

Drafted 2/21/23

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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.

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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;

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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.

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

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

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

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

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A) Height of structures.

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No portion of any building or structure regulated by this

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article shall exceed 50 feet in height in residential zoning districts and up to 150 feet in non-residential zoning districts.

B) Screening and buffering.

Structures or equipment (excluding transmission poles) exceeding three feet in height, must be of neutral, non-glare color or finish so as to make them as visually unobtrusive as possible and be shielded on all sides by shrubs at least three feet high at time of planting.

C) Exemptions from property development regulations.

(a) Essential facilities and service or essential service equipment shall be exempt from the property development regulations which set forth minimum lot size, area, dimensions, and setbacks, except that above-ground essential services or essential service equipment may not be placed closer than three feet to any sidewalk or bike path.

(b) Essential service facilities shall not be required to meet the minimum required lot area, and dimensions for the district wherein located, provided that access, buffering, drainage, retention, parking and other provisions of this Ordinance and the Land Development Code are satisfied. Facilities shall have a maximum lot coverage of 50%, and a minimum pervious percentage of parcel of 25%.

D) Setbacks.

(a) Structures regulated by this section that are three feet or less in height are exempt from all setback requirements.

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(b) Buildings or structures that are over three feet but less than six feet in height must be set back a minimum of five feet from any street right-of-way or street easement and must comply with the visibility triangles (Corner Clips).

(c) Buildings or structures that exceed six feet in height must comply with the minimum setback of 30 feet and may not be located closer than 25 feet to any body of water.

SECTION 3. Codification. It is the intention of the City Council of the City of Westlake that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Westlake, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to “Section,” “Article” or such other word or phrase in order to accomplish such intention.

SECTION 4. 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 5. 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 6. Effective Date. This ordinance shall be effective upon adoption on second reading.

PASSED this ____ day of _____, 2023, on first reading.

PUBLISHED on this ____ day of _____, 2023 in the Palm Beach Post.

PASSED AND ADOPTED this ____ day of _____, 2023, on second reading.

1st Reading _____
2nd Reading _____

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ATTEST:

Zoie Burgess, City Clerk

City of Westlake
JohnPaul O'Connor, Mayor

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY