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**MEETING MINUTES  
WELLINGTON  
PLANNING, ZONING AND ADJUSTMENT BOARD  
December 13, 2017  
7:00 PM  
Wellington Village Hall  
12300 Forest Hill Boulevard  
Wellington, FL 33414**

Pursuant to the public notice, a meeting of Wellington Planning, Zoning and Adjustment Board held on December 13, 2017 at 7:00 p.m. at the Village Hall, 12300 Forest Hill Boulevard, Wellington, Florida 33414.

**I. CALL TO ORDER/ROLL CALL**

Elizabeth Mariaca called the meeting to order at 7:00 p.m.

**Members present;** Elizabeth Mariaca; Kenneth Kopp; Carol Coleman; Stephen A. Levin; Alan Shullman; Tomas Bueno and Jeffrey Robbert.

**Staff present:** Robert Basehart, Planning, Zoning and Building Director; Laurie Cohen, Village Attorney; Aaron Dunlap, Assistant Village Attorney; Cory Lyn Cramer, Development Review Coordinator; David Flinchum, Planning and Zoning Manager and Jennifer Fritz, Recording Secretary.

**II. REMARKS BY THE CHAIRMAN**

Ms. Mariaca welcomed everyone and wished a Happy Hanukkah. Ms. Mariaca reminded everyone to silence his or her phone.

**III. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was done.

**IV. APPROVAL OF MINUTES – November 8, 2017**

A motion was made by Carol Coleman, seconded by Stephen A. Levin, to approve the November 8, 2017 minutes. The motion passed unanimously (7-0).

## **V. ADDITIONS/DELETIONS/REORDERING OF AGENDA**

Robert Basehart advised the Board that the applicant for the Flying Cow Master Plan submitted a request for postponement.

Mr. Basehart also advised the Board that the applicant for the second item on the agenda, the Appeal, submitted a request in writing this afternoon for a postponement to the January meeting.

Cory Lyn Cramer advised the Board the Flying Cow applicant submitted their request in the required timeframe for the 30 day by right postponement. However, the companion applications are scheduled for the January 23, 2018 Council meeting. The request is to postpone this application until after the Council meeting to make sure what the applicant brings to the Board would be the final request based on the direction at the Council meeting. Ms. Cramer explained the by right postponement process. Ms. Cramer advised the Planning, Zoning and Adjustment Board (PZAB) that they would hear the Master Plan application first before the petition goes to Council.

Jeffery Kurtz, attorney representing the applicant for the Appeal, relating to the property at 14785 Haymarket Court, stated that the Appeal was filed in August and scheduled for tonight's meeting. Mr. Kurtz stated he did not receive a copy of the staff report until December 8, 2017. Mr. Kurtz stated his client is unavailable to attend tonight. Mr. Kurtz commented there were issues raised in the staff report that were not consistent with Mr. Basehart's opinion, which they are appealing. The central importance is the concept that was brought forward in the staff report, and even if the Board agreed with Mr. Basehart's position with respect to the 2002 Ordinance that the horses were not legally allowed in that area prior to incorporation. Mr. Kopp interrupted and stated it sounds like he is debating the topic and not talking about the postponement. Mr. Kurtz agreed with Mr. Kopp's statement but wanted the Board to understand what the surprise element was and why he was requesting additional time.

Mr. Basehart stated that there has been no change in staff's position. Mr. Basehart acknowledged that Palm Beach County (PBC) was permitting horses and stables in Paddock Park 1 from the mid-1970s until Wellington incorporated and acknowledged Wellington was permitting them until 2002 when the Equestrian Overlay Zoning District (EOZD) was adopted. There is a statement in the staff report that there has been no change in the PBC Code and certain provisions in the Wellington Code since the 1970s, when Paddock Park was originally subdivided. Mr. Basehart stated his interpretation is that PBC was misapplying the code even back in 1970s. Ms. Mariaca inquired why his client is not available for the scheduled meeting date. Mr. Kurtz reviewed the scheduling of the hearing, stating there was no confirmation on whether it was on the December meeting and that it had slipped his client's mind and she was not available today. Ms. Mariaca stated the client agreed to the previous postponement. Mr. Kurtz stated they are requesting a continuance and typically, the Board grants the continuance. Mr. Levin inquired if the applicant must be present. Ms. Cohen read an email from Mr. Kurtz on Friday, October 20, 2017 to Mr. Basehart acknowledging the PZAB December hearing. Ms. Cohen stated it was clear Mr. Kurtz knew the item was

scheduled for the December PZAB meeting and the Special Magistrate is scheduled for January. Ms. Cohen stated there is no obligation on the part of staff to provide anything to the appellant other than the staff report and the opinion, which were provided to him prior to the meeting.

**A motion was made by Stephen A. Levin, seconded by Kenneth Kopp, to leave the agenda item in place. The motion passed unanimously (7-0).**

## **VI. SWEARING IN OF SPEAKERS/EX-PARTE COMMUNICATION**

Aaron Dunlap administered the oath.

Alan Shullman spoke with staff and Vice Mayor McGovern on general overviews on the documentation provided to the Board and general questions and answers. Jeffrey Robbert spoke with staff and Councilwoman Siskind on general conversation. The remaining Board Member disclosed that they had spoken with staff only on general conversation and documentation.

## **VII. OLD BUSINESS**

**PZ-0169 RESOLUTION NO. R2017-45 (FLYING COW RANCH MASTER PLAN) A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A MASTER PLAN [PETITION NUMBER 16 – 116 (2016 – 50 MP 1)] TO ALLOW 30 RESIDENTIAL DWELLING UNITS WITH ACCESSORY EQUESTRIAN AND AVIATION USES, CLUBHOUSE, MAINTENANCE FACILITY AND ENHANCE THE EXISTING PRIVATE AIRSTRIP FOR CERTAIN PROPERTY KNOWN AS FLYING COW RANCH PUD TOTALING 150 ACRES, MORE OR LESS, LOCATED ON THE NORTHWEST CORNER OF FLYING COW RANCH ROAD AND 160<sup>TH</sup> TRAIL S, APPROXIMATELY 4 MILES SOUTH OF SOUTHERN BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**Kenneth Kopp explained he is recusing himself due to his position as the President of the Aero Club Board of Directors.**

**A motion was made by Carol Coleman, seconded by Stephen A. Levin, to approve the postponement request until the February 14, 2018 PZAB meeting. The motion passed unanimously (6-0), with Kenneth Kopp being recused.**

## **VIII. NEW BUSINESS**

**PZ-0165 ADMINISTRATIVE APPEAL PETITION 17-107 (2017-061AA) AN APPEAL BY KELLY JACOBS, APPEALING THE ADMINISTRATIVE DETERMINATION MADE BY PLANNING, ZONING AND BUILDING DEPARTMENT STAFF RELATING TO PERMITTED USES ON PROPERTY LOCATED AT 14785 HAYMARKET COURT.**

Mr. Basehart advised the Board that this is the Appeal of Kelly Jacobs by her agent/attorney Jeff Kurtz. The property in question is located at 14785 Haymarket Court in the Paddock Park 1 subdivision of the Wellington PUD. It is a 2.2-acre site; the current Comprehensive Plan designation is Residential "B". The property is in the original Wellington Planned Unit Development (PUD), the zoning is officially "AR/SE/PUD" and the PUD approval was in 1972 or 1973 by PBC. The issue tonight is if it is permitted to keep horses or other livestock on the property. Mr. Basehart advised that the current property owner bought the property in August 2015 from Wells Fargo Bank. The bank owned the property prior to the Jacobs acquisition for 11 months. Mr. Basehart stated the standard to be applied, pursuant to Code, is that the Village official interpretation should not be modified or rejected if there is any competent substantial evidence to support it. He also pointed out the Board's decision will affect all the properties that have similar situations. Mr. Basehart stated the interpretation made has been applied throughout the Village for the past 15 years. Mr. Basehart illustrated the location of the property. The only building permit was a fence permit after Ms. Jacobs purchased the property. Historically, there is no record of a permit issued for a stable or a barn on the property. The property is clearly not in the Equestrian Overlay Zoning District (EOZD). Mr. Basehart reviewed the four items the applicant is appealing. Mr. Basehart explained the supplemental standards and the timeline back in 2003. The EOZD approval did not allow livestock and stables outside the Equestrian Preserve Area (EPA). Staff is not taking the position that a horse cannot visit the property, as long as the property owner stables their horses elsewhere. The property owner can bring a horse to the property but the code prohibits the stabling of a horse on the property. There were never any development orders for equestrian activities on this property. Mr. Basehart provided historical aerials of the subject property that show the installation of the fences and stables in 2016. At the time of purchase, the property did not have livestock and it was not permitted to have livestock. Mr. Basehart pointed out that the use matrix states, if located within a PUD, Bona Fide Agriculture is prohibited. It is clear the intent of the Council, when the EOZD was adopted that equestrian activity not be allowed in residential areas of a PUD, unless they are in the EOZD. Mr. Basehart stated uses established legally with a development order prior to the EOZD regulations would remain valid. If a building permit was issued prior to the current code, staff would recognize the use and allowed the use to remain. There was no development order and there is no mention of equestrian activities or stables on the Plat. There was an allowance in the covenants, but the Village does not enforce covenants. Ms. Cohen stated the covenants are not recorded on the Plat. Mr. Basehart summarized the points of why livestock and stables cannot be on this property. Mr. Basehart stated that staff had met with the applicant prior to her purchase of the property. Staff advised Ms. Jacobs specifically, equestrian uses could not be on the property, prior to the purchase of the property and again immediately after Ms. Jacobs purchased the property. Ms. Jacobs introduce the equestrian uses on the property anyway.

Mr. Basehart requested the entire file and power point be entered into the record.

Mr. Kurtz inquired if he could cross exam Mr. Basehart.

Mr. Kurtz requested that Mr. Basehart clarify on the previous condition of the property and if shown to Mr. Basehart that there had been a stable and horses on the property up until the 2006-2007 time period would that make a difference in his opinion. Mr. Basehart stated no. Mr. Kurtz stated regardless of the state of the property from 1995 to 2007 all that testimony is irrelevant to Mr. Basehart's opinion. Mr. Basehart stated it is not irrelevant, if it had been established that there was previously a stable and activity on the property and if he could find a permit or a development order and the use incur right up to when his client occupied the property, then he could justify allowing the activity to continue. Mr. Kurtz inquired if within the Paddock Park area prior to incorporation, and after incorporation, if the uses were allowed and permitted. Mr. Basehart stated yes. Mr. Kurtz questioned if prior to incorporation, and continued until his client had purchased the property, it would have been a legal non-conforming use. Mr. Basehart confirmed. Mr. Kurtz inquired on the Zoning map and inquired on the PUD boundaries not changing since incorporation. Mr. Basehart confirmed. Mr. Kurtz inquired if horses were allowed prior to the EOZD adoption. Mr. Basehart confirmed. Mr. Kurtz inquired if the EOZD Ordinance was not applicable to the Paddock Park 1 area. Mr. Basehart confirmed. Mr. Kurtz inquired if the EOZD ordinance had any impact on whether you could have horses in that area. Mr. Basehart stated the EOZD Ordinance applies to lands that are zoned in the EOZD. Mr. Kurtz inquired after the passage of the EOZD, if the same conditions in the PUD remained. Mr. Basehart stated that never at any point in time were horses allowed in Wellington PUD. Mr. Kurtz inquired on the stabling structures in the 2003 Ordinance and if the use had been established and continued to today, would it be an illegal non-conforming use. Mr. Basehart agreed that generally, to go from a legal status to a non-conforming status there has to be an ordinance or law. Mr. Kurtz inquired what passed from incorporation to today that states you cannot have horses in Paddock Park 1. Mr. Basehart stated in the staff report when PBC, and when Wellington adopted the EOZD, any use not specifically identified were not allowed. Upon the adoption of the EOZD and Equestrian Preserve Area (EPA), the Village made a decision that equestrian and other livestock uses only be allowed in the EPA. Mr. Kurtz inquired if prior to incorporation and post incorporation until 2002, was there no legal use of horses allowed in the PUD. Mr. Basehart stated the use matrix did not show the use as a permitted use, but he is not saying horses were never permitted. Mr. Basehart stated horses were in the PUD but horses were not permitted after 2002. Mr. Kurtz inquired whether there was a change in the use matrix between those times. Mr. Basehart confirmed the use matrix stayed the same. Mr. Kurtz inquired if the PUD should have a regulating plan. Mr. Basehart confirmed. Mr. Kurtz inquired if there is a copy of the regulating plan. Mr. Basehart stated it would be the PUD master plan. Mr. Kurtz stated the PUD master plan is a map and did not go into uses. Mr. Basehart stated in 1972 regulating plans did not exist. Mr. Basehart stated that back in the 1980s, PBC established the concept of the regulating plan for PUD details. Mr. Basehart stated it did not exist when the Wellington PUD was originally approved. Mr. Kurtz inquired if covenants had to be approved by PBC. Mr. Basehart stated they did. Mr. Kurtz inquired if the covenant's that were recorded had to be approved by the PBC attorney's office. Mr. Basehart stated they did, however; Government does not enforce private deed restrictions, HOA documents, and covenants, nor does it transfer its police powers to homeowners associations. Mr. Kurtz

asked if the concept was to have the HOA regulate the PUD. Mr. Basehart explained the basis of a PUD. Mr. Basehart stated the code still regulates the PUD, the HOA documents can supplement but cannot supersede government regulations. Mr. Kurtz inquired if Mr. Basehart had any knowledge as to why PBC allowed horses and stables in Paddock Park 1. Mr. Kurtz commented horses were allowed because of the covenants. Mr. Basehart stated his position is PBC and the Village had allowed the uses, even though the uses were not supported by the Code until the adoption of the equestrian ordinances. Mr. Kurtz requested to view the file.

The Board recessed for a break to retrieve the file and to allow Mr. Kurtz time to review the file.

Mr. Kurtz inquired about the approval of the Wellington PUD being a development order. Mr. Basehart confirmed. Ms. Cohen, attorney on behalf of the Village staff, inquired to Mr. Basehart if he had reviewed the Wellington PUD. Mr. Basehart confirmed. Ms. Cohen inquired if there is something clearly shown with respect to having horses in Paddock Park 1 or if on the Plat the keeping or stabling of horses as a permitted use. Mr. Basehart stated there is not. Mr. Kurtz inquired to Mr. Basehart if in his review of the Wellington PUD is it written that the PUD would allow horses in Saddle Trail or anywhere else in the Wellington PUD. Mr. Basehart stated no. Mr. Kurtz stated the only documents approved by PBC when the Wellington PUD was approved that allowed or did not allow horses in a particular subdivision is the covenants and restrictions. Mr. Basehart stated that is correct.

Ms. Cohen inquired to Ms. Cramer if she is familiar with Ordinance 2003-02 the stabling ordinance. Ms. Cramer confirmed. Ms. Cohen inquired what PBC Ordinance 89-02 references. Ms. Cramer stated it references the keeping of animals on a property by a private owner and the sheltering of the animals. The Ordinance is a PBC Ordinance. Ms. Cohen read the portion of the Ordinance in regards to the sheltering of animals.

Mr. Kurtz objected to the line questioning and testimony. Mr. Kurtz stated it is not part of Mr. Basehart's opinion and or a subject of the Appeal. Ms. Cohen stated Mr. Kurtz raised the issue of the Ordinance and made the statement that no Ordinance took away the right. Ms. Mariaca allowed the testimony. Ms. Cohen inquired on the sheltering of animals and specifically horses, and how does the Village's code treat the sheltering of horses. Ms. Cramer stated the definition of sheltering is by a stall, which is located in a stable or barn. Ms. Cramer pointed out stalls have not been permitted outside of the EPA since 2002.

Mr. Kurtz renewed his request for a continuance due to this new testimony.

Ms. Cohen requested to hand out additional material. Mr. Kurtz objected and wished to review the material first. Ms. Cohen stated the material consists of emails from Mr. Kurtz's assistant at that time the 2003 Ordinance was adopted and reflects Mr. Kurtz did have knowledge of the Ordinance. Mr. Kurtz pointed out it his objection is about PBC Ordinance 89-02 with respect to Animal Care and Control. That Ordinance is for all animals, not specifically horses. Mr. Kurtz stated Ordinance 89-02 is not referenced in

Mr. Basehart's opinion, nor was it in the staff report. Ms. Cohen stated the Ordinance 2003-02 specifically references Ordinance 89-02. Mr. Kurtz was on notice it could be a subject of discussion.

Ms. Mariaca overruled Mr. Kurtz objection. Ms. Cohen stated since Mr. Kurtz stipulated he is familiar with the Ordinance; she would withdraw the handouts.

Mr. Kurtz inquired to Ms. Cramer with respect to the reference in Ordinance 2003-02 referring to Ordinance 89-02, was Ordinance 89-02 amended in any way by the Ordinance 2003-02. Ms. Cramer asked for clarification on the question. Mr. Kurtz inquired if the reference to 89-02 pre-existed Ordinance 2003-02. Ms. Cramer confirmed it did. Mr. Kurtz inquired if Ordinance 89-02 still exists. Mr. Kurtz inquired if Ms. Cramer knew of any modifications to PBC Ordinance 89-02. Ms. Cramer stated she had reviewed Ordinance 89-02 prior to today. Mr. Kurtz inquired if she reviewed the Ordinance 89-02 or looked at the PBC Code with respect to the animal provisions. Ms. Cramer stated she has reviewed Section 4.5, prior to today. Mr. Kurtz inquired if she knew whether modifications to that section subsequent to the passage of Ordinance 89-02. Ms. Cramer stated she did not know.

Mr. Kurtz inquired if in Section 4.5 there is a requirement for a stable. Ms. Cramer stated not specifically, but shelter from the environment is required. Mr. Kurtz inquired if she is familiar with areas in Wellington where animals are. Ms. Cramer confirmed. Mr. Kurtz inquired about Orange Point PUD, the southwest corner off the corner of 50<sup>th</sup> and 140<sup>th</sup>. Ms. Cramer confirmed she did.

Ms. Cohen objected due to reasons beyond the scope of her questioning, which was about the PBC Ordinance. Mr. Kurtz stated his questions are on specific properties where there are animals and no stables.

Ms. Mariaca allowed the testimony. Ms. Cohen stated Ms. Cramer's testimony was that shelters equated to stalls. Ms. Cramer stated specifically for horses.

Mr. Kurtz inquired if in Section 4.5 is there any reference to stalls or specifically to horses. Ms. Cramer stated no. Mr. Kurtz stated it deals with animals. Mr. Kurtz pointed out properties where there are cows and no stalls. Mr. Kurtz inquired if there are stables on an undeveloped property that has horses. Ms. Cramer asked if he was referring to Deeridge Farms. Deeridge Farms is one facility and does have barns. Mr. Kurtz inquired if her testimony is; all properties with animals on them in Wellington have stalls. Ms. Cramer stated no, her testimony is horses must have stalls. Ms. Cramer stated she was basing that on the Village's supplementary standards, which talks about stalls for the care of horses. Mr. Kurtz asked where in the supplementary standards does it requires stalls for horses. Ms. Cramer read the supplementary standards that require stables. Mr. Kurtz stated everything Ms. Cramer read from the supplementary standards makes no statement in regards to stalls and horses. Mr. Kurtz asked to confirm the wording "stalls" was not included. Ms. Cramer confirmed. Mr. Kurtz stated there is no reference in Section 4.5 to stalls. Ms. Cramer confirmed. Ms. Cohen

inquired to Ms. Cramer the appropriate shelter for a horse would be a stall, which would be located in a barn. Ms. Cramer confirmed.

Ms. Mariaca stated she would like to hear about Ms. Jacobs coming in to speak with Village staff prior to the purchase of the property regarding the use of the property. Mr. Basehart referred to Mr. Flinchum.

Mr. Kurtz objected, as Mr. Flinchum's testimony is not relevant, only Mr. Basehart's opinion is relevant. Ms. Mariaca stated she wanted to understand the timeline from when Ms. Jacobs was intending to buy the property and inquiring about the use allowed on the property.

Mr. Dunlap administered the oath to Mr. Flinchum.

Ms. Mariaca requested the timeline from Mr. Flinchum. David Flinchum stated he does not remember the exact dates. He had met with the mother and told her, she could not have horses, a barn or any type of equestrian use on the property. After she purchased the property, she again inquired on what she could do. Mr. Flinchum stated it was clear she was going to go ahead and do the equestrian activities. Mr. Flinchum confirmed staff advised Ms. Jacobs horses cannot be stabled outside of the EPA. Mr. Kopp inquired on any code enforcement action. Mr. Flinchum stated there was one taken.

Mr. Kurtz objected stating there is no relevance. This proceeding is the potential cure to any code action.

Ms. Mariaca stated this is for the Board to understand why the Board is here today.

Mr. Kurtz stated for the record, the issue before the Board is about Mr. Basehart's interpretation only. Mr. Dunlap reviewed the interpretation code and what the Board is to consider.

Carol Coleman inquired to Mr. Kurtz if he was aware that the property never had any horses or stables and the hiatus of time. Mr. Kurtz stated with respect to Mr. Basehart testimony, his client does not agree that there has not been horses on the property prior to 2007.

Mr. Basehart indicated that at the meeting with Ms. Jacobs, it would not have made a difference if there had been horses and a stable immediately prior to his client's purchase of the property. Mr. Kurtz acknowledged that there was not continuous use, but the property did have horses previously and he could have provided that information to the Board.

Ms. Mariaca stated after 2002 it would have been a non-conforming use and after six months the use becomes illegal, which means the property did not have continuous use. Ms. Mariaca stated that it is difficult to understand Mr. Kurtz's point.



Mr. Levin stated that the challenge is on Mr. Basehart's opinion and he addressed it in his response. Mr. Dunlap stated that Mr. Kurtz has done the cross-examination but Mr. Kurtz can still present witnesses and then final arguments for each side.

Mr. Kurtz inquired to Mr. Basehart if when the Wellington Charter was adopted was there a need for an Equestrian Plan. Mr. Basehart confirmed and stated the Comprehensive Plan established the EPA boundaries and the adoption of the EOZD to implement the EPA.

Mr. Kurtz asked Mr. Basehart whether the EOZD Ordinance had an effect on Paddock Park 1 area. Mr. Basehart stated the regulations establishing land uses within the EOZD do not apply outside of that district. Mr. Basehart confirmed the EOZD Ordinance did not have an impact on Paddock Park 1.

Ms. Cohen objected to Mr. Kurtz cross-examination of Mr. Basehart. Ms. Cohen stated that it is not proper to ask leading questions.

Ms. Mariaca stated that the questioning is redundant.

Mr. Kurtz inquired if the use table, as reference to Exhibit "C" of the packet, was in place prior to incorporation. Mr. Basehart stated it was. Mr. Kurtz stated that he had no further questions.

Mr. Dunlap advised the Board to open and close public comment.

**A motion was made by Carol Coleman, seconded by Stephen A. Levin, to open public comment. The motion passed unanimously (7-0).**

**A motion was made by Carol Coleman, seconded by Stephen A. Levin, to close public comment. The motion passed unanimously (7-0).**

Mr. Kurtz gave his closing arguments. Mr. Kurtz reviewed Mr. Basehart's testimony and pointed out that there has been no changes by Ordinance for horses in Paddock Park 1.

Ms. Cohen explained that the Board is to approve Mr. Basehart's interpretation unless there is competent substantial evidence that contradicts his position. Mr. Kurtz has presented no evidence that differs from Mr. Basehart's original opinion. Ms. Cohen reviewed what Mr. Basehart based his opinion on, including the Plat, various Ordinances that prohibits stalls or stables outside of the EOZD. Ms. Cohen argued government does not enforce private covenants or that these covenants do not regulate land use, nor can zoning powers, which are police powers of a municipality, be delegated to a non-governmental entity. Ms. Cohen stated Mr. Basehart's interpretation is logical, rational, and should be adopted by this Board to be the law of the Village.

**A motion was made by Kenneth Kopp, seconded by Tomas Bueno, to deny the appeal. The motion passed unanimously (7-0).**

**PZ-0166 ORDINANCE NO.2018-01 (Repeal Article 1, General Provisions, and Article 14, Enforcement Proceeding and Penalties, and Replace with Article 1, General Provisions)**

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE WELLINGTON LAND DEVELOPMENT REGULATIONS, MORE SPECIFICALLY, A ZONING TEXT AMENDMENT TO REPEAL AND REPLACE ARTICLE 1, GENERAL PROVISIONS, AND ARTICLE 14, ENFORCEMENT PROCEEDINGS AND PENALTIES, IN THEIR ENTIRETY; REPLACING THEM WITH ARTICLE 1 GENERAL PROVISIONS AS CONTAINED HEREIN; TO ESTABLISH SPECIFIC STANDARDS RELATED TO GENERAL PROVISIONS AND ENFORCEMENT PROCEEDINGS AND PENALTIES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE**

Ms. Cramer, Development Review Coordinator requested to present the next three items as one with separate motions. The Board approved. Ms. Cramer referenced PZ 0166; PZ-0167 and PZ-0168 and requested the files entered into the record.

Ms. Cramer presented the request for Zoning Text Amendments to the Land Development Regulations (LDR) for future Articles 1, 2 and 9, to the Board.

Ms. Cramer advised that Ordinance No. 2018-01 would repeal Article 1 and Article 14 of the current LDRs and create Article 1. Article 1 shall be known as General Provisions. Ms. Cramer reviewed the changes. Ms. Cramer stated that Article 1 is the general framework that allows staff to implement the other Articles as they come to the Board.

Ms. Cramer advised Ordinance No. 2018-02 this will repeal and replace Article 11 and replace with Article 2-Concurrency Management. Article 2 was previously repeal and reserved for future use. Concurrency ensures there will be adequate public facilities to service current and future developments. The implementation is based on the type of application provided in the newly adopted Article 5 and Development Review Manual.

Ms. Cramer advised Ordinance No. 2018-03 would move the traffic performance standards from what is now Article 15 to Article 9. The last update was back in 2015. There was minimal need to modify this Article.

Ms. Cramer summarized in total there are 23 proposed pages, currently the total number of pages is 81. This is an overall reduction of 58 pages. The purpose of the rewrite is to streamline the process, provide clear and accurate information that is user-friendly, provide standards and protects the health, safety and welfare of the community. Staff recommends approval of Ordinance 2018-01, Ordinance 2018-02 and Ordinance 2018-03.

**A motion was made by Jeffrey Robbert, seconded by Stephen A. Levin, to open public comment. The motion passed unanimously (7-0).**

**A motion was made by Jeffrey Robbert, seconded by Stephen A. Levin, to close public comment. The motion passed unanimously (7-0).**

Ms. Cramer clarified that the map in Article 9 will be updated to include Winding Trails before the Council hearing.

**A motion was made by Stephen A. Levin, seconded by Kenneth Kopp, to approve PZ-0166. The motion passed unanimously (7-0).**

**PZ-0167 ORDINANCE 2018-02 (Repeal Article 11, Adequate Public Facilities Standards, and Replace with Article 2, Concurrency Management)**

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE WELLINGTON LAND DEVELOPMENT REGULATIONS, MORE SPECIFICALLY, A ZONING TEXT AMENDMENT TO REPEAL AND REPLACE ARTICLE 11, ADEQUATE PUBLIC FACILITY STANDARDS, IN ITS ENTIRETY; REPLACING IT WITH ARTICLE 2, CONCURRENCY MANAGEMENT, AS CONTAINED HEREIN; TO ESTABLISH SPECIFIC STANDARDS RELATED TO CONCURRENCY MANAGEMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**A motion was made by Stephen A. Levin, seconded by Kenneth Kopp, to approve PZ-0167. The motion passed unanimously (7-0).**

**PZ -0168 ORDINANCE 2018-03 (Repeal Article 9, Environmental Standards, and Article 15, Vehicular Traffic Performance, and Replace with Article 9, Vehicular Traffic Performance)**

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE WELLINGTON LAND DEVELOPMENT REGULATIONS, MORE SPECIFICALLY, A ZONING TEXT AMENDMENT TO REPEAL ARTICLE 9, ENVIRONMENTAL STANDARDS, AND ARTICLE 15, VEHICULAR TRAFFIC PERFORMANCE STANDARDS, IN THEIR ENTIRETY; REPLACING ARTICLE 15 WITH ARTICLE 9, VEHICULAR TRAFFIC PERFORMANCE STANDARDS ,AS CONTAINED HEREIN; TO ESTABLISH SPECIFIC STANDARDS RELATED TO VEHICULAR TRAFFIC PERFORMANCE STANDARDS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**A motion was made by Stephen A. Levin, seconded by Kenneth Kopp, to approve PZ-0168 with the amended Winding Trails on the map. The motion passed unanimously (7-0).**

#### **IX. COMMENTS FROM PUBLIC**

None.

#### **X. COMMENTS FROM STAFF**

Mr. Basehart thanked the Board.

**XI. COMMENTS FROM THE BOARD**

Ms. Mariaca wished everyone a Happy Holiday.

**XII. ADJOURN**

A motion was made by Jeffery Robbert, seconded by Stephen A. Levin, to adjourn. The motion passed unanimously (7-0).

The meeting adjourned at 9:55 p.m.

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Elizabeth Mariaca-Chairperson

\_\_\_\_\_  
Jennifer Fritz-Recording Secretary