

**ORDINANCE NO. 2016-17**

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 6.10 OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS BY CREATING SUBAREA F OF THE EQUESTRIAN OVERLAY ZONING DISTRICT; ESTABLISHING REGULATIONS FOR SUBAREA F OF 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 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 F within the Equestrian Overlay Zoning District and establishing regulations for this subarea; and

**WHEREAS**, The Equestrian Preserve Committee recommended approval of the Zoning Text Amendments at the September 7, 2016 meeting with a unanimous vote (5-0); and

**WHEREAS**, , the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on October 17, 2016, recommended \_\_\_\_\_ of the Zoning Text amendments with a \_\_\_\_\_ vote (X-X); 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:** Subarea F has been created and incorporated within the Equestrian Overlay Zoning District and is consistent with Wellington's Comprehensive Plan.

**SECTION 2:** 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, Range 41E and Section 35, Township 43S, Range 41E, including the area described as "Palm Beach Little Ranches" and "Palm Beach Little Ranches East."
- B. **Subarea B.** Subarea B, generally consisting of those portions of the Wellington PUD located in Sections 8 and 17, Township 44S, Range 41E, including the developments known as Saddle Trail Park and Paddock Park No. 2 and Parcel "H", Greenview Shores No. 2 of Wellington—(P.U.D.), according to the Plat thereof, as recorded in Plat Book 31, Pages 120—136, of the Public Records of Palm Beach County, Florida.
- C. **Subarea C.** Subarea C, generally consisting of Sections 19, 27, 28, 29, 30, 32, 33, and 34, Township 4S, Range 41E and Section 25, Township 44S, Range 40E, located south of Lake Worth Road and west of 120<sup>th</sup> Avenue, including all of Palm Beach Point and that portion of the Orange Point PUD located in Section 34.
- D. **Subarea D.** Subarea D, generally consisting of portions of Sections 15 and 16 and Sections 20, 21, and 22, Township 44S, Range 41E, including the Wellington Country Place PUD and the Equestrian Club PUD.
- E. **Subarea E.** Subarea E generally consisting of Section 13, Township 44S, Range 40E; commonly known as "Rustic Ranches."
- F. **Subarea F.** Subarea F generally consisting of portions of Section 18, Township 44S, Range 41E, commonly known as "Winding Trails" of The Landings at Wellington PUD.

**SECTION 2:** Section 6.10.6 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. 6.10.6. - Development Standards.**

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

##### **A. Minimum Setbacks.**

1. Measurement. All setbacks shall be measured from property lines or from right-of-way easement lines in those subdivisions without dedicated or platted rights-of-way.

2. Exemptions. Excluding dressage walls, there are no required setbacks for equestrian amenities.

**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/ <u>Exceptions</u>
Front	100 Feet	50 Feet (2) 25 Feet (3) <u>50 Feet (6)</u>	100 Feet	100 Feet <u>55 Feet (7)</u> <u>20 Feet (8)</u> <u>30 Feet (9)</u>
Side, Interior	50 Feet	25 Feet (2) 25 Feet (3) <u>50 Feet (6)</u>	25 Feet	15 Feet <u>10 Feet (7)</u> <u>20 Feet (8)</u> <u>30 Feet (9)</u>
Side, Corner	80 Feet	50 Feet (2) 25 Feet (3) <u>50 Feet (6)</u>	25 Feet	25 Feet <u>10 Feet (7)</u> <u>20 Feet (8)</u> <u>30 Feet (9)</u>
Rear	100 Feet	25 Feet (2) 25 Feet (4) 15 Feet (5) <u>10 Feet (6)</u>	25 Feet	15 Feet <u>10 Feet (7)</u> <u>20 Feet (8)</u> <u>30 Feet (9)</u>
<u>Residential Lot</u>		<u>50 Feet (6)</u>		<u>50 Feet (8)</u> <u>50 Feet (9)</u>

Notes and Additional Standards for Affected Setbacks:

- (1) Single-family dwellings, barns, stables, covered arenas and similar structures are always considered a principal use.
- (2) Setback for Little Ranches No. 2 and Little Ranches East.
- (3) Setback for Paddock Park II and Saddle Trail Park and Mystic Equestrian.
- (4) Setback for barns in Paddock Park II and Saddle Trail Park and Mystic Equestrian.
- (5) Setback for dwellings in Paddock Park II and Saddle Trail Park and Mystic Equestrian.
- (6) Setback for dwellings and barns in Winding Trails.
- (7) Setback for accessory structures in Winding Trails.
- (8) Setback for riding ring, paddock and practice fields in Winding Trails.
- (9) Setback for manure bin in Winding Trails.

**B. Development Standards.** All development in the Equestrian Preservation Areas shall comply with the Development Standards set forth in Table B.

**Table B. Development Standards for Principal and Accessory Uses**

Development Standard	Minimum Dimension or Standard
Minimum Lot Width	300 feet, or as otherwise provided in a current, valid development order. <u>250 feet (1)</u>
Minimum Lot Depth	300 feet, or as otherwise provided in a current, valid development order. <u>100 feet (2)</u>
Maximum Floor Area Ratio	20%, or as otherwise provided in a current, valid development order or as otherwise provided in the Future Land Use Element of the Comprehensive Plan.
Maximum Building Height	35 feet <u>(3)</u>
Maximum Lot Coverage	20%, or as otherwise provided in a current, valid development order.

Notes and Additional Standards:

(1) Minimum lot width for Subarea F, Winding Trails.

(2) Minimum lot depth for Subarea F, Winding Trails.

(3) Subarea F shall have a maximum of two (2) stories.

**SECTION 3:** Section 6.10.8 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. 6.10.8. - Maximum Density and Minimum Lot Size.**

Maximum density and minimum lot size requirements for property within the Equestrian Preservation Areas are established in Table D.

**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
<u>F</u>	<u>0.5 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.

**SECTION 4:** Section 6.10.6.D 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]:

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

1. Tents Prohibited. After June 1, 2003, tents shall not be permitted in Subarea A, Subarea F and the residential-developed areas of Subareas B and D, except in conjunction with the construction of a barn or stable. Any such temporary tent shall be removed within ten (10) working days of the issuance of a certificate of occupancy for the barn or stable.
2. Tents Permitted. Tents are permitted in all areas not excluded in Section 6.10.9.D.1 above, subject to obtaining a Seasonal Equestrian Use permit for temporary stables as provided in Article 5, Chapter 7, Section 5.7 of these land development regulations.
  - a. Tents Permitted During Construction. Tents may be permitted, for a period not to exceed twenty-four (24) months, during the period when a building permit for a permanent barn or stable has been issued and construction is actively proceeding. The Planning and Zoning Manager may extend the period during which a tent is permitted by a period of time not to exceed twelve (12) months, based upon active and ongoing construction of the permanent stable.
  - b. Removal. Any tents shall be removed within two (2) weeks of receipt of a certificate of occupancy or revocation of building permit.
3. Temporary Suspension of the Prohibition of Tents as Temporary Stalls after a Declared Natural Disaster. If Wellington is within an area declared by the Governor as a natural disaster area or as authorized by the Village Council, the prohibition of tents within all subareas of the EOZD may be temporarily suspended. A property owner must apply for a Special Permit and comply with the following regulations:
  - a. A Natural Disaster is defined as a major adverse event resulting from natural processes of the earth including floods, hurricanes, tornados, brush fires, lightning, or similar event.
  - b. The damage must be a result of a natural disaster or emergency which activates Emergency Operations Level 1 - Full Scale Activation of the Emergency Response Team by the Governor and/or Village Manager.
  - c. The special permit requirements set forth in Article 5, Chapter 7, except Section 5.7.5, shall be met prior to the erection of a temporary tent.
  - d. The Special Permit issued due to a natural disaster or emergency shall be issued only after the Village Building Official determines there is substantial damage to an existing barn or stable structure as a result of the natural disaster that warrants the use of a temporary tent as a stable.

**SECTION 5.** 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 6.** 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 7:** This Ordinance shall become effective immediately upon adoption by the Village Council following second reading.

(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**

	<b>FOR</b>	<b>AGAINST</b>
BY: _____ Anne Gerwig, Mayor	_____	_____
_____	_____	_____
John T. McGovern, Vice Mayor	_____	_____
_____	_____	_____
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