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ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY SPECIFICALLY AMENDING CHAPTER 8 ENTITLED “PARKING REGULATIONS” BY SPECIFICALLY AMENDING SECTION 7 ENTITLED “RECREATIONAL VEHICLES, TRAILERS AND WATERCRAFT”; PROVIDING FOR DEFINITION OF TRAILERS; PROVIDING FOR PROHIBITION OF PARKING ON RIGHTS OF WAY; PROVIDING FOR THE DELETION OF ARTICLE 8.9 (E) RELATIVE TO ELECTRIC VEHICLE CHARGING STATIONS; PROVIDING FOR THE AMENDMENT TO TABLE 8-6 ENTITLED “REQUIRED OFF-STREET PARKING SPACES”; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

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

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

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

Whereas, the Local Planning Agency has conducted a hearing on September 3, 2024, and made a recommendation to the City Council with respect to the adoption of the parking regulations ordinance; and

Whereas, the City Council has conducted a public hearing on October 1, 2024 wherein it considered the recommendation of the Local Planning Agency Board, the City staff and comments from the public into consideration and has determined that the adoption of this parking regulations ordinance is in the best interest of the public safety and welfare of the City of Westlake; and

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

SECTION 1. Recitals. The foregoing recitals are confirmed, adopted and incorporated herein and made a part hereof by this reference.

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1 **SECTION 2.** The City Council hereby amends the City’s Code of Ordinances by
2 specifically amending Chapter 8 Entitled “Parking Regulations” by specifically amending
3 Section 7 entitled “Recreational Vehicles, Trailers and Watercraft”:

4 **Section 7. Recreational Vehicles, Trailers and Watercraft**

5 (1) **Applicability.** This section shall not be read to prohibit the
6 storage of trailers, recreational vehicles, watercraft, or similar vehicles in
7 either a) commercial storage facilities, or b) commercial or retail facilities
8 displaying trailers, recreational vehicles, watercraft, or similar vehicles
9 within a designated area pursuant to an approved site plan.

10 (2) **Storage.** Recreational vehicles, trailers (shall mean any vehicle
11 with or without motive power, designed for carrying persons or property
12 and for being drawn by a motor vehicle.), and watercraft shall be stored in
13 a fully-enclosed garage facility.

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

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

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

27 (6) **Parking on rights-of-way. The parking, standing or stopping of**
28 **a watercraft; RV; swamp buggies; bus; truck with a gross vehicle weight**
29 **rating in excess of ten thousand (10,000) pounds, or rated over one (1) ton,**
30 **or height in excess of seven (7) feet including any load, bed or box, or**
31 **length in excess of twenty-two (22) feet; truck tractor; trailer; semi-trailer;**
32 **pole trailer; step-van; commercial vehicle; recreational vehicle; or**
33 **construction and industrial equipment for a period exceeding one (1) hour**
34 **in any twenty-four-hour period is prohibited on all public streets, all alleys,**
35 **bike lanes, and rights-of-way therewith located within the city.**

36 (a) The prohibitions shall not apply to motor vehicles which
37 are temporarily parked for the purpose of loading and
38 unloading materials or equipment or making service

- 1 calls, however, the duration of such temporary parking
- 2 shall not exceed four (4) hours in any twenty-four-hour
- 3 period.
- 4 (b) The prohibitions shall not apply to motor vehicles which
- 5 have become disabled; however, the duration of such
- 6 temporary parking shall not exceed four (4) hours after
- 7 which the vehicle must be removed by wrecker towing if
- 8 necessary, regardless of the nature of the emergency.
- 9 (c) The parking of non-prohibited vehicles shall be done in
- 10 a safe manner so as not to cause hazards such as
- 11 encroachment on sidewalks, obstruction of visibility to
- 12 motorists utilizing the roadway, or in general affecting
- 13 the ability of motorists to safely use the roadway. The
- 14 parking of non-prohibited vehicles shall not obstruct
- 15 driveways or impede the ability of the abutting property
- 16 owner to maintain the right-of-way strip.
- 17 (d) No person shall park a vehicle upon any right-of-way for
- 18 the purpose of advertising any place of business or
- 19 service, displaying the vehicle for sale, repairing the
- 20 vehicle except repairs necessary for meeting an
- 21 emergency, or selling merchandise from the vehicle,
- 22 except when authorized or licensed under the Code or
- 23 other ordinances of the city.
- 24 (e) Parking on swales. It shall be unlawful to stop, park or
- 25 drive a motor vehicle upon the unpaved portion of the
- 26 street right-of-way or swale area within the city.
- 27

28 **ARTICLE 8.9** **Number of Parking Spaces Required**

29
30 Section 1: General Provisions

31 A) Miscellaneous Uses. For any use not listed in Table 8-6, Required Off-street Parking
32 Spaces, the planning and zoning director shall determine off-street parking requirements
33 based on uses with similar characteristics.

34
35 B) Required spaces. The number of off-street parking spaces required for individual uses
36 is established in Table 8-6. The standards established in this section provide the
37 minimum vehicular parking requirements for the various uses as classified. As indicated
38 in Table 8-6, the planning and zoning director may request additional information to
39 demonstrate compliance with overall parking demand.

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2 C) Mixed uses. For mixed use projects approved by the city council with a specific
3 percentage of individual uses, total off-street parking requirements shall be calculated
4 based upon the requirements applicable to each individual use. For commercial shopping
5 centers or other centers which may provide a variety of mixed uses, the parking
6 requirements for a shopping center shall apply.

7
8 D) Parking Deviation(s). Deviation(s) from the provisions of this Chapter may be
9 permitted for government facilities within the Downtown Mixed Use and Civic Zoning
10 Districts, subject to approval by the City Council utilizing the following standards:

11 (1) The proposed deviation(s) maintains compatibility with
12 the uses and character of land surrounding and in the vicinity of the land proposed for
13 development;

14 (2) Adverse effects on adjacent uses and lands, including
15 but not limited to visual impact, are determined to be minimal or otherwise negligible
16 upon review and consideration of surrounding lands, uses, zoning, Future Land Use
17 (FLU), character, or other pre-existing conditions;

18 (3) Special or unique circumstances or factors exist that are
19 applicable to the proposed use, structure, feature, or land proposed for development;

20
21 (4) The proposed deviation(s) allows for reasonable or
22 practical use of the land proposed for development;

23 (5) Approval of the deviation(s) is consistent with the
24 purpose, goals, policies, and objectives of the Comprehensive Plan and these Land
25 Development Regulations; and,

26 (6) Approval of the deviation(s) is not injurious to the
27 surrounding area or otherwise detrimental to public health, safety, and general welfare.
28

29 ~~E) Electric Vehicle Charging Stations. Each Electric Vehicle Charging Parking Space~~
30 ~~(EVCPS) shall be marked by a sign designating the parking space as an EVCPS~~
31 ~~parking space, in accordance with the Manual on Uniform Traffic Control Devices~~
32 ~~(MUTCD) of the Federal Highway Administration for electric vehicles.~~

33 ~~(1) For multi-family residential developments, Electric Vehicle Charging~~
34 ~~Parking Space(s) (EVCPS) are permitted by right.~~

35 ~~(2) Non-residential developments shall have a minimum of one (1) space~~
36 ~~or 2% of the total required parking spaces (whichever is greater)~~
37 ~~designated as EVCPS, up to a maximum of 20 spaces or up to 10% of~~
38 ~~the total required parking spaces (whichever is greater).~~

39 ~~(3) In order to qualify as an EVCPS, the parking space must have a~~

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- 1 ~~Level 2 or higher electric vehicle charger.~~
- 2 ~~(4) By right, any space in any residential or non-residential development~~
- 3 ~~may be developed with the electrical and other infrastructure~~
- 4 ~~necessary to support an electric vehicle charger, whether or not such~~
- 5 ~~charger is installed.~~
- 6 ~~(5) All EVCPSs shall count towards parking space requirements.~~
- 7 ~~Vehicles that are not capable of charging by using the EVCPS are~~
- 8 ~~prohibited from parking in these space. The parking space must have~~
- 9 ~~a Level 2 or higher electric vehicle charger.~~
- 10 ~~(6) EVCPSs shall be painted green or shall be marked by green painted~~
- 11 ~~lines or curbs.~~

13 **SECTION 3.** Providing for the amendment to Table 8-6 entitled “Required Off-Street
14 Parking Spaces” amended as follows:

15 **TABLE 8-6: REQUIRED OFF-STREET PARKING SPACES**

Recreation, Commercial-Indoor	To be determined <u>1 space per 360 square feet</u>
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18 **SECTION 4.** Codification. It is the intention of the City Council of the City of Westlake that
19 the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of
20 the City of Westlake, Florida, and that the Sections of this Ordinance may be renumbered, re-
21 lettered and the word “Ordinance” may be changed to “Section,” “Article” or such other word
22 or phrase in order to accomplish such intention.

24 **SECTION 5.** Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions
25 which are in conflict herewith, are hereby repealed to the extent of such conflict.

27 **SECTION 6.** Severability. Should the provisions of this ordinance be declared to be severable
28 and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be
29 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,
30 sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the
31 legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

33 **SECTION 7.** Effective Date. This ordinance shall be effective upon adoption on second
34 reading.

36 **PASSED** this _____ day of _____, 2024, on first reading.

37 **PASSED AND ADOPTED** this _____ day of _____, 2024, on second reading.

1st Reading _____
2nd Reading _____

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City of Westlake

JohnPaul O'Connor, Mayor

G. Langowski _____
G. Werner _____
J. Martinez _____
C. Leonard _____
J.P. O'Connor _____

ATTEST:

Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM:

CITY ATTORNEY