

ORDINANCE NO. 2014-06

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL,
AMENDING THE LAND DEVELOPMENT REGULATIONS OF
THE VILLAGE OF WELLINGTON BY REPEALING ARTICLE 6,
CHAPTER 12, TEMPORARY SUSPENSION OF THE
PROHIBITION OF THE USE OF TENTS AS STALLS WITHIN
CERTAIN AREAS OF THE EQUESTRIAN OVERLAY ZONING
DISTRICT; AMENDING SECTION 6.10.9.D "USE OF TENTS AS
TEMPORARY STALLS" TO INCLUDE PROVISIONS FOR
NATURAL DISASTERS; PROVIDING FOR SEVERABILITY;
PROVIDING A REPEALER CLAUSE; PROVIDING AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Council of Wellington, Florida, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations (LDR); and

WHEREAS, the Village of Wellington has determined that the existing LDR should be amended to repeal Article 6, Chapter 12, Temporary Suspension of the Prohibition of the Use of Tents as Stalls within Certain Areas of the Equestrian Overlay Zoning District (EOZD); and

WHEREAS, Section 6.10.9.D is proposed to be amended to allow a temporary suspension of the prohibition of tents within all subareas of the EOZD after a natural disaster for a specified period of time; and

WHEREAS, the Planning, Zoning and Adjustment Board, acting as the Land Development Regulation Board, has reviewed the proposed LDR text amendment and has determined that the modification is consistent with Wellington's Comprehensive Plan and the EOZD; and

WHEREAS, the Council has considered the recommendations from the Planning, Zoning and Adjustment Board, the Equestrian Preserve Committee, Wellington staff and the comments from the public when amending the LDR, which is the subject of this Ordinance.

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

SECTION 1: Article 6 "Zoning Districts" of the Land Development Regulations of the Village of Wellington, Florida, is hereby amended by repealing Chapter 12, "Temporary Suspension of the Prohibition of the Use of Tents as Stalls within Certain Areas of the Equestrian Overlay Zoning District" (Exhibit A).

1 **SECTION 2:** Chapter 6, “Equestrian Overlay Zoning District”, Section 6.10.9.D,
2 “Use of Tents as Temporary Stalls”, of the Land Development Regulations of the Village
3 of Wellington, Florida is hereby amended as follows:

4 D. Use of Tents as Temporary Stalls. The use of tents as temporary stalls shall
5 comply with the standards listed below:

6 1. Tents Prohibited. After June 1, 2003, tents shall not be permitted in
7 Subarea A and the residential-developed areas of Subareas B and D,
8 except in conjunction with the construction of a barn or stable. Any such
9 temporary tent shall be removed within ten (10) working days of the
10 issuance of a certificate of occupancy for the barn or stable.

11 2. Tents Permitted. Tents are permitted in all areas not excluded in Section
12 6.10.9.D.1 above, subject to obtaining a Seasonal Equestrian Use permit
13 for temporary stables as provided in Article 5, Chapter 7, Section 5.7 of
14 these Land Development Regulations.

15 a. Tents Permitted During Construction. Tents may be permitted, for a
16 period not to exceed twenty-four (24) months, during the period
17 when a building permit for a permanent barn or stable has been
18 issued and construction is actively proceeding. The Planning and
19 Zoning Manager may extend the period during which a tent is
20 permitted by a period of time not to exceed twelve (12) months,
21 based upon active and ongoing construction of the permanent
22 stable.

23 b. Removal. Any tents shall be removed within two (2) weeks of
24 receipt of a certificate of occupancy or revocation of building permit.

25 3. Temporary Suspension of the Prohibition of Tents as Temporary Stalls
26 after a Declared Natural Disaster. If Wellington is within an area declared
27 by the Governor as a natural disaster area or as authorized by the Village
28 Council, the prohibition of tents within all subareas of the EOZD may be
29 temporarily suspended. A property owner must apply for a Special Permit
30 and comply with the following regulations:

31 a. The special permit requirements set forth in Article 5, Chapter 7,
32 except Section 5.7.5, shall be met prior to the erection of a
33 temporary tent.

34 b. The Special Permit issued due to a natural disaster shall be issued
35 only after the Village Building Official determines there is
36 substantial damage to an existing barn or stable structure as a
37 result of the natural disaster that warrants the use of a temporary
38 tent as a stable.

39 c. A temporary tent for stabling may be permitted, for a period not to
40 exceed 24 months, during the period when a building permit for
41 replacement of a permanent barn/stable or repair of barn/stable

1 due to damage caused by a natural disaster has been applied for
2 and/or issued and construction is actively proceeding. The special
3 permit may be extended up to six (6) months based on active and
4 ongoing construction/repair. The temporary tent must be removed
5 within two (2) weeks of issuance of certificate of occupancy, special
6 permit expiration, or building permit revocation, whichever occurs
7 first.
8

9 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
10 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
11 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of
12 this Ordinance shall prevail to the extent of such conflict.
13

14 **SECTION 4:** Should any section, paragraph, sentence, clause, or phase of this
15 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
16 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,
17 other than the part so declared to be invalid.

18 **SECTION 5:** This Ordinance shall become effective immediately upon adoption
19 by the Wellington Council following second reading.

20 **PASSED** this 10th day of June, 2014 upon first reading.

21 **PASSED AND ADOPTED** this _____ day of _____, 2014, on second and
22 final reading.
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24

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WELLINGTON:

FOR

AGAINST

BY: _____	_____	_____
Bob Margolis, Mayor		
_____	_____	_____
John Greene, Vice Mayor		
_____	_____	_____
Matt Willhite, Councilman		
_____	_____	_____
Howard K. Coates, Jr, Councilman		
_____	_____	_____
Anne Gerwig, Councilwoman		

ATTEST:

BY: _____
Awilda Rodriguez, Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney

EXHIBIT A
TO BE REPEALED

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

Section 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.

Sect. 6.12.2 - Recovery Period

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

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

Sect. 6.12.3 - Special Permit Required

In order for a property owner to take advantage of the suspension of Section 6.10.9.D.1 "Tents Prohibited of the Equestrian Overlay Zoning District", and Section 6.11. 8 "Use of Tents as temporary stalls of the Little Ranches Overlay District", they must apply for and comply with the following regulations:

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

Sect. 6.12.4 - Applicability to Private Development Restrictions

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