

**ORDINANCE 2020-12**

1<sup>st</sup> Reading September 14, 2020

2<sup>nd</sup> Reading October 12, 2020

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER THREE ENTITLED "ZONING DISTRICTS AND STANDARDS", TO INCLUDE ADDITIONAL SETBACK PROVISIONS FOR RESIDENTIAL ZONING DISTRICTS OF RESIDENTIAL-1 (R1) AND RESIDENTIAL-2 (R2), PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Westlake deems it in the best interest of the City to establish amend Chapter 3, Article 3.3, of the existing City code to establish additional regulations for setback exceptions applicable to residential developments within the City; and

**WHEREAS**, the City of Westlake amended the Interim Unified Land Development Code in 2017, which allowed pool equipment, screen enclosures, pumps heating units and other associated structures in the side yard setbacks; and

**WHEREAS**, the City of Westlake has adopted Chapter 3, entitled Zoning Districts and Uses, which provides for setback criteria in multiple Zoning Districts and the prior provisions in the Interim Unified Land Development Code from Palm Beach County will no longer be applicable; and

**WHEREAS**, the City of Westlake believes additional guidelines will assist property owners with the maximum utilization of their property and allow for adequate safety and security measures to be implemented with the installation of generators; and

**WHEREAS**, the City of Westlake has evaluated the various options for placement of generators on single family residential properties within the Residential Zoning Districts of R-1 and R-2, and based upon that evaluation, the City Council finds that allowing the generators to be installed in the side yard setbacks is in the best interest of the residents; and

**WHEREAS**, pursuant to Florida Statutes, 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 and amendments thereto; and

**WHEREAS**, the City of Westlake's Planning and Zoning Board, sitting as the Local Planning Agency (LPA), had the opportunity to review the proposed amendment to Chapter 3, Article 3.3(C), regulations 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 amendment to Chapter 3, Article 3.3(C) will preserve the public health, safety and welfare, enhance the value and character of the community and is consistent with the Comprehensive Plan.

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

**Section 1: Purpose and Applicability.** The City of Westlake hereby adopts this Amendment to Chapter 3, Article 3.3, to add a section (C) which creates exceptions for structures and improvement which are allowable in the setbacks. The exceptions are applicable to single family residential properties located in the single family residential Zoning Districts designated R-1 and R-2.

**Section 2. Article 3.3 (C) Setback Exception(s) for Residential-1 (R-1) and Residential-2 (R-2) Zoning Districts.**

The following structures, projections and improvements may be allowed within the required setbacks for single family residential properties located in the residential zoning districts designated Residential-1 (R-1) and Residential-2 (R-2).

1. Arbors and trellises less than ten(10) feet in height, subject to a minimum three(3) feet setback in the rear yard.
2. Balconies projecting a maximum of three(3) feet into the rear yard setback.
3. Permanent or retractable awnings, canopies or Bahama shutters projecting a maximum of three feet into a setback, and having no support other than provided by the wall or structure to which it is attached.
4. Bay windows projecting a maximum of three feet into a rear yard setback, measured at the point at which the face of the building or structure touches the ground.
5. Chimneys projecting a maximum of three feet into a rear yard setback.
6. Clothes poles or clothes lines in rear yard setbacks.
7. Fountains, subject to a minimum three (3) feet setback in the rear yard.
8. Heating, ventilation and air conditioning units, including compressors and condensers in the side yard setback. Visual screening with plant material from the right-of-way and adjacent property shall be provided.
9. Pool equipment, pumps, heating units and related mechanical equipment in the side yard setback. Visual screening with plant material from the right-of-way and adjacent property shall be provided.
10. Permanent standby generators consistent with the building, electrical and manufacturer's installation and maintenance requirements in the side yard setback. Visual screening with plant material from the right-of-way and adjacent property shall be provided on single family lots with a 7.5 foot side yard setback . Visual screening with plant material from the adjacent property shall be provided on single family residential lots with a 5.0 foot side yard setback where space is available and safety permits installation of plant materials.
11. Open terraces and patios, including walkways and ground level decks, subject to a minimum three (3) feet setback in the rear and side yard.
12. Recreational equipment and structures in the rear yard setback, subject to a minimum three (3) feet setback in the rear yard.
13. Sculptures and other similar objects of art in the rear yard, subject to a three (3) feet minimum.
14. Landscape planted in the ground or in planters in the rear and side yard.
15. Basketball goals provided there is a minimum of three foot setback from the rear and side property lines, and a minimum of ten (10) foot setback from the front and side street property lines.
16. Impact shutters projecting a maximum of eighteen (18) inches into the setback.
17. Decorative architectural treatment such as lintels, stone veneer or stucco banding, projecting a maximum of six inches into a setback.

18. Utility, Electric and Gas transmission lines, distribution lines, meters and associated structures.

**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. Codification:** It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance entitled Amendment to Chapter 3, Article 3.3, shall become and be made a part of the Code of Ordinances for the City of Westlake, Florida and the sections of this ordinance may be re-numbered or re-lettered to accomplish such intentions, and the word "ordinance" shall be changed to "section" or other appropriate word.

**Section 5. Effective Date:** This ordinance shall become effective upon second reading.

**PASSED AND APPROVED** on First Reading on \_\_\_\_\_ of September, 2020.

**PASSED AND APPROVED** by City Council for the City of Westlake, on this \_\_\_\_\_ day of October, 2020.

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City of Westlake  
Roger Manning, Mayor

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Zoie Burges, City Clerk

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Approved as to Form and Sufficiency  
Pam E. Booker, City Attorney