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1   **ORDINANCE NO. 2023-___**

2   **AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE,**
3   **FLORIDA, AMENDING ORDINANCE NO. 2019-9 AS SET FORTH IN THE CITY'S**
4   **CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF SECTION 3 TO BE**
5   **ENTITLED "ESSENTIAL FACILITIES AND SERVICES" ; PROVIDING FOR**
6   **ESSENTIAL FACILITIES SERVICES; PROVIDING FOR HEIGHT OF STRUCTURES;**
7   **PROVIDING FOR SCREENING AND BUFFERING; PROVIDING FOR EXEMPTIONS**
8   **FROM PROPERTY DEVELOPMENT REGULATIONS; PROVIDING FOR SETBACK**
9   **REQUIREMENTS; PROVIDING FOR CODIFICATION, PROVIDING FOR**
10   **CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE**
11   **DATE.**

12
13   **WHEREAS,** the City Council finds it is in the public's interest to establish
14   policies and procedures to allow for consistent, flexible, creative, and
15   economically beneficial development within the City of Westlake.

16
17   **WHEREAS**, on September 23, 2019, the City Council of the City of Westlake
18   adopted Ordinance 2019-9 which established a zoning district and set forth
19   standards for the zoning district;

20
21   **WHEREAS,** the City's Planning Consultants recommend that the Code of
22   Ordinances, specifically Ordinance 2019-9 be amended to create and establish
23   regulations for essential facilities and structures.

24
25   **NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE CITY**
26   **OF WESTLAKE, FLORIDA**, **AS FOLLOWS**:

27
28   **SECTION 1**. <u>Recitals</u>. The foregoing recitals are confirmed, adopted and
29   incorporated herein and made a part hereof by this reference.

30   **SECTION 2.** The City Council hereby amends Ordinance No. 2019-9 by
31   amending Article ____ by specifically creating Section 3 entitled "Essential Facilities
32   and Services" as follows:

33   **Section 3: Essential Facilities and Services.** All buildings or structures defined
34   as essential facilities and services in Chapter 1, Article 1.2 of this code (the
35   "Essential Service Facilities"), are permitted by right in all zoning districts as
36   shown in Table 3-20, when necessary for the day-to-day operation of the
37   applicable governmental entity, subject to the requirements set forth in Chapter 3
38   Article 3.3 Section 3.

39   **A) Height of structures.**

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1   No portion of any Essential Service Facility regulated by
2   this section shall exceed 50 feet in height in any
3   residential zoning districts or exceed 150 feet in non-
4   residential zoning districts.

5   **B) Screening and appearance.**

6   Essential Service Facilities (excluding transmission
7   poles) exceeding three (3) feet in height, ~~must~~ shall be of
8   a neutral, non-glare color or finish so as to make them ~~as~~
9   visually unobtrusive. In the event~~If~~ the Essential Service
10 Facilities are adjacent to property within ~~the~~ a R-1 or R-2
11 zoning district, the ~~residential~~ Essential Service Facility
12 ~~zoning district must~~ shall provide shrubs or plant
13 material acceptable to the City ~~be shielded by shrubs~~ at
14 least three (3) feet high at time of planting to shield the
15 Essential Service Facility from adjacent residential
16 properties.~~, unless the residential property is in public~~
17 ~~control or ownership~~.

18 **C) Exemptions from property development regulations.**

19 (a) Essential Service Facilities shall be exempt from the
20   property development regulations which set forth
21   minimum dimensions and setbacks, except as
22   provided below. ~~that above-ground Essential Services~~
23   ~~Facilities or essential service equipment shall not be~~
24   ~~placed closer than three (3) feet from any sidewalk or~~
25   ~~bike path~~~~as provided below~~.

Commented [SB1]: SID would request this revert to how it was, rejecting this change.

26 (b) Parcels containing Essential Service Facilities shall
27   not be required to meet the minimum required lot
28   area and lot dimensions for the zoning district
29   wherein located, provided that access, buffering,
30   drainage, retention, parking and other applicable
31   provisions of this section and the Land Development
32   Regulations are satisfied. Essential Service Facilities

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1   shall _not_ have a maximum lot coverage ~~of~~ _exceeding_
2   75%, and _shall provide for a_ minimum pervious
3   percentage of ~~parcel~~ _lot coverage_ of 25%.

4   **D) Setbacks.**

5   (a)   Essential Service Facilities regulated by this section
6   that are three _(3)_ feet or less in height are exempt
7   from all setback requirements~~,~~. ~~except that such~~
8   ~~Facilities may~~ _shall_ not be placed closer than three ~~(3)~~
9   ~~feet to any public sidewalk or bike path.~~

10   (b)   Essential Service Facilities that are over three _(3)_ feet
11   but less than six _(6)_ feet in height ~~must~~ _shall_ be set
12   back a minimum of five _(5)_ feet from any road right-
13   of-way or _public_ easement and ~~must~~ _shall_ comply
14   with the visibility triangles (corner clips).

15   (c)   Essential Service Facilities that exceed six _(6)_ feet in
16   height ~~must~~ _shall_ provide _for_ a minimum front setback
17   of _thirty (_30_)_ feet, and side and _-_rear setback~~s~~ of a
18   minimum of _ten (_10_)_ feet~~.~~, ~~unless adjacent to property~~
19   ~~in public control or ownership, in which case no~~
20   ~~setback is required.~~ Essential Service Facilities shall
21   not be located closer than _twenty-five (_25_)_ feet to any
22   body of water, measured from top of bank.

24   **SECTION 3.**   _Codification_. It is the intention of the City Council of the City of
25   Westlake that the provisions of this Ordinance shall become and be made a part of
26   the Code of Ordinances of the City of Westlake, Florida, and that the Sections of this
27   Ordinance may be renumbered, re-lettered and the word "Ordinance" may be
28   changed to "Section," "Article" or such other word or phrase in order to accomplish
29   such intention.

31   **SECTION 4.**   _Conflicts_.   All   ordinances   or   parts   of   ordinances,
32   resolutions or parts of resolutions which are in conflict herewith, are hereby
33   repealed to the extent of such conflict.

35   **SECTION 5.**   _Severability_. Should the provisions of this ordinance be

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1 declared to be severable and if any section, sentence, clause or phrase of this
2 ordinance shall for any reason be held to be invalid or unconstitutional, such
3 decision shall not affect the validity of the remaining sections, sentences, clauses,
4 and phrases of this ordinance but they shall remain in effect, it being the legislative
5 intent that this ordinance shall remain notwithstanding the invalidity of any part.
6
7 **SECTION 6**. Effective Date. This ordinance shall be effective upon
8 adoption on second reading.
9
10 **PASSED** this _____ day of _____, 2023, on first reading.
11 **PUBLISHED** on this ____ day of _____, 2023 in the Palm Beach Post.
12 **PASSED AND ADOPTED** this ____ day of _____, 2023, on second reading.
13 _____
14 City of Westlake
15 JohnPaul O'Connor, Mayor
16 ATTEST:
17 _____
18 Zoie Burgess, City Clerk
19
20
21 APPROVED AS TO LEGAL FORM:
22
23
24 _____
25 OFFICE OF THE CITY ATTORNEY

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