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CHAPTER 12. INTERPRETATION OF THE CODE >>

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Sec. 1.12.1. Interpretations.

Sec. 1.12.2. Assistance or representation by staff.

**Sec. 1.12.1. Interpretations.**

- A. **Authority.** Interpretations to this Code shall be made by the Planning & Zoning Director and the Village Engineer. The Village Engineer shall have the authority to make all interpretations of Sec. 7.7, Driveways and Access; [Article 15](#), Traffic Performance Standards; and [Art. 8](#), Subdivision. The Director of PZ shall have the authority to make all interpretations of Natural Resource Protection Regulations, Sec. 7.6, Excavation, and [Art. 9](#), Environmental Standards. The Village Attorney shall have the authority to make all interpretations of [Article 7](#), Sec.7.15, Maintenance and Use Documents. The Planning & Zoning Director shall have the authority to make interpretations of all other provisions of this Code and the Future Land Use Map.
- B. **Initiation.** An interpretation may be requested by any landowner or person having a contractual interest in land in the Village of Wellington, or any person that has submitted an application for development permit pursuant to the procedures of this Code.
- C. **Procedures:**
  - 1. Submission of request for interpretation. Before an interpretation shall be provided by the appropriate Village official, a Request for Interpretation shall be submitted to the appropriate Village official in a form established by that Village official and made available to the public. The request shall be accompanied by a fee established by the Village Council from time to time for the filing and processing of the Request for Interpretation. The fee shall be non-refundable.
  - 2. Determination of sufficiency. Within five (5) working days after a Request for Interpretation has been submitted, the Village official responsible for rendering the interpretation shall determine whether it is sufficient.
    - a. Determined not sufficient. If the Village official determines that the request is not sufficient, a written notice shall be served on the applicant specifying the deficiencies. The Village official shall take no further action on the Request for Interpretation until the deficiencies are remedied. If the applicant fails to correct the deficiencies within ten (10) working days, the Request for Interpretation shall be considered withdrawn.
    - b. Determined sufficient. When the Request for Interpretation is determined sufficient, the Village official shall review and render an interpretation pursuant to the procedures and standards of this article.
  - 3. Rendering of interpretation. Within fifteen (15) working days after the Request for Interpretation has been determined sufficient, the Village official responsible for rendering the interpretation shall review and evaluate the request in light of the

Comprehensive Plan, this Code, and the Future Land Use Map, whichever is applicable, consult with the Village Attorney, and then render an interpretation.

- D. **Form.** The interpretation shall be in writing and shall be sent to the applicant by mail within five (5) working days after the interpretation is made by the appropriate Village official.
- E. **Appeal:**
1. Initiation. Twenty (20) working days after issuance of a written interpretation by the appropriate Village official responsible for rendering the interpretation, the applicant may appeal the decision to the Board responsible for appeal, as provided in this Code.
  2. Public hearing. The Board responsible for the appeal shall hold a hearing on the appeal within forty (40) working days of the appeal.
  3. Standard of review. At the appeal hearing, the Board shall consider the interpretation of the Village official responsible for rendering the interpretation and public testimony in light of the Comprehensive Plan and this Code, whichever is applicable. The Board shall not modify or reject the Village official's interpretation, if it is supported by substantial competent evidence, unless the interpretation is found to be contrary to the Comprehensive Plan and this Code, whichever is applicable.
- F. **Official record.** Each Village official responsible for rendering an interpretation shall maintain a record of the interpretation, and forward a copy to the Planning & Zoning Director. This record shall be available for public inspection, upon reasonable request, during normal business hours.

**Sec. 1.12.2. Assistance or representation by staff.**

Any assistance given or representation made by any member of the staff during consultation shall not constitute the approval of the Department, shall not bind the staff, the Department, the Division, the Village Manager, or the Village Council, and shall not relieve any person of any requirements of this Code, or other applicable provisions of federal or state law or local ordinances. If there exists a conflict between any staff representation and the laws, rules, codes or ordinances, such laws, rules, codes or ordinances shall prevail. Nothing herein shall authorize any change to the administrative interpretations of the Code.