

Equestrian Preserve



What is the Equestrian Preserve Element?

The Equestrian Preserve Area (EPA) comprises nearly 30 percent of Wellington's developable land area. The EPA is a contiguous area encompassing most of the southern portion of the Village, with the exception of Palm Beach Little Ranches to the northeast. The EPA is visually and characteristically distinct from other neighborhoods within Wellington and offers a lifestyle not typically found in suburban communities.

Wellington's Charter clearly and emphatically establishes the preservation and protection of its neighborhoods as a guiding principle of governance. The Charter finds and declares that it is the intent of the charter and the incorporation of the Village "to preserve and protect the distinctive characteristics of the individual communities within the boundaries of the Village." Nowhere is this statement of intent more applicable than it is to the Equestrian Preserve. In 2015, the Village's Charter was amended to strengthen protections of the Equestrian Preserve by changing the criteria for removing land from it and adding additional restrictions on non-equestrian uses. The Charter amendment emphasized the importance of the equestrian community by adding a new section, the "Equestrian Preserve Area", specifically protecting the distinctive characteristics of Wellington's equestrian community and the lifestyle it offers. The new section of the Charter states:

Expanding on the legislative intent at incorporation that the unique characteristics of individual communities be preserved and recognizing the importance of Wellington's equestrian community to the vitality of Wellington, it shall be a village priority to preserve and protect the equestrian community as outlined in the village's comprehensive plan. Accordingly, the village may increase the boundaries of the Equestrian Preserve Area by majority vote, but may not contract the boundaries except by affirmative vote of not less than four members of council.

While the priority is to "preserve and protect" the EPA, the term preservation has a different connotation within the EPA than is the meaning normally associated with the word "preservation." Within the EPA, preservation is not focused on setting aside large open, green, or natural areas for public purposes. Instead, the Equestrian Preserve seeks to protect and promote an "equestrian community and lifestyle."

Development patterns within the EPA have been fixed since the 1980's. The majority of the land within the EPA is privately held; the exceptions are one small community park, the public roadway system, and ACME Improvement District canals/rights-of-way. The EPA has been developed primarily as equestrian farms ranging in size from two acres to more than 100 acres with a majority of the farms averaging five acres in size.



Three major equestrian competitive venues support and sustain the equestrian community and the EPA. Many farms in the EPA have been developed to support competitors who participate in one of three equestrian disciplines: Hunter Jumpers, Dressage, and Polo. The competitive venues and the associated equestrian disciplines foster the “equestrian lifestyle.”

Equestrian venues, trails, stables, paddocks, and other Equestrian components are interspersed with farms throughout the area. In 2018, the equestrian sector of Wellington’s economy represented 10 percent (10%) of the total full-time employment and six percent (6%) of business revenue in the Village. Many of these businesses are directly related to the equestrian industry and the care of horses.

Development within the Equestrian Preserve since 2015 presents several challenges to the Village. Almost all development has happened on smaller farms. There has been very little real changes to the competitive venues. Development on individual farms is now largely outside of the local government’s ability to regulate and direct. State law has changed, exempting nonresidential farm buildings, signs, and fences on bona fide agricultural properties from the Florida Building and municipal codes. The diminution of local regulatory authority can be tracked through the evolution of Florida Statute 604.50. The relevant excerpt of that statute is:

604.50 Nonresidential farm buildings; farm fences; farm signs.—

- (1) Notwithstanding any provision of law to the contrary, **any nonresidential farm building, farm fence, or farm sign that is located on lands used for bona fide agricultural purposes is exempt from the Florida Building Code and any county or municipal code or fee**, except for code provisions implementing local, state, or federal floodplain management regulations. A farm sign located on a public road may not be erected, used, operated, or maintained in a manner that violates any of the standards provided in s. 479.11(4), (5)(a), and (6)-(8).
[Formatting provided for emphasis.]

Florida’s Attorney General opined that bona fide agricultural uses as provided in 604.50, F.S., are exempt from municipal land development regulations and by extension, municipal comprehensive plans. The Attorney General concluded the opinion with the following statement (AGO 2013-01, January 29, 2013):

In sum, it is my opinion that section 604.50, Florida Statutes, exempts nonresidential farm buildings, farm fences, and farm signs from land development regulations adopted by the Town of Loxahatchee Groves pursuant to Chapter 163, Florida Statutes.

Florida’s Fourth District Court of Appeals has affirmed the exemption of certain bona fide farm activities from local land development regulations and Florida’s Supreme Court declined to hear the appeal generally solidifying the application of the exemptions.



The effects of the State preemption of the local government's ability to apply development standards on property with bona fide agricultural tax status is beginning to manifest within the EPA. The unintended consequences of property owners developing without considering EPA wide impacts includes:

- Degradation of water quality
- Loss of storm water storage
- Increase of vehicular traffic; without roadway impact fee contributions
- Development of property with greater building and impervious lot coverage than planned for the EPA

Maximizing development on individual farms has lasting impacts on the equestrian community's common elements that have defined the EPA since its establishment and that support the equestrian lifestyle. The common elements, and in many cases, identity elements, which are becoming strained, include:

- *Shell Rock Roads:* Wellington's original 1999 Comprehensive Plan envisioned shell rock roads as an EPA identity element. That Plan sought to preserve unpaved roads. Roadway usage and traffic projections were based on an average farm size of five acres with a limited number of horses on each property. The primary function of any roadway is to provide access and circulation; however, within the EPA, the roads were also intended to serve as bridle trails. Over the last decade, roads within the EPA have seen significant increases in vehicular traffic and significant decreases in the number of horses using the roads. Increased traffic can be directly traced to the number of horse stalls and barns being constructed under 604.50 exemptions. Additional stalls bring additional riders, vets, farriers, and suppliers, increasing equestrian-related vehicular traffic. The increase in traffic volume has caused a rise in resident petitions to pave roads to reduce noise, dust, and improve access by larger vehicles. The paving of the formerly shell rock roads contributes to the changing character of the EPA.
- *Bridle Trails:* The 1999 Comprehensive Plan and the Equestrian Trail Master Plan envisioned an interconnected bridle trail system connecting individual farms to competition venues. In almost every case, individual farm owners have refused to dedicate land for the trail system. Consequently, the only real equestrian connectivity is provided by ACME canal rights-of-way and public road rights-of-way. Public bridle trails are an important element of the EPA; however, the Village has been unable to link properties not directly adjacent to an existing public right-of-way to ACME's canal rights-of-way. The inability to connect these trail segments minimizes the use, attractiveness, and connectivity of the overall trail system.
- *ACME Canals:* The canals function as Wellington's stormwater management and conveyance system and have become the de facto primary equestrian trail system throughout the EPA. Stormwater management is the principal and overarching



purpose of ACME canals. The stormwater management function takes precedence over all other activities within the rights-of-way. Increasing discharge from development far beyond the canal system's design may require widening of canals and the placement of drainage structures, potentially causing trails to become narrower and in some cases even removed. Reduced trail widths create a concentration of equestrian traffic in certain areas and results in a host of impacts including de-stabilizing the canal banks, increasing maintenance, and reducing grassed canal bank widths, which reduces nutrient uptake. All of the impacts affect quality of the equestrian trail system and the sustainability of the character of the EPA.

- *Water Quality:* Water quality is important to everyone in Wellington, including equestrians. Phosphorus, an element used in fertilizers and a by-product of horse waste, is a major contributor to the decline of water quality within Wellington. Wellington, along with each landowner within the EPA, is required to limit its phosphorus discharge into the South Florida Water Management District canal system, specifically the C-51 Canal. Wellington is seeing greater impacts to water quality in the EPA with the continued development.

As the State continues to change the requirements to improve water quality by reducing the phosphorus level limits permitted to be present in discharged water, Wellington farm-owners should expect to see discharge limitations that will require additional water quality measures to be implemented on their farms.

Comprehensive Plans are, by their very nature, aspirational; however, local governments rely on their Comprehensive Plans and the Land Development Regulations to guide growth and development in patterns consistent with their long-range vision. In the case of the Equestrian Preserve, Wellington's regulatory authority has been all but removed by State Statute. It is important to note that local governments cannot adopt ordinances, regulations, or rules that conflict with state statutes. Wellington's regulatory authority is limited to:

- Enforcing flood plain management regulations;
- Permitting residential and non-farm structures;
- Regulating the volume and quality of water discharged into Wellington-owned canals; and
- Managing Wellington-owned (or ACME) roads and rights-of-way.

Despite the regulatory limitations, Wellington is committed to the preservation and protection of the EPA. The Equestrian Element has three goals, with supporting objectives and policies, focused on:

- Preserving the equestrian lifestyle;
- Establishing a comprehensive multi-modal transportation network; and
- Supporting the equestrian competition industry.



However, the ultimate preservation of the EPA is almost entirely dependent on the actions of individual farm owners and their desire to preserve the equestrian lifestyle.

EQUESTRIAN PRESERVE GOALS

GOAL EQ 1	PRESERVE THE EQUESTRIAN LIFESTYLE IN WELLINGTON Preserve Wellington's equestrian community and its equestrian lifestyle.
GOAL EQ 2	MAINTAIN A MULTI-MODAL TRANSPORTATION NETWORK IN THE EPA Maintain a multi-modal transportation network within the EPA with a focus on the safety of horses and riders.
GOAL EQ 3	SUPPORT WELLINGTON'S EQUESTRIAN COMPETITION INDUSTRY Support the equestrian competition industry as a component of the equestrian lifestyle and an economic sector of Wellington.

NOTE: Accomplishing the goals, objectives, and policies of the Equestrian Element is difficult due to state exemptions from regulation of agricultural uses and structures (Florida Statute s. 604.50) without the cooperation of the equestrian community and farm owners within the Equestrian Preserve Area. Any objectives or policies regarding regulation of development are not applicable to any structure or agricultural activity exempted from Wellington codes by §. 604.50 F.S.



GOAL EQ 1 PRESERVE THE EQUESTRIAN LIFESTYLE IN WELLINGTON

Preserve Wellington's equestrian community and its equestrian lifestyle.

[Revised Goal 1.0]

Objective EQ 1.1 Equestrian Lifestyle and Development Patterns

Preserve the equestrian lifestyle and development patterns through the implementation of the Equestrian Overlay Zoning District to support large lot, equestrian farms, to the extent the Village is not preempted by State statute.

[Revised Objective 1.1]

Policy EQ 1.1.1 Equestrian Overlay Zoning District

Implement the Equestrian Overlay Zoning District (EOZD) to preserve the characteristics of the EPA. The intent of the EOZD is to:

- 1) ~~Provide for the preservation of~~ Preserve the equestrian lifestyles and large lot, equestrian farms which exist in the EOZD;
- 2) Establish site development regulations that recognize the characteristics of the equestrian lifestyle and development pattern while maintaining the overall residential density of the EPA; and
- 3) ~~Provide for the~~ Permit limited commercial uses as defined in the land development regulations and that are not deemed a nuisance, which support the equestrian industry, within properties approved as planned developments or within commercial recreation land uses.

Note: Wellington's 1999 Comprehensive Plan required the adoption of zoning regulations to implement the equestrian lifestyle preservation goals outlined in that plan. In 2002, the Village adopted the EOZD. The EOZD included land development regulations designed to preserve the equestrian lifestyle and development pattern. The EOZD has been largely preempted by § 604.50 F.S.

[Revised Objective 1.1]

Policy EQ 1.1.2 Infrastructure impacts and costs

Development and re-development within EPA that generates public infrastructure impacts above the entitlement densities that existed on the date of incorporation (12/31/1995) shall bear costs associated with improving or expanding public facilities and infrastructure required to maintain adopted Level of Service standards in the same manner as other development Village-wide.

[New]



Objective EQ 1.2

Environmental Impacts

Evaluate the impacts of farm and venue operation on the volume and quantity of stormwater discharge, and land development on water quality within the EPA to develop plans to meet the water quality requirements established in the United States Environmental Protection Agency's (USEPA) "*Numeric Water Quality Standards*".

[New]

Policy EQ 1.2.1

Horse Waste – Disposal Alternatives

Continue to investigate alternatives for horse waste disposal that have reduced environmental impacts, reduced hauling demands, and sustainable reuse solutions, potentially through a corporative regional approach, which can be supported by Wellington.

[New]

Policy EQ 1.2.2

Water Quality

Coordinate with state and federal agencies to address water quality standards in the EPA and identify policies or programs to support water quality improvement, which may be jointly implemented.

[New]

Policy EQ 1.2.3

Water Quality Impacts

Current federal water quality standards will require changes in how and when Wellington accepts water into its public water bodies including canals and lakes. Additional regulatory standards may be required to ensure that water entering the public system meets federal water quality standards. The major change will be in phosphorus limits, the federal standard for phosphorous loadings has changed from "*Average Daily Load (ADL)*" to "*Total Maximum Daily Load (TMDL)*."

Properties within EPA that are not subject to water quality *Best Management Practices (BMP's)* may be subject to limiting direct discharge into ACME canals. This may include a limitation on phosphorous to a TMDL of not more than 49 ppb.

Should the federal government begin enforcement of the changed phosphorous standards, Wellington shall develop an education and outreach program that recommends a broad range of water quality BMP's relating to meeting revised USEPA total phosphorus loads requirements. This program shall address meeting water quality standards on-site prior to discharge into the Wellington/ACME system. The program shall also address the financial



responsibilities for costs associated with the impacts on public facilities and the infrastructure required to meet the standard.

**GOAL EQ 2
MAINTAIN A MULTI-MODAL TRANSPORTATION NETWORK IN THE EPA**

Maintain a multi-modal transportation network with a focus on equestrians.

[Revised Objective 1.2]

**Objective EQ 2.1
Equestrian Trails Circulation Plan**

Continue implementation of the adopted Equestrian Trails Circulation Plan (November, 2015) to improve the safety of both motorists and equestrians and provide a connected circulation system in the EPA as funding becomes available from developer contributions, grants, or assessments.

[Revised Objective 1.2]

**Policy EQ 2.1.1
Equestrian Trails Circulation Plan Review**

Regularly review and update the adopted Equestrian Trails Circulation Plan, which includes bridle trail mapping and recommendations, along with details for the separation of motorized vehicles from equestrians to improve the safety for both.

[Revised Policy 1.2.1]

**Policy EQ 2.1.2
Equestrian Trails Circulation Plan Implementation**

Use the Equestrian Trails Circulation Plan to program capital improvements that improve equestrian safety, and develop funding options, which may include grants, assessments or other benefit group specific sources.

**Policy EQ 2.1.3
Bridle Trail Easements and Dedications**

Pursue easements or conveyance of property for bridle trails to create a well-connected, public network within the EPA.

[Revised Policy 1.2.4]

**Policy EQ 2.1.4
Bridle Trail Connections**

Pursue trail projects and extensions that link to local, County, State, and Federal lands, providing trail access to locations both within and outside Wellington's borders.

[Revised Policy 1.2.5]



Objective EQ 2.2

Roadway Network

Maintain a roadway network within the EPA that minimizes the impacts of vehicular traffic by controlling traffic volumes and speeds appropriate to the equestrian lifestyle while requiring vehicular traffic impacts from the equestrian competition venues to be mitigated by the respective venues.

[Revised Objective 1.3]

Policy EQ 2.2.1

Local Roadway Travel Lanes

Local roadways within the EPA shall be maintained at a maximum of two travel lanes, ~~except for possibly Lake Worth Road (see Policy EQ 2.2.2), and South Shore Boulevard between Pierson and Lake Worth Road, provided any expansion/improvement also consider equestrian safety measures to be put in place. These measures may include, but not be limited to signal timing at Lake Worth Road and South Shore Boulevard to consider volume of traffic flow, signalization at Lake Worth Road and 120th Avenue S. considering both equestrian and school traffic, and equestrian safety measures at Pierson Road and South Shore Boulevard. All affected intersections shall incorporate appropriate equestrian crossings to accommodate the new designs~~ which are identified as collector roads in the Mobility Element.

[Revised Policy 1.3.4]

Policy EQ 2.2.2

Lake Worth Road

~~Continue to d~~Develop Lake Worth Road as a major collector roadway that serves the entire Village gateway into the EPA ~~by expanding the section~~ from 120th Avenue South to South Shore Boulevard ~~from two lanes to four lanes~~ to improve traffic flow. The design of this section of Lake Worth Road will celebrate the equestrian competition lifestyle and signify to motorists they're entering the EPA.

[New]

Policy 2.2.3

Unpaved Roads

Unpaved roads within the EPA shall be not be paved without approval by the Wellington Council. Roadway paving projects within the EPA shall include separated paths for equestrian and low speed vehicles. Emphasis will be placed on connecting pathways to the existing network. Improvements shall be financed by a special assessment to the benefit properties.

[Revised Policy 1.3.3]



**Objective EQ 2.3
Golf Cart and Low-Speed Vehicles**

Develop regulations for the use of golf carts and low speed vehicles within the EPA.

[New]

**Policy EQ 2.3.1
Regulatory Framework**

Adopt regulations that provide for the operation of golf carts and low-speed vehicles within the EPA. These regulations shall be evaluated every five years to establish success rates, identify areas of concern, and update standards.

[New]

**Policy EQ 2.3.2
Shared Use**

Allow for the shared use of roadways and canal banks by horses, golf carts, and low speed vehicles. Use of motorized vehicles on the Blue, Green, Red, White, and Brown Trails shall be strongly discouraged to increase the safety on the bridle trails handling higher equestrian traffic volumes due to proximity to the competition venues.

[New]

[This section intentionally left blank.]



**GOAL EQ 3
SUPPORT WELLINGTON'S EQUESTRIAN COMPETITION INDUSTRY**

Support the equestrian competition industry as a component of the equestrian lifestyle and an economic sector of Wellington.

[Revised Goal 1.0; previously referred to as "equestrian industry"]

**Objective EQ 3.1
Economic Impact and Sustainability**

Continue to work with Wellington's business community, Chambers of Commerce, the equestrian competition industry, the Palm Beach County Sports Commission, the Palm Beach County Tourist Board, and to quantify the equestrian community's economic impact and evaluate Wellington's policies, programs, and regulations on the sustainability of the equestrian competition industry and the equestrian community.

[New]

Note: Wellington's equestrian businesses generate approximately \$130 million in sales annually with a total economic impact of \$196 million (FIU 2018 Economic impact study). This industry is second in economic generation, only to the Village's medical industry at \$396 million.

**Policy EQ 3.1.1
Equestrian Competition Support**

Continue to coordinate with local agencies, such as the Palm Beach County Sports Commission and the Palm Beach County Tourism Board, to promote Wellington's equestrian competition industry and equestrian community as an economic and tourism benefit to Wellington, Palm Beach County, and the region.

[New]

**Objective EQ 3.2
Equestrian Competition Sustainability and Diversity**

Evaluate Wellington's codes, standards, programs, and policies to support the diversity of the equestrian competition industry through continued coordination with equestrian competition venue operators and the equestrian competition licensing agencies.

[New]

Note: The equestrian competitions are key economic drivers and are essential to the equestrian competition industry and supportive of the equestrian lifestyle. The global competitive nature of the equestrian industry requires adapting to and accommodating periodic venue or operational changes.





Policy EQ 3.2.1

Equestrian Competition Venues

Regularly coordinate with the equestrian competition venue operators and equestrian sport's governing bodies regarding changes to the equestrian standards and determine appropriate changes to Wellington's codes, standards, programs, and policies to support the diversity of the equestrian competition industry.

[New]