

ORDINANCE NO. 2016-12

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING SECTION 6.4.4.20 OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS RELATED TO BED AND BREAKFAST ESTABLISHMENTS; AMENDING SECTION 6.10.7.B.4 OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS RELATED TO BED AND BREAKFAST ESTABLISHMENTS IN THE EQUESTRIAN OVERLAY ZONING DISTRICT; PROVIDING A CONFLICTS CAUSE; 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 Wellington Council desires to amend Sections 6.4.4.20 and 6.10.7.B.4 of Wellington's Land Development Regulations related to Bed and Breakfast establishments; and

WHEREAS, Bed and Breakfast establishments shall be required to obtain Development Review Committee (DRC) approval in all applicable zoning districts; and

WHEREAS, The Equestrian Preserve Committee recommended approval of the amendments at the April 13, 2016 meeting with a unanimous vote (6-0) with recommended modifications; and

WHEREAS, the Planning, Zoning and Adjustment Board, acting as the Local Planning Agency, after notice and public hearing on August 10, 2016 has reviewed the proposed Ordinance and recommended approval with a 5-1 vote; and

WHEREAS, the Council has taken the recommendations from the Local Planning Agency, 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 6.4.4.20 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]:

20. **Bed and Breakfast means** an owner-occupied single-family dwelling that offers lodging for paying guests and which serves breakfast to these guests. It is the intent of this code that the owner-operator of a Bed and Breakfast establishment within the Village of Wellington reside on-site on a fulltime basis. To ensure compliance with the foregoing

1 intent, the Village will require as part of the approval process the submission of an
2 affidavit by the applicant, on a form to be provided by the Planning and Zoning
3 Department, attesting that he/she/it is the owner-operator of the Bed and Breakfast. A
4 corporate owner will be required to designate an individual with at least a twenty-five
5 percent (25%) ownership interest in the corporate entity as the individual who will be the
6 owner-operator of the Bed and Breakfast. A Bed and Breakfast use shall comply with
7 the following supplementary use standards:
8

- 9 a. ~~Approval.~~ Bed and Breakfast establishments shall be required to obtain a special
10 permit from the Zoning Division. Development Review Committee approval.
11
- 12 b. ~~Resident owner.~~ The owner-operator shall reside on the premises fulltime and
13 shall provide a written affidavit qualifying the owner-operator. The failure of the
14 owner-operator to reside fulltime on the premises during operational hours of the
15 Bed and Breakfast shall result in revocation of the development approval. All
16 subsequent owners, purchasers or successors in interest shall comply with the
17 provisions of this code in order to continue to operate a Bed and Breakfast on the
18 premises.
19
- 20 c. The establishment shall not exceed five (5) bedrooms for paying guests on
21 properties less than five acres, and shall not exceed eight (8) bedrooms for
22 paying guests on properties five acres or greater.
23
- 24 d. The minimum lot size for an establishment shall be at least two acres. Any
25 combination of lots to achieve the minimum lot size shall be accomplished by a
26 replat of the affected properties.
27
- 28 e. A Bed and Breakfast establishment shall be required to connect to public water
29 and sewer systems where public water and sewer is available. Proposed private
30 well and septic/drainfield systems will be reviewed by the Village Engineer and
31 PBC Health Department should public water and sewer not be available.
32
- 33 f. Each Bed and Breakfast establishment shall have a separation requirement of
34 one thousand three hundred twenty (1,320) linear feet, measured from the
35 closest property line of each establishment.
36
- 37 g. A Bed and Breakfast establishment shall not contain rental dwelling units.
38
- 39 e-h. ~~No adverse effect.~~ The proposed use of the property shall not adversely affect
40 the immediate neighborhood or create noise, light or traffic conditions detrimental
41 to the neighboring residents.
42
- 43 d. ~~No nuisance or hazard.~~ The proposed use of the property shall not create noise,
44 light or traffic conditions detrimental to the neighboring residents.
45
- 46 e-i. ~~Exterior alterations.~~ Only exterior alterations necessary to assure safety of the
47 structure, or enhance the compatibility with the surrounding neighborhood or
48 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.

~~f.i. Breakfast only. No meals other than breakfast shall be served to paying guests. Meal service shall be limited to guests and shall include only breakfasts and wine and cheese functions.~~

~~g.k. Guest register. The owner-operator shall keep a current guest register including names, addresses and dates of occupancy of all guests.~~

~~h.l. Building code requirements. The building shall comply with all applicable requirements of dwelling units included in the Standard Florida Building Code.~~

~~i.m. 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. 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 a maximum four (4) square feet sign area. Any proposed lighting for the signage shall be limited to uplighting. No signage shall be self-lit or include neon lighting.~~

~~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. 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.~~

~~j. Renewal of Special Permit. The special permit shall be renewed annually in accordance with Section 5.5.5.J of this Code.~~

SECTION 2: Section 6.10.7.B.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]:

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:

~~a. The establishments shall not exceed five (5) bedrooms for rent.~~

- 1
2 b. ~~Meal service shall be limited to guests and shall include only breakfasts and wine~~
3 ~~and cheese functions.~~
4
5 c. ~~The establishment must be located as part of and attached to the principal single~~
6 ~~family residential dwelling on the property and the portion of the dwelling utilized~~
7 ~~for the establishment shall comply with all setbacks for the principal structure.~~
8
9 d. ~~The owner of the establishment must reside on the premise on a full-time basis.~~
10
11 e. ~~Minimum lot size for an establishment shall be at least three (3) acres. Any~~
12 ~~combination of lots to achieve the minimum lot size shall be accomplished by a~~
13 ~~replat of the affected properties.~~
14
15 f. ~~Each establishment shall provide, at a minimum, the number and type of parking~~
16 ~~spaces listed below.~~
17
18 i. ~~Two (2) spaces per residential dwelling.~~
19
20 ii. ~~One (1) space for each room included as part of the establishment.~~
21
22 iii. ~~At least two (2) spaces for horse trailers.~~
23
24 iv. ~~All parking areas must be located within two hundred fifty (250) feet of the~~
25 ~~principal entrance of the establishment.~~
26
27 v. ~~Parking areas may consist of paving, grass, gravel or other materials,~~
28 ~~subject to the Village's engineering standards.~~
29
30 g.b. ~~Principal and secondary v~~ehicular ~~access for patrons shall be located along a~~
31 ~~not more than 1,320 linear feet from a collector or arterial street. Vehicular~~
32 ~~access for patrons shall not be provided via a local residential street.~~
33
34 h. ~~An application for approval of a bed and breakfast shall provide evidence of~~
35 ~~adequate water and sewer capacity adequate for the proposed establishment.~~
36
37 i.c. ~~Patrons of the establishment may stable horses in a permanent barn or stable~~
38 ~~located on the same parcel as the establishment. Temporary stabling tents are~~
39 ~~prohibited for Bed and Breakfast establishments.~~
40
41 j. ~~One (1) sign for the establishment may be installed, and shall comply with the~~
42 ~~following standards:~~
43
44 i. ~~Maximum size of four (4) square feet;~~
45
46 ii. ~~Maximum installation height of eight (8) feet;~~
47
48 iii. ~~Maximum sign width of two (2) feet;~~

1
2 iv. ~~Maximum sign height of two (2) feet; and~~

3
4 v. ~~May indicate the establishment name, address, and logo.~~

5
6 k. ~~One (1) establishment shall be separated from another establishment by not less~~
7 ~~than one thousand three hundred twenty (1,320) lineal feet, measured from the~~
8 ~~closest property line of each establishment.~~

9
10 d. Parking shall be provided for the barn and grooms quarters in accordance with
11 the Land Development Regulations as a separate calculation and shall be in
12 addition to the required parking for the Bed and Breakfast use.

13
14 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
15 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
16 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this
17 Ordinance shall prevail to the extent of such conflict.

18
19 **SECTION 4:** Should any section, paragraph, sentence, clause, or phrase of this
20 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall
21 not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the
22 part so declared to be invalid.

23
24 **SECTION 5:** This Ordinance shall become effective immediately upon adoption by the
25 Village Council following second reading.

26
27 (The remainder of this page left intentionally blank)

PASSED this ____ day of _____ 2016, upon first reading.

PASSED AND ADOPTED this ____ day of _____ 2016, on second and final reading.

WELLINGTON

FOR

AGAINST

BY:

Anne Gerwig, Mayor

John T. McGovern, Councilman

Michael Drahos, Councilman

Michael J. Napoleone, Councilman

Tanya Siskind, Councilwoman

ATTEST:

BY:

Rachel Callovi, Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY:

Laurie Cohen, Village Attorney