

ARTICLE 5 – DEVELOPMENT REVIEW PROCEDURES**CHAPTER 1 – GENERAL****Sec. 5.1.1 – Purpose, Intent and Applicability**

The purpose and intent of this article is to provide the development review procedures that shall apply to all development applications, excluding platting, re-platting, or other applications governed by Article 8. All development applications shall be reviewed for compliance with the Comprehensive Plan and all other applicable Land Development Regulations (LDR). Additionally, the development review procedures shall comply with Wellington Code of Ordinances and Florida Statutes, Chapters 163 (Community Planning), 166 (Municipalities), 171 (Annexation), 380 (Land and Water Management).

Sec. 5.1.2 – Decision-making Bodies

- A. Wellington's Code of Ordinances, Chapter 2, defines the role and authority of Wellington committees, boards and Council. Public meetings and/or public hearings shall comply with the Code of Ordinances and Sec. 5.1.3 of this Article.
- B. Administrative reviews, approvals or denials shall be the responsibility of the Planning, Zoning, and Building (PZB) Director, or designee.
- C. The Development Review Manager (DM) is responsible for processing development applications that are administrative or require public meetings and/or hearings. Table 5.1.2-1 provides the types of development application, required review entities, and the decision-making body. The respective decision-making bodies may approve, approve with conditions, or deny a development application.

Table 5.1.2 -1 Development Application Approvals

A = Approval R = Recommendation/Certification * All Equestrian applications shall be reviewed by the Equestrian Preserve Committee as they are a recommending body to the Planning, Zoning and Adjustment Board. All non-equestrian applications would proceed to PZAB when applicable. ** Requires two (2) reading by Village Council for final adoption.					
Application Type	Administrative (PZB Director or DM)	*Equestrian Preserve Committee	Planning, Zoning and Adjustment Board	Architectural Review Board	Village Council
Annexation	R	R	R		A
Comprehensive Plan Map and/or Text Amendments**	R	R	R		A
Zoning Map and/or Text Amendments**	R	R	R		A
Master Plan/Amendments	R	R	R		A
Minor Master Plan Amendment	A				
Site Plan or Subdivision Plan/Amendment	R	R	R		A
Minor Site Plan or Subdivision Amendment	A				
Architectural Review Applications	R			A	
Conditional Use and/or Amendment	R	R	R		A
Minor Conditional Use Amendment	A				

Variance	R	R	A		
Administrative Variance	A				
Vacation/Abandonment	R				A
Amendment to Conditions of Approval	R	<i>The decision-making body that originally approved the development order shall consider applications to amend conditions of approval.</i>			
Interpretation of the Code	A				
Zoning Confirmation	A				
Unity of Title/Control or Release	A				
Tree Removal Permit	A				
Special Permit	A				
Equestrian Permit	A				
Extended Hours Special Permit	A				
Reasonable Accommodation	A				

NOTES: Any applicant that wishes to appeal a determination of a decision-making body shall do as provided in Section 5.2.4.C of this article.

Chapter 2 – Applications

Sec. 5.2.1 – Purpose and Intent

The purpose and intent of this chapter provides general submittal requirements, review criteria, process, determinations and time limitations of all development applications as identified in Chapter 1, Table 5.1.2-1. This chapter also provides information pertaining to results, appeals, suspensions and/or revocation of a development orders.

Sec. 5.2.2 – Application Initiation

- A. A Development Review Manual shall been adopted by the Village Council. All applicable information in this manual complies with Florida Statutes. The manual is available on-line and a hard copy is located with the Planning and Zoning Division. This manual provides the types of applications, the required documents to supplement the applications, the specific criteria that shall justify application consideration, and other helpful references such as the fee schedule, process flowcharts, etc.
- B. All development applications submitted by a property owner, interested party or agent shall be submitted on a form provided by the Planning and Zoning Division. Applications initiated by staff shall be required to complete the application and provide all necessary documentation required for consideration.
- C. All applications that require public meeting/hearings and all Site Plans/Amendments shall be required to schedule a pre-applications meeting with the DM. The DM will determine if other department representatives should be in attendance in the pre-application meeting based on the type of application.
 1. A pre-application summary shall be prepared by the DM and provided to the applicant within five (5) business days providing the results, concerns, and general process required.
 2. The pre-application summary is valid for six (6) months. If the application does not submit the applications related to the pre-application summary within the validation period, a new pre-application meeting is required.
- D. All applications that require public meeting/hearings and all Site Plans/Amendments shall be required to schedule an In-take meeting in order to submit the applications. Multiple applications may be submitted at the same meeting. An application shall be deemed sufficient or insufficient by the DM at the in-take meeting. If the application is not sufficient for submittal, it will be returned to the applicant, in it's entirety, for corrections and a new in-take meeting will be required. Sufficiently shall include, but is not limited to, the following:

1. Properly executed applications.
 2. Application and escrow fees (changes to the plans or application exceeding 25% of the initial submittal, resubmittals, and/or postponements may require additional fees)
 3. All applicable items on the check list provided with each application.
 4. The supplemental documents requested on the checklist must be specific to the project and must meet the criteria as provided in the Development Review Manual.
 5. Certified or stamped mailings (if required).
- E. Notice of all development applications shall be posted on Wellington's website within five (5) working days of the In-take meeting where the application was deemed sufficient for review.

Sec. 5.2.3 – Review Criteria and Process

- A. Annexations and contractions shall comply with the criteria and eligibility set forth in Florida Statutes 171. The annexation criteria can also be found in the Development Review Manual.
- B. All other development applications shall comply with the following:
1. The proposed development/activity is consistent with the Comprehensive Plan, including land use, density and intensity.
 2. The proposed development/activity results in a logical, timely and orderly development patterns.
 3. The proposed development/activity is compatible with surrounding land uses, zoning and existing development.
 4. The proposed development/activity complies with all other applicable requirements of the LDR.
 5. The proposed development/activity complies with the respective criteria of the Development Review Manual based on application type.
- C. Administrative Applications and Applications that Require Public Meetings/Hearing
1. The Development Review Manual classifies each application as follows:
 - a. Type A1 Applications: Administrative applications that can be approved, with or without conditions, or denied by the PZB Director, or designee.
 - b. Type A2 Applications: Administrative applications that require certification from the PZB Director or the DM, such as site plans and site plan amendments.
 - c. Type B Applications: Applications that require administrative certification for a public meeting or hearing by a Board or Committee.
 - d. Type C Applications: Applications that require administrative certification and review/recommendation from a Board or Committee prior to a public hearing by Village Council.
 2. Public Meeting or Hearing Notice Requirements:
 - a. All items scheduled for review by the EPC or ARB shall be posted at least twenty-four (24) hour prior to the meeting on the Village Website.
 - b. Development applications which proceed to PZAB and/or Council shall be subject to statutory notice requirements and the requirements below:
 - i. Legal Notice shall be advertised in a newspaper of general circulation at least fifteen (15) calendar days prior to the date of the hearing.

- ii. Notice of hearing shall be mailed (certified), a minimum of fifteen (15) calendar days prior to the hearing, to all owners of real property located within a five hundred (500) foot radius of the subject site. The applicant shall use the names and addresses from the latest published ad valorem tax records of the County property appraiser. If the area within five hundred (500) feet is owned by the applicant the required notice boundary shall be extended to include these parcels. Governmental jurisdictions within one (1) mile of the property shall also be notified. Notice shall include a description of the proposal, the date, time and place of the hearing, a location map indicating the subject site, nearby streets and a statement that interested parties may appear and be heard regarding the matter.
- iii. The applicant shall post notice signs, provided by the Planning and Zoning Division, and in accordance with the following:
 - a. Posted a minimum of fifteen (15) calendar days in advance of any public hearing.
 - b. One (1) sign for every five hundred (500) feet of frontage along a public or private street.
 - c. Shall be no more than twenty-five (25) feet from the street.
 - d. Shall be in full view to the public. Where there is no frontage on a public street, one (1) sign shall be posted on the nearest public street indicating the direction and distance to the subject land.
 - e. The applicant shall provide an affidavit including pictures of posted signs within three (3) working days of posting.
 - f. The signs shall be removed by the applicant within seven (7) calendar days after the final hearing.

D. Public Hearing Proceeding and Records

- 1. Testimony and evidence shall be given under oath or affirmation to the decision-making body conducting the hearing.
- 2. Any person or organization may appear at a public hearing and submit evidence. Each person who appears shall be identified, state an address and if appearing on behalf of an organization, state the name and mailing address of the organization. All electronic presentations or media to be used as part of the hearing shall be provided to the Planning and Zoning Division at least three (3) business days prior to the hearing.
- 3. The order of the proceedings shall be as follows:
 - a. The PZB Director or DM shall present the proposed application, enter the entire file into the record, prepare recommendations from staff, committees, and/or boards, and summarize the criteria for consideration of the item in accordance with these LDR and the Development Review Manual. A copy of the staff report, including recommendations, shall have been made available to the applicant at least five (5) working days prior to the public hearing.
 - b. The applicant shall present any information the applicant deems appropriate.
 - c. Public testimony shall be heard.
 - d. The Wellington staff, including but not limited to the PZB Director, DM, Village Engineer, Village Attorney, may respond to any statement made by the applicant or to any public comment.
 - e. The applicant may respond to any testimony or to evidence presented by Wellington staff or by the public.
- 4. If testimony or evidence was excluded as irrelevant, immaterial or unduly repetitious the person offering it shall have an opportunity to make a presentation for the record.
- 5. If it is determined the application is based on incomplete or inaccurate information or misstatements of fact, the application may be remanded back to a previous reviewing entity (e.g., the DM, EPC or PZAB).
- 6. The decision-making body conducting the public hearing may on its own motion, or at the request of an applicant or staff, continue the hearing or meeting to a fixed time and place. An applicant shall have the right to request and be granted one (1) thirty-day continuance. Subsequent continuances shall be granted at the discretion of the decision-making body conducting the hearing. Any request for a continuance shall be

submitted in writing at least five (5) working days prior to the hearing or the applicant shall be required to attend the hearing to make the request. Additional fees may be required.

7. If significant changes are made to the request within ten (10) working days prior to a public meeting or hearing, the item will incur an automatic continuance and may be remanded back to the previous decision-making body.
8. An applicant shall have the right to withdraw an application at any time prior to the final action by the decision-making body. Requests for withdrawal, received in writing by the PZB Director five (5) working days prior to the meeting, will be granted without prejudice as a matter of right and subject to forfeiture of all application fees; thereafter, requests may be granted with or without prejudice.
9. For Type B and C applications that request a minor amendment to the approved development order, but exceed the minor administrative amendment criteria, the applicant may request an expedited review of the change. An expedited review means the applicant may qualify to take the amendment directly to the decision-making body and not be required to go back to a committee or board that provided a recommendation. Expedited reviews shall meet all required legal ad, mailing, and posting requirements that apply. Applications that modify project boundaries, increase density and/or intensity, or increase project traffic generation are not eligible for expedited review.
10. Records.
 - a. Records of public hearings shall be kept in accordance with Florida Statute 286.011.
 - b. The record of oral proceedings including testimony and statements of opinion, the minutes of the DM, EPC, PZAB and Council as applicable, applications, exhibits and papers submitted in any proceeding before the decision-making body, the staff report and recommendation of the Wellington official or staff responsible for making the recommendation and the final vote of the decision making body shall constitute the record.
 - c. It is the responsibility of any person appealing a decision of any decision-making body conducting a public meeting or hearing pursuant to these LDR to provide a record of all necessary evidence to support the appeal.

Sec. 5.2.4 – Results, Time Limitations, Revocations, Suspensions, and Appeals of Development Orders

A. Results

1. Decision-making bodies shall comply with the Code of Ordinances, Florida Statutes, the LDR and the Development Review Manual when specific actions or criteria are required based on the type of application. Additionally, the following shall apply:
 - a. When a development application is denied with prejudice at a public hearing, an application for all, or in part, of the subject site shall not be considered for a period of one (1) calendar year from the date of the denial unless the subsequent application involves:
 - i. A change in proposed use;
 - ii. A twenty-five percent (25%) or greater increase or decrease in the proposed density or intensity;
 - iii. A majority of the decision-making body determined the denial was based on a material mistake of fact of the proposed application; or
 - iv. A Future Land Use Map amendment to the Comprehensive Plan, which shall not be considered for two (2) calendar years from the date of the denial.
 - b. If an application is deemed sufficient and submitted for review, then becomes inactive for 90 calendar days, the DM shall have the authority to administratively withdrawal the applications unless an extension is requested prior to the expiration of the 90 day period. An extension fee may be applicable.
2. Type A1 Administrative Applications shall be reviewed and a decision shall be made within ten (10) working days of a sufficient application. The final decision shall be provided to the applicant within five (5) working days of the decision.
3. Applicants that obtain an approval of a Type A2, B and/or C Application shall submit two (2) sets of plans and one (1) Mylar for stamping, along with a georeferenced AutoCAD or GIS file. The plans must match what was approved by the decisions-making body and include all conditions of approval. If the plans are

required to change in order to implement or illustrate a condition of approval, the DM may stamp the rectified plan. Any changes beyond what is considered to be the rectified plan shall be considered an Amendment and shall require a new application in accordance with this article.

4. If there is evidence a development order was considered with misrepresentation, fraud, deceit or a deliberate error of omission, the PZB Director shall initiate a re-hearing of the decision-making body and may result in the proposed application be remanded back to the beginning of the development review process.

B. Time Limitations

1. Development orders shall comply with the time limitations and requirements of Table 5.2.4 -1 unless:
 - a. The PZB Director grants an administrative extension for a period of time not to exceed twenty-four (24) months. If a surety bond, escrow deposit, or letter of credit was not originally required, one may be required as a determining factor in granting the extension. Only one administrative extension is permitted and shall be considered based on the following:
 - i. Attempts by the applicant to complete the unfulfilled conditions of approval;
 - ii. Change circumstances that resulted in the applicants ability to fulfill conditions of approval; or
 - iii. Circumstances that are not self-imposed by the applicant.
 - b. Amendments to a development order granted by the respective decision-making body may provide new date certain conditions of approval that supersede the previous development order.
 - c. A legislative extension issued by the state provides for an automatic extension during a state of emergency for qualifying development orders pursuant to Florida Statutes 252.363 (1)(a) . The typical legislative extension is for the duration of the emergency plus six (6) months.
 - d. All development orders that include a specified phasing plan, which provides the sequence and timing of each phase, may only be eligible for an extension on certain phases and partial completion of the overall development.
 - e. The following development orders are exempt from the time limitations set forth in this article:
 - i. Village initiated development orders.
 - ii. Rezoning of a single residential parcel that does not exceed the corresponding density permitted within the Future Land Use Map designation of the Comprehensive Plan.

Table 5.2.4 -1 Time Limitations for Development Orders

Development Order	Maximum Number of Phases	Required Commencement Action	Maximum Time to Commence Development	Maximum Length Time Extension	Action Upon Failure to Comply
Master Plan/Planned Development	3	Commence Development	3 years	1 year	Council Review
Site/Subdivision Plan	2	Commence Development	2 years	1 year	All undeveloped phases are null and void
Conditional Use	2	Commence Development or Initiate Use	2 years	1 year	Council Review
Variance	1	Commence Development	2 years	1 year	PZAB Review

NOTES: (1) "Commence development" does not include platting, demolition, land clearing or filling.
(2) The maximum time to commence development starts at final certification or effective date of a resolution.

C. Abandonment, Suspension or Revocations

1. Abandonment of a development order may occur based on one or more of the following:
 - a. A new development order is issued that replaces the existing development order.
 - b. The property owner(s) provide a written request or the DM requests to abandon a development order to the PZB Director. The property owner(s)/DM must demonstrate that no improvements have commenced.
 - c. The development order was implemented and all conditions of approval are satisfied.
2. Suspension of a Development Order
 - a. Suspension of a development order will occur if a code case was initiated on the subject property by the Code Compliance Division and is found to be in violation of code provisions by the Special Magistrate. The suspension shall take effect immediately after the 30-day appeal period of the Special Magistrate's order has expired. No new development applications shall be processed for the subject site unless the proposed development application is required to rectify the code case, then the PZB Director may authorize the DM to process the request.
 - b. Suspension of a development order will occur if there is a violation of a condition of approval. A violation of a development order is considered a violation of the code. The PZB Director shall have the option to report the violation to Code Compliance or to set a hearing with the respective decision-making body to impose corrective action.
 - c. A suspension of a development order, as indicated above, shall be documented and recorded with the Palm Beach County Clerk of Courts. The document shall indicate the reason for the suspension and must express that no new developments orders shall be processed until the suspension is removed. A document removing the suspension shall be recorded once all violations are rectified. The property owner may be required to pay the recordation and processing fees.
 - d. A suspension may be waived if:
 - i. The property owner is a government agency.
 - ii. The violation was not self-imposed and due to a government-caused delay.
 - iii. Litigation which prevents or delays compliance. Documentation of active litigation may be required.
3. Revocation of a Development Order
 - a. Type A1 development orders: The PZB director shall maintain the right to revoke development orders if a property owner violates the conditions of approval.
 - b. Type A2, B and C development orders: If a property owner fails to comply with conditions of approval, the PZB Director shall set a hearing with the original final decision-making body, for consideration of revocation of the development order. The DM shall notify the property owner of the date, time and reason for the hearing. The decision-making body shall consider the same review criteria of the development order as the original approval and as provided for in the Development Review Manual.
 - c. The hearing process for a revocation of Type A2, B and C development orders shall comply with the following:
 - i. Legal Notice shall be advertised in a newspaper of general circulation at least fifteen (15) calendar days prior to the date of the hearing.

- ii. The hearing shall be scheduled to occur within ninety (90) calendar days of notification to the property owner that consideration for revocation has occurred.
- iii. If the decision-making body revokes a development order, any future development shall require a new development application.
- iv. If the decision-making body does not revoke the development order, it will remain valid and may have newly imposed conditions of approval determined by the body.

D. Appeals

1. Standing to file an appeal of a development review decision shall be limited to the property owner, contract purchaser, authorized agent of the owner/purchaser or those property owner within 500 feet of the subject property or as otherwise provided by Florida Statutes.
2. A recommendation by staff, committee, or board acting in their advisory capacity is not a final decision and is not appealable.
3. Any person aggrieved by a final decision included in this article shall exhaust all administrative remedies available per the LDR prior to applying to the courts for judicial relief.
4. Appeals from any affected party or governmental entity on annexations or contractions shall be processed in accordance with Florida Statute 171.081.
5. Administrative Appeals:
 - a. The PZB Director shall hear appeals of any decision of the DM, unless otherwise listed in Table 5.2.4-2. The Director's decision on the appeal may be further appealed to the PZAB within thirty (30) calendar days of rendering of such decision.
 - b. For denials of a request for a reasonable accommodation, the applicant shall file a written appeal to the Village Manager within thirty (30) calendar days of receiving notification of the decision. Any such appeal shall include sufficient detail of the grounds for the appeal. The Village Manager shall render a determination of the appeal within sixty (60) calendar days of filing.
6. Appeals to a Committee, Board or Council
 - a. Table 5.2.4-2 provides the decision-making bodies and the type of appeal they are tasked with hearing.
 - b. Such appeals shall follow the procedures below:
 - i. Appeals shall be filed on forms prescribed by the PZB Director within thirty (30) calendar days of receiving notification of the decision.
 - ii. A hearing before the PZAB shall be scheduled no later than forty-five (45) calendar days following receipt of the written appeal unless the PZB Director and the applicant mutually agree to an extension of this time period.
 - iii. The PZAB shall give the Appellants and other interested parties a reasonable opportunity to be heard. At the conclusion of the hearing the Board shall render its determination. The Board may reverse or affirm wholly or in part or may modify the decision or determination being appealed. The interpretation or decision in question shall be presumed to be correct and the applicant shall have the burden to demonstrate errors. The Board shall not reject or modify the Director's interpretation/decision if it is supported by competent substantial evidence. The determination shall be issued in written form with a copy sent to Appellants.
 - iv. Any person aggrieved by such a decision made by PZAB may appeal to the courts for judicial relief.
 - v. For an appeal of a decision by the PZAB pertaining to an archaeological certificate to dig, pursuant to Article 7, within thirty (30) calendar days of a written decision by the PZAB an aggrieved party may appeal the decision by filing a written notice of appeal with a filing fee established by the

Wellington Council with the Wellington Clerk and the PZB Department. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal and a brief summary of the relief which is sought. Within forty-five (45) calendar days of the filing of the appeal or the first Wellington Council meeting which is scheduled, whichever is later in time, the Council shall conduct a public hearing at which time they may affirm, modify or reverse the decision of the PZAB. The applicant shall be notified (by certified mail/return receipt requested) of the date, time and place of such hearing. At this hearing the party shall set forth the alleged inconsistencies or non-conformities with procedures or criteria set forth in these LDRs. However, no new material or evidence shall be presented to or considered by the Council. The decision of the Council shall be in writing and a copy of the decision shall be forwarded to the appealing party.

- vi. Appeals to the ARB shall be filed within ten (10) calendar days of the decision. A hearing shall be scheduled no later than forty-five (45) calendar days following receipt of the written appeal unless the PZB Director and the applicant mutually agree on a date certain hearing.
- vii. Any substantially affected person aggrieved by a decision of the PZB Director pertaining to Sec. 7.5 Tree Protection and/or tree removal may be appealed to the Tree Board by filing a written appeal with the PZB Department within ten (10) calendar days of the decision of the department. A hearing shall be scheduled no later than forty-five (45) calendar days following receipt of the written appeal unless the parties mutually agree to an extension.

Table 5.2.4-2 Decision-making Bodies for Appeals

Planning, Zoning and Adjustment Board	Architectural Review Board	Tree Board	Council
Special Permits	Administrative denial of a building materials or design	Decision or condition of approval by the PZB Director regarding vegetation removal	Decision by PZAB regarding an archaeological certificate to dig
Equestrian Permits			
Extended Hours Permits			
Excavation Permits			
Interpretations of the Code			
Administrative Conditions of Approval			
Denial of Administrative Time Extension			

Chapter 3 – Application Regulations by Type

Sec. 5.3.1 – Purpose and Intent

This purpose and intent of this chapter is to provide procedural and statutory standards for the various types of development applications. The Development Review Manual, adopted by Village Council, provides further details for each application type, submittal requirements, formatting, review criteria, fee schedule, etc.

Sec. 5.3.2 – Annexation or Contraction

- A. Annexations and contractions shall comply with the standards set forth in Florida Statutes, Chapter 171 and shall be approved/denied by Ordinance.
- B. Voluntary Annexations shall require approval by the Palm Beach County Board of County Commissioners prior to final action by the Village Council.

- C. The Justification Statement submitted with the annexations or contraction application shall include required information as provided for in the Development Review Manual under Type C applications.
- D. The adoption of an annexation or contraction request only results in the changed municipal boundary. The approval does not provide entitlements, an amendment to the Future Land Use Map designation or Zoning designation. The subject property existing land use and zoning remains in effect until subsequent development orders are approved by the designated decision-making body.

Sec. 5.3.3 – Comprehensive Plan Map/Text Amendments

- A. Comprehensive Plan Map/Text amendments shall comply with Florida Statutes 163 and shall adhere to the submittal and review requirements of the Department of Economic Opportunity.
- B. To modify the Future Land Use Map or other map in the Comprehensive Plan, the applicant shall comply with the Type C submittal requirements and process as provided for in the Development Review Manual.
- C. The provisions in Wellington Charter, and/or Comprehensive Plan, shall determine if a majority or super-majority vote of Council is required based on the type of request and shall be approved/denied by Ordinance.

Sec. 5.3.4 – Zoning Map/Text Amendments

Zoning Map and/or Text amendments shall comply with the Type C submittal requirements and process of the Development Review Manual and shall be approved/denied by Ordinance. Additionally the following shall apply:

- A. In order to modify the Official Zoning Map the applicant must:
 - 1. Justify the request is consistent with the Comprehensive Plan Future Land Use Map designation; and
 - 2. Provide evidence that justifies the request based on the required criteria for consideration as provided for in the Development Review Manual.
- B. In order to modify the text of the LDR the applicant must provide the exact proposed text changes in strike-through and underline format and justify the request based on the required criteria for consideration as provided for in the Development Review Manual.

Sec. 5.3.5 – Master Plan/Amendments

Master plans and amendments to existing master plans shall comply with the Type C submittal requirements and process of the Development Review Manual and shall be done by Resolution. Additionally the following shall apply:

- A. No permits for development shall be issued prior to the approval of the master plan/amendment and the corresponding site plan/amendment or subdivision plan(s).
- B. A conceptual site plan or subdivision plan is required as part of the application for a master plan/amendment.
- C. If the project is intended to be constructed in phases, the applicant must submit a phasing plan as part of the required documents. This is necessary to ensure appropriate development patterns and to apply time limitations as set forth in sec. 5.2.4 related to site plans/subdivision plans.
- D. Master plans are required for all Planned Developments and may be required for multiple parcels that are intended to function as a single project but are not a designated Planned Development.
- E. Master plan amendments shall be reviewed by Village Council as a Type C application unless the modifications to the master plan qualify as a minor amendment pursuant to the Development Review Manual (no increase in density and/or intensity), then an administrative approval, approval with conditions, or denial may be granted in accordance with a Type A2 application.

Sec. 5.3.6 – Site Plan or Subdivision Plans/Amendments

Site plans or subdivision plans are required for residential developments consisting of three or more dwelling units, commercial, industrial, and private recreational developments prior to eligibility for the issuance of engineering and/or building permits.

- A. Site plans or subdivision plans shall be processed in accordance with a Type A2 application as provided in the Development Review Manual.
- B. Minor site plan or subdivision plan amendments (no increase in density and/or intensity) shall be processed in accordance with a Type A1 application as provided in the Development Review Manual. Minor amendments include, but are not limited to, change in sign location, minor modifications to parking areas, reduction in building footprint, addition of decorative canopies, etc.
- C. A site plan or subdivision plan shall be required prior to platting and/or obtaining land development or building permits, unless otherwise stated in Article 8 of the LDR.

Sec. 5.3.7 – Conditional Uses

Conditional uses are those uses that are generally compatible with the Future Land Use Map and Zoning designations, but may require additional conditions to ensure mitigation of impacts to adjacent properties. Uses that require a conditional use approval are identified in the Use Regulations of Article 6 and the following shall apply:

- A. A conditional use is a Type C application.
- B. A term “compatibility determination” means conditional use for purposes of this code.
- C. A conditional use may not commence until all other required development orders and permits are secured in accordance with the LDR.
- D. Minor amendments to a conditional use shall be processed as a Type A2 application.

Sec. 5.3.8 – Variance

A variance is required when a deviation from the bulk regulations is necessary to allow the development of a property when a peculiar condition and the literal enforcement of the regulations would result in an undue hardship for the property owner.

- A. A variance shall be processed as a Type B application in accordance with the Development Review Manual.
- B. PZAB is the decision-making body to consider this request.
- C. Bulk regulations include, but are not limited to, setbacks, FAR, building coverage, minimum landscape requirements, etc.
- D. A variance on minimum thresholds for uses and structures, such as lot size, are not permitted.
- E. A use variance is not permitted.
- F. Administrative variances granted by the PZB Director shall be processed as a Type A1 application and shall be considered as follows:
 - 1. An enlargement, expansion or rebuilding of a single-family nonconforming use pursuant to Article 1 on one (1) occasion provided the extent of the improvement does not exceed fifteen (15) percent of the floor area of the individual structure or ten (10) percent of the improvement value of the structure whichever is less.
 - 2. Allowance for an additional fifteen (15) percent total square footage of a barn as permitted in Sec 6.10 of the LDR.
 - 3. A structural encroachment into a setback of no more than fifteen (15) percent of the setback if the structural encroachment does not encroach on easement, right-of-way or is on a zero lot line side.
 - 4. An administrative variance to accommodate the preservation of existing native tree(s) pursuant to Article 7.5, Tree Protection as follows:
 - a. Up to fifteen (15) percent of a required setback.
 - b. Up to fifteen (15) percent of the required parking spaces.
 - c. This section may not be combined with any other section which allows reductions in setbacks or parking.

Sec. 5.3.9 – Special Use Permits and Equestrian Use Permits

- A. Special Use Permits are required for temporary uses and/or activities that are generally compatible with the land use and zoning but require individual review based on location, duration and/or intensity.
- B. Equestrian Use Permits are required for temporary equestrian related uses and/or activities that are generally compatible with the land use and zoning but require individual review based on location, duration and intensity.
- C. Special Use and Equestrian Use Permits shall be reviewed and processed as Type A1 applications and in accordance with the Development Review Manual. Uses that require a Special Use or Equestrian Use Permit are identified in the Use Regulations of Article 6. Additionally, these applications shall be reviewed Palm Beach County Sheriff's Office and Palm Beach County Fire Rescue.
- D. Duration:
 - 1. A Special Use Permit shall be issued based on the number of days and type of request within a twelve (12) month period on the same property, or as otherwise stated in another section of the LDR.
 - 2. Equestrian Use Permits shall not exceed six (6) months within a twelve (12) month period on the same property.

Sec. 5.3.10 – Extended Hours of Operation Permit

Any commercial establishment within three hundred (300) feet of residential homes within residential PUD shall request a permit to operate outside of the normal hours of operation as provided for in the Code of Ordinances. This request requires the following:

- A. Extended hours of operation shall be processed as a Type A1 application, shall be reviewed Palm Beach County Sheriff's Office and Palm Beach County Fire Rescue, and shall be signed by the PZAB Director, or designee, and the Village Manager prior to issuance.
- B. Any violator of the Extended Hours of Operation Permit shall be notified of the violation and scheduled for the next available meeting of the Special Magistrate. A determination shall be made to maintain, modify or revoke the permit and may be subject to fees, fines, or limitations on future development orders.

Sec. 5.3.11 – Reasonable Accommodation

- A. Any person or entity qualified by the Federal Fair Housing Amendment Act (42 U.S.C. 3601, et seq.)("FHA") and Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.)("ADA") may request a reasonable accommodation to Wellington's ordinances, rules, land use and zoning regulations, policies, and procedures.
- B. Wellington shall display a notice on a public notice bulletin board, and shall maintain a copy in the Clerk's office, advising the public that reasonable accommodations are available to qualifying disable individuals and /or entities.
- C. The PZB Director, or designee, shall issue a written determination within forty-five (45) calendar days from the date the request was received. The determination may, in accordance with federal law, be granted in portion or in entirety, with or without conditions, or to deny the request.
- D. This request shall be processed as a Type A1 application and in accordance with the Development Review Manual. There is no application fee associated with this request. An appeal of this administrative determination shall be made to the Village Manager prior to any legal appeal process.
- E. If a determination is appealed, Wellington will not enforce the subject zoning, rules, policies, and procedures against the applicant until the appeal is decided. There shall be no fees imposed by Wellington to request or appeal a reasonable accommodation. Further, Wellington shall have no obligation to pay a requesting or appealing party's attorneys' fees or costs in connection with a request or an appeal.