

ORDINANCE NO. 2017 – 17

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A REZONING [PETITION NUMBER 16 – 115 (2016 – 49 REZ 1)] TO AMEND THE ZONING DESIGNATION FOR PARCEL 1 (98.64 ACRES MORE OR LESS) FROM PALM BEACH COUNTY AGRICULTURAL RESIDENTIAL TO WELLINGTON PLANNED UNIT DEVELOPMENT/EQUESTRIAN OVERLAY ZONING DISTRICT (PUD/EOZD), PARCEL 2 (49.15 ACRES MORE OR LESS) FROM WELLINGTON AGRICULTURAL RESIDENTIAL/EQUESTRIAN OVERLAY ZONING DISTRICT (AR/EOZD) TO PLANNED UNIT DEVELOPMENT/EQUESTRIAN OVERLAY ZONING DISTRICT (PUD/EOZD), PARCEL 3 (2.8 ACRES MORE OR LESS) FROM PALM BEACH COUNTY PRESERVATION/CONSERVATION (PC) TO WELLINGTON PLANNED UNIT DEVELOPMENT/EQUESTRIAN OVERLAY ZONING DISTRICT (PUD/EOZD) AND TO DESIGNATE PARCELS 1, 2 AND 3 AS SUBAREA G OF THE EOZD FOR CERTAIN PROPERTY KNOWN AS FLYING COW RANCH PUD TOTALING 150 ACRES, MORE OR LESS, LOCATED ON THE NORTHWEST CORNER OF FLYING COW RANCH ROAD AND 160TH TRAIL S, APPROXIMATELY 4 MILES SOUTH OF SOUTHERN BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council, as the governing body of Wellington, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Land Development Regulations, as adopted by Wellington, is authorized and empowered to consider petitions related to zoning and land development orders; and

WHEREAS, the current Zoning designation for Parcel 1 (98.64 acres) is Palm Beach County Agricultural Residential; Parcel 2 (49.15 acres) is Wellington Agricultural Residential/Equestrian Overlay Zoning District (AR/EOZD); and Parcel 3 (2.8 acre) is Palm Beach County Preservation/Conservation (PC); and

WHEREAS, the request is to amend the overall 150 acre Flying Cow Ranch Zoning designation to Planned Unit Development/Equestrian Overlay Zoning District (PUD/EOZD) and incorporate the parcel within the newly created Subarea G of the EOZD to allow for the development of 30 residential lots with accessory equestrian and aviation uses and private airstrip; and

WHEREAS, the Council adopted Ordinance No. 2002-05 on August 27, 2002 establishing an Equestrian Overlay Zoning District (EOZD) designation, which defined and provided regulations for this district in Wellington's Land Development Regulations; and

WHEREAS, the Council adopted Ordinance 2017-16 amending the Equestrian Overlay Zoning District of Wellington's Land Development Regulations creating Subarea G and establishing regulations for this subarea; and

WHEREAS, the Equestrian Preserve Committee recommended approval of the Rezoning to modify the Wellington Zoning Map at the October 4, 2017 meeting with a 6 – 0 vote; and

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on October 11, 2017, recommended approval of the Rezoning to modify the Wellington Zoning Map at the September 6, 2017 meeting with a 6 – 0 vote; and

WHEREAS, the Council has taken the recommendations from the Equestrian Preserve Committee, Local Planning Agency, Wellington staff and the comments from the public into consideration when considering the Rezoning; and

WHEREAS; the Council has determined the rezoning request is consistent with the Wellington's Comprehensive Plan Future Land Use Map designation of Planned Unit Development/Equestrian Overlay Zoning District (PUD/EOZD) and Ordinance 2017-16 which established Subarea G of the EOZD.

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

SECTION 1: The Zoning Map designation for the property know as Flying Cow Ranch and legally described in Exhibit "A" is hereby designated as Planned Unit Development/Equestrian Overlay Zoning District (PUD/EOZD) and identified as part of Subarea G of the EOZD. The Flying Cow Ranch property is allowed 30 dwelling units with accessory equestrian, aviation and private airstrip uses.

SECTION 2: The Equestrian Overlay Zoning District (EOZD) boundary is hereby modified to include the property know as Flying Cow Ranch and legally described in Exhibit "A."

SECTION 3: The Manager is hereby directed to amend the Wellington Zoning Map (Exhibit "B") to include the site specific designation for the property as legally described in Exhibit "A," including an adopted date and ordinance number and to extend the Equestrian Overlay Zoning District (EOZD) boundary in accordance with this ordinance.

SECTION 4: Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington Ordinance, Resolution, or Municipal Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 5: Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 6: This ordinance shall become effective after Ordinance No.2017-15 is adopted and in full effect.

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PASSED this _____ day of _____, 2017, upon first reading.

PASSED AND ADOPTED this ____ day of _____ 2017, on second and final reading.

WELLINGTON

	FOR	AGAINST
BY: _____ Anne Gerwig, Mayor	_____	_____
_____	_____	_____
John T. McGovern, Vice Mayor	_____	_____
_____	_____	_____
Michael Drahos, Councilman	_____	_____
_____	_____	_____
Michael J. Napoleone, Councilman	_____	_____
_____	_____	_____
Tanya Siskind, Councilwoman	_____	_____

ATTEST:

BY: _____
Chevelle D. Nubin, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney