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ORDINANCE NO. 2022 - 27

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAP (FLUM) OF WELLINGTON'S COMPREHENSIVE PLAN, (PETITION NUMBER 2021-0002-CPA), TO MODIFY THE LAND USE DESIGNATION FROM PALM BEACH COUNTY LOW RESIDENTIAL TO MIXED USE (MU) FOR CERTAIN PROPERTIES KNOWN AS 441 PARTNERS TOTALING 52.43 ACRES, MORE OR LESS, AND KNOWN AS LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY TOTALING 1.49 ACRES, MORE OR LESS, LOCATED ON THE WEST SIDE OF STATE ROAD 7, APPROXIMATELY A HALF MILE NORTH OF THE FOREST HILL BOULEVARD AND STATE ROAD 7 INTERSECTION, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Wellington, Florida's Council, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its Comprehensive Plan; and

WHEREAS, Wellington adopted Ordinance No. 2022-26 on September 21, 2022 annexing the subject property into the municipal boundary; and

WHEREAS, the property owners, 441 Partners Inc, for Parcels 1 and 2, Four Four One Partners Inc. for Parcel 3, and Lake Worth Drainage District (LWDD) for a variable width right-of-way (ROW), hereinafter described, desires to amend the Future Land Use Map (FLUM) designation of Wellington's Comprehensive Plan for the subject properties to Mixed Use (MU); and

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on August 17, 2022, recommended approval of the Comprehensive Plan FLUM amendment to designate the subject properties as Mixed Use (MU) with a 5 to 0 vote; and

WHEREAS, Wellington's Council has taken the recommendations from the Local Planning Agency, Wellington staff, and the comments from the public into consideration for this request; and

WHEREAS, Wellington's Council, after notice and public hearing, voted 5 to 0 to transmit this proposed amendment to the Florida Department of Economic Opportunity (DEO), in compliance with applicable provisions of the Florida Statutes governing amendments of local Comprehensive Plans.

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

SECTION 1: The Future Land Use Map (FLUM) designation of Wellington's Comprehensive Plan for the subject properties, as legally described in Exhibits A and B, are

50 hereby designated as Mixed Use (MU).
51

52 **SECTION 2:** The Manager is hereby authorized and directed to transmit this
53 Comprehensive Plan amendment to the Florida Department of Economic Opportunity
54 pursuant to Chapter 163, Florida Statutes.
55

56 **SECTION 3:** The Manager is hereby directed to amend the FLUM of Wellington's
57 Comprehensive Plan as illustrated in Exhibit C, to include the properties and amend the land
58 use designation for the subject properties described in Exhibits A and B, and to include the
59 adopted date and ordinance number in accordance with this Ordinance and pursuant to the
60 requirements of Chapter 163, Florida Statutes.
61

62 **SECTION 4:** Should any section paragraph, sentence, clause, or phrase of this
63 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall
64 not affect the validity of this ordinance as a whole or any portion or part thereof, other than
65 the part to be declared invalid.
66

67 **SECTION 5:** Should any section, paragraph, sentence, clause, or phrase of this
68 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
69 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this
70 Ordinance shall prevail to the extent of such conflict.
71

72 **SECTION 6:** The effective date of this Comprehensive Plan Amendment shall be 31
73 days after adoption by Wellington's Council, if there has not been a compliance challenge with
74 the Division of Administrative Hearings. If the ordinance is challenged within 30 days after
75 adoption, this Ordinance shall not become effective until the state land planning agency or
76 the Administrative Commission, respectively, issues a final order determining the amendment
77 to be in compliance.
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PASSED this 21st day of September, 2022, upon first reading.

PASSED AND ADOPTED this ____ day of _____ 2022, on second and final reading.

WELLINGTON

FOR AGAINST

BY: _____	_____	_____
Anne Gerwig, Mayor		
_____	_____	_____
Michael Drahos, Vice Mayor		
_____	_____	_____
John T. McGovern, Councilman		
_____	_____	_____
Michael J. Napoleone, Councilman		
_____	_____	_____
Tanya Siskind, Councilwoman	ATTEST:	

BY: _____
 Chevelle D. Addie, Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
 Laurie Cohen, Wellington Attorney