

Reference 1 – Current Future Land Use Map (FLUM)

Land Use Element
Map No. 1

Residential

- A 1 du/10 ac (5 ac of record in this category are buildable as per policy 1.4.4 Land Use Element of the Comprehensive Plan)
- B 0.1 du/ac - 1.0 du/ac
- B 0.1 du/ac - 1.0 du/ac (no development order)
- C 1.01 du/ac - 3.0 du/ac
- C 1.01 du/ac - 3.0 du/ac (limited to 2 du/ac)
- D 3.01 du/ac - 5.0 du/ac
- E 5.01 du/ac - 8.0 du/ac
- F 8.01 du/ac - 12.0 du/ac
- G 12.01 du/ac - 18.0 du/ac
- H 18.01 du/ac - 22.0 du/ac

NOTE: Specific dwelling unit counts are fixed on parcel by parcel basis as per the attached chart titled "Village of Wellington Existing and Future Residential Land Use Chart" that is hereby adopted as part of the Future Land Use Map. Requests for additional units beyond the amounts listed in the chart will require a land use plan amendment.

Non-Residential

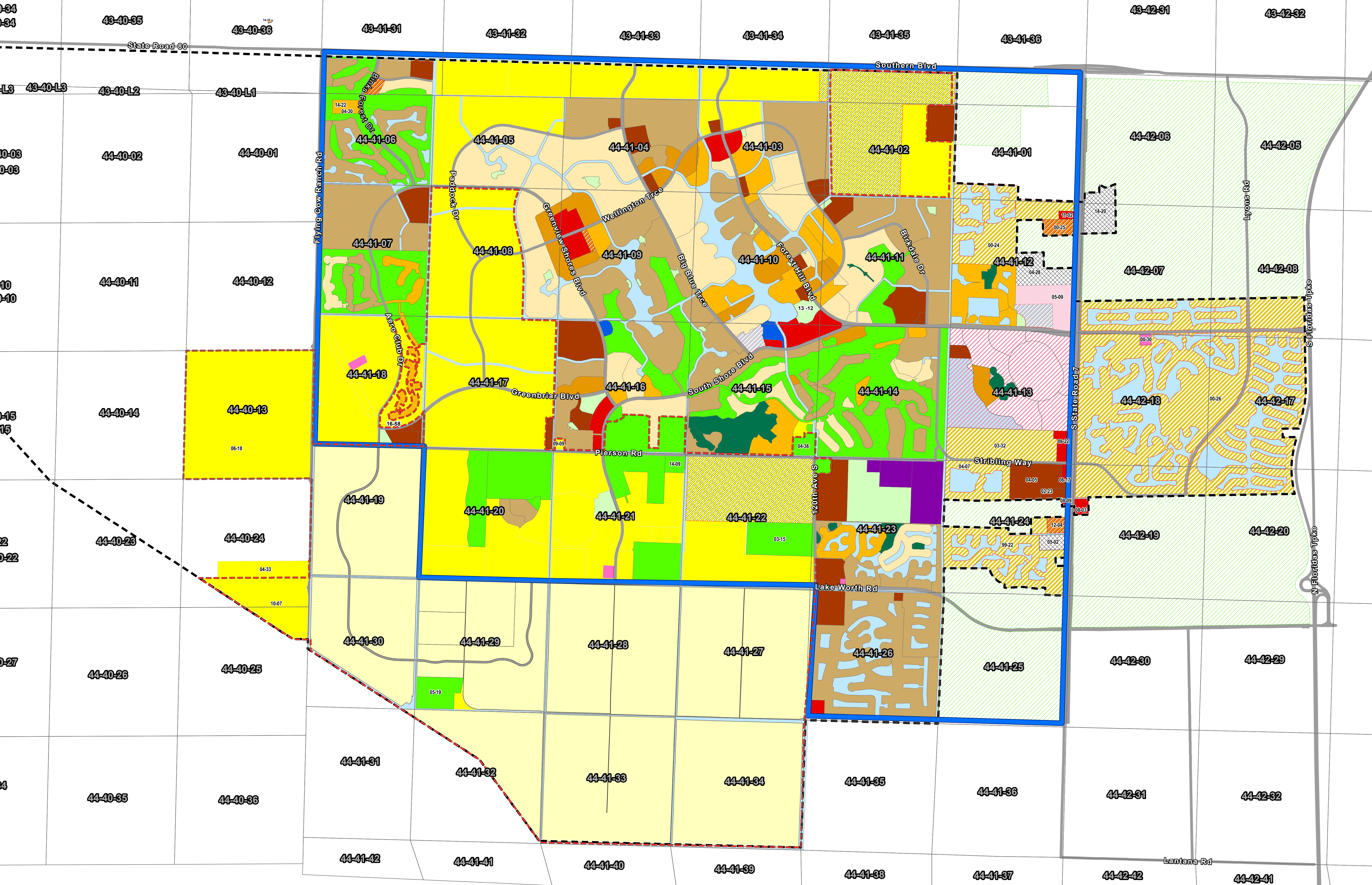
- Commercial Recreation
- Conservation
- Parks

Commercial

- Neighborhood Commercial
- Community Commercial
- Office Commercial
- Medical Commercial
- Regional Commercial/LSMU

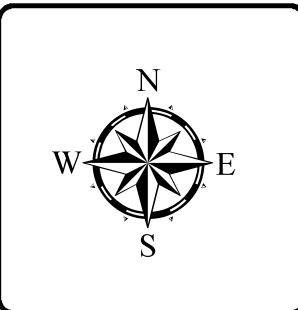
NOTE: For properties designated Large Scale Multiple Use (LSMU), the appropriate land use designations shall be shown in a mosaic along with the LSMU symbol. Appropriate land use designations and the minimum and maximum intensity shall be as stated in the ordinance, however in no case shall the maximum exceed the intensity measures in Policy LU 1.3.17, that affix the LSMU designation. The allowable land uses may be allocated anywhere within the subject site in accordance with the project's master development plan as opposed to conforming to the land use map depiction.

- Mix Use
- Institutional/ Public Facilities/Utilities
- Industrial
- Major Roads
- Major Water Bodies
- Future Annexation Areas
- Equestrian Overlay Zoning District
- Urban Service Boundary
- Wellington



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1408 SHEET NO.	1
	DATE
	8/30/2016
	DRAWN
	Christian Nakotey
1	SCALE
	1 inch = 1,800 feet
	REQUESTED
	Planning & Zoning
	FILENAME
	FutureLandUseXtian



Wellington 2020
Future Land Use

August 31, 2010 - Ordinance 2010-09

DATE	ORD.	NAME
01/19/99	99-01	COMPREHENSIVE PLAN
12/14/99	99-22	VERSAILLES
11/14/00	00-24	BLACK DIAMOND
11/14/00	00-25	CHING
11/14/00	00-26	MINTO
12/12/00	00-30	KOBOSKOS
09/10/02	02-23	LIFE CHURCH
11/18/03	03-15	ISLA CARROL

DATE	ORD.	NAME
08/24/04	04-36	BLACKWATCH STABLES
10/26/04	03-17	COMMONS AT WELLINGTON
10/26/04	03-32	LANIER
10/26/04	04-05	K PARK
10/26/04	04-07	OAKMONT ESTATES
10/26/04	04-08	PALOMINO EXECUTIVE PARK
10/26/04	04-28	VILLAGE PROFESSIONAL CENTER
10/26/04	04-33	MICKELSON PROPERTY

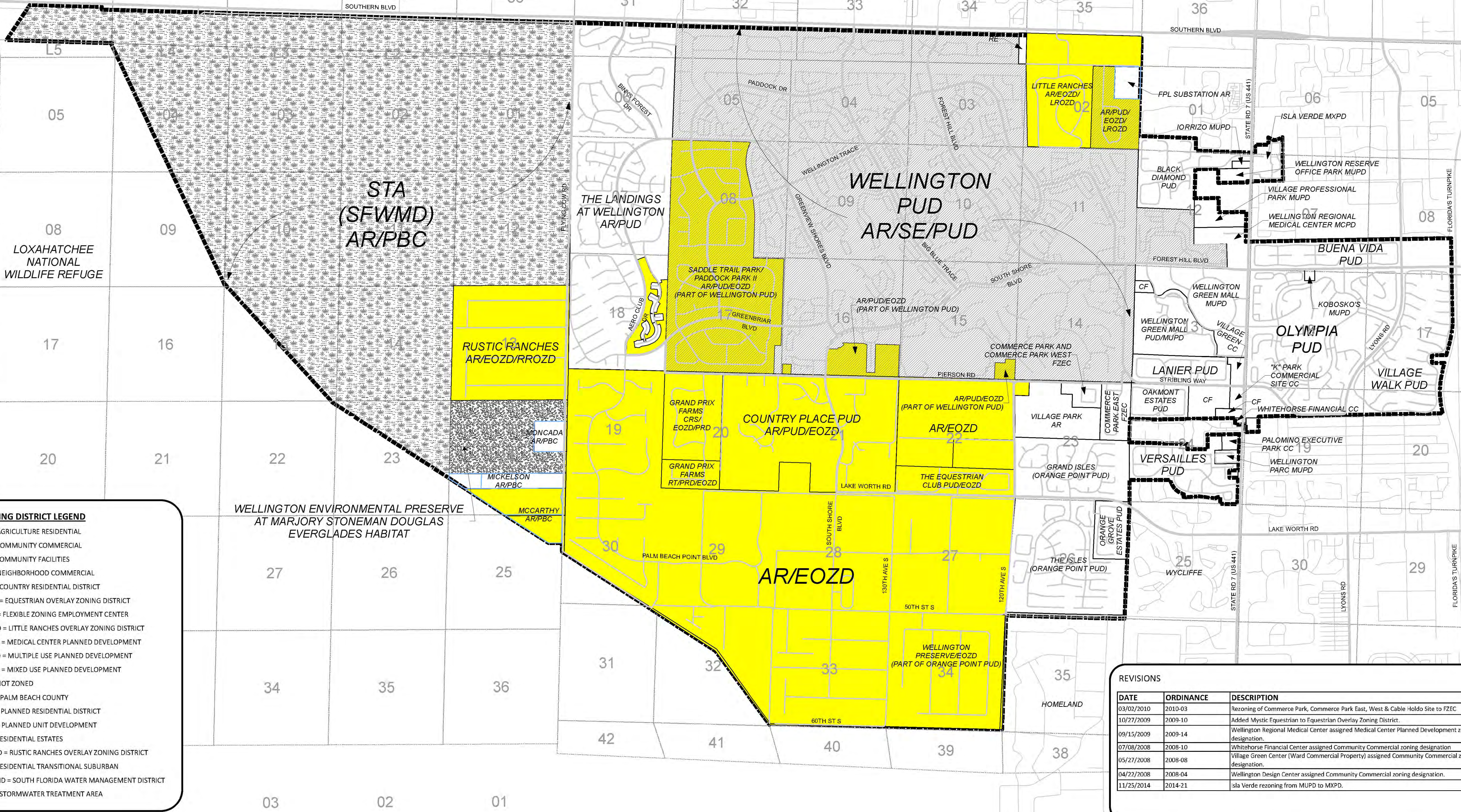
DATE	ORD.	NAME
11/23/04	04-30	BINKS FOREST DRIVING RANGE
06/28/05	05-06	IORIZZO
03/07/06	06-09	PALOMINO EXECUTIVE PARK
05/23/06	05-02	WELLINGTON PARK
05/23/06	05-09	WELLINGTON REGIONAL MEDICAL CENTER
10/24/06	06-17	K PARK COMMERCIAL SITE
12/12/06	06-18	RUSTIC RANCHES LPA
05/22/07	06-22	VILLAGE GREEN CENTER

DATE	ORD.	NAME
10/09/07	05-19	LITTLEWOOD EQUESTRIAN CENTER
03/04/08	08-03	WELLINGTON DESIGN CENTER
04/22/08	08-07	MYSTIC EQUESTRIAN
05/27/08	08-09	WHITE HORSE FINANCIAL
09/15/09	09-09	MYSTIC EQUESTRIAN
08/31/10	10-07	MCCARTHY PROPERTY
04/10/12	11-02	IORIZZO (CPTA)
04/10/12	12-04	PALOMINO EXECUTIVE PARK (CPTA)

DATE	ORD.	NAME
10/09/12	12-10	WELLINGTON CHARTER (CPTA)
04/09/13	13-04	VILLAGE GREEN CENTER- PDQ (CPTA)
02/25/14	13-12	VILLAGE HALL SITE
05/13/14	14-09	PALM BEACH EQUINE SPORTS COMPLEX
09/23/14	14-20	ISLA VERDE MIXED (CPTA)
11/11/14	14-22	BINKS POINTE
02/28/17	16-16	WINDING TRAILS



Reference 2 - Current Zoning Map



000000 1 1	SHEET NO.	1
	DATE	January 20, 2016
	DRAWN	Christian Nakotey, GISP
	SCALE	1 inch = 2,000 feet
	REQUESTED	Growth Management
	FILENAME	ZoningUpdate



ZONING MAP

Date Adopted: November 13, 2007 Ordinance 2007-19, As amended

Other

EOZD

EOZD & WELLINGTON PUD

PRESERVE

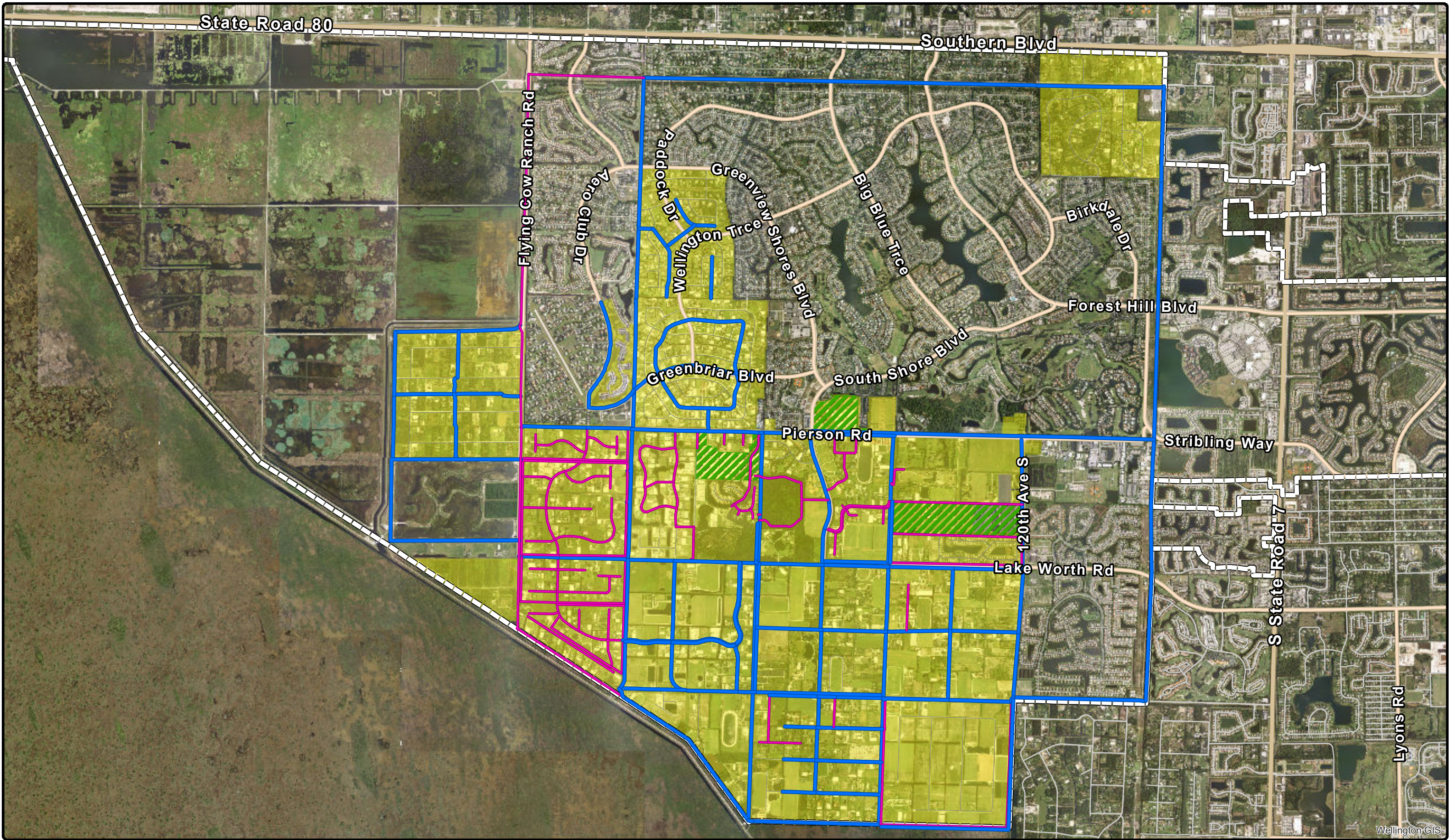
SFWMD STA

WELLINGTON PUD

DENOTES PRIVATE PARCELS

VILLAGE BOUNDARY LINE





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<div> <div>000000</div> <div>Wellington</div> </div>	SHEET NO.	DATE	3/29/2017
	1	DRAWN	Christian Nakoley
	1	SCALE	1 in = 1 mile
		REQUESTED	Cory Cramer
		FILENAME	EquestrianElement



Equestrian Trails Master Plan

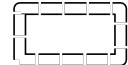
- Private Trails
- Public Trails



Major Equine Destinations



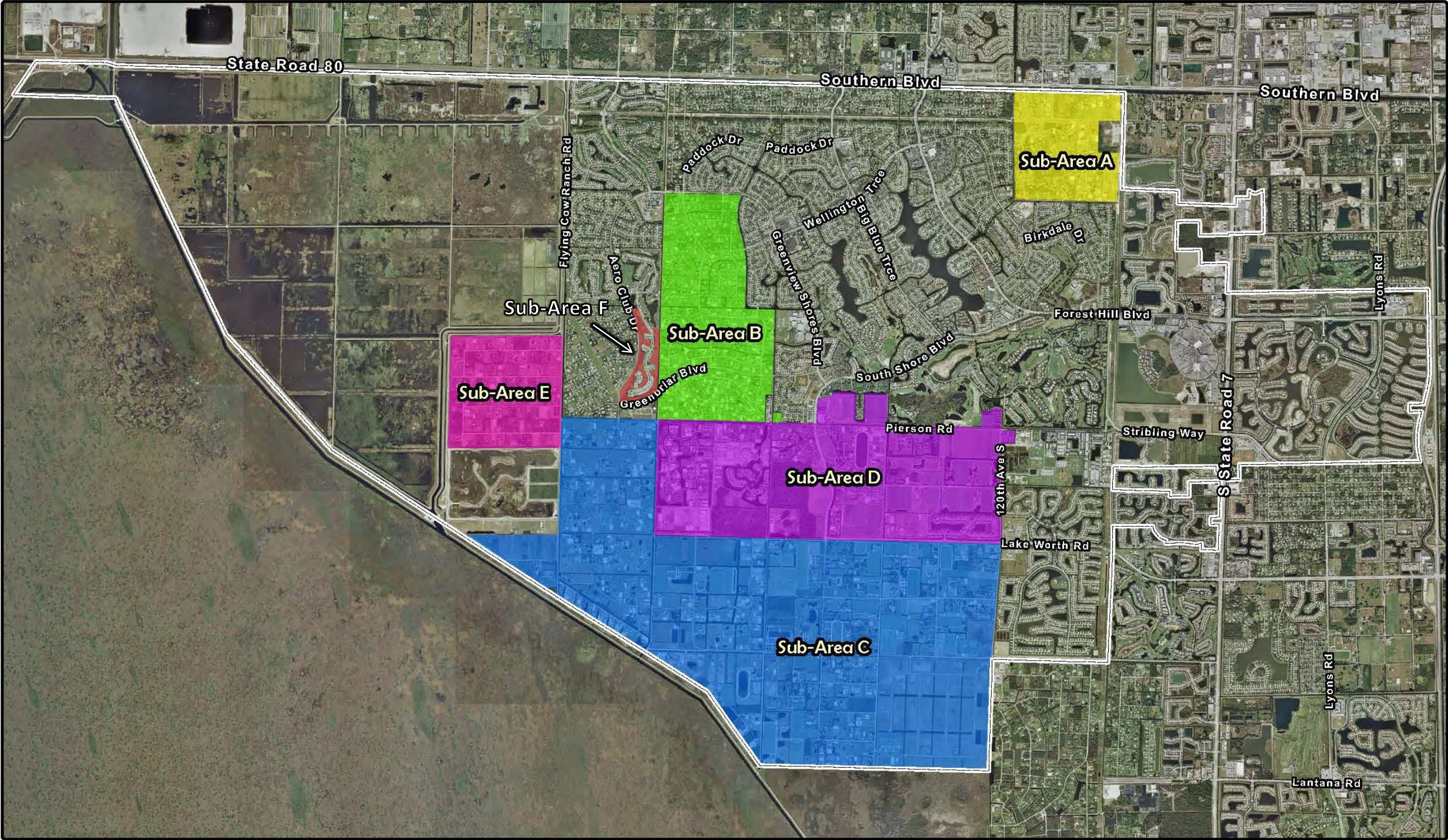
Equestrian Preserve Area



Wellington



Reference 4 - Subarea Map



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000000 1 1	SHEET NO.	8/2011
	DRAWN	Nicole McPherson
	SCALE	Not To Scale
	REQUISIT ED	Wellington Map Gallery
	FILE NAME	EquestrianSubArea



Equestrian Overlay
Zoning District (EOZD)
Sub-Areas

Sub-Area A Sub-Area B Sub-Area C Sub-Area D Sub-Area E Wellington
Sub-Area F



Reference 5 – Article 6, Chapter 10 Equestrian Overlay Zoning District (EOZD)

Sec. 6.10.1. - Purpose and Intent.

The purpose and intent of these Equestrian Overlay Zoning District (EOZD) regulations is:

- A. **Protection.** To protect and enhance the Equestrian Preservation Areas of the Village, as created by the Comprehensive Plan.
- B. **Preservation.** To preserve, maintain, and enhance the equestrian community associated with the Village of Wellington.
- C. **Rural lifestyle.** To preserve, maintain, and enhance the rural lifestyle associated with the equestrian community.
- D. **Land uses.** To identify and encourage types of land uses that are supportive of the equestrian and rural character of the Equestrian Preservation Areas.
- E. **Development patterns.** To preserve, maintain, and enhance development patterns which are consistent with the overall character of the equestrian community.

(Ord. No. 2009-17, § 2, 1-12-2010)

Sec. 6.10.2. - Applicability and Conflicts.

The provisions of this Article shall apply to all land located within the Equestrian Preservation Areas, as identified on the Future Land Use Map of the Village of Wellington Comprehensive Plan.

In the event of any conflicts between the requirements of this Article and the requirements of the Land Development Regulations, the requirements of this Article shall govern. In the absence of any conflict, the requirements of the underlying zoning district and the Land Development Regulations shall be applicable and supplemental to the requirements of this Article.

The provisions of this Article and any amendment hereto shall not affect the validity of any lawfully approved development order approved prior to August 27, 2002, if the development order remains valid. Issuance of subsequent development orders shall be based on the requirements of this Article; provided, however that a complete application for development approval received prior August 27, 2002, shall be reviewed using the criteria that existed on the date of the application. The provisions of this Article shall apply to any request to modify any development order or permit; however, only the area directly affected by the proposed modification shall be subject to the provisions of this Article.

(Ord. No. 2009-17, § 2, 1-12-2010)

Sec. 6.10.3. - Definitions.

For the purposes of this Article, the following definitions are established:

- A. **Cluster Development (Equestrian):** A residential development pattern that allows a lot size less than the minimum required within the applicable subarea and provides common areas for equestrian amenities, open space, preservation of environmentally-sensitive areas, or similar features consistent with the purpose and intent of the overlay district.
- B. **Dressage Wall:** A structure utilized in dressage training, consisting of a permanent wall with a mirror located on one (1) side of the wall and facing a dressage training or practice ring.

- C. **Equestrian Amenities:** Low-impact amenities that serve the purposes of equestrian use and training activities, including structural improvements such as fences and dressage walls, but not lighting standards or seating, and non-structural improvements such as banks, ditches, jumps, paddocks, polo fields, riding arenas, and riding rings. Equestrian amenities do not include livestock waste storage areas or similar facilities.
- D. **Equestrian Arena, Private, Covered:** A roofed structure utilized for equestrian purposes, including practice sessions, shows, etc.
- E. **Equestrian Arena, Private, Not Covered:** A structure utilized for equestrian purposes, including practice session, shows, etc.
- F. **Equestrian Instruction:** Instruction related to such equestrian activities as polo, riding, dressage, and jumping.
- G. **General Store:** An equestrian or agriculturally-oriented retail establishment of a community-serving nature that sells convenience goods, equestrian-related products, agricultural-related products, prepared foods, fresh fruits, vegetables, flowers, and other products of a similar nature.
- H. **Lot Coverage:** The building footprint of all principal and accessory structures constructed on a lot or parcel, not including shade houses or opened-sided roofed areas such as covered porches or carports.
- I. **Recreational Vehicle:** A travel trailer, camping trailer, motor home, private motor coach, park trailer or fifth-wheel trailer as defined in Section 320.01, Florida Statutes, as amended.
- J. **Stall:** A compartment for a domestic animal in a stable or barn.

(Ord. No. 2009-17, § 2, 1-12-2010)

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 120th 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."

(Ord. No. 2009-17, § 2, 1-12-2010)

Sec. 6.10.5. - Applications and Development Review Process.

Unless otherwise provided in this Article, the requirements of Article 5 regarding applications for development orders shall apply within the Equestrian Preservation Areas. All applications within the Equestrian Preserve Area subject to review by the Planning, Zoning and Adjustment Board shall be reviewed by the Equestrian Preserve Committee prior to review by the Planning, Zoning and Adjustment Board.

(Ord. No. 2009-17, § 2, 1-12-2010)

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
Front	100 Feet	50 Feet (2) 25 Feet (3)	100 Feet	100 Feet
Side, Interior	50 Feet	25 Feet (2) 25 Feet (3)	25 Feet	15 Feet —
Side, Corner	80 Feet	50 Feet (2) 25 Feet (3)	25 Feet	25 Feet —
Rear	100 Feet	25 Feet (2) 25 Feet (4) 15 Feet (5)	25 Feet	15 Feet —

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.

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.
Minimum Lot Depth	300 feet, or as otherwise provided in a current, valid development order.
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.
Maximum Lot Coverage	20%, or as otherwise provided in a current, valid development order.

*Note:

Subarea A, C, D and E of the EOZD: Principal and accessory structures are limited in height to 35 feet in accordance with the method of calculating maximum building height as set forth in section 6.5.8 of the LDRs. Residential properties proposed to have architectural features (including but not limited to chimneys, cupolas, parapets, towers and turrets) as part of the principal or accessory structures may exceed the 35 foot height limitation provided the architectural feature meets all of the following standards:

- a) The lot must be five (5) acres in size or greater;
- b) The architectural feature does not include habitable room(s);
- c) The architectural feature may exceed the roof line by 25% with a maximum building height of the feature not to exceed 50 feet;

- d) The architectural feature does not exceed ten (10) percent of the ground level floor area or roof area, whichever is less, of the principal/accessory structure; and
- e) The architectural feature shall be setback one (1) additional foot for each additional foot of height above 35 feet.

Subarea B of the EOZD: Principal and accessory structure shall maintain the maximum building height of 35 feet as set forth in section 6.5.8 of the LDRS. Non-habitable architectural features proposed on lots five (5) acres or greater shall be subject to the height limitations set forth in the regulations for Subarea A, C, D and E above.

(Ord. No. 2009-17, § 2, 1-12-2010; Ord. No. 2016-20, § 1, 9-13-2016)

Sec. 6.10.7. - Permitted and Conditional Uses.

- A. **Principal and Accessory Uses.** Uses in the Equestrian Preservation Areas are limited to those uses set forth in Table C below. To the extent that Table C conflicts with Tables 6.4-1 and 6.8-2 of the Land Development Regulations, the provisions of Table C shall control.

**Table C.
Permitted, Conditional and Prohibited Uses**

Use	Properties with No Current PUD Master Plan	Residential Pods of PUDs	Commercial		Additional Standards (§ 6.10.7.2) and this Section
			Comm. Pods of PUDs & Comm. Plnnd. Devels.	Comm. Rec.	
Legend C = Conditional Use • P = Permitted Use • Blank = Prohibited Use D = Development Review Committee • S = Special Permit					
Accessory Dwelling Unit	P	P	P	P	See Sec. 6.10.7.B.1
Agriculture, Bona Fide	P			C	
Agricultural Sales and Service			C	C	
Agricultural Stand			S	S	
Agricultural Storage, Indoor	P	P	P	P	
Air Curtain Incinerator,	S	S	P	P	See Sec.

Temporary					6.10.7.B.2
Airplane Landing Strip, Accessory	C	C			
Amusements, Temporary and Special Events			S	S	
Arena, Auditorium, or Stadium				C	
Assembly, Nonprofit Institutional	C	C	C		
Auction, Outdoor	P		P	P	See Sec. 6.10.7.B.3
Bed and Breakfast	C	C			See Sec. 6.10.7.B.4
Communication Tower, Commercial	C		C	C	
Congregate Living Facility (Community Residential Home), Type 1 (6 or less residents)	P	P			
Day Care, Family (5 or less children)	P	P			
Day Care, General (More than 6 Children)			C	C	
Dwelling, Single Family, Detached	P	P			
Equestrian Arena, Commercial	C	C		P	
Equestrian Arena, Private/Not Covered	P	P			

Equestrian Arena, Private/Covered	P	P			See Sec. 6.10.9.C
Equestrian Instruction	P	P	P	P	
Equestrian Uses, Seasonal	S	S	S	S	
Excavation and Fill (Noncomm.)	P	P	P	P	
Farrier (Non-mobile)	P		P	P	
Feed Store and Tack Shop			P	P	
Fitness Center			P	P	
Fruit and Vegetable Market			P	P	
Garage, Yard, or Rummage Sale	P	P			
General Store			P	P	See Sec. 6.10.7.B.5
Government Services, Municipal	D	D	D	D	
Government Services, Non- Municipal	D	D	D	D	
Groom's Quarters	P	P		P	
Guest Cottage	P	P			
Helipad, Accessory	C			D	
Home Occupations	P	P		P	
House of Worship	P	P	P	P	
Kennel, Private	D				

Landscape Maintenance Service			C		
Livestock Raising	D	D	D	D	
Mobile Home, Limited (2 Yr. Home Constr., Ag. Security & Ag. Office)	S				
Nursery, Retail	C		C	C	
Nursery, Wholesale	D		D	D	
Park, Passive	P	P	P	P	
Park, Public	P	P	P	P	
Professional and Business Office			P		See Sec. 6.10.7.B.6
Recreational Vehicle Park				C	See Sec. 6.10.9.A
Restaurant, General			P	P	
Restaurant, Specialty			P	P	
Schools	C	C	C	C	See Sec. 6.4.4.(98)
Security/Caretakers Quarters (Bona Fide Agriculture Only)	S	S		S	
Shadehouse, Accessory	P			P	
Stables	P	P	P	P	
Utility, Minor	P	P	P	P	
Veterinary Clinic	D		P	P	

Wastewater, Water, or Stormwater Treatment Plant	C	C		C	
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B. Additional Standards. The following additional standards shall apply to the uses listed in Table C.

1. Accessory Dwelling Unit. An accessory dwelling unit may be used as a security office for any commercial equestrian or agricultural activity.
2. Air Curtain Incinerator. Limited only to land-clearing activities pursuant to applicable Village permits and development orders.
3. Auction, Outdoor.
 - a. An outdoor auction shall be held not more than four (4) times per year at the same location within a residential zoning district.
 - b. An outdoor auction shall not exceed more than three (3) days in length.
 - c. There shall be no limit on the number of auctions held on a site with a commercial recreation Future Land Use Map designation.
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) lineal feet, measured from the closest property line of each establishment.
5. General Store. Outdoor display of fruits and vegetables is permitted, provided such display shall not exceed more than ten (10) percent of gross floor area of the general store.
- a. Temporary flags, banners, signs, and similar advertising devices are prohibited.
 - b. Retail or wholesale sale of gasoline, diesel fuels; and similar petroleum products are prohibited.
6. Professional and Business Offices. Professional and business offices shall be limited to equestrian- and agricultural-related services.

(Ord. No. 2009-17, § 2, 1-12-2010; Ord. No. 2013-03, § 9(Att. H), 5-14-2013)

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 ¹ Acres	Permitted
E	0.2 Dwelling Units Per Acre	5 Acres	Prohibited
<p style="text-align: center;">Note</p> <p>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.</p>			

- A. **Cluster Development in Subarea D.** Cluster development in Subarea D shall comply with the standards listed below.
1. **Maximum Density.** Maximum overall density shall be as provided in Table D.
 2. **Minimum Lot Size.** Minimum lot size shall be 0.33 acres provided that overall density within a cluster development shall be maintained at one (1) unit per two (2) acres or less.
 3. **Common Features.** In addition to such common areas as roads, drainage, and utilities, a cluster development shall provide common features, including equestrian amenities, preserve areas for environmentally-sensitive lands, or similar features consistent with the purposes of this District. Common features shall be reserved for use by property owners, guests, and residents of such cluster development.
 4. **Dwelling Unit Types.** Within a cluster development, only single family detached residential dwelling units are permitted.
 5. **Planned Development Review.**
 - a. A cluster development shall be subject to review as a residential planned unit development or as an amendment to an existing residential planned unit development.
 - b. As part of the planned unit development master plan, the master plan shall include information regarding the type, size, and general location of proposed common equestrian amenities, including but not limited to stables, rings, paddocks, exercise areas, internal equestrian and bridle trails, connections to external equestrian and bridle trails, and other improvements to be constructed for equestrian or equestrian-related purposes.
 6. **Design, Installation of and Access to Common Equestrian Amenities.**
 - a. Common equestrian amenities shall be designed to serve as the internal focus or centerpiece of a cluster development.
 - b. Installation of all equestrian amenities included within an approved cluster development is required prior to the issuance of a certificate of occupancy for any residential dwelling unit within the development.
 - c. Each dwelling unit shall be provided with access to common equestrian amenities and the access shall be included in the overall master plan.
 7. **Deed Restriction.** Prior to the issuance of a final master plan approval by the Development Review Committee, a deed restriction, in a form acceptable to the Village Attorney, shall be executed and recorded to limit in perpetuity the use of common equestrian amenities to owners and residents of the cluster development.

(Ord. No. 2009-17, § 2, 1-12-2010)

Sec. 6.10.9. - Supplemental District Regulations.

The requirements listed below shall apply to all uses within the Equestrian Preservation Areas.

- A. **Temporary Residences and Recreational Vehicle Parks.**
1. **Temporary Residence Prohibited.** The use of recreational vehicles, as a temporary residence within the Equestrian Preserve Areas is prohibited.
 2. **Recreational Vehicle Park.** A recreational vehicle park may be established within the EOZD subject to each of the standards listed below.

- a. The park is located within a property that is designated as "Commercial Recreation" by the Future Land Use Map or the Official Zoning Map.
- b. The park is located within a property that contains an approved permanent equestrian venue consisting of at least fifty (50) acres, including the following:
 - i. A commercial equestrian arena;
 - ii. An arena, auditorium or stadium; or
 - iii. A polo stadium.
- c. The number of recreational vehicles permitted shall not exceed fifty (50) percent of the underlying residential density of the equestrian venue parcel.
- d. The location of all permanent structures associated with the park and all recreational vehicles shall comply with the building setbacks applicable to principal structures.
- e. The individual recreational vehicle spaces within park shall be provided electrical, potable water and sanitary sewer service as indicated below.
 - i. The electrical service connections for the park shall comply with all requirements of the Florida Building Code.
 - ii. The water service connections for the park are approved by the Village and comply with all requirements of the Florida Building Code and other appropriate agencies such as the Palm Beach County Health Department (PBCHD).
 - iii. The sanitary sewer service is provided by connection to the wastewater treatment system or wastewater treatment is provided by a septic tank approved by the Village and the PBCHD
- f. At a minimum, the park shall be landscaped and buffered as provided in Article 7, Chapter 3 of these land development regulations. Additional landscaping and buffering may be required when any portion of the park abuts property assigned a residential designation by the Future Land Use Map or the Official Zoning Map.
- g. Minimum size for a recreational vehicle parking space is one thousand five hundred (1,500) square feet, with a minimum width of twenty (20) feet and a minimum depth of forty (40) feet.
- h. A minimum of one (1) vehicle parking space per recreational vehicle space shall be provided. Additional uses within the park shall provide the amount of parking required by Article 7, Chapter 2.
- i. Permitted accessory uses within a recreational vehicle park are indicated below.
 - i. Recreation amenities, restricted to use by park clientele, including pools, tennis and shuffleboard courts, recreation rooms, equestrian facilities, nature and walking trails, play grounds, tot lots, and similar facilities.
 - ii. Gate houses or similar facilities designed to provide security to the park.
 - iii. Maintenance facilities.
 - iv. Administrative office space necessary for operation of the park.
 - v. Commercial or retail use, restricted to use by park clientele, including convenience food and beverage items and recreational vehicle parts.

B. Dressage Walls.

1. Setbacks. Setbacks for dressage walls shall be ten (10) feet from front, rear, and side yards.
2. Measurement of Setback. Setbacks shall be measured from property line or edge of roadway easement, as applicable.

3. Easements. Dressage walls shall not be located within easements.
4. Minimum Lot Size. A dressage wall shall be located on a parcel consisting of at least one (1) acre.
5. Maximum Dimensions. A dressage wall shall not exceed the maximum dimensions listed below:
 - a. Maximum height shall not exceed ten (10) feet.
 - b. Maximum length shall not exceed seventy (70) feet.
 - c. Maximum width shall not exceed four (4) feet.
6. Other Applicable Standards.
 - a. Dressage walls shall comply with all requirements for sight-distance clear zones for rights-of-way.
 - b. A dressage wall shall be constructed in a manner consistent with the architectural style, color, and materials of the principal structure.
 - c. The reflective portion of a dressage wall shall be located so as to avoid reflecting the glare of the sun or lighting from any adjacent light source onto a public or private right-of-way or an abutting property.
 - d. A building permit shall be obtained prior to construction of a dressage wall.
 - e. The exterior portion of a dressage wall that is visible from a public right-of-way shall be screened with hedges, shrubs, or other suitable plant materials. A landscape plan for screening a dressage wall shall be submitted with a building permit application, and the landscaping shall be installed prior to issuance of a certificate of completion for the wall. The plant materials shall be of such number and type as to completely screen a dressage wall within two (2) years of installation.

C. Fences.

1. Wire Fences. Wire fences, including hog fences, galvanized chain-link, and vinyl-covered chain-link fences are permitted only if such fence is covered by hedge located on the exterior of the fence. Hedge material shall be installed in such manner to cover the fence within two (2) years after planting. In lieu of a hedge, a wire or chain-link fence may be screened by the use of a three (3) or four (4) board fence. The wire or chain-link fence shall be attached to the board fence.
2. Barbed Wire. The use of barbed wire is prohibited.
3. Thoroughfare Fences. Within the Equestrian Preserve, thoroughfare fences shall be natural, clear-coat, black, gray, or white-painted, three-rail wooden fences.

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 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.
 - e. A temporary tent for stabling may be permitted, for a period not to exceed twenty-four (24) months, during the period when a building permit for replacement of a permanent barn/stable or repair of barn/stable due to damage caused by a natural disaster has been applied for and/or issued and construction is actively proceeding. The special permit may be extended up to six (6) months based on active and ongoing construction/repair. The temporary tent must be removed within two (2) weeks of issuance of certificate of occupancy, special permit expiration, or building permit revocation, whichever occurs first.
 - f. The temporary tent shall not include more stalls or greater square footage than the permanent stable that was deemed uninhabitable.
 - g. Once the temporary tent permit is issued, the damaged stable or barn shall not be utilized until the permanent structure receives a Certificate of Occupancy or final inspection.

E. Parking on Public Rights-of-Way.

1. **Parking Prohibited.** Unless otherwise provided herein, parking of vehicles on public rights-of-way or easements within the EOZD is prohibited.
2. **Parking for Non-recurring Events.** For the purposes of this section, parking of vehicles on public rights-of-way or easements within the EOZD may be permitted for non-recurring events. A special use permit shall be obtained prior to the event.

F. Horse Trailers.

1. **Parking Permitted.** Parking of horse trailers anywhere in the Equestrian Preservation Areas shall be permitted, subject to the limitations listed below.
2. **Parking Prohibited in Certain Areas.** Horse trailers may not be parked in roadway or canal rights-of-way or easements.
3. **Parking Permitted within Urban Service Boundary.** Parking of horse trailers within those areas of the Equestrian Preservation Area which are within the Urban Service Boundary shall be permitted, subject to the following limitations:

- a. One (1) unscreened horse trailer may be parked adjacent to a barn or stable on an individual lot, provided that the horse trailer may not be parked between the front plane of the primary structure and the roadway easement or right-of-way and additional horse trailers may be kept provided that:
 - b. The additional trailer(s) shall be screened from the view of adjacent roadways and private properties when the lot is 2.5 acres or less and the trailers are screened as provided in Section 62-9.(b).(1) of the Code of Ordinances. For properties in excess of 2.5 acres, not more than one (1) trailer per acre may be parked as provided in Section 6.10.9.G.3.a.
 - c. The screened parking area meets the accessory structure setbacks listed on Table A, Minimum Setbacks for Principal and Accessory Uses of this section.
 - d. Temporary parking of horse trailers (i.e., trailers on site for instructional, show, or other site-specific uses) shall be allowed, provided that said temporary parking is not overnight, and trailers are not parked in rights-of way or easements.
- 4. Exemption. Property within Subarea A and property with a Comprehensive Plan designation of Commercial Recreation are exempt from the provisions of this section.
- G. **Stalls per acre.** Within Subarea B, stables shall contain no more than four (4) stalls per acre.
- H. **Fencing.**
 - 1. Exception for Fencing with the Front Setback. The entire Equestrian Overlay Zoning District shall be exempt from those provisions of Section 6.6.4.G.3 of the Land Development Regulations that prohibit fencing in front setbacks.
 - 2. Fencing Outside the Urban Services Boundary Area. For those parts of the Equestrian Overlay Zoning District that lie outside of the Urban Services Boundary Area, the provisions of Chapter 36, Article II, Section 36-22 (c) of the Property Maintenance Standards regarding fence and wall maintenance, shall be enforced at twenty-five (25) percent in lieu of the ten (10) percent specified in that section.
- I. **Equestrian Arenas, Covered.**
 - 1. Setbacks. Setbacks for roofed equestrian arenas shall comply with the requirements of Table A.
 - 2. Measurement of Setbacks. Setbacks shall be measured from property line or edge of roadway easement, as applicable.
 - 3. Design. A roofed equestrian arena shall be constructed in a manner consistent with the architectural style, color, and materials of the principal structure.

(Ord. No. 2009-17, § 2, 1-12-2010; Ord. No. 2014-06, § 2, 9-23-2014)

Sec. 6.10.10. - Bridle Trails and Easements.

- A. **Dedication Associated with Development Approval.** To implement the Equestrian Path Circulation System adopted as part of the Future Transportation Map of the Comprehensive Plan, the Village may require dedication of a bridle path easement as part of a development order approval for a conditional use or a Development Review Committee approved use or as part of issuance of a building permit for a principal equestrian structure or as part of a plat approval within the Equestrian Preserve Area. The requirement for such dedication shall not have the effect of reducing the density or intensity of development to which a property owner would be entitled if the dedication was not required or caused an increase in a required front, side interior, side corner, or rear setback.

(Ord. No. 2009-17, § 2, 1-12-2010)

Sec. 6.10.11. - Commercial Development Standards.

Commercial development shall be limited to those uses intended to serve the needs of the surrounding equestrian and agricultural communities and shall be determined by such factors as size of the use and types of goods and services to be offered. In addition, commercial development shall be designed in a manner that recognizes its location within the Equestrian Preservation Areas. Commercial uses may be established subject to the requirements of this Article and these land development regulations. All permitted and conditional uses within a planned development shall be consistent with the requirements of this Section.

- A. **Planned Development Rezoning.** A rezoning to a planned development district shall be required if a proposed use consists of more than one (1) acre or five thousand (5,000) gross square feet.
- B. **Orientation and Scale.** The commercial uses shall be oriented toward agricultural and equestrian uses of a community-serving nature. Commercial uses shall be of a scale, intensity, and character that are consistent with and compatible to the equestrian community.
- C. **Architecture.** The architectural style of commercial buildings and centers shall be of a mass, bulk, and style that is consistent with the equestrian nature of the Equestrian Preservation Areas, such as barns and stables. Building colors and materials also shall be of a nature that is consistent with the equestrian nature of the area. Commercial sites shall integrate a variety of pedestrian and equestrian amenities into overall design, including the following:
 - 1. **Pedestrian Circulation.** An overall pedestrian circulation plan.
 - 2. **Equestrian Circulation.** An overall equestrian circulation plan.
 - 3. **Pedestrian Walkways.** A covered arcade, pedestrian walkway, or similar feature that is a minimum of eight (8) feet in width.
 - 4. **Equestrian-oriented Features.** An overall plan to provide hitching posts, fences, corrals, and similar features to provide a temporary location to hold and protect the horses of owners patronizing a commercial establishment.
- D. **Size.** The gross floor area of any single commercial use shall not exceed twenty thousand (20,000) square feet, including indoor storage, administrative offices, and similar areas.
- E. **Hours of Operation.** Hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m., including delivery of merchandise, restocking, and after-hours cleanup and maintenance. Hours of operation may be extended by either a development order approved by the Village Council or a response to an emergency involving the treatment of human or animal patients.
- F. **Lighting.** Parking lot lighting shall not adversely affect adjacent residential uses. Parking lot light standards shall not exceed fifteen (15) feet in height.
- G. **Outdoor Display and Storage.** Outdoor display and storage of merchandise is prohibited, excluding outdoor display in conjunction with a general store.
- H. **Buffers.** Commercial planned developments shall provide extensive landscape buffers as a means to integrate commercial uses with the predominant equestrian, residential, and agricultural uses present within the EOZD. At a minimum, buffers shall comply with the standards listed below.
 - 1. **Perimeter Buffer.** A perimeter buffer of at least twenty (20) feet in width shall be provided along the entire property line.
 - 2. **Opaque Buffer.** An opaque buffer of at least five (5) feet in height shall be provided along the entire perimeter, consisting of any combination of berm, wall, or fencing.
 - 3. **Canopy Trees.** Canopy trees shall be provided at a rate of not less than one (1) tree per twenty-five (25) feet. Trees shall be staggered along both sides of the berm, wall, or fence. Trees shall be native and representative of native vegetation of the Village. Minimum tree height shall comply with the requirements of Article 7.3.

4. Hedges. Hedges shall be planted at a height and number as required by Article 7.3.
5. Native Canopy Trees. Native canopy trees shall be provided within all parking areas at a rate of one (1) tree per eight (8) parking spaces.

(Ord. No. 2009-17, § 2, 1-12-2010)

Sec. 6.10.12. - Stables.

A. Purpose and Intent. The purpose and intent of this Section is:

1. Protection and Enhancement. To protect and enhance the Equestrian Preservation Areas of the Village, as created by the Comprehensive Plan.
2. Preservation and Maintenance. To preserve, maintain, and enhance the equestrian community associated with the Village of Wellington.
3. Rural Lifestyles. To preserve, maintain, and enhance the rural lifestyle associated with the equestrian community.
4. Land Uses. To identify and encourage types of land uses that are supportive of the equestrian and rural character of the Equestrian Preservation Areas.
5. Development Patterns. To preserve, maintain, and enhance development patterns which are consistent with the overall character of the equestrian community.

B. Applicability and Conflicts.

1. Applicability. Unless otherwise specified herein, these regulations shall apply to all stables within the Village. Any stable that was issued a building permit by the Village of Wellington or Palm Beach County Building Departments prior to the passage of Ordinance 2003-02 may be built or continue to exist, as originally permitted, regardless of any prior or subsequent challenge to the validity or appropriateness of the building permit and subject only to its status as a conforming structure. No challenges to the issuance of any permit prior to the effective date of Ordinance 2003-02 regarding the size of any stable structure based on allegations the structure failed to comply with the then existing floor area regulations shall be permitted.
2. Conflicts. In the event of any conflicts between the requirements of this Section and other requirements of the Land Development Regulations, the requirements of this Section shall govern. In the absence of any conflict, the requirements of the underlying zoning district and the Land Development Regulations shall be applicable and supplemental to the requirements of this Section.

C. Effect on Previously Permitted Barns and Stables.

1. Conforming Structures. Stables for which a valid building permit was issued prior to the adoption of this Ordinance that do not conform to the provisions of the Ordinance shall be considered to be legal conforming structures.
2. Construction. Any stable permitted prior to October 8, 2002, which exceeded the restrictions on accessory structures but otherwise met the requirements of the LDR, may be constructed in accordance with the permit. Any stable constructed in accordance with such a permit shall be deemed a legal conforming structure.

D. Supplemental Regulations for Barns and Stables on Residential Lots. Barns and stables on residential lots within the Equestrian Overlay Zoning District shall be subject to the following limitations provided in Table E.

**Table E.
Supplemental Regulations for Barns & Stables on Residential Lots**

Size of Lot	Residential	Square Footage	Number	Approval
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	Unit Required (1)	of Stable	of Stables	Required
Less than ½ acre	Yes	1,250 square feet/acre ⁽²⁾	1	Building permit
Greater than ½ acre, less than 1 acre	Yes	1,250 square feet/acre ⁽²⁾	1	Building permit
Greater than 1 acre, less than 3 acres	Yes	1,250 square feet/acre ⁽²⁾	1	Building permit
Greater than 3 acres, less than 5 acres	Yes	1,250 square feet/acre ⁽²⁾	1	Building permit
Greater than 5 acres, less than 10 acres	No	Limited by FAR and lot coverage in subarea	1	Building permit
Greater than 10 acres	No	Limited by FAR and lot coverage in subarea	No limit	Building permit

Notes and Additional Standards for Affected Types of Required Approval.

⁽¹⁾ For the purposes of this section, grooms quarters shall not be used to meet the requirements of a residential unit.

⁽²⁾ An administrative variance of up to fifteen (15) percent may be approved by the Planning and Zoning Manager providing the stable structure complies with all other zoning district and subarea regulations.

(Ord. No. 2009-17, § 2, 1-12-2010)

Reference 6 – Development Regulations Comparison Table

	EOZD – Subarea D Regulations	ECFD Proposed Regulations - Applicant
Setbacks	Principal: <ul style="list-style-type: none"> • Front – 100 feet • Side – 50 feet • Side Corner – 80 feet • Rear – 100 feet Accessory: <ul style="list-style-type: none"> • Front – 100 feet • Side – 25 feet • Side Corner – 25 feet • Rear – 25 feet 	Principal: <ul style="list-style-type: none"> • Front – 50 feet • Side – 50 feet • Side Corner – 50 feet • Rear – 50 feet Accessory: <ul style="list-style-type: none"> • Front – 50 feet • Side – 25 feet • Side Corner – 25 feet • Rear – 50 feet
Maximum Building Height	35 feet	35 feet 56 feet for Hotels, Hotel-Condominiums, and Condominiums: <i>Additional 1 foot setback for each additional foot of height for a building over 35 feet</i>
Minimum Lot Width	300 feet	300 feet
Minimum Lot Depth	300 feet	300 feet
Maximum FAR	0.10	0.10 (Within EPA) 0.20 (Not Within EPA)
Maximum Building Coverage	10%	20%
Maximum Density	0.5 du/ac	0.5 du/ac
Minimum Lot Size	2 acres 0.33 acres (Cluster Development Only)	25 acres
Parking for Commercial Equestrian Arena	One (1) space per 200 square feet of use area or one (1) space per three (3) seats whichever is greater and appropriate for the use; plus 1 space per employee (Accessory uses shall be calculated separately which includes stables, office, restaurant, etc.)	1 sp/4 fixed seating using the largest assembly area to calculate. 1 sp/4 stalls (stabling) No additional parking required for others uses (offices, vendors, restaurants, etc.)
Parking for Stables	Four (4) or fewer stalls: No required parking Five (5)—100 stalls: One (1) space per three (3) stalls 101+ stalls: One (1) space per two (2) stalls All parking provided for stalls shall be available at all times	1 sp/ 4 stalls. Parking for stables can be used as part of the parking calculation for a Commercial Equestrian Arena, or other assembly uses on the same or adjacent property.
Grass Parking	3 days per week with 45 days within a period of four (4) consecutive months within a 12 month period	4 days per week and 180 days per year
Shared Parking Location	Same lot or on contiguous lot	Remote parking with shuttle service may be used to satisfy off-street parking standards, and parking on adjacent or proximate properties may also be used to satisfy parking standards.
Horse Trailer Parking	Anywhere except roadway or canal right-of-way or easements	Anywhere within the ECFD

Reference 7 – Matrix Comparison Table

Use	EOZD - Comm. Pods of PUDs & Comm. Plnnd. Devels.	EOZD - Comm. Rec.	ECFD – Comm. Rec within EPA	ECFD – Commercial Rec not within EPA
Accessory Dwelling Unit	P	P	P	P
Agricultural Sales and Service	C	C	C	C
Agricultural Storage, Indoor or Outdoor	P	P	P	P
Apartments				D
Arena, Auditorium, or Stadium		C	C	D
Auction, Outdoor or Indoor	P	P	P	P
Bed and Breakfast			D	D
Caretakers Quarters			P	P
Communication Tower, Commercial	C	C	C	C
Commercial/Retail Services			D	D
Condominium				P/C
Day Care, General (More than 6 Children)	C	C	C	C
Dwelling, Multi-Family				D
Dwelling, Single Family			P	P
Equestrian Arena, Commercial		P	C	D
Equestrian Uses, Seasonal	S	S	S	S
Farrier (Non-mobile)	P	P	P	P
Feed Store and Tack Shop	P	P	P	P
Fitness Center	P	P	P	P
General Store	P	P	P	P
Groom's Quarters		P	P	P
Helipad		D	C	C
Home Occupations		P	P	P
Hotel or Motel				P/C
Hotel Condominium				P/C
Landscape Maintenance Service	C			

Use	EOZD - Comm. Pods of PUDs & Comm. Plnnd. Devels.	EOZD - Comm. Rec.	ECFD – Comm. Rec within EPA	ECFD – Commercial Rec not within EPA
Livestock Raising	D	D	P	P
Nursery, Retail	C	C	D	D
Nursery, Wholesale	D	D	D	D
Park	P	P	P	P
Polo Fields			P	P
Professional and Business Office	P		D	D
Restaurant	P	P	D	D
Riding Arena or Riding Ring, Covered or Uncovered			P	P
Riding Instruction/Riding Schools			P	P
Schools	C	C	C	C
Show Arena or Show Ring, Covered or Uncovered			P	P
Stables	P	P	P	P
Temporary Structures			D	D
Vendor Areas or Vendor Structures			P	P
Veterinary Clinic	P	P	P	P



Council

Anne Gerwig, Mayor
John T. McGovern, Vice Mayor
Michael Drahos, Councilman
Michael J. Napoleone, Councilman
Tanya Siskind, Councilwoman

Manager

Paul Schofield

March 27, 2017

Ms. Anna Yeskey
Clearinghouse Coordinator
9835-16 Lake Worth Road, Suite 223
Lake Worth, FL 33467

Re: - Notice of Proposed Comprehensive Plan Text Amendment (Ordinance 2017-02)
 Equestrian Competition Floating District CPTA 17-012 (2017-008 CPTA)
 - Notice of Proposed Comprehensive Plan Map Amendments (Ordinance 2017-
 04 and Ordinance 2017-05)
 International Polo Club and Isla Carroll Farms CPA 17-017 (2017-011 CPA2
 and 2017-013 CPA1)

Dear Ms. Yeskey:

The Village of Wellington is submitting a Comprehensive Plan Text Amendment and two (2) Comprehensive Plan Map Amendments for Clearinghouse distribution. The petitions will amend the following:

- A Comprehensive Plan Text Amendments (CPTA) creating goals, objectives and policies for Floating Districts amending the following:
 - Land Use Element (Objective 1.5; and Policies 1.2.5, 1.2.14, 1.3.8 and 1.3.15)
 - Equestrian Element (Goals 1.0, 1.1 and 1.2; Objective 1.1.1, 1.2.1, 1.3.1, 1.4.1, 1.5.1, and 1.6.1; and various policies throughout the element to add, modify, clarify or reorganize)
- A Comprehensive Plan Amendment to amend the Future Land Use Map (FLUM) designation of the 9.47 acre southern portion of the southern and eastern portion of International Polo Club (IPC) from Commercial Recreation (CR) to Residential B (0.1 to 1.0 du/ac); to amend the FLUM designation of a 6.96 acre portion of IPC from Residential B to CR; to amend the FLUM designation of the 16.15 acre portion of Isla Carroll Farm from Residential B to CR; to remove a 72.01 acre portion of IPC and Isla Carroll with a FLUM designation of CR out of the Equestrian Preserve Area (EPA); and to amend all maps within the Comprehensive Plan that reflect these parcels within the EPA.

The proposed Comprehensive Plan Text Amendment and Comprehensive Plan Map

Amendments are scheduled for public hearings on the following dates:

- Planning, Zoning and Adjustment Board/Local Planning Agency: April 13, 2017
- Village Council – First Reading: April 25, 2017
- Village Council – Second Reading: June 12, 2017

If you have any comments or questions concerning this item, please contact me at ccramer@wellingtonfl.gov or 561-791-4012.

Sincerely,



Cory Lyn Cramer, AICP
Development Review Coordinator

Attachment

cc: File

CLEARINGHOUSE NOTICE OF PROPOSED AMENDMENT

To: Anna Yeskey, Clearinghouse Coordinator
From: Cory Lyn Cramer, AICP, Development Review Coordinator
Date: March 27, 2017

As a participant local government, this memorandum serves as notice of the following comprehensive plan amendment(s):

Initiating Local Government: Wellington

Reference: Ordinance 2017-02 [Petition Number 17-012 (2017-008 CPTA)],
Ordinance 2017-04 [Petition Number 17-017 (2017-011 CPA2)], and
Ordinance 2017-05 [Petition Number 17-017 (2017-013 CPA1)]

Date of local planning agency hearing for this proposed amendment: April 13, 2017

Date of First Reading of Council: April 25, 2017

Nature of the plan amendment as you have indicated is desired for review:

- ☒ Adjacent Cities: Village of Royal Palm Beach, Greenacres, Loxahatchee Groves, Lake Worth, West Palm Beach
- ☒ Palm Beach County
- ☐ Amendments relating to traffic circulation or the roadway networks
- ☐ Amendments related to affordable housing
- ☐ Amendments related to the following elements:
 - ☒ Future Land Use Map Amendment
 - ☐ Traffic Circulation
 - ☐ Mass Transit
 - ☐ Ports and Aviation
 - ☐ Housing
 - ☐ Infrastructure _____ Sub-elements
 - ☐ Coastal Management
 - ☐ Conservation
 - ☐ Recreation and Open Space
 - ☐ Intergovernmental Coordination
 - ☐ Capital Improvements
 - ☒ Other (Equestrian Preservation Element)

Instructions: Should you have any objections to these proposed amendments, please respond at least 15 days prior to the transmittal hearing as scheduled.

Executive Summary For Comprehensive Plan Amendments

Date: March 27, 2017

Reference #: Ordinance 2017-02 [Petition Number 17-012 (2017-008 CPTA)],
Ordinance 2017-04 [Petition Number 17-017 (2017-011 CPA2)], and
Ordinance 2017-05 [Petition Number 17-017 (2017-013 CPA1)]

General Information:

Initiating Local Government: Wellington

Contact Person: Cory Lyn Cramer, AICP, Development Review Coordinator

Address: 12300 Forest Hill Blvd, Wellington, FL 33414

Phone/Fax: (561) 791-4012 (561) 791-4045

Applicant/Agent: Mark Bellissimo, Equestrian Sports Production, LLC/
Michael Sexton, P.E., Sexton Engineering Associates

Proposed Comprehensive Plan Amendment:

- ☒ Adjacent Cities: Village of Royal Palm Beach, Greenacres, Loxahatchee Groves, Lake Worth, West Palm Beach
- ☒ Palm Beach County
- ☐ Amendments relating to traffic circulation or the roadway networks
- ☐ Amendments related to affordable housing
- ☐ Amendments related to the following elements:
 - ☒ Future Land Use Map Amendment
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 - ☐ Ports and Aviation
 - ☐ Housing
 - ☐ Infrastructure _____ Sub-elements
 - ☐ Coastal Management
 - ☐ Conservation
 - ☐ Recreation and Open Space
 - ☐ Intergovernmental Coordination
 - ☐ Capital Improvements
 - ☒ Other (Equestrian Preservation Element)

Summary of proposed changes (s) to adopted Comprehensive Plan:

- A Comprehensive Plan Text Amendments (CPTA) creating goals, objectives and policies for Floating Districts amending the following:
 - Land Use Element (Objective 1.5; and Policies 1.2.5, 1.2.14, 1.3.8 and 1.3.15)
 - Equestrian Element (Goals 1.0, 1.1 and 1.2; Objective 1.1.1, 1.2.1, 1.3.1, 1.4.1, 1.5.1, and 1.6.1; and various policies throughout the element to add, modify, clarify or reorganize)
- A Comprehensive Plan Amendment to amend the Future Land Use Map (FLUM) designation of the 9.47 acre southern portion of the southern and eastern portion of International Polo Club (IPC) from Commercial Recreation (CR) to Residential B (0.1 to 1.0 du/ac); to amend the FLUM designation of a 6.96 acre portion of IPC

from Residential B to CR; to amend the FLUM designation of the 16.15 acre portion of Isla Carroll Farm from Residential B to CR; to remove a 72.01 acre portion of IPC and Isla Carroll with a FLUM designation of CR out of the Equestrian Preserve Area (EPA); and to amend all maps within the Comprehensive Plan that reflect these parcels within the EPA.

Proposed Amendments to the Future Land Use Map:

Location of Proposed Map Amendment:

International Polo Club and Isla Carroll Farms are located on the west side of 120th Avenue South approximately 1,200 feet north of Lake Worth Road.

Size of Area Proposed for Change (Acres):

72.01 acres

Present Future Land Use Plan Designation (including density/intensity definition):

Commercial Recreation and Residential B (.1 – 1.0 du/ac)

Proposed Future Land Use Plan Designation (including density/intensity definition):

Commercial Recreation and Residential B (.1 – 1.0 du/ac)

Present Zoning of Site (including density/intensity definition):

Agricultural Residential/Equestrian Overlay Zoning District (AR/EOZD) and Commercial Recreation/Equestrian Overlay Zoning District (CR/EOZD)

Proposed Zoning of Site (including density/intensity definition):

Commercial Recreation/Equestrian Commercial Floating District (CR/EOZD)

Present Development of Site:

International Polo Club and residential private farm

Proposed Development of Site, if Known:

The applicant is seeking subsequent development applications (Zoning Text Amendment and Rezoning) to create the Equestrian Commercial Floating District and apply this district to the subject properties.

Is Proposed Change a Development of Regional Impact?

No.

Comprehensive Plan Change Processing:

Date/Time/Location for Local Planning Agency Public Hearing: 7:00 PM, April 13, 2017, Wellington City Hall, 12300 Forest Hill Boulevard, Wellington, Florida 33414

Date/Time/Location for Governing Body Public Hearing: 7:00 PM, April 25, 2017, Wellington City Hall, 12300 Forest Hill Blvd., Wellington, Florida 33414



Transportation Consultants



2005 Vista Parkway, Suite 111
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(561) 296-9698 Fax (561) 684-6336
Certificate of Authorization Number: 7989

March 10, 2017

Ms. Cory Lyn Cramer
Wellington
Planning, Zoning & Building Department
12300 W. Forest Hill Boulevard
Wellington, FL 33414

**Re: ECFD Comprehensive Plan Text Amendments - #PTC17-001B.1
17-012 (2017-008 CPTA)**

Dear Ms. Cramer:

Pinder Troutman Consulting, Inc. (PTC) has completed our review of the resubmitted Comprehensive Plan Text Amendment petition received by Wellington on February 28, 2017 for the above referenced project. The resubmittal has responded some of our comments.

We recommend that the proposed language added under Policy 1.3.8 of the Land Use Element, as attached, not be adopted. No justification for eliminating Council approval was presented.

Sincerely,

A blue ink signature of Andrea M. Troutman, P.E., President. The signature is stylized and written in a cursive-like font.

Andrea M. Troutman, P.E.
President

ec: Kelly Ferraiolo
Patrick Barthelemy

- (1) Properties in the Regional Commercial/LSMU Plan Category.
- (2) Public facilities in all zoning districts.
- (3) The following uses within the State Road 7 Corridor, which shall be limited to a maximum height of 72 feet:
 - a. Colleges or universities.
 - b. Employment centers which shall be defined as a non-retail development that employs 100 or more people in predominantly technical or professional occupations.
 - c. Government services.
 - d. Hospital or medical centers.
 - e. Hotel or motel.
 - f. Medical or dental laboratories.
 - g. Professional or business offices.
 - h. Light industrial and research park uses.
 - i. Congregate Living Facilities.

The State Road 7 Corridor is that area located within one mile of State Road 7 from Southern Boulevard to Lake Worth Road. Such uses are consistent with Wellington's overall GHG reduction strategy as proximity to these types of facilities can reduce or eliminates automobile dependency for area residents.

- (4) The following uses within the Equestrian Competition Floating District and outside of the Equestrian Preserve Area, which shall be limited to a maximum height of 56 feet:
 - a. Hotel or motel
 - b. Hotel condominium
 - c. Condominium
 - d. Apartments

Buildings with a height in excess of 35 feet shall be subject to additional setback requirements to be defined in the Land Development Regulations provided that any building in excess of 35 feet shall be specifically approved by The Wellington Council in a public hearing. ~~However,~~

~~buildings within the Equestrian Competition Floating District with a height in excess of 35 feet shall be approved by the Development Review Committee through the Site Plan review procedures and criteria.~~

These regulations shall be made part of Wellington's Land Development Regulations and shall be adopted and implemented consistent with the requirements of Chapter 163, F.S.

Policy 1.3.15 Commercial Recreation -- Properties designated Commercial Recreation support commercial uses which are recreational in nature and are compatible with residential and rural development patterns. Uses such as equestrian arenas, stadiums and show rings, golf courses, clubhouses, tennis houses, pools and other private recreational facilities are consistent with this designation. There are also a variety of quasi-commercial uses such as veterinary clinics, feed stores, tack shops and commercial stables scattered throughout the Equestrian Preservation Area of Wellington that are ancillary to the equestrian community and will be permitted in the Commercial Recreation Land Use Plan Sub-category. Commercial Recreation properties shall retain a Category B underlying Land Use Plan designation. Maximum building coverage 10%. Maximum FAR 0.10. Notwithstanding the foregoing, Commercial Recreation properties located in the Equestrian Preserve Area and having an Equestrian Competition Floating District Zoning designation shall have a maximum building coverage of 20% and a maximum FAR of 0.10. Commercial Recreation properties with the Equestrian Competition Floating District Zoning designation and which are not in the Equestrian Preserve Area shall have a maximum building coverage of 20% and maximum FAR of 0.20. Properties designated Commercial Recreation with an Equestrian Competition Floating District Zoning designation may have uses such as stables, covered arenas, assembly/spectator areas, vendor areas, commercial/retail areas, temporary structures, hotels, motels, apartments, condominiums and hotel-condominiums.

INNOVATIVE PLANNING

Objective 1.5 Wellington shall adopt Land Development Regulations that encourage the use of innovative planning and development strategies such as Cluster Development, Planned Unit Developments, Floating Zoning Districts, Traditional Neighborhood Developments, Economic Activity Centers, and Large Scale Mixed Use Developments which provide flexibility in design, a variety of housing types, an integration of uses, a balancing of land uses within the community and an efficient use of resources and facilities. Such uses are components of Wellington's GHG reduction strategies. These regulations shall be consistent with the density and intensity measures in the underlying land use plan category except as herein noted. This objective shall be made measurable by its implementing policies. Land Development Regulations have been adopted for planned unit developments and for mixed use developments.



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March 10, 2017

Ms. Cory Lyn Cramer
Wellington
Planning, Zoning & Building Department
12300 W. Forest Hill Boulevard
Wellington, FL 33414

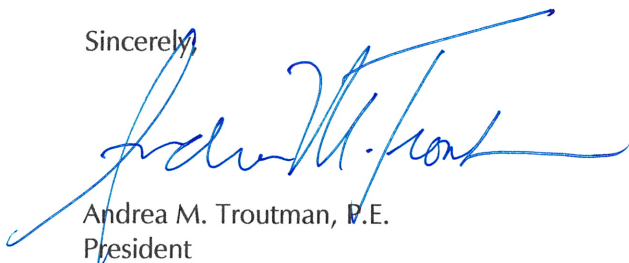
**Re: EFCD Text Amendments - #PTC17-001B.2
17-004 (2017-004 ZTA)**

Dear Ms. Cramer:

Pinder Troutman Consulting, Inc. (PTC) has completed our review of the resubmitted Zoning Text Amendment petitions received by Wellington on February 28, 2017 for the above referenced project. The resubmittal has responded to some of our comments. We have the following comments:

1. In proposed Section 6.12.9.C – Grass Parking, the 180 day requirement does not appear to limit the number of days per week. The grass parking requirements should be the consistent with other sections of the code.
2. In proposed Section 6.12.10 relating to multi-modal pathways, the word “encouraged” should be changed to “required”.
3. In proposed Section 6.12.9.A – Minimum Off-street Parking Standards, no justification for reducing the parking requirements for arenas, commercial uses and stalls has been provided. The parking requirements should be consistent with other sections of the code.
4. In Table C, it should be noted that certain uses are only allowed if they are accessory to an equestrian venue such as, but not limited to, apartments, bed and breakfast, condominiums, hotel and hotel condominium.

Sincerely,



Andrea M. Troutman, P.E.
President

cc: Kelly Ferraiolo
Patrick Barthelemy



Transportation Consultants



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March 17, 2017

Ms. Cory Lyn Cramer
Wellington
Planning, Zoning & Building Department
12300 W. Forest Hill Boulevard
Wellington, FL 33414

**Re: Rezoning for IPC / Isla Carrol - #PTC17-001H.1
17-016 (2017-012 REZ2)**

Dear Ms. Cramer:

Pinder Troutman Consulting, Inc. (PTC) has completed a partial review of the Rezoning application submitted to Wellington on March 14, 2017 for the above referenced project. We have reviewed the traffic statement dated March 13, 2017. We have the following comments:

1. The proposed project is projected to generate more than 100 peak hour trips. Per Article 12 of the Palm Beach County Unified Land Development Code, for projects generating more than 100 peak hour trips, the County shall have sole authority of the review of the traffic impact study to determine compliance with the Countywide Traffic Performance Standards. Therefore, a letter of compliance from Palm Beach County is required. **CERTIFICATION ISSUE.**
2. Per Article 9 of the Wellington Land Development Code, Sec. 9.4.4.B.5, a weekend peak hour analysis should be provided because of the project's weekend peak trip generation if required by the Wellington Engineer. **CERTIFICATION ISSUE.**
3. The number of dwelling units analyzed exceeds the units included in the comprehensive plan amendment analysis. **CERTIFICATION ISSUE.**
4. Is the general commercial use actually the spa use as presented in the comprehensive plan amendment traffic analysis? If so, then the trip generation rates used are not appropriate for a spa use. **CERTIFICATION ISSUE.**
5. Peak hour trips for the existing development do not follow proposed methodology. **CERTIFICATION ISSUE.**
6. General commercial PM peak hour trips are calculated incorrectly. **CERTIFICATION ISSUE.**
7. What is the justification for the internalization? Provide internalization matrices showing the methodology based on ITE or NCHRP internalization rates or other justification. **CERTIFICATION ISSUE.**
8. Peak hour inbound and outbound internal trips must balance. **CERTIFICATION ISSUE.**

Pinder Troutman Consulting, Inc.

Letter Cramer 17-001H.1 3-17-17

9. The Wellington Traffic Performance Standards do not include a radius of development influence. The Palm Beach County radius is based on the roadway network not a geometric radius. Additionally, please note, that the geometric radii shown on Exhibit 1 do not reflect the project location. **CERTIFICATION ISSUE.**
10. The service volumes on the following links are incorrect and should be changed as follows:
 - 120th Avenue – 640 vph
 - 50th Street – 640 vph
 - Greenbriar Boulevard – 800 vph
 - Ousley Farms - Pierson Rd - Greenbriar Blvd to 120th Avenue – 800 vph
 - South Shore Blvd – Pierson Rd to Lake Worth Rd – 840 vph
 - South Shore Blvd – Lake Worth Rd to 50th St – 640 vph**CERTIFICATION ISSUE.**
11. Use of a 30 year growth rate from a transportation model to project traffic for a 5 year buildout is inappropriate. Use the historic growth data as published by Palm Beach County which is based on actual count data. The growth trend analysis also only showed 4 links when data is available for several other links in the area. **CERTIFICATION ISSUE.**
12. No peak season factor is required for counts collected between January and March.
CERTIFICATION ISSUE.
13. A more recent count, 10/26/16, is available for the intersection of South Shore Boulevard and Lake Worth Road that should be used in the development of link and intersection volumes.
CERTIFICATION ISSUE.
14. Please explain the existing volume drop on the link of 120th Avenue between Pierson Road and Lake Worth Road that occurs in the PM peak hour but not in the AM peak hour.
CERTIFICATION ISSUE.
15. Please explain why the existing volume on Pierson Road from Greenbriar Blvd to South Shore Boulevard is less than half of the volumes published in the Wellington Traffic Counts and Analysis report. **CERTIFICATION ISSUE.**
16. The committed trips shown on Tables 3A and 3B do not match TPS database output sheets provide in Appendix D. **CERTIFICATION ISSUE.**
17. Include unbuilt portions of the Wellington Preserve, Wellington CountryPlace PUD and Winding Trails in background traffic where these projects have a significant impact. **CERTIFICATION ISSUE.**
18. The arterial analysis needs to be for a 2 mile segment. **CERTIFICATION ISSUE.**

19. No analyses were provided for the intersections on the directly accessed link of 120th Avenue as required. **CERTIFICATION ISSUE.**
20. Additional intersection analyses are required per Sections 9.3.2.A.1.a.3 and 9.3.2.A.1.a.4. **CERTIFICATION ISSUE.**
21. One link of South Shore Boulevard and one link of Stribling Way are shown as exceeding the adopted level of service standards; however, only an arterial analysis is provided for South Shore Boulevard with no improvements proposed or analysis provided for the Stribling Way deficient link. **CERTIFICATION ISSUE.**

A detailed review of the intersection and arterial analyses was not completed at this time due to the limited time frame for review and because changes will result based on the response to the above comments. Additional comments may be forthcoming pending completion of our review and the response to the above comments.

Sincerely,



Andrea M. Troutman, P.E.
President

ec: Kelly Ferraiolo
Patrick Barthelemy



Transportation Consultants



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March 3, 2017

Ms. Cory Lyn Cramer
Wellington
Planning, Zoning & Building Department
12300 W. Forest Hill Boulevard
Wellington, FL 33414

**Re: IPC and Isla Carroll Comprehensive Plan Map Amendment - #PTC17-001G.1 and G.2
17-015 (2017-011 CPA2) IPC and 17-017 (2017-013 CPA1) Isla Carroll**

Dear Ms. Cramer:

Pinder Troutman Consulting, Inc. (PTC) has completed our review of the Comprehensive Plan Amendment petition received by Wellington on February 17, 2017 for the above referenced project. We have reviewed the traffic statement dated February 17, 2017. We have the following comments:

1. Traffic counts collected at the PBIEC site were used to calculate the trip generation of the existing land use designation. Please provide the count data that was used.
CERTIFICATION ISSUE.
2. What is the adjustment factor shown in Appendix A and how was it calculated?
CERTIFICATION ISSUE.
3. Verify the acreage shown in Appendix A. The survey that was previously submitted shows 89.6 acres for PBIEC. **CERTIFICATION ISSUE.**
4. Use of the count data for the existing land use designation should be based on spectators not acreage. The counts were based on a site with 3,000 to 4,000 spectators and are being used for a 500 spectator site. A comparison based on acreage overestimates the trip generation of the existing land use designation for this less intense site. **CERTIFICATION ISSUE.**
5. General commercial trip generation rates are not appropriate for a spa use. **CERTIFICATION ISSUE.**
6. What is the clubhouse use? The intensity and trip generation rate are confusing.
CERTIFICATION ISSUE.
7. The Residential B land use should be 13 dwelling units. **CERTIFICATION ISSUE.**
8. What is the justification for the internalization? Provide internalization matrices showing the methodology based on ITE or NCHRP internalization rates or other justification.
CERTIFICATION ISSUE.

Ms. Cramer

Re: IPC and Isla Carroll CPA Map Changes – PTC17-001G.1 & G.2

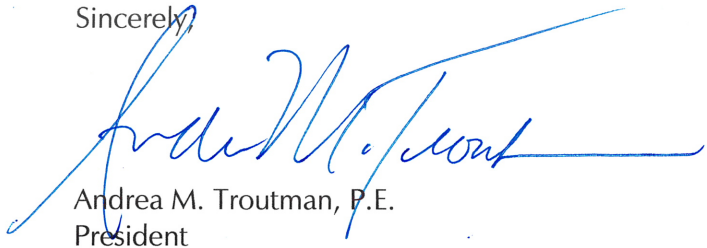
March 3, 2017

Page 2

9. Tables 2A and 2B list site access points to Lake Worth Road and Pierson Road, but they are not shown on distribution map. Please explain. **CERTIFICATION ISSUE.**
10. The 5 year analysis should be based on the trips from the proposed plan not the net trips. **CERTIFICATION ISSUE.**
11. Provide source of 2017 count data and committed development data shown on Tables 3A and 3B. **CERTIFICATION ISSUE.**
12. Several links shown on Exhibit 1 are not included in Tables 2A and 2B. **CERTIFICATION ISSUE.**
13. Other comprehensive plan amendments in the area must be included in background traffic. **CERTIFICATION ISSUE.**
14. Provide source of model information included in Appendix B. **CERTIFICATION ISSUE.**

Additional comments may be forthcoming pending response to the above comments.

Sincerely,



Andrea M. Troutman, P.E.
President

cc: Kelly Ferraiolo
Patrick Barthelemy

Reference 10 - Land Use Acreage Comparison

Future Land Use Designation	Acreage	% of Wellington
Residential A (1 du/10 ac)	4,298.70	19.38%
Residential B (0.1 du - 1.0 du/ac)	5,026.50	22.36%
Residential C (1.01 du - 3.0 du/ac)	4,232.59	19.07%
Residential D (3.01 du - 5.0 du/ac)	1,275.82	5.75%
Residential E (5.01 - 8.0 du/ac)	574.89	2.59%
Residential F (8.01 - 12.0 du/ac)	268.62	1.21%
Residential G (12.01 - 18.0 du/ac)	46.56	0.21%
Residential H (18.01 - 22.0 du/ac)	18.59	0.08%
Commercial Recreation	1,698.79	7.95%
Conservation	150.86	0.68%
Parks	205.39	0.93%
Community Commercial	186.69	0.84%
Neighborhood Commercial	17.58	0.08%
Office Commercial	46.72	0.21%
Medical Commercial	63.50	0.29%
LSMU/Regional Commerical	413.70	1.86%
Mixed Use	123.65	0.56%
Industrial	115.41	0.52%
Institutional/Public Facilities	562.96	2.54%
Roads	821.54	3.70%
Water	2,034.82	9.17%

Reference 11 – Section 6, Chapter 2 Zoning District Purposes

Sec. 6.2.1. - RSER, Rural Services District.

The purpose and intent of the RSER district is to provide for the clustering of service uses intended to serve predominantly rural residential communities. To receive the RSER district designation, lands shall lie within one-half mile of the intersection of two (2) existing arterials, excluding easement type roads in the Rural Service Area. The RSER district is consistent with the Residential "A" future land use designation in the Land Use Element of the Comprehensive Plan. Uses in the RSER district shall be as provided in Table 6.4-1, subject to the supplementary standards contained in the LDR.

Sec. 6.2.2. - AR, Agricultural Residential District.

The purpose and intent of the AR district is to protect and enhance the rural lifestyle and quality of life of residents in areas designated rural residential, to protect watersheds and water supplies, wilderness and scenic areas, conservation and wildlife areas, and to permit a variety of uses that require non-urban locations but do not operate to the detriment of adjoining lands devoted to rural and residential purposes. The AR district is consistent with the Residential "A" future land use designation in the Land Use Element of the Comprehensive Plan. Uses in the AR district shall be as provided in Table 6.4-1, subject to the supplementary standards contained in the LDR.

Sec. 6.2.3. - CRS, Country Residential District.

The purpose and intent of the CRS district is to provide for a primarily rural residential environment that is also conducive to the keeping of horses and livestock, to protect watersheds and water supplies, wilderness and scenic areas, and conservation and wildlife areas, and to permit a limited number of activities that require non-urban locations but do not operate to the detriment of adjoining lands devoted to rural and residential purposes. The CRS district is consistent with the Residential "A" future land use designation in the Land Use Element of the Comprehensive Plan. Uses in the CRS district shall be as provided in Table 6.4-1, subject to the supplementary standards in the LDR.

Sec. 6.2.4. - RE, Residential Estate District.

The purpose and intent of the RE district is to provide a transition between the agricultural and conservation areas and the more urban residential communities, and to create a residential environment wherein natural constraints applicable to development can be recognized and protected in a manner compatible with the needs of residents. The RE district is consistent with the Residential "B" future land use designation in the Land Use Element of the Comprehensive Plan. Uses in the RE district shall be as provided in Table 6.4-1, subject to the supplementary standards in the LDR.

Sec. 6.2.5. - RTS, Residential Transitional Suburban District.

The purpose and intent of the RTS district is to provide lands for low intensity single-family development at or near the fringe of urban development. The provision of active recreational facilities within the privacy of an individual lot and the preservation of natural site features is encouraged in the RTS district to minimize the impact of such development upon the community. The RTS district is consistent with the Residential "C" future land use designation in the Land Use Element of the Comprehensive Plan. Uses in the RTS district shall be as provided in Table 6.4-1, subject to the supplementary standards contained in the LDR.

Sec. 6.2.6. - RS, Single-Family Residential District.

The purpose and intent of the RS district is to recognize the need to provide areas for moderately high density single-family dwelling units. The RS district is consistent with the Residential "E" future land use designation in the Land Use Element of the Comprehensive Plan. Uses in a RS District shall be as provided in Table 6.4-1, subject to the supplementary standards contained in the LDR.

Sec. 6.2.7. - RM, Multifamily Residential (Medium Density) District.

The purpose and intent of the RM district is intended primarily for the development of multiple family dwelling units and affordable housing. The RM district is consistent with the Residential "F" and "G" future land uses designations in the Land Use Element of the Comprehensive Plan. Uses in the RM district shall be as provided in Table 6.4-1, subject to the supplementary standards contained in the LDR.

Sec. 6.2.8. - RH, Multifamily Residential (High Density) District.

The purpose and intent of the RH district is intended primarily for the development of concentrated residential densities and affordable housing. The RH district is consistent with the Residential "H" future land use designation in the Land Use Element of the Comprehensive Plan. Uses in the RH district shall be as provided in Table 6.4-1, subject to the supplementary standards contained in the LDR.

Sec. 6.2.9. - CN, Neighborhood Commercial District.

The purpose and intent of the CN district is to provide a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half (½) mile radius, located on a local, collector or an arterial road, with a total lot area of not less than one (1) acre. The CN district is consistent with the Neighborhood Commercial future land use designation in the Land Use Element of the Comprehensive Plan. Uses in the CN district shall be as provided in Table 6.4-1, subject to the supplementary standards contained in the LDR.

Sec. 6.2.10. - CC, Community Commercial District.

The purpose and intent of the CC district is to provide a commercial facility of a community nature that serves residential neighborhoods within a three (3) to five (5) mile radius, located on a collector or an arterial road, with a total lot area of not less than one (1) acre, that is planned and developed as an integral unit. The CC district is consistent with the Community Commercial future land use designation in the Land Use Element of the Comprehensive Plan. Uses in the CC district shall be as provided in Table 6.4-1, subject to the supplementary standards contained in the LDR.

Sec. 6.2.11. - CRE, Commercial Recreation District.

The purpose and intent of the CRE district is to provide lands for major commercial recreation uses that are either publicly or privately operated, that require large amounts of land and have major effects on adjacent uses. The CRE district is consistent with the Commercial Recreation land use designation in the Land Use Element of the Comprehensive Plan. Gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes shall be prohibited in CRE districts. Uses in the CC district shall be as provided in Table 6.4-1, subject to the supplementary standards contained in the LDR.

Sec. 6.2.12. - IL, Light Industrial District.

The purpose and intent of the IL district is to provide sufficient lands in appropriate locations for certain types of business, light manufacturing, or processing uses likely to cause undesirable effects upon nearby or adjacent residential or commercial lands. The IL district is consistent with the Industrial future land use designation in the Land Use Element of the Comprehensive Plan. Uses in the IL District shall be as provided in Table 6.4-1, subject to the supplementary standards contained in the LDR.

Sec. 6.2.13. - CF, Community Facilities District.

The purpose and intent of the CF district is to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of lands designated for institutional development. Notwithstanding those public uses permitted elsewhere in this Code, the CF district is primarily concerned with, although not limited to, the enlightened planning of parks and recreation areas, public buildings and facilities, and other capital improvements of a distinctly significant nature. The CF district is consistent with all land use categories and in particular the Institutional / Public Facilities / Utilities category of the

Land Use Element of the Comprehensive Plan. Uses in the CF district shall be as provided in Table 6.4-1, subject to the supplementary use standards contained in the LDR.

Sec. 6.2.14. - PUD, Residential Planned Unit Development District.

The purpose of the PUD district is to offer a residential development alternative, which allows an opportunity for a limited amount of commercial uses and corresponds to a range of residential land use categories on the Comprehensive Plan Land Use Atlas. The intent of the PUD is to promote the design of largely residential living environments, which provide enlightened and imaginative approaches to community planning and shelter design. These approaches include but are not limited to:

- A. The preservation of natural features and scenic areas;
- B. The integration and connection of land uses with perimeter landscape areas, which provide vegetation, buffering, and circulation areas;
- C. The creation of a continuous non-vehicular circulation system;
- D. The establishment of civic, commercial and recreation land uses;
- E. The reduction of land consumption by roads; and,
- F. The provision for flexible property development regulations to promote innovative and quality site design.

Sec. 6.2.15. - MUPD, Multiple Use Planned Development District.

The purpose of the MUPD district is twofold: (1) to promote the design of unified, multiple use developments for land which has a rural residential 10, commercial industrial, or commercial recreation designation on the Land Use Atlas (see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories); and (2) to provide for the efficient use of land by the integration of multiple uses within a single development.

The intent of the MUPD is to provide for the development of multiple nonresidential uses with enlightened and imaginative approaches to community planning, including but not limited to:

- A. **Flexibility.** Allowing flexibility of certain property development regulations.
- B. **Property development regulations.** Applying certain property development regulations to the entire MUPD rather than individual lots, such as but not limited to:
 - 1. access
 - 2. parking
 - 3. lot size and dimensions
 - 4. lot frontage
 - 5. landscaping
- C. **Architectural compatibility.** Designing for architectural compatibility between land uses for buildings and signage.

Sec. 6.2.16. - PIPD, Planned Industrial Park Development District.

The purpose of a PIPD is to offer an industrial development alternative which provides employment opportunities and encourages internal automobile trip capture by offering justifiable amounts of commercial and residential uses.

The intent of the PIPD is to promote the design of planned industrial developments, which provide enlightened and imaginative approaches to community planning and site design. These approaches include but are not limited:

- A. the preservation of natural features, scenic areas and native vegetation;

- B. the promotion of efficient and economical industrial land use districts;
- C. the encouragement of industrial linkages by process, product, or service;
- D. the provision of on-site essential services for industries, employees, and clients;
- E. the protection of nearby existing and future nonindustrial land uses and activities;
- F. the arrangement of buildings and land use intensities, as they relate to surrounding land uses to minimize and mitigate negative impacts;
- G. the location of the PIPD near convenient access to transportation facilities such as interstate highways, major trucking routes, shipping and/or railroad lines; and,
- H. the encouragement of industrial expansion to Village's economic base through new investment.

Sec. 6.2.17. - EOZD, Equestrian Overlay Zoning District.

The purpose and intent of the Equestrian Overlay Zoning District (EOZD) is to protect and enhance the Equestrian Preservation Areas of Wellington, as created by the Comprehensive Plan; to preserve, maintain and enhance the equestrian community associated with the Village of Wellington; to preserve, maintain and enhance the rural lifestyle associated with the equestrian community; to identify and encourage types of land uses that are supportive of the equestrian and rural character of the Equestrian Preservation Areas; and to preserve, maintain and enhance development patterns which are consistent with the overall character of the equestrian community. The EOD is consistent with all future land use designations in the Land Use Element in the Wellington Comprehensive Plan. Uses in the [EOZD] shall be as provided in the zoning regulations for that district, subject to the supplementary standards contained in the LDR.

(Ord. No. 2009-17, § 1, 1-12-2010)

Sec. 6.2.18. - PBLR, Palm Beach Little Ranches Overlay District.

The purpose and intent of the PBLR overlay district is to establish land development regulations that implement the community vision and values established in the Village charter and the "Equestrian Element" of the Village of Wellington's Comprehensive Plan; to preserve the rural character and lifestyle of the Palm Beach Little Ranches community, and to provide guidelines for the future; and to preserve and maintain the existing residential and equestrian development patterns in the neighborhood. The PBLR district is consistent with the Residential "B" future land use designation in the Land Use Element of the Wellington Comprehensive Plan. Uses in the PBLR district shall be as provided in the zoning regulations for that district, subject to the supplementary standards contained in the LDR.

(Ord. No. 2003-22; October 28, 2003; Sec. 6.2)

Reference 12 - Sec. 6.4.4. - Supplementary Use Standards

This section contains supplementary standards for specific uses. In the case of conflict with district or other regulations of this Code, the more restrictive requirement shall apply, unless otherwise specifically provided or clearly intended. Where a variance from these standards is required to allow the use on site, such as a minimum lot size requirement, or meet a minimum required standard such as parking, the variance shall be obtained before the use application is placed on the agenda for Development Review Committee. Where a variance from these standards is requested to facilitate a desired site design and is not required to allow the use, the variance may be obtained at any time prior to certification of the final site or subdivision plan.

6.4.4.1. **Accessory dwelling** means a second dwelling unit either in or added to an existing single-family dwelling, or in an accessory structure on the same lot as the principal single-family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping. An accessory dwelling use shall comply with the following supplementary use standards:

- a. Approval. Applicant shall obtain a special permit from the Zoning Division.
- b. Occupancy. Occupancy of accessory dwelling shall be limited to a household that includes at least one (1) member who is physically disabled or elderly, or who meets the low-income standards specified in affordable housing as defined in Article 3.
- c. Number of units. A maximum of one (1) dwelling may be permitted as an accessory use to a principal single-family dwelling unit. The accessory dwelling may be attached to the principal dwelling unit or may be freestanding.
- d. Floor area. The accessory dwelling shall not exceed eight hundred (800) square feet gross floor area, except when located on a lot that is at least one (1) acre in size, in which case the dwelling shall not exceed one thousand (1,000) square feet gross floor area. An administrative variance of up to ten (10) percent of the gross floor area of the accessory dwelling may be granted by the Planning and Zoning Director providing that all other zoning district and sub area regulations are met.
- e. Number of bedrooms. No accessory dwelling shall contain more than one (1) bedroom.
- f. Architecture. The accessory dwelling shall be constructed of materials substantially equivalent to either the principal dwelling unit or other permanent accessory structure on the lot, provided that such materials comply with all other applicable standards of the building code.
- g. Compatibility. The accessory dwelling shall be compatible in character and subordinate in size to the principal dwelling unit.
- h. Setbacks. The accessory dwelling shall comply with the minimum yard setbacks applicable to the principal single-family dwelling unit.
- i. No separate ownership. The accessory dwelling shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and shall not be subdivided or sold as a condominium.
- j. Renewal of special permit. The special permit shall be renewed annually in accordance with Section 5.5.5.I. of this Code.

6.4.4.4. **Agricultural sales and service** means an establishment primarily engaged in the sale or rental of farm tools and small implements, feed and grain, tack, animal care products, farm supplies and the like, excluding large implements, and including accessory food sales and machinery repair services. Agricultural sales and service uses shall comply with the following supplementary use standards:

- a. SA district. In the SA district, agricultural sales and service uses shall not be permitted on lands designated RR10 in the Future Land Use Element of the Comprehensive Plan.

- i. Storage. All storage areas for agricultural sales and service uses shall be enclosed or completely screened from view. Tractor trailers used for the transport of bona fide agricultural products used by the local agricultural community may be stored on the property. A maximum of five (5) tractor trailers may be stored outside if they are completely screened from view from streets and neighboring property.
- ii. Grocery sales. Up to five (5) percent or five hundred (500) square feet, whichever is less, of the merchandise sales area of an agricultural sales and service use may be devoted to retail grocery sales, provided that the grocery display space is limited to one (1) discrete area of the establishment. Shelves, floor area, counter space and overhead display areas shall be included in the calculation of the grocery sales area. There shall be no exterior signage and no external evidence of the availability of grocery products for sale.
- iii. Repair services. Service of small implements shall only be permitted in enclosed areas of an agricultural sales and service use that is completely screened from the roadway and adjacent lands. Repair activities shall occur only between the hours of 7:00 a.m. and 9:00 p.m.
- iv. Sale of large Implements. Sale of large farm implements shall be permitted at an agricultural sales and service use only for an establishment existing on February 1, 1990, and located on a State maintained road.

6.4.4.13. **Arena, auditorium or stadium** means an open, or partially or fully enclosed facility primarily used or intended for commercial spectator sports or entertainment. Typical uses include convention and exhibition halls, sports arenas, jai alai frontons, amphitheaters and race tracks. All arena, auditorium or stadium uses shall comply with the following supplementary use standards:

- a. Minimum lot area. The minimum lot area required for arena, auditorium or stadium uses shall be no less than five (5) acres.
- b. Frontage. The minimum required frontage on a public street for arena, auditorium or stadium uses at the primary point of access shall be a minimum of four hundred (400) feet in length.
- c. Access. All points of vehicular access for arena, auditorium or stadium uses shall be from an arterial road. The access points shall be located to minimize vehicular traffic to and through local streets in residential neighborhoods
- d. Fencing and screening. Safety fences up to a height of six (6) feet shall be required, if determined appropriate, to protect the general health, safety and welfare. Landscape screens of at least seventy-five (75) percent opacity shall also be required if it is determined they are necessary to ensure compatibility with surrounding uses and to protect neighboring land values. The operation is subject to compatibility requirements of Section 7.3. However, an alternative type four (4) landscape strip is required along property lines adjacent to a residential zoning district.

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 will 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.

6.4.4.27. Wireless Communications Towers and Antennas.

- a. Intent. The regulations and requirements of this section are intended to regulate the placement, construction and modification of wireless communications towers and related wireless communications facilities in order to protect the health safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless communications marketplace in the Village of Wellington; and
 - i. to minimize the total number of towers throughout the community;
 - ii. to encourage the location of towers in non-residential areas and compatible uses;
 - iii. to provide for the appropriate location and development of wireless communications antennas within the Village, to the extent possible, to minimize potential adverse impacts on the community;
 - iv. to minimize adverse visual impacts of wireless communications towers and related wireless communications facilities through careful design, siting, landscape screening, and innovative camouflaging techniques utilizing current and future technologies;
 - v. to promote and encourage shared use/co-location of towers and antenna support structures;
 - vi. to maintain and preserve the existing residential character of the Village of Wellington and its neighborhoods and to preserve property values therein;
 - vii. to promote the public safety and to avoid risk of damage to adjacent properties by ensuring that wireless communications towers and related wireless communications facilities are properly designed, constructed, modified, maintained and removed;
 - viii. to ensure that wireless communications towers and related wireless communications facilities are compatible with surrounding land uses;
 - ix. to ensure that wireless communications facilities comply with radio frequency emissions standards as promulgated by the Federal Communications Commission.
- b. Definitions. For the purposes of this Section the following definitions shall apply:

Accessory use means a permitted use that is customarily associated with the principle use and clearly incidental to the principle use and is subordinate in area, extent or purpose to and serves only the principle use.

Antenna means device for transmitting, receiving or transmitting and receiving signals.

Antenna support structure means any building or structure used or useable for one or more antennae. The term support structure does not include towers.

Co-location means the use of a single support structure and/or site by more than one wireless communications provider.

Conditional Use means those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, configuration, intensity and density of use, structures, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness of the use at a particular location pursuant to Articles 5 and 6 of the Village of Wellington Land Development Regulations.

Conditional Use A means those uses that are authorized as Class "A" conditional uses in Table 6.4-1, Use Regulations Schedule. Each proposed Class "A" conditional use shall be evaluated by the Development Review Committee, Planning, Zoning and Adjustment Board and Village Council for compliance with the applicable standards set forth in the Village of Wellington Land Development Regulations.

Equipment cabinet or shelter means a structure located near a wireless communications facility that contains electronics, back-up power generators and/or other on-site supporting equipment necessary for the operation of the facility.

FPL corridor means a dedicated Florida Power & Light Co. power transmission line easement or right-of-way no less than two hundred (200) feet wide in total.

Guyed tower means a wireless communications tower that is supported, in whole or in part, by guy wires and ground anchors.

Land use designation means as adopted on the Village's interim future Land Use map or future Land Use map when adopted. Future land use designation shall be controlling for the application of all regulations contained herein.

Microwave dish antenna means a disk-like antenna used to send or receive wireless communications signals between terminal locations.

Monopole tower means a wireless communications tower consisting of a single pole or spire supported by a permanent foundation, constructed without guy wires and ground anchors.

Panel antenna means an array of antennas designed to direct, transmit or receive radio signals from a particular direction.

Pico cell means a low-power cell whose coverage area extends three hundred (300) to five hundred (500) yards.

Provider, when used with reference to a system means a person or entity that provides service over a wireless communications facility, whether or not the provider owns the facility. A person that leases a portion of a wireless communications facility shall be treated as a provider to purposes of this ordinance.

Self-support/lattice tower means a structure requiring no guy wires for support.

Special Permit Use means those uses that are generally compatible with other uses permitted in a district, but that require individual review of their location, design, configuration and intensity and density of use, building and structures and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness of the use at a particular location. A Special Permit requires Development Review Committee approval as per Section 5.5 of the Village of Wellington Land Development Regulations.

Stealth or camouflaged tower or facility means any wireless communications tower or facility that is designed to incorporate into and be compatible with existing or proposed uses of the site. Examples of stealth facilities include, but are not limited to: architecturally

screened roof-mounted antennas, antennas integrated into architectural elements, and wireless communications towers designed to look like light poles, power poles, trees, flag poles, clocks, steeples or bell towers and of the same height and the same nature emulated.

Utility pole-mounted facility means a wireless communications antenna facility comprised of pico cell(s) attached to or upon an electric transmission or distribution pole, street light, traffic signal, or similar facility located within a public right-of-way or utility easement. The facility shall include any associated equipment shelters regardless of where they are located with respect to the mount.

Village means the Village of Wellington and any and all departments, agencies and divisions thereof.

Village Council means the duly elected Mayor and Council members of the Village of Wellington.

Village Manager means the Village Manager or the Village Manager's designee.

Whip antenna means an omnidirectional antenna used to transmit or receive radio signals.

Wireless communications facility means a facility that is used to provide one or more wireless communications services, including, without limitation, arrays, antennas and associated facilities used to transmit wireless communications signals. This term does not include over-the-air reception devices that deliver or receive broadcast signals, devices that provide direct-to-home satellite services ("DBS") or devices that provide multichannel multipoint distribution services ("MMDS") as defined and regulated by 47 C.F.R. § 1.4000, as amended.

Wireless communications services means the transmission of information by electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), or other communications signals, whether or not the transmission medium is owned by the provider itself. This term includes, but is not limited to wireless services, common carrier wireless exchange access services, and commercial mobile services as defined by 47 U.S.C. 332 (d), as amended.

Wireless communications tower means a guyed, monopole or self-support/lattice tower, or extension thereto, constructed as a freestanding structure, supporting one or more antennas used in the provision of wireless communications services.

- c. Applicability. The requirements of this ordinance apply to the extent provided herein to all new, existing, replacement, re-located or expanded and/or modified existing towers and wireless communications facilities, except where specifically indicated. The requirements of this ordinance apply throughout the Village. It is the express intent of the Village to impose all regulations of this ordinance to all land within the Village, whether publicly or privately held, including, without limitation, private property, Village property, state-owned rights-of-way and/or property, church property, utility property and school property.
 - i. Non-essential Services. Wireless communications towers and wireless communications facilities will be regulated and permitted pursuant to this ordinance and not regulated and permitted as essential services, public utilities or private utilities.
- d. Existing Wireless Communications Towers.
 - i. Except where otherwise noted, existing towers shall not be rendered non-conforming uses by this section. The Village encourages the use of these existing towers for purposes of co-locating additional antennas. Towers located or to be located at the following sites in the Village shall be treated as existing wireless communications towers and facilities:

- (a) the stealth flag pole wireless communications tower and facilities located or to be located on the Palm Bach Polo Club grounds on the non-residential site designated as Parcel #NR 30 on the Village of Wellington Interim Future Land Use map; and
 - (b) any and all towers erected and in use on or before March 1, 1997. These towers shall be considered conforming uses with respect to this ordinance and the Village shall allow co-location on these facilities subject to the requirements of Section (h)(3) so long as they are not expanded in height and utilize the most visually unobtrusive equipment that is technologically feasible.
- ii. The wireless communications tower located at the Village municipal complex (designated as Parcel #NR 4 on the Village of Wellington Interim Future Land Use map) is rendered a non-conforming use by this ordinance and shall be dismantled and removed from the site within 90 days after the effective date of this ordinance.
- iii. Owners of existing towers shall be required to comply with the procedures set forth in Section k ("Construction of New Towers") to replace or re-located an existing tower.
- iv. Owners of existing towers shall be required to comply with the procedures set forth in Section (k)(1)(b), and (c)(i-v), ("Construction of New Towers") to co-locate an antenna on an existing tower.
- v. Increases in height of an existing tower or conversion of an existing tower to a stealth camouflage or other design shall be treated as a new tower and subject to all requirements of this ordinance.
- vi. Owners of existing towers shall be required to comply with the requirements set forth in Section g(2) ("Annual Registration") and Section h ("General Requirements").
- e. Tower or Utility Pole-Mounted Wireless Communications Facilities.
 - i. Application Process.
 - (a) An application to locate or re-located a wireless communications facility must be in writing and shall, at a minimum, contain the following:
 - (i.) The information required in this ordinance and a fee as adopted by the Village Council;
 - (ii.) The inventory of existing sites required in Section h(4) of this ordinance;
 - (iii.) Copies of the licenses or franchises required to be filed with the Village pursuant to Section h(7);
 - (iv.) A scaled site plan clearly indicating the location, type and height of the proposed wireless communications facility, on-site land uses and zoning, elevation and stealth design drawings of the proposed wireless communications facility and tower or utility pole mount, topography, a current survey, landscape plans, and any other information deemed by the Village to be necessary to assess compliance with this ordinance;
 - (v.) A certification that the applicant will comply with all applicable federal, state or local laws including all the provisions of this ordinance; and
 - (vi.) A certification that the site described in the application is located on a tower (if applicable) and the owner/operator agrees to the co-location of its facility.
 - (b) An application for permit to locate or relocate a wireless communications facility that proposes to co-locate said facility on an already constructed tower or utility pole-mount and that satisfies the requirements set forth in Section e(1) of this ordinance, shall receive expedited treatment in the review process.

- (c) So as to further expedite the permitting process and to promote the efficient use of existing sites, the Village encourages the users of towers and other antenna support structures to submit a single application for approval of multiple users on a single existing site. Applications for approval at multiple user sites shall be given priority in the review process.

The fee to be submitted with a multiple user application shall be the fee described in e(1)(a)(i) multiplied by the number of users listed in such application.

- ii. Standards for Utility Pole-Mounted Facilities.

- (a) Utility pole-mounted wireless communications pico cell facilities shall only be permitted in public rights-of-way that are at least one hundred (100) feet in width. To the greatest practical extent, utility pole-mounted wireless communications facilities shall be sited where they are concealed from public view by other objects such as trees or buildings.
- (b) When it is necessary to site the facility in public view, to the greatest practical extent it shall be designed to limit visual impact on surrounding land uses.
- (c) The height of a utility pole-mounted facility shall not exceed two (2) feet above the pole structure.
- (d) Equipment shelters associated with utility pole-mounted wireless communications facilities which are located within the public right-of-way shall be of a scale and design that make them no more visually obtrusive than other types of utility equipment boxes normally located within the right-of-way and shall be located in a manner and location approved by the Village Engineer. To the greatest practical extent, equipment shelters associated with utility pole-mounted facilities which are located outside of the public right-of-way shall be concealed from public view or shall be architecturally designed or buffered to be compatible from surrounding land uses, except that such shelters located in residential zoned areas must be screened from the view of residents and pedestrians.
- (e) Equipment shelters associated with utility pole-mounted wireless communications facilities which are located outside the public right-of-way shall meet the setback requirements for accessory structures for the zoning districts in which the equipment shelters are located.
- (f) Generators associated with equipment shelters must meet with the requirements of the Village's noise ordinance.

- f. Wireless Communications Facilities on Buildings and Rooftops.

- i. Application Process.

- (a) An application to locate or relocate a wireless communications facility must be in writing and shall, at a minimum, contain the following:
 - (i.) The information required in this ordinance and a fee as adopted by Village Council;
 - (ii.) The inventory of existing sites required in Section h(4) of this ordinance;
 - (iii.) Copies of the licenses or franchises required to be filed with the Village pursuant to Section h(7).
 - (iv.) A scaled site plan clearly indicating the location, type and height of the proposed wireless communications facility, on-site land uses and zoning, elevation and stealth design drawings of the proposed wireless communications facility and the rooftop and building, topography, a current

survey, landscape plans, and any other information deemed by the Village to be necessary to assess compliance with this ordinance;

- (v.) A certification that the applicant will comply with all applicable federal, state or local laws including all the provisions of this ordinance; and
 - (b) An application for permit to locate or relocate an wireless communications facility that proposes to co-locate said facility on a rooftop or building and that satisfies the requirements set forth in Section f(1) of this ordinance, shall receive expedited treatment in the review process.
 - (c) So as to further expedite the permitting process and to promote the efficient use of existing sites, the Village encourages the users of antenna support structures on rooftops and buildings to submit a single application for approval of multiple users on a single existing site. Applications for approval at multiple user sites shall be given priority in the review process. The fee to be submitted with a multiple user application shall be the fee described in f(1)(a)(i) multiplied by the number of users listed in such application.
- ii. Minimum Standards. All wireless communications facilities to be located on a building or rooftop shall be subject to the following minimum standards:
 - (a) Wireless communications facilities shall only be permitted on non-residential buildings that are at least two (2) stories or twenty-four (24) feet in height.
 - (b) If an equipment building associated with the wireless communications facility is located on the roof of the building, the equipment building shall not exceed ten (10) feet in height, four hundred (400) square feet in area nor occupy more than ten (10) percent of the roof area.
 - (c) Antennas and related equipment buildings shall be located or screened so that the wireless communications facility is not visible from adjacent properties. The Village must approve the stealth or camouflage design before a permit can be granted.
- iii. Antenna Dimensions.
 - (a) Omni-Directional (whip) antennas and their supports must not exceed twenty-five (25) feet in height and twelve (12) inches in diameter and must be constructed of a material or color which matches the exterior of the building.
 - (b) Directional or Panel antennas and their supports must not exceed eight (8) feet in height or two (2) feet in width and must be constructed of materials and coloration which achieves maximum compatibility and minimum visibility.
 - (c) Satellite and microwave dish antennas located in the Commercial, Commercial Recreation and the Institutional/Public Facilities/Utilities Land Use Plan Designations/Zoning Districts may not exceed two meters in diameter.
- g. Annual Registration Requirement for Wireless Communications Facilities and Wireless Communications Towers.
 - i. Wireless Communications Facilities.
 - (a) To enable the Village to keep accurate, up-to-date records of the location of wireless communications facilities within Village limits, on an annual basis, no later than February 1 of each year, the owner/operator shall submit documentation to the Village's Planning, Zoning & Building Department providing:
 - (i.) Certification in writing that the wireless communications facility conforms to the requirements, in effect at the time of construction of the facility, of the Standard Building Code and all other construction standards set forth by the Village's Code, federal and state law by filing, a sworn and certified

statement by an engineer to that effect. The wireless communications facility owner/operator may be required by the Village to submit more frequent certification should there be reason to believe that the structural and electrical integrity of the wireless communications facility is jeopardized. The Village reserves the right upon reasonable notice to the owner/operator of the wireless communications facility to conduct inspections for the purpose of determining whether the wireless communications facility complies with the Standard Building Code and all other construction standards provided by local, state or federal laws;

(ii.) The name, addresses and telephone number of any new owner, if there has been a change of ownership of the wireless communications facility.

(b) Annual payment of a registration fee as adopted by the Village Council for each wireless communications facility located within the Village shall be submitted to the Village's Planning, Zoning & Building Department at the time of submission of the documentation required above.

ii. Wireless Communications Towers.

(a) To enable the Village to keep accurate, up-to-date records of the placement of wireless communications towers and facilities within Village limits, on an annual basis, no later than February 1 of each year, the owner/operator of the tower shall submit documentation to the Village Planning, Zoning & Building Department providing:

(i.) Certification in writing that the tower is structurally sound and conforms to the requirements of the Standard Building Code and all other construction standards set forth by the Village's Code, federal and state law by filing, a sworn and certified statement by an engineer to that effect. The tower owner may be required by the Village to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is jeopardized;

(ii.) The number of providers located on the tower;

(iii.) The type and use of any antennae located on the tower;

(iv.) The name, address and telephone number of all antenna operators located on the tower and of any new owner of the tower, if there has been a change of ownership of the tower.

(b) An annual payment of a registration fee as adopted by the Village for all towers located within the Village shall be submitted to the Village's Planning, Zoning & Building Department at the time of submission of the documentation as required in subsections (a), (b), (c) and (d) above.

h. General Requirements. The following conditions apply to all wireless communications towers and wireless communications facilities in the Village.

i. Duration of Special Permits. The duration of a permit for a wireless communications tower or a wireless communications facility shall be established by the Village at the time that an application is approved. The length that a permit shall remain in effect shall not be less than one (1) year subject to compliance with this ordinance.

ii. Assignment and subleasing. No facility, site or permit may be sold, transferred or assigned without prior notification to the Village. No sublease shall be entered into by any provider until the sub lessee has obtained a permit for the subject facility or site. No potential provider shall be allowed to argue that a permit should be issued for an assigned or subleased facility or site on the basis of any expense incurred in related to the facility or site.

- iii. Exterior Finish and Stealth Requirement. Except where otherwise permitted by this ordinance or where superseded by the requirements of other Village, state, or federal regulatory agencies possessing jurisdiction over wireless communications towers, antennae and associated facilities, all wireless communications towers, antennae and facilities within the Village limits shall be stealth facilities camouflaged to blend into the surrounding environment using stealth technology in a design and manner pre-approved by the Village.
- iv. Inventory of Existing Sites. Each applicant for a wireless communications facility or tower site shall provide to the Village an inventory of its existing towers, wireless communications facilities or sites for wireless communications facilities or towers, that are either within the jurisdiction of the Village or within two miles of the Village limits, including specific information about the location, height, and design of each wireless communications facility or tower. Each applicant shall also provide the Village with a composite propagation study which illustrates graphically existing and proposed coverage in industry-accepted median received signal ranges.
- v. Aesthetics. Wireless communications towers and wireless communications facilities shall meet the following requirements:
 - (a) Signs. No commercial signs or advertising shall be allowed on a wireless communications tower or a wireless communications facility.
 - (b) Lighting. No signals, lights, or illumination shall be permitted on a wireless communications tower or a wireless communications facility, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least obtrusiveness to the surrounding community.
 - (c) Graffiti. Any graffiti or other unauthorized inscribed materials shall be removed promptly or otherwise covered in a manner substantially similar to, and consistent, with the original exterior finish. The Village may provide the tower owner and/or operator written notice to remove or cover the graffiti within a specific period of time or as required by other appropriate sections of the Village of Wellington Land Development Regulations as presently existing or as may be periodically amended. In the event the graffiti has not been removed or painted over by the owner and/or operator within the specified time period, the Village shall have the right to remove or paint over the graffiti or other inscribed materials. In the event the Village has to remove or paint over the graffiti, then the owner and/or operator of the tower or associated equipment building or structure on which the graffiti existed, shall be responsible for all costs incurred.
- vi. Federal, State or Local Requirements. All wireless communications towers and wireless communications facilities must meet or exceed the standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the state or federal government with the authority to regulate wireless communications towers and facilities. If such standards and regulations change, then the owners of the towers and wireless communications facilities subject to such standards and regulations must bring such towers and facilities into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to maintain or bring wireless communications towers and wireless communications facilities into compliance with such revised standards and regulations shall constitute a violation of this Code and shall be subject to enforcement through the Village's Code enforcement procedures. Penalties for violation include fines of up to five hundred dollars (\$500.00) per day per violation and removal of the tower of wireless communications facility at the owner's expense.

- vii. Licenses or Franchise. Owners of wireless communications towers and wireless communications facilities must certify that all licenses and/or franchises required by law for the construction and/or operation of a wireless communications system using a tower in the Village have been obtained and shall file a copy of all such licenses and/or franchises with the Village. An owner of a wireless communications tower or wireless communications facility must notify the Village in writing within 48 hours of any revocation or failure to renew any such license or franchise.
- viii. Discontinued Use. In the event the use of a wireless communications tower or wireless communications facility is discontinued, the owner and/or operator shall provide written notice to the Village of its intent to discontinue use and the date when the use shall be discontinued.
- ix. Abandoned Tower or Antenna. The Village may require removal of any abandoned or unused wireless communications tower or wireless communications facility by the tower owner within thirty (30) days after notice from the Village of abandonment. A wireless communications tower or wireless communications facility shall be considered abandoned if use has been discontinued for one hundred eighty (180) consecutive days.
 - (a) Removal by Village. Where a wireless communications tower or wireless communications facility is abandoned but not removed within the specified time frame, the Village may remove the facility or remove or demolish the tower and place a lien on the property following the procedures (but not the criteria) for a demolition of an unsafe building/structure of the Village's housing code.
 - (b) Towers utilized for other purposes. Where a tower is utilized for other purposes, including but not limited to light standards and power poles, shall not be considered abandoned.
 - (c) Restoration of area. Where a wireless communications tower or facility is removed by an owner, said owner shall restore the area to as good a condition as prior to the placement of the tower or facility, unless otherwise instructed by the Village.
 - (d) Surety or Letter of Credit for removal. Prior to the issuance of a building permit, surety or letter of credit shall be submitted by the property owner(s) or tower operator(s) to ensure the removal of abandoned wireless communications towers. The surety or letter of credit shall be utilized to cover the cost of removal and disposal of abandoned towers and shall consist of the following:
 - (i.) submission of an estimate from a certified structural engineer indicating the cost to remove and dispose of the tower; and
 - (ii.) either, a surety or a letter of credit, equivalent to one hundred (100) percent of the estimated cost to remove and dispose of the tower. The form of the surety or the letter of credit shall be subject to approval by the Director of the Planning, Zoning & Building Department and the Village Attorney
- x. FCC Emissions Standards. At all times, owners and/or operators of wireless communications towers and wireless communications facilities shall comply with the radio frequency emissions standards of the Federal Communications Commission, and provide an annual statement from an independent FCC and qualified engineer demonstrating compliance with these requirements. This statement shall be based at a minimum upon the following:
 - (a) Testing required. All existing and future wireless communications facilities shall be tested, not less frequently than annually, to determine if the radio frequency emissions from such facilities are in compliance with all applicable federal, state and local regulations. Facilities that are in existence on the effective date of the

ordinance shall be tested within three months after the effective date of the ordinance and annually thereafter as provided herein.

- (b) Regulations. All existing and future wireless communications service providers shall perform the testing required by this ordinance. Procedures shall include supplying necessary testing equipment, which has current certification from an independent testing laboratory, and shall include operating the equipment.
- (c) Revocation of permit. Any existing or future wireless communications facility which does not comply with all applicable federal, state and local regulations shall be removed at the owner's expense upon failure to bring the facility into compliance after thirty (30) days' written notice.
- (d) Costs. All testing and analysis of test results shall be at the cost of the wireless communications service provider conducting the test.

The Village reserves the right to conduct random radio frequency emissions inspections. The cost for such random inspections shall be paid from the wireless communications annual registration fees, unless an owner and/or operator is found to be in non-compliance with FCC RF emissions standards, whereupon the non-compliant owner and/or operator shall reimburse the Village in full for the cost of the inspection.

- xi. Maintenance. All wireless communications facilities, wireless communications towers and other antenna support structures shall at all times be kept and maintained in good condition, order, and repair, and, maintained in stealth condition if originally required. The same shall not menace or endanger the life or property of any person, and shall retain original characteristics. All maintenance or construction on a tower, wireless communications facility or antenna support structure shall be performed by licensed maintenance and construction personnel. The Village shall notify the wireless communications service provider in writing regarding any specific maintenance required under this section. The wireless communications service provider shall make all necessary repairs within thirty (30) days of such notification. Failure to effect noticed repairs within thirty (30) days may result in revocation of permit and/or removal of tower, wireless communications facilities and antenna support structures.
- xii. Review. The Village shall process all applications for wireless communications towers and wireless communications facilities in a timely manner and in accordance with established procedures. The reason for the denial of any application filed in accordance with this provision shall be set forth in writing.
- xiii. Appeals. Any person aggrieved by any decision of an administrative officer may take appeals to the Village's Planning, Zoning and Adjustment Board as an appeal of an administrative decision. A notice of appeal stating the grounds thereof shall be filed with the Village Planning, Zoning & Building Department.
- xiv. Revocation. A material breach of any terms and conditions of permit issued for a wireless communications tower or wireless communications facility under this section, or other material violations of this section, may result in the revocation, by the Village of the right to operate, utilize or maintain the particular tower or wireless communications facility within the Village following written notification of the violation to the owner or operator, and after failure to cure or otherwise correct said violation within thirty (30) days. A violation of this Code shall be subject to enforcement pursuant to the Village's code enforcement procedures. Penalties for violation include fines of up to five hundred dollars (\$500.00) per day per violation and removal of the tower of wireless communications facility at the owner's expense.
- xv. Emergency. Village reserves the right to enter upon and disconnect, dismantle or otherwise remove any wireless communications tower or wireless communications

facility should same become an immediate hazard to the safety of persons or property due to emergency circumstances, as determined by the Building Official or his designee, such as natural or manmade disasters or accidents, when the owner of any such facilities is not available to immediately remedy the hazard. The Village shall notify any said owner of any such action within twenty-four (24) hours. The owner and/or operator shall reimburse the Village for the costs incurred by the Village for action taken pursuant tot his section of the ordinance.

- xvi. Equipment on site. No mobile or immobile equipment or materials of any nature shall be stored or parked on the site of the wireless communications tower or wireless communications facility, unless used in direct support of a wireless communications tower or wireless communications facility or used for repairs to the wireless communications tower or wireless communications facility currently underway.
- xvii. Inspections. The Village reserves the right upon reasonable notice to the owner/operator of a wireless communications tower or other antenna support structure, including utility poles and rooftops, to conduct inspections for the purpose of determining whether the tower or other support structure and/or related equipment building complies with the Standard Building Code and all other construction standards provided by local, state or federal law and to conduct radiation measurements to determine whether all antenna and transmitting equipment are operating within FCC requirements.
- xviii. Security.
 - (a) If high voltage is necessary for the operation of the wireless communications tower or any accessory structures, "HIGH VOLTAGE - DANGER" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than twenty (20) feet apart, or on each fence frontage.
 - (b) "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than twenty (20) feet apart.
 - (c) The letters for the "HIGH VOLTAGE - DANGER" and "NO TRESPASSING" warning signs shall be at least six (6) inches in height. The two warning signs may be combined into one (1) sign. The warning signs shall be installed at least 4.5 feet above the finished grade of the fence.
- xix. Advances in Technology. All wireless communications service providers shall use and apply any readily available advances in technology that lessen the negative aesthetic effects of wireless communications facilities to the residential communities with the Village. Every five (5) years, the Village may review existing structures and compare visual impact with available technologies in the industry for the purpose of removal, relocation or alteration of these structures in keeping with the general intent of this ordinance. Such removal, relocation or alteration may be required by the Village pursuant to its zoning power and authority.
- i. Required Land Use Plan Designation Zoning. The Village hereby adopts a Wireless Communications Tower Zoning Map (designated as Table 6.4-5) which shall generally conform to the requirements in this section. In the event of a conflict between the Wireless Communications Tower Zoning Map and this Ordinance, the Ordinance shall control. The following applies to all towers, including re-located or expanded and/or altered existing towers, but not to existing towers:
 - i. Wireless communications towers less than two hundred (200) feet in height shall be a Special Permit Use in the Industrial (IL) Land Use Plan Designation/Zoning District and on publicly owned parcels greater than one hundred (100) acres in size (Waste Water Treatment Plant), or as a replacement for an existing tower at the Water Treatment Plant.

- ii. Wireless communications towers one hundred (100) feet in height or less located in the FPL power transmission corridors shall be a Special Permit Use. Towers greater than one hundred (100) feet in height within a FPL corridor shall require a Conditional Use A. No towers shall be permitted within the FPL corridor where such corridor abuts residential property of one (1) acres or less.
- iii. Wireless communications towers less than two hundred (200) feet in height in the Residential A Land Use Plan Designation/Agricultural Residential Zoning District shall require a Conditional Use A.
- iv. Wireless communications stealth towers sixty (60) feet or less in height in the Commercial, Commercial Recreation, Park and the Institutional/Public Facilities/Utilities Land Use Plan Designations/Zoning Districts shall be a Special Permit Use.
- v. Wireless communications towers sixty-one (61) to one hundred twenty (120) feet in height and non-stealth towers of any height in the Commercial, Commercial Recreation, Park and the Institutional/Public Facilities/Utilities Land Use Plan Designations/Zoning Districts on parcels ten (10) acres or greater shall require a Conditional Use A. Towers greater than sixty-one (61) feet tall shall not be allowed on parcels less than ten (10) acres in size.
- vi. Wireless communications towers shall not be a permitted use on School Sites Land Use Plan Designations/Zoning Districts.
- vii. Wireless communications towers shall not be a permitted use in the Residential Land Use Plan Designations/Zoning Districts except as otherwise noted herein.
- viii. Utility pole-mounted facilities shall be permitted as accessory uses in all Land Use Plan Designations/Zoning Districts and shall be a Special Permit Use.
- j. Village-Owned Property. On property owned by the Village, the Village shall authorize the application and use of Village property for the location of wireless communications towers and/or wireless communications facilities after the applicant executes a lease agreement acceptable to the Village. The Village shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth in this ordinance.
- k. Construction of New Towers.
 - i. Application Process.
 - (a) The use of existing structures as antenna mounts shall be preferred to the construction of new ground-mounted facilities. To be eligible to construct a new tower within the Village limits, the applicant must establish to the satisfaction of the Village that applicant is unable to provide the service sought by the applicant from available sites, including co-locations within the Village and in neighboring jurisdictions; and the applicant must demonstrate to the reasonable satisfaction of the Village that no other suitable existing tower or other support structure is available, including utility poles; and that no reasonable alternative technology exists that can accommodate the applicant's wireless communications facility due to one (1) or more of the following factors:
 - (i.) The structure provides insufficient height to allow the applicant's facility to function reasonably in parity with similar facilities;
 - (ii.) The structure provides insufficient structural strength to support the applicant's antenna and related equipment;
 - (iii.) The structure provides insufficient space to allow the applicant's antenna to function effectively and reasonably in parity with similar equipment;

- (iv.) Use of the structure would result in electromagnetic interference that cannot reasonably be corrected;
 - (v.) The structure is unavailable for lease under a reasonable leasing agreement.
 - (vi.) Use of the structure would create a greater visual impact on surrounding land uses than the proposed alternative or otherwise would be less in keeping with the goals, objectives, intent, preferences, purposes, criteria or standards of this ordinance and land development regulations;
 - (vii.) Other limiting factors.
- (b) The applicant must submit any technical information requested by the Village or its designated engineering consultant as part of the review and evaluation process.
- (c) An application to develop a tower must be in writing and contain at a minimum the following information:
- (i.) The information required by this ordinance, along with the fee established for a conditional use as specified by the Village of Wellington Land Development Regulations;
 - (ii.) The inventory of existing sites required in Section h(4) of this ordinance;
 - (iii.) Copies of the licenses or franchises required to be filed with the Village pursuant to Section h(7);
 - (iv.) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, elevation drawings of the proposed tower, topography, and any other information deemed by the Village to be necessary to assess compliance with this ordinance;
 - (v.) A certification that the applicant will comply with all applicable federal, state or local laws including all the provisions of this ordinance;
 - (vi.) The names, addresses and telephone numbers of all owners of other towers or other antenna support structures within an area equal to one hundred percent (100) of the search ring for the wireless communications facility proposed by the applicant;
 - (vii.) Written documentation in the form of an affidavit that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's wireless communications facilities on all existing towers or other antenna support structures located within an area equal to one hundred percent (100) of the search ring for the proposed site of the wireless communications facility;
 - (viii.) Written, technical evidence from an engineer that the proposed tower or wireless communications facilities cannot be installed or collocated on another tower or an antenna support structure located within the Village and must be located at the proposed site in order to meet the coverage requirements of the proposed wireless communications service, together with a composite propagation study which illustrates graphically existing and proposed coverage in industry-accepted median received signal ranges.
 - (ix.) A written statement from an engineer that the construction and placement of the tower will comply with FCC radiation standards for interference and safety and will produce no significant signal interference with public safety communications and the usual and customary transmission or reception of

radio, television, or other communications services enjoyed by adjacent residential and non-residential properties.

ii. Conditions of approval for wireless communications towers.

(a) Setbacks.

- (i.) Wireless communications towers less than two hundred (200) feet in height in the Light Industrial (IL) Land Use Plan Designation/Zoning District and on publicly owned parcels greater than one hundred (100) acres in size (Waste Water Treatment Plant) shall comply with the setbacks of the Zoning District.
 - (ii.) Wireless communications towers one hundred (100) feet in height or less located in the FPL power transmission corridors shall be separated no less than one hundred (100) feet from any residentially zoned property. Towers one hundred (100) feet in height or greater within a Florida Power & Light corridor shall be separated from residentially zoned parcels one foot horizontally for each one foot vertical.
 - (iii.) Wireless communications towers less than two hundred (200) feet in height in the Residential A Land Use Designation/Agricultural Residential Zoning District shall be setback two (2) feet horizontally for each one (1) foot vertical.
 - (iv.) Wireless communications towers sixty (60) feet or less in height in the Commercial, Commercial Recreation, Park and the Institutional/Public Facilities/Utilities Land use Designations/Zoning Districts shall be separated from any residentially zoned property by four hundred (400) feet or shall otherwise meet setback requirements of the zone.
 - (v.) Wireless communications towers sixty-one (61) feet in height or greater in the Commercial, Commercial Recreation, Park and the Institutional/ Public Facilities/Utilities Land Use Designations/Zoning Districts shall be separated from any residentially zoned property by six hundred (600) feet or shall otherwise meet the setback requirements of the zone.
 - (vi.) Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.
 - (vii.) Separation requirements for wireless communications towers shall be measured from the base of the tower to the property line of any surrounding residential property.
- (b) Structural requirements. All tower designs must be certified by an engineer specializing in tower structures and licensed to practice in the State of Florida. The certification must state the tower design is structurally sound and, at a minimum, in conformance with the Village's Building Code, the Standard Building Code, and any other standards outlined in this Ordinance, as amended from time to time.
- (c) Height. Measurement of tower height for the purpose of determining compliance with all requirements of this article shall include the tower structure itself, the base pad and any other wireless communications facilities attached thereto. However, any lightening rod located at the top of a tower is excluded from such height measurement. Tower height shall be measured from grade as defined in this chapter. This section shall not apply if the facility is incorporated into a steeple, bell tower, or similar architectural feature of a church, school or institution, subject to height limitations of the County Airport Zoning Regulations. The height requirements may not apply if the applicant can show to the satisfaction of the Village that the applicant is required by Federal

Communications Commission rules to operate the antenna at a specific height. The maximum height shall be as follows:

- (i.) Two hundred (200) feet in height in the Light Industrial (IL) Land Use Plan Designation/Zoning District and on publicly owned parcels greater than one hundred (100) acres in size (Waste Water Treatment Plant) or as a replacement tower at the Water Treatment Plant.
 - (ii.) 120 feet in height in the FPL power transmission corridors.
 - (iii.) 200 feet in height in the Residential A Land Use Plan Designation/ Agricultural Residential Zoning District.
 - (iv.) One hundred twenty (120) feet in height in the Commercial, Commercial Recreation and the Institutional/Public Facilities/Utilities Land Use Plan Designations/ Zoning Districts (except as otherwise noted).
 - (v.) Towers shall not be a permitted use in residential zoning districts.
- (d) Requirements for separation between towers.
- (i.) Except for roof-mounted facilities, the minimum tower separation distance shall be calculated and applied irrespective of Village and county jurisdictional boundaries.
 - (ii.) Measurement of tower separation distances for the purpose of compliance with this article shall be measured from the base of a tower to the base of the existing or approved tower.
 - (iii.) Proposed towers must meet the following minimum separation requirements from existing towers or towers previously approved but not yet constructed at the time a development permit is granted pursuant to this article:

MINIMUM TOWER SEPARATION DISTANCE (No separation on IL zoned sites)

Height of Existing Tower	Height of Proposed Tower	Minimum Separation
Less than 50'	Less than 50'	100'
	50'-100'	200'
	101'-150'	400'
	151'-200'	800'
50'-100'	Less than 50'	100'
	50'-100'	400'
	101'-150'	600'

	151'-200'	800'
101'-150'	Less than 50'	100'
	50'-100'	400'
	101'-150'	600'
	151'-200'	800'
151'-200'	Less than 50'	100'
	50'-100'	600'
	101'-150'	800'
	151'-200'	1000'

* For the purpose of this subsection, the separation distances shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower.

(e) Co-Location.

- (i.) Any owner of a wireless communications tower shall permit other wireless communications providers to install or co-located antennae or facilities on such towers, if available space and structural capacity exists; said co-location shall be subject to mutually agreeable terms and conditions negotiated between the parties. Co-location requirements shall not apply to towers erected within the FPL corridor as Stealth Towers designed to look like power transmission poles or tower structures. All new towers shall be constructed with excess capacity for co-location as follows:

Height (in feet)	Number of users to support
Less than 80	One user
80 to 120	Two users
120 or greater	Three users

(ii.) Standards for Shared Use/Co-Location. This section is designed to foster shared use of wireless communications towers and their accessory support facilities.

- Co-Location. All wireless communications towers, except where otherwise provided herein, shall be constructed to accommodate a minimum of two (2) providers.
- Site area. The site or leased footprint shall contain sufficient square footage to accommodate the equipment/mechanical facilities for all proposed providers based upon the structural capacity of the tower.
- Setbacks. If it is determined that the proposed tower cannot meet setback requirements due to increases in tower height to accommodate the collection of at least one additional service provider, minimum setback requirements may be reduced by a maximum of fifteen (15) feet, except from residential property lines.
- Review procedures. Prior to submittal of an application for approval of a proposed tower for Conditional Use, development order amendment, original DRC, or building permit review, all applicants for wireless communications towers shall comply with the procedures indicated below. An application for the appropriate review process must be submitted within one (1) year of the notice mailing date required by section e(ii)(3)(b).
 - List. The Village Planning, Zoning & Building Department may add known wireless communications tower users to this list. This list shall remain valid for one calendar year.
 - Notification. All wireless communications tower applicants shall provide notice by certified mail to all users on the list. The following information shall be included in the notice: description of the proposed tower; general location; longitude and latitude; general rate structure for leasing space, which shall be based on reasonable local charges; proposed height; a phone number to locate the applicant or agent for the wireless communications tower; and a shared use application form.
 - A copy of the notice shall be mailed to the Village Planning, Zoning & Building Department. The notices shall invite potential wireless communications tower users to apply for space on the proposed tower.
 - Shared Use Application. Potential wireless communications tower users shall respond to the notice within twenty (20) days of receipt of certified mailing. Response shall be submitted utilizing a shared use of application form. A completed shared use application form shall be sent to the owner of the proposed wireless communications tower or authorized agent. The tower applicant shall not be responsible for a lack of response or responses received after the twenty-day period. The Village Planning, Zoning & Building Department shall provide the shared use application form.
 - Feasibility. The feasibility of each shared use request shall be evaluated by the applicant. The evaluation shall document the feasibility of shared use between the proposed wireless communications tower owner and a potential lessee or sharer. Factors to be considered when evaluating the feasibility of shared

use include but are not limited to: structural capacity, radio frequency (RF) interference, geographic service area requirements, mechanical or electrical incompatibilities, inability or ability to locate equipment on approved and unbuilt wireless communications towers, cost (if fees and costs for sharing would exceed the cost of the new communication tower amortized over a twenty-five-year period), FCC limitations that would preclude shared use, and other applicable code requirements.

- Rejection or dispute. If the applicant rejects one or more request(s) for shared use and if potential tower lessees dispute the rejection(s) for shared use, the following procedure shall occur within ten (10) working days after the shared use response deadline.
 - Submittal. Applicant shall submit two (2) copies of the following to the Village Planning, Zoning & Building Department: a brief evaluation of each rejected response; all design data for the proposed wireless communications tower; and, an explanation indicating the structural improvements necessary to facilitate the requests that are rejected due to structural limitations, paid for by the tower space lessee.
 - Consultant. The Village Planning, Zoning & Building Department shall forward copies of all applications for share use and the applicant's evaluation of each rejected request to a communications consultant. The consultant shall be selected by and retained at the discretion of the Village and paid by the applicant who is refusing to allow co-location from an interested service provider.
 - Evaluation. Within ten (10) working days of receiving the shared use responses that were rejected by the applicant and disputed by the potential tower space issues, the consultant shall review and prepare an evaluation. Two (2) copies of the consultant's evaluations shall be sent to the Village. One (1) copy of the evaluation shall be made an official part of the wireless communications tower application and one copy of the evaluation shall be forwarded to the applicant by the Village Planning, Zoning & Building Department. The consultant's report shall be advisory, and made part of the staff report, and considered in reviewing the wireless communications tower application.
 - Acceptance with no dispute. If the applicant did not reject any requests for shared use or if rejected requests for tower space are not disputed by any potential tower lessee(s), consultant review is not necessary.
- (f) Landscaping: minimum requirements. Wireless communications facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from surrounding property. The standard buffer shall consist of a landscaped strip at least ten (10) feet wide outside the perimeter of the compound. Existing mature growth, not including exotics, and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer. All areas disturbed during project construction

shall be replanted with vegetation. The owner of the tower is responsible for all landscaping obligations and costs.

(g) Tower design and type.

- (i.) All wireless communications towers shall be of the monopole or stealth type. Self-supporting or guyed lattice towers shall only be permitted as replacement of like facilities.
- (ii.) Utility pole-mounted facilities or extensions on utility poles to accommodate the mounting of wireless communications antennas shall be of the monopole type.
- (iii.) Antennas shall be of the uni-cell variety whenever feasible or mounted internal to the tower structure.
- (iv.) Stealth or camouflaged design shall be required in all Commercial, Commercial Recreation, Institutional/Public Facilities/Utilities Land Use Designations or zoned areas.

(h) The development of a tower upon any parcel of land within the Village shall be subject to the following additional restrictions.

- (i.) All new monopole towers of eighty (80) feet in height shall be designed and built to accommodate at least two (2) wireless communications providers.
- (ii.) All existing lattice towers that are replaced or modified shall be designed and built to accommodate at least three wireless communications providers.

(i) Visual impact standards. To assess the compatibility with and impact of a proposed wireless communications tower site on adjacent properties, an applicant seeking to construct a wireless communications tower may be required to submit a visual impact analysis. The requirements of this subsection shall be required for any application to construct a tower greater than sixty (60) feet in height. The applicant may request a review of a proposed wireless communications tower location, prior to submission of an application to determine whether or not a visual impact analysis will be required. The applicant shall be advised of the requirement to submit a visual impact analysis by the Planning & Zoning Director within ten (10) working days following the application submission deadline date.

(i.) A visual impact analysis may be required under the following circumstances for all sites requiring a Conditional Use A approval.

(ii.) The applicant shall utilize digital imaging technology to prepare the analysis in a manner acceptable to the Village and provide the following information:

- The location of the proposed wireless communications tower illustrated upon an aerial photograph at a scale of not more than one inch equals three hundred (300) feet (1" = 300'). All adjacent zoning districts within a three thousand-foot radius from all property lines of the proposed wireless communications tower site shall be indicated.
- A line of site analysis which shall include the following information:
 - certification that the proposed wireless communications tower meets or exceeds standards contained in the subsection;
 - identification of all significant existing natural and manmade features adjacent to proposed wireless communications tower site and identification of features which may provide buffering and screening for adjacent properties and public rights-of-way;

- identification of at least three (3) specific points within a two thousand-foot radius of the proposed wireless communications tower location, subject to approval by the Planning & Zoning Director, for conducting the visual impact analysis;
 - copies of all calculation and a description of the methodology used in selecting the points of view and collection of data submitted in the analysis;
 - graphic illustration of the visual impact of the proposed wireless communications tower, at a scale that does not exceed five (5) degrees of horizontal distance, presented from the specific identified points;
 - identification of all screening and buffering materials under the permanent control of the applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the visual impact analysis);
 - identification of all screening and buffering materials that are not under the permanent control of the applicant but are considered of a permanent nature due to ownership or use patterns, such as a public park, vegetation preserve, required development buffer, etc.;
 - screening and buffering materials considered in the visual impact analysis shall not be removed by future development on this site;
 - screening and buffering materials considered in the visual impact analysis shall be replaced if they die;
 - prohibited plant species, pursuant to Section 7.3 of the Land Development Regulations, shall not be considered in the visual impact analysis;
 - any additional information that may be required by the Planning & Zoning Director to fully review and evaluate the potential impact of the proposed wireless communications tower.
- (j) Calculation Of Time. Unless otherwise indicated, when the performance or doing of any act, duty, matter, or payment is required under this Ordinance or any franchise, and a period of time or duration for the fulfillment of doing thereof is prescribed and is fixed herein, the time shall be computed so as to exclude the first and include the last day of the prescribed or fixed period of duration time.
- (k) No Recourse Against The Village. Every permit shall provide that, without limiting such immunities as the Village or other persons may have under applicable law, a permittee shall have not monetary recourse whatsoever against the Village or its officials, boards, commissions, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this Ordinance or because of the enforcement of this Ordinance or the Village's exercise of its authority pursuant to this Ordinance, a permit, or other applicable law, unless the same shall be caused by criminal acts or by willful or gross negligence. Nothing contained herein shall be construed as a waiver of sovereign immunity in accordance with Florida Statute 768.28.

DEVELOPMENT REGULATIONS FOR TELECOMMUNICATIONS TOWERS

Land Use Plan Category	Zoning	Setback Or Separation	Separation Tower to Tower	Maximum Height	Stealth Or Camouflaged
Industrial and Public Parcels 100 acres +	200' <Special Permit	Comply with Zoning District setbacks	None	200'	No
FPL Corridors >200' wide which do not abut residentially zoned property with 1 acre lots or smaller	100' <Special Permit 100'> Conditional Use A	100' or >100', one foot horizontally for each one vertical foot	600' maximum	120'	Yes
Residential A	Conditional Use A	2' horizontal, 1' vertical	1,000' maximum	200'	No
Commercial/ Commercial Recreation/ Park/ Institutional/ Public Facilities/ Utilities >10 acres	60'< Special Permit Use 61'> Conditional Use A	60'<, 400' from residential 61'>, 600 from residential, or meet setback of the zone	600' maximum	120'	Yes
Non-residential rooftop	Special Permit	Setbacks of the District	N/A	25'	Yes
Residential B - H	Not allowed	N/A	N/A	N/A	N/A
Utility Pole Mounted	Permitted as a Special Permit Use	N/A	N/A	Height of Pole	Yes

6.4.4.34. **Day care center, limited or general.** Day care center, general, means an establishment, licensed by the Department of Health, which provides daytime or nighttime care, protection for 21 or more children or adults for a period of less than 24 hours per day on a regular basis.

- a. Day care center, limited, means an establishment, licensed by the Department of Health, which provides daytime care, protection and supervision for six to 20 children or three to 20 adults for a period of less, than 13, hours per day on a regular basis. Limited day care centers do not provide nighttime care.
- b. Industrial land use category or land use zone. Child day care centers located in a development with a designation on the Comprehensive Plan of Industrial or within a Planned Development industrial land use zone shall be designed principally to serve employees on the same site or a contiguous site. No other types of day care center facilities shall be permitted in an industrial land use category or in a Planned Development industrial land use zone.
- c. Minimum lot area. The minimum lot area shall be at least 6,000 square feet or the minimum required by the district in which the day care center is located, whichever is greater.
- d. Minimum floor area.
 - i. Child day care centers. For a child day care center of 40 children or less, the minimum usable floor area, exclusive of any area devoted to the kitchen, office, storage and toilet facilities, shall be 1,500 square feet. An additional 35 square feet of floor area shall be provided for each child in a child day care center that is proposed to accommodate more than 40 children.
 - ii. Adult day care centers. For an adult day care center of 20 persons or less, the minimum usable floor area, exclusive of any space devoted to the kitchen, office, storage, and toilet facilities shall be 1,500 square feet or more. An additional 75 square feet of floor area, or the amount required by the PBCPHU, shall be provided for each person in an adult day care center that is proposed to accommodate more than 20 persons.
- e. Outdoor activity areas.
 - i. General.
 - (a) Location. An outdoor activity area shall be provided on the same lot as the day care center. It shall not be located in the required front yard or adjacent to any outdoor storage area of any existing adjacent use.
 - (b) Shade trees. A minimum of one, 12 feet tall native canopy tree shall be provided or preserved per 750 square feet of outdoor activity area provided. All trees required by this condition shall be within the interior of the outdoor activity area.
 - (c) Fencing. A six feet high fence or wall shall surround the outdoor activity area. Where the provisions of this subsection conflict with Section 6.6.A.2 (Fences, walls, hedges and utility poles), the provisions of this subsection shall prevail.
 - (d) Perimeter landscaping. Landscaping along the perimeter of the outdoor activity area shall include 14 feet tall native canopy trees placed 20 feet on center, and 24 inch high hedge or shrub material placed 24 inches on center. This required landscaping material shall be located on the exterior side of the fence.
 - ii. Child day care centers.
 - (a) Outdoor Activity Area.
 - 1. Children—Older than two years of age. A minimum of 1,500 square feet of outdoor activity area or 75 square feet of outdoor activity area for each child (based on licensed capacity), whichever produces the larger area, shall be provided except as provided in Section 34.e.iii. The outdoor activity area shall include a shaded area. The Palm Beach County Child Care Facilities Board may approve a reduction in the size of this area where the operator

utilizes split shifts for its use. Under no circumstances shall the outdoor activity area be reduced to less than the area required to accommodate one-third (1/3) of the area required under this general standard.

2. Infants—Two years of age and younger. Where a child day care center is limited solely to the care of infants (two years of age and younger), the outdoor activity area provided shall be a minimum of 45 square feet per child. The Palm Beach County Child Care Facilities Board may approve a reduction in the size of this area where the operator utilizes split shifts for its use. Under no circumstances shall the outdoor activity area be reduced to less than would be required to accommodate one-half (1/2) of the area required under this general standard.
 3. Location of outdoor play equipment. Stationary outdoor play equipment with a permanent foundation shall be located 25 feet from any residentially zoned or used property line, and 10 feet from any other property line. If applicable, the location of stationary play equipment shall be depicted on the site plan. Outdoor play equipment shall not be located in any required landscape area or easements.
- iii. Adult day care center. There shall be provided a minimum of 1,000 square feet of outdoor activity area or 30 square feet of outdoor activity area per person for an adult day care center, whichever produces the larger area. The Council may approve a waiver of the minimum outdoor activity area requirement as a part of a conditional use approval based upon applicant's demonstration of need and the recommendations of the DRC and PZAB.
- f. Loading and access.
- i. Drop-off stalls. Loading and access shall be developed pursuant to Section 7.2. A sufficient number of drop-off stalls located out of the main travel way shall be provided. Drop-off stalls shall be a minimum 12 feet wide by 20 feet in length.
 - ii. Sidewalk access. A four feet wide walkway adjacent to the drop-off spaces and connecting to the day care entrance shall be provided.

6.4.4.47. **Fitness center** means an enclosed building or structure generally containing multi-use facilities for conducting, including but not limited to, the following recreational activities: aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash. A fitness center may also include the following customary accessory activities as long as they are intended for the use of the members of the center and not for the general public: babysitting service, bathhouse, food service, and the serving of alcoholic beverages consumed on the premises. This use also includes dance studios and karate schools. Fitness center uses shall comply with the following supplementary use standards:

- a. CN district. In the CN district, a fitness center use shall not occupy more than one thousand five hundred (1,500) square feet of gross floor area, and shall not have outdoor activities.

6.4.4.55. **Groom's quarters** means on-site living quarters for persons responsible for grooming and caring for horses boarded at the stable. Groom's quarters may be permitted as an accessory use, subject to the following standards:

- a. Number of units. A maximum of one (1) groom's quarters not to exceed five hundred (500) square feet in area shall be permitted for each four (4) stalls.
- b. Facilities. Groom's quarters may contain individual cooking facilities and/or one (1) common dining facility.

6.4.4.60. **Home occupation** means a business, profession, occupation or trade conducted within a dwelling unit for gain or support by a resident of the dwelling unit pursuant to the limits of this Code. A home occupation shall be subject to the following supplementary use standards:

- a. Incidental nature. The home occupation shall be clearly incidental and secondary to the residential use of the building and shall be confined to no more than ten (10) percent of the total floor area of the dwelling.
- b. Location. A home occupation with the exception of outside instructional services, shall be conducted within the principal dwelling or off-site, and shall not be conducted within any accessory building or structure or within any open porch or carport that is attached to and part of the principal structure. Instructional services, which by their nature, must be conducted outside of the principal structure, such as swimming lessons, shall be located in a rear or side yard.
- c. No change to character of dwelling. The home occupation shall not change the essential residential character of the dwelling in terms of exterior appearance and interior space.
- d. Employees. A home occupation use shall be conducted by a member of the immediate family residing in the dwelling unit. A maximum of one (1) person who is not a member of the immediate family may assist in the operation of the home occupation. In addition, only one (1) person outside of the home may be employed by the service provided by the home occupation.
- e. Occupational license. A home occupation shall be operated pursuant to a valid occupational license for the use held by the resident of the dwelling.
- f. No advertising. No external evidence or sign shall advertise, display, or otherwise indicate the presence of the home occupation, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio or newspapers. Advertising on vehicles shall be limited to the minimum necessary to meet code requirements as mandated by PBC Contractors Certification Division Chapter 67-1876, or Fla. Stat. Section 489.
- g. No on-premise sales. A home occupation shall not involve the sale of any stock in trade, supplies, products or services on the premises, except for home instructional services.
- h. Instructional Services. Instructional services may be approved as home occupations, provided the services meet the following additional regulations.
 - i. Resident. The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one (1) instructor shall be permitted to provide instruction. The occupational license shall be issued to the instructor.
 - ii. Insurance. Proof of liability insurance in the amount of at least three hundred thousand (\$300,000.00) covering the instructional service shall be submitted to obtain the home occupation.
 - iii. Cars. No more than two (2) cars associated with the lessons shall be permitted to be parked at the instructor's home at a time.
 - iv. Location, inside. Home instruction, inside.
 - (a) Number of students. A maximum of three (3) students at a time shall be permitted to receive instruction during a lesson.
 - (b) Hours of operation. Instruction shall occur only between the hours of 9:00 a.m. and 8:00 p.m.
 - v. Location, outside. Home instruction, outside.

- (a) Lots less than 1.25 acres. On lots of less than one and one-quarter (1.25) acres only one student at a time shall be permitted to receive instruction during a lesson.
 - (b) Larger lots. On lots that are one and one quarter (1.25) acres or larger, up to three students at a time shall be permitted to receive instruction during a lesson.
 - (c) Hours of operation. Outside instruction shall occur only between the hours of 9:00 a.m. and 8:00 p.m.
 - (d) Screening. On lots of two and one-half (2.5) acres or less, the instruction area shall be screened from view from adjoining property lines with fencing or vegetation.
 - i. No outside storage. No equipment or materials used in the home occupation shall be stored or displayed outside of the dwelling including driveways.
 - j. Nuisances prohibited. No home occupation shall involve the use of any mechanical, electrical or other equipment, materials or items which produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building. There shall be no storage of hazardous or noxious materials on the site of the home occupation. There shall be no noise of an objectionable nature from the home occupation audible at adjoining property lines.
 - k. Violations or hazard. If any of the above requirements are violated, or if the use, or any part thereof, is determined by the Planning & Zoning Director to create a health or safety hazard, then the occupational license may be revoked.
 - l. Number. Only one home occupation shall be permitted on any lot.
- 6.4.4.67. **Livestock raising** means the breeding, raising and caring for animals that are used for products. Livestock shall include horses. In the Urban Services Area, livestock raising shall comply with the following supplementary use standards:
- a. Minimum lot size. The minimum lot size for livestock raising shall be five (5) acres.
 - b. Setbacks. All accessory uses such as troughs, feed mechanisms and storage shall be setback a minimum of one hundred (100) feet.
 - c. Palm Beach County Animal Care and Control Department. The Palm Beach County Animal Care and Control Department shall be notified as to the type of livestock and details of animal care to be provided.
 - d. Processing and Slaughtering. Processing and slaughtering shall be prohibited.
 - e. Loading. All loading and unloading of trucks shall be restricted to the site and shall not encroach on any setbacks.
 - f. Waste. A plan outlining a method of waste removal shall be submitted to and approved by the County Health Department.
 - g. Compatibility. The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRC approval. The Village Council may impose conditions to the approval including but not limited to: controlling objectionable odors; fencing; sound limitations; inspections; reporting or monitoring; preservation areas; mitigation; and/or limits of operation.
 - h. Preservation. The use shall conform with all preservation, and vegetation removal requirements of the Village of Wellington LDR for the underlying permitted use, and shall conform with the provisions of the Natural Resource Protection Regulations and Section 7.4 of this Code. A minimum setback (buffer) of one hundred (100) feet shall surround all designated wetland areas.

- i. Spraying. No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed. In the event that over spraying of pesticides, fungicides, fertilizers, herbicides or any other chemical is experienced, the petitioner shall provide an increased buffer to insure that no further over spraying will occur, or will cease to operate.
- j. Notification. Notification of the existence of the agricultural operation shall be submitted to the South Florida Water Management District.

6.4.4.77. **Nursery, retail** means the cultivation for wholesale or retail sale of horticultural specialties such as flowers, shrubs, sod, and trees, intended for ornamental or landscaping purposes. A retail nursery in the Urban Services Area shall comply with the following supplementary use standards:

- a. Location. The use shall be located on a street of collector or higher classification.
- b. Minimum lot size. The minimum lot size shall be one (1) acre.
- c. Setbacks. Setbacks shall be as follows:
 - i. Structures and accessory activities shall be setback a minimum of fifty (50) feet except for shade houses which shall comply with the setbacks enumerated in 6.4.4.101. (Shadehouse).
 - ii. Container plants shall be setback a minimum of fifteen (15) feet.
- d. Loading. All loading and unloading of trucks shall be restricted to the site and shall not encroach on any setbacks.
- e. Office. An office may be permitted as an accessory use provided it is not a mobile home.
- f. Minimum lot size. In the Urban Service Area, the minimum lot size shall be five (5) acres.
- g. Compatibility. The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRC approval. The Village Council may impose conditions to the approval including but not limited to: controlling objectionable odors; fencing; sound limitations; inspections; reporting or monitoring; preservation areas; mitigation; and/or limits of operation.
- h. Preservation. The use shall conform with all preservation, and vegetation removal requirements of the Village of Wellington LDR for the underlying permitted use, and shall conform with the provisions of the Natural Resource Protection Regulations and Section 7.4 of this Code. A minimum setback (buffer) of one hundred (100) feet shall surround all designated wetland areas.
- i. Spraying. No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed. In the event that over spraying of pesticides, fungicides, fertilizers, herbicides or any other chemical is experienced, the petitioner shall provide an increased buffer to insure that no further over spraying will occur, or will cease to operate.
- j. Notification. Notification of the existence of the agricultural operation shall be submitted to the South Florida Water Management District.

78. **Nursery, wholesale** means the cultivation for wholesale sale of horticultural specialties such as flowers, shrubs, sod, and trees, intended for ornamental or landscaping purposes. A wholesale greenhouse or nursery use shall comply with the following supplementary use standards:

- a. Limitations of sales. Sales from a wholesale greenhouse or nursery use are limited to exporters, distributors, landscape contractors, retailers, or other businesses.
- b. Conditions of operation. Operation of heavy machinery from 5:00 p.m. to 8:00 a.m. at a wholesale greenhouse or nursery use is prohibited.

- c. Parking and loading. All parking and loading associated with any nursery related use shall occur on nursery acreage, and not on access easements, or public or private rights-of-way, or through streets.
- d. AR district. In the AR district wholesale greenhouse or nursery use may be operated in conjunction with a residence. A wholesale greenhouse or nursery greater than ten (10) acres shall be required to receive a conditional use B approval.
- e. Vegetation removal permit. A wholesale nursery or greenhouse shall be required to submit a vegetation removal permit.
- f. Buffering requirements. Wholesale greenhouse or nursery over ten (10) acres adjacent to residential property shall be required to construct a compatibility buffer strip subject to Section 7.3 of the Landscape code.
- g. Water use permit. A wholesale greenhouse or nursery greater than ten (10) acres shall be required to receive a water use permit from the SFWMD.
- h. Urban Service Area. In addition to the above standards, a wholesale nursery shall comply with the following standards:
 - i. Minimum lot size. The minimum lot size shall be one (1) acre.
 - ii. Setbacks. Setbacks shall be as follows:
 - (a) Structures and accessory activities shall be setback a minimum of fifty (50) feet except for shadehouses which shall comply with the setbacks enumerated in 6.4.4.101.
 - (b) Container plants shall be setback a minimum of fifteen (15) feet.
 - iii. Buffering. A buffer shall be provided along all property lines that are not screened by plant material. The buffer shall consist of one (1) tree per thirty (30) linear foot plus hedges twenty-four (24) inches on center.
 - iv. Equipment. Use of heavy equipment shall be limited to daylight hours.
 - v. Loading. All loading and unloading of trucks shall be restricted to the site and shall not encroach on any setbacks.
 - vi. Office. An office may be permitted as an accessory use provided it is not a mobile home.
 - vii. Compatibility. The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRC approval. The Village Council may impose conditions to the approval including, but not limited to: controlling objectionable odors; fencing; sound limitations; inspections; reporting or monitoring; preservation areas; mitigation; and/or limits of operation.
 - viii. Preservation. The use shall conform with all preservation, and vegetation removal requirements of the Village of Wellington LDR for the underlying permitted use, and shall conform with the provisions of Natural Resource Protection Regulations and Section 7.4 of this Code. A minimum setback (buffer) of one hundred (100) feet shall surround all designated wetland areas.
 - ix. Spraying. No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed. In the event that over spraying of pesticides, fungicides, fertilizers, herbicides or any other chemical is experienced, the petitioner shall provide an increased buffer to insure that no further over spraying will occur, or will cease to operate.
 - x. Notification. Notification of the existence of the agricultural operation shall be submitted to the South Florida Water Management District.

6.4.4.82. **Park, passive** means a public or private outdoor recreational use relying on a natural or manmade resource base and developed with a low intensity of impact on the land. Typical uses include trail systems, wildlife management and demonstration areas for historical, cultural, scientific, educational or other purposes that relates to the natural qualities of the area, and support facilities for such activities. A passive park use shall be subject to the following supplementary use standards:

- a. Accessory use. Accessory water craft rental and use in a passive park shall be regulated by the Department of Parks and Recreation.

6.4.4.93. **Restaurant, general** means an establishment excluding drive-thru's, where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation consists of one or more of the following:

- a. Sit-down. A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which said items are consumed; or
- b. Cafeteria. A cafeteria or cafeteria-type operation where foods and beverages generally are served in non-disposable containers and consumed within the restaurant; or
- c. Shopping center. A restaurant, which may have characteristics of a fast food restaurant, having floor area exclusively within a shopping or office center, sharing common parking facilities with other businesses within the center, and having access to a common interior pedestrian access way.
- d. Alcohol. This use may include the on-premise sale, service and consumption of alcoholic beverages as an accessory and secondary use. A general restaurant use shall comply with the following supplementary use standards:
 - i. CN district. In the CN district, a general restaurant use shall not occupy more than one thousand five hundred (1,500) square feet of gross floor area. In addition, no such use shall provide other than take-out service unless the use is approved as a Class "A" Conditional use.
 - ii. IL district. In the IL district, a general restaurant use shall be permitted only as an accessory use, to a permitted principal industrial use.
 - iii. Outdoor dining areas. Outdoor dining areas shall comply with district setback requirements for structures, and shall be subject to Site Plan review pursuant to Section 5.6.

6.4.4.95. **Retail sales, general** means an establishment providing general retail sales or rental of goods, but excluding those uses specifically classified in another use type. Uses include typical retail stores such as but not limited to clothing stores, auto parts stores, book stores, business machine sales, food stores (excluding convenience stores), and marine supply sales (excluding boat sales). Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may rent and perform incidental repair to their products. For impact fee purposes, general retail will also include services such as entertainment, eating and drinking establishments, and personal services.

6.4.4.98. **School Siting.** Schools shall comply with the following supplementary use standards:

General (all schools).

The following additional conditions shall apply to the proposed sites of the specific school types when constructing new facilities:

- (1) For primary schools, the proposed site shall have direct access to at least a minor collector road. Outdoor recreational facilities and similar support facilities shall be located and buffered on the proposed site to minimize impacts on the adjacent properties.

- (2) For secondary schools, the proposed location shall have direct access to at least a major collector road. Stadiums, outdoor recreational facilities and similar support facilities shall be located and buffered on the proposed site to minimize impacts on adjacent properties.
 - (3) Bike paths/pedestrian access. Prior to approval of a building permit, a pedestrian access/bike path and cross-walk plan shall be submitted by the applicant showing access to the school site from surrounding neighborhoods. This system shall be integrated with existing or proposed pedestrian/bike path systems in the area, and shall be subject to the approval by the Village Engineer.
 - (4) Vehicular circulation. Vehicular circulation shall be designed to provide an independent traffic flow for school employees, visitors, and deliveries from the bus loading area and parent drop-off area, where applicable.
 - (5) Dumpsters. Dumpster and trash receptacles shall be located a minimum of one hundred (100) feet from residential property and screened from view with a six (6) foot solid wood fence and hedge combination unless part of a pre-existing commercial development.
 - (6) Fencing. A six (6) foot high security fence shall be installed around the entire perimeter of the outside activity area to limit access.
 - (7) Outside activity areas. Outside activity areas shall be located away from adjacent residential areas, whenever possible. Outside activity areas located adjacent to developed residential properties because of site design constraints shall provide a fifty (50) foot buffer. This landscape buffer shall be supplemented with a six (6) foot high hedge or hedge/berm combination and a double row of native canopy trees, spaced an equivalent of one (1) tree per twenty (20) linear feet of landscape buffer.
 - (8) Subject to site plan conditions, schools with one hundred (100) or fewer on-site students are a permitted use within commercially zoned districts and within commercial or industrial pods of Planned Development Districts (PDD). Schools with one hundred one (101) or more on-site students shall be considered a Conditional Use. All schools must demonstrate consistency with the existing site plan/conditions of approval if applicable.
 - (9) Existing public schools are considered conforming uses and shall not require conditional use approval to expand or modify their facilities.
99. **Security or caretaker quarters** means a residence, located on a site for occupancy by a caretaker or security guard. A security or caretaker quarter use shall comply with the following supplementary use standards:
- a. Approval. Applicant shall obtain a special permit from the Zoning Division.
 - b. Maximum number of quarters.
 - i. No more than one (1) security or caretaker quarters use shall be developed upon the same lot as a bona fide agricultural, commercial, industrial or institutional use.
 - ii. In the case of a conditional use, not more than one (1) security or caretaker quarters use shall be permitted within the area governed by the entire site plan.
 - c. Limitation on occupancy. The security or caretaker quarters use shall be for the exclusive use of and shall be occupied only by a guard, custodian, caretaker, owner, manager or employee of the owner of the principal use, and his family. Such person shall be actively engaged in providing security, custodial or managerial services upon the premises.
 - d. Not with temporary uses. Unless otherwise provided in this Code, a security or caretaker quarters use shall not be permitted in association with a temporary use.
 - e. Property development regulations. A security or caretaker quarters use shall not be established upon a substandard lot, nor shall the development of such quarters cause a site to violate this Code.

- f. Construction standards. Development of a security or caretaker quarters use shall meet the appropriate standards of the Palm Beach Building Code and other applicable laws.
 - g. Use of mobile home. A mobile home may be used for a security or caretaker quarters use only in the AGR, AP, SA, RSER, AR, IL, IG and CF districts. Mobile homes as accessory use to an agricultural use in districts within the Urban Services Area shall be on a minimum of five (5) acres. Agricultural uses outside the Urban Services Area, shall meet the lot size and property development regulations of the district. See Section 6.4.4.62.
 - h. Discontinuation of use. A security or caretaker quarters use shall continue only so long as the principal use that it is meant to serve remains active. Upon termination of the principal use, the right to have the caretaker or security quarters shall end, and the quarters shall immediately be discontinued. Once discontinued, such quarters shall not be re-established except in conformity with this section.
 - i. Accessory use. A security or caretaker quarters use shall be allowed as an accessory to a public or civic use in all districts.
 - j. Renewal of Special Permit. The special permit shall be renewed annually in accordance with Section 5.5.5.J. of this Code.
107. **Storage, agricultural** means the storage of equipment or products accessory or incidental to a primary agricultural use. Agricultural storage shall comply with the following supplementary use standards:
- a. General. Any storage of hazardous waste or regulated substances shall comply with local, state and federal regulations.
 - b. Outdoor storage. Outdoor agricultural storage shall comply with the following supplementary use regulations:
 - i. AR district in Urban Service Area. Outdoor storage shall meet the setbacks of the AR district.
 - ii. Residential, Commercial and Industrial districts in the Urban Service Area. Outdoor agricultural storage shall comply with the following:
 - (a) Setbacks. Outdoor agricultural storage shall meet the setbacks of the specific district.
 - (b) Screening. Outdoor agricultural storage shall be screened from view by a solid fence, wall or building.
 - c. Enclosed storage. Enclosed agricultural storage shall be permitted in conjunction with a bona fide agricultural use with or without a principal structure. Enclosed storage shall be contained within a permanent structure. Mobile homes and shipping containers shall not be permitted.
 - i. AR district in Urban Service Area. An enclosed structure shall be set back one hundred (100) feet in the front and side corner and fifty (50) feet in the side interior and rear.
 - ii. Residential, Commercial and Industrial districts in the Urban Service Area. An enclosed structure shall meet the principal use setback of the specific district.