



**WELLINGTON
PLANNING & ZONING DIVISION
STAFF REPORT**

I. PETITION DESCRIPTION:

Petition Number: 16-010 (2016-001ZTA), Ordinance No. 2016-12

Project Name: Bed and Breakfast Zoning Text Amendment

Applicant/Petitioner: Mimi Hockman

Agent: Pattie Detwiler, Bed and Breakfast Consultant

II. REQUEST:

The agent, Pattie Detwiler, on behalf of the applicant, Mimi Hockman, is seeking approval of a Zoning Text Amendment to modify sections 6.4.4.20 and 6.10.7.B.4 of the Wellington Land Development Regulations (LDRs), pertaining to bed and breakfast establishments Village-wide and within the Equestrian Preserve Area (EPA).

III. CURRENT ZONING TEXT:

Wellington's LDRs currently provide Village-wide regulations for bed and breakfasts in Section 6.4.4.20 (Exhibit A). Additionally, bed and breakfasts require a special use permit in all residential straight zoning districts. In Planned Development Districts, they are either permitted by right or require a special use permit depending on the district.

Regulations in 6.10.7.B.4 (Exhibit B) provide additional requirements for bed and breakfasts located specifically within the Equestrian Overlay Zoning District (EOZD). In the EPA they are only permitted as Conditional Uses in residential areas, with the exceptions of Little Ranches where they require a special use permit and Rustic Ranches where they are prohibited. They are prohibited in all commercial districts of the EOZD.

IV. PROPOSED CHANGES:

A summary of the proposed changes to the LDRs is below. The specific changes to 6.4.4.20 and 6.10.7.B.4 are provided in Exhibits C and D respectively.

Summary of 6.4.4.20 changes:

The LDRs currently allow bed and breakfasts either by right or require a special use permit based upon location. The proposed change would require approval by the Development Review Committee (DRC), which includes review from Planning and Zoning, Engineering, Building, Traffic and Palm Beach County Fire Rescue. This change would provide a comprehensive review of the request and eliminate the requirement to renew a special use permit on an annual basis were applicable. DRC is tasked with reviewing the application for consistency with the LDRs, compatibility with the surrounding area and applying conditions to mitigate impacts when necessary.

Current regulations allow only alterations to the structure to assure safety or enhance compatibility with the surrounding neighborhood. The proposed change would allow for additional alternations necessary for ADA compliance.

Currently bed and breakfasts outside the EPA are only allowed to serve breakfast. The proposed changes would allow wine and cheese functions as well. Wine and cheese functions are currently permitted in the EOZD regulations and staff is proposing the same regulation across the board.

Pursuant to the LDRs, minimal signage may be permitted upon approval. The proposed changes will provide regulations to permit a small sign as part of the DRC approval without requiring further application or approval.

A minimum lot size of two (2) acres is proposed with a maximum of five (5) guest rooms for properties of less than five (5) acres, and up to eight (8) guest rooms for properties of five (5) acres or greater. There currently is no minimum lot size requirement or maximum number of guest rooms outside the EPA.

It is required that all bed and breakfasts shall connect to public water and sewer systems when available. Proposed private well and septic/drainfield systems will be reviewed by the Village Engineer and Palm Beach County Health Department should public water and sewer not be available.

Currently, there is no separation requirement between bed and breakfasts outside the EPA. EOZD regulations stipulate a 1,320 foot distance between establishments. Staff is proposing the same regulation across the board to limit intensity of use.

A prohibition on rental dwelling units within bed and breakfasts is proposed to ensure and protect the intended use.

Parking for a bed and breakfast is not currently addressed in the LDRs. The proposed changes will require two spaces per bed and breakfast establishment plus one space per guest bedroom.

A 30 day maximum length of stay is being proposed. Currently there is no length of stay limit. Many municipalities limit length of stay to 7-14 days. Staff feels because of Wellington's equestrian character, guests may be utilizing the bed and breakfasts while attending horse shows and a 30 day maximum length of stay would be more appropriate.

Summary of 6.4.10.7.B.4 changes:

Within the EPA a bed and breakfast is currently limited to five (5) guest rooms with a three acre minimum lot size requirement. The proposed amendment will increase the number of guest rooms to eight (8) for properties of five (5) acres or greater and reduce the three acre minimum lot size to two acres. Staff believes a minimum lot size of two acres is large enough to support a bed and breakfast with eight guest rooms. The properties would be subject to the same setback requirements and floor area ratio limits as any single family residence. However, allowing eight (8) guest rooms on properties exceeding five (5) acres in size would provide a more economically feasible option versus limiting the properties to five (5) guest rooms and a three acre minimum lot size. However, it is recommended that the limit for properties between two (2) and five (5) acres should remain at a maximum of five (5) guest rooms. Additionally, since this regulation is proposed Village-wide, it has been removed from the EOZD section and placed in Section 6.4 as referenced above.

Current regulations state principal and secondary vehicular access for patrons shall be located along a collector or arterial street. The limited number of collector and arterial streets in the EOZD and even fewer access points directly to these streets severely limits available properties in the EOZD. It is proposed that access for patrons shall be located not more than 1,320 linear feet (1/4 mile) from a collector or arterial street.

VI. STAFF RECOMMENDATION:

Staff recommends approval of petition 16-010 (2016-001ZTA) to amend Section 6.4.4.20 and 6.10.7.B.4 of the LDRs pertaining to bed and breakfast establishments Village-wide and within the EOZD.

VII. BOARDS, COMMITTEES and COUNCIL:

1. Equestrian Preserve Committee:

The application was heard and recommended for approval at the April 13, 2016 Equestrian Preserve Committee (EPC) meeting with a unanimous vote (6-0). EPC recommended changes which are identified (in **BOLD UNDERLINE** text) in Exhibit C and D.

2. Planning Zoning and Adjustment Board:

This application was heard at the Planning Zoning and Adjustment Board (PZAB) meeting on May 4, 2016. A motion was made to recommend approval but it did not carry. No further recommendation was made; therefore, the application went to Council with a recommendation of denial. On August 10, 2016, PZAB heard the item again as requested by Council and recommended approval as presented by staff, without the suggested modification proposed by EPC, with a 5-1 vote. Ms. Coleman was not in favor of approval.

3. Council:

This application was discussed at the Council Meeting on May 24, 2016. It was remanded back to PZAB for their comments and/or recommendation. PZAB will hear this item on August 10, 2016. The item will then be heard at the August 23, 2016 (1st Reading) and September 13, 2016 (2nd Reading) Council meetings.

Exhibit A – Current Bed and Breakfast Regulations

6.4.4.20 Bed and Breakfast means an owner-occupied single-family dwelling that offers lodging for paying guests and which serves breakfast to these guests. A Bed and Breakfast use shall comply with the following supplementary use standards:

- a. Approval. Obtain a special permit from the Zoning Division.
- b. Resident owner. The owner operator shall reside on the premises.
- c. No adverse effect. The proposed use of the property shall not adversely affect the immediate neighborhood.
- d. No nuisance or hazard. The proposed use of the property shall not create noise, light or traffic conditions detrimental to the neighboring residents.
- e. Exterior alterations. Only exterior alterations necessary to assure safety of the structure or enhance the compatibility with the surrounding neighborhood shall be made for the purpose of providing a Bed and Breakfast.
- f. Breakfast only. No meals other than breakfast shall be served to paying guests.
- g. Guest register. The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.
- h. Building code requirements. The building shall comply with all requirements of dwelling units included in the Standard Building Code.
- i. Outdoor advertising. Generally, outdoor advertising shall be prohibited. However, a variance for a small sign shall be granted if the petitioner demonstrates that there are particular circumstances that would find the sign to be compatible with the surrounding neighborhood. All other conditions of this Code for a variance and signage must be met.
- j. Renewal of Special Permit. The special permit shall be renewed annually in accordance with Section 5.5.5.J of this Code.

Exhibit B – Current Bed and Breakfast Regulations in the EOZD

6.10.7.4 Bed and Breakfast Establishments.

- a. The establishments shall not exceed five (5) bedrooms for rent.
- b. Meal service shall be limited to guests and shall include only breakfasts and wine and cheese functions.
- c. The establishment must be located as part of and attached to the principal single family residential dwelling on the property and the portion of the dwelling utilized for the establishment shall comply with all setbacks for the principal structure.
- d. The owner of the establishment must reside on the premise on a full-time basis.
- e. Minimum lot size for an establishment shall be at least three (3) acres. Any combination of lots to achieve the minimum lot size shall be accomplished by a replat of the affected properties.
- f. Each establishment shall provide, at a minimum, the number and type of parking spaces listed below.
 - i. Two (2) spaces per residential dwelling.
 - ii. One (1) space for each room included as part of the establishment.
 - iii. At least two (2) spaces for horse trailers.
 - iv. All parking areas must be located within two hundred fifty (250) feet of the principal entrance of the establishment.
 - v. Parking areas may consist of paving, grass, gravel or other materials, subject to the Village's engineering standards.
- g. Principal and secondary vehicular access for patrons shall be located along a collector or arterial street. Vehicular access for patrons shall not be provided via a local residential street.
- h. An application for approval of a Bed and Breakfast shall provide evidence of adequate water and sewer capacity adequate for the proposed establishment.
- i. Patrons of the establishment may stable horses in a barn or stable located on the same parcel as the establishment.
- j. One (1) sign for the establishment may be installed, and shall comply with the following standards:
 - i. Maximum size of four (4) square feet;
 - ii. Maximum installation height of eight (8) feet;
 - iii. Maximum sign width of two (2) feet;
 - iv. Maximum sign height of two (2) feet; and
 - v. May indicate the establishment name, address, and logo.
- k. One (1) establishment shall be separated from another establishment by not less than one thousand three hundred twenty (1,320) linear feet, measured from the closest property line of each establishment.

Exhibit C – Proposed Bed and Breakfast Regulations

*The applicant's requested changes and staff recommendations are presented below. Recommended changes from the EPC are below in **BOLD UNDERLINE**.*

6.4.4.20 Bed and Breakfast Establishments

Bed and Breakfast means an owner occupied, single-family dwelling that offers lodging for paying guests and which serves breakfast to these guests. A Bed and Breakfast use shall comply with the following supplementary use standards:

- a. Bed and Breakfast establishments shall be required to obtain Development Review Committee approval.
- **Bed and Breakfasts shall be required to obtain Conditional Use approval from Council.**
- b. The owner operator shall reside on the premises fulltime.
- c. The establishment shall not exceed eight (8) bedrooms for paying guests.
- d. The minimum lot size for an establishment shall be at least two acres. Any combination of lots to achieve the minimum lot size shall be accomplished by a replat of the affected properties.
- e. A Bed and Breakfast establishment should be required to connect to public water and sewer systems. Proposed private well and septic/drainfield systems will be reviewed by the Village Engineer should public water and sewer not be available.
- f. Each Bed and Breakfast establishment shall have a separation requirement of one thousand three hundred twenty (1,320) linear feet, measured from the closest property line of each establishment.
- g. A Bed and Breakfast establishment shall not contain rental dwelling units.
- h. The proposed use of the property shall not adversely affect the immediate neighborhood or create noise, light or traffic conditions detrimental to the neighboring residents.
- i. Only exterior alterations necessary to assure safety of the structure, enhance the compatibility with the surrounding neighborhood, or modifications necessary to be in compliance with ADA requirements limited to one bedroom, one bathroom and all common areas shall be made for the purpose of providing a Bed and Breakfast establishment.
- j. Meal service shall be limited to guests and shall include only breakfasts and wine and cheese functions.

- k. The resident owner shall keep a current register including names, addresses and dates of occupancy of all guests.
- l. The building shall comply with all applicable requirements of the Florida Building Code.
- m. One (1) sign for the establishment may be installed to indicate the establishment name, address and logo. The sign shall have a maximum width two (2) feet, maximum height (2) feet and maximum four (4) square feet sign area.
- n. The establishment must be located as part of and attached to the principal single family residential dwelling on the property and the portion of the dwelling utilized for the establishment shall comply with all setbacks for the principal structure.
- o. Each establishment shall provide at a minimum, two (2) spaces for the establishment plus one (1) space for each bedroom for rent and parking areas may consist of paving, grass, gravel or other materials, subject to the Village Engineer's approval.
- p. Guests shall be limited to a length of stay that does not exceed 30 consecutive days.

Exhibit D – Proposed Bed and Breakfast Regulations in the EOZD

*The applicants requested changes and staff recommendations are presented below. Recommended changes from the EPC are below in **BOLD UNDERLINE**.*

6.10.7.B.4 Bed and Breakfast Establishments

- a. Bed and Breakfast establishments in the EOZD shall meet 6.4.4.20 regulations. Additionally the following supplemental regulations shall apply within the EOZD:
- b. Vehicular access for patrons shall be located not more than 1,320 linear feet from a collector or arterial street.
- c. Patrons of the establishment may stable horses in a permanent barn or stable located on the same parcel as the establishment. Temporary stabling tents are prohibited for Bed and Breakfast establishments.
- d. **EPC recommends that properties with a minimum size of two (2) acres but that are less than five (5) acres be limited to five (5) guest rooms for paying guests. Properties containing more than five (5) acres may have up to eight (8) guest rooms for paying guests.**