

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 AMEDMENTS TO THE DEFINITION OF FITNESS CENTER; AND ARTICLE 1, SECTION M, PROVIDING FOR AMENDMENTS TO THE DEFINITON 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 defnitions 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.

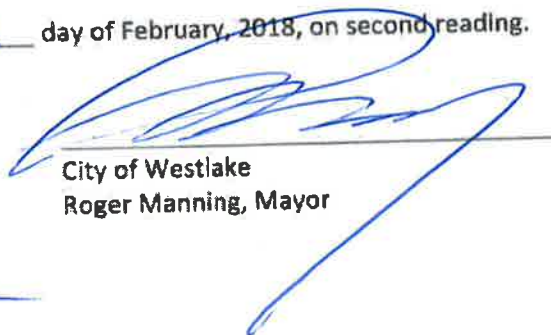
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:

- 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 8 day of January, 2018, on first reading.

PASSED AND ADOPTED this 12 day of February, 2018, on second reading.


Sandra DeMarco, City Clerk


City of Westlake
Roger Manning, Mayor



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. **Farrler** - 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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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

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 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.