

**ORDINANCE 2021-05**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ORDINANCE NO. 2019-12, ADOPTED OCTOBER 28, 2019; AMENDING CHAPTER 1 OF THE CITY'S CODE OF ORDINANCES BY CLARIFYING THE DUTIES, RESPONSIBILITIES AND COMPOSITION OF THE PLANNING AND ZONING BOARD; REPEALING ORDINANCE NO. 2016-3; REPEALING ORDINANCE NO. 2020-09, ADOPTED SEPTEMBER 14, 2020; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, in accordance with the Growth Policy Act under the Florida Statutes, Chapter 163, the City has the responsibility of planning for the future growth and development of the City of Westlake; and

**WHEREAS**, on October 24, 2016 the City Council adopted Ordinance No. 2016-3, thereby establishing the Planning and Zoning Board (the "Board") as an advisory board to the City Council and empowered the Board to make recommendations to the City Council on a number of land use and land development matters, including variance applications; and

**WHEREAS**, on October 28, 2019, the City Council adopted Ordinance No. 2019-12, thereby creating Chapter 1 of the City's Code of Ordinances and establishing an administrative process for land development regulations for the City of Westlake, including the creation of a local planning agency and a Planning and Zoning Board; and

**WHEREAS**, on October 28, 2019, the City Council also adopted Ordinance No. 2019-13, thereby creating Chapter 2 of the City's Code of Ordinances and further establishing comprehensive land development procedures for the City of Westlake; and

**WHEREAS**, on September 14, 2020, the City Council adopted Ordinance No. 2020-09, thereby amending Ordinance No. 2016-3 and adding to the composition of the Board and clarifying the quorum requirements for the Board; and

**WHEREAS**, Ordinance No. 2019-13 created Article 2.2, Section 2(B) of the City's Code of Ordinances, establishing procedures for the consideration of variance applications, authorizing the Board to grant variances, and providing a right to appeal the denial of variances to the City Council; and

**WHEREAS**, the City Council seeks to consolidate the duties and responsibilities of the Board within Chapter 1 of the City's Code of Ordinance and, in furtherance of this effort, seeks to repeal Ordinance No. 2016-3 and Ordinance No. 2020-09; and

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**WHEREAS**, by adopting this ordinance and repealing the ordinances referenced herein, the City Council seeks to consolidate certain prior actions of the City Council and establish a more streamlined and simplified Chapter 1 of the City’s Code of Ordinances; and

**WHEREAS**, the City Council has held a public hearing in accordance with Section 166.041, F.S.; and

**WHEREAS**, the City Council finds that adopting this ordinance and establishing a more organized and simplified Chapter 1 of the City’s Code of Ordinances is in the best interests of the citizens and residents of the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL 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.

**Section 2.** Code Reference: The City Council hereby amends Chapter 1 of the City’s Code of Ordinances, entitled “Administration,” established pursuant to the adoption of Ordinance No. 2019-12, dated October 28, 2019, as follows:

**CHAPTER 1: ADMINISTRATION**

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**ARTICLE 1.8 PLANNING AND ZONING BOARD.**

**Section 1:** *Composition, Term and Organization.*

- (A) The Planning and Zoning Board shall be composed of the five members of the City Council for the City of Westlake, and an alternate member selected by the City Council. The City Council shall select a resident of the City of Westlake to serve as an alternate in the event a board member is unable to attend the Planning and Zoning Board meeting. There shall be one nonvoting member from the School Board of Palm Beach County.
- (B) Members of the Planning and Zoning Board shall serve for a term of four (4) years. Members of the Board shall be knowledgeable as to the functions of municipal government, planning and zoning matters and municipal development and may include professions associated with development including architects, planners, attorney, engineers and contractors.
- (C) The alternate member shall be allowed to participate and vote on matters which are before the board when any regular member of the Board is unable to attend a scheduled meeting.
- (D) Three members of the Planning and Zoning Board who are in attendance shall constitute a quorum for purpose of convening a meeting and conducting business for

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the City. A meeting of the Planning and Zoning Board shall not be called to order without a quorum consisting of at least three members, which may include the alternate as well as the City Attorney being present. When a quorum does not exist, the members present may convene for the purposes of continuing a public hearing, holding a workshop, or scheduling a special meeting.

- (E) The members of the Planning and Zoning Board shall serve without compensation but shall be reimbursed for any expenses authorized by the City of Westlake, which may be incurred in the performance of their duties.
- (F) During the initial meeting of the Planning and Zoning Board, the Board shall select a chair and a vice-chair to serve for the orderly conduct of the meeting. The chair and the vice chair shall serve for a one (1) year term. The chair and the vice-chair shall be selected at the first meeting in April of each year.

## **Section 2.**     *Business Meetings and Procedures*

- (A) The meetings shall be scheduled once per month at the direction of the City Manager. The City Manager may cancel the monthly meeting if there are no business matters pending for the meeting as scheduled. The City Manager may call a special meeting if necessary in the discretion of the City Manager to facilitate the growth and development that is in the best interest of the City. The Board may schedule additional meetings as deemed necessary to conduct the business of the City, training or workshop matters.
- (B) The meetings shall be held on the second Monday of each month, commencing at six (6) o'clock (6:00pm) and duly noticed by the City Clerk. The meetings shall be held at the Westlake Community Center, located at 4005 Seminole Pratt Whitney Road, or other locations as designated by the City Manager.
- (C) The meetings of the Planning and Zoning Board shall be public meetings, open to the public. The public is encouraged to participate and attend the meetings. There shall be an official agenda for each of the regular meetings of the Planning and Zoning Board. The City Manager shall prepare the agenda for each board meeting.
- (D) Decisions of the Board shall be by motion and a roll call vote of the members present. Minutes of the proceedings of all meetings shall be kept by the City Clerk.

## **Section 3.**     *Administrative Assistance*

- (A) The City Manager shall attend the Planning and Zoning Board meetings. The City Manager shall provide staff and clerical assistance for the Planning and Zoning Board members as may be required for the reasonable performance of their duties. This shall include a recording secretary to keep records of all proceedings.
- (B) The City Planner shall advise and assist the Planning and Zoning Board in all of its presentations, hearings, and deliberations on items which appear before the board for consideration.

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- (C) The Board may request from the City Manager, the City Attorney or other City consultant(s) additional information for the proper evaluation of items which appear before the Board which will assist in the decision-making process.
- (D) The City Attorney shall provide legal representation to the Planning and Zoning Board at all meetings of the Board.

**Section 4.** *Powers and Duties*

- (A) **Conditional Uses.** The Planning and Zoning Board shall make recommendations to the City Council regarding conditional uses.
- (B) **Variances.** The Planning and Zoning Board shall make final determinations on applications for variances, which decisions are appealable to City Council.

**Section 3.** Repealer: That Ordinance No. 2016-3 is hereby repealed in its entirety. The City Council of the City of Westlake hereby further repeals Ordinance No. 2020-09, in its entirety.

**Section 4.** 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 5.** 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 6.** 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 7.** Effective Date: This ordinance shall be effective upon adoption on second reading.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2021, on first reading.

**PUBLISHED** on this \_\_\_\_ day of \_\_\_\_\_, 2021 in the Palm Beach Post.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021, on second reading.

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City of Westlake  
Roger Manning, Mayor

ATTEST:

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Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

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OFFICE OF THE CITY ATTORNEY

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