



**PLANNING & ZONING  
STAFF REPORT**

**I. DESCRIPTION OF REQUEST**

Petitions:

- (2017-087 ZTA) Article 1 Zoning Text Amendment  
Ordinance No. 2018-01: Article 1-General Provisions
- (2017-088 ZTA) Article 2 Zoning Text Amendment  
Ordinance No. 2018-02: Article 2-Concurrency Management
- (2017-089 ZTA) Article 9 Zoning Text Amendment  
Ordinance No. 2018-03: Article 9 Vehicular Traffic Performance  
Standards

Applicant: Village of Wellington (Planning and Zoning Department)

Project Managers: Cory Lyn Cramer, AICP  
David Flinchum, ASLA, AICP

Request: Approval of Ordinance No. 2018-01 to repeal and replace Article 1, General Provisions, and Article 14, Enforcement Proceedings and Penalties, in their entirety and replacing with Article 1, General Provisions

Approval of Ordinance No. 2018-02 to repeal and replace Article 11, Adequate Public Facilities Standards, in its entirety and replacing it with Article 2, Concurrency Management

Approval of Ordinance No. 2018-03 to repeal and replace Article 9, Environmental Standards, and Article 15, Vehicular Traffic Performance Standards, in their entirety and replacing with Article 9, Vehicular Traffic Performance Standards

**II. BACKGROUND**

Wellington incorporated in 1995 and the original Charter provided for the adoption of the Palm Beach County Unified Land Development Code (ULDC) as its interim local version of Land Development Regulations (LDR). The subsequent Wellington Comprehensive Plan was adopted on January 19, 1999 and required the LDR be written and maintained to implement the Goals, Objectives and Policies of the Comprehensive Plan. Over the years, Wellington began to update and process zoning text amendments to the LDR to address

changing local community needs and specific requests that evolved into the unique development character of Wellington. The current LDR increased to over 900 pages, with many references to former County agencies and outdated regulations, which are no longer needed given the near build out status of Wellington. The proposed LDR re-write process started over a year ago. The goal is to remove and condense the previous 17 articles to 9 articles with less than 350 pages. Another accomplishment was to incorporate more current planning principles into the new LDR and provide flexible redevelopment opportunities within Wellington. Additionally, the LDR re-write is to allow development incentives to direct potential future development in designated areas and balance the future growth of Wellington.

Article 5, Development Review Procedures, and the companion Development Review Manual, were adopted on September 26, 2017. The main objective for revising Article 5 was to streamline the application review process, create transparency, and be user friendly.

Article 1, known as the General Provisions, was modified to include the former Article 14, Enforcement Proceedings and Penalties. Originally it was planned to stand-alone as Article 4, but during the LDR re-write process, it became one page and was added to the General Provisions of Article 1. Since Article 5 was already adopted, it was determined that Article 4 would be left as a placeholder (Reserved for Future Use).

Article 2 Concurrency Management, is currently a placeholder in the LDR. Article 11 was re-written and relocated to Article 2. The original article contained obsolete information and references to the Comprehensive Plan. The proposed Article 2 will provide those necessary standards for concurrency. Additionally, the reduction in this article was also related to the changes made to the growth management legislation that made certain concurrency related items optional.

Article 4 (Reserved for Future Use) will a placeholder for use at such time new regulations are required for a specific purpose.

Article 9 Vehicular Traffic performance Standards, was last updated in 2014. The re-write of this article was based on removal of duplication, minor changes and reorganization to provide better flow of information.

The new articles are being forwarded for consideration, out of numerical sequence, but will eventually be queued up for 2<sup>nd</sup> Reading and Final Adoption by the Village Council in 2018, for a simultaneous effective date.

### **III. SUMMARY AND ANALYSIS**

Article 1, General Provisions, is the introduction to the LDR and the Authority for local government to adopt standards and procedures for all proposed development of land within Wellington. The LDR is the vehicle used to implement land uses, densities, intensities, capacity and timing of development in accordance with the goals, objectives and policies of the Comprehensive Plan.

Wellington initially was approved and developed under Palm Beach County zoning regulations. Over time, several local master planned developments were approved and eventually incorporated within the boundary of Wellington, along with some non-planned

unincorporated areas primarily in the southwestern portion of Wellington. Article 1 recognizes these previously approved planned developments, their vested master plans and other development orders already approved, or in progress, during this overall LDR re-write process. Those projects may apply for minor amendments utilizing prior regulations, which could have been administratively approved by the PZB Director or the Development Review Manager in accordance with their existing development orders. Any significant change or major amendment to modify the density or intensity of a development shall be required to comply with the new LDR, upon the effective date of this Code. It should be noted that many of the new regulations will actually allow more flexibility and development potential than exist under their original approvals.

Nonconformities are uses, structures and lots which were lawfully established before the effective date of the new LDR but do not conform to the new requirements. Their continued existence is limited and they are specifically prohibited from increasing their nonconformity. Reduced development regulations remain in effect for proposed residential on nonconforming lots of record that existed prior to February 5, 1973 which was the effective date of the Palm Beach County subdivision code.

Article 2, Concurrency Management, ensures development will not reduce the level of service (LOS) for public facilities including potable water, sanitary sewer, solid waste, drainage, transportation, parks and recreation. If a LOS is impacted by a proposed development, or redevelopment, the development order shall include conditions to ensure adequate public facilities are available concurrent with the proposed development. If the applicant believes the LOS is not impacted by a proposed modification they may request an equivalency determination for comparison to similar types of uses.

Article 14 was the Enforcement Proceedings and Penalties, which recognizes the authority of the Special Magistrate for enforcing the adopted codes and ordinances. It also gives authority to the Planning, Zoning and Building Department to issue cease and desist orders for violations. It was determined that it should be part of Article 1, General Provisions because enforcement goes hand in hand with creation and implementation.

Article 9, Vehicular Traffic Performance Standards, ensures the continued function of Wellington's roadways and intersections with the adopted LOS. This article also lays out the Proportionate Share Program for eligible developments to meet the LOS for Wellington roadways and intersections. The revisions to Article 9 have been closely coordinated with our Traffic Consultant, Andrea Troutman.

The tentative schedule is to have all the new LDR Articles complete their staggered review by the advisory boards and first readings with Council. The second reading/adoption date will be in early 2018 for the new Land Development Regulations to go into effect.

#### **IV. PLANNING, ZONING, AND ADJUSTMENT BOARD RECOMMENDATION**

Legal Ad: November 28, 2017  
Meeting Date: December 13, 2017

At the December 13, 2017 PZAB meeting the Board recommended approval, unanimously (7-0), of all three (3) ordinances.

## **V. STAFF RECOMMENDATION**

Approval of Ordinance No. 2018-01, to repeal and replace Article 1, General Provisions, and Article 14, Enforcement Proceedings and Penalties, in their entirety and replacing with Article 1, General Provisions.

Approval of Ordinance No. 2018-02, to repeal and replace Article 11, Adequate Public Facilities Standards, in its entirety and replacing with Article 2, Concurrency Management.

Approval of Ordinance No. 2018-03, to repeal and replace Article 9, Environmental Standards, and Article 15, Vehicular Traffic Performance Standards, in their entirety and replacing with Article 9 Vehicular Traffic Performance Standards.