

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

APPELLATE DIVISION (CIVIL): AY
CASE NO.: 2015CA007218

POLO WEST GOLF CLUB, INC., &
PALM BEACH POLO, INC.,
Appellants,

v.

VILLAGE OF WELLINGTON,
Appellee.

Opinion filed: **MAY 31 2016**

Appeal from the "Amended Order Finding Violation(s)" by Village of Wellington Special Magistrate Michael J. Posner

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PER CURIAM.

Appellants Polo West Golf Club, Inc., (“Polo West”) and Palm Beach Polo, Inc., (“Palm Beach Polo,” together with Polo West, “Owners”), own property located in the Village of Wellington, the appellee in this case. At issue in this appeal is whether Special Magistrate Michael J. Posner, Esq., erred in finding Owners needed a Special Use Permit when they hosted a series of organized soccer games on their properties. In reviewing the Special Magistrate’s decision, the Court is limited to three considerations: (1) whether the Special Magistrate afforded procedural due process; (2) whether the Special Magistrate observed the essential requirements of law; and (3) whether the Special Magistrate’s findings and judgment are supported by competent substantial evidence. *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624, 626 (Fla. 1982).

The Special Magistrate’s decision satisfies all three prongs of the Court’s limited review and so his decision must be affirmed in its entirety. The Court writes only to respond to Owners’ argument that the provisions of Wellington’s Code of Ordinances regarding Special Use Permits are void for vagueness. To the extent Owners seek a determination that the provisions are so void as to be invalid, their redress through a declaratory action and not through an administrative appeal. *See, e.g., Nostimo, Inc. v. City of Clearwater*, 594 So. 2d 779, 782 (Fla. 2d DCA 1992) (noting a challenge of the validity or constitutionality of an ordinance is properly brought as a declaratory action). The Court’s decision affirming the Special Magistrate’s decision, then,

cannot and should not be read to foreclose an original suit regarding the validity of the challenged ordinances.

Because the Special Magistrate's decision satisfied procedural due process, did not depart from the essential requirements of law, and was supported by competent substantial evidence, it must be upheld. Accordingly, the Amended Order Finding Violation(s) is AFFIRMED.

SASSER, SMALL, and BOORAS, JJ., concur.