



JUSTIFICATION STATEMENT
Flying Cow Ranch
Zoning Text Amendment
Village of Wellington, Florida
Initial Submittal: August 2, 2016
Revised: November 8, 2016
Revised: January 9, 2017
Revised: June 7, 2017
Revised: July 19, 2017
Revised: October 1, 2018

REQUEST

On behalf of the Petitioner, Wantman Group, Inc. (WGI) is requesting a Zoning Text Amendment to create a new Subarea G within the Equestrian Overlay Zoning District (EOZD) to identify property development regulations based on the unique character of the Flying Cow Ranch properties.

SITE CHARACTERISTICS

The subject site encompasses approximately 147 acres and is located northwest of the corner of Flying Cow Ranch Road and 160th Trail S, approximately 4.5 miles south of Southern Boulevard. The property is identified by the following Property Control Numbers (PCNs):

- 73-40-44-24-00-000-5010 (4153 160th Ave N) – Parcel 1
- 73-40-44-25-00-000-1040 (4153 160th Trail S) – Parcel 2

The properties are currently zoned EOZD (Equestrian Overlay Zoning District) and AR (Agricultural Residential), with a Future Land Use of RES B (Residential Low Density). According to Palm Beach County Property Appraiser the properties are currently owned by Timothy and Mark McCarthy as Trustees for the McCarthy Land Trust.

SURROUNDING USES

The following is a description of the Zoning and Future Land Uses for the surrounding properties:

North: To the north are equestrian properties, which are located within the Village of Wellington, zoned as AR (Agricultural Residential) with a Future Land Use designation of Residential B.

South: To the south is property that is designated conservation, which is zoned PC (Preservation/Conservation) with a Future Land Use of CON (Conservation). This land is situated in Unincorporated Palm Beach County and includes the South Florida Water Management District (SFWMD) Canal L-40 and the Loxahatchee National Wildlife Refuge.

East: To the east are equestrian properties, which are located within the Village of Wellington, zoned as AR/EOZD (Agricultural Residential/Equestrian Overlay Zoning District) with a Future Land Use designation of Residential A.

West: To the west is property that is designated conservation, which is zoned PC (Preservation/Conservation) with a Future Land Use of CON (Conservation). This land is situated in

Unincorporated Palm Beach County and includes the South Florida Water Management District (SFWMD) Canal L-40 and the Loxahatchee National Wildlife Refuge.

APPROVAL HISTORY

Ordinance No. 2010-07 was approved by the Village Council on April 13, 2010 designating +/- 147 acres (Parcels 1 and 2) with a Residential B Future Land Use Map (FLUM) designation limited to 30 residential units and incorporating the subject property into the Equestrian Preserve Area (EPA).

An Annexation Agreement for the +/-147 acres (Parcels 1 and 2) was made and entered into on January 11, 2005 by and between the McCarthy Land Trust and the Village of Wellington. Said agreement is recorded and found under ORB 19528, PGS 1958-1978.

Palm Beach County Resolution R-2003-0755 was approved by the Board of County Commissioners (BCC) on May 22, 2003 to delete conditions of approval contained in Resolution R-81-58 (Petition 80-192) that were no longer applicable.

Palm Beach County Resolution R-81-58 was approved by the Board of County Commissioners (BCC) on November 20, 1980 for a Special Exception (SE) to allow a private airplane landing strip on the subject property.

PROPOSED ZONING TEXT

The purpose of this Zoning Text Amendment (ZTA) is to provide property development regulations to accommodate for the unique character of the Flying Cow Ranch properties. The proposed property development regulations are defined through the creation of a new Sub-area within the Equestrian Overlay Zoning District (EOZD) – Subarea G.

The following identifies the proposed zoning text shown in strikeout and underline format and where possible, the unedited text has been omitted for brevity.

Sec 6.10.4. – Subareas Established.

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

(unedited text omitted for brevity)

G. Subarea G. *Subarea G generally consisting of those portions of Section 24 and 25, Township 44S, Range 40E; commonly known as "Flying Cow Ranch."*

(unedited text omitted for brevity)

Sec. 6.10.6. - Development Standards.

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

A. Minimum Setbacks.

1. Measurement. All setbacks shall be measured from property lines or from right-of-way easement lines in those subdivisions without dedicated or platted rights-of-way.
2. Exemptions. Excluding dressage walls, there are no required setbacks for equestrian amenities.

Table A.
Minimum Setbacks for Principal and Accessory Uses

STRUCTURE SETBACKS				
SETBACK	MIN. SETBACK FOR PRINCIPAL STRUCTURES (1)		MIN. SETBACK FOR ACCESSORY STRUCTURES	
	<i>All Equestrian Areas</i>	<i>Exceptions (See Notes)</i>	<i>Conforming Lots</i>	<i>Nonconforming Lots/Exceptions</i>
FRONT	100 Feet	50 Feet (2) 25 Feet (3) 50 Feet (6)	100 Feet	100 Feet 55 Feet (7) 20 Feet (8) 30 Feet (9)
SIDE, INTERIOR	50 Feet	25 Feet (2) 25 Feet (3) 50 Feet (6)	25 Feet	15 Feet 10 Feet (7) 20 Feet (8) 30 Feet (9)
SIDE, CORNER	80 Feet	50 Feet (2) 25 Feet (3) 50 Feet (6)	25 Feet	25 Feet 10 Feet (7) 20 Feet (8) 30 Feet (9)
REAR	100 Feet	25 Feet (2) 25 Feet (4) 15 Feet (5) 10 Feet (6)	25 Feet	15' 10 Feet (7) 20 Feet (8) 30 Feet (9)
RESIDENTIAL LOT		50 Feet (6)		50 Feet (8) 50 Feet (9)

Notes and Additional Standards for Affected Setbacks:

- (1) Single-family dwellings, barns, stables, covered arenas and similar structures are always considered a principal use.
- (2) Setback for Little Ranches No. 2 and Little Ranches East.
- (3) Setback for Paddock Park II and Saddle Trail Park and Mystic Equestrian.
- (4) Setback for barns in Paddock Park II and Saddle Trail Park and Mystic Equestrian.
- (5) Setback for dwellings in Paddock Park II and Saddle Trail Park and Mystic Equestrian.
- (6) Setback for dwellings and barns in Winding Trails and Flying Cow Ranch.

- (7) Setback for accessory structures in Winding Trails.
- (8) Setback for riding ring, paddock and practice fields in Winding Trails.
- (9) Setback for manure bin in Winding Trails.

(unedited text omitted for brevity)

Sec 6.10.8. – Maximum Density and Minimum Lot Size.

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

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
F	0.5 Dwelling Units per Acre	2 Acres	Prohibited
G	0.2 Dwelling Units per Acre	2 Acres	Prohibited

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.

(unedited text omitted for brevity)

Sec. 6.10.9. - Supplemental District Regulations.

The requirements listed below shall apply to all uses within the Equestrian Preservation Areas.

(unedited text omitted for brevity)

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

1. Tents Prohibited. After June 1, 2003, tents shall not be permitted in Subarea A, Subarea F and the residential-developed areas of Subareas B and D, and Subarea G, except in conjunction with the construction of a barn or stable. Any such temporary tent shall be removed within ten (10) working days of the issuance of a certificate of occupancy for the barn or stable.

(unedited text omitted for brevity)

J. Hangars.

1. Shall be accessory to a single family residential unit.
2. Shall be consistent with the architectural style, color and materials of the principal structure.

K. Airplane Landing Strip.

1. Shall comply with the minimum required dimensions listed in the FDOT Chapter 14-60, F.A.C.

2. No structure or navigation aid shall be located within fifty (50) feet of the edge of the runway primary surface area as defined in FDOT Chapter 14-60.007.
3. There shall be no landscape material or fences greater than six feet in height located within fifty (50) feet of the rear property line for residential lots adjacent to a landing strip.
4. Airplane taxiway shall be a minimum sixty (60) feet in width.

-End of Text Amendment Language-

CONFORMANCE

The Village of Wellington identifies certain criteria that the request must conform to when reviewing a Zoning Text Amendment application. The following are the Applicant's responses to these standards:

A. Reason and need for the requested text change. (Why is the proposed zoning text amendment necessary?)

The current Village zoning text identifies a portion of the subject property (Parcel 2) within EOZD Subarea C which requires a minimum lot size of 10 acres, yet the Future Land Use Map (FLUM) approval under Ordinance No. 2010-07 identifies the +/-147 acres (Parcels 1 and 2) with a Residential B FLUM designation limited to 30 residential units. This approval equates to a 5 acre lot size and a density of 0.2 dwelling units per acre, thus rendering the prior approval inconsistent with the EOZD regulations. Another reason for the request is based on the private landing strip approved on the Flying Cow Ranch properties and the lack of regulations in the EOZD regarding the landing strip and hangars. The applicant is proposing to clarify the overall development regulations consistent with the prior approvals for development of the maximum 30 units and the private landing strip on the overall 147 acre Flying Cow Ranch properties with specific development regulations through the creation of a new Subarea G based on the uniqueness of the Flying Cow Ranch neighborhood.

B. Reason for the present text being invalid or inappropriate. (State specific evidence or example of the claim.)

Currently the existing zoning text fails to provide for regulations within the EPA/EOZD that are specific to a private landing strip and accessory hangars. The proposed zoning text language provides for these regulations specifically for the Flying Cow Ranch neighborhood such that the presumed impacts of the landing strip are mitigated to the greatest extent possible for the proposed residents of the Flying Cow Ranch neighborhood as well as the surrounding properties within the EPA and EOZD.

C. Explain how the proposed amendment complies with the objectives and purposes of Wellington's Comprehensive Plan. (With appropriate consideration as to whether the proposed change will further the purposes of these objectives or other Wellington Codes, regulations and actions designed to implement the Comprehensive Plan)

The proposed zoning text amendment complies with the goals, objectives and policies of the adopted Wellington Comprehensive Plan. Objective 1.1 of the Equestrian Element of the Wellington Comprehensive Plan notes, "The Village of Wellington has adopted the Equestrian Overlay Zoning District (EOZD) to implement the Equestrian Preserve Area established within the Future Land Use Map. The EOZD includes several sub-areas to address the unique characteristics of the neighborhoods in the Equestrian Preserve Area." The Wellington Comprehensive Plan specifically notes there are "several subareas to address unique characteristics of the neighborhoods in the EPA". The Flying Cow Ranch neighborhood is

yet another unique area of the EPA as it is the only area of the EPA that has approval for a private landing strip. The proposed zoning text amendments are specific to this unique characteristic and provide for property development regulations to preserve the rural lifestyles and uses within the EPA and EOZD ensuring compatibility of land uses.

Based on the above and attached information, the Petitioner respectfully requests the approval of the Zoning Text Amendment request.