

EXHIBIT B



A GREAT HOMETOWN

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December 24, 2013

John Shubin, Esq./Jeff Bass, Esq./Amy Huber, Esq.
Law Offices of Shubin & Bass
45 S.W. 1st Street, 3rd Floor
Miami, Florida 33130
Jupiter, Florida 33458

SUBJECT: Requests for Planning & Zoning interpretation related to Chapter 10, Section 6.10.11(D) and Article 6, Section 6.5.8.C.2 of the Village of Wellington Land Development Regulations. Issues addressed are the size of the barns (aggregate), covered arena, viewing deck/vender area/seating area at the property/project known as the Equestrian Village.

Dear Msrs. Shubin & Bass and Ms. Huber:

This letter is in response to your request for interpretation of the above referenced provisions of the Village of Wellington Land Development Regulations. Your request for interpretation includes an opinion that the existing facilities referenced above were approved erroneously, because they do not comply with the Code provisions referenced. The Village staff interpretations of the subject provisions are as follows:

Chapter 10, Section 6.10.11(D):

This provision is a subsection of Section 6.10.11, which provides Development Standards for commercial uses within the Equestrian Overlay Zoning District (EOZD). The subsection in question provides that single (individual) uses governed therein shall not exceed a gross floor area of twenty thousand (20,000) square feet. You note that several uses of the Equestrian Village site exceed 20,000 square feet. In your various request forms you include the stables, the covered equestrian arena structure, viewing deck, and the outdoor seating/vendor areas.

The staff's interpretation of the provisions of Section 6.10.11 is that the intent of this Section is to regulate retail development allowed within the EOZD, and that the size limitation provided in Subsection 6.10.11(D) does not apply to the structures or uses that are referenced in your request. This interpretation is supported by the intent statement at the beginning of the Section, where it is stated that commercial uses regulated by this section shall be limited to those that provide goods and services that serve the equestrian and agricultural community. This is repeated in Subsection B (Orientation and Scale) where it indicates that commercial uses should be oriented toward agricultural and equestrian uses of a community serving nature, which implies retail and service oriented uses. Further, in Subsection C (Architecture) it is stated that commercial buildings and centers should be of a mass, bulk and style that is consistent with equestrian uses such as barns and stables. This is a clear indication that structures that serve agricultural or equestrian activities and uses such as barns, stables, arenas, spectator areas and uses are not intended to be considered commercial for the application of the development standards of this section.

John Shubin, Esq./Jeff Bass, Esq./Amy Huber, Esq.
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This interpretation is not one that has been made as a part of the review and permitting for the Equestrian Village project. I am attaching a copy of an interpretation/policy memo that was made in 2004. Although the actual Section number has changed slightly due to LDR amendments to the EOZD, the subject matter is the same provision which you are currently addressing.

The one part of your inquiry that we believe is subject to the 20,000 square foot limitation are retail uses. Subsection 6.10.11(D) provides that the gross floor area limitation applies to any single use on the site. This would apply to any individual business, but does not limit the total floor area of any category of use cumulatively. Therefore, in the vendor area, the total floor area allowed for any individual vendor space is 20,000 square feet, but the cumulative floor area for vendors is not limited by this provision. The same would also apply to restaurant spaces. No individual restaurant or food service space can exceed 20,000 square feet, but the cumulative total of restaurant space is not regulated by this provision. Barns are not regulated by this provision, as noted above. However, even if they were, each barn would be regulated individually. Since the two constructed barns are both less than 20,000 square feet in size, there would be no Code issue.

It is important to note the equestrian arena is a structure or use which is not regulated by the provisions of Section 6.10.11(D). Further, as you are aware, it is the staff's opinion that the structure in question has no floor area, by definition. In the past you have expressed disagreement with this interpretation. However, that issue has not been addressed in your current request for interpretation. Therefore, it is our understanding that you are not currently pursuing the issues of the floor area calculation for the barn structure or the covered arena structure.

Article 6, Section 6.5.8.C.2:

Section 6.5.8.C.2 does provide that generally buildings designated Commercial Recreation by the Comprehensive Plan are limited to a building height of 25 feet. However, that height restriction is superseded by Section 6.10.6.B (Table B) which provides for a maximum height limit of 35 feet for properties within the EOZD. The property in question is within the EOZD. Section 6.10.2 provides that where a conflict exists between Section 6.10 (EOZD) and other provisions of the Land Development Regulations, the provisions of this Section (Section 6.10) shall govern. Therefore, the maximum 35 foot height limit applies for the property in question.

If you have any questions regarding this matter or action, please do not hesitate to contact me.

Very truly yours,



Robert E. Basehart, AICP
Project Director

Cc: Paul Schofield, Village Manager
Tim Stillings, Planning and Development Services Director
Laurie Cohen, Village Attorney
David Flinchum, Planning & Zoning Manager



VILLAGE OF WELLINGTON
Planning, Zoning & Building Department

Policy Number P&D-2004-000-01
Date Approved: June 17, 2004

SUBJECT: Commercial developments within the Equestrian Overlay Zoning District (EOZD)

CROSS-REFERENCE: Section 6.10.K. of the Unified Land Development Code (ULDC).

PURPOSE: To clarify what type of commercial development is governed by the Commercial Development Standard of the EOZD.

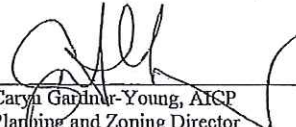
POLICY: Section 6.10.K. of the ULDC outlines land development regulations for commercial development within the EOZD. Included in Section 6.10.K. are regulations for:

1. Planned Development Rezoning;
2. Orientation and Scale;
3. Architecture;
4. Size;
5. Hours of Operation;
6. Lighting;
7. Outdoor Display and Storage; and
8. Buffers.

The intent of Section 6.10.K. was to specifically regulate commercial retail development. There were no intentions for this provision to apply to commercial stables.

PROCEDURE: The Planning and Zoning Division will review petitions for commercial developments within the EOZD in according with this policy.


Paul Schofield, AICP
Community Service Director


Caryn Gardner-Young, AICP
Planning and Zoning Director