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**MEETING MINUTES  
WELLINGTON  
PLANNING, ZONING AND ADJUSTMENT BOARD  
September 28, 2023  
7:00 PM  
Wellington Village Hall  
12300 Forest Hill Boulevard  
Wellington, FL 33414**

Pursuant to the public notice, a meeting of Wellington's Planning, Zoning and Adjustment Board held on September 28, 2023 at 7:00 p.m. at Village Hall, 12300 Forest Hill Boulevard, Wellington, Florida 33414.

**I. CALL TO ORDER/ROLL CALL**

Jeffrey Robbert called the meeting to order at 7:00 p.m.

**Members present:** Jeffrey Robbert; John Bowers; Ron Herman; Dr. Satesh Raju and Adam Rabin.

Maureen Martinez arrived during the Swearing in of Speakers/Declaration of Ex-Parte Communications.

**Members Absent:** Tracy Ciucci.

**Staff present:** Laurie Cohen, Wellington Attorney; Tim Stillings, Planning, Zoning and Building Director; Cory Lyn Cramer, Planning and Zoning Manager; Damian Newell, Senior Planner and Jennifer Fritz, Recording Secretary.

**II. REMARKS BY CHAIRMAN**

None.

**III. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was done.

**IV. ADDITIONS/DELETIONS/REORDERING OF AGENDA**

None.

**V. SWEARING IN OF SPEAKERS/DECLARATION OF EX-PARTE COMMUNICATIONS**

Laurie Cohen asked if any of the 49 property owners were present. None were present. No swearing in was required.

Dr. Satesh Raju spoke to Mayor Gerwig, Councilman Drahos and the developer. Ron Herman spoke to staff. John Bowers spoke to staff and Councilman McGovern. Adam Rabin spoke to Councilman McGovern. Maureen Martinez and Jeffrey Robbert had no ex-parte to declare.

Cory Lyn Cramer thanked the public for coming out to the meeting. Ms. Cramer explained how to submit public comments from the Village of Wellington's website and encourage the public to attend the Council meeting.

## **VI. OLD BUSINESS**

### **PZ-0312 THE WELLINGTON NORTH – PUBLIC HEARING (LIMITED)**

**A motion was made by Ron Herman, seconded by John Bowers, to open public comment. The motion passed unanimously (6-0) with Tracy Ciucci absent.**

**A motion was made by John Bowers, seconded by Ron Herman, to close public comment. The motion passed unanimously (6-0) with Tracy Ciucci absent.**

Mrs. Cohen stated since there was no public comment and no new evidence to consider, she recommended the board ratify their prior recommendations to Council.

**A motion was made by John Bowers, seconded by Ron Herman, to reaffirm the motion on Ordinance 2023-01, The Wellington North CPA. The motion passed unanimously (6-0) with Tracy Ciucci absent.**

**A motion was made by John Bowers, seconded by Ron Herman, to reaffirm the motion on Ordinance 2023-02, The Wellington North Rezoning. The motion passed unanimously (6-0) with Tracy Ciucci absent.**

**A motion was made by John Bowers, seconded by Ron Herman, to reaffirm the motion on Resolution R2023-01, The Wellington North Master Plan Amendment. The motion passed unanimously (6-0) with Tracy Ciucci absent.**

## **VII. NEW BUSINESS**

**PZ-0310 ORDINANCE NO. 2023-14 (MULTIPLE USE PLANNED DEVELOPMENT ZONING TEXT AMENDMENT) AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING WELLINGTON'S LAND DEVELOPMENT REGULATIONS, MORE SPECIFICALLY, A ZONING TEXT AMENDMENT (PETITION 2023-0002-ZTA) TO MODIFY THE STANDARDS FOR MULTIPLE USE PLANNED DEVELOPMENT (MUPD) ZONING DISTRICT IN ARTICLE 6, SECTION 6.5.6, TO INCLUDE CONSERVATION AS A PERMITTED USE TYPE, AND TO AMEND THE MAXIMUM PERCENTAGE ALLOWED FOR A SINGLE USE WITHIN A MUPD, AS MORE SPECIFICALLY CONTAINED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Damian Newell, Senior Planner, reviewed the request to amend Section 6.5.6 of Wellington's Land Development regulations (LDR) modifying regulations related to Multiple Use Planned Development (MUPD) Zoning District. The request includes conservation as a permitted use and a maximum percentage allowed for a single use. Mr. Newell reviewed the background of the LDR for each use type and how in Section 6.5.6, conservation is listed as a use type but is not listed in Section 6.5.6.C. This was the justification for the request to revised the maximum single use percentage to no more than 60%. Mr. Newell introduced Brian Terry, with Insite Studio, Inc. Staff recommends approval of the request and requested to enter the file into the record.

Brian Terry, with Insite Studio, representing Lotis Wellington 2 LLC, presented to the Board the Zoning Text Amendment request to amend two (2) components of the LDR, 6.5.6.C which is the addition of conservation as a permitted land use within an MUPD and 6.5.6.H which is the increased maximum percentage allowed for a single use within an MUPD.

Mr. Robbert inquired if would possibly be any negative impacts if allowed. Mr. Newell stated no and pointed out that the percentage would still require Council approval. Mr. Herman inquired if Black Diamond had any objections. Mr. Newell stated the zoning text amendment would be Village-wide and Black Diamond has no objections. Mr. Terry explained the single-family homes do take a larger portion of the land area, which results in the use threshold surpassing 30%. Mr. Bowers ask what the procedure would be to approve of the use percentage. Tim Stillings, Planning, Zoning and Building Director stated it would be approved as part of the master plan request, which is heard by PZAB and Council.

**A motion was made by John Bowers, seconded by Ron Herman, to open public comment. The motion passed unanimously (6-0) with Tracy Ciucci absent.**

Cynthia Gardner - 13268 Polo Club Road: stated to consider affordable housing.

**A motion was made by John Bowers, seconded by Ron Herman, to close public comment. The motion passed unanimously (6-0) with Tracy Ciucci absent.**

**A motion was made by John Bowers, seconded by Ron Herman, to recommend approval of Ordinance 2023-14. The motion passed unanimously (6-0) with Tracy Ciucci absent.**

**PZ-0309 ORDINANCE NO. 2023-13 (VACATION RENTALS ZONING TEXT AMENDMENT) AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, MODIFYING ARTICLE 6 OF THE LAND DEVELOPMENT REGULATIONS RELATED TO VACATION RENTALS BY AMENDING VACATION RENTALS IN TABLE 6.2-1: USE REGULATIONS SCHEDULE AS A SPECIAL USE; AMENDING SEC.6.2.2.A - SUPPLEMENTARY REGULATIONS FOR VACATION RENTALS; CREATING SUSPENSION AND REVOCATION PROVISIONS, AND ESTABLISHING A SPECIAL USE PERMIT REQUIREMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Tim Stillings presented a request to amend Article 6 of the LDR by modifying Vacation Rentals in Table 6.2-1: Use Regulations Schedule from a "Permitted Use" to a "Special Use" and amending Sections 6.2.2.A - Supplementary Regulations for vacation rentals, including

creating suspension and revocation provisions. Recent issues impacting adjacent properties and neighborhoods have prompted the Council to direct staff to generate additional standards and enforcement provisions for consideration regarding vacation rentals. Mr. Stillings reviewed the violations, penalties, the process to obtain a special use permit, and the timeframes related to violations. Mr. Stillings pointed out that Wellington cannot regulate the duration or frequency of vacation rentals based on state statutes.

Mrs. Cohen recommended a revision to the Ordinance for 5.e.i.c to change to: A violation by a property owner of any provision of the supplemental regulations for vacation rentals should constitute a Class III civil infraction.

The Board discussed the language on defining the property owner and the violation timeframe. The Board recommended to add a definition for “property owner” and to remove the reference of property owner from subsection 5.e.i.c.

Mr. Stillings recommended the following for 5.e.i.c: *A violation of any provision shall constitute a Class III civil infraction by the property owner.* Mrs. Martinez suggested again to define “property owner”.

Mr. Rabin asked about the process to obtain a special use permit. Mr. Stillings stated that currently rentals are only required to get a business tax receipt so the special use permit provides staff something to revoke if violating the code becomes an issue. Mr. Stillings stated that violations are mainly related to parking, noise, and trash left outside. Mr. Stillings spoke about the irrevocable and irreversible violations with Palm Beach Sheriff issuing most of the citations. He also explained that Code Compliance will be able to issue on the spot citations as well. Ms. Martinez suggested to change the language in 5.b.iii. by removing “Vacation Rental”.

**A motion was made by John Bowers, seconded by Ron Howard, to open public comment. The motion passed unanimously (6-0) with Tracy Ciucci absent.**

**A motion was made by John Bowers, seconded by Ron Howard, to close public comment. The motion passed unanimously (6-0) with Tracy Ciucci absent.**

Mr. Stillings suggested 5.e.ii.a be changed to: *upon a second violation within six months of the first violation...*

Mr. Stillings suggested 5.e.11.b be changed to: *would be a third violation within 30 days of the second violation and if no violation incurred for 12 months period, the older violations would drop off.*

The Board discussed various options on the timeframe of violations.

Mrs. Cohen recapped the modifications to include 5.e.i.c to clarify the language related to:

- Removing “property owner”;
- Defining “property owner”;
- Changing the wording to include “violations on any provision in the supplemental regulations constitutes a Class III civil violation”; and
- Adding language to Section e related to the penalties.

A motion was made by Adam Rabin, seconded by John Bowers, to recommend approval of Ordinance 2023-13 with the stated revisions. The motion passed (5-1) with Ron Herman dissenting and Tracy Ciucci absent.

**VIII. COMMENTS FROM PUBLIC**

None.

**IX. COMMENTS FROM STAFF**

Ms. Cramer advised the Board of potential upcoming items. Ms. Cramer pointed out the November meeting has been moved to November 8, 2023. Mr. Rabin stated he would not be available to attend the October meeting, but could possibly attend via ZOOM.

**X. COMMENTS FROM THE BOARD**

None.

**XI. ADJOURN**

The meeting adjourned at 8:36 p.m.

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Jeffrey Robbert - Chair

\_\_\_\_\_  
Jennifer Fritz - Recording Secretary