

ORDINANCE NO. 2005-22

AN EMERGENCY ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON REQUIRED DUE TO THE EXTENSIVE DAMAGE CAUSED BY HURRICANE WILMA IN THE EQUESTRIAN AREAS OF THE VILLAGE, AMENDING ARTICLE 6 "ZONING DISTRICTS" OF THE VILLAGE'S LAND DEVELOPMENT REGULATIONS BY CREATING CHAPTER 12 "TEMPORARY SUSPENSION OF THE PROHIBITIONS OF THE USE OF TENTS AS STALLS WITHIN CERTAIN AREAS OF THE VILLAGE"; SUSPENDING THE PROVISIONS OF SECTION 6.10.9.D.1 "TENTS PROHIBITED FROM THE EQUESTRIAN OVERLAY ZONING DISTRICT" AND SECTION 6.11.8 "USE OF TENTS AS TEMPORARY STALLS" OF THE PALM BEACH AND LITTLE RANCHES OVERLAY DISTRICT; AND AUTHORIZING THE USE OF TENTS FOR THE EMERGENCY STABLING OF HORSES UNTIL MAY 1, 2006; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A CONFLICTS CLAUSE; AND PROVIDING FOR A RETROACTIVE EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Wellington, Florida does hereby declare that an emergency exists regarding the stabling and boarding of horses resulting from the extensive damage to equestrian facilities caused by Hurricane Wilma, and that immediate enactment of this ordinance is necessary, and

WHEREAS, pursuant to Florida Statute 166.041 the Village Council of the Village of Wellington, Florida does hereby find that Hurricane Wilma has created an emergency and does enact this as an emergency ordinance, now, therefore,

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

SECTION 1: Article 6, "Zoning districts" of the Land Development Regulations of the Village of Wellington is hereby amended by creating a Chapter 12 "Temporary suspension of the prohibitions of the use of tents as stalls within certain areas of the Village" to read as follows:

Chapter 12 Temporary suspension of the prohibitions of the use of tents as stalls within certain areas of the Equestrian Overlay Zoning District

Sect. 6.12.1 Purpose and Intent

1. Hurricane Wilma is hereby determined to have caused an emergency need for the temporary housing of horses within the Equestrian Preserve Area.

1 **Sect. 6.12.2 Recovery Period**

2 A recovery period beginning on October 21, 2005 and ending on
3 May 1 2006 is hereby established to allow the temporary stabling of
4 horses in tent structures, under the conditions listed below.

- 5 1. The provisions of Section 6.10.9.D.1 "Tents prohibited of the
6 Equestrian Overlay Zoning District" adversely impacts the
7 equestrian industry during the recovery period,
- 8 2. The provisions of Section 6.11.8 "Use of Tents as temporary
9 stalls of the Little Ranches Overlay District" adversely impacts
10 the equestrian industry during the recovery period.
- 11 3. The provisions of Sections 6.10.9.D.1 and 6.11.8 are hereby
12 suspended until May 1, 2006 for property owners who make
13 application for a special permit in accordance with the
14 provisions of this Chapter at which time they shall be fully
15 restored and enforced.

16 **Sect. 6.12.3 Special Permit Required**

17 In order for a property owner to take advantage of the suspension
18 of Section 6.10.9.D.1 "Tents Prohibited of the Equestrian Overlay
19 Zoning District", and Section 6.11.8 "Use of Tents as temporary
20 stalls of the Little Ranches Overlay District", they must apply for
21 and comply with the following regulations:

- 22 A. The special permit requirements enumerated in Section
23 5, Chapter 5 of the Village of Wellington Land
24 Development Regulations shall be met prior to the
25 erection of a temporary tent.
- 26 B. Any Special Permit issued pursuant to this emergency
27 ordinance shall be issued only after the Village Building
28 Official determines that there is actual hurricane damage
29 to an existing structure that warrants the use of a
30 temporary tent as a stable.
- 31 C. Temporary structures permitted pursuant to this
32 emergency order shall be removed not later than May 1,
33 2006.

34 **Sect. 6.12.4 Applicability to Private Development Restrictions**

35 Restrictive covenants are not subject to municipal regulation, therefore,
36 this ordinance shall not impact the effectiveness of any private
37 restriction, covenant or agreement prohibiting such uses.

38

39 **SECTION 2: SEVERABILITY:** Should any section, paragraph, sentence, clause,
40 phrase or other part of this Ordinance be declared by a court of competent jurisdiction to
41 be invalid, such decision shall not affect the validity of this Ordinance as a whole or any
42 portion or part thereof, other than the part so declared to be invalid.

SECTION 3: CONFLICTS: Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Village Ordinance, Resolution, or municipal Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 4: EFFECTIVE DATE: This Emergency Ordinance shall be effective retroactively to October 21, 2005, following its passage either on first reading by a vote of two-thirds (2/3) of the Village Council or its passage on second reading by a majority vote of the Village Council.

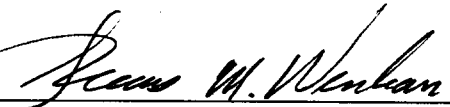
PASSED AND ADOPTED this 29th day of November, 2005 on an emergency basis by a vote of 5-0 by the Village Council of Village of Wellington.

VILLAGE OF WELLINGTON

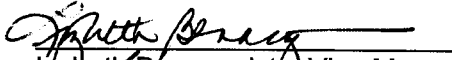
FOR

AGAINST

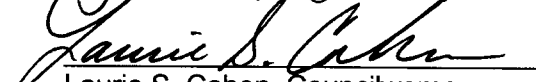
BY:


Thomas M. Wenham, Mayor

✓


Lizbeth Benacquisto, Vice Mayor

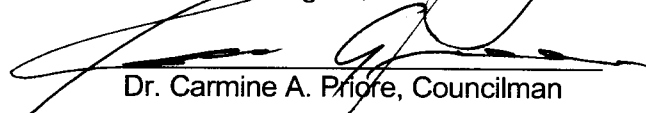
✓


Laurie S. Cohen, Councilwoman

✓


Robert S. Margolis, Councilman

✓


Dr. Carmine A. Priore, Councilman

✓

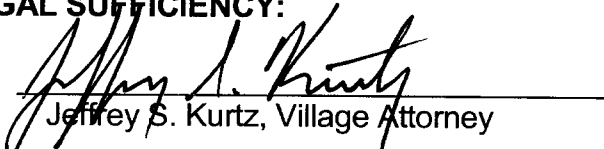
ATTEST:

BY:


Awilda Rodriguez, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

BY:


Jeffrey S. Kurtz, Village Attorney