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ORDINANCE NO. 2016-17

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 6.10 OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS BY CREATING SUBAREA F OF THE EQUESTRIAN OVERLAY ZONING DISTRICT; ESTABLISHING REGULATIONS FOR SUBAREA F OF THE EQUESTRIAN OVERLAY ZONING DISTRICT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Wellington's Council, pursuant to the authority granted to it in Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, the Equestrian Overlay Zoning District includes several subareas to address the unique characteristics of the neighborhoods in the Equestrian Preserve Area; and

WHEREAS, the Wellington Council desires to amend Article 6.10 of Wellington's Land Development Regulations by creating Subarea F within the Equestrian Overlay Zoning District and establishing regulations for this subarea; and

WHEREAS, The Equestrian Preserve Committee recommended approval of the Zoning Text Amendments at the September 7, 2016 meeting with a unanimous vote (5-0); and

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on October 17, 2016, recommended approval of the Zoning Text amendments with a 5-1 vote; and

WHEREAS, the Council has taken the recommendations from the, Equestrian Preserve Committee, Planning, Zoning and Adjustment Board, Wellington staff and the comments from the public into consideration when considering the amendments to the Land Development Regulations that are the subject of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE WELLINGTON, FLORIDA COUNCIL THAT:

SECTION 1: Subarea F has been created and incorporated within the Equestrian Overlay Zoning District and is consistent with Wellington's Comprehensive Plan.

SECTION 2: Section 6.10.4 of Wellington's Land Development Regulations is hereby amended as follows [~~strike-through~~ formatted text is to be deleted; underline formatted text is to be added]:

48 **Sec. 6.10.4. - Subareas Established.**

49 For the purposes of this Article, the following subareas are established and shall be so
50 indicated on the Official Zoning Map of the Village of Wellington:

51 A. **Subarea A.** Subarea A, generally consisting of Section 2, Township 44S,
52 Range 41E and Section 35, Township 43S, Range 41E, including the area
53 described as "Palm Beach Little Ranches" and "Palm Beach Little Ranches
54 East."

55
56 B. **Subarea B.** Subarea B, generally consisting of those portions of the
57 Wellington PUD located in Sections 8 and 17, Township 44S, Range 41E,
58 including the developments known as Saddle Trail Park and Paddock Park
59 No. 2 and Parcel "H", Greenview Shores No. 2 of Wellington—(P.U.D.),
60 according to the Plat thereof, as recorded in Plat Book 31, Pages 120—136,
61 of the Public Records of Palm Beach County, Florida.

62
63 C. **Subarea C.** Subarea C, generally consisting of Sections 19, 27, 28, 29, 30,
64 32, 33, and 34, Township 4S, Range 41E and Section 25, Township 44S,
65 Range 40E, located south of Lake Worth Road and west of 120th Avenue,
66 including all of Palm Beach Point and that portion of the Orange Point PUD
67 located in Section 34.

68
69 D. **Subarea D.** Subarea D, generally consisting of portions of Sections 15 and
70 16 and Sections 20, 21, and 22, Township 44S, Range 41E, including the
71 Wellington Country Place PUD and the Equestrian Club PUD.

72
73 E. **Subarea E.** Subarea E generally consisting of Section 13, Township 44S,
74 Range 40E; commonly known as "Rustic Ranches."

75
76 F. **Subarea F.** Subarea F generally consisting of portions of Section 18,
77 Township 44S, Range 41E, commonly known as "Winding Trails" of The
78 Landings at Wellington PUD.

79
80 **SECTION 2:** Section 6.10.6 of Wellington's Land Development Regulations is hereby
81 amended as follows [~~strike-through~~ formatted text is to be deleted; underline formatted
82 text is to be added]:

83 **Sec. 6.10.6. - Development Standards.**

84 Minimum setbacks and other development standards for principal and accessory uses
85 within the Equestrian Preservation Areas are established in Table A.

86 A. **Minimum Setbacks.**

87 1. Measurement. All setbacks shall be measured from property lines or from
88 right-of-way easement lines in those subdivisions without dedicated or
89 platted rights-of-way.

90 2. Exemptions. Excluding dressage walls, there are no required setbacks for
 91 equestrian amenities.

92
 93

Table A. Minimum Setbacks for Principal and Accessory Uses

Setback	Minimum Setback for Principal Structures (1)		Minimum Setback for Accessory Structures	
	All Equestrian Areas	Exceptions (See Notes)	Conforming Lots	Nonconforming Lots/ <u>Exceptions</u>
Front	100 Feet	50 Feet (2) 25 Feet (3) <u>50 Feet (6)</u>	100 Feet	100 Feet <u>55 Feet (7)</u> <u>20 Feet (8)</u> <u>30 Feet (9)</u>
Side, Interior	50 Feet	25 Feet (2) 25 Feet (3) <u>50 Feet (6)</u>	25 Feet	15 Feet <u>10 Feet (7)</u> <u>20 Feet (8)</u> <u>30 Feet (9)</u>
Side, Corner	80 Feet	50 Feet (2) 25 Feet (3) <u>50 Feet (6)</u>	25 Feet	25 Feet <u>10 Feet (7)</u> <u>20 Feet (8)</u> <u>30 Feet (9)</u>
Rear	100 Feet	25 Feet (2) 25 Feet (4) 15 Feet (5) <u>10 Feet (6)</u>	25 Feet	15 Feet <u>10 Feet (7)</u> <u>20 Feet (8)</u> <u>30 Feet (9)</u>
<u>Residential Lot</u>		<u>50 Feet (6)</u>		<u>50 Feet (8)</u> <u>50 Feet (9)</u>

94

95 **Notes and Additional Standards for Affected Setbacks:**

- 96 (1) Single-family dwellings, barns, stables, covered arenas and similar structures
 97 are always considered a principal use.
- 98 (2) Setback for Little Ranches No. 2 and Little Ranches East.
- 99 (3) Setback for Paddock Park II and Saddle Trail Park and Mystic Equestrian.
- 100 (4) Setback for barns in Paddock Park II and Saddle Trail Park and Mystic
 101 Equestrian.
- 102 (5) Setback for dwellings in Paddock Park II and Saddle Trail Park and Mystic
 103 Equestrian.
- 104 (6) Setback for dwellings and barns in Winding Trails.
- 105 (7) Setback for accessory structures in Winding Trails.
- 106 (8) Setback for riding ring, paddock and practice fields in Winding Trails.
- 107 (9) Setback for manure bin in Winding Trails.

108

109 **B. Development Standards.** All development in the Equestrian Preservation Areas
 110 shall comply with the Development Standards set forth in Table B.

111

112 **Table B. Development Standards for Principal and Accessory Uses**

Development Standard	Minimum Dimension or Standard
Minimum Lot Width	300 feet, or as otherwise provided in a current, valid development order. <u>250 feet (1)</u>
Minimum Lot Depth	300 feet, or as otherwise provided in a current, valid development order. <u>100 feet (2)</u>
Maximum Floor Area Ratio	20%, or as otherwise provided in a current, valid development order or as otherwise provided in the Future Land Use Element of the Comprehensive Plan.
Maximum Building Height	35 feet <u>(3)</u>
Maximum Lot Coverage	20%, or as otherwise provided in a current, valid development order.

113

114 Notes and Additional Standards:

115

(1) Minimum lot width for Subarea F, Winding Trails.

116

(2) Minimum lot depth for Subarea F, Winding Trails.

117

(3) Subarea F shall have a maximum of two (2) stories.

118

119 **SECTION 3:** Section 6.10.8 of Wellington's Land Development Regulations is
 120 hereby amended as follows [~~strike-through~~ formatted text is to be deleted; underline
 121 formatted text is to be added]:

122

123 **Sec. 6.10.8. - Maximum Density and Minimum Lot Size.**

124

Maximum density and minimum lot size requirements for property within the
 125 Equestrian Preservation Areas are established in Table D.

126

127 **Table D. Maximum Density and Minimum Lot Size Requirements**

Subarea	Maximum Density	Minimum Lot Size	Cluster Development
A	0.2 Dwelling Units per Acre	5 Acres	Prohibited
B	0.5 Dwelling Units per Acre	1 Acre	Prohibited
C	0.1 Dwelling Units per Acre	10 Acres	Prohibited
D	0.5 Dwelling Units per Acre	2 ¹ Acres	Permitted
E	0.2 Dwelling Units per Acre	5 Acres	Prohibited
<u>F</u>	<u>0.5 Dwelling Units per Acre</u>	<u>2 Acres</u>	<u>Prohibited</u>

Note

1. In a cluster development minimum lot size is 0.33 acres provided that overall density of the cluster development shall be not more than one unit per two acres.

128

129 **SECTION 4:** Section 6.10.9.D of Wellington's Land Development Regulations is
130 hereby amended as follows [~~strike-through~~ formatted text is to be deleted; underline
131 formatted text is to be added]:
132

133 **D. Use of Tents as Temporary Stalls.** The use of tents as temporary stalls shall
134 comply with the standards listed below:

- 135 1. Tents Prohibited. After June 1, 2003, tents shall not be permitted in
136 Subarea A, Subarea F and the residential-developed areas of Subareas B
137 and D, except in conjunction with the construction of a barn or stable. Any
138 such temporary tent shall be removed within ten (10) working days of the
139 issuance of a certificate of occupancy for the barn or stable.
- 140 2. Tents Permitted. Tents are permitted in all areas not excluded in Section
141 6.10.9.D.1 above, subject to obtaining a Seasonal Equestrian Use permit
142 for temporary stables as provided in Article 5, Chapter 7, Section 5.7 of
143 these land development regulations.
 - 144 a. Tents Permitted During Construction. Tents may be permitted, for a
145 period not to exceed twenty-four (24) months, during the period
146 when a building permit for a permanent barn or stable has been
147 issued and construction is actively proceeding. The Planning and
148 Zoning Manager may extend the period during which a tent is
149 permitted by a period of time not to exceed twelve (12) months,
150 based upon active and ongoing construction of the permanent
151 stable.
 - 152 b. Removal. Any tents shall be removed within two (2) weeks of
153 receipt of a certificate of occupancy or revocation of building permit.
- 154 3. Temporary Suspension of the Prohibition of Tents as Temporary Stalls
155 after a Declared Natural Disaster. If Wellington is within an area declared
156 by the Governor as a natural disaster area or as authorized by the Village
157 Council, the prohibition of tents within all subareas of the EOZD may be
158 temporarily suspended. A property owner must apply for a Special Permit
159 and comply with the following regulations:
 - 160 a. A Natural Disaster is defined as a major adverse event resulting
161 from natural processes of the earth including floods, hurricanes,
162 tornados, brush fires, lightning, or similar event.
 - 163 b. The damage must be a result of a natural disaster or emergency
164 which activates Emergency Operations Level 1 - Full Scale
165 Activation of the Emergency Response Team by the Governor
166 and/or Village Manager.
 - 167 c. The special permit requirements set forth in Article 5, Chapter 7,
168 except Section 5.7.5, shall be met prior to the erection of a
169 temporary tent.
 - 170 d. The Special Permit issued due to a natural disaster or emergency
171 shall be issued only after the Village Building Official determines
172 there is substantial damage to an existing barn or stable structure
173 as a result of the natural disaster that warrants the use of a
174 temporary tent as a stable.

177 **SECTION 5.** 6.10.9.G. of Wellington’s Land Development Regulations is hereby
178 amended as follows [~~strike-through formatted text is to be deleted~~; underline formatted
179 text is to be added]:

180
181 G. Stalls per acre. Within Subarea B, stables shall contain no more than four (4)
182 stalls per acre. Within Subarea F, stables shall contain no more than four (4)
183 stalls per acre with a maximum of 10 stalls per lot.

184
185 **SECTION 6.** Should any section, paragraph, sentence, clause, or phrase of this
186 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
187 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of
188 this Ordinance shall prevail to the extent of such conflict.

189
190 **SECTION 7.** Should any section, paragraph, sentence, clause, or phrase of this
191 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
192 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,
193 other than the part so declared to be invalid.

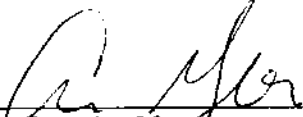
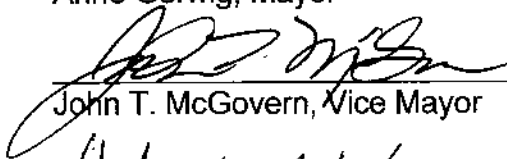
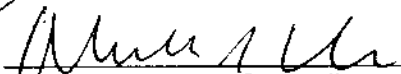
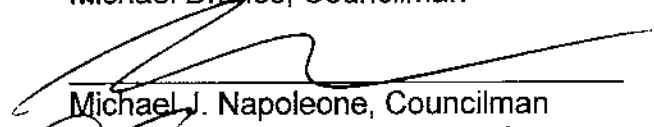
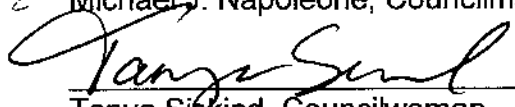
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195 **SECTION 8:** This Ordinance shall become effective after Ordinance No.2016-16
196 is adopted and in full effect.

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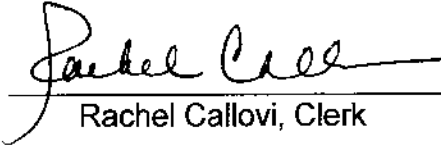
208 PASSED this 13th day of December, 2016, upon first reading.

209
210 PASSED AND ADOPTED this 28th day of February 2017, on second and final
211 reading.

212
213 WELLINGTON

		FOR	AGAINST
214			
215			
216	BY: <u></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
217	Anne Gerwig, Mayor		
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219	<u></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
220	John T. McGovern, Vice Mayor		
221			
222	<u></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
223	Michael Drahos, Councilman		
224			
225	<u></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
226	Michael J. Napoleone, Councilman		
227			
228	<u></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
229	Tanya Siskind, Councilwoman		

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231
232 ATTEST:

233
234 BY: 
235 Rachel Callovi, Clerk
236
237

238
239 APPROVED AS TO FORM AND
240 LEGAL SUFFICIENCY

241
242 BY: 
243 Laurie Cohen, Village Attorney
244
245
246