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**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 AND PROVIDIING AN EFFECTIVE DATE.**

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

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

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

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

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

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

**SECTION 1:** Article 6, Chapter 12 of the Land Development Regulations of the Village of Wellington, Florida, titled “Temporary Suspension of the Prohibition of the Use of Tents as Stalls within Certain Areas of the Equestrian Overlay Zoning District” is hereby repealed.

1           **SECTION 2:** Article 6, Chapter 10, Section 6.10.9.D, of the Land Development  
2 Regulations of the Village of Wellington, Florida titled "Use of Tents as Temporary  
3 Stalls" is hereby amended as follows:

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

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

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

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

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

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

31           a. The special permit requirements set forth in Section 5.5.4 shall be  
32 met prior to the erection of a temporary tent.

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

38           c. The temporary tent must be removed within 24 months with  
39 potential for a one (1) time six (6) month extension or within two (2)  
40 weeks of issuance of a certificate of occupancy, whichever occurs  
41 first.

**SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington 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.

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

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

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2014, on second and final reading.

**WELLINGTON:**

**FOR**

**AGAINST**

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

**ATTEST:**

BY: \_\_\_\_\_  
Awilda Rodriguez, Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_

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Laurie Cohen, Village Attorney

**EXHIBIT A  
TO BE REPEALED**

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

**Section 6.12.1 Purpose and Intent**

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

**Sect. 6.12.2 Recovery Period**

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

1. The provisions of Section 6. 10.9. D. 1 "Tents prohibited of the Equestrian Overlay Zoning District" adversely impacts the equestrian industry during the recovery period,
2. The provisions of Section 6. 11. 8 "Use of Tents as temporary stalls of the Little Ranches Overlay District" adversely impacts the equestrian industry during the recovery period.
3. The provisions of Sections 6. 10. 9.0.1 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.

**Sect. 6.12.3 Special Permit Required**

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

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

**Sect. 6.12.4 Applicability to Private Development Restrictions**

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