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ORDINANCE NO. 2006-02

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, PERTAINING TO ZONING; CREATING A NEW CHAPTER 13 OF ARTICLE 6 AND ESTABLISHING THE RUSTIC RANCHES OVERLAY ZONING DISTRICT; AND AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF THE VILLAGE OF WELLINGTON BY ENACTING ARTICLE 6, CHAPTER 13 "RUSTIC RANCHES OVERLAY ZONING DISTRICT"; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY AND CONFLICTS; PROVIDING FOR DEVELOPMENT STANDARDS; PROVIDING FOR PERMITTED, CONDITIONAL, AND SPECIAL PERMIT USES; PROVIDING FOR MAXIMUM DENSITY AND MINIMUM LOT SIZES; PROVIDING FOR SUPPLEMENTAL DISTRICT REGULATIONS; PROVIDING FOR MINIMUM BUILDING SETBACKS; PROVIDING FOR VEGETATION REMOVAL AND TREE PROTECTION REGULATIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Wellington, Florida ("Village"), as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, to preserve the quality of life enjoyed by residents of the neighborhood known as Rustic Ranches, the Rustic Ranches Overlay Zoning District has been drafted and approved by the residents of Rustic Ranches for the property described in Exhibit "A"; and

WHEREAS, these regulations will allow for the implementation of unique land development regulations for the area known as "Rustic Ranches"; and

WHEREAS, notice and hearing requirements provided for in the Village Code have been satisfied, where applicable; and

WHEREAS, the Rustic Ranches Overlay District was presented to the Equestrian Preservation Committee at its public hearing conducted on December 14, 2005, and

WHEREAS, in accordance with the requirements of Chapter 163, Florida Statutes, the Village Planning, Zoning and Adjustment Board, acting as the Land Development Regulation Board, has reviewed the proposed Ordinance and has determined that the proposed regulation is consistent with the Village of Wellington's Comprehensive Plan;

NOW THEREFORE, BE IT ORDAINED THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, that:

1 **SECTION 1.** There is hereby enacted a new Chapter 13 "Rustic Ranches Overlay Zoning
2 District (RROZD)" of Article 6 "Zoning Districts" of the Land Development Regulations of the
3 Village of Wellington, Florida, which shall read as follows:
4

5 **Chapter 13. RUSTIC RANCHES OVERLAY ZONING DISTRICT (RROZD)**
6

7 **Section 6.13.1. Purpose and intent.**
8

9 Rustic Ranches is an established residential neighborhood, with a rural, equestrian character,
10 located along the west side of Flying Cow Road approximately one mile south of Southern
11 Boulevard (State Road 80). The neighborhood is compromised of approximately 638.9 acres of
12 which lot sizes are mainly five acres in size, however there are a few ten acre lots.
13

14 The residents and property owners of Rustic Ranches have developed this overlay zoning
15 district to help preserve the unique character of their community. Therefore, the purpose and
16 intent of the Rustic Ranches Overlay Zoning District is:
17

18 **1. Establishment of land development regulations.**

19 To establish land development regulations that implement the community vision and values
20 established in the Village Charter and the "Equestrian Element" of the Village of Wellington's
21 Comprehensive Plan.
22

23 **2. Preservation of character and lifestyle.**

24 To preserve the rural character and lifestyle of the Rustic Ranches community, and
25 collectively determine guidelines for the future.
26

27 **3. Preservation of land uses.**

28 To preserve and maintain the existing mix of land use patterns within this neighborhood.
29

30 **4. Incorporation of "declaration of restrictions".**

31 To the extent practicable, to incorporate the provisions of the "Declaration of Restrictions" for
32 the neighborhood known as Rustic Ranches into the neighborhood plan and the Rustic
33 Ranches Overlay Zoning District.
34

35 **5. Inclusion within the Equestrian Overlay Zoning District.**

36 To make Rustic Ranches a part of the Equestrian Overlay Zoning District (EOZD).
37

1 **Section 6.13.2. Applicability and conflicts.**

2 **1. Applicability.**

3 The regulations of this section shall apply to all land located within the residential
4 neighborhood known as Rustic Ranches, which is generally located within and consists of
5 Section 13, Township 44 South, Range 40 East of Palm Beach County.

6 **2. Conflicts.**

7 In the event of any conflict between the regulations of this Chapter and the other
8 regulations in the Land Development Regulations (LDRs), the regulations of this Chapter
9 shall govern. In the absence of any conflict, the regulations in the underlying zoning
10 district, the EOZD and the Land Development Regulations shall be applicable and
11 supplement the regulations in this Chapter.
12

13 **3. Effect on existing development orders.**

14 The provisions of this Chapter and any amendments hereto shall not affect the validity of
15 any lawfully-approved development order approved prior to October 1, 2005, so long as the
16 development order remains in effect. Issuance of subsequent development orders shall be
17 based on the minimum requirements of this Chapter. The provisions of this Chapter shall
18 apply to any request to modify any development order or permit; however, only the area
19 directly affected by the proposed modification shall be subject to the provisions of this
20 Chapter.
21

22 **Section 6.13.3. Permitted, conditional and special uses.**

23 **1. Allowable uses.**

24 The uses allowed within the RROZD are limited to those uses set forth in Table 6.13-1
25 below. Any use not listed in Table 6.13-1 is prohibited.

1
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**Table 6.13-1
Use Regulations Schedule**

USES	DEVELOPMENT REVIEW PROCEDURE	NOTES (See Chapter 4, Article 6 of the LDRs for applicable notes.)
KEY B = Conditional Use, Class B (Review by PZAB) D = Permitted subject to Site Plan Approval by DRC S = Special Use P = Permitted Use		
<u>Accessory dwelling</u>	P	1
<u>Agriculture, bona fide</u>	P	6
<u>Air curtain incinerator, temporary</u>	S	8
<u>Equestrian instructional services</u>	P	60
<u>Equestrian arena, private</u>	D	41
<u>Equestrian uses, seasonal</u>	S	
<u>Grooms quarters</u>	P	55
<u>Guest cottage</u>	P	57
<u>Home occupation</u>	P	60
<u>Kennel, private</u>	D	64
<u>Mobile home dwelling</u>	S	73 and as provided in Sec. 6.13.6.2.A
<u>Nursery, wholesale</u>	D	78
<u>Shadehouse, accessory</u>	P	101
<u>Single-family dwelling</u>	P	102
<u>Stable, commercial</u>	D	104
<u>Stable, private</u>	P	105
<u>Storage, indoor agricultural</u>	P	107
<u>Storage, outdoor agricultural</u>	P	107
<u>Utility, minor</u>	P	111
<u>Veterinary clinic</u>	B	114

3

1 **2. Supplemental use regulations.**

2 The following supplemental use regulations shall apply to the uses listed in Table 6.13-1
3 above.
4

5 **A. Mobile home dwelling.**

6 The following regulations shall apply to mobile homes within Rustic Ranches.
7

8 **1. Mobile homes as a primary residential structure.**

9 For lots on which the primary residential structure is a mobile home as of the
10 effective date of this ordinance, the property owner shall have not more than 12
11 months from the effective date to obtain a building permit for a permanent residential
12 structure.
13

14 **2. Ability to use a Mobile home if a valid building permit has been issued.**

15
16 (a). One mobile home dwelling per lot shall be allowed only during the construction
17 of a single-family residence. Construction shall be defined as the time between the
18 issuance of a building permit to the issuance of a Certificate of Occupancy or to the
19 revocation of a building permit. All applicable permits and licenses for a mobile
20 home shall be required. A special permit from the Village shall be required and shall
21 be valid for one year in accordance with the Village's regulations for such permits.
22

23 (b). A property owner shall have 36 months to complete the permanent structure
24 after obtaining a building permit. At the end of the 36 months, the mobile home shall
25 be removed. The Director may issue one extension, of not more than 90 days, to
26 allow completion of a permanent residential structure.
27

28 **3. Removal of mobile home if building permit not received.**

29 A property owner shall remove the mobile home within 12 months from the effective
30 date of this ordinance if a permit for a permanent residential structure is not issued
31 by the Village.
32

33 **B. Outdoor agricultural storage.**

34 Outdoor agricultural storage shall not include any noxious or offensive odors or materials
35 nor shall it include waste, refuse, garbage, or debris.
36

37 **C. Temporary residences.**

38 The use of recreational vehicles, travel trailers, campers or similar vehicles as a
39 temporary residence within Rustic Ranches is permitted, but shall not exceed two
40 consecutive weeks during a calendar year.
41

1 **3. Exempt Uses.**

2 Any use that legally exists as of the effective date of this Ordinance is exempt from the
3 DRC process requirement as indicated in Table 6.13-1.
4

5 **Section 6.13.4. Supplemental Regulations.**

6
7 The requirements of this section shall apply to all uses within the RROZD.

8 **1. Fences.**

9 **A. Permitted fences.**

10 Wire fences, including hog fences, galvanized chain link and vinyl-covered, chain-link
11 fences are permitted. Such fences shall not exceed five feet in height along the front
12 of the lot and six feet in height in all other areas. A wire or chain link fence must be
13 screened by the use of a three rail fence or a rail board fence. The wire or chain-link
14 fence shall be attached to the rail fence.
15

16 **B. Prohibited fence materials.**

17 The use of barbed wire or razor wire is prohibited. To the extent any barbed wire or
18 razor wire is currently, such wire must be entirely replaced or removed by January 1,
19 2009. No repairs or replacements of portions of the existing prohibited fence can be
20 made with prohibited materials.
21

22 **2. Horse trailers.**

23
24 **A. Horse Tractors and Trailers.**

25 The parking of tractors and trailers utilized solely for equestrian purposes within the
26 RROZD shall be permitted, subject to the following limitations:
27

28 **1.** One unscreened horse tractor and trailer may be parked adjacent to a barn or
29 stable on an individual lot, provided that the horse tractor and trailer may not be
30 parked between the front plane of the primary structure and the roadway
31 easement or right-of-way.
32

33 **2.** Additional horse trailers may be kept provided that:

- 34 a. The additional trailers shall be completely screened from the view of adjacent
35 roadways and private properties.
36
37 b. The screened parking area meets the accessory structure setbacks listed on
38 Table 6.13-4 of this Chapter.
39

1 3. Temporary parking of horse tractors and trailers on site for instructional, show, or
2 other site specific uses shall be allowed, provided that said temporary parking is not
3 overnight, and trailers are not parked in rights-of-way or easements.
4

5
6 **3. Prohibited uses.**
7

8 **A. Semi-tractors and trailers.**

- 9 1. The parking of all commercially related semi-tractors and trailers is prohibited
10 within the RROZD, excluding horse trailers and tractors as provided herein.
11
12 2. The use of all commercially related semi-tractors and trailers, mobile homes, or
13 similar structures or vehicles for storage is prohibited within the RROZD.
14
15 3. All storage structures prohibited herein, but existing as of the effective date of this
16 ordinance, shall be removed within 12 months from the effective date of this
17 ordinance.
18
19 4. All storage structures shall comply with all applicable provisions of this Chapter,
20 the EOZD, the LDRs and the Florida Building Code.
21

22 **4. Existing uses.**

23 **A. Legally established uses.**

24 Any legally established existing use within the RROZD that does not comply with the
25 requirements of Table 6.13-1 shall remain as a legal nonconforming use and is not
26 subject to development review as provided in Table 6.13-1. Any legal nonconforming
27 use shall be subject to the requirements of Article 1, Chapter 6 of these LDRs.
28

29 **B. Illegal uses.**

30 Unless otherwise provided in this Chapter, any illegal use existing as of the effective date
31 of this ordinance shall remain an illegal use and is prohibited.

32 **Section 6.13.5. Density and lot size requirements.**
33

34 The maximum density and minimum lot size requirements for property within Rustic Ranches
35 are established in Table 6.13-2 below.
36

37 **Table 6.13-2**
38 **Density & Lot Size Requirements**

<u>Maximum Density</u>	<u>Minimum Lot Size</u>
<u>one dwelling unit per five acres</u>	<u>Five acres</u>

1 **Section 6.13.6 Property development standards.**

2

3 All development within the RROZC shall comply with the property development standards set
4 forth in Table 6.13-3 below.

5

Table 6.13-3
Development Standards for
Principal and Accessory Uses

Development Standard	Minimum Requirements
Minimum lot width	300 feet
Minimum lot depth	300 feet
Maximum floor area ratio	15% of lot area
Maximum building height	35 feet
Maximum building coverage	10% of lot area or as otherwise provided in a current and valid development order.

Section 6.13.7. Building setbacks.

1. Minimum building setbacks.

The minimum building setbacks indicated in Table 6.13-4 shall apply to all principal and accessory buildings and structures.

2. Exemption for equestrian amenities.

There are no required setbacks for equestrian amenities, excluding dressage walls.

Table 6.13-4
Minimum Building Setbacks
for Principal and Accessory Uses

Setback Area	Principal Building or Structure	Accessory Building or Structure
Front	100 feet	100 feet
Side, interior	50 feet	25 feet
Side, corner	80 feet	25 feet
Rear, conforming lots	100 feet	25 feet
Rear, non conforming lots	100 feet	15 feet

Section 6.13.8. Vegetation removal and tree protection.

A. Notification of native tree removal.

Vegetation removal of native tree species on residential properties within Rustic Ranches shall be required to notify the Village's Planning and Zoning Department by facsimile or in person. However, the removal of dead, diseased or invasive, non-native trees in this overlay district shall not require notification.

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5 PASSED this 10th day of January 2006, upon first reading.

6
7 PASSED AND ADOPTED this 14th day of February 2006, on second and final
8 reading.
9

10
11 VILLAGE OF WELLINGTON

	FOR	AGAINST
14 BY: <u>Thomas M. Wenham</u> 15 Thomas M. Wenham, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17 <u>Lizbeth Benacquisto</u> 18 Lizbeth Benacquisto, Vice Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21 <u>Laurie S. Cohen</u> 22 Laurie S. Cohen, Councilwoman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
23 <u>Robert S. Margolis</u> 24 Robert S. Margolis, Councilman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
26 <u>Dr. Carmine A. Priore</u> 27 Dr. Carmine A. Priore, Councilman	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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33 ATTEST:

34
35
36 BY: Awilda Rodriguez
37 Awilda Rodriguez, Village Clerk

38
39
40 APPROVED AS TO FORM AND
41 LEGAL SUFFICIENCY

42
43
44 BY: Jeffrey S. Kurtz
45 Jeffrey S. Kurtz, Village Attorney

Exhibit "A"
Legal Description

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All of Section 13, Township 44 South, Range 40 East, Palm Beach County, Florida
Containing 638.9 acres, more or less