



## **PLANNING & ZONING STAFF REPORT**

### **I. DESCRIPTION**

Petition: Ordinance No. 2020-01  
Land Development Regulations  
Articles 1-9

Applicant: Village of Wellington (Planning and Zoning Department)

Project Manager: Cory Lyn Cramer, AICP

Request: Approval of Ordinance No. 2020-01 to repeal and replace Wellington's Land Development Regulations (LDR) in its entirety.

### **II. BACKGROUND**

Wellington incorporated in 1995 and became operational in 1996. The Village Charter provided that Wellington would adopt the Palm Beach County Unified Land Development Code (ULDC) as the first set of LDR. The first Comprehensive Plan was adopted in 1999. The Comprehensive Plan requires that LDR be established to implement the Goals, Objectives, and Policies of the Comprehensive Plan. The Village began to process modifications to the LDR, as needed, to address local community needs and those needs specific to Wellington that differed from Palm Beach County. This reactive approach was the catalyst to the Village's determination that the entire LDR needed to be re-written to continue to be effective and to address the current and future growth and redevelopment of Wellington as we approach build-out. To date, Council has reviewed Articles 1, 2, 4, 7, 8, and 9. Council has also adopted a new Article 5 and has reviewed a second modification, which is included in this request. The Development Review Manual was also adopted as part of this re-write. At this time, Articles 3 (Definitions) and 6 (Zoning Districts) will be reviewed by the Council as part of this request.

When Council reviewed and approved the other aforementioned articles (1, 2, 4, 7, 8, and 9) on first reading, there were minor corrections or changes that were requested and have been completed. A table provided with the staff report identifies all changes that were a result of the first reading. In efforts to codify the entire LDR as one document under one ordinance, the previous articles, have been included, with the changes. The ordinance provides clear references to each article's original first reading and ordinance numbers. Those ordinances are being replaced with Ordinance No. 2020-01.

This staff report will first breakdown the background and analysis for Articles 3 and 6 since they are new. This description will be followed by a summary of the other articles as previously provided in the staff reports from each article as a recap. Please note that there were no changes to the other articles other than those discussed with the Council during the first reading hearings.

Article 6 (Zoning Districts) establishes zoning districts and regulations to ensure that each use is compatible with surrounding uses, served by adequate public facilities, sensitive to natural resources and consistent with the Comprehensive Plan. Article 6 has been updated as follows under the Summary and Analysis section of this report.

Article 3 (Definitions) is the final step of the re-write. The definitions could not and should not have been finalized until the rest of the LDR was drafted.

### **III. SUMMARY AND ANALYSIS**

#### **Article 6: Zoning Districts**

Article 6, as proposed, has been written to simplify the text, remove duplications, and provide the regulations in an order and flow that follows the typical zoning district hierarchy that is the industry standard and providing requirements for each zoning district or district type. Currently, Article 6 is approximately 300 pages. The proposed Article is under 90 pages. Various citations throughout Article 6 to statutes, LDR sections, titles of agencies or officials, etc. were updated and/or corrected as needed.

Wellington adopted the Unified Land Development Code (ULDC) from Palm Beach County when it was incorporated in 1996. There were many zoning districts within the code that did not exist in Wellington but did exist in the County. The zoning districts in Chapter 1 have been updated, reorganized and match Wellington's current zoning map.

In the existing zoning regulations, there were three use table schedules that were located in different chapters throughout Article 6. This made it difficult to navigate and often created conflicts. The three use tables were combined into one, located in Chapter 2, and reorganized based on types of uses (residential, retail, office, etc.). The uses were simplified to general categories resulting in a clean and clear Use Matrix. Staff reviewed the supplementary standards that related to the uses and updated them as well. The supplementary standards are now grouped by principal use, accessory use and temporary use. No significant contextual changes were made to the regulations.

Article 6, Chapter 3 relates to Property Development Regulations. As previously stated, there were various zoning districts mentioned in the code that did not exist. This stood true for the tables within Chapter 3 that provided minimum lot requirements and setbacks for districts that were not on Wellington's Official Zoning Map. Staff removed those districts and included only those that were relevant. An easier to read setback diagram replaced the existing diagram. Exceptions to property development regulations were combined into one section and placed in a table for improved organization.

Article 6, Chapter 4 includes Development and Design Standards and is now its own chapter, where before it was part of the Property Development Regulations. This chapter merged different sections together including fencing, accessory structures, and district-specific design standards providing a better-organized location for staff and property owners to find and review the criteria. The Big Box Ordinance was adopted years ago as part of the design criteria. The intent was to regulate the aesthetics and design of larger commercial, single tenant, uses. This section was also removed because as we reach a stage of reinvestment, some of the standards that once protected the community will now discourage reinvestment and redevelopment. In some cases, the old standards even make it impossible to meet the criteria. Staff did incorporate portions of the requirements of the

Big Box Ordinance for non-residential properties Village-wide, as it is recognized that some of the criteria would still benefit the community. The intent of the original ordinance to regulation large, single tenant, buildings was not lost as a result of this change.

Article 6, Chapter 5 provides regulations for Planned Development Districts (PDD). These districts include Planned Unit Developments (PUD), Multiple Use Planned Developments (MUPD), and Medical Commercial Planned Developments (MCPD). You will see a reference to Mixed Use Planned Development (MXPD); however, this district and regulations are merging with the MUPD regulations (this change will be further explained in the next section).

The first section of Chapter 5 provides general regulations that apply to all planned developments (PD), regardless of which PD type is designated to a subject parcel or area. A PUD is predominantly residential in nature and may have some non-residential pods to support the residential units. A PUD may be made up of different housing types, such as single-family, zero lot lines, townhouses, and multi-family varieties. MUPD allows for a variety of non-residential uses. The design standards encourage innovation and creativity. MXPD allows for a mixture of all use types, residential and non-residential. Currently, Wellington has both MUPD and MXPD properties and all subject properties contain residential and non-residential uses. This was historically approved through the county and Wellington in this manner. For this reason, in an effort to eliminate any unintended nonconformity and to simplify the regulations into one district, all MXPD and MUPD properties will eventually transition to MUPD. It is important to note, this change will not give entitlements to MUPD that they do not currently have and it will not take away entitlements from MXPD properties as a result. These districts are one and the same and will be identified as such. MCPD focuses on the medical component of the hospital and the ancillary uses that support the hospital. These regulations have not contextually changed, they were simplified and cleaned up.

Article 6, Chapter 6 is reserved for Development Redevelopment Incentives and is not included in this re-write. We will be working over the next several months to develop these incentives and will bring them back for your review upon completion.

The Flex Zoning district regulations can be found in Article 6, Chapter 7. These regulations currently apply to the Commerce Park and Commerce Park East.

The Equestrian Overlay Zoning District (Chapter 8), Little Ranches Overlay Zoning District (Chapter 9) and Rustic Ranches Overlay Zoning District (Chapter 10) were reviewed by the Equestrian Preserve Committee (EPC). The use table was removed and merged into the Use Schedule in Chapter 2. All supplementary standards related to the uses only permitted with the Equestrian Preserve Area (EPA) are included in the respective equestrian chapters. Staff worked with the EPC to create requirements for Minor and Major Equestrian Venues, as they did not exist in the past. No other substantial changes were made to these chapters except reorganization and reformatting the tables within the sections. In fact, there were no changes to Little Ranches and Little Ranches East or Rustic Ranches at the request of the EPC, which was based on the collaborative work of the EPC, Staff, and community representatives/residents.

### **Article 3: Definitions**

Article 3 (Definitions) provides all definitions and acronyms that are used throughout the code. There were several definitions removed, not because they are not used throughout

the code, but simply because they are definitions that match the general well-know (i.e. Webster's Dictionary) definitions. There is a section in Article 3 that explains if a definition is not found in the article, the practice shall be to resort to the common dictionary definition. The acronyms are self-explanatory and may be updated from time to time.

#### **IV. SUMMARY OF PREVIOUSLY REVIEWED ARTICLES**

##### **Article 1**

**Objective:** To repeal and replace Article 1, General Provisions, and Article 14, Enforcement Proceedings and Penalties, in their entirety and replacing with Article 1, General Provisions

**Summary:** Article 1, General Provisions, is the introduction to the LDR and the Authority for local government to adopt standards and procedures for all proposed development of land within Wellington. The LDR is the vehicle used to implement land uses, densities, intensities, capacity and timing of development in accordance with the goals, objectives, and policies of the Comprehensive Plan.

Wellington initially was approved and developed under the Palm Beach County zoning regulations. Over time, several local master planned developments were approved and eventually incorporated within the boundary of Wellington, along with some non-planned unincorporated areas primarily in the southwestern portion of Wellington. Article 1 recognizes these previously approved planned developments, their vested master plans and other development orders already approved, or in progress, during this overall LDR re-write process. Those projects may apply for minor amendments utilizing prior regulations, which can be administratively approved by the PZB Director or the Development Review Manager in accordance with their existing development orders. Any significant change or major amendment to modify the density or intensity of a development shall be required to comply with the new LDR, upon the effective date of this Code. It should be noted that many of the new regulations will actually allow more flexibility and development potential than exist under their original approvals.

Nonconformities are uses, structures and lots that were lawfully established before the effective date of the new LDR but do not conform to the new requirements. Their continued existence is limited and they are specifically prohibited from increasing their nonconformity. Reduced development regulations remain in effect for proposed residential on nonconforming lots of record that existed prior to February 5, 1973, which was the effective date of the Palm Beach County subdivision code.

##### **Article 2**

**Objective:** To repeal and replace Article 11, Adequate Public Facilities Standards, in its entirety and replacing it with Article 2, Concurrency Management

**Summary:** Article 2, Concurrency Management, ensures development will not reduce the level of service (LOS) for public facilities including potable water, sanitary

sewer, solid waste, drainage, transportation, parks and recreation. If a LOS is impacted by a proposed development, or redevelopment, the development order shall include conditions to ensure adequate public facilities are available concurrent with the proposed development. If the applicant believes the LOS is not impacted by a proposed modification they may request an equivalency determination for comparison to similar types of uses.

**Article 4** **RESERVED FOR FUTURE USE.** This article was repealed several years ago and has remained a placeholder in the LDR since. The objective is to keep this article reserved for future need.

## **Article 5**

**Objective:** To repeal and replace Article 5, known as the Development Review Procedures of the LDR in its entirety.

**Summary:** Article 5 of the LDR provides the review procedures and requirements for all Planning and Zoning applications. It also provides for time limitations, amendments, suspensions, revocations, and appeals related to development orders. In addition to the need to create an LDR that is specific to Wellington now and in the future, the main objective to streamline the process and make it more efficient. This is the single most important objective of the proposed Article 5 Zoning Text Amendment.

Council has given direction to streamline the process. This direction included making changes to certain applications that would remove unnecessary processes and provide an administrative review and determination instead of requiring Council approval. This directive was addressed in the proposed LDR amendment. Wellington's objective is to be proactive to community needs, desires, and future reinvestment opportunities. The LDR re-write, and modification to the development process, will be an incentive for growth and redevelopment opportunities while protecting the health, safety and welfare of the community as a whole.

Article 5, as proposed, will accomplish a number of things. The reorganization and simplification of text make the development review procedures easy to understand and will reduce the need for future interpretation. Modifications proposed under this ordinance address electronic application submittals and minor changes to clarify the procedures. Other information, such as submittal checklists and justification requirements, was removed from the LDR and a Development Review Manual was created to supplement the LDR

## **Article 7**

**Objective:** To repeal and replace Article 7, known as Site Development Standards of the LDR in its entirety.

**Summary:** Article 7 provides regulations for Site Development Standards related to archaeological resources, excavation, driveways and access, off-street

parking and loading, lighting, critical resources and tree protection, landscaping, signage, and performance standards for properties in Wellington. Archaeological resources, excavation, driveways and access, critical resources and performance standards were simply cleaned up and reorganized. No significant contextual changes were made to the regulations. The off-street parking and loading chapter was revised in October of 2015. This chapter was reviewed for additional clean up and had minor organizational changes also.

The lighting standards were removed from the performance standards chapter and a new chapter was created. The current lighting standards were minimal in nature and lacked regulations for circumstances specific to Wellington. Standards were created for stadium lighting and large residential estate perimeter lighting. Additionally, there were a number of conflicts in other Articles of the LDR, so all lighting regulations were relocated and clarified in this chapter. Exhibit B of the staff report contains general information on good lighting design practices and this exhibit will also be added to the DRM.

The tree protection chapter was updated and continues to protect wetlands areas and listed species. In efforts to further protect the Wellington tree canopy, the framework for the Wellington Tree Fund (TF) was established. If a property owner must remove trees and is not able to meet the replace requirements of the landscape chapter, they may have the option to pay a fee in lieu of replacement. This will be a flat fee per tree. The funds will be used to purchase and install trees on Wellington owned properties. This includes but is not limited to roadway medians, street tree areas, parks and public facilities.

The landscape chapter was also revised to address the mature tree growth and to encourage reinvestment Village-wide. The TF opportunity is available to all property owners if they are able to justify the inability to replace a tree that is proposed to be removed. The objective, again, is to protect the tree canopy in Wellington. The program has been tiered so that the payment in lieu of is not a heavy burden on residents that may have physical site constraints that would limit the replacement opportunity. With that being said, should a property owner not have physical site constraints and desire to not replace a removed tree, the payment in lieu was increased per tree. This may encourage the on-site replacement based on the cost comparison of planting a tree versus paying a higher rate per tree. The other changes are minor and are clarification changes, not contextual changes to this chapter. Graphics were added to supplement the text. Recommend practices and non-regulation based information was removed and placed in the DRM. Staff obtained input from the Wellington Tree Board throughout the re-write process and reviewed the final draft of the landscape related sections with the Tree Board prior to scheduling Article 7 for Public Hearings. It shall be noted that the Tree Board expressed unanimous support for the final product although a formal vote from the board was not required.

The signage chapter was completely overhauled for a number of reasons. Most importantly, it was modified to comply with a U.S. Supreme Court

decision and statutory regulations adopted related to context neutrality and branding. Certain signage components are no longer permitted to be regulated by a municipality, which triggered the majority of the changes. Additionally, as technology has changed, the types of signs which incorporate lighting have changed. The sign regulations were modified to allow different lighting options and electronic messaging, while still protecting the adjacent properties and vehicular traffic. If a property owner or tenant desires a sign that exceeds the current standards, they are required to submit a Technical Deviation (TD) request and present this request to the Architectural Review Board (ARB). Staff analyzed these requests and was able to determine, based on the number of approvals, where the LDR signage standards may not meet the current needs of the community. Revisions to the sign regulations were incorporated that will permit those frequent TD requests, eliminating the need to request TD. For any sign that would exceed the proposed standards, a TD would still be required. Finally, the sign standards currently have a number of duplications or similar definitions that needed to be reduced or removed. Exhibit C of this staff report will be added to DRM to provide pictorial examples of the types of signs as defined in the LDR. This exhibit will be expanded before added to the DRM; however, a sample is attached to this report for illustrative purposes. This will be helpful for the end user to visualize the different types of signs. As with all other chapters of this article, the sign regulations were simplified and clarified, while still protecting Wellington from sign pollution.

## **Article 8**

**Objective:** To repeal and replace Article 8, known as Subdivision, Platting and Required Improvements of the LDR in its entirety.

**Summary:** Article 8, Subdivision, Platting and Required Improvements, was written to simplify the text, remove duplications, and provide the regulations in an order and flow that follows the actual approval process, all while maintaining requirements for subdivisions, platting and improvements, such as those for easements, roads, public parks and civic lands dedications, private recreation lands, drainage, sewer, water and other utilities.

Article 8 lays out the regulations and requirements related to subdivisions, platting, and improvements, while the manual will now house the industry standards and typical details for specific types of utilities and engineering improvements. Surety requirements were updated in Article 8 to reflect that improvement costs go up over time. Additionally, the Maintenance and Use Documents section, currently located in Article 7, has been relocated to Article 8. These documents are required during the subdivision and platting process so it made sense to place the document requirements within Article 8. Provisions were added to the section for plat waivers that will encourage multi-family reinvestment by providing a vehicle to subdivide units into individual parcels so they can be sold. A plat waiver for this type of subdivision will require maintenance and use document, which will assist the Village in the enforcement of general property maintenance. Various citations throughout Article 8 to statutes, LDR sections, titles of agencies or officials, etc. were updated or corrected as needed.

## **Article 9**

**Objective:** To repeal and replace Article 9, Environmental Standards, and Article 15, Vehicular Traffic Performance Standards, in their entirety and replacing with Article 9, Vehicular Traffic Performance Standards.

**Summary:** Article 9, Vehicular Traffic Performance Standards, was last updated in 2014. The re-write of this article is for the removal of duplication, minor changes and reorganization to provide a better flow of information. This article ensures the continued function of Wellington's roadways and intersections with the adopted LOS. This article also lays out the Proportionate Share Program for eligible developments to meet the LOS for Wellington roadways and intersections. The revisions to Article 9 have been closely coordinated with our Traffic Consultant, Andrea Troutman.

## **V. PUBLIC HEARINGS**

### **Planning Zoning and Adjustment Board (PZAB):**

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

### **Village Council – First Reading Entire LDR:**

#### **First Reading**

Newspaper: November 25, 2019  
Meeting Date: December 10, 2019



Second Reading (Tentative)

Newspaper: December 29, 2019  
Meeting Date: January 13, 2020

**VI. STAFF RECOMMENDATION**

Florida statutes require that each local government adopt LDR to implement the Comprehensive Plan. The LDR must contain public notifications standards consistent with the state requirements. The regulations must also be consistent with the goals, objectives, and policies of the comprehensive plan, including intergovernmental coordination and review. Finally, they must be internally consistent from section to section. The proposed amendment is consistent with Florida Statutes and the intent of Wellington's Comprehensive Plan.

Staff recommends approval of Ordinance No. 2020-01 to repeal and replace Wellington's LDR in its entirety.

**VII. EXHIBITS**

- Exhibit A:** Modification log of all changes from the first reading of each article.
- Exhibit B:** The proposed Land Development Regulations (with highlight changes from the modification log).
- Exhibit C:** The adopted Development Review Manual (reference material).