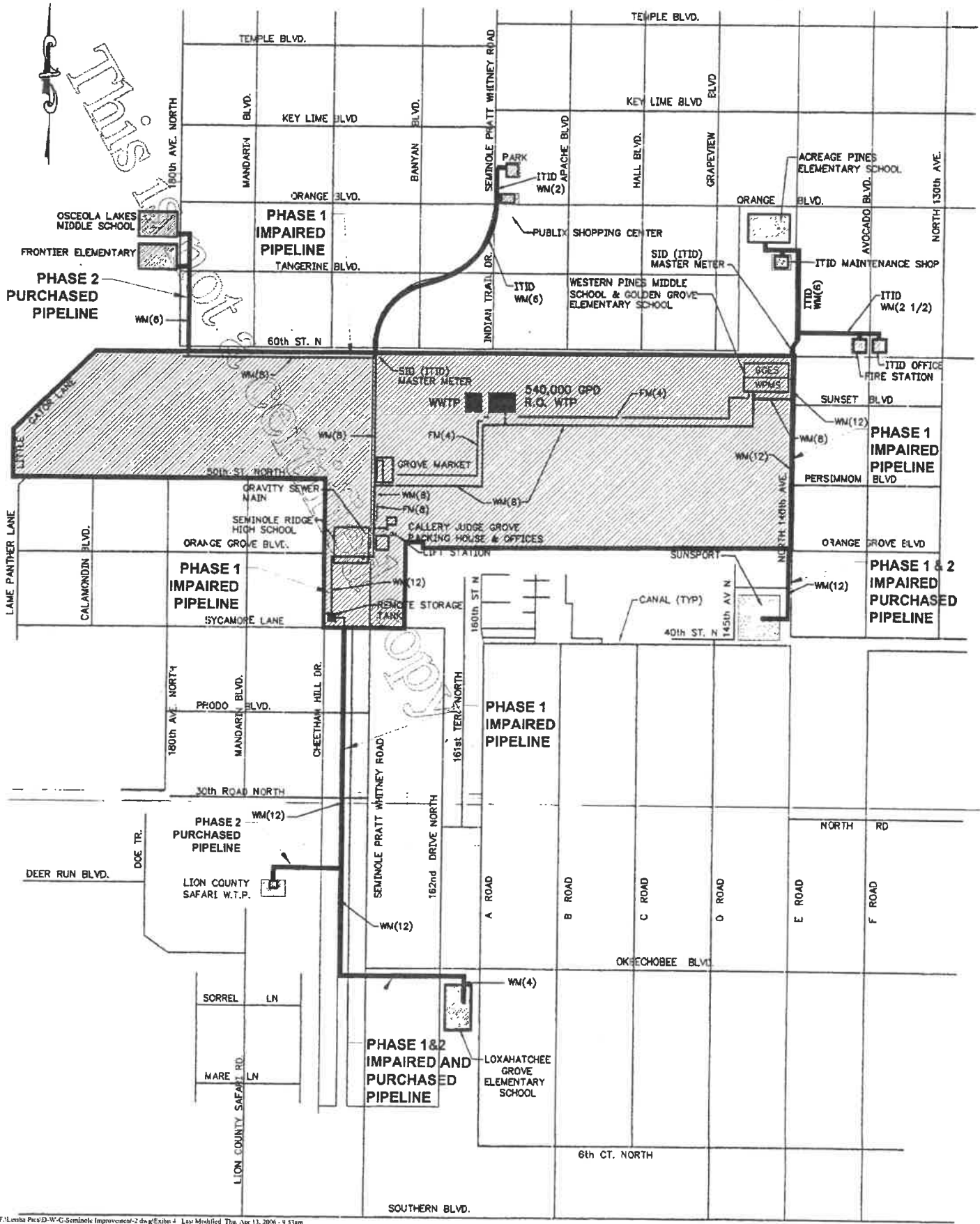
Existing Retail Customer Land Parcels, External to District Boundaries, Served by Seminole

Parcel	Description	Approximate Acreage
1	Seminole Improvement District	4,000
2	Lion Country Safari	600
3	Loxahatchee Groves Elementary School	20
4	Sunspport Gardens	40
5	Frontier Elementary School	25

Existing Wholesale Customers Served by Seminole

Account	Wholesale Customer	Location
A	Indian Trail Improvement District	Acreage Pines ES, ITID Office, Fire Station
B	Indian Trail Improvement District	Publix Shopping Center at Seminole Pratt-Whitney Road and Orange Boulevard

EXHIBIT 4 MAP OF SEMINOLE IMPROVEMENT DISTRICT IMPAIRED AND PURCHASED ASSETS



Drawing: F:\Lomba\Projects\W-G\Seminoles Improvement\2.dwg\Exhibit 4 - Last Modified: Thu, Apr 13, 2006 - 9:53am

**EXHIBIT 5
SUMMARY OF PAYMENTS FOR IMPAIRED AND PURCHASED ASSETS**

Item No.	Pipe Segment	Diameter (inch)	Estimated Cost New-Depreciation	Phase 1 Percent Impairment	Phase 1 Value	Phase 2 Owner			Total Estimated Payment to SID	
						Phase 2 Percent Impairment	SID	ITID		PBC
A-6	west of 140th to Sunsport	12	\$145,000	85%	\$123,250				\$21,750	\$145,000
A-2	Sunsport Gardens	4	\$25,000	85%	\$21,500			X	\$3,500	\$25,000
A-3	140th - along SID east boundary	12	\$508,000	50%	\$254,000			X	\$0	\$254,000
B-1	along M-2 Canal	12	\$577,000	85%	\$490,450			X	\$0	\$490,450
B-2	east of M-2 Canal to LCS	12	\$231,000	85%	\$196,350				\$34,650	\$231,000
B-3	along M-2 within SID	12	\$137,000	50%	\$68,500			X	\$0	\$68,500
D-1	east of M-2 along Okechoobee	12	\$316,200	85%	\$268,770			X	\$47,430	\$316,200
D-2	south of Okechoobee to School	4	\$50,000	85%	\$42,500			X	\$7,500	\$50,000
C-1	south of 60th within SID	8	\$242,000	50%	\$121,000			X	\$0	\$121,000
C-2	along 180th to Schools	6	\$132,000	85%	\$112,200			X	\$19,800	\$132,000
	Cost adjustments				\$1,480			X	\$0	\$1,480
	Pipeline Totals		\$2,363,200		\$1,700,000				\$134,630	\$1,834,630
	Customer	Meter Size	ERC's	Compensation per ERC	Phase 1 Payment to SID				Phase 2 Payment to SID	Total Estimated Payment to SID
	Settlement of Master Plan				\$2,500,000				\$0	\$2,500,000
	Customers Outside District to be Transferred at Phase 2 (TBD = To Be Determined)				\$0				TBD	TBD
	Customer Totals				\$2,500,000				\$0	TBD
	TOTAL PROJECTED COSTS				\$4,200,000				\$134,630	TBD

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EXHIBIT 6

SCHEDULE OF COUNTY BULK POTABLE WATER SYSTEM CAPITAL CHARGES

Charge	Potable Water
One-time Capital Charge, \$ per gallon of Reserved Potable Water Capacity	\$2.84

Effective until September 30, 2011.

Subject to annual increases beginning on October 1, 2011 based on the lesser of three percent and one-half of the U.S. Gross Domestic Product Implicit Price Deflator, Water and Sewer Maintenance, as reported by the U.S. Bureau of Labor Statistics, said index shall be determined based on the change between July of the previous year to July of the current year.

The total amount due shall be rounded to the nearest \$0.01 for billing purposes.

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EXHIBIT 7

SCHEDULE OF COUNTY BULK WASTEWATER SYSTEM CAPITAL CHARGES

Charge	Wastewater
On-time Capital Charge, \$ per gallon of Reserved Wastewater Capacity	\$ 2.33

Effective until September 30, 2011.

Subject to annual increases beginning on October 1, 2011 based on the lesser of three percent and one-half of the U.S. Gross Domestic Product Implicit Price Deflator, Water and Sewer Maintenance, as reported by the U.S. Bureau of Labor Statistics, said index shall be determined based on the change between July of the previous year to July of the current year.

The total amount due shall be rounded to the nearest \$0.01 for billing purposes.

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EXHIBIT 8

SCHEDULE OF COUNTY BULK POTABLE WATER COMMODITY CHARGES

Charge	Potable Water
Commodity Charge, \$ per thousand gallons of metered potable water as delivered to the Point(s) of Delivery	\$1.26
Provision for Renewal and Replacement, \$ per thousand gallons of metered potable water as delivered to the Point(s) of Delivery	<u>0.19</u>
Total Bulk Water Commodity Charge, per thousand gallons of metered potable water as delivered to the Point(s) of Delivery	\$ 1.45

Effective until September 30, 2011

Subject to annual increases beginning on October 1, 2011 based on the lesser of three percent and one-half of the U.S. Gross Domestic Product Implicit Price Deflator, Water and Sewer Maintenance, as reported by the U.S. Bureau of Labor Statistics, said index shall be determined based on the change between July of the previous year to July of the current year.

The total amount due shall be rounded to the nearest \$0.01 for billing purposes.

This is not a certified copy

EXHIBIT 9

SCHEDULE OF COUNTY BULK WASTEWATER COMMODITY CHARGES

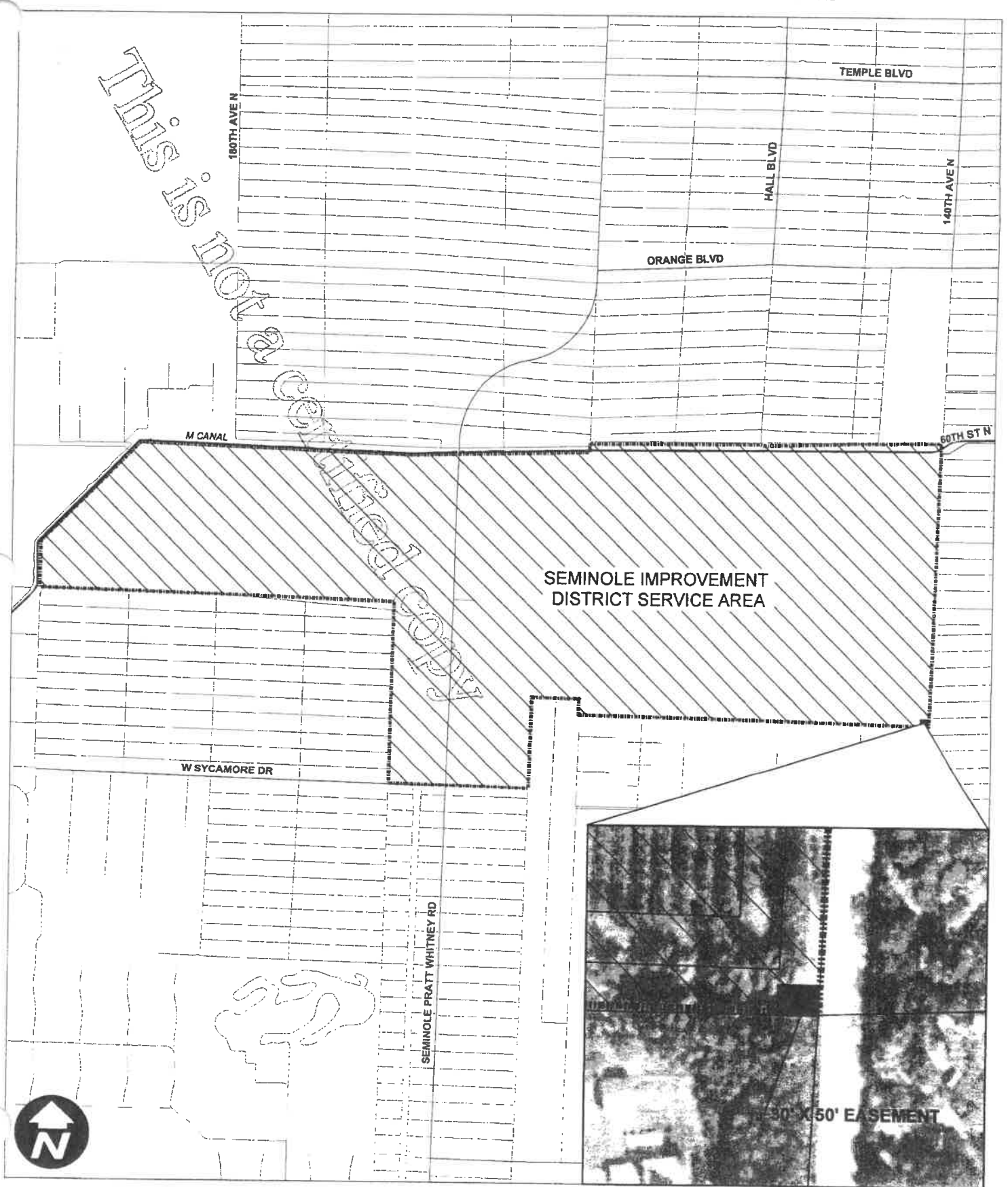
Charge	Potable Water
Commodity Charge, \$ per thousand gallons of metered flow as delivered to the Point(s) of Collection	\$1.06
Provision for Renewal and Replacement, \$ per thousand gallons of metered flow as delivered to the Point(s) of Collection	<u>0.16</u>
Total Bulk Wastewater Commodity Charge, per thousand gallons of metered flow as delivered to the Point(s) of Collection	\$ 1.22

Effective until September 30, 2011

Subject to annual increases beginning on October 1, 2011 based on the lesser of three percent and one-half of the U.S. Gross Domestic Product Implicit Price Deflator, Water and Sewer Maintenance, as reported by the U.S. Bureau of Labor Statistics, said index shall be determined based on the change between July of the previous year to July of the current year.

The total amount due shall be rounded to the nearest \$0.01 for billing purposes.

EXHIBIT 10 MAP OF SEMINOLE IMPROVEMENT DISTRICT SERVICE AREA PIPELINE MAINTENANCE SITES



**EXHIBIT 11
EASEMENT AGREEMENT FOR PIPELINE MAINTENANCE**

This is not a certified copy

Prepared by and Return to:
Palm Beach County Water Utilities Department
P.O. Box 16097
West Palm Beach, Florida 33416-6097

PIPELINE MAINTENANCE EASEMENT

THIS EASEMENT is made, granted and entered into this ____ day of _____, 20____,
by _____ (hereinafter referred to as "Grantor"), whose address is
_____, to Palm Beach County (hereinafter referred to as "Grantee"), c/o
Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida 33416-6097.

WITNESSETH

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Grantee and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, an easement which shall permit Grantee authority to enter upon the property of the Grantor to perform pipeline maintenance. Said pipeline maintenance shall include activities related to inspection, flushing, cleaning, pigging, and repair of the pipeline(s) including equipment and vehicular mobilization, set-up, operation, and site restoration. The County shall notify Grantor of its intention to enter the easement property at least fourteen (14) days in advance of any scheduled pipeline maintenance. Following each use of the easement property, County shall fully restore the easement property to its condition prior to said use. This easement shall remain in effect until Grantor and Grantee agree in writing that the easement property is no longer necessary for pipeline maintenance. The easement hereby granted covers a strip of land lying, situate and being in Palm Beach County, Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF

Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described and that it has good and lawful right to grant the aforesaid easement free and clear of mortgages and other encumbrances unless specifically stated to the contrary.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and affixed its seal as of the date first above written.

WITNESSES:

GRANTOR:

Signed, sealed and delivered
in the presence of:

Witness Signature

By: _____

Print Name

Print Name

Witness Signature

Print Name

NOTARY CERTIFICATE

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____,
20____ by _____ who is personally known to me or who has
produced _____ as identification.

My Commission
Expires: _____

Signature of Notary

Typed, Printed or Stamped Name of Notary

This is not a certified copy

CONSENT AND JOINDER OF MORTGAGEE FOR PIPELINE MAINTENANCE EASEMENT

The undersigned mortgagee does hereby join in and consent to the granting of this Pipeline Maintenance Easement, across the lands herein described, and agrees that its mortgage, which is recorded in Official Record Book _____, Page _____, of the Public Records of Palm Beach County, Florida, shall be subordinated to this Pipeline Maintenance Easement.

In **WITNESS WHEREOF**, the Grantor/Mortgagee has hereunto set its hand and affixed its seal as of the date first above written.

WITNESSES:

GRANTOR/MORTGAGEE:

Signed, sealed and delivered
in the presence of:

Witness Signature

By: _____

Print Name

Print Name

Witness Signature

By: _____

Print Name

Print Name

NOTARY CERTIFICATE

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ and _____, President and Secretary, respectively (if applicable) of _____, who are both personally known to me or who have produced _____ as identification.

My Commission Expires: _____

Signature of Notary

Typed, Printed or Stamped Name of Notary

30'x50' UTILITY EASEMENT

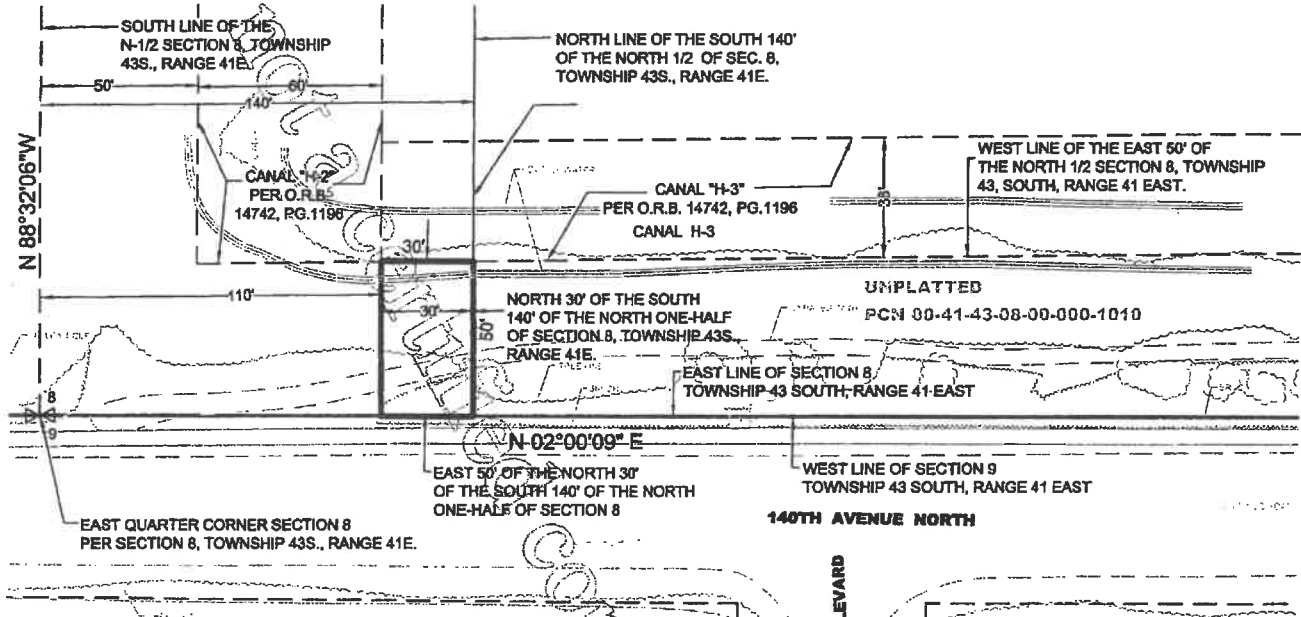
A PORTION OF SECTION 8,
TOWNSHIP 43 SOUTH, RANGE 41 EAST,
PALM BEACH COUNTY, FLORIDA.

LEGAL DESCRIPTION:

THE EAST 50.00 FEET OF THE NORTH 30.00 FEET OF THE SOUTH 140.00 FEET OF THE NORTH ONE-HALF (N-1/2) OF SECTION 8, TOWNSHIP 43 SOUTH, RANGE 41 EAST.

SAID LANDS SITUATE WITHIN PALM BEACH COUNTY, FLORIDA.

SCALE: 1" = 60'



NOTES:

- 1) THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REPRESENT A FIELD SURVEY ("THIS IS NOT A SURVEY").
- 2) THIS SKETCH AND LEGAL DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL OF A FLORIDA REGISTERED LAND SURVEYOR.
- 3) BEARINGS SHOWN HEREON ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE NORTH AMERICAN DATUM 1983 (ADJUSTMENT OF 1990), THE EAST LINE OF THE NORTH ONE-HALF (N - 1/2) OF SECTION 8, TOWNSHIP 43 SOUTH, RANGE 41 EAST AS ESTABLISHED BY THE PALM BEACH COUNTY SURVEY DEPARTMENT, HAVING A BEARING OF N02°00'09"E.

HELLER WEAVER AND SHEREMETA, INC.
FLORIDA STATE L.S. NO. 3449

BY: DANIEL C. LAAK
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REG. NO. 5112

DATED: 4-12-2006
WORK ORDER NO. 15457.003

SHEET 1 OF 1 SHEETS

FILE NO. 06-15365-SS

Heller - Weaver and Sheremeta, inc.
Engineers ... Surveyors ... Planners

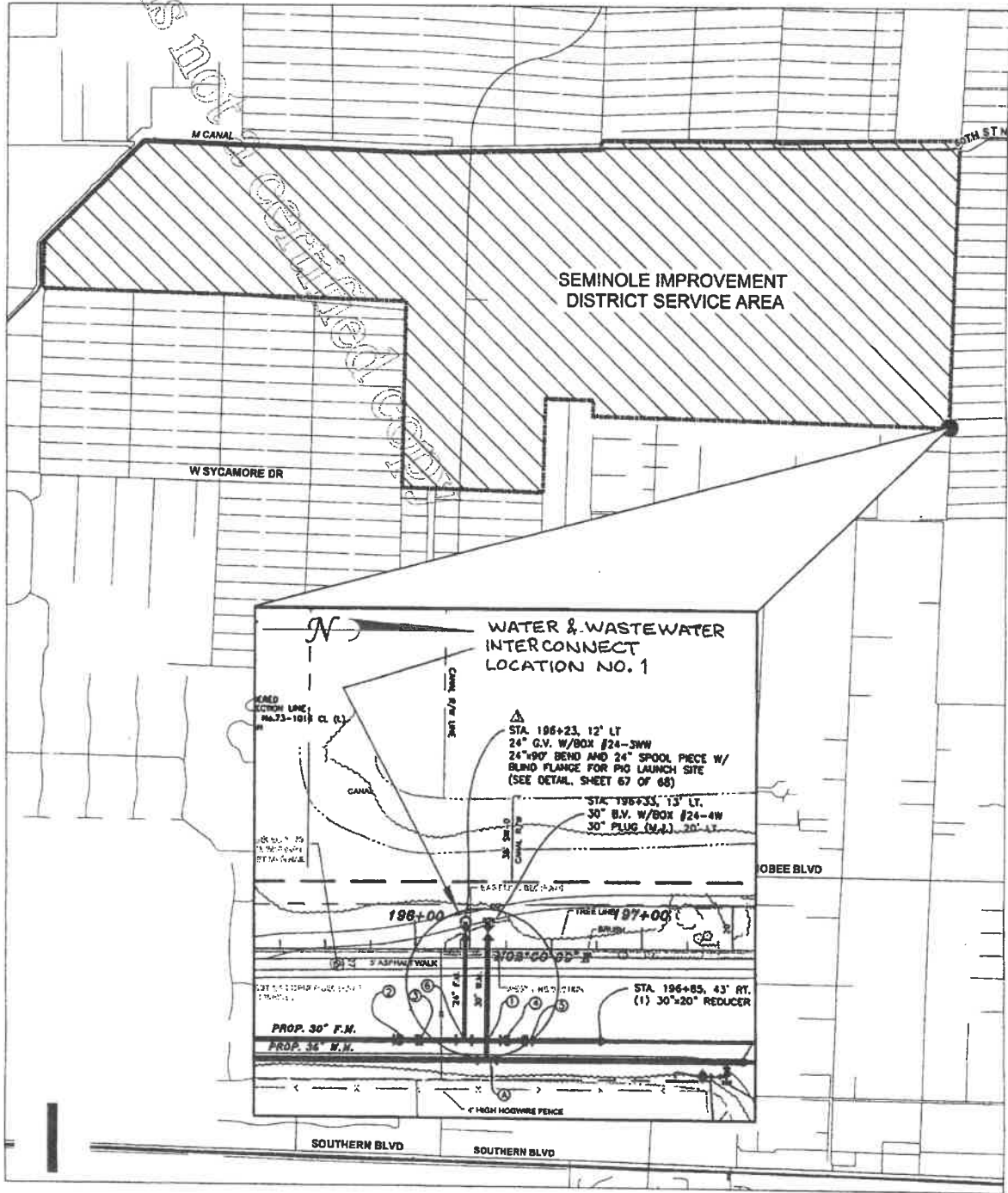


L.S. NO. 3449

310 S.E. 1st Street, Suite A
Delray Beach, Florida 33483
(561) 243-8700 - Phone
(561) 243-8777 - Fax

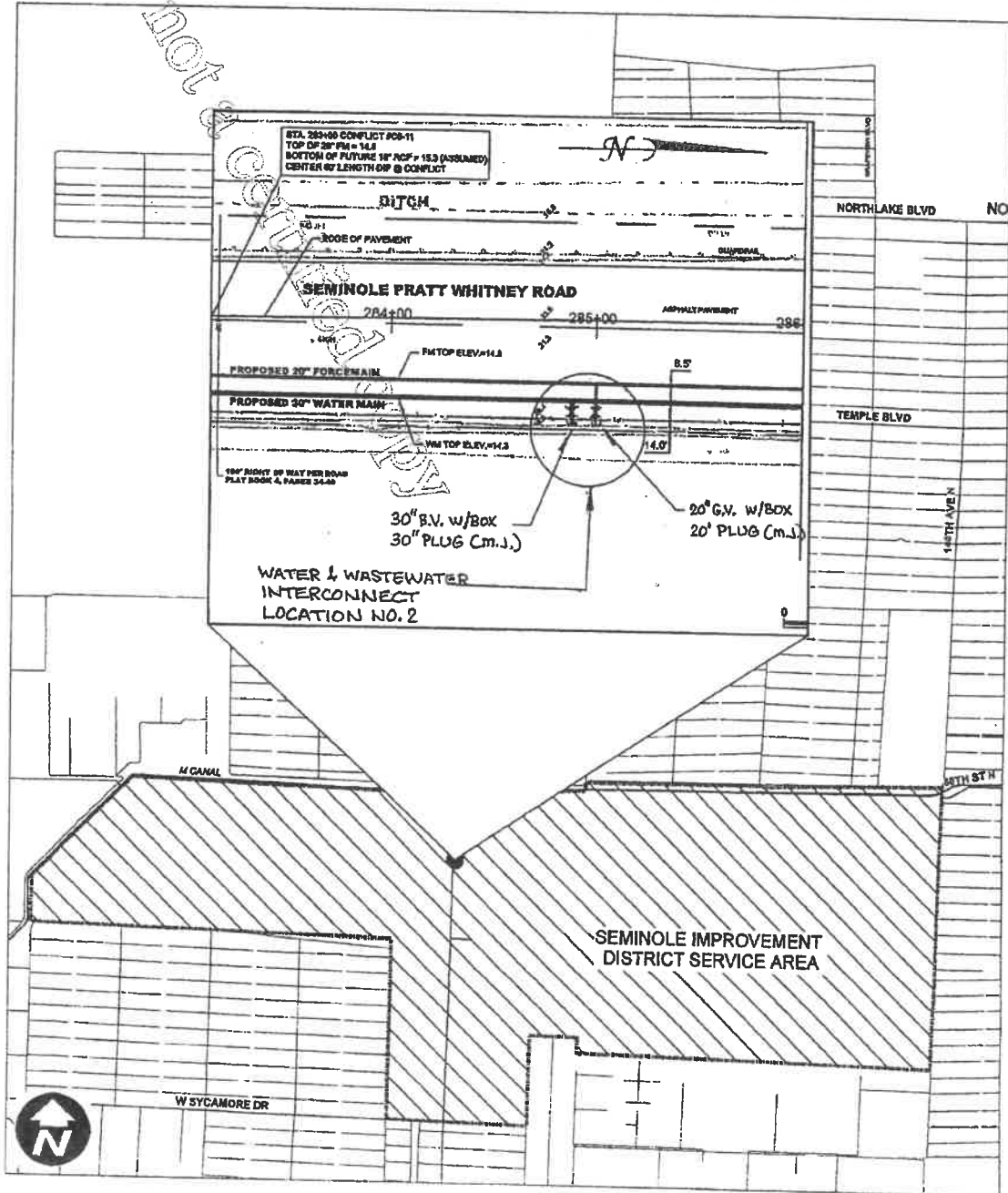
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EXHIBIT 12-B COUNTY BULK POTABLE WATER DELIVERY AND BULK WASTEWATER COLLECTION LOCATION No. 1



This is not a contract

EXHIBIT 12-C COUNTY BULK POTABLE WATER DELIVERY AND BULK WASTEWATER COLLECTION LOCATION No. 2



**EXHIBIT 13
DISTRICT MASTER PLAN**

This is not a certified copy

SEMINOLE WATER CONTROL DISTRICT
Water and Sewer Utility
Master Plan
November 8, 1996

This report is prepared in response to the requirement of the Site Plan Approval (Petition No. CA 95-107) Conditions of Approval, Exhibit C, Item F.2. Planning for Phase I of water and wastewater treatment plant construction.

Water Treatment Plant

The water treatment process is low pressure reverse osmosis (R.O.) also referred to as membrane softening. The groundwater in the vicinity has high levels of salt which limits the treatment options. R.O. lends itself to be installed in reasonably small increments so it is not necessary to over build treatment capacity as is the case with most other processes. The operations building will be designed to house the entire projected capacity. Water storage facilities do not lend themselves to small increments so each water storage tank will cover several incremental increases in capacity.

The total projected water use in the development is:

$$12,000 \text{ units} \times 200 \text{ gpd} = 2.4 \text{ million gallons per day}$$

The projected offsite water use will be:

$$6,000 \text{ units} \times 200 \text{ gpd} = 1.2 \text{ mgd}$$

The basis for water plant design is 1.25 times the average water use or 3.0 MGD and 1.5 MGD, respectfully. The ultimate water plant capacity is therefore projected at 4.5 MGD.

The proposed capacities of the plant expansions are:

Phase I	60,000 Gallons Per Day (GPD)
Phase II	100,000 GPD
Phase III	0.5 Million Gallons Per Day (MGD)
Phase IV	1.0 MGD

Wilkins, Hatfield & Stoner, Inc.
Seminole Water Control District

November 8, 1996
Master Plan

P-24

Phase V	1.5 MGD
Phase VI	2.0 MGD
Phase VII	2.5 MGD
Phase VIII	3.5 MGD
Phase IX	4.5 MGD

The capacities listed are the total capacity after expansion.

Raw Water Supply

The source of raw water for the utility will be shallow wells. Each well is expected to produce between 100 and 200 gallons per minute. The ultimate 4.5 MGD of capacity will therefore require 25 to 30 wells. The wells will be spread throughout the District and connected to the plant through a piping system. The wells will generally have to be at least 500 feet apart.

Wastewater Treatment Plant

The treatment process in the first phase of plant development is the extended aeration mode of activated sludge. The treated effluent will be discharged to a series of percolation ponds which allow the treated water to recharge the groundwater table. The ultimate treatment process will provide additional treatment which will allow the treated effluent to be irrigated, initially to the citrus through the existing drip irrigation system and ultimately to all residential, commercial and public areas in the District.

The flow projections are based on a flow of 200 gallons per day per unit. This is the same flow used for determining water treatment capacity except that no peaking factor is applied. This produces a conservative flow and further analysis should be done as the development progresses to provide for proper expansion. The projected flow from the District is:

$$12,000 \text{ units} \times 200 \text{ gpd} = 2.4 \text{ MGD}$$

At this point we are assuming that the sewer service to areas outside the District will be very limited. A value of 0.6 MGD representing 3,000 additional connections has been used in this evaluation giving a total capacity of 3.0 MGD.

The phasing for the wastewater treatment is different, in capacity intervals, than the water treatment plant because it is not as feasible to cut the facility into as small of expansion increments without compromising ease of operation. It is also not cost effective to subdivide the construction into too small of pieces.

The phases of development are proposed as follows:

Phase I	60,000 Gallons Per Day
Phase II	100,000 Gallons Per Day
Phase III	0.5 Million Gallons Per Day (MGD)
Phase IV	1.0 MGD
Phase V	2.0 MGD
Phase VI	3.0 MGD

The capacities listed are the total capacities after expansion.

Wastewater Treatment Unit Processes

The wastewater treatment plant will treat the sewage to an extent that the effluent will meet standards which allow it to be used for public access irrigation. The individual process include:

Screening

All collected sewage is pumped into the plant by individual pump stations located throughout the service area. The sewage is initially discharged through a screening device which removes any large objects which can plug pumps or create operational problems. For small plants this is accomplished with a manually cleaned bar screen. At some point, which this plant may never reach, the screens should be mechanically cleaned.

The screening facility should also be designed to collect any sand and grit. The grit holding area should be easy to clean so it is not allowed to build up. Again, in large plants this is automated but in the size this plant will reach it is not necessary because it should not receive much sand or gravel because all sewers are new and the sewer pipe presently used has eliminated the potential for leaks that sewer pipe even 20 years ago had.

Flow Equalization

Flow equalization is provided to smooth out the flow received from the collection system to a constant flow in the treatment process. Most of the flow into a treatment plant is received in two or three daily peak periods with little entering the plant from midnight to 6:00 a.m. The treatment is a biological process which is adversely affected by variations in flow or waste strength. A flow equalization tank generally will hold approximately 35 to 50 percent of the daily plant capacity. Phase I contains approximately 80 percent of plant capacity because the sewage flow from the schools comes in over a relatively short period of the day.

Activated Sludge Treatment Process

The sewage is treated in a tank which contains a biomass of bacterial which are promoted to consume the organics in the sewage. The biomass is kept active by keeping the tank well mixed and providing enough oxygen, in the form of air, to keep their metabolism active.

The process includes a tank volume of 35 to 100 percent of the plant capacity depending which mode of activated sludge the plant is operating. Mixing and oxygenation is provided by either surface aerators or diffused air. The tank should be configured to avoid short circuiting of the sewage from the inlet to the outlet. It is assumed that diffused air will be utilized in all treatment expansions.

Settling (Clarification)

The biomass from the aeration process must have the water separated from the solids. This is accomplished in some type of quiescent basin where the bacteria biomass settles to the bottom leaving the clarified water at the top. The clarified water is collected in a series of troughs and the water is passed to the next treatment process and the biomass is pumped back to the aeration process to begin this cycle again.

The first two phases of expansion will utilize a hopper bottom gravity settling tank, all other future expansions will use circular clarifiers.

Filtration

The clarified water is filtered to remove most of the remaining solid material in the water. This material is largely bacteria and it must be removed to ensure a high level of disinfection of the treated water (effluent). The filtered effluent must contain less than 5 mg/l of suspended solids to be utilized in public access irrigation.

Filtration was not included in the initial phase of development because high level disinfection is not required if disposal of the effluent is by percolation ponds

Chlorine Contact

The filtered water is injected with a chlorine solution to destroy most of the remaining bacteria and keep any regrowth of bacteria from occurring. The tank must contain a volume of approximately 30 to 40 minutes of flow and promote good mixing.

Effluent Storage

Because the reclaimed water is produced at a consistent rate all day long, but the demand for irrigation water is largely at night, some storage must be provided. Allowances must also be made for extended rainy periods. A minimum of 3 days is required. This storage can be done in ponds or in tanks. We have used tanks for this analysis because it uses less land, but forming lakes for this purpose can be less costly to construct, though they require large areas of land.

Upset Storage

The final product, reclaimed water, must be of the highest quality. There will inevitably be times when the treatment process is upset and will not meet the required standard. For those times a minimum of one days storage must be provided with a means to divert the unacceptable effluent flow to the storage and a way to pump it back to the plant to be retreated. Dedicated storage tanks are proposed but lined lakes can be used. Consideration of type of storage depends on land availability and cost.

Sludge Disposal

There is a significant volume of waste sludge which is produced by the process. The material is commonly utilized for soil stabilization or fertilizer. To concentrate the volume the sludge is settled and the clarified liquid is pumped back to the treatment process. The biomass "stabilizes" over time which reduces its volume and destroys much of the pathogenic bacteria. A total volume of approximately one third of the plant capacity is required to optimize the stabilization and concentrating process. This is generally accomplished in two or more individual tanks which are aerated.

Construction Cost Estimate

A 40 acre site has been dedicated to accommodate the ultimate development of the water and wastewater treatment facilities. The value of this 40 acre site is \$2.0 million.

The development of the water treatment plant has been divided into several phases as follows:

Phase I - 60,000 gallons per day

2 wells	\$15,000
Water Treatment	550,000
Water Storage (50,000 gallons)	45,000
High Service Pumping	50,000
Site Work	100,000
Water Main	<u>150,000</u>
Subtotal	\$760,000 910,000
Engineering/Contingency/ Legal/Fiscal/Permits	<u>150,000</u>
Total	1,060,000

Phase II - 100,000 gallons per day (40,000 gpd Addition)

Treatment	\$35,000
Service Pump	<u>25,000</u>
Subtotal	\$60,000
Engineering/Contingency	<u>\$15,000</u>
Total	\$75,000

Phase III - 0.5 MG (0.4 MGD Addition)

Wells (4)	\$100,000
Raw Water Mains	90,000
Treatment	750,000
Water Storage (0.5 MG)	300,00
Service Pumping	50,000
Building	400,000
Misc. Piping	150,000
Electrical	250,000
Site Work	<u>50,000</u>
Subtotal	\$2,140,000
Engineering/Contingency	<u>\$500,000</u>
Total	3,640,000

Phase IV - 1.0 MGD (0.5 MGD Addition)

Wells (5)	\$125,000
Raw Water Mains	150,000
Treatment	750,000
Service Pump	60,000
Misc. Piping	150,000
Electrical	150,000
Subtotal	<u>\$1,385,000</u>
Engineering/Contingency	<u>\$315,000</u>
Total	\$1,700,000

Phase V - 1.5 MGD (0.5 MGD Addition)

Wells (5)	\$125,000
Raw Water Mains	150,000
Treatment	750,000
Storage (1.0 MG)	500,000
Misc. Piping	150,000
Service Pump	75,000
Electrical	<u>150,000</u>
Subtotal	\$1,900,00
Engineering/Contingency	<u>\$500,000</u>
Total	\$2,400,000

Phase VI - 2.0 MGD (0.5 MGD Addition)

Wells (5)	\$125,000
Raw Water Mains	150,000
Treatment	750,000
Misc. Piping	150,000
Service Pump	75,000
Electrical	<u>150,000</u>
Subtotal	\$1,400,000
Engineering/Contingency	<u>\$350,000</u>
Total	\$1,750,000

Phase VII - 2.5 MGD (0.5 MGD Addition)

Wells (5)	\$125,000
Raw Water Mains	150,000
Treatment	750,000
Misc. Piping	150,000
Service Pump	75,000
Electrical	<u>150,000</u>
Subtotal	\$1,400,000
Engineering/Contingency	<u>\$350,000</u>
Total	\$1,750,000

Phase VIII - 3.5 MGD (1.0 MGD Addition)

Wells (8)	\$200,000
Raw Water Mains	250,000
Treatment	1,500,000
Misc. Piping	250,000
Service Pump	75,000
Storage (1.0 MG)	500,000
Electrical	<u>250,000</u>
Subtotal	\$3,025,000
Engineering/Contingency	<u>\$750,000</u>
Total	\$3,775,000

Phase IX - 4.5 MGD (1.0 MGD Addition)

Wells (8)	\$200,000
Raw Water Mains	250,000
Treatment	1,500,000
Misc. Piping	250,000
Service Pump	75,000
Electrical	<u>150,000</u>
Subtotal	\$2,425,000
Engineering/Contingency	<u>\$575,000</u>
Total	\$3,000,000

Wastewater Development Costs - By Phase

Phase I - 60,000 gpd

Treatment	\$305,000
Effluent Disposal/Site Work	110,000
Force Main	100,000
Subtotal	<u>\$515,000</u>
Engineering/Contingency	<u>\$125,000</u>
Total	\$640,000

Phase II - 100,000 gpd (40,000 gpd Addition)

Filtration	\$115,000
Upset Storage	100,000
Effluent Storage	300,000
Effluent Pumping	<u>25,000</u>
Subtotal	\$540,000
Engineering/Contingency	<u>\$110,000</u>
Total	\$650,000

Phase III - 0.5 MGD (0.4 MGD Addition)

Treatment	\$750,000
Clarifiers (2)	200,000
Filters	325,000
Choline Contact	85,000
Reclaimed Water Storage	650,000
Sludge Thickening	200,000
Irrigation Pump Station	220,000
Site Work	<u>25,000</u>
Electrical	<u>250,000</u>
Subtotal	\$2,865,000
Engineering/Contingency	<u>\$635,000</u>
Total	\$3,500,000

Phase IV - 1.0 mgd (0.5 MGD Addition)

Flow Equalization	\$450,00
Filter	125,000
Miscellaneous Piping	75,000
Irrigation Pump	<u>50,000</u>
Subtotal	\$700,000
Engineer/Contingency	<u>\$150,000</u>
Total	\$850,000

Phase V - 2.0 MGD (1.0 MGD Addition)

Treatment	\$1,500,000
Clarifier	85,000
Filter	125,000
Upset Storage	300,000
Reclaimed Water Storage	650,000
Sludge Thickening	200,000
Irrigation Pump	<u>50,000</u>
Subtotal	\$2,910,000
Engineer/Contingency	<u>\$640,000</u>
Total	\$3,550,000

Phase VI - 3.0 MGD (1.0 MGD Addition)

Treatment	\$1,500,000
Filter	125,000
Upset Storage	300,000
Reclaimed Water Storage	650,000
Irrigation Pump	<u>75,000</u>
Subtotal	\$2,650,000
Engineer/Contingency	<u>\$600,000</u>
Total	\$3,250,000

All costs are based on 1996 and should be escalated to the year in which the improvement is made.



LEGEND

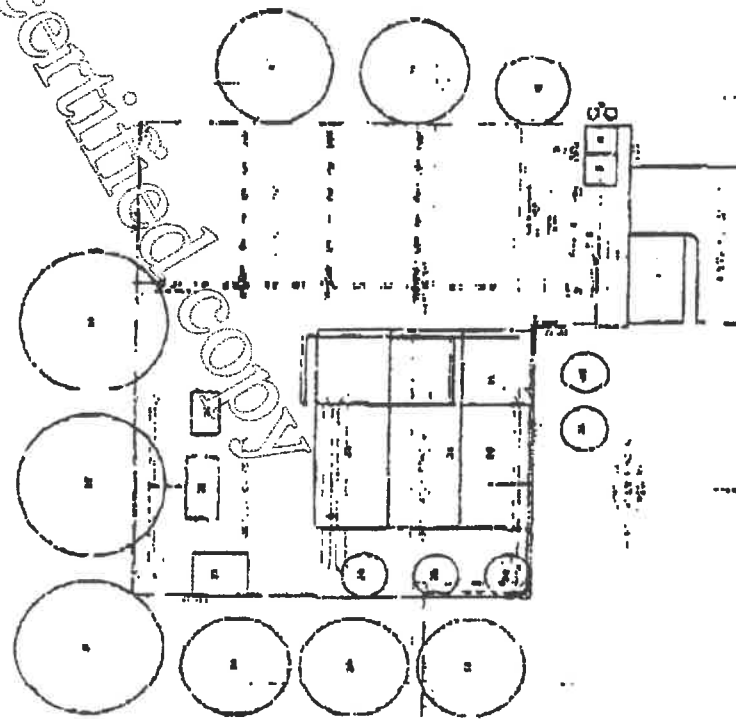
- 1. Phase 4 Operations Building
- 2. Phase 4 Wastewater Treatment Pond
- 3. Phase 4 Water Storage (50,000 gal.)
- 4. Phase 4 Water Treatment Building
- 5. Phase 4 Clarifier/Depositor/Pack Treatment
- 6. Phase 4 Chemical Storage
- 7. Phase 4 Chemical Storage
- 8. Phase 4 Water Storage - 50,000 gal.
- 9. Phase 4 Water Storage - 10,000 gal.
- 10. Phase 4 Water Storage - 10,000 gal.

PHASE 4 WASTEWATER TREATMENT

- 11. Phase 4 Water Treatment Building
- 12. Phase 4 Clarifier/Depositor/Pack Treatment
- 13. Phase 4 Chemical Storage
- 14. Phase 4 Chemical Storage
- 15. Phase 4 Water Storage - 50,000 gal.
- 16. Phase 4 Water Storage - 10,000 gal.
- 17. Phase 4 Water Storage - 10,000 gal.

PHASE 5 WASTEWATER TREATMENT

- 18. Phase 5 80 MGD - Influent Treatment
- 19. Phase 5 80 MGD - Effluent Treatment
- 20. Phase 5 80 MGD - Influent Treatment
- 21. Phase 5 80 MGD - Influent Treatment
- 22. Phase 5 80 MGD - Influent Treatment
- 23. Phase 5 80 MGD - Influent Treatment
- 24. Phase 5 80 MGD - Influent Treatment
- 25. Phase 5 80 MGD - Influent Treatment
- 26. Phase 5 80 MGD - Influent Treatment
- 27. Phase 5 80 MGD - Influent Treatment
- 28. Phase 5 80 MGD - Influent Treatment
- 29. Phase 5 80 MGD - Influent Treatment
- 30. Phase 5 80 MGD - Influent Treatment
- 31. Phase 5 80 MGD - Influent Treatment
- 32. Phase 5 80 MGD - Influent Treatment
- 33. Phase 5 80 MGD - Influent Treatment
- 34. Phase 5 80 MGD - Influent Treatment
- 35. Phase 5 80 MGD - Influent Treatment
- 36. Phase 5 80 MGD - Influent Treatment
- 37. Phase 5 80 MGD - Influent Treatment



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TOTAL 2.13

**EXHIBIT 14
NOTICE TO RESERVE POTABLE WATER AND/OR
WASTEWATER CAPACITY**

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EXHIBIT 14

**NOTICE TO RESERVE POTABLE WATER
AND/OR WASTEWATER CAPACITY**

Seminole Improvement District (District) herewith provides Palm Beach County notice of its request to reserve potable water and/or wastewater capacity, this ___ day, of ___, 20__ in accordance with the terms and conditions of Section 6 of the Interlocal Agreement effective ___, 2006. We respectfully request the County indicate in writing whether the requested capacity is or will be available for the District's exclusive at the date(s) requested herein.

POTABLE WATER CAPACITY RESERVATION

Potable Water Capacity Reservation¹ = _____ mgd
 Potable Water Capacity Availability Date² = _____, 20__
 Effective Potable Water Capital Charge Rate = \$ _____/gallon
 Potable Water Capital Charge Calculated for Reservation = \$ _____
 Initial 50% Potable Water Capital Charge Payment = \$ _____
 Potable Water Capital Charge Due at Service Availability = \$ _____

WASTEWATER CAPACITY RESERVATION

Wastewater Capacity Reservation³ = _____ mgd
 Wastewater Capacity Availability Date² = _____, 20__
 Effective Wastewater Capital Charge Rate = \$ _____/gallon
 Wastewater Capital Charge Calculated for Reservation = \$ _____
 Initial 50% Wastewater Capital Charge Payment = \$ _____
 Wastewater Capital Charge Due at Service Availability = \$ _____

NOTICE TO RESERVE

AGREED TO AND APPROVED

 District Manager date
 Seminole Improvement District

 Department Director date
 Palm Beach County Water Utilities

¹ Potable Water capacity must be reserved in increments not less than 100,000 gallons per day.

² Capacity Availability Date shall not be less than 90 days from Notice to Reserve Capacity.

³ Wastewater capacity must be reserved in increments not less than 50,000 gallons per day.

**EXHIBIT 15
SAMPLE "ADDITIONAL RESERVE CAPACITY
PAYMENT AGREEMENT"**

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EXHIBIT 15 - SAMPLE

**ADDITIONAL RESERVE CAPACITY PAYMENT AGREEMENT
FOR POTABLE WATER AND/OR WASTEWATER CAPACITY**

This is for

THIS ADDITIONAL RESERVE CAPACITY PAYMENT AGREEMENT ("Agreement") is made and entered into as of the ____ day of ____, 200__, by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida whose address is 301 N. Olive Avenue, 12th Floor, West Palm Beach, Florida 33401 ("County") and the **SEMINOLE IMPROVEMENT DISTRICT**, a Florida Special Taxing District whose address is 4001 Seminole Pratt-Whitney Road, Loxahatchee, Florida 33470 ("District").

RECITATIONS

1. The County and the District entered into a Interlocal Agreement on April 18, 2006 titled **Interlocal Agreement Between Palm Beach County and the Seminole Improvement District Regarding Sale of Bulk Water and Wastewater Service and Establishment of Water, Wastewater, and Reclaimed Water Service Areas and Settling Certain Disputes and Lawsuits Between the Parties**; and
2. The District has developed a need for water and/or wastewater capacity to fully or partially supplement the District's utility facilities to provide service to its utility customers within the District Service Area; and
3. The County has agreed to serve as the District's exclusive bulk water and wastewater utility service provider; and
4. The County and the District established bulk water and wastewater rate schedules based upon a mutually agreed cost of service study for all Capital Charges to reserve capacity for the exclusive use by the District. The bulk potable water capital charge of \$2.84 per gallon of reserved capacity and bulk wastewater capital charge of \$2.33 per gallon of reserved capacity shall be effective until September 30, 2011. The bulk capital charges shall be subject to annual increases starting October 1, 2011.

NOW THEREFORE, for and in consideration of these premises and mutual agreements herein contained, the District requests the following potable water and/or wastewater capacity reservations from the County:

1.0 The recitations above are true, correct, and are incorporated herein.

2.0 POTABLE WATER RESERVATION

Potable Water Capacity Reservation¹ = _____ mgd
 Potable Water Capacity Availability Date² = _____, 20__
 Effective Potable Water Capital Charge Rate = \$ _____/gallon
 Potable Water Capital Charge Calculated for Reservation = \$ _____
 Initial Potable Water Capital Charge Payment = \$ _____
 Potable Water Capital Charge Due at Service Availability = \$ _____

3.0 WASTEWATER RESERVATION

Wastewater Capacity Reservation³ = _____ mgd
 Wastewater Capacity Availability Date² = _____, 20__
 Effective Wastewater Capital Charge Rate = \$ _____/gallon
 Wastewater Capital Charge Calculated for Reservation = \$ _____
 Initial Wastewater Capital Charge Payment = \$ _____
 Wastewater Capital Charge Due at Service Availability = \$ _____

4.0 District's Exclusive Use of Reserved Capacity. By entering into this Agreement, the County has determined that it has capacity available for the District's exclusive use. Once the County has received full payment for reserved water and/or wastewater capacity, it will no longer have the right to use that amount of potable water and/or wastewater capacity for providing service to any other County Retail Service or Bulk Service customers.

4.1. In no event will the County use the Reserved Capacity of the District to meet other County potable water and/or wastewater Retail Service and Bulk Service area requirements, if doing so would compromise the operational or service area needs of the District. To the extent that the County uses the Reserved Capacity of the District in a manner that does compromise the ability of the District to provide service to its customers, the County shall be compensated per the terms of Section 6 of the Interlocal Agreement.

[REMAINDER OF PAGE LEFT BLANK; SIGNATURES ON FOLLOWING PAGE]

¹ Potable Water capacity must be reserved in increments not less than 100,000 gallons per day.
² Capacity Availability Date shall not be less than 90 days from Notice to Reserve Capacity.
³ Wastewater capacity must be reserved in increments not less than 50,000 gallons per day.

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IN WITNESS WHEREOF, County and the District have executed or have caused this Agreement to be duly executed in several counterparts, each of which counterpart shall be considered an original executed copy of this Agreement.

WITNESSES:

Typed or Printed Name

Typed or Printed Name

WITNESSES:

Typed or Printed Name

Typed or Printed Name

PALM BEACH COUNTY

By: _____
County Administrator or Designee

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
County Attorney

SEMINOLE IMPROVEMENT DISTRICT:

By: _____
Signature

Typed or Printed Name

Title

{ Corporate }
Seal }

NOTARY CERTIFICATE

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 200_, by _____ of _____ a(n) _____, on behalf of the _____ He/she is personally known to me or has produced _____ as identification.

My Commission Expires: _____

Serial Number

Signature of Notary

Typed, Printed, or Stamped Name

EXHIBIT 16 ADDITIONAL POTABLE WATER QUALITY STANDARDS

Set forth herein are the minimum criteria that water sold and delivered by the County to the District shall satisfy. The criteria are intended to enhance the aesthetic quality and set a higher performance standard than required by State, Local, or Federal Rules and Laws governing potable water quality delivered to a community water system or equivalent thereof, as defined by the State of Florida. Notwithstanding criteria set forth herein, under no circumstance shall the quality of potable water fail to satisfy all applicable Local, State, and Federal Rules, Laws, or Standards.

- Chlorine Residual: To the extent that chlorine is used as a primary or secondary disinfectant, the chlorine residual in the potable water shall be between 0.2 mg/l and 0.4 mg/l at all times at the points of connection(s). The District shall be responsible for maintaining a proper chlorine residual within its piping system.
- Corrosivity: The water shall not exhibit a corrosive nature as evidenced by independent coupon testing. The pH of the water shall not exceed 9.5.
- Hardness: The total hardness of the water shall be between 30 mg/l and 80 mg/l, as calcium carbonate.
- Total Dissolved Solids: The total dissolved solids of the potable water shall not be greater than 250 mg/l.
- Color: The color of the potable water shall be less than 10 platinum cobalt units (PCU) at all times.
- Threshold Odor Number: The Threshold Odor Number of the potable water shall be less than 2.

Except for chlorine residual, sampling to determine compliance with the above shall be the responsibility of the District. The District shall notify the County at least ten working days ahead of intent to perform compliance testing and provide the County with the opportunity to collect a split sample. The sampling frequency and the parameters to be tested at the points of connection shall be at the discretion of the District but shall not be more frequently than two times per year, except chlorine residual. Chlorine residual may be tested daily, unless the results indicate non-compliance or substantive risk of non-compliance.

Should any sample indicate a failure to comply with the criteria set forth herein, the District shall notify the County of the results within ten days of receipt of the sample results. The County shall take immediate corrective treatment measures and notify the District that compliance can now be achieved. In no case shall the corrective measures take longer than 30-days to implement. Upon receipt of this notification the District may re-sample per the above procedure.

If successive sample results exceed any applicable Local, State, and Federal Rules, Laws, or Standards for more than 30 days, the District shall have the right to invoke the Emergency Use Provisions set forth in the Agreement to secure water from an alternate source.

Eighteenth Order of Business

FEBRUARY 12, 2018

RESOLUTION 2018-7

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S BUDGET FOR FISCAL YEAR 2018

WHEREAS, the City Council of the City of Westlake adopted a budget for Fiscal Year 2018; and

WHEREAS, the City Council desires to add a Special Revenue Fund for its Housing Assistance Program.

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

SECTION 1. The City's Budget is hereby amended in accordance with Exhibit 'A' attached.

SECTION 2. This resolution shall become effective immediately upon its adoption and reflected in the monthly and Fiscal Year End September 30, 2018 Financial Statements and Audit Report of the City.

PASSED AND APPROVED BY the City Council for the City of Westlake, Florida, this 12th day of February 2018.

Roger Manning, Mayor
City of Westlake, Florida

Sandra Demarco, City Clerk

Approved as to Form
Pam E. Booker, City Attorney

CITY OF WESTLAKE
Budget Amendment - Special Revenue Fund - (Housing Assistance Program)
 For the Period Ending September 30, 2018

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	BUDGET INCR(DEC)	AMENDED BUDGET
<u>REVENUES</u>			
Developer Contribution	-	316,500	316,500
TOTAL REVENUES	-	316,500	316,500
<u>EXPENDITURES</u>			
<u>Financial and Administrative</u>			
Administrative Fees (up to 7%)	-	22,155	22,155
Assistance Program	-	294,345	294,345
Total Financial and Administrative	-	316,500	316,500
TOTAL EXPENDITURES	-	316,500	316,500
Excess (deficiency) of revenues Over (under) expenditures	-	-	-
Net change in fund balance	-	-	-
FUND BALANCE, BEGINNING (OCT 1, 2017)	-	-	-
FUND BALANCE, ENDING	\$ -	\$ -	\$ -