

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER THREE ENTITLED “ZONING DISTRICTS AND STANDARDS”, TO INCLUDE PROVISIONS FOR ADDITIONAL MEDICAL USES AS PERMITTED USES WITHIN THE MIXED USE ZONING DISTRICT; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Westlake previously adopted Chapter 3, entitled Zoning Districts and Uses, which eliminated the previously-applicable development criteria in the Interim Unified Land Development Code and provides the development criteria in the City’s Zoning Districts;

WHEREAS, the City of Westlake has amended Chapter 3 from time to time; and

WHEREAS, the City of Westlake deems it in the best interest of the City to amend its existing Land Development Regulations by amending Article 3.4, entitled Uses ; and

WHEREAS, the City of Westlake believes that designating certain medical uses as permitted uses within the Mixed Use Zoning District will better serve the City of Westlake and promote economic development within the City; 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), reviewed the proposed amendment to Chapter 3 concerning the designation of certain medical uses as permitted uses within the Mixed Use Zoning District, and made a recommendation of approval 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 amendments to Chapter 3 will promote the public health, safety and welfare, and are consistent with the Comprehensive Plan;

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

Section 1: Incorporation. The above recitals are confirmed, adopted and are incorporated herein by reference.

Section 2. Amendment to Permitted Uses Table. Table 3-20 PERMITTED USES shall be amended to designate certain medical uses as permitted uses within the Mixed Use District, as shown below:

TABLE 3-20: PERMITTED USES
(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Medical Uses¹							
Hospital				<u>P</u>			P
Pharmacy and Dispensary				P	P		P
Medical or Dental Office				P	P		P
Behavioral Health Center				<u>P</u>			P
Inpatient Rehabilitation Center				<u>P</u>			P
Free Standing Emergency Department				<u>P</u>			P
Medical marijuana dispensary							P
Emergency Department (Linked to Hospital)				<u>P</u>			P
Child Birth Center				<u>P</u>			P
Surgical Facilities (excluding in-office dental and eye surgical facilities)				<u>P</u>			P
Cardiac Catheterization Laboratory				<u>P</u>			P
Chemotherapy and Radiation/Cancer Center Treatment				<u>P</u>			P
Medical Infusion Center				<u>P</u>			P
Hyperbaric Oxygen and Wound Care Treatment Facility				<u>P</u>			P
Imaging, Diagnostic, Therapeutic, and Laboratory Services				<u>P</u>			P
Proton Center				<u>P</u>			P
Urgent Care Center				<u>P</u>			P
Hospitality House for Patients (and/or Patients' Families)				P	P		P

Key:

P = Permitted

Use C =

**Conditional
Use**

1. Uses that are incidental and ancillary to a permitted medical use, such as in house imaging or laboratory services, are permitted as part of and in the same location as the permitted medical use, even where such incidental or ancillary services would not be permitted as a standalone use.

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 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 June, 2021.

PUBLISHED on this ____ day of _____, 2021 in the Palm Beach Post.

PASSED AND APPROVED by City Council for the City of Westlake, on this _____ day of , July, 2021.

City of Westlake
Roger Manning, Mayor

Zoie Burges, City Clerk

Approved as to Form and Sufficiency
Donald Doody, City Attorney