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ORDINANCE NO. 2014-06

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

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

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

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

WHEREAS, a Natural Disaster is defined as a major adverse event resulting from natural processes of the earth including floods, hurricanes, tornados, brush fires, etc; and

WHEREAS, the damage must be a result of a natural disaster or emergency which activates Emergency Operations Level 1 – Full Scale Activation of the Emergency Response Team by the Governor and/or Village Manager; and

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

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

1 **NOW, THEREFORE, BE IT ORDAINED BY THE WELLINGTON, FLORIDA’S COUNCIL,**
2 **THAT:**

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

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

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

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

17 2. Tents Permitted. Tents are permitted in all areas not excluded in Section
18 6.10.9.—~~ED~~.1 above, subject to obtaining a Seasonal Equestrian Use
19 permit for temporary stables as provided in Article 5, Chapter 7, Section
20 5.7 of these land development regulations.

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

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

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

37 a. A Natural Disaster is defined as a major adverse event resulting
38 from natural processes of the earth including floods, hurricanes,
39 tornados, brush fires, or similar event.

- 1 b. The damage must be a result of a natural disaster or emergency
2 which activates Emergency Operations Level 1 – Full Scale
3 Activation of the Emergency Response Team by the Governor
4 and/or Village Manager.
- 5 c. The special permit requirements set forth in Article 5, Chapter 7,
6 except Section 5.7.5, shall be met prior to the erection of a
7 temporary tent.
- 8 d. The Special Permit issued due to a natural disaster or emergency
9 shall be issued only after the Village Building Official determines
10 there is substantial damage to an existing barn or stable structure
11 as a result of the natural disaster that warrants the use of a
12 temporary tent as a stable.
- 13 e. A temporary tent for stabling may be permitted, for a period not to
14 exceed 24 months, during the period when a building permit for
15 replacement of a permanent barn/stable or repair of barn/stable
16 due to damage caused by a natural disaster has been applied for
17 and/or issued and construction is actively proceeding. The special
18 permit may be extended up to six (6) months based on active and
19 ongoing construction/repair. The temporary tent must be removed
20 within two (2) weeks of issuance of certificate of occupancy, special
21 permit expiration, or building permit revocation, whichever occurs
22 first.
- 23 f. The temporary tent shall not include more stalls or greater square
24 footage than the permanent stable that was deemed uninhabitable
25 unless consistent with the barn permit submitted to replace/repair
26 the damaged structure.
- 27 g. Once the temporary tent permit is issued, the damaged stable or
28 barn shall not be utilized until the permanent structured receives a
29 Certificate of Occupancy.
- 30

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

35
36 **SECTION 4:** Should any section, paragraph, sentence, clause, or phase of this
37 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
38 shall not affect the validity of this Ordinance as a whole as a whole or any portion or part
39 thereof, other than the part so declared to be invalid.

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

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

4 **PASSED AND ADOPTED** this _____ day of _____, 2014, on second and
5 final reading.

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7 **WELLINGTON:**

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25 **ATTEST:**

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27 BY: _____
28 Awilda Rodriguez, Clerk

30 **APPROVED AS TO FORM AND
31 LEGAL SUFFICIENCY**

32
33
34 BY: _____
35 Laurie Cohen, Village Attorney

**EXHIBIT A
TO BE REPEALED**

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

Section 6.12.1 Purpose and Intent

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

Sec. 6.12.2 Recovery Period

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

1. The provisions of Section 6. 10.9. D. 1 "Tents prohibited of the Equestrian Overlay Zoning District" adversely impacts the equestrian industry during the recovery period,
2. The provisions of Section 6. 11. 8 "Use of Tents as temporary stalls of the Little Ranches Overlay District" adversely impacts the equestrian industry during the recovery period.
3. The provisions of Sections 6. 10. 9.0.1 and 6.11. 8 are hereby suspended until May 1, 2006 for property owners who make application for a special permit in accordance with the provisions of this Chapter at which time they shall be fully restored and enforced.

Sec. 6.12.3 Special Permit Required

In order for a property owner to take advantage of the suspension of Section 6.10.9. D. 1 "Tents Prohibited of the Equestrian Overlay Zoning District", and Section 6. 11. 8 "Use of Tents as temporary stalls of the Little Ranches Overlay District", they must apply for and comply with the following regulations:

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

Sec. 6.12.4 Applicability to Private Development Restrictions

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