

ORDINANCE NO. 2020-01

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE WELLINGTON LAND DEVELOPMENT REGULATIONS, MORE SPECIFICALLY, A ZONING TEXT AMENDMENT TO REPEAL, REPLACE AND RECODIFY THE LAND DEVELOPMENT REGULATIONS, IN THEIR ENTIRETY AS CONTAINED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wellington Council, as the governing body, pursuant to the authority vested in it by Chapter 163, Chapter 166 and Chapter 177, Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations (LDR); and

WHEREAS, upon incorporation in 1996, the Wellington Council adopted the Palm Beach County (PBC) Unified Land Development Code (ULDC), as the LDR for Wellington; and

WHEREAS, over the years minor amendments to the LDR have been codified to address changed conditions or to modify the code to suit specific needs of Wellington to ensure the health, safety, welfare and overall quality of life; and

WHEREAS, Wellington believes that it is in the best interest of the community to make additional modifications to the LDR to streamline the development review process, to establish a process that best serves the public, and to create standards and incentives for the betterment of future development and redevelopment; and

WHEREAS, the revisions to the LDR will greatly benefit the public by simplifying the language and by reducing the current 14 articles and approximately 1,200 pages to nine (9) articles and approximately 300 pages, including Article 4 which will be reserved for future use; and

WHEREAS, The Planning, Zoning and Adjustment Board, acting as the Local Planning Agency, after notice and public hearings, reviewed the proposed articles of the LDR for consistency with Wellington's Comprehensive Plan and made recommendations for approval as illustrated below:

Article	Original Ordinance Number	Date	Vote by PZAB
Article 1	2018-01	December 13, 2017	7-0
Article 2	2018-02	December 13, 2017	7-0
Article 9	2018-03	December 13, 2017	7-0
Article 8	2018-06	April 11, 2018	6-0
Article 7	2018-08	September 12, 2018	7-0
Article 7 (Sign Code chapter only)	2019-12	October 10, 2019	4-0
Article 5	2019-04	May 16, 2019	4-0
Article 6	2019-14	November 13, 2019	6-0

Article	Original Ordinance Number	Date	Vote by PZAB
Article 3	2019-15	December 11, 2019	4-0

WHEREAS, all ordinance numbers listed in the table above shall be replaced by this ordinance (2020-01) and all exhibits from previous ordinances will be combined in Exhibit A of this ordinance in order to adopt the entire LDR under a single ordinance; and

WHEREAS, the Village Council has taken the recommendations of the Local Planning Agency, Wellington staff and the comments from the public into consideration as part of the review of the proposed amendments to the LDR that are the subject of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON, FLORIDA THAT:

SECTION 1. Wellington Land Development Regulations as set forth below are hereby repealed, in their entirety:

Article	Chapter	Title	Section(s)	Tables/Charts/Exhibits/Figures
1	1	General	1.1.1 - 1.1.4	Exhibit A
1	2	Relationship to Comprehensive Plan	---	---
1	3	Applicability	---	---
1	4	Minimum Requirements	---	---
1	5	Exemptions; Effect of Code and Amendments of Previously Approved Development Orders	1.5.1 - 1.5.4	---
1	6	Nonconformities	1.6.1 - 1.6.2	---
1	7	Nonconforming Uses	1.7.1 - 1.7.2	Table 1.7-1
1	8	Nonconforming Structures	1.8.1 - 1.8.5	---
1	9	Nonconforming Lots	1.9.1 - 1.9.3	---
1	10	Properties Affected by Eminent Domain Proceedings	1.10.1 - 1.10.3	---
1	11	Creation of Potentially Buildable Single Family Lots	1.11.1 - 1.11.5	---
1	12	Interpretation of the Code	1.12.1 - 1.12.2	---
2		Interpretation of the Code (Previously repealed in its entirety)	---	---

Article	Chapter	Title	Section(s)	Tables/Charts/ Exhibits/Figures
3	1	Rules of Construction	3.1.1 - 3.1.21	---
3	2	Definitions	---	---
3	3	Abbreviations and Acronyms	---	---
4	1	Decision-making, Administrative and Enforcement Bodies (Previously repealed in its entirety) *Reserved for Future Use	--	---
5	1	General	5.1.1 - 5.1.2	Table 5.1.2-1
5	2	Applications	5.2.1 - 5.2.4	Table 5.2.4-1 through 5.2.4-2
5	3	Application Regulations by Type	5.3.1 - 5.3.11	---
6	1	Districts Established	6.1.1 - 6.1.2	---
6	2	Zoning Districts Established	6.2.1 - 6.2.18	---
6	3	Zoning Map and District Boundaries	6.3.1 - 6.3.3	---
6	4	Use Regulations and Definitions	6.4.1 - 6.4.4	Table 6.4-1 through 6.4-8
6	5	Property Development Regulations	6.5.1 - 6.5.19	Table 6.5-1 Figure 6.5-1 and 6.5-2 Table 1.A
6	6	Supplementary Regulations	6.6.1 - 6.6.4	Exhibit "A" Figure 1
6	7	--	--	---
6	8	Planned Development District Regulations	6.8.1 - 6.8.14	Table 6.8-1 through 6.8.14-.1 Figure 6.8-4
6	9	Voluntary Density Bonus	6.9.1 - 6.9.11	
6	10	Equestrian Overlay Zoning District	6.10.1 - 6.10.12	Table A through E
6	11	Palm Beach Little Ranches Overlay Zoning District	6.11.1 - 6.11.11	Table 6.11-1 through 6.11-4
6	12	Reserved	6.12.1 - 6.12.4	--
6	13	Rustic Ranches Overlay Zoning District (RROZD)	6.13.1 - 6.13.9	Table 6.13-1 through 6.13-4
7	1	General	7.1.1 - 7.1.2	--

Article	Chapter	Title	Section(s)	Tables/Charts/ Exhibits/Figures
7	2	Off-Street Parking and Loading	7.2.1 - 7.2.4	Table 7.2-1 through 7.2-5 Figure 7.2-1 through 7.2-3
7	3	Landscaping and Buffering	7.3.1 - 7.3.15	Table 7.3-1 through 7.3-8
7	4	Preservation of Critical Resources	7.4.1 - 7.4.10	
7	5	Tree Protection	7.5.1 - 7.5.9	Table 1
7	6	Excavation	7.6.1 - 7.6.10	Table 7.6
7	7	Driveways and Access	7.7.1 - 7.7.4	--
7	8	Miscellaneous Standards	7.8.1 - 7.8.3	--
7	9	--	--	--
7	10	--	--	--
7	11	--	--	--
7	12	--	--	--
7	13	Archaeological Resources Protection	7.13.1 - 7.13.6	--
7	14	Sign Regulations	7.14.1 - 7.14.20	--
7	15	Maintenance and Use Documents	7.15.1 - 7.15.6	--
8	1	General Provisions	8.1.1 - 8.1.3	--
8	2	Interpretation	8.2.1 - 8.2.3	--
8	3	General Requirements	8.3.1 - 8.3.5	--
8	4	Application of Ordinance	8.4.1 - 8.4.2	--
8	5	Previously Approved or Platted Subdivisions	8.5.1 - 8.5.6	--
8	6	Planned Development	8.6.1 - 8.6.2	--
8	7	Alternate Designs for Rural Subdivisions	8.7.1 - 8.7.3	--
8	8	Phased Developments	8.8.1 - 8.8.6	--
8	9	Exceptions to General Requirements	8.9.1 - 8.9.4	--
8	10	Administration of Article	8.10.1 - 8.10.2	--
8	11	Preliminary Subdivision Plan	8.11.1 - 8.11.3	--
8	12	Final Subdivision Plan	8.12.1 - 8.12.5	--
8	13	Technical Compliance	8.13.1 - 8.13.6	--
8	14	Land Development Permit	8.14.1 - 8.14.2	--
8	15	Substitution of Developers	8.15.1 - 8.15.2	--
8	16	Construction Plans and Supplemental Engineering Information	8.16.1 - 8.16.6	--

Article	Chapter	Title	Section(s)	Tables/Charts/ Exhibits/Figures
8	17	Construction of Required Improvements	8.17.1 - 18.17.7	--
8	18	Supplemental Procedures	8.18.1 - 8.18.3	--
8	19	Requirements for Certified Survey	8.19.1 - 8.19.3	--
8	20	Requirements for the Preliminary and Final Plat	8.20.1 - 8.20.3	--
8	21	Required Improvements	8.21.1 - 8.21.3	--
8	22	Access and Circulation Systems	8.22.1 - 8.22.4	Chart 8.22-1 through 8.22- 2
8	23	Clearing, Earthwork and Grading	8.23.1 -8.23.2	--
8	24	Stormwater Management	8.24.1 -8.24.9	--
8	25	Wastewater Systems	8.25.1 - 8.25.3	--
8	26	Potable Water Systems	8.26.1 - 8.26.3	--
8	27	Utilities	8.27.1 -8.27.4	--
8	28	Fire-Rescue Services	8.28.1 - 8.28.4	--
8	29	Subdivision Design and Survey Requirements	8.29.1 - 8.29.6	--
8	30	Variances	--	--
8	31	Standard Forms	8.31.1 - 8.31.2	--
9	3	Wellfield Protection	9.3.1 - 9.3.14	--
10		Impact Fees (Previous repealed in its entirety)	--	--
11	1	General	11.1.1 - 11.1.4	--
11	2	Level of Service (LOS) Standards	11.2.1 -11.2.10	--
11	3	Monitoring Program	11.3.1 - 11.3.3	--
11	4	Review for Adequate Public Facilities	11.4.1 -11.4.3	--
11	5	Entitlement Density	11.5.1 - 11.5.6	--
11	6	Concurrency Exemption Extension	11.6.1 - 11.6.10	--
12		Development Agreements (Repealed in its entirety)	--	--
13		Article was intentionally not used	--	--

Article	Chapter	Title	Section(s)	Tables/Charts/Exhibits/Figures
14	1	General	--	--
14	2	Enforcement by Code Enforcement Board and/or Special Magistrates	--	--
14	3	Other Legal Remedies	14.3.1 - 14.3.3	--
14	4	Other Administrative Remedies	14.4.1 - 14.4.2	--
15	1	Intent and Authority	15.1.1 - 15.1.2	--
15	2	Applicability	15.2.1 - 15.2.3	--
15	3	Project Buildout	15.3.1 - 15.3.2	Table 15.3.B-1A through 15.3.C-1A
15	4	Traffic Impact Studies	15.4.1 - 15.4.5	--
15	5	Proportionate Share Program	15.5.1 - 15.5.7	--
16	1	On Site Disposal Systems (Environmental Control Rule I)	16.1.1 - 16.1.13	Table 16.1-1 through 16.1-4
16	2	Water Supply Systems (environmental Control Rule II)	16.2.1 - 16.2.14	--
16	3	Prohibition of Dumping, Regulation of Waste and Clean Fill Activity	16.3.1 -16.3.6	--
17		Park and Recreation Standards (Previously repealed in its entirety)	--	--

SECTION 2. Wellington hereby adopts the entirety of the regulations set forth in Exhibit A attached hereto and made a part of this Ordinance as its new Land Development Regulations.

SECTION 2. Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington Ordinance, Resolution, or Municipal Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 3. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion of part thereof, other than the part so declared to be invalid.

SECTION 4. This Ordinance shall become effective immediately upon adoption of the Village Council following second reading.

PASSED this 10th day of December 2019, upon first reading.

PASSED AND ADOPTED this _____ day of _____ 2019, on second and final reading.

WELLINGTON

	FOR	AGAINST
BY: _____ Anne Gerwig, Mayor	_____	_____
_____	_____	_____
Michael J. Napoleone, Vice Mayor	_____	_____
_____	_____	_____
John T. McGovern, Councilman	_____	_____
_____	_____	_____
Michael Drahos, Councilman	_____	_____
_____	_____	_____
Tanya Siskind, Councilwoman	_____	_____

ATTEST:

BY: _____
Chevelle D. Nubin, Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney