

ORDINANCE 2020-09

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ORDINANCE 2016-3 WHICH ESTABLISHED THE PLANNING AND ZONING BOARD, BY CHANGING THE COMPOSITION OF THE BOARD TO INCLUDE A RESIDENT TO SERVE AS AN ALTERNATE BOARD MEMBER, CLARIFYING THE REQUIREMENTS FOR A QUORUM; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with the Growth Policy Act under the Florida Statutes, Chapter 163, the City has the responsibility of planning for the future growth and development of the City of Westlake; and

WHEREAS, the responsibilities of the local planning agency include but are not limited to establishment of a comprehensive plan, comprehensive plan amendments, review of zoning and rezoning applications, review of land development regulations, land development codes, or any amendments thereto, and to perform any other functions, duties or responsibilities as assigned by the City Council; and

WHEREAS, the Planning and Zoning Board provides the City Council with recommendations as an advisory board on planning and zoning related matters, including without limitation, recommendations on development applications; and

WHEREAS, the City Council finds that it is in the best interest of the City of Westlake to designate a resident from the City as an alternate board member to serve in the absence of a board member; and

WHEREAS, the City Council serves as the local planning agency with the addition of a non-voting member of the school board as permitted by Florida Statute, Section 163.3174; and

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

Section 1. Recitals: The foregoing recital are confirmed, adopted and incorporated herein and made a part hereof by this reference.

Section 2. Code Reference: The City Council hereby amends the City's code of ordinances, entitled "Planning and Zoning Board" which shall read as follows:

Composition and Term of Office:

- (1) The Planning and Zoning Board shall be composed of the five ~~transitional~~ members of the City Council for the City of Westlake, and an alternate member selected by the City Council. The City Council shall select a resident of the City of Westlake to serve as an alternate in the event a board member is unable to attend the Planning and Zoning Board meeting. There shall be one nonvoting member from the School Board of Palm Beach County.
- (2) The transitional council members shall serve as members of the Planning and Zoning Board until November of 2020, at which time the City Council may re-evaluate the composition of Planning and Zoning Board.
- (3) Future members of the Planning and Zoning Board shall serve for a term of four (4) years. Future members of the Board shall be knowledgeable as to the functions of municipal government, planning and zoning matters and municipal development and may include professions associated with development including architects, planners, attorney, engineers and contractors.
- (4) The alternate member shall be allowed to participate and vote on matters which are before the board when any regular member of the Board is unable to attend a scheduled meeting.
- (5) Three members of the Planning and Zoning Board who are in attendance shall constitute a quorum for purpose of convening a meeting and conducting business for the City. A meeting of the Planning and Zoning Board shall not be called to order without a quorum consisting of at least three members, which may include the alternate as well as the City Attorney being present. When a quorum does not exist, the members present may convene for the purposes of continuing a public hearing, holding a workshop, or scheduling a special meeting.
- (6) The members of the Planning and Zoning Board shall serve without compensation but shall be reimbursed for any expenses authorized by the City of Westlake, which may be incurred in the performance of their duties.
- (7) During the initial meeting of the Planning and Zoning Board, the Board shall select a chair and a vice-chair to serve for the orderly conduct of the meeting. The chair and the vice chair shall serve for a one (1) year term. The chair and the vice-chair shall be selected at the first meeting in April of each year.

Business Meetings and Procedures:

- (1) The meetings shall be scheduled once per month at the direction of the City Manager. The City Manager may cancel the monthly meeting if there are no business matters pending for the meeting as scheduled. The City Manager may call a special meeting if necessary in the discretion of the City Manager to facilitate the growth and development that is in the best interest of the City. The Board may schedule additional meetings as deemed necessary to conduct the business of the City, training or workshop matters.
- (2) The meetings shall be held on the second Monday of each month, commencing at six (6) o'clock (6:00pm) and duly noticed by the City Clerk. The meetings shall be held at

the Westlake Community Center, located at 4005 Seminole Pratt Whitney Road, or other locations as designated by the City Manager.

- (3) The meetings of the Planning and Zoning Board shall be public meetings, open to the public. The public is encouraged to participate and attend the meetings. There shall be an official agenda for each of the regular meetings of the Planning and Zoning Board. The City Manager shall prepare the agenda for each board meeting.
- (4) Decisions of the Board shall be by motion and a roll call vote of the members present. Minutes of the proceedings of all meetings shall be kept by the City Clerk.

Administrative Assistance:

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

Local Planning Agency:

The Planning and Zoning Board shall serve as the local planning agency (“LPA”) for the City of Westlake in accordance with the provisions as set forth in the Growth Policy Act, under Florida Statutes, Chapter 163, and more specifically, §163.3174. The Board shall make recommendations to the City Council regarding the adoption of the comprehensive plan and any amendments thereto.

Powers and Duties:

- (1) The Planning and Zoning Board shall hear and consider items which come before the Board and make recommendations to the City Council as to findings of fact on applications for the following items:
 - (a) Zoning applications
 - (b) Re-Zoning applications
 - (c) Zoning ordinance amendments
 - (d) Site Plans
 - (e) Conditions Uses
 - (f) Special Exception Uses
 - (g) Variances
 - (h) Administrative Appeals
 - (i) Special Permits and Nonconforming Uses
 - (j) Any other planning or zoning related matter referred to it by the City Council.
- (2) The Board shall make a motion to recommend approval of an item, denial of the item or approval with conditions, restrictions or other limitations as deemed necessary and consistent with applicable law.

(3) The decisions of the Planning and Zoning Board shall not be binding and final on the City Council, but shall be advisory recommendations only.

Section 3. Conflicts: All ordinances or parts of ordinances, resolutions or parts of resolutions which are in conflict herewith, are hereby repealed to the extent of such conflict.

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

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

PASSED this 10th day of August, 2020, on first reading.

PUBLISHED on this 23rd day of July, 2020 in the Palm Beach Post.

PASSED AND ADOPTED this 14th day of September, 2020, on second reading.

City of Westlake
Roger Manning, Mayor

Zoie Burgess, City Clerk

Pam E. Booker, City Attorney