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**ORDINANCE NO. 2017 – 16**

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL; APPROVING A ZONING TEXT AMENDMENT [PETITION NUMBER 16 – 110 (2016 – 47 ZTA)] TO AMEND THE VILLAGE OF WELLINGTON LAND DEVELOPMENT REGULATIONS ARTICLE 6, CHAPTER 10 BY CREATING SUBAREA G OF THE EQUESTRIAN OVERLAY ZONING DISTRICT AND ESTABLISH DEVELOPMENT REGULATIONS FOR SUBAREA G; 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 G within the Equestrian Overlay Zoning District and establishing regulations for this subarea; and

**WHEREAS**, The Equestrian Preserve Committee recommended \_\_\_\_\_ of the Zoning Text Amendments at the September 6, 2017 meeting with a \_\_\_ vote; and

**WHEREAS**, , the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on September 13, 2017, recommended \_\_\_\_\_ of the Zoning Text amendments with a \_\_\_\_\_ 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; and

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

**SECTION 1:** 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]:

**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:

- A. **Subarea A.** Subarea A, generally consisting of Section 2, Township 44S,

46 Range 41E and Section 35, Township 43S, Range 41E, including the area  
47 described as "Palm Beach Little Ranches" and "Palm Beach Little Ranches  
48 East."  
49

50 B. **Subarea B.** Subarea B, generally consisting of those portions of the  
51 Wellington PUD located in Sections 8 and 17, Township 44S, Range 41E,  
52 including the developments known as Saddle Trail Park and Paddock Park  
53 No. 2 and Parcel "H", Greenview Shores No. 2 of Wellington PUD., according  
54 to the Plat thereof, as recorded in Plat Book 31, Pages 120—136, of the  
55 Public Records of Palm Beach County, Florida.

56  
57 C. **Subarea C.** Subarea C, generally consisting of Sections 19, 27, 28, 29, 30,  
58 32, 33, and 34, Township 4S, Range 41E and Section 25, Township 44S,  
59 Range 40E, located south of Lake Worth Road and west of 120<sup>th</sup> Avenue,  
60 including all of Palm Beach Point and that portion of the Orange Point PUD  
61 located in Section 34.

62  
63 D. **Subarea D.** Subarea D, generally consisting of portions of Sections 15 and  
64 16 and Sections 20, 21, and 22, Township 44S, Range 41E, including the  
65 Wellington Country Place PUD and the Equestrian Club PUD.

66  
67 E. **Subarea E.** Subarea E generally consisting of Section 13, Township 44S,  
68 Range 40E; commonly known as "Rustic Ranches."

69  
70 F. **Subarea F.** Subarea F generally consisting of portions of Section 18,  
71 Township 44S, Range 41E, commonly known as "Winding Trails" of The  
72 Landings at Wellington PUD.

73  
74 G. **Subarea G.** Subarea G generally consisting of those portions of Section 24 and  
75 25, Township 44S, Range 40E; commonly known as "Flying Cow Ranch."  
76

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

80 **Sec. 6.10.6. - Development Standards.**

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

83 **A. Minimum Setbacks.**

- 84 1. Measurement. All setbacks shall be measured from property lines or from  
85 right-of-way easement lines in those subdivisions without dedicated or  
86 platted rights-of-way.  
87 2. Exemptions. Excluding dressage walls, there are no required setbacks for  
88 equestrian amenities.  
89

**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/Exceptions
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 Feet 10 Feet (7) 20 Feet (8) 30 Feet (9)
Residential Lot		50 Feet (6)		50 Feet (8) 50 Feet (9)

91 Notes and Additional Standards for Affected Setbacks:

92 (1) Single-family dwellings, barns, stables, covered arenas and similar structures  
93 are always considered a principal use.

94 (2) Setback for Little Ranches No. 2 and Little Ranches East.

95 (3) Setback for Paddock Park II and Saddle Trail Park and Mystic Equestrian.

96 (4) Setback for barns in Paddock Park II and Saddle Trail Park and Mystic  
97 Equestrian.

98 (5) Setback for dwellings in Paddock Park II and Saddle Trail Park and Mystic  
99 Equestrian.

100 (6) Setback for dwellings and barns in Winding Trails and Flying Cow Ranch.

101 (7) Setback for accessory structures in Winding Trails.

102 (8) Setback for riding ring, paddock and practice fields in Winding Trails.

103 (9) Setback for manure bin in Winding Trails.

104

105 **SECTION 3:** Section 6.10.8 of Wellington’s Land Development Regulations is  
106 hereby amended as follows [~~strike-through~~ formatted text is to be deleted; underline  
107 formatted text is to be added]:

108

109 **Sec. 6.10.8. - Maximum Density and Minimum Lot Size.**  
 110 Maximum density and minimum lot size requirements for property within the  
 111 Equestrian Preservation Areas are established in Table D.

112 **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 <sup>1</sup> Acres	Permitted
E	0.2 Dwelling Units per Acre	5 Acres	Prohibited
F	0.5 Dwelling Units per Acre	2 Acres	Prohibited
<u>G</u>	<u>0.2 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.

114  
 115 **SECTION 4:** Section 6.10.9.D. of Wellington’s Land Development Regulations is  
 116 hereby amended as follows [~~strike-through~~ formatted text is to be deleted; underline  
 117 formatted text is to be added]:

118  
 119 **D. Use of Tents as Temporary Stalls.** The use of tents as temporary stalls shall  
 120 comply with the standards listed below:

- 121 1. Tents Prohibited. After June 1, 2003, tents shall not be permitted in  
 122 Subarea A, Subarea F and the residential-developed areas of Subareas B  
 123 ~~and~~, D and G, except in conjunction with the construction of a barn or  
 124 stable. Any such temporary tent shall be removed within ten (10) working  
 125 days of the issuance of a certificate of occupancy for the barn or stable.
- 126 2. Tents Permitted. Tents are permitted in all areas not excluded in Section  
 127 6.10.9.D.1 above, subject to obtaining a Seasonal Equestrian Use permit  
 128 for temporary stables as provided in Article 5, Chapter 7, Section 5.7 of  
 129 these land development regulations.
  - 130 a. Tents Permitted During Construction. Tents may be permitted, for a  
 131 period not to exceed twenty-four (24) months, during the period  
 132 when a building permit for a permanent barn or stable has been  
 133 issued and construction is actively proceeding. The Planning and  
 134 Zoning Manager may extend the period during which a tent is  
 135 permitted by a period of time not to exceed twelve (12) months,  
 136 based upon active and ongoing construction of the permanent  
 137 stable.
  - 138 b. Removal. Any tents shall be removed within two (2) weeks of  
 139 receipt of a certificate of occupancy or revocation of building permit.
- 140 3. Temporary Suspension of the Prohibition of Tents as Temporary Stalls  
 141 after a Declared Natural Disaster. If Wellington is within an area declared  
 142 by the Governor as a natural disaster area or as authorized by the Village  
 143 Council, the prohibition of tents within all subareas of the EOZD may be

144 temporarily suspended. A property owner must apply for a Special Permit  
145 and comply with the following regulations:

- 146 a. A Natural Disaster is defined as a major adverse event resulting  
147 from natural processes of the earth including floods, hurricanes,  
148 tornados, brush fires, lightning, or similar event.
- 149 b. The damage must be a result of a natural disaster or emergency  
150 which activates Emergency Operations Level 1 - Full Scale  
151 Activation of the Emergency Response Team by the Governor  
152 and/or Village Manager.
- 153 c. The special permit requirements set forth in Article 5, Chapter 7,  
154 except Section 5.7.5, shall be met prior to the erection of a  
155 temporary tent.
- 156 d. The Special Permit issued due to a natural disaster or emergency  
157 shall be issued only after the Village Building Official determines  
158 there is substantial damage to an existing barn or stable structure  
159 as a result of the natural disaster that warrants the use of a  
160 temporary tent as a stable.

161  
162 **SECTION 5.** Section 6.10.9.J. and 6.10.9.K. of Wellington's Land Development  
163 Regulations are hereby created to read as follows [~~strike-through~~ formatted text is to be  
164 deleted; underline formatted text is to be added]:

165  
166 **J. Hangars.**

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

170  
171 **K. Airplane Landing Strip.**

- 172 1. Shall comply with the minimum required dimensions listed in the FDOT  
173 Chapter 14-60, F.A.C.
- 174 2. No structure or navigation aid shall be located within fifty (50) feet of the edge  
175 of the runway primary surface area as defined in FDOT Chapter 14-60.007.
- 176 3. There shall be no landscape material or fences greater than six feet in height  
177 located within fifty (50) feet of the rear property line for residential lots adjacent to  
178 a landing strip.
- 179 4. Airplane taxiway shall be a minimum sixty (60) feet in width.

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

184  
185 **SECTION 7.** Should any section, paragraph, sentence, clause, or phrase of this  
186 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision  
187 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,  
188 other than the part so declared to be invalid.

189  
190 **SECTION 8:** This Ordinance shall become effective after Ordinance No.2017-15

191 is adopted and in full effect.

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193

194 **PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017, upon first reading.

195

196 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2017, on second and  
197 final reading.

198

199 **WELLINGTON**

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**FOR** **AGAINST**

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202 BY: \_\_\_\_\_

Anne Gerwig, Mayor

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205 \_\_\_\_\_

John T. McGovern, Vice Mayor

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208 \_\_\_\_\_

Michael Drahos, Councilman

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211 \_\_\_\_\_

Michael J. Napoleone, Councilman

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214 \_\_\_\_\_

Tanya Siskind, Councilwoman

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**ATTEST:**

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221 BY: \_\_\_\_\_

Chevelle D. Nubin, Clerk

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225 **APPROVED AS TO FORM AND**  
226 **LEGAL SUFFICIENCY**

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228

229 BY: \_\_\_\_\_

Laurie Cohen, Village Attorney

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