

## EXHIBIT C



**Via Electronic Mail**  
**and Federal Express**

January 28, 2014

Mr. Robert Basehart, AICP  
Village of Wellington  
12300 Forest Hill Boulevard  
Wellington, Florida 33414

RECEIVED  
JAN 29 2014  
VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT

**Re: Appeal of Administrative Interpretations dated December 24, 2013 re:**  
**Equestrian Village**

Dear Mr. Basehart:

These appeals are filed on behalf of Charles and Kimberly Jacob, 2730 Polo Island Drive, A-104, Wellington, Florida and Solar Sportsystems, Inc., 13307 Polo Club Road, C-104 and C-105, Wellington, Florida (collectively, the "Appellants") the owners of real property located within the Village of Wellington. The Appellants are aggrieved and adversely affected by various administrative interpretations, rendered by the Village, related to the approvals granted to Equestrian Village. The Appellants re-file these appeals of the interpretations presented by the Village of Wellington dated December 24, 2013 (the Interpretations") under protest, and maintain that the appeals previously filed in 2012 remain valid, timely and effective and should have been processed and scheduled for hearing by the Village of Wellington.<sup>1</sup> Moreover, the Appellants renew their objections to being subjected to an additional process, as well as the Village's new and revised interpretations that differ from those interpretations previously provided during the public hearing and review process for Equestrian Village.

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<sup>1</sup> A true and correct copy of the December 24, 2013 Interpretations letter is attached hereto as Exhibit "A" and incorporated herein. A true and correct copy of the Appellants December 6, 2013 correspondence with attachments including all of the prior appeals, is attached hereto as Exhibit "B" and incorporated herein. A true and correct copy of Ordinance No. 2009-17 is attached hereto as Exhibit "C" and incorporated herein.

To eliminate any potential confusion, the Appellants are appealing the interpretation of the Village Code and its application to various elements of Equestrian Village as outlined below. Enclosed please find a check for Thirty Five Hundred Dollars (\$3500.00) for the filing fee of each of these appeals. If additional forms or fees are required, please advise and we will submit them immediately upon request.

**I. The Administrative Interpretation is Clearly Erroneous and Must be Reversed Because the Plain Language of the Code Limits Commercial Use to a 20,000 Square Feet Maximum within the EOZD**

The Appellants contend that the Code limits commercial development within the Equestrian Overlay Zoning District ("EOZD") to 20,000 square feet; the Village Staff believes that the Code does not limit commercial development to 20,000 square feet; these administrative appeals follow from this difference in reading the Code.

The Appellants maintain that Section 6.10.11.D of the Code is plain, clear, and unambiguous and that it plainly, clearly, and unambiguously limits the size of commercial use to no greater than 20,000 square feet. The text of the Code provides as follows:

**Section 6.10.11 – Commercial Development Standards.** Commercial development shall be limited to those uses intended to serve the needs of the surrounding equestrian and agricultural communities and shall be determined by such factors as size of the use and types of goods and services to be offered. In addition, commercial development shall be designed in a manner that recognizes its location within the Equestrian Preservation Areas. Commercial uses may be established subject to the requirements of this Article and these land development regulations. All permitted and conditional uses within a planned development shall be consistent with the requirements of this Section.

**Section 6.10.11(D) – Size.** The gross floor area of any single commercial use **shall not exceed** twenty thousand (20,000) square feet, including indoor storage, administrative offices, and similar areas.

See LDRs § 6.10.11(D) (emphasis supplied).



Thus, the Appellants believe that – pursuant to the plain language quoted above – one may not develop commercial uses in excess of 20,000 square feet based on the plain language of the Code itself. The Village staff evidently does not believe that the Code means what it says. To the contrary, the Village staff has rendered an interpretation that authorizes commercial uses in excess of 20,000 square feet only applies to retail uses and does not apply at all so long as the footprint of each commercial use is below the 20,000 square foot threshold. Simply put, we believe that the Village’s interpretation is clearly erroneous because it conflicts with the plain language of the Code and it leads to absurd results. Under the Staff’s interpretation, one could presumptively develop 200,000 square feet commercial retail on one tract of land within the EOZD so long as each retailer was 20,000 square feet or less. This makes no sense whatsoever and it is inconsistent with the plain language and intent of the Code that clearly seeks to limit commercial use within the EOZD.

The correctness of this conclusion is confirmed by reference to the definition of the word “use.” Within the Village Code, “use” means “any purpose for which a building or other structure or a tract of land may be designed, arranged, or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structures or on a tract of land.” See Article 3, Chapter 2 Definitions, Village Code. The word “any” means “all” – it is unambiguous and all inclusive. See *State v. Mark Marks, P.A.*, 833 So. 2d 249, 251 (Fla. 4th DCA 2002) (citing *Clark v. State*, 790 So. 2d 1030, 1032 (Fla.2001)). Thus, if and when an owner places in excess of 20,000 square feet of commercial use on land located within the EOZD, the Code is violated. To the extent that Staff seeks to countenance that violation by interpretation, its interpretation conflicts with the Code and must be reversed.

Moreover, all of these commercial structures were part of a request for a single Commercial Use – a Commercial Equestrian Arena. As such, this **single use** is limited to 20,000 square feet. Instead this **single use** actually includes a variety of commercial structures and commercial uses each exceeding the 20,000 square feet – including an 80,400 square feet commercial arena, 39,396 square feet of commercial stables, and approximately 40,000 square feet commercial seating, viewing and vendor deck – totaling in excess of 159,000 square feet (almost 8 times the maximum size permitted in the EOZD).

It is a basic principle of municipal law that a municipality must enforce the plain language of its codes as written. See *City of Jacksonville v. Sohn*, 616 So. 2d 1173,



1174 (Fla. 1st DCA 1993) (“[A]ny action taken by a municipality must be in conformity to the ordinances of the municipality.”); *accord O’Connor v. Dade Cnty.*, 410 So. 2d 605, 605 (quashing circuit court order upholding county commission zoning decision where commission did not follow procedure clearly mandated by the county code). It is equally basic that one should not construe the language of a zoning code to render it meaningless and each part of an ordinance must be given meaning. *See Raymond James Fin. Servs. v. Phillips*, 126 So. 3d 186, 2013 WL 2096252, \*4 (Fla. 2013).

The Village staff believes that Section 6.10.11.D does not limit the size of any of the elements of Equestrian Village, including the commercial covered equestrian arena, the commercial stables, or the commercial seating/viewing deck/vendor area. Thus, the Appellants appeal the Village’s interpretation that Section 6.10.11(D) does not apply to any of the structures at Equestrian Village, because Section 6.10.11(D) only applies to “retail” uses in the EOZD. The plain text of the Code does not limit the size requirement to retail. It is error for Staff to administratively add language to a zoning code that does not appear within it. *See Mandelstam v. City Comm’n of City of South Miami*, 539 So. 2d 1139, 1140 (Fla. 3d DCA 1986).

The Village relies on a Memorandum dated June 17, 2004 to clarify that the restrictions are only intended to regulate commercial retail development and not the arena, stables, or the seating/viewing deck/vendor area. However, this Memorandum predates Ordinance No. 2009-17 which modified and amended the EOZD regulations. It is axiomatic that one cannot amend the zoning code other than by Ordinance. *See White v. Town of Inglis*, 988 So. 2d 163, 164 (Fla. 1st DCA 2008) (“A resolution cannot be substituted for and have the force and effect of an ordinance, nor can a resolution supply initial authority which is required to be vested by ordinance.”) (citing *Wallace v. Leahy*, 496 So. 2d 970, 971 (Fla. 3d DCA 1986)); *Brown v. City of St. Petersburg*, 153 So. 140 (Fla. 1933); *Carlton v. Jones*, 158 So. 170, 170 (1934) (“An act which is required to be accomplished by ordinance may not be accomplished by resolution.”). To be sure, the Code cannot be amended by interpretation. *See Mandelstam*, 539 So. 2d at 1140.

If the Village intended to exclude all commercial uses other than retail uses, it would have done so in the adoption of this Ordinance. The operative district regulations for the EOZD prohibit the development of any commercial structure in excess of 20,000 square feet of gross floor area. *See Article 10, Sec. 6.10.11(d)*,



Village Code and does not exclude stables, arenas or other commercial structures or uses.

It is also important to note that during the two years that this matter has been pending, and that the Appellants have been meeting and speaking with the Village at no time has this memorandum been produced, provided, or referenced prior to the December 24, 2103 letter. The Appellants have filed numerous Public Records Act Requests with the Village over the course of the last two (2) years and this Memorandum was never produced in any of the numerous responses to our requests. Moreover, this Memorandum was never referenced or discussed at any of the numerous public hearings that were held over the last two (2) years on this matter.

The Appellants reject the Village's Interpretations and file these appeals of the Village's Interpretations that the Commercial Equestrian Arena, Commercial Stables, the Commercial Viewing Deck and Commercial Seating and Vendor Deck are not "Commercial Structures" regulated by Sec. 6.10.11(d). We also appeal the interpretation of the calculation of floor area for each of these structures. We continue to maintain that each of these uses exponentially exceeds the *maximum* commercial development intensity of the EOZD, and is prohibited therein. As such, it was error for the Village's administration to approve this development, and each of these structures, within the EOZD.

In an effort to provide more specificity for each of these appeals, please see the subsections below. Appellants reserve the right to supplement this appeal prior to hearing.

**A. The Equestrian Arena is a "Structure" with 80,400 square feet of Floor Area**

On a housekeeping note, the Village's December 24, 2013 correspondence states that our request for interpretation or appeals do not address the calculation of Floor Area for the Commercial Equestrian Arena; however, all of correspondence and appeal dated January 31, 2012 specifically appeals the Village's determination that the Commercial Equestrian Arena does not count as Floor Area.

The Village's Land Development Regulations, Florida law, and common sense require the reversal of the interpretation that the Commercial Equestrian Arena does not have any floor area. Particularly, the Village's Code defines "Floor Area" to mean "the

ratio of the gross floor area of all structures on a lot to the lot area, excluding vertical core circulation areas for multistory structures." Relatedly, the Village's Code defines "Structure" as "that which is three (3) feet or more in height, built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices, and poster panels." See Village Code Art. 3, Ch. 2.

As clearly revealed in the site plans – and as constructed – the Equestrian Arena is a *single-story* structure. Legally and grammatically, it is clear that the Equestrian Arena is a "structure" as that term is defined by the Village Code and commonly understood. Because the Equestrian Arena is a *single-story* structure – no exception exists for the calculation of its "core circulation area" as such an exemption is exclusively limited to "**multistory**" structures and therefore not applicable here. By all measurements and all definitions, the Equestrian Arena is — under the Village's Code — a "structure" comprising 80,400 square feet of Floor Area.

#### **B. The Equestrian Arena is Prohibited by the EOZD District Regulations**

The Equestrian Arena is located within the EOZD. The operative district regulations for the EOZD prohibit the development of any commercial structure in excess of 20,000 square feet of gross floor area. See Article 10, Sec. 6.10.11(d), Village Code. Because the Equestrian Arena exponentially exceeds the *maximum* commercial development intensity of the EOZD, it is prohibited therein. As such, it was error for the Village's administration to approve its development within the EOZD District.

Moreover, it is important to note here, that a covered *private* equestrian arena is prohibited on Commercial Recreation properties within in the EOZD pursuant to Sec. 6.10.7, Table C as adopted through Ordinance No. 2009-17. Accordingly, the covered equestrian arena could only be approved through the compatibility determination hearing for a commercial equestrian arena and the permits issued for the covered arena prior to the hearing were void as a matter of law and in error.

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**C. The Commercial Stables in their Entirety each have a Floor Area of 19,698 square feet**

The Village's Land Development Regulations, Florida law, and common sense require the reversal of the Subject Interpretation. The Village's Code defines "Floor Area" to mean "the ratio of the gross floor area of all structures on a lot to the lot area, excluding vertical core circulation areas for **multistory** structures." Art. 3, Ch. 2, Village Code. (Emphasis supplied). The Village's Code defines "Structure" as "that which is three (3) feet or more in height, built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices, and poster panels." *Id.*

Legally and grammatically, it is clear that the Stables – in their entirety - are "structures" as that term is defined by the Village Code and commonly understood. By all measurements and all definitions, the entire floor area of each stable is – under the Village's Code – a "structure" comprising of square feet of Floor Area. The Village staff's contrary administrative interpretation is therefore clearly erroneous and must be reversed.

The Village's March 20, 2012 letter regarding the calculation of the barns offers an "accommodation" to the Developer to reduce the floor area of each of the stables to approximately 62.4% because it is "willing to exclude the unenclosed patio areas under roof as well as the pass-through isles." This "accommodation" is erroneous and each stable in its entirety has a floor area of 19,698 square feet.

**D. Commercial Use in Excess of 20,000 sq. ft is Prohibited by the EOZD District Regulations**

The Stables are located within the Equestrian Overlay Zoning District ("EOZD"). The operative district regulations for the EOZD prohibit the development of any commercial **use** in excess of 20,000 square feet of gross floor area. *See* Article 10, Sec. 6.10.11(d), Village Code. Because the Stables exponentially exceed the **maximum permitted** commercial development intensity within the EOZD, it is prohibited therein. As such, it was clear and reversible error for the Village's Staff to approve the development of the commercial stables within the EOZD District.

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**E. The Commercial Viewing Deck, Commercial Seating and Vendor Deck is "Structure" with Floor Area**

The Village's Land Development Regulations, Florida law, and common sense require the reversal of the Subject Interpretation. The Village's Code defines "Floor Area" to mean "the ratio of the gross floor area of all structures on a lot to the lot area, excluding vertical core circulation areas for **multistory** structures. "Art. 3, Ch. 2, Village Code. (Emphasis supplied). The Village's Code defines "Structure" as "that which is three (3) feet or more in height, built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices, and poster panels." *Id.*

Legally and grammatically, it is clear that the Commercial Viewing Deck, Commercial Seating and Vendor Deck is a "structure" as that term is defined by the Village Code and commonly understood. By all measurements and all definitions, the Equestrian Arena Seating is – under the Village's Code – a "structure" comprising of square feet of Floor Area. The Village staff's contrary administrative interpretation is therefore clearly erroneous and must be reversed.

**F. The Commercial Viewing Deck, Commercial Seating and Vendor Deck is Prohibited by the EOZD Regulations**

The Commercial Viewing Deck, Commercial Seating and Vendor Deck is located within the Equestrian Overlay Zoning District ("EOZD"). The operative district regulations for the EOZD prohibit the development of any commercial structure in excess of 20,000 square feet of gross floor area. *See* Article 10, Sec. 6.10.11(d), Village Code. Because the Commercial Viewing Deck, Commercial Seating and Vendor Deck exponentially exceed the **maximum permitted** commercial development intensity within the EOZD, it is prohibited therein. As such, it was clear and reversible error for the Village's Staff to approve its development within the EOZD.

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## **II. The Administrative Interpretation is Clearly Erroneous and Must be Reversed Because the Plain Language of the Code Limits the Height for Commercial Recreation Properties to Twenty-Five (25) Feet**

The Appellants renew their objections and renew their appeal to Village's interpretation that Section 6.5.8.C.2 does not apply to properties within the EOZD.

The plain language of the zoning regulations applicable to the Equestrian Village property limits the height of structures built thereon to twenty-five (25) feet. The Code sets the height limit this way:

**Section 6.5.8 (C.2) - Building height.** No building or structure or part thereof shall be erected or altered to a height exceeding twenty-five (25) feet in districts with a Comprehensive Land Use Plan Category of Conservation, Neighborhood Commercial, and **Commercial Recreation**.

LDRs § 6.5.8(C.2) (emphasis added).

The record facts incontestably show that (1) the Equestrian Village property is designated Commercial Recreation, and (2) the covered arena is built to a height in excess of thirty-five (35) feet. As such, it was clear reversible error for the Village to approve a structure with a height well in excess of twenty-five (25) feet.

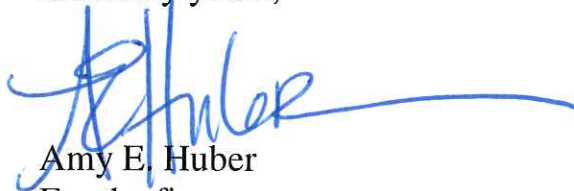
The Village relies on Ordinance No. 2009-17 for its interpretation that the twenty-five (25) foot height limit for Commercial Recreation properties does not apply within the EOZD. Specifically, the Village states that if there is a conflict within provisions of the Village Code, then the regulations in Chapter 10 prevail. Accordingly, the Village states that the height limitation for Commercial Recreation properties in the EOZD is thirty-five (35) feet, and the Commercial Equestrian Arena does not exceed the height limitation.

The Village's Land Development Regulations, Florida law, and common sense require the reversal of the Subject Interpretation. The Village's Code provides for the **maximum building height of all structures** in Section 6.5.1 and 6.5.8 of the Village Code. Art. 6. Ch. 5. Village Code. (Emphasis supplied). The Equestrian Arena is located within the EOZD and has a Comprehensive Land Use Plan category of Commercial Recreation. The controlling regulations for CR designated properties prohibits properties in excess of twenty-five (25) feet. Because the Equestrian Arena

exponentially exceeds the maximum permitted height, it is prohibited therein. As such, it was clear and reversible error for the Village's Staff to approve the height of the arena in excess of twenty-five (25) feet.

The Appellants reserve the right to supplement these appeals with additional facts, legal authority and legal arguments prior to the hearing.

Sincerely yours,



Amy E. Huber  
For the firm

cc: Laurie Cohen, Esq.  
Claudio Riedi, Esq.  
Mr. Paul Schofield  
Mrs. Awilda Rodriguez  
Mr. Tim Stillings



## Council

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

Manager  
Paul Schofield

December 24, 2013

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

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PZ & CODE DEPARTMENT

**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 Mrs. 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.

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John Shubin, Esq./Jeff Bass, Esq./Amy Huber, Esq.  
Response to Request for Planning & Zoning Interpretation  
December 24, 2013  
Page 2.

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.

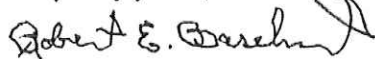
It is important to note the equestrian arena is a structure or use which is not regulated by the provisions of Section 6.10.11(D). Further, as you are aware, it is the staff's opinion that the structure in question has no floor area, by definition. In the past you have expressed disagreement with this 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



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**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



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**Via Electronic Mail**

December 6, 2013

Laurie Stillwell Cohen, Esq.  
Village Attorney  
Village of Wellington  
12300 Forest Hill Boulevard  
Wellington, FL 33414

Re: Administrative Appeals

Dear Laurie:

This correspondence is transmitted to you in response to your November 7<sup>th</sup> letter regarding the four (4) administrative appeals that have been pending before the Village of Wellington for almost two years. These appeals were properly and timely filed with the Village Clerk and Village Attorney and were accepted by the Village. At no time during this time has the Village advised that the appeals were not timely or appropriately filed, or that a form needed to be filed to perfect their status, even though we specifically asked at the time of filing if any forms or fees were needed. A copy of the appeals are attached to this correspondence.

The interpretations that were appealed were already provided and the Village has stood by those interpretations for the last two years during the permitting and approval process of Equestrian Village. At the October 22, 2013 hearing, I raised the fact that the Village (the Developer) was again relying on the exact interpretations that had been appealed and that no final decision had been provided as to the propriety of the Village's position because the Village had failed to set them for hearing.

Your correspondence contemplates a process when an interpretation has not been provided. This is not the case under the current circumstances. The Village has repeatedly provided its interpretation in numerous public forums, and accordingly, that is the interpretation that has been appealed, and that is the process

**Exhibit "B"**



that we were advised by the prior Village Attorney and Staff to follow. The process you are requesting us to follow is only available when an interpretation has not been given.

Nonetheless, you have specifically advised that you are in no way challenging our right to the appeals that we have filed or trying to prohibit our appellate rights from moving forward. You have further advised that the Village will not change the previous determinations that it has rendered on numerous occasions. Accordingly, while preserving our arguments, and without waiving our right to challenge the requirement to file under these circumstances (through the filing of an action for declaratory relief), I am filing the attached forms under protests and request that this matter be immediately addressed so that we can move forward in this process.

I am also forwarding a check in the amount of \$2000.00 to process these appeals.

Thank you for your anticipated attention to this matter.

Sincerely,

  
Amy E. Huber  
For the firm

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PZ & CODE DEPARTMENT

Enc.

cc: Claudio Riedi, Esq.  
Mr. Paul Schofield  
Mr. Tim Stillings

Shubin Bass 



WELLINGTON

A Great Hometown...  
Let Us Show You!

**Planning, Zoning Division**

12300 Forest Hill Blvd., Wellington, FL 33414 (561) 791-4000 pzapplications@wellingtonfl.gov

**PLANNING & ZONING INTERPRETATION REQUEST**

**I. PETITIONER OR AGENT INFORMATION**

Petitioner(s) if other than owner(s): Charles and Kimberly Jacobs & Solar Sportsystems

Address: see attached City: \_\_\_\_\_ ST \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Agent: \* Shubin & Bass, P.A. John Shubin, Jeff Bass, Amy Hub

Company Name: \_\_\_\_\_

Address: 46 SW 1st St. 3rd Fl City: Miami ST FL Zip: 33136

Phone: 305-381-6060 FAX: 305-381-9457

\*All correspondence will be sent to agent unless otherwise requested.

**II. INTERPRETATION REQUEST**

A. INTERPRETATION REQUEST (State the Code and Section thereof for which the interpretation is requested. Be specific with respect to the nature of your interpretation request)

Please see attached.

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B. Project Name (if applicable):

Equestrian Village

C. Project Address (if applicable):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



LAW OFFICES  
**SHUBIN & BASS**  
P R O F E S S I O N A L     A S S O C I A T I O N

---

Via Electronic Mail  
and U.S. Mail

January 31, 2012

Ms. Awilda Rodriguez  
City Clerk  
City of Wellington  
12300 Forest Hill Boulevard  
Wellington, Florida 33414

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JAN 29 2014  
VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT

Re: Appeal of Administrative Interpretation Re: Equestrian Arena

Dear Ms. Rodriguez:

This appeal is filed on behalf of Charles and Kimberly Jacobs and Solar Sportsystems, Inc. (collectively, the "Appellants"), the owners of real property located in the City of Wellington at 2730 Polo Island Drive, A-104, Wellington, Florida and 13307 Polo Club Road, C-104 and C-105, Wellington, Florida, respectively. The Appellants are aggrieved and adversely affected by an administrative interpretation, rendered by the City, related to the calculation of Floor Area for an Equestrian Arena that is approximately 80,400 square feet in size (the "Subject Interpretation"). (The Equestrian Arena is described in detail in Exhibit A (attached)). The Subject Interpretation is erroneous and must be reversed.

Please consider this correspondence as the Appellants' appeal of the Subject Interpretation and corresponding request for a public hearing regarding same. If there are forms and/or fees associated with this Administrative Appeal, kindly identify them for us at your earliest convenience, and we will remit them forthwith.

**I. The Equestrian Arena is a "Structure" with 80,400 square feet of Floor Area**

The City's Land Development Regulations, Florida law, and common sense require the reversal of the Subject Interpretation. The City's Code defines "Floor Area" to mean "the ratio of the gross floor area of all structures on a lot to the lot area, excluding vertical core circulation areas for multistory structures. "Art. 3, Ch. 2, City Code. (Emphasis supplied). The City's Code defines "Structure" as "that which is three

(3) feet or more in height, built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices, and poster panels." *Id.*

Legally and grammatically, it is clear that the Equestrian Arena is a "structure" as that term is defined by the City Code and commonly understood. Because the Equestrian Arena is a *single-story* structure – no exception exists for the calculation of its floor area because the only enumerated definitional exception is limited to **multistory** structure which this is not. Under the doctrine of *expressio unius est exclusion alterius*, the Code's express mention of one exclusion directly implies that none other exists. By all measurements and all definitions then, the Equestrian Arena is – under the City's Code – a "structure" comprising 80,400 square feet of Floor Area. The City staff's contrary administrative interpretation is therefore clearly erroneous and must be reversed.

## II. The Equestrian Arena is Prohibited by the EOZD District Regulations

The Equestrian Arena is located within the Equestrian Overlay Zoning District ("EOZD"). See Exhibit A. The operative district regulations for the EOZD prohibit the development of any commercial structure in excess of 20,000 square feet of gross floor area. See Article 10, Sec. 6.10.11(d), City Code. Because the Equestrian Arena exponentially exceeds the **maximum permitted** commercial development intensity within the EOZD, it is prohibited therein. As such, it was clear and reversible error for the City's administration to approve its development within the EOZD District.

The Appellants reserve the right to supplement this appeal with additional legal authority and arguments if and when the City responds to their Public Records Act requests.

Sincerely yours,



John K. Shubin, Esq.  
Jeffrey S. Bass, Esq.  
Amy E. Huber, Esq.  
For the firm

cc: Jeff Kurtz, Esq., City Attorney  
Mr. David Flinchum, Planning & Zoning Manager

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JAN 29 2014

VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT

SHUBIN & BASS, P.A.



|           |                        |
|-----------|------------------------|
| DATE      | 1/21/14                |
| BY        | J. J. Sexton           |
| PROJECT   | WORLD DRESSAGE COMPLEX |
| LOCATION  | WELLINGTON, FLORIDA    |
| SCALE     | 1"=50'                 |
| REVISIONS |                        |
| NO.       | DESCRIPTION            |
| 1         | ISSUED FOR PERMIT      |

SECTION A-A



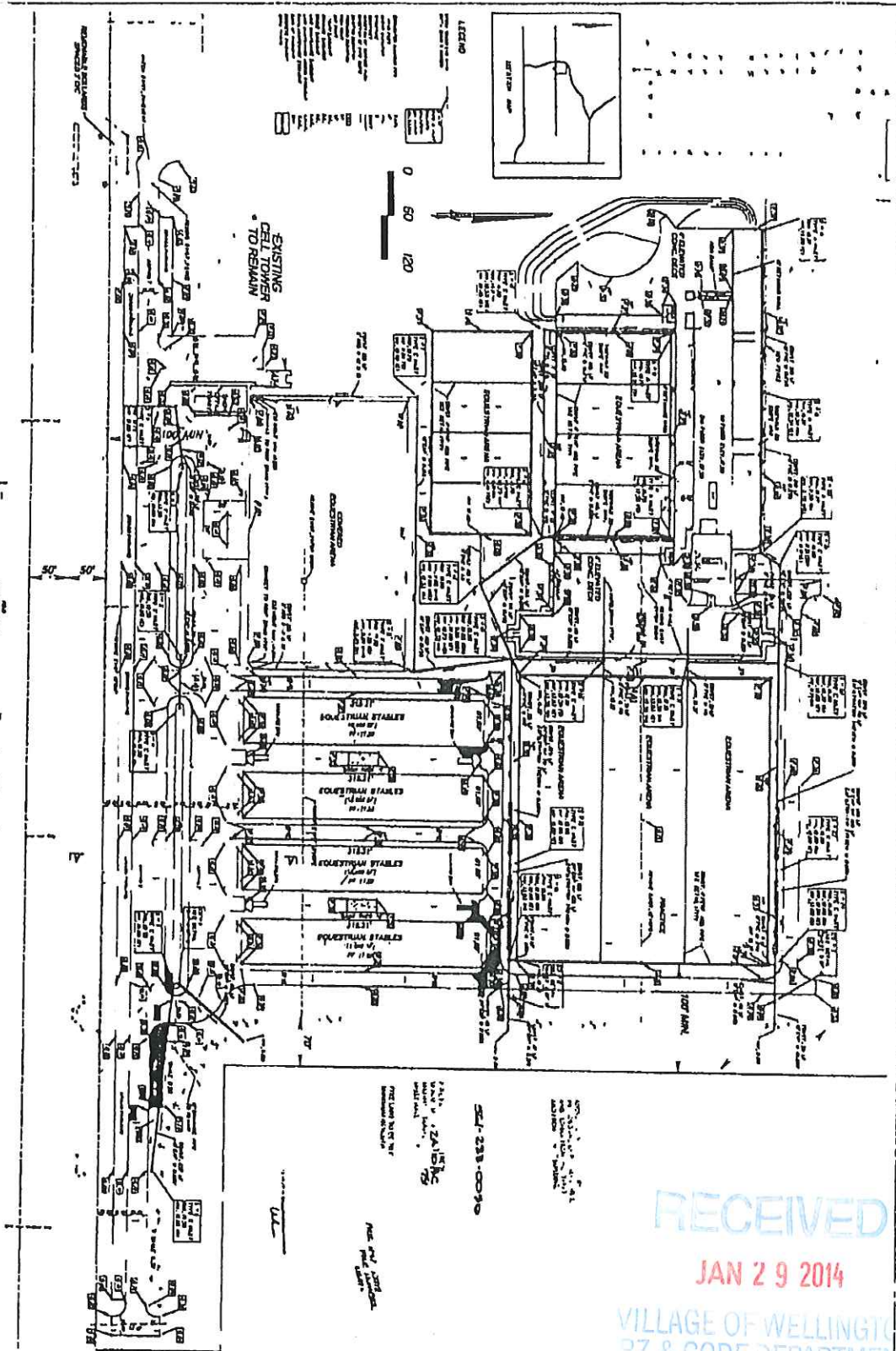
**WORLD DRESSAGE COMPLEX  
WELLINGTON, FLORIDA**

**SEXTON ENGINEERING ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND SURVEYORS  
110 PONCE DE LEON STREET, SUITE 100  
ROYAL PALM BEACH, FLORIDA 33411  
PHONE 561-732-3122 FAX 561-732-3168  
FL REGISTRATION: LB0006837, EB 0007084

1428712  
1"=50'

01/20/2014  
4 6

**EXHIBIT "A"**



LAW OFFICES  
**SHUBIN & BASS**

P R O F E S S I O N A L   A S S O C I A T I O N

Via Electronic Mail  
and U.S. Mail

January 31, 2012

Ms. Awilda Rodriguez  
City Clerk  
City of Wellington  
12300 Forest Hill Boulevard  
Wellington, Florida 33414

RECEIVED

JAN 29 2014

VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT

Re: Appeal of Administrative Interpretation Re: Equestrian Arena Seating

Dear Ms. Rodriguez:

This correspondence is filed on behalf of Charles and Kimberly Jacobs and Solar Sportsystems, Inc. (collectively, the "Appellants"), the owners of real property located in the City of Wellington at 2730 Polo Island Drive, A-104, Wellington, Florida and 13307 Polo Club Road, C-104 and C-105, Wellington, Florida, respectively, and is intended to supplement the Appellants' previous appeal filed today and attached hereto as Exhibit "A." The Appellants also appeal the administrative interpretation related to the calculation of Floor Area for the Equestrian Arena Seating as depicted in Exhibit "B." ("Seating Interpretation").

Please consider this correspondence as the Appellants' appeal of the Seating Interpretation and corresponding request for a public hearing regarding same. If there are forms and/or fees associated with this Administrative Appeal, kindly identify them for us at your earliest convenience, and we will remit them forthwith.

1. **The Equestrian Arena Seating is a "Structure" with Floor Area**

The City's Land Development Regulations, Florida law, and common sense require the reversal of the Subject Interpretation. The City's Code defines "Floor Area" to mean "the ratio of the gross floor area of all structures on a lot to the lot area, excluding vertical core circulation areas for multistory structures. "Art. 3, Ch. 2, City Code. (Emphasis supplied). The City's Code defines "Structure" as "that which is three (3) feet or more in height, built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices, and poster panels." *Id.*



City Clerk  
January 31, 2012  
2 | Page

RECEIVED

JAN 29 2014

VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT

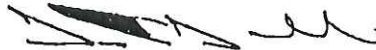
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**II. The Equestrian Arena Seating is Prohibited by the EOZD District Regulations**

The Equestrian Arena is located within the Equestrian Overlay Zoning District ("EOZD"). *See* Exhibit A. The operative district regulations for the EOZD prohibit the development of any commercial structure in excess of 20,000 square feet of gross floor area. *See* Article 10, Sec. 6.10.11(d), City Code. Because the Equestrian Arena exponentially exceeds the *maximum* permitted commercial development intensity within the EOZD, it is prohibited therein. As such, it was clear and reversible error for the City's administration to approve its development within the EOZD District.

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Sincerely yours,



John K. Shubin, Esq.  
Jeffrey S. Bass, Esq.  
Amy E. Huber, Esq.  
For the firm

cc: Jeff Kurtz, Esq., City Attorney  
Mr. David Flinchum, Planning & Zoning Manager

SHUBIN & BASS, P.A.

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JAN 29 2014

VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT

LAW OFFICES  
**SHUBIN & BASS**  
P R O F E S S I O N A L   A S S O C I A T I O N

---

Via Electronic Mail  
and U.S. Mail

January 31, 2012

Ms. Awilda Rodriguez  
City Clerk  
City of Wellington  
12300 Forest Hill Boulevard  
Wellington, Florida 33414

Re: Appeal of Administrative Interpretation Re: Equestrian Arena

Dear Ms. Rodriguez:

This appeal is filed on behalf of Charles and Kimberly Jacobs and Solar Sportsystems, Inc. (collectively, the "Appellants"), the owners of real property located in the City of Wellington at 2730 Polo Island Drive, A-104, Wellington, Florida and 13307 Polo Club Road, C-104 and C-105, Wellington, Florida, respectively. The Appellants are aggrieved and adversely affected by an administrative interpretation, rendered by the City, related to the calculation of Floor Area for an Equestrian Arena that is approximately 80,400 square feet in size (the "Subject Interpretation"). (The Equestrian Arena is described in detail in Exhibit A (attached)). The Subject Interpretation is erroneous and must be reversed.

Please consider this correspondence as the Appellants' appeal of the Subject Interpretation and corresponding request for a public hearing regarding same. If there are forms and/or fees associated with this Administrative Appeal, kindly identify them for us at your earliest convenience, and we will remit them forthwith.

I.     **The Equestrian Arena is a "Structure" with 80,400 square feet of Floor Area**

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JAN 29 2014

VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT

City Clerk  
January 30, 2012  
2 | Page

(3) feet or more in height, built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices, and poster panels." *Id.*

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The Equestrian Arena is located within the Equestrian Overlay Zoning District ("EOZD"). See Exhibit A. The operative district regulations for the EOZD prohibit the development of any commercial structure in excess of 20,000 square feet of gross floor area. See Article 10, Sec. 6.10.11(d), City Code. Because the Equestrian Arena exponentially exceeds the *maximum* permitted commercial development intensity within the EOZD, it is prohibited therein. As such, it was clear and reversible error for the City's administration to approve its development within the EOZD District.

The Appellants reserve the right to supplement this appeal with additional legal authority and arguments if and when the City responds to their Public Records Act requests.

Sincerely yours,



John K. Shubin, Esq.  
Jeffrey S. Bass, Esq.  
Amy E. Huber, Esq.  
For the firm

cc: Jeff Kurtz, Esq., City Attorney  
Mr. David Flinchum, Planning & Zoning Manager

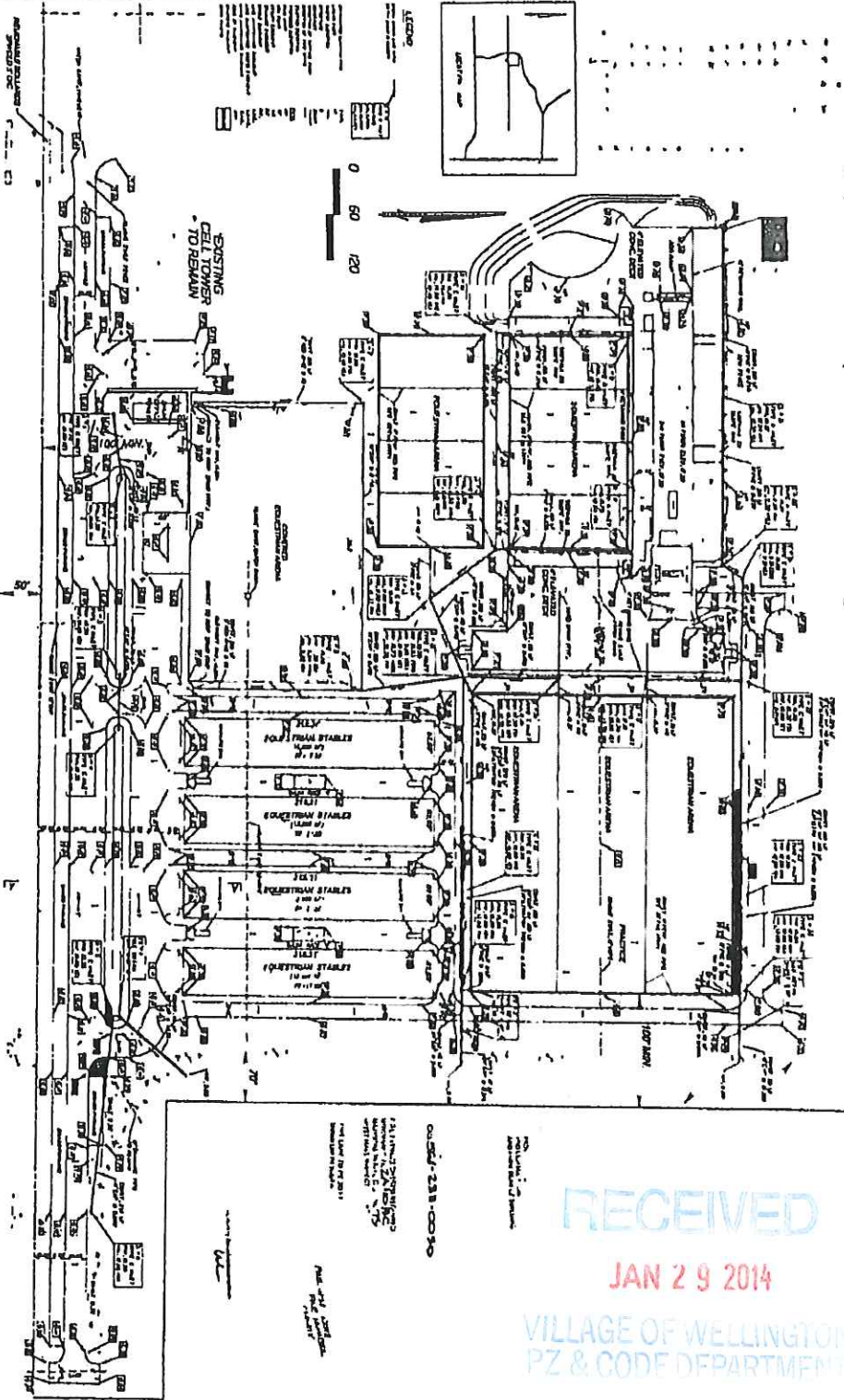
SHUBIN & BASS, P.A.

|         |                                     |
|---------|-------------------------------------|
| DATE    | 1/29/14                             |
| BY      | SEKTON ENGINEERING ASSOCIATES, INC. |
| FOR     | VILLAGE OF WELLINGTON               |
| PROJECT | WELLINGTON PLAZA                    |
| SCALE   | AS SHOWN                            |

SECTION A-A



1/29/14



RECEIVED

JAN 29 2014

VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT

**SEKTON ENGINEERING ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND SURVEYORS  
101 PONCE DE LEON STREET, SUITE 400  
ROYAL PALM BEACH, FLORIDA 33411  
PHONE 561-752-3122 FAX 561-752-3088  
FL REGISTRATION: LICENSE #12345, ER 00345678



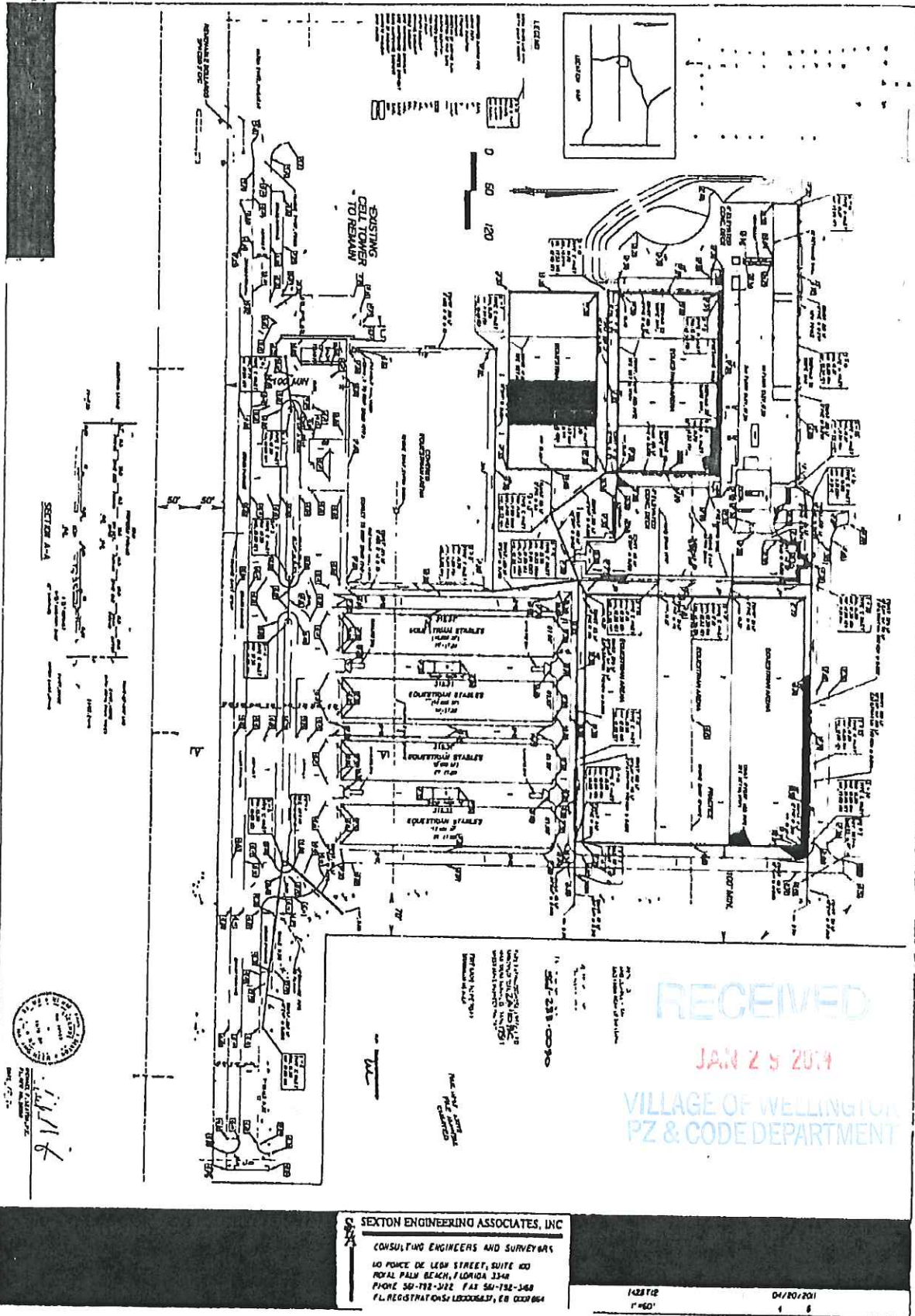


EXHIBIT "B"

LAW OFFICES  
**SHUBIN & BASS**  
P R O F E S S I O N A L     A S S O C I A T I O N

---

Via Hand Delivery

February 1, 2012

Ms. Awilda Rodriguez  
City Clerk  
City of Wellington  
12300 Forest Hill Boulevard  
Wellington, Florida 33414

RECEIVED

JAN 29 2014

VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT

**Re: Appeal of Administrative Interpretation Re: Height of Equestrian Arena**

Dear Ms. Rodriguez:

This correspondence is filed on behalf of Charles and Kimberly Jacobs and Solar Sportsystems, Inc. (collectively, the "Appellants"), the owners of real property located in the City of Wellington at 2730 Polo Island Drive, A-104, Wellington, Florida and 13307 Polo Club Road, C-104 and C-105, Wellington, Florida, respectively, and is intended to supplement the Appellants' two previous appeals filed yesterday and attached hereto as composite Exhibit "A." The Appellants also appeal the administrative interpretation related to the height of the Equestrian Arena located at Equestrian Village. ("Height Interpretation").

Please consider this correspondence as the Appellants' appeal of the Height Interpretation and corresponding request for a public hearing regarding same. If there are forms and/or fees associated with this Administrative Appeal, kindly identify them for us at your earliest convenience, and we will remit them forthwith.

**I. Maximum Building Height**

The City's Land Development Regulations, Florida law, and common sense require the reversal of the Subject Interpretation. The City's Code provides for the **maximum building height** of all structures in Section 6.5.1 and 6.5.8 of the City Code. Art. 6, Ch. 5, City Code. (Emphasis supplied). Section 6.5.8.C.2 of the City's Code requires that "No building or structure or part thereof shall be erected or altered to a height exceeding twenty-five (25) feet in districts with a Comprehensive Land Use Plan Category of Conservation, Neighborhood Commercial, and **Commercial Recreation.**" (emphasis supplied.) The Equestrian Village Property is designated Commercial Recreation with a maximum height limitation of twenty-five feet.



City Clerk  
January 31, 2012  
2 | Page

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VILLAGE OF WELLINGTON  
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**II. The Equestrian Arena is Prohibited by the Maximum Height Regulations for Commercial Recreation Properties**

The Equestrian Arena is located within the Equestrian Overlay Zoning District ("EOZD") and has a Comprehensive Land Use Plan category of Commercial Recreation. The controlling regulations for CR designated properties prohibits properties in excess of 25 feet. Because the Equestrian Arena exponentially exceeds the *maximum* permitted height, it is prohibited therein. As such, it was clear and reversible error for the City's administration to approve the height of the arena in excess of 25 feet.

The Appellants reserve the right to supplement this appeal with additional legal authority and arguments if and when the City responds to their Public Records Act requests.

Sincerely yours,



John K. Shubin, Esq.  
Jeffrey S. Bass, Esq.  
Amy E. Huber, Esq.  
For the firm

cc: Jeff Kurtz, Esq., City Attorney  
Mr. David Flinchum, Planning & Zoning Manager

SHUBIN & BASS, P.A.

LAW OFFICES  
**SHUBIN & BASS**

P R O F E S S I O N A L     A S S O C I A T I O N

---

Via Electronic Mail  
and U.S. Mail

January 31, 2012

Ms. Awilda Rodriguez  
City Clerk  
City of Wellington  
12300 Forest Hill Boulevard  
Wellington, Florida 33414

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JAN 29 2014

VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT

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**I. The Equestrian Arena is a "Structure" with 80,400 square feet of Floor Area**

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City Clerk  
January 30, 2012  
2 | Page

RECEIVED

JAN 29 2014

VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT

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## II. The Equestrian Arena is Prohibited by the EOZD District Regulations

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The Appellants reserve the right to supplement this appeal with additional legal authority and arguments if and when the City responds to their Public Records Act requests.

Sincerely yours,



John K. Shubin, Esq.  
Jeffrey S. Bass, Esq.  
Amy E. Huber, Esq.  
For the firm

cc: Jeff Kurtz, Esq., City Attorney  
Mr. David Flinchum, Planning & Zoning Manager

SHUBIN & BASS, P.A.

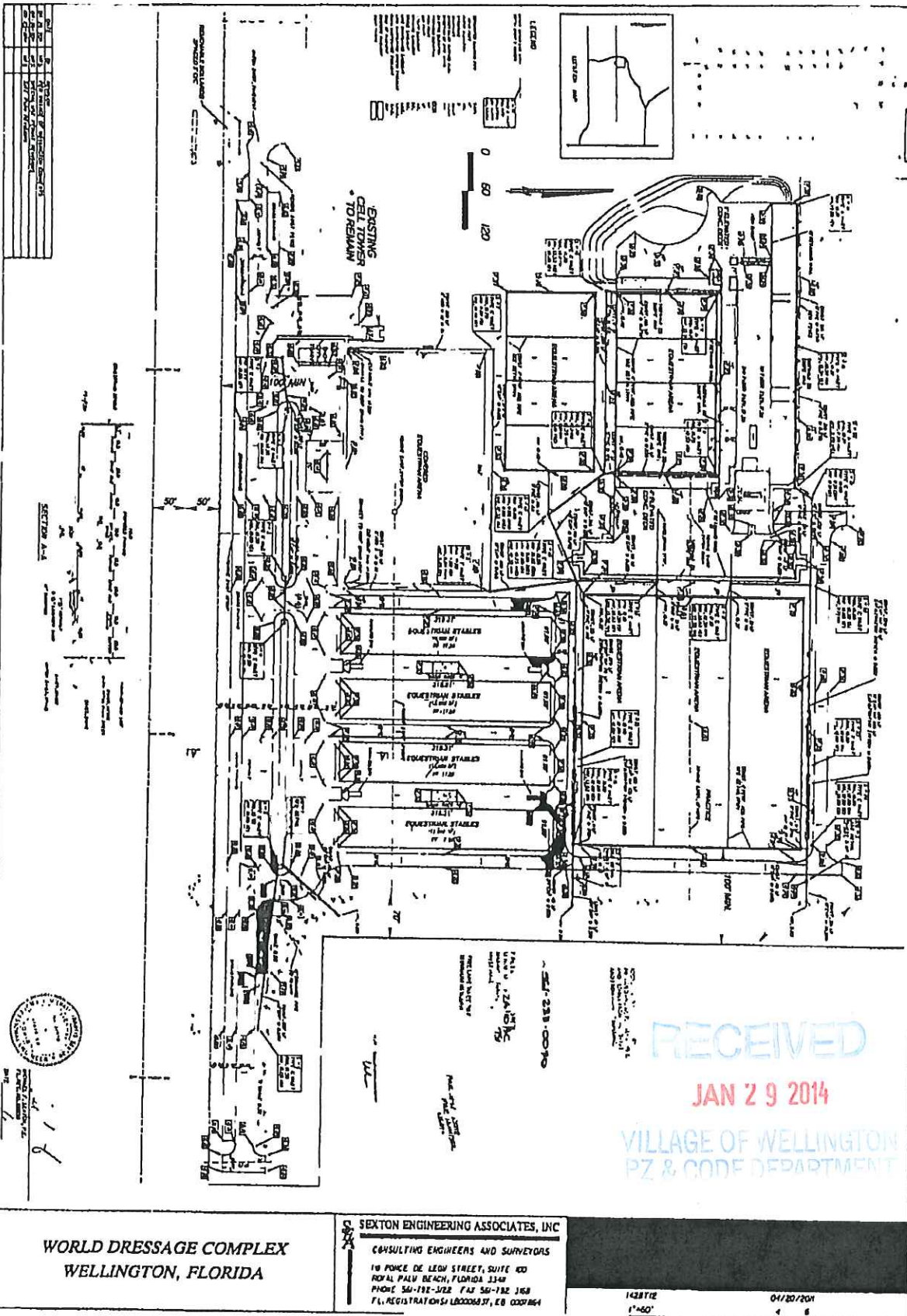


EXHIBIT "A"



LAW OFFICES  
**SHUBIN & BASS**

P R O F E S S I O N A L   A S S O C I A T I O N

Via Electronic Mail  
and U.S. Mail

January 31, 2012

Ms. Awilda Rodriguez  
City Clerk  
City of Wellington  
12300 Forest Hill Boulevard  
Wellington, Florida 33414

RECEIVED

JAN 29 2014

VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT

Re: Appeal of Administrative Interpretation Re: Equestrian Arena Seating

Dear Ms. Rodriguez:

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City Clerk  
January 31, 2012  
2 | Page

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Sincerely yours,



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Jeffrey S. Bass, Esq.  
Amy E. Huber, Esq.  
For the firm

RECEIVED

JAN 29 2014

VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT

cc: Jeff Kurtz, Esq., City Attorney  
Mr. David Flinchum, Planning & Zoning Manager

SHUBIN & BASS, P.A.



LAW OFFICES  
**SHUBIN & BASS**  
P R O F E S S I O N A L   A S S O C I A T I O N

---

Via Electronic Mail  
and U.S. Mail

January 31, 2012

Ms. Awilda Rodriguez  
City Clerk  
City of Wellington  
12300 Forest Hill Boulevard  
Wellington, Florida 33414

RECEIVED

JAN 29 2014

VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT

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City Clerk  
January 30, 2012  
2 | Page

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Sincerely yours,



John K. Shubin, Esq.  
Jeffrey S. Bass, Esq.  
Amy E. Huber, Esq.  
For the firm

RECEIVED

JAN 29 2014

VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT

cc: Jeff Kurtz, Esq., City Attorney  
Mr. David Flinchum, Planning & Zoning Manager

SHUBIN & BASS, P.A.

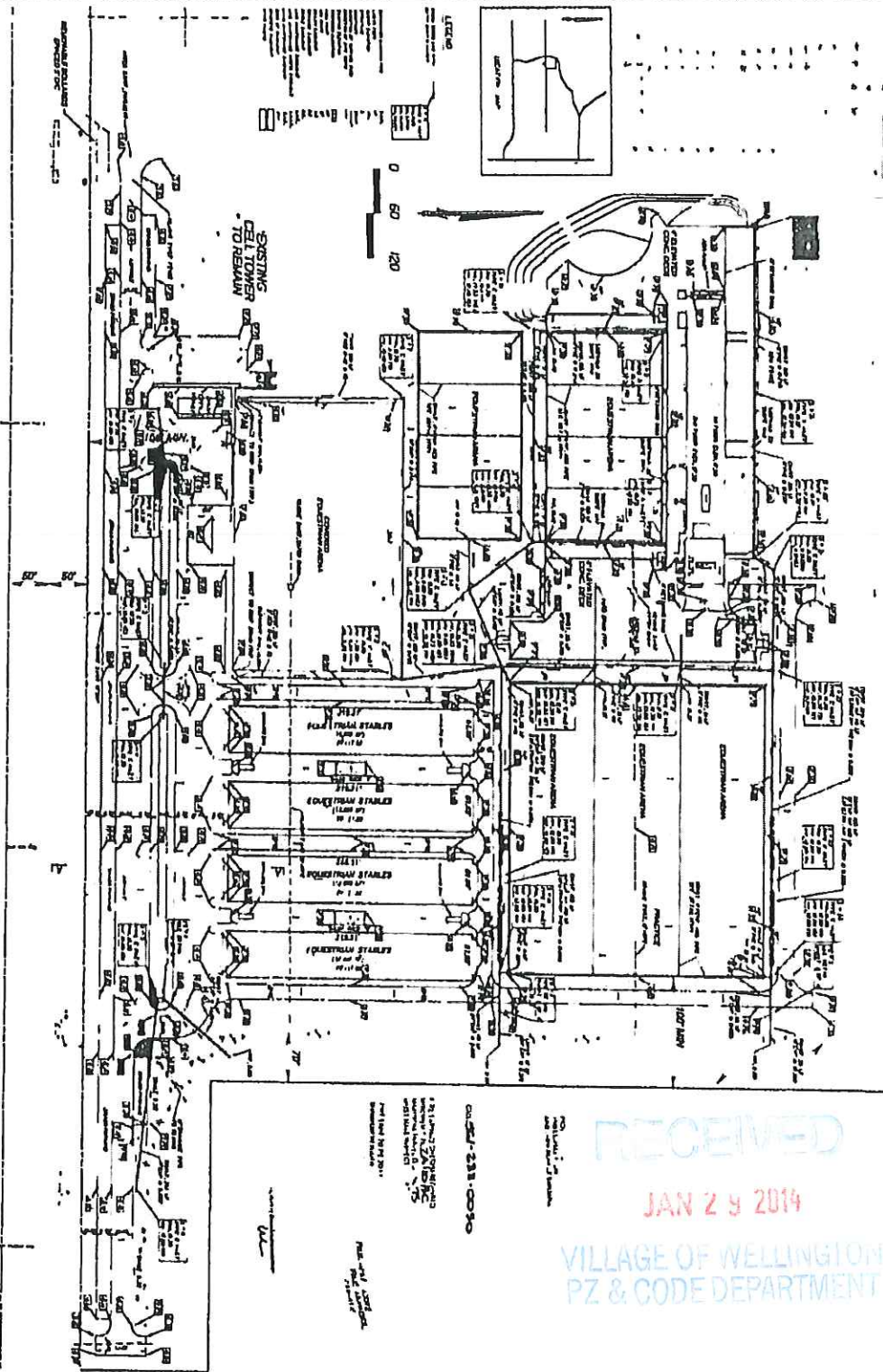


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|---------|----|-----------------------|
| DATE    | BY | REVISION              |
| 10/1/03 | WJ | ISSUED FOR PERMITTING |
| 10/1/03 | WJ | ISSUED FOR PERMITTING |
| 10/1/03 | WJ | ISSUED FOR PERMITTING |
| 10/1/03 | WJ | ISSUED FOR PERMITTING |

SECTION A-A



1/6



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JAN 29 2014

VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT

**SEXTON ENGINEERING ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND SURVEYORS  
40 Ponce de Leon Street, Suite 400  
Royal Palm Beach, Florida 33410  
Phone 561-752-3122 Fax 561-752-3468  
FL REGISTRATION NO. LB000617, CA 0007064

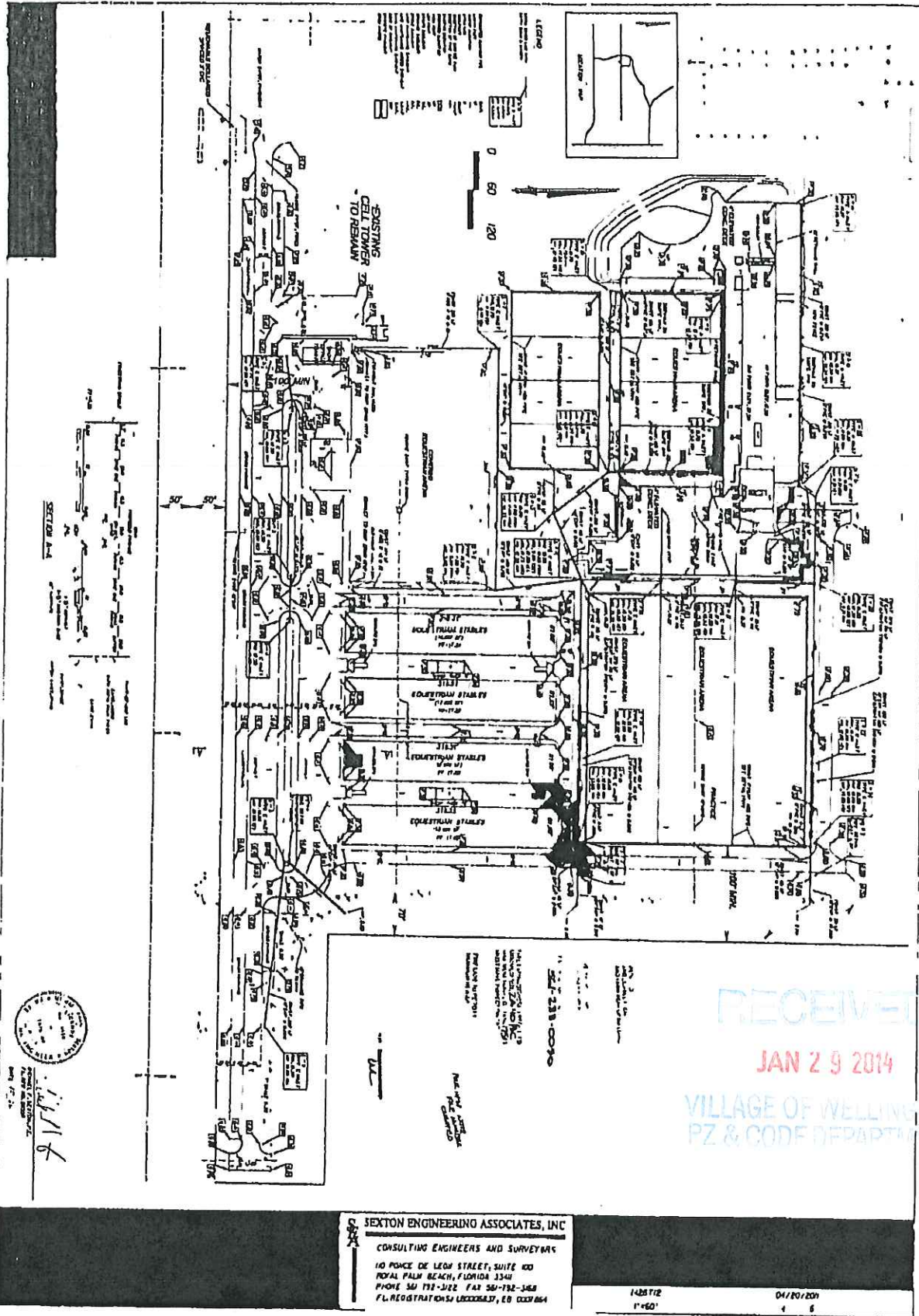


EXHIBIT "B"



**Amy Huber**

---

**From:** Amy Huber  
**Sent:** Wednesday, April 18, 2012 7:19 PM  
**To:** 'arodriguez@wellingtonfl.gov'; 'jkurtz@wellingtonfl.gov'; 'rbasehart@wellingtonfl.gov'; 'dflinchim@wellingtonfl.gov'; 'pschofield@wellingtonfl.gov'  
**Cc:** John Shubin  
**Subject:** Appeal of Administrative Interpretation - Barn FAR letter  
**Attachments:** bellissimo barns FAR.docx  
**Importance:** High

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VILLAGE OF WELLINGTON  
CITY CODE DEPARTMENT

Dear Ms. Rodriguez:

This correspondence is filed on behalf of Charles and Kimberly Jacobs and Solar Sportsystems, Inc. (collectively, the "Appellants"), the owners of real property located in the City of Wellington at 2730 Polo Island Drive, A-104, Wellington, Florida and 13307 Polo Club Road, C-104 and C-105, Wellington, Florida, respectively, and is intended to appeal the administrative interpretation related to the calculation of Floor Area for the east and west barns (the "Subject Interpretation"). (A true and correct copy of the Subject Interpretation is attached to this e-mail).

Please consider this correspondence as the Appellants' appeal of the Subject Interpretation and corresponding request for a public hearing regarding same. This appeal is filed in an abundance of caution via e-mail this evening, as we only learned of this Interpretation less than hour ago, despite our numerous public records act requests and specific requests for this exact information. If there are forms and/or fees associated with this Administrative Appeal, kindly identify them for us at your earliest convenience, and we will remit them forthwith.

**I. The Stables in their Entirety are Structures with Floor Area**

The City's Land Development Regulations, Florida law, and common sense require the reversal of the Subject Interpretation. The City's Code defines "Floor Area" to mean "the ratio of the gross floor area of all structures on a lot to the lot area, excluding vertical core circulation areas for multistory structures. "Art. 3, Ch. 2, City Code. (Emphasis supplied). The City's Code defines "Structure" as "that which is three (3) feet or more in height, built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices, and poster panels." *Id.*

Legally and grammatically, it is clear that the Stables – in their entirety - are "structures" as that term is defined by the City Code and commonly understood. By all measurements and all definitions, the entire floor area of each stable is – under the City's Code – a "structure" comprising of square feet of Floor Area. The City staff's contrary administrative interpretation is therefore clearly erroneous and must be reversed.

**II. Commercial Use in Excess of 20,000 sq. ft is Prohibited by the EOZD District Regulations**

The Stables are located within the Equestrian Overlay Zoning District ("EOZD"). The operative district regulations for the EOZD prohibit the development of any commercial use in excess of 20,000 square feet of gross floor area. See Article 10, Sec. 6.10.11(d), City Code. Because the

Stables exponentially exceed the **maximum permitted** commercial development intensity within the EOZD, it is prohibited therein. As such, it was clear and reversible error for the City's administration to approve its development within the EOZD District.

The Appellants reserve the right to supplement this appeal with additional legal authority and arguments if and when the City provides us with the additional documentation requested as they were required to do by law.

Thank you for your anticipated attention to this matter.

Amy E. Huber, Esq.  
Shubin & Bass, P.A.  
46 S.W. 1st Street  
Third Floor  
Miami, Florida 33130  
[ahuber@shubinbass.com](mailto:ahuber@shubinbass.com)  
Tel. (305) 381-6060  
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**From:** Jeff S. Kurtz [mailto:jkurtz@wellingtonfl.gov]  
**Sent:** Wednesday, April 18, 2012 6:50 PM  
**To:** John Shubin; Amy Huber  
**Subject:** FW: Barn FAR letter

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Copy of barn FAR letter.

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OFFICE OF THE CITY CLERK

**From:** Robert Basehart  
**Sent:** Wednesday, April 18, 2012 6:26 PM  
**To:** Jeff S. Kurtz  
**Subject:** Barn FAR letter

Robert Basehart, AICP  
Growth Management Director  
Wellington, Florida  
12300 Forest Hill Boulevard, Wellington, FL 33414  
561/753-2578 FAX 561/791-4045

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## Council

Darell Bowen, Mayor  
Matt Willhite, Vice Mayor  
Dr. Carmine A. Priore, Mayor pro tem  
Howard K. Coates, Jr., Councilman  
Anne Gerwig, Councilwoman

Manager  
Paul Schofield

March 20, 2012

Mark Bellissimo, Managing Member  
Far Niente Stables II, LLC  
114440 Pierson Road  
Wellington, Florida 33414

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PZ & CODE DEPARTMENT

**SUBJECT: STABLE STRUCTURES AT EQUESTRIAN VILLAGE EQUESTRIAN VILLAGE PROPERTY (aka POLO VILLAGE II); PROPERTY (59.29 ACRES) LOCATED AT N.E. CORNER OF SOUTH SHORE BLVD & PIERSON RD., WELLINGTON.**

Dear Mr. Bellissimo:

This letter is to inform you that after having reviewed the physical construction of the recently installed stable structures at the above referenced property it is our determination the majority of the area under roof in each structure must be counted as floor area.

Originally, descriptions that you gave indicated the interior stalls would not be attached to structural components supporting the roofs and the top of the stalls would be substantially below the eave line of the buildings. This would have resulted in a true and readily apparent separation between the roof structure and the individual horse stalls. It was understood the stable structures would have no walls on any side. We were told that stables & structures would be constructed just like the stables at the Jim Brandon Equestrian Center owned and operated by Palm Beach County. After having visited the Jim Brandon Center, we were in agreement that your proposed stable buildings could qualify to not count as building square footage for the purpose of calculating the floor area ratio for the overall Equestrian Village site.

After having visited your site and inspected the completed stable buildings, we have concluded what has been constructed is not consistent with our earlier understanding, and that the buildings do not meet the test for exclusion from floor area calculations. The exterior face of the structure constitutes a wall system both visually and as a practical matter a part of the overall structural support. The end walls absolutely enclose the structure and the stable units extend up to essentially eave level and are physically attached to structural components. Since the majority of the sides of the structure are enclosed by walls, the majority of the interior area will be considered as building floor area.

Mark Bellissimo  
Equestrian Village Floor area  
March 20, 2012  
Page 2.

I am willing to exclude from the floor area calculations the unenclosed patio areas under roof at both ends of the building, as well as the east/west pass-through isles between the banks of stalls (since they do not have side walls).

This accommodation will reduce the floor area of the stable buildings to approximately 62.4% of the area under roof, which will result in a calculated floor area of 12,295 square feet per building for the 19,698 sq. ft per building area under roof. I certainly invite you to provide more exact calculations and am open to making reasonable adjustments with any supportive documentation you may provide.

Please also be advised that in the event you believe that my determination is not correct, you have the right to appeal it to the Planning, Zoning & Appeals Board. They are empowered to make binding interpretations on the provisions of the Village's Land Development Code.

If you have any questions relative to any of the information provided in this letter, please do not hesitate to contact me..

Very truly yours,

Robert E. Basehart, AICP  
Growth Management Director

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Cc: Paul Schofield, Village Manager  
Jim Barnes, Director of Operations  
Jeff Kurtz, Village Attorney  
David Flinchum, Planning & Zoning Manager  
Jacek Tomasik, Building Official





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**Planning, Zoning Division**

12300 Forest Hill Blvd., Wellington, FL 33414 (561) 791-4000 pzapplications@wellingtonfl.gov

**PLANNING & ZONING INTERPRETATION REQUEST**

**I. PETITIONER OR AGENT INFORMATION**

Petitioner(s) if other than owner(s): Charlie & Kim Jacobs / Solar Spartsystems, Inc.

Address: 2730 Polo Island Dr., A104  
1327 Polo Club Rd., 4105 City: Wellington ST FL Zip 33411

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Agent: John Subish, Jeff Bass, Amy Huber

Company Name: Subish & Bass, P.A.

Address: 4650 1st St, 3rd Floor City: Miami ST FL Zip: 33130

Phone: 305.381.1000 FAX: 305.381.9457

\*All correspondence will be sent to agent unless otherwise requested

**II. INTERPRETATION REQUEST**

A. INTERPRETATION REQUEST (State the Code and Section thereof for which the interpretation is requested. Be specific with respect to the nature of your interpretation request)

Article 10, Section 6.10.11(d)

The Commercial Stables in their entirety - are  
structures - and exceed the 20,000 commercial  
use limited in E020. The Commercial Stables  
Violate Sec. 6.10.11(d).

See attached appeal.

B. Project Name (if applicable):

Equestrian Village

C. Project Address (if applicable):

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VILLAGE OF WELLINGTON  
PLANNING & ZONING DEPARTMENT



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**PLANNING & ZONING INTERPRETATION REQUEST**

**I. PETITIONER OR AGENT INFORMATION**

Petitioner(s) if other than owner(s): Charlie & Kim Jacobs / Solar Spasystems, Inc.

Address: 2730 Alo Islander. Road City: Wellington ST FL Zip: 33411

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Agent: John Shubin, Jeff Bass, Amy Huber

Company Name: Shubin & Bass, P.A.

Address: 16 SW 1st St, 3rd FL City: Miami ST FL Zip: 33130

Phone: 305.381.6060 FAX: 305.381.9457

\*All correspondence will be sent to agent unless otherwise requested.

**II. INTERPRETATION REQUEST**

A. INTERPRETATION REQUEST (State the Code and Section thereof for which the interpretation is requested. Be specific with respect to the nature of your interpretation request):

Article 10, Sec. 6.10.11(d)

The commercial arena viewing deck/vendor/seating area is in excess of 29,000 sq. ft. and exceeds the maximum permitted commercial use allowed in the 2020 pursuant to Article 10, Sec. 6.10.11(d).

See attached appeal.

B. Project Name (if applicable):

Equestrian Village

C. Project Address (if applicable):

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**PLANNING & ZONING INTERPRETATION REQUEST**

**I. PETITIONER OR AGENT INFORMATION**

Petitioner(s) if other than owner(s): Charlie & Kim Jacobs / Solar Spasystems, Inc.

Address: 2730 Polo Island Dr, A-104  
13367 Club Rd, C-1045C-105 City: Wellington ST FL Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Agent: John Shubin, Jeff Bess, and Amy Huber

Company Name: Shubin & Bess, P.A.

Address: 46 SW 1st St, 3rd Floor City: Miami ST FL Zip: 33130

Phone: 305.381.6060 FAX: 305.381.9457

\*All correspondence will be sent to agent unless otherwise requested.

**II. INTERPRETATION REQUEST**

A. INTERPRETATION REQUEST (State the Code and Section thereof for which the interpretation is requested.  
Be specific with respect to the nature of your interpretation request):

Article 10, Sec. 6.10.11(d)

The covered commercial equestrian arena is 80,400 sq. ft.  
This is in excess (4x) of the maximum permitted  
commercial use permitted in the 2020 pursuant to  
Article 10, Sec. 6.10.11(d).

See attached appeal dated January 30, 2012.

B. Project Name (if applicable):

Equestrian Village

C. Project Address (if applicable):

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**PLANNING & ZONING INTERPRETATION REQUEST**

**I. PETITIONER OR AGENT INFORMATION**

Petitioner(s) if other than owner(s): Charlie & Kim Jacobs / Solar Sportsystems, Inc  
Address: 2730 Polo Island Rd, #104 City: Wellington ST FL Zip:   
Phone:  FAX:

Agent: John Shubin, Jeff Bass, Amy Huber  
Company Name: Shubin & Bass, P.A.  
Address: 46 SW 1st St, 3rd FL City: Miami ST FL Zip: 33136  
Phone: 305.301.6000 FAX: 305.301.9457

\*All correspondence will be sent to agent unless otherwise requested

**II. INTERPRETATION REQUEST**

- A. INTERPRETATION REQUEST (State the Code and Section thereof for which the interpretation is requested  
Be specific with respect to the nature of your interpretation request)

Section 6.5.8.C.2

The Commercial Covered Equestrian Arena is approximately 45 feet in height. The maximum permitted height for Commercial Recreation properties is 25 feet. The Commercial Covered Equestrian Arena violates Section 6.5.8.C.2.

See attached appeal

- B. Project Name (if applicable):

Equestrian Village

- C. Project Address (if applicable)

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ORDINANCE NO. 2009-17

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, PERTAINING TO ZONING; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF WELLINGTON BY AMENDING ARTICLE 6, CHAPTER 10, "EQUESTRIAN OVERLAY ZONING DISTRICT;" AMENDING SECTION 6.10.3 REGARDING "DEFINITIONS," PROVIDING FOR DEFINITIONS OF "COVERED EQUESTRIAN ARENA" AND FOR "RECREATIONAL VEHICLE;" AMENDING SECTION 6.10.4 REGARDING "SUBAREAS" BY CREATING A NEW SUBAREA E; AMENDING SECTION 6.10.6 REGARDING "DEVELOPMENT STANDARDS" BY PROVIDING SETBACKS FOR ROOFED EQUESTRIAN ARENAS AND BY INCREASING THE PERMITTED FLOOR AREA RATIO FOR STRUCTURES; AMENDING SECTION 6.10.7.A REGARDING "PRINCIPAL AND CONDITIONAL USES" BY AMENDING TABLE C TO CHANGE CERTAIN PERMITTED AND ACCESSORY USES; AMENDING SECTION 6.10.7.B REGARDING "ADDITIONAL STANDARDS," PROVIDING FOR ADDITIONAL STANDARDS FOR OUTDOOR AUCTIONS AND BED AND BREAKFAST ESTABLISHMENTS; AMENDING SECTION 6.10.8 REGARDING MAXIMUM DENSITY AND MINIMUM LOT SIZE REQUIREMENTS AND AMENDING PROVISIONS REGARDING CLUSTER DEVELOPMENT; AMENDING SECTION 6.10.9 REGARDING "SUPPLEMENTAL DISTRICT REGULATIONS" AND PROVIDING FOR ADDITIONAL REGULATIONS FOR TEMPORARY RESIDENCES, ROOFED EQUESTRIAN ARENAS, USE OF TENTS AS TEMPORARY STALLS, PARKING ON PUBLIC RIGHTS-OF-WAY, STORAGE OF HORSE TRAILERS, AND FENCING; AMENDING SECTION 6.10.10 REGARDING "BRIDLE TRAILS AND EASEMENTS," PROVIDING FOR DEDICATION OF BRIDLE TRAILS; AMENDING SECTION 6.10.12.D REGARDING "SUPPLEMENTAL REGULATIONS FOR BARNs AND STABLES," ELIMINATING DEVELOPMENT REVIEW COMMITTEE FOR CERTAIN SITE PLANS; AMENDING SECTION 6.10.12.E REGARDING "ADDITIONAL SITE PLAN REVIEW," PROVIDING FOR REVIEW OF CERTAIN SITE PLANS BY THE EQUESTRIAN PRESERVE COMMITTEE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Wellington, Florida ("Village"), 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; and

WHEREAS, the Village of Wellington has determined that the existing Village regulations should be amended for the Equestrian Overlay Zoning District (EOZD); and

WHEREAS, the recommended modifications to the EOZD were presented to the Equestrian Preservation Committee (EPC) at its public hearing conducted on October 14, 2009, and the EPC has made a recommendation to the Planning, Zoning and Adjustment Board; and

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1 WHEREAS, the proposed modifications to the EOZD was presented to the Planning,  
2 Zoning and Adjustment Board (PZAB) at its public hearing conducted on November 5, 2009,  
3 and the PZAB has made recommendations to the Village Council; and

4 WHEREAS, in accordance with the requirements of Chapter 163, Florida Statutes, the  
5 Village Planning, Zoning and Adjustment Board, acting as the Land Development Regulation  
6 Board, has reviewed the proposed Ordinance and has determined that the proposed regulation  
7 is consistent with the Village of Wellington's Comprehensive Plan; and

8  
9 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE  
10 VILLAGE OF WELLINGTON, FLORIDA, THAT:

11 SECTION 1: Article 6. Zoning Districts, Chapter 2. "Zoning District Purposes" Section  
12 6.2.17. of the Village of Wellington's Land Development Regulations is hereby amended to read  
13 as follows:

14 Section 6.2.17 ~~EOD~~-EOZD ("Equestrian Overlay Zoning District")

15 The purpose and intent of the ~~EOD Equestrian Overlay Zoning District~~ (EOZD) is to protect and  
16 enhance the Equestrian Preservation Areas of ~~the Village of~~ Wellington, as created by the  
17 Comprehensive Plan; to preserve, maintain and enhance the equestrian community associated  
18 with the Village of Wellington; to preserve, maintain and enhance the rural lifestyle associated  
19 with the equestrian community; to identify and encourage types of land uses that are supportive  
20 of the equestrian and rural character of the Equestrian Preservation Areas; and to preserve,  
21 maintain and enhance development patterns which are consistent with the overall character of  
22 the equestrian community. The EOD is consistent with all future land use designations in the  
23 Land Use Element in the Wellington Comprehensive Plan. Uses in the EOD shall be as  
24 provided in the zoning regulations for that district, subject to the supplementary standards  
25 contained in the LDR.

26 SECTION 2: Article 6 "Zoning Districts" Chapter 10 "Equestrian Overlay Zoning  
27 District" of the Village of Wellington's Local Development Regulations is hereby amended to  
28 read as follows:

29 Chapter 10. EQUESTRIAN OVERLAY ZONING DISTRICT (EOZD)

30 Sec. 6. 10. 1 Purpose and Intent

31 The purpose and intent of these Equestrian Overlay Zoning District (EOZD) regulations is:

32 A. Protection

33 To protect and enhance the Equestrian Preservation Areas of the Village, as created  
34 by the Comprehensive Plan.

35 B. Preservation

36 To preserve, maintain, and enhance the equestrian community associated with the  
37 Village of Wellington.

38 C. Rural lifestyle

39 To preserve, maintain, and enhance the rural lifestyle associated with the equestrian  
40 community.

41 D. Land uses



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To identify and encourage types of land uses that are supportive of the equestrian and rural character of the Equestrian Preservation Areas.

**E. Development patterns**

To preserve, maintain, and enhance development patterns which are consistent with the overall character of the equestrian community.

**Sec. 6.10.2 Applicability and Conflicts**

The provisions of this Article shall apply to all land located within the Equestrian Preservation Areas, as identified on the Future Land Use Map of the Village of Wellington Comprehensive Plan.

In the event of any conflicts between the requirements of this Article and the requirements of the Land Development Regulations, the requirements of this Article shall govern. In the absence of any conflict, the requirements of the underlying zoning district and the Land Development Regulations shall be applicable and supplemental to the requirements of this Article.

The provisions of this Article and any amendment hereto shall not affect the validity of any lawfully approved development order approved prior to August 27, 2002, if the development order remains valid. Issuance of subsequent development orders shall be based on the requirements of this Article; provided, however that a complete application for development approval received prior August 27, 2002, shall be reviewed using the criteria that existed on the date of the application. The provisions of this Article shall apply to any request to modify any development order or permit; however, only the area directly affected by the proposed modification shall be subject to the provisions of this Article.

**Sec. 6.10.3 Definitions**

For the purposes of this Article, the following definitions are established:

**A. Cluster Development (Equestrian):** a residential development pattern that allows a lot size less than the minimum required within the applicable subarea and provides common areas for equestrian amenities, open space, preservation of environmentally-sensitive areas, or similar features consistent with the purpose and intent of the overlay district.

**B. Dressage Wall:** a structure utilized in dressage training, consisting of a permanent wall with a mirror located on one side of the wall and facing a dressage training or practice ring.

**C. Equestrian Amenities:** low-impact amenities that serve the purposes of equestrian use and training activities, including structural improvements such as fences and dressage walls, but not lighting standards or seating, and non-structural improvements such as banks, ditches, jumps, paddocks, polo fields, riding arenas, and riding rings. Equestrian amenities do not include livestock waste storage areas or similar facilities.

**D. Equestrian Arena, Private, Covered:** a roofed structure utilized for equestrian purposes, including practice sessions, shows, etc.

**E. Equestrian Arena, Private, Not Covered:** a structure utilized for equestrian purposes, including practice session, shows, etc.

**F. Equestrian Instruction:** instruction related to such equestrian activities as polo, riding, dressage, and jumping.

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1 E. G. General Store: an equestrian or agriculturally-oriented retail establishment of a  
2 community-serving nature that sells convenience goods, equestrian-related products,  
3 agricultural-related products, prepared foods, fresh fruits, vegetables, flowers, and  
4 other products of a similar nature.

5 F. H. Lot Coverage: the building footprint of all principal and accessory structures  
6 constructed on a lot or parcel, not including shade houses or opened-sided roofed  
7 areas such as covered porches or carports.

8 I. Recreational Vehicle: a travel trailer, camping trailer, motor home, private motor  
9 coach, park trailer or fifth-wheel trailer as defined in Section 320.01, Florida Statutes,  
10 as amended.

11 G. J. Stall: a compartment for a domestic animal in a stable or barn.

12 **Sec. 6. 10. 4 Subareas Established.**

13 For the purposes of this Article, the following subareas are established and shall be so indicated  
14 on the ~~Future Land Use~~ Official Zoning Map of the Village of Wellington:

15 **A. Subarea A**

16 Subarea A, generally consisting of Section 2, Township 44S, Range 41E and Section  
17 35, Township 43S, Range 41E, including the area described as "Palm Beach Little  
18 Ranches" and "Palm Beach Little Ranches East."

19 **B. Subarea B**

20 Subarea B, generally consisting of those portions of the Wellington PUD located in  
21 Sections 8 and 17, Township 44S, Range 41E, including the developments known as  
22 Saddle Trail Park and Paddock Park No. 2 and Parcel 111, Greenview Shores No. 2  
23 of Wellington -- (P.U.D.), according to the Plat thereof, as recorded in Plat Book 31,  
24 Pages 120 -- 136, of the Public Records of Palm Beach County, Florida.

25 **C. Subarea C**

26 Subarea C, generally consisting of Sections 19, 27, 28, 29, 30, 32, 33, and 34,  
27 Township 4S, Range 41E and Section 25, Township 44S, Range 40E, located south  
28 of Lake Worth Road and west of 120<sup>th</sup> Avenue, including all of Palm Beach Point and  
29 that portion of the Orange Point PUD located in Section 34.

30 **D. Subarea D**

31 Subarea D, generally consisting of portions of Sections 15 and 16 and Sections 20,  
32 21, and 22, Township 44S, Range 41E, including the Wellington Country Place PUD  
33 and the Equestrian Club PUD.

34 **E. Subarea E**

35 Subarea E generally consisting of Section 13, Township 44S, Range 40E, commonly  
36 known as "Rustic Ranches."

37 **Sec. 6. 10. 5. Applications and Development Review Process**

38 Unless otherwise provided in this Article, the requirements of Article 5 regarding  
39 applications for development orders shall apply within the Equestrian Preservation  
40 Areas. All applications within the Equestrian Preserve Area subject to review by the  
41 Planning, Zoning and Adjustment Board shall be reviewed by the Equestrian  
42 Preserve Committee prior to review by the Planning, Zoning and Adjustment Board.

43 **Sec. 6. 10. 6. Development Standards**



Minimum setbacks and other development standards for principal and accessory uses within the Equestrian Preservation Areas are established in Table A below.

A. Minimum Setbacks

1. Measurement.

All setbacks shall be measured from property lines or from right-of-way easement lines in those subdivisions without dedicated or platted rights-of-way.

2. Exemptions.

Excluding dressage walls, there are no required setbacks for equestrian amenities.

Table A.  
Minimum Setbacks for Principal and Accessory Uses

| Property Development Regulations Setback   | Minimum Setback for Principal Structures (1) |   | Minimum Setback for Accessory Structures |                      |
|--|--|---|--|----------------------|
|  | All Equestrian Areas                         | Other Exceptions (See Notes)              | Conforming Lots                          | Nonconforming Lots   |
| Front  | 100 Feet                                     | 50 Feet (2)<br>25 Feet (3)                | 100 Feet                                 | 100 Feet             |
| Side, Interior   | 50 Feet                                      | 25 Feet (2)<br>25 Feet (3)                | 25 Feet                                  | 15 Feet – Structures |
| Side, Corner   | 80 Feet                                      | 50 Feet (2)<br>25 Feet (3)                | 25 Feet                                  | 25 Feet – Structures |
| Rear   | 100 Feet                                     | 25 Feet (2)<br>25 Feet (4)<br>15 Feet (5) | 25 Feet                                  | 15 Feet – Structures |
| <b>Notes and Additional Standards for Affected Setbacks.</b><br>(1) Single-family dwellings, barns, stables, covered arenas and similar structures are always considered a principal use.<br>(2) Setback for Little Ranches No. 2 and Little Ranches East.<br>(3) Setback for Paddock Park I and II and Saddle Trail Park and Mystic Equestrian.<br>(4) Setback for barns in Paddock Park I and II and Saddle Trail Park and Mystic Equestrian.<br>(5) Setback for dwellings in Paddock Park I and II and Saddle Trail Park and Mystic Equestrian. |  |   |  |                      |

B. Development Standards

All development in the Equestrian Preservation Areas shall comply with the Development Standards set forth in Table B below.

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Table B.  
Development Standards for Principal and Accessory Uses

| Development Standard     | Minimum Dimension or Standard  |
|--------------------------|--|
| Minimum Lot Width        | 300 feet, or as otherwise provided in a current, valid development order.  |
| Minimum Lot Depth        | 300 feet, or as otherwise provided in a current, valid development order.  |
| Maximum Floor Area Ratio | 15% 20%, or as otherwise provided in a current, valid development order or as otherwise provided in the Future Land Use Element of the Comprehensive Plan. |
| Maximum Building Height  | 35 feet.   |
| Maximum Lot Coverage     | 20%, or as otherwise provided in a current, valid development order.   |

Sec. 6.10.7. Permitted And Conditional Uses

A. Principal and Accessory Uses

Uses in the Equestrian Preservation Areas are limited to those uses set forth in Table C below. To the extent that Table C conflicts with Tables 6.4-1 and 6.8-2 of the Land Development Regulations LDR, the provisions of Table C shall control.

Table C.  
Permitted, Conditional and Prohibited Uses

| Use  | Properties with No Current PUD Master Plan | Residential Pods of PUDs | Commercial                                |            | Additional Standards (§6.10.7.2) and this Section |
|--|--|--------------------------|---|------------|---|
|  |  |                          | Comm. Pods of PUDs & Comm. Pland. Devels. | Comm. Rec. |   |
| <b>Legend</b><br><b>C = Conditional Use • P = Permitted Use • Blank = Prohibited Use</b><br><b>D = Development Review Committee • S = Special Permit</b> |  |                          |   |            |   |
| Accessory Dwelling Unit  | P  | P                        | P   | P          | (1)<br>See Sec. 6.10.7.B.1                        |
| Agriculture, Bona Fide   | P  |                          |   | C          |   |
| Agricultural Sales and Service   |  |                          | C   | C          |   |
| Agricultural Stand   |  |                          | S   | S          |   |
| Agricultural Storage, Indoor   | P  | P                        | P   | P          | (1)-(3)<br>See below                              |
| Air Curtain Incinerator, Temporary   | S  | S                        | P   | P          | (2)<br>See Sec. 6.10.7.B.2                        |
| Airplane Landing Strip, Accessory  | C  | C                        |   |            |   |
| Amusements, Temporary and Special Events   |  |                          | S   | S          |   |
| Arena,   |  |                          |   | C          |   |

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|                               |   |   |   |   |          |
|-------------------------------|---|---|---|---|----------|
| Feed Store and Tack Shop      |   |   | P | P |          |
| Fitness Center                |   |   | P | P |          |
| Fruit and Vegetable Market    |   |   | P | P |          |
| Garage, Yard, or Rummage Sale | P | P |   |   |          |
| General Store                 |   |   | P | P | See Sec. |

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| Use  | Properties with No Current PUD Master Plan | Residential Pods of PUDs | Commercial                                |                   | Additional Standards (§6.10.7.2) and this Section |
|--|--|--------------------------|---|-------------------|---|
|  |  |                          | Comm. Pods of PUDs & Comm. Plnnd. Devels. | Comm. Rec.        |   |
| <b>Legend</b><br><b>C = Conditional Use • P = Permitted Use • Blank = Prohibited Use</b><br><b>D = Development Review Committee • S = Special Permit</b> |  |                          |   |                   |   |
| Auditorium, or Stadium   |  |                          |   |                   |   |
| Assembly, Nonprofit Institutional  | C  | C                        | C   |                   |   |
| Auction, Outdoor   | P  |                          | P   | P                 | (3) See below. See Sec. 6.10.7.B.3                |
| Bed and Breakfast  | <del>P</del><br>C                          | <del>C</del>             |   |                   | (4) See below. See Sec. 6.10.7.B.4                |
| Communication Tower, Commercial  | C  |                          | C   | C                 |   |
| Congregate Living Facility (Community Residential Home), Type I (6 or less residents)  | P  | P                        |   |                   |   |
| Day Care, Family (5 or less children)  | P  | P                        |   |                   |   |
| Day Care, General (More than 6 Children)   |  |                          | C   | <del>P</del><br>C |   |
| Dwelling, Single Family, Detached  | P  | P                        |   |                   |   |
| Equestrian Arena, Commercial   | C  | C                        |   | P                 |   |
| Equestrian Arena, Private/Not Covered  | <del>D</del><br>P                          | <del>D</del><br>P        |   |                   |   |
| Equestrian Arena, Private/Covered  | P  | P                        |   |                   | See Sec. 6.10.9.C                                 |
| Equestrian Instruction   | P  | P                        | P   | P                 |   |
| Equestrian Uses, Seasonal  | S  | S                        | S   | S                 |   |
| Excavation and Fill (Noncomm.)   | P  | P                        | P   | P                 |   |
| Farrier/Ferris (Non-mobile)  | P  |                          | P   | P                 |   |
| Feed Store and Tack Shop   |  |                          | P   | P                 |   |
| Fitness Center   |  |                          | P   | P                 |   |
| Fruit and Vegetable Market   |  |                          | P   | P                 |   |
| Garage, Yard, or Rummage Sale  | P  | P                        |   |                   |   |
| General Store  |  |                          | P   | P                 | See Sec.  |

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| Use  | Properties with No Current PUD Master Plan | Residential Pods of PUDs | Commercial                                |            | Additional Standards (§6.10.7.2) and this Section |
|--|--|--------------------------|---|------------|---|
|  |  |                          | Comm. Pods of PUDs & Comm. Plnnd. Devels. | Comm. Rec. |   |
| <b>Legend</b><br><b>C = Conditional Use • P = Permitted Use • Blank = Prohibited Use</b><br><b>D = Development Review Committee • S = Special Permit</b> |  |                          |   |            |   |
|  |  |                          |   |            | 6.10.7.B.5  |
| Government Services, Municipal   | D  | D                        | D   | D          |   |
| Government Services, Non-Municipal   | D  | D                        | D   | D          |   |
| Groom's Quarters   | P  | P                        |   | P          |   |
| Guest Cottage  | P  | P                        |   |            |   |
| Helipad, Accessory   | C  |                          |   | D          |   |
| Home Occupations   | P  | P                        |   | P          |   |
| House of Worship   | P  | P                        | P   | P          |   |
| Kennel, Private  | D  |                          |   |            |   |
| Landscape Maintenance Service  |  |                          | C   |            |   |
| Livestock Raising  | D  | D                        | D   | D          |   |
| Mobile Home, Limited (2 Yr. Home Constr., Ag. Security & Ag. Office)   | S  |                          |   |            |   |
| Nursery, Retail  | C  |                          | C   | C          |   |
| Nursery, Wholesale   | D  |                          | D   | D          |   |
| Park, Passive  | P  | P                        | P   | P          |   |
| Park, Public   | P  | P                        | P   | P          |   |
| Professional and Business Office   |  |                          | P   |            | (6)<br>See Sec. 6.10.7.B.6                        |
| Recreational Vehicle Park  |  |                          |   | C          | See Sec. 6.10.9.A                                 |
| Restaurant, General  |  |                          | P   | P          |   |
| Restaurant, Specialty  |  |                          | P   | P          |   |
| Schools  | P  | P                        | P   | P          |   |
| Security / Caretakers Quarters (Bona Fide Agriculture Only)  | S  | S                        |   | S          |   |
| Shadehouse, Accessory  | P  |                          |   | P          |   |
| Stables  | P  | P                        | P   | P          |   |
| Utility, Minor   | P  | P                        | P   | P          |   |
| Veterinary Clinic  | D  |                          | P   | P          |   |



| Use  | Properties with No Current PUD Master Plan | Residential Pods of PUDs | Commercial                                |            | Additional Standards (§6.10.7.2) and <u>this Section</u> |
|--|--|--------------------------|---|------------|--|
|  |  |                          | Comm. Pods of PUDs & Comm. Plnnd. Devels. | Comm. Rec. |  |
| <u>Legend</u><br><u>C = Conditional Use • P = Permitted Use • Blank = Prohibited Use</u><br><u>D = Development Review Committee • S = Special Permit</u> |  |                          |   |            |  |
| Wastewater, Water, or Stormwater Treatment Plant   | C  | C                        |   | C          |  |

**Legend:**

C = Conditional Use

P = Permitted Use

Blank = Prohibited

DRG = Development Review Committee

S = Special Permit

**B. Additional Standards.**

The following additional standards shall apply to the uses listed in Table C.

**1. Accessory Dwelling Unit.**

An accessory dwelling unit may be used as a security office for any commercial equestrian or agricultural activity.

**2. Air Curtain Incinerator.**

Limited only to land-clearing activities pursuant to applicable Village permits and development orders.

**3. Auction, Outdoor.**

a. An outdoor auction shall be held not more than twice four times per year at the same location within a residential zoning district.

b. An outdoor auction shall not exceed more than three (3) days in length.

c. There shall be no limit on the number of auctions held on a site with a commercial recreation Future Land Use Map designation.

**4. Bed and Breakfast Establishments.**

a. ~~Bed-and-breakfasts~~ The establishments shall not exceed five (5) bedrooms for rent.

b. Meal service shall be limited to guests and shall include only breakfasts and wine and cheese functions.

c. The establishment must be located as part of and attached to the principal single family residential dwelling on the property and the portion of the dwelling utilized for the establishment shall comply with all setbacks for the principal structure.

d. The owner of the establishment must reside on the premise on a full-time basis.

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- e. Minimum lot size for an establishment shall be at least three (3) acres. Any combination of lots to achieve the minimum lot size shall be accomplished by a replat of the affected properties.
- f. Each establishment shall provide, at a minimum, the number and type of parking spaces listed below.
- i. Two (2) spaces per residential dwelling.
  - ii. One (1) space for each room included as part of the establishment.
  - iii. At least two (2) spaces for horse trailers.
  - iv. All parking areas must be located within 250 feet of the principal entrance of the establishment.
  - v. Parking areas may consist of paving, grass, gravel or other materials, subject to the Village's engineering standards.
- g. Principal and secondary vehicular access for patrons shall be located along a collector or arterial street. Vehicular access for patrons shall not be provided via a local residential street.
- h. An application for approval of a bed and breakfast shall provide evidence of adequate water and sewer capacity adequate for the proposed establishment.
- i. Patrons of the establishment may stable horses in a barn or stable located on the same parcel as the establishment.
- j. One sign for the establishment may be installed, and shall comply with the following standards:
- i. maximum size of four (4) square feet;
  - ii. maximum installation height of eight (8) feet;
  - iii. maximum sign width of two (2) feet;
  - iv. maximum sign height of two (2) feet; and
  - v. may indicate the establishment name, address, and logo.
- k. One establishment shall be separated from another establishment by not less than 1,320 lineal feet, measured from the closest property line of each establishment.
5. **General Store.**  
Outdoor display of fruits and vegetables is permitted, provided such display shall not exceed more than ten percent (10%) of gross floor area of the general store.
- a. Temporary flags, banners, signs, and similar advertising devices are prohibited.
  - b. Retail or wholesale sale of gasoline, diesel fuels, and similar petroleum products are prohibited.
6. **Professional and Business Offices.**  
Professional and business offices shall be limited to equestrian- and agricultural-related services.



- 1 Sec. 6. 10. 8. Maximum Density and Minimum Lot Size
- 2 Maximum density and minimum lot size requirements for property within the
- 3 Equestrian Preservation Areas are established in Table D below.
- 4

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Table D.  
Maximum Density and Minimum Lot Size Requirements

| Subarea   | Maximum Density             | Minimum Lot Size     | Cluster Development |
|---|-----------------------------|----------------------|---------------------|
| A   | 0.2 Dwelling Units per Acre | 5 Acres              | Prohibited          |
| B   | 0.5 Dwelling Units per Acre | 1 Acre               | Prohibited          |
| C   | 0.1 Dwelling Units per Acre | 10 Acres             | Prohibited          |
| D   | 0.5 Dwelling Units per Acre | 2 <sup>1</sup> Acres | Permitted           |
| E   | 0.2 Dwelling Units Per Acre | 5 Acres              | Prohibited          |
| <b>Note.</b><br>1. <u>In a cluster development minimum lot size is 0.33 acres provided that overall density of the cluster development shall be not more than one unit per two acres.</u> |                             |                      |                     |

A. Cluster Development in Subarea D

Cluster development in Subarea D shall comply with the standards listed below.

1. **Maximum Density.**  
Maximum overall density shall be as provided in Table D.
2. **Minimum Lot Size.**  
Minimum lot size shall be two (2) 0.33 acres provided that overall density within a cluster development shall be maintained at one unit per two acres or less.
3. **Common Features.**  
In addition to such common areas as roads, drainage, and utilities, a cluster development shall provide common features, including equestrian amenities, preserve areas for environmentally-sensitive lands, or similar features consistent with the purposes of this District. Common features shall be reserved for use by property owners, guests, and residents of such cluster development.
4. **Dwelling Unit Types.**  
Within a cluster development, only single family detached residential dwelling units are permitted.
5. **Planned Development Review.**
  - a. A cluster development shall be subject to review as a residential planned unit development or as an amendment to an existing residential planned unit development.
  - b. As part of the planned unit development master plan, the master plan shall include information regarding the type, size, and general location of proposed common equestrian amenities, including but not limited to stables, rings, paddocks, exercise areas, internal equestrian and bridle trails, connections to external equestrian and bridle trails, and other improvements to be constructed for equestrian or equestrian-related purposes.



1                   6. Design, Installation of and Access to Common Equestrian Amenities.

- 2                   a. Common equestrian amenities shall be designed to serve as the  
3                   internal focus or centerpiece of a cluster development.  
4                   b. Installation of all equestrian amenities included within an approved  
5                   cluster development is required prior to the issuance of a certificate of  
6                   occupancy for any residential dwelling unit within the development.  
7                   c. Each dwelling unit shall be provided with access to common  
8                   equestrian amenities and the access shall be included in the overall  
9                   master plan.

10                  7. Deed Restriction.

11                  Prior to the issuance of a final master plan approval by the Development  
12                  Review Committee, a deed restriction, in a form acceptable to the Village  
13                  Attorney, shall be executed and recorded to limit in perpetuity the use of  
14                  common equestrian amenities to owners and residents of the cluster  
15                  development.

16       Sec. 6.10.9. Supplemental District Regulations

17               The requirements listed below shall apply to all uses within the Equestrian  
18               Preservation Areas.

19       A. Temporary Residences and Recreational Vehicle Parks.

20               1. Temporary Residence Prohibited.

21               The use of recreational vehicles, travel trailers, campers, or similar vehicles  
22               as a temporary residence within the Equestrian Preserve Areas is  
23               prohibited.

24               2. Recreational Vehicle Park.

25               A recreational vehicle park may be established within the EOZD subject to  
26               each of the standards listed below.

- 27               a. The park is located within a property that is designated as  
28               "Commercial Recreation" by the Future Land Use Map of the Official  
29               Zoning Map.  
30               b. The park is located within a property that contains an approved  
31               permanent equestrian venue consisting of at least 50 acres, including  
32               the following:  
33                   i. a commercial equestrian arena;  
34                   ii. an arena, auditorium or stadium; or  
35                   iii. a polo stadium  
36               c. The number of recreational vehicles permitted shall not exceed 50%  
37               of the underlying residential density of the equestrian venue parcel.  
38               d. The location of all permanent structures associated with the park and  
39               all recreational vehicles shall comply with the building setbacks  
40               applicable to principal structures.  
41               e. The individual recreational vehicle spaces within park shall be  
42               provided electrical, potable water and sanitary sewer service as  
43               indicated below.

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27 9700 DEPARTMENT

- 1                                   i. The electrical service connections for the park shall comply with  
2                                   all requirements of the Florida Building Code.
- 3                                   ii. The water service connections for the park are approved by the  
4                                   Village and comply with all requirements of the Florida Building  
5                                   Code and other appropriate agencies such as the Palm Beach  
6                                   County Health Department (PBCHD).
- 7                                   iii. The sanitary sewer service is provided by connection to the  
8                                   wastewater treatment system or wastewater treatment is  
9                                   provided by a septic tank approved by the Village and the  
10                                   PBCHD
- 11                                  f. At a minimum, the park shall be landscaped and buffered as provided  
12                                  in Article 7, Chapter 3, of these land development regulations.  
13                                  Additional landscaping and buffering may be required when any  
14                                  portion of the park abuts property assigned a residential designation  
15                                  by the Future Land Use Map or the Official Zoning Map.
- 16                                  g. Minimum size for a recreational vehicle parking space is 1,500  
17                                  square feet, with a minimum width of 20 feet and a minimum depth of  
18                                  40 feet.
- 19                                  h. A minimum of one vehicle parking space per recreational vehicle  
20                                  space shall be provided. Additional uses within the park shall provide  
21                                  the amount of parking required by Article 7, Chapter 2.
- 22                                  i. Permitted accessory uses within a recreational vehicle park are  
23                                  indicated below.
- 24                                    i. Recreation amenities, restricted to use by park clientele,  
25                                    including pools, tennis and shuffleboard courts, recreation  
26                                    rooms, equestrian facilities, nature and walking trails, play  
27                                    grounds, tot lots, and similar facilities.
- 28                                    ii. Gate houses or similar facilities designed to provide security to  
29                                    the park.
- 30                                    iii. Maintenance facilities.
- 31                                    iv. Administrative office space necessary for operation of the park.
- 32                                    v. Commercial or retail use, restricted to use by park clientele,  
33                                    including convenience food and beverage items and  
34                                    recreational vehicle parts.

35           **B. Dressage Walls**

- 36                   1. **Setbacks.**  
37                   Setbacks for dressage walls shall be ten (10) feet from front, rear, and side  
38                   yards.
- 39                   2. **Measurement of Setback.**  
40                   Setbacks shall be measured from property line or edge of roadway  
41                   easement, as applicable.
- 42                   3. **Easements.**  
43                   Dressage walls shall not be located within easements.
- 44                   4. **Minimum Lot Size.**



A dressage wall shall be located on a parcel consisting of at least one (1) acre.

**5. Maximum Dimensions.**

A dressage wall shall not exceed the maximum dimensions listed below:

- a. Maximum height shall not exceed ten (10) feet.
- b. Maximum length shall not exceed seventy (70) feet.
- c. Maximum width shall not exceed four (4) feet.

**6. Other Applicable Standards.**

- a. Dressage walls shall comply with all requirements for sight-distance clear zones for rights-of-way.
- b. A dressage wall shall be constructed in a manner consistent with the architectural style, color, and materials of the principal structure.
- c. The reflective portion of a dressage wall shall be located so as to avoid reflecting the glare of the sun or lighting from any adjacent light source onto a public or private right-of-way or an abutting property.
- d. A building permit shall be obtained prior to construction of a dressage wall.
- e. The exterior portion of a dressage wall that is visible from a public right-of-way shall be screened with hedges, shrubs, or other suitable plant materials. A landscape plan for screening a dressage wall shall be submitted with a building permit application, and the landscaping shall be installed prior to issuance of a certificate of completion for the wall. The plant materials shall be of such number and type as to completely screen a dressage wall within two (2) years of installation.

**C. Fences**

**1. Wire Fences.**

Wire fences, including hog fences, galvanized chain-link, and vinyl-covered chain-link fences are permitted only if such fence is covered by hedge located on the exterior of the fence. Hedge material shall be installed in such manner to cover the fence within two (2) years after planting. In lieu of a hedge, a wire or chain-link fence may be screened by the use of a three (3) or four (4) board fence. The wire or chain-link fence shall be attached to the board fence.

**2. Barbed Wire.**

The use of barbed wire is prohibited.

**3. Thoroughfare Fences.**

Within the Equestrian Preserve, thoroughfare fences shall be natural, clear-coat, black, gray, or white-painted, three-rail wooden fences.

**D. Use of Tents as Temporary Stalls**

The use of tents as temporary stalls shall comply with the standards listed below:

**1. Tents Prohibited.**

After June 1, 2003, tents shall not be permitted in Subarea A and the residential-developed areas of Subareas B and D, except in conjunction

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1 with the construction of a barn or stable. Any such temporary tent shall be  
2 removed within ten (10) working days of the issuance of a certificate of  
3 occupancy for the barn or stable.

4 **2. Tents Permitted.**

5 Tents are permitted in all areas not excluded in ~~Item 4~~ Sec. 6.10.9.E.1  
6 above, subject to obtaining a Special-Permit Seasonal Equestrian Use  
7 permit for temporary stables as provided in Article 5, Chapter 7, Sec. 5.7 of  
8 these land development regulations.

9 **a. Tents Permitted During Construction.**

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

17 **b. Removal.**

18 Any tents shall be removed within two (2) weeks of receipt of a  
19 certificate of occupancy or revocation of building permit.

20 **E. Parking on Public Rights-of-Way**

21 **1. Parking Prohibited.**

22 Unless otherwise provided herein, Pparking of vehicles on public rights-of-  
23 way or easements within the EOZD is prohibited.

24 **2. Parking for Non-recurring Events.**

25 For the purposes of this section, parking of vehicles on public rights-of-way  
26 or easements within the EOZD may be permitted for non-recurring events.  
27 A special use permit shall be obtained prior to the event.

28 **F. Horse Trailers**

29 **1. Parking Permitted.**

30 Parking of horse trailers anywhere in the Equestrian Preservation Areas  
31 shall be permitted, subject to the following limitations listed below.

32 **2. Parking Prohibited in Certain Areas.**

33 Horse trailers may not be parked in roadway or canal rights-of-way or  
34 easements.

35 **3. Parking Permitted within Urban Service Boundary.**

36 Parking of horse trailers within those areas of the Equestrian Preservation  
37 Area which are within the Urban Service Boundary shall be permitted,  
38 subject to the following limitations:

39 **a.** One (1) unscreened horse trailer may be parked adjacent to a barn or  
40 stable on an individual lot, provided that the horse trailer may not be  
41 parked between the front plane of the primary structure and the  
42 roadway easement or right-of-way and additional horse trailers may  
43 be kept provided that:

44 **b.** The additional trailer(s) shall be screened from the view of adjacent  
45 roadways and private properties when the lot is 2.5 acres or less and



the trailers are screened as provided in Sec. 62-9.(b).(1) of the Code of Ordinances. For properties in excess of 2.5 acres, not more than one (1) trailer per acre may be parked as provided in Sec. 6.10.9.G.3.a.

c. The screened parking area meets the accessory structure setbacks listed on Table A, Minimum Setbacks for Principal and Accessory Uses of this section.

d. Temporary parking of horse trailers (i.e., trailers on site for instructional, show, or other site-specific uses) shall be allowed, provided that said temporary parking is not overnight, and trailers are not parked in rights-of way or easements.

**4. Exemption.**

Property within Subarea A and property with a Comprehensive Plan designation of Commercial Recreation are exempt from the provisions of this section.

**G. Stalls per acre**

Within Subarea B, stables shall contain no more than four (4) stalls per acre.

**H. ~~Outside the urban services boundary area~~**

~~For those parts of the Equestrian Overlay Zoning District that lie outside of the Urban Services Boundary Area, Sec. 36-22 C of the Property Maintenance Standards shall be enforced at 25 percent in lieu of the 10 percent specified in that section.~~

**H. Fencing**

**1. Exception for Fencing with the Front Setback.**

The entire Equestrian Overlay Zoning District shall be exempt from those provisions of Sec. 6.6.4.G.3 D.H of the Land Development Regulations that prohibit fencing in front setbacks.

**2. Fencing Outside the Urban Services Boundary Area**

For those parts of the Equestrian Overlay Zoning District that lie outside of the Urban Services Boundary Area, the provisions of Chapter 36, Article II, Sec. 36-22 G (c) of the Property Maintenance Standards regarding fence and wall maintenance, shall be enforced at 25 percent in lieu of the 10 percent specified in that section.

**I. Equestrian Arenas, Covered.**

**1. Setbacks.**

Setbacks for roofed equestrian arenas shall comply with the requirements of Table A.

**2. Measurement of Setbacks.**

Setbacks shall be measured from property line or edge of roadway easement, as applicable.

**3. Design.**

A roofed equestrian arena shall be constructed in a manner consistent with the architectural style, color, and materials of the principal structure.

**Sec. 6. 10. 10. Bridle Trails and Easements.**

**A. Dedication Associated with Development Approval**

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To implement the Equestrian Path Circulation System adopted on as part of the Future Transportation Map of the Comprehensive Plan, the Village may require dedication of a bridle path easement as part of a development order approval for a conditional use or a Development Review Committee approved use or as part of issuance of a building permit for a principal equestrian structure or as part of a plat approval within the Preservation Areas-Equestrian Preserve Area. The requirement for such dedication shall not have the effect of reducing the density or intensity of development to which a property owner would be entitled if the dedication was not required or caused an increase in a required front, side interior, side corner, or rear setback.

**Sec. 6. 10. 11 Commercial Development Standards**

Commercial development shall be limited to those uses intended to serve the needs of the surrounding equestrian and agricultural communities and shall be determined by such factors as size of the use and types of goods and services to be offered. In addition, commercial development shall be designed in a manner that recognizes its location within the Equestrian Preservation Areas. Commercial uses may be established subject to the requirements of this Article and these land development regulations. All permitted and conditional uses within a planned development shall be consistent with the requirements of this Section.

**A. Planned Development Rezoning**

A rezoning to a planned development district shall be required if a proposed use consists of more than one (1) acre or five thousand (5,000) gross square feet.

**B. Orientation and Scale**

The commercial uses shall be oriented toward agricultural and equestrian uses of a community-serving nature. Commercial uses shall be of a scale, intensity, and character that are consistent with and compatible to the equestrian community.

**C. Architecture**

The architectural style of commercial buildings and centers shall be of a mass, bulk, and style that is consistent with the equestrian nature of the Equestrian Preservation Areas, such as barns and stables. Building colors and materials also shall be of a nature that is consistent with the equestrian nature of the area. Commercial sites shall integrate a variety of pedestrian and equestrian amenities into overall design, including the following:

**1. Pedestrian Circulation.**

An overall pedestrian circulation plan.

**2. Equestrian Circulation.**

An overall equestrian circulation plan.

**3. Pedestrian Walkways.**

A covered arcade, pedestrian walkway, or similar feature that is a minimum of eight (8) feet in width.

**4. Equestrian-oriented Features.**

An overall plan to provide hitching posts, fences, corrals, and similar features to provide a temporary location to hold and protect the horses of owners patronizing a commercial establishment.



1       **D. Size**

2       The gross floor area of any single commercial use shall not exceed twenty thousand  
3       (20,000) square feet, including indoor storage, administrative offices, and similar  
4       areas.

5       **E. Hours of Operation**

6       Hours of operation shall be limited to between 7:-00 a.m. and 10:00 p.m., including  
7       delivery of merchandise, restocking, and after-hours cleanup and maintenance.  
8       Hours of operation may be extended by either a development order approved by the  
9       Village Council or a response to an emergency involving the treatment of human or  
10      animal patients.

11      **F. Lighting**

12      Parking lot lighting shall not adversely affect adjacent residential uses. Parking lot  
13      light standards shall not exceed fifteen (15) feet in height.

14      **G. Outdoor Display and Storage.**

15      Outdoor display and storage of merchandise is prohibited, excluding outdoor display  
16      in conjunction with a general store.

17      **H. Buffers**

18      Commercial planned developments shall provide extensive landscape buffers as a  
19      means to integrate commercial uses with the predominant equestrian, residential, and  
20      agricultural uses present within the EOZD. At a minimum, buffers shall comply with  
21      the standards listed below. 6.10.11.H.1

22           1.   **Perimeter Buffer.**

23           A perimeter buffer of at least twenty (20) feet in width shall be provided  
24           along the entire property line.

25           2.   **Opaque Buffer.**

26           An opaque buffer of at least five (5) feet in height shall be provided along  
27           the entire perimeter, consisting of any combination of berm, wall, or  
28           fencing.

29           3.   **Canopy Trees.**

30           Canopy trees shall be provided at a rate of not less than one (1) tree per  
31           twenty-five (25) feet. Trees shall be staggered along both sides of the  
32           berm, wall, or fence. Trees shall be native and representative of native  
33           vegetation of the Village. Minimum tree height shall comply with the  
34           requirements of Article 7.3.

35           4.   **Hedges.**

36           Hedges shall be planted at a height and number as required by Article 7.3.

37           5.   **Native Canopy Trees.**

38           Native canopy trees shall be provided within all parking areas at a rate of  
39           one (1) tree per eight (8) parking spaces.  
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1   **Sec. 6. 10.12 Stables**

2       **A. Purpose and Intent**

3           The purpose and intent of this Section is:

4           **1. Protection and Enhancement.**

5           To protect and enhance the Equestrian Preservation Areas of the Village,  
6           as created by the Comprehensive Plan.

7           **2. Preservation and Maintenance.**

8           To preserve, maintain, and enhance the equestrian community associated  
9           with the Village of Wellington.

10          **3. Rural Lifestyles.**

11          To preserve, maintain, and enhance the rural lifestyle associated with the  
12          equestrian community.

13          **4. Land Uses.**

14          To identify and encourage types of land uses that are supportive of the  
15          equestrian and rural character of the Equestrian Preservation Areas.

16          **5. Development Patterns.**

17          To preserve, maintain, and enhance development patterns which are  
18          consistent with the overall character of the equestrian community.

19       **B. Applicability and Conflicts.**

20           **1. Applicability.**

21           Unless otherwise specified herein, these regulations shall apply to all  
22           stables within the Village. Any stable that was issued a building permit by  
23           the Village of Wellington or Palm Beach County Building Departments prior  
24           to the passage of Ordinance 2003-02 may be built or continue to exist, as  
25           originally permitted, regardless of any prior or subsequent challenge to the  
26           validity or appropriateness of the building permit and subject only to its  
27           status as a conforming structure. No challenges to the issuance of any  
28           permit prior to the effective date of Ordinance 2003-02 regarding the size of  
29           any stable structure based on allegations the structure failed to comply with  
30           the then existing floor area regulations shall be permitted.

31           **2. Conflicts.**

32           In the event of any conflicts between the requirements of this Section and  
33           other requirements of the Land Development Regulations, the  
34           requirements of this Section shall govern. In the absence of any conflict,  
35           the requirements of the underlying zoning district and the Land  
36           Development Regulations shall be applicable and supplemental to the  
37           requirements of this Section.

38       **C. Effect on Previously Permitted Barns and Stables**

39           **1. Conforming Structures.**

40           Stables for which a valid building permit was issued prior to the adoption of  
41           this Ordinance that do not conform to the provisions of the Ordinance shall  
42           be considered to be legal conforming structures.

43           **2. Construction.**

44           Any stable permitted prior to October 8, 2002, which exceeded the  
45           restrictions on accessory structures but otherwise met the requirements of



the LDR, may be constructed in accordance with the permit. Any stable constructed in accordance with such a permit shall be deemed a legal conforming structure.

**D. Supplemental Regulations for Barns and Stables on Residential Lots**

Barns and stables on residential lots within the Equestrian Preserve Area Overlay Zoning District shall be subject to the following limitations provided in Table E.

**Table E.**  
**Supplemental Regulations for Barns & Stables on Residential Lots**

| Size of Lot  | Residential Unit Required <sup>(1)</sup> | Square Footage of Stable                   | Number of Stables | Approval Required                |
|--|--|--|-------------------|----------------------------------|
| Less than ½ acre   | Yes                                      | 1,250 square feet/acre <sup>(2)</sup>      | 1                 | Building permit                  |
| Greater than ½ acre, less than 1 acre  | Yes                                      | 1,250 square feet/acre <sup>(2)</sup>      | 1                 | Building permit                  |
| Greater than 1 acre, less than 3 acres   | Yes                                      | 1,250 square feet/acre <sup>(2)</sup>      | 1                 | Building permit                  |
| Greater than 3 acres, less than 5 acres  | Yes                                      | 1,250 square feet/acre <sup>(2)</sup>      | 1                 | Building permit                  |
| Greater than 5 acres, less than 10 acres   | No                                       | Limited by FAR and lot coverage in subarea | 1                 | DRC-site plan<br>Building permit |
| Greater than 10 acres  | No                                       | Limited by FAR and lot coverage in subarea | No limit          | DRC-site plan<br>Building permit |
| <b>Notes and Additional Standards for Affected Types of Required Approval.</b>   |  |  |                   |                                  |
| (1) For the purposes of this section, grooms quarters may <u>shall</u> not be used to meet the requirements of a residential unit.   |  |  |                   |                                  |
| (2) An administrative variance of up to ten-(10) <del>fifteen</del> (15) percent may be approved by the Planning and Zoning Manager, <del>Zoning and Building Director</del> providing that <u>the stable structure complies with</u> all other zoning district and subarea regulations. |  |  |                   |                                  |

**SECTION 3:** 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:** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

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1        SECTION 5: The provisions of this Ordinance shall become effective immediately  
2        upon adoption.  
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PASSED this 8<sup>th</sup> day of December 2009, upon first reading.

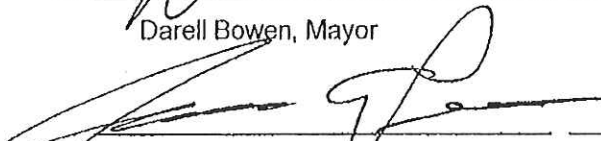
PASSED AND ADOPTED this 12th day of January 2010, on second and final reading.

WELLINGTON

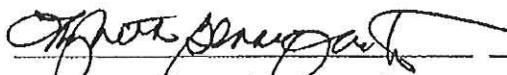
FOR AGAINST

BY:   
Darell Bowen, Mayor

☒ ☐

  
Dr. Carmine A. Priore, Vice Mayor


☒ ☐

  
Lizbeth Benacquisto, Councilwoman

☒ ☐

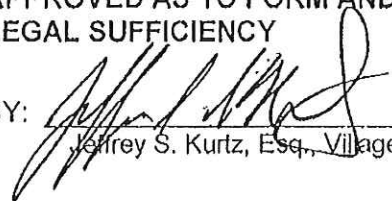
  
Matt Willhite, Councilman

☒ ☐

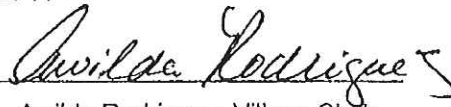
  
Howard K. Coates, Jr., Councilman

☒ ☐

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

BY:   
Jeffrey S. Kurtz, Esq., Village Attorney

ATTEST:

BY:   
Awilda Rodriguez, Village Clerk

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