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January 31, 2019

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

Re: Annexation of Homeland into the Village of Wellington

Dear Mayor and Council,

I have been authorized by the Homeland Property Owner's Association Board to submit this request for the Village Council to initiate consideration of the annexation of the area known as Homeland into the Village of Wellington. The Board is confident there is substantial support for this annexation based on their survey of the community and results of a recent Board election wherein the pro annexation Board members were elected or re-elected. Your Village Staff has been working with the Homeland Property Owner's Association to provide an opportunity for the Homeland Community to annex into the Village of Wellington. The Board is prepared to recommend annexation to its members and residents, under the terms and conditions that have been discussed with your staff and are summarized below. If the Council concurs in the steps and terms described below, the Board requests the Village Council authorize staff to negotiate an annexation agreement and direct them to prepare an annexation report in accordance with Section 171.042 Florida Statutes (2018). The steps contemplated herein would culminate in a referendum question being put before the electors who reside within homeland to approve or disapprove the annexation.

#### **The Lands to be Annexed**

Homeland is a platted community consisting of 283 5-acre lots located south of 50<sup>th</sup> street on Wellington's southeastern boundary. Homeland is immediately adjacent to Wellington on Homeland's Northern and Western boundaries. The lots are developed as residential property with a fair number of the lots having equestrian activities on them, which are consistent with the development patterns in Wellington's Equestrian Overlay Zoning District (EOZD). The residential

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equestrian nature of the community makes it a good fit for Wellington. The lands were platted in 1977 and the area has been under constant development since then. The legal description of the lands subject to annexation is Homeland Plat as recorded in the public records of Palm Beach County in Plat Book 33, Page 111.

### **Current Role of the POA**

The Homeland Property Owners Association (Association) enforces the covenants and restrictions that are applicable to the lands within Homeland and also maintains the common areas and easements within the community. The roadways include Homeland Road, which is deeded to the Association and serves as the main entrance to the community and spine for the internal roadway system. The rest of the roadways are easement roads that the Association has maintenance responsibility for. All the roads within Homeland are paved. The Association also maintains drainage easements and canals. The community has a number of bridle paths that are maintained by the Association. The Association maintains and staffs a guardhouse located on a portion of Homeland Road.

### **Current Provision of Services**

Police and fire services are currently provided by the Palm Beach County Sheriff and Palm Beach County Fire and Rescue. The Sheriff's service is consistent with that provided to other areas of unincorporated Palm Beach County for gated residential communities and Homeland is part of the MSTU for fire service. Water and sewer service are provided through individual potable water wells and septic tanks on the developed lots. Garbage service is provided by Palm Beach County through a contracted vendor.

### **Proposed Role of the POA and Provision of Services after Annexation**

To avoid a duplication of services and minimize the cost impact of individual property owners annexing into the Village that following annexation into Wellington it is proposed and Village staff concurs in the proposal that the HOA would be dissolved and the covenants and restrictions on the properties be removed. In their place Wellington would establish and enforce zoning restrictions. (A copy of proposed Subarea H regulations is attached). In addition the HOA's easement maintenance responsibility would be taken over by a special unit of development of the Acme Improvement District. The roadways would remain private and utilized only by the property owners their guests and invitees. Homeland Road would be conveyed by quitclaim deed from the Association to Acme subject to the restriction that the gate would remain and the road would be private. Police services would be provided by the Sheriff's department but at an enhanced level consistent with the rest of the Village as provided by Wellington's contract with the Palm Beach County Sheriff. Fire rescue services would continue to be provided by Palm Beach County through the MSTU. Garbage services would be provided through the Wellington's franchisee. Sewer service would continue to be provided by individual septic tanks as is consistent with large lots throughout Wellington. At some future date, Wellington will explore with the Homeland property owners and residents if potable water should be provided by the Village rather than through wells. Such conversion to Wellington's water system would be done in accordance with Wellington's established policies including those dealing with neighborhood interest and consent. Any costs for expansion of the water utility into Homeland would be borne by Homeland property owners consistent with Wellington's practices and policies.

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### **Annexation Process**

The annexation would proceed under the uniform method of annexation described in Section 171.0413 Florida Statutes. This process requires the passage of an ordinance annexing the lands into the municipality, which is subject to referendum approval by the electors residing in the area to be annexed. Prior to the ordinance being considered by the Village Council, Wellington's staff must prepare a report in accordance with Section 171.042 that among other things certifies that area to be annexed meets the criteria set forth in Section 171.043. At least 15 days before the Council's consideration of the annexation ordinance on first reading the annexation report must be filed with the Board of County Commissioners. Under this process the County Commission must be notified of the proposed annexation but need not consent to the annexation. The referendum shall be called by the Village Council but cannot be held until at least 30 days after the final adoption of the ordinance by the Village Council. Wellington's staff has recommended that the referendum be a "single referendum" and only the electors residing within the area to be annexed participate as opposed to a dual referendum that requires the approval of electors within the area to be annexed and those residing within the current boundaries of the Village.

### **Land Use and Rezoning Process**

The annexation of the lands constituting Homeland will necessitate land use and zoning designations placed on the property to be consistent with Wellington's comprehensive plan. The Village would initiate these ordinances relative to the land use designation and rezoning along with any text amendments necessary to allow the Village's comprehensive plan and zoning regulations to be effective in Homeland. The proposed land use designation would be Residential B and the zoning designation AREOZD subject to the subarea H regulations. A draft of the proposed subarea H regulations are attached.

Staff would process the land use, zoning, and textual amendments through the EPC and PZAB and through first reading of the ordinances by the Village Council prior to the annexation being effected. Adoption of the land use and rezoning ordinances would not finally consider for adoption until after the annexation had been approved by a referendum of the electors residing within Homeland and the annexation ordinance was actually effective.

### **Regulation of Watercraft**

The existing Homeland rules, covenants and restrictions prohibit motorized watercraft in the canals and lakes within the community. The Board requests section 70.2 of the Village Code of Ordinances be amended to prohibit motors from being used in the canals and lakes within Homeland post annexation. The Village ordinance currently prohibits the operation of gasoline, diesel, or fuel-powered boats, vessels, jet skis, wave runners, or other personal watercraft, in any publicly owned water body, lake or canal. The expansion of the prohibition to water bodies within Subarea H makes sense because they are currently prohibited and Acme through the special unit of development will have maintenance responsibility for the waterways post annexation. The proposed amendment to section 70.2 is attached for your review.

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### **Acme Improvement Special Unit of Development**

The Village Council through the Acme Improvement District would annex Homeland into the Acme Improvement District but the services provided to Homeland would not be the full panoply of services provided by AID. Rather a special unit of development of AID would be created to service the specific needs of the landowners within Homeland. These services would be limited to maintenance and improvement of the internal roadways, horse trails and drainage system as any outflow would still go into the LWDD and Homeland would remain a part of LWDD. The services provided by the Special Unit of Development of Acme would take the place of services currently being provided by the HOA. It is contemplated the HOA would dissolve following the annexation. To facilitate the provision of services to Homeland by Acme the HOA would transfer its interest in Homeland Road and assign its maintenance easement interest in peripheral roadways, horse trails, and drainage easements to the Acme Improvement District. These interests would be transferred following the effective date of the annexation and the establishment of the unit of development. The Village would initiate the creation of the special unit of development by amending its local ordinances relating to the Acme Improvement District. Like the land use and zoning ordinances related to the unit of development would be processed through first reading prior to the annexation being effective with the adoption hearings taking place after the annexation was effective.

### **Costs**

Since the annexation, land use, zoning and unit of development amendments would be initiated by the Village any and all application fees associated with their consideration should be borne waived by the Village Council regardless of the outcome of the annexation. Since the maintenance obligations of the Association will be relieved by the formation of the special unit of development, the HOA will not be paid by Acme for quitclaiming its interest in the roadways, horse trails and drainage easements and facilities.

As a prerequisite to the annexation report the Association will provide the Village with a facilities report done by an engineering firm outlining the location and maintenance responsibility of the roadways, horse trails, drainage and guardhouse.

### **Annexation Agreement**

The proposed annexation requires coordination between the Association and the Village to be successful and provide for the continuation of services as described in this letter. The uncertainties surrounding both processes create a chicken and egg quandary. Therefore it will benefit both parties and provide the residents and property owners of Homeland some assurances moving forward if an Annexation Agreement is entered into between the Association and the Village. The agreement would set forth the matters necessary for the transfer of interest from the Association to Wellington/Acme necessary for the continued maintenance of the facilities in Homeland by the special unit of development. The votes authorizing the dissolution of the Association and termination of the covenants and restrictions should be done prior to the annexation but be conditioned on the annexation. The annexation agreement can give property owners voting on the dissolution confidence about what the future holds. The affirmative vote on the dissolution can give the Village Council confidence the community favors annexation prior to authorizing the referendum.



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The vote on the dissolution of the Association and termination of the covenants and restrictions will take place over a 90 day period. The Annexation Agreement would be provided to the property owners to assist them in their consideration of the action with respect to the Association.

Matters to be addressed within the Annexation Agreement would include:

1. Creation of the Acme special unit of development;
2. Powers of the Acme special unit of development;
3. Processing of land use and rezoning regulations;
4. Transference of Association's interest in facilities to be maintained by Acme;
5. Homeland would remain a part of Lake Worth Drainage District;
6. Association's dissolution and termination of covenants and restrictions;
7. Contingent aspects of parties actions;
8. Remedy for default;
9. Timetable for actions.

### **Conclusion**

Should the Council concur in the above outlined actions, the Board requests Council give direction at an upcoming Council meeting to staff to negotiate and bring back for approval an Annexation Agreement consistent with the above and initiate the development of an Annexation Report.

Sincerely,



Jeffrey S. Kurtz

Special Counsel to Homeland Property Owner's Association Board of Directors

Cc: Paul Schofield, Village Manager  
Jim Barnes, Assistant Village Manager  
Robert Basehart, Director of Planning, Zoning & Building

**Proposed changes related to Subarea H (Homeland) are underlined and italicized.**

- **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 120<sup>th</sup> Avenue, including all of Palm Beach Point and that portion of the Orange Point PUD located in Section 34.

D. **Subarea D.** Subarea D, generally consisting of portions of Sections 15 and 16 and Sections 20, 21, and 22, Township 44S, Range 41E, including the Wellington Country Place PUD and the Equestrian Club PUD.

E. **Subarea E.** Subarea E generally consisting of Section 13, Township 44S, Range 40E; commonly known as "Rustic Ranches."

F. **Subarea F.** Subarea F generally consisting of portions of Section 18, Township 44S, Range 41E, commonly known as "Winding Trails" of The Landings at Wellington PUD.

G. Reserved

H. Subarea H generally consisting of Section 35, Township 44S, Range 41E and Section 1, Township 45S, Range 41E and Section 38 of the Hiatus between, commonly known as "Homeland" as recorded in the public records of Palm Beach County in PB 33, Pages 111-112.

(Ord. No. 2009-17, § 2, 1-12-2010; Ord. No. 2016-17, § 2, 2-28-2017)

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

Setback	Minimum Setback for Principal Structures (1)		Minimum Setback for Accessory Structures	
	All Equestrian Areas	Exceptions (See Notes)	Conforming Lots	Nonconforming Lots/Exceptions
Residential Lot <u>(10)</u>		50 Feet (6)		50 Feet (8) 50 Feet (9)

Notes and Additional Standards for Affected Setbacks:

(1) Single-family dwellings, barns, stables, covered arenas and similar structures are always considered a principal use.

(2) Setback for Little Ranches No. 2 and Little Ranches East.

(3) Setback for Paddock Park II and Saddle Trail Park and Mystic Equestrian.

(4) Setback for barns in Paddock Park II and Saddle Trail Park and Mystic Equestrian.

(5) Setback for dwellings in Paddock Park II and Saddle Trail Park and Mystic Equestrian.

(6) Setback for dwellings and barns in Winding Trails.

(7) Setback for accessory structures in Winding Trails.

(8) Setback for riding ring, paddock and practice fields in Winding Trails.

(9) Setback for manure bin in Winding Trails.

(10) Setbacks of all existing structures that were permitted by Palm Beach County in Subarea H prior to annexation shall be considered conforming and may be repaired or replaced if removed in the same location.

**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. 250 feet (1)
Minimum Lot Depth	300 feet, or as otherwise provided in a current, valid development order. 100 feet (2)
Maximum Floor	20%, or as otherwise provided in a current, valid development order or as



Development Standard	Minimum Dimension or Standard
Area Ratio	otherwise provided in the Future Land Use Element of the Comprehensive Plan.
Maximum Building Height*	35 feet (3)
Maximum Lot Coverage	20%, or as otherwise provided in a current, valid development order.

Notes and Additional Standards:

- (1) Minimum lot width for Subarea F, Winding Trails.
- (2) Minimum lot depth for Subarea F, Winding Trails.
- (3) Subarea F shall have a maximum of two (2) stories.

*\*Note: Subarea A, C, D, E and H 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, E, and H above.

(Ord. No. 2009-17, § 2, 1-12-2010; Ord. No. 2016-20, § 1, 9-13-2016; Ord. No. 2016-17, § 2, 2-28-2017)

• **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.			
<b>Legend</b> 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, Temporary			S	S	P	P	See Sec. 6.10.7.B.2
Airplane Landing Strip, Accessory			C	C			

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.		
<b>Legend</b> C = Conditional Use • P = Permitted Use • Blank = Prohibited Use D = Development Review Committee • S = Special Permit						
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

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.		
<b>Legend</b> C = Conditional Use • P = Permitted Use • Blank = Prohibited Use D = Development Review Committee • S = Special Permit						
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

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.		
<b>Legend</b> C = Conditional Use • P = Permitted Use • Blank = Prohibited Use D = Development Review Committee • S = Special Permit						
Fruit and Vegetable Market					P	P
Garage, Yard, or Rummage Sale			P	P		
General Store					P	P
Government Services, Municipal			D	D	D	See Sec. 6.10.7.B.5
Government Services, Non-Municipal			D	D	D	
Groom's Quarters			P	P		
Guest Cottage			P	P		
Helipad, Accessory			C			D
Home Occupations			P	P		P
House of Worship			P	P	P	P

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						
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.



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					
					6.10.9.A
Restaurant, General				P	P
Restaurant, Specialty				P	P
Schools		C	C	C	C
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		C	C		C

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					
Treatment Plant					

**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. Bed and Breakfast establishments in the EOZD shall meet [Section] 6.4.4.20 regulations. Additionally the following supplemental regulations shall apply within the EOZD.
  - b. Patrons of the establishment may stable horses in a permanent barn or stable located on the same parcel as the establishment. Temporary stabling tents are prohibited for Bed and Breakfast establishments.
  - c. Parking shall be provided for the barn and grooms quarters in accordance with the Land Development Regulations as a separate calculation and shall be in addition to the required parking for the Bed and Breakfast use.
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.

7. Veterinary Clinics, Quarantine Facilities, Garage Sales and/or Yard Sales, Bed and Breakfast, and Commercial Equestrian Arena uses are prohibited in Subarea H.

8. Single Family Homes in Subarea H shall have a minimum floor area of 2,500 square feet. A multi story home in Subarea H shall have a first floor with a minimum of 2,000 square feet.

9. In Subarea H a Guest Cottage may have a kitchen.

10. In Subarea H Guest Cottages and Grooms Quarters may be rented out to unrelated third parties and shall not be subject to a minimum or maximum tenancy duration

(Ord. No. 2009-17, § 2, 1-12-2010; Ord. No. 2013-03, § 9(Att. H), 5-14-2013; Ord. No. 2016-12, § 2, 9-27-2016)

• **Sec. 6.10.8. - Maximum Density and Minimum Lot Size.**

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

**Table D.**  
**Maximum Density and Minimum Lot Size Requirements**

Subarea	Maximum Density	Minimum Lot Size	Cluster Development
A	0.2 Dwelling Units per Acre	5 Acres	Prohibited
B	0.5 Dwelling Units per Acre	1 Acre	Prohibited
C	0.1 Dwelling Units per Acre	10 Acres	Prohibited
D	0.5 Dwelling Units per Acre	2 <sup>1</sup> Acres	Permitted
E	0.2 Dwelling Units Per Acre	5 Acres	Prohibited

Subarea	Maximum Density	Minimum Lot Size	Cluster Development
F	0.5 Dwelling Units per Acre	2 Acres	Prohibited
<u>H</u>	<u>0.2 Dwelling Units per Acre</u>	<u>5 Acres (2)</u>	<u>Prohibited</u>
<p>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> <p><u>(2) All platted lots existing prior to annexation in Subarea H shall be considered conforming. Any such lot reduced below the required minimum size due to dedication of land for public purposes such as road or drainage right-of-way will receive dimensional and land area credit toward requirements for the land area dedicated.</u></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; Ord. No. 2016-17, § 3, 2-28-2017)

### • **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.
  - li .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.

4. In Subarea H drainage easements are also bridle path easements, therefore fences are prohibited from encroaching on drainage and/or bridle path easements.

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

1. Tents Prohibited. After June 1, 2003, tents shall not be permitted in Subarea A, Subarea F, Subarea H, 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. Except in Subarea H, 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. Within Subarea F, stables shall contain no more than four (4) stalls per acre with a maximum of ten (10) stalls per lot. Within Subarea H stables shall contain no more than twelve (12) total stalls per 5 acres, provided that regardless of the size of the lot or unified lot(s) stables shall not contain more than 24 stalls.

#### **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; Ord. No. 2016-17, §§ 4, 5, 2-28-2017)

### • **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 Unit Required <sup>(1)</sup>	Square Footage of Stable	Number of Stables	Approval Required
Less than ½ acre	Yes	1,250 square feet/acre <sup>(2)</sup>	1	Building permit
Greater than ½ acre, less than 1 acre	Yes	1,250 square feet/acre <sup>(2)</sup>	1	Building permit
Greater than 1 acre, less than 3 acres	Yes	1,250 square feet/acre <sup>(2)</sup>	1	Building permit
Greater than 3 acres, less than 5 acres	Yes	1,250 square feet/acre <u>(3)</u> <sup>(2)</sup>	1	Building permit
Greater than 5 acres, less than 10 acres	No	Limited by FAR and lot coverage in subarea <u>(3)</u>	1	Building permit



Size of Lot	Residential Unit Required <sup>(1)</sup>	Square Footage of Stable	Number of Stables	Approval Required	
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.

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

<sup>(2)</sup> 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.

*(3) No barn or stable shall be allowed on any lot or parcel in Subarea H without a principal residential structure. The size of stables built in Subarea H shall be limited by FAR and lot coverage*

(Ord. No. 2009-17, § 2, 1-12-2010)

**Proposed changes to section 70-2 are underlined and italicized.**

- **Sec. 70-2. - Operation of personal watercraft within village boundaries prohibited; exceptions.**

The operation of any gasoline, diesel, or fuel-powered boats, vessels, jetskis, waverunners, or other personal watercraft is hereby expressly prohibited on or in any publicly owned water body, lake, or canal located within the village boundaries and any water body, lake, or canal located within the property known as Homeland and more particularly described as Subarea H of the Equestrian Overlay Zoning District, except that the use of gasoline, diesel, or fuel-powered boats may be permitted as provided in section 70-3 hereof. This section shall not be construed to prohibit the use of self-propelled, nonmotorized personal watercraft such as canoes, paddleboats, or rowboats, nor those watercraft propelled or powered by electric motors.

(Ord. No. 96-10, § 2, 5-14-96; Ord. No. 98-24, § 2, 10-27-98)

- **Sec. 70-3. - Exceptions.**

The use of gasoline, diesel, or fuel-powered boats may be permitted by council in the following instances:

(1) Municipal and other government agencies in the performance of aquatic weed control and other health and safety related programs.

(2) Educational programs, if such programs are conducted on Lake Wellington between the hours of 8:00 a.m. and 5:00 p.m. between December 15 and May 15, and are limited to no more than two 14-foot boats with a maximum nine horsepower motor. Permission may be granted by the village council after a public hearing to consider such request.