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**ORDINANCE NO. 2024-01**

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE WELLINGTON CODE OF ORDINANCES, MORE SPECIFICALLY, TO ADOPT, BY REFERENCE, THE PUBLIC FACILITIES IMPACT FEE STUDY; TO MODIFY CERTAIN PROVISIONS IN CHAPTER 10 (IMPACT FEES), AS CONTAINED HEREIN, TO PROVIDE FOR A PUBLIC FACILITIES IMPACT FEE; TO ESTABLISH THE FINDINGS AND IMPLEMENTATION OF A PUBLIC FACILITIES IMPACT FEE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Wellington, a Florida Council, as the governing body, pursuant to the authority vested in it by Article VIII, Section 2 of the Florida Constitution, and Chapter 166 of the Florida Statutes, is authorized and empowered to adopt and amend legislation to govern the affairs of its citizens; and

**WHEREAS**, Wellington adopts modifications to the Code of Ordinances periodically and as necessary to protect the health, safety, and welfare of the community; and

**WHEREAS**, Wellington believes that it is in the best interest of the community to make modifications to Chapter 10 (Impact Fees) of the Code of Ordinances to adopt a Public Facilities Impact Fee Study, by reference (Exhibit B), and dated January 19, 2024, and for certain provisions to provide for a Public Facilities Impact Fee; and

**WHEREAS**, the Public Facilities Impact Fee will be a new impact fee in addition to the Multi-modal Impact Fee and Parks and Recreation Impact Fee with the corporate limits of Wellington; and

**WHEREAS**, the Public Facilities Impact Fee will serve a public purpose with new or expanded public facilities to meet the needs of a growing population; and

**WHEREAS**, the Public Facilities Impact Fees are compliant with Chapter 2021-63, Laws of Florida, which were amended in 2021; and

**WHEREAS**, Wellington's Comprehensive Plan and Land Development Regulations state that all development must pay for the project's impacts on public facilities, roads, utilities, parks, etc.; and

**WHEREAS**, Wellington's Council has taken the recommendations from the Wellington staff and the comments from the public into consideration as part of the review of the proposed amendments to the Code of Ordinances that are the subject of this Ordinance.

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

**SECTION 1.** Chapter 10 of the Code of Ordinances, IMPACT FEES, is amended as provided in Exhibit A of this ordinance.

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**SECTION 2.** 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, in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

**SECTION 3.** 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 4.** Notice of the proposed Impact Fees was published fifteen (15) days prior to first reading and has met statutory requirements; therefore, this Ordinance shall become effective, and implementation of the Public Facilities Impact Fees will start, on October 1, 2024.

**PASSED** this 14<sup>th</sup> day of May, 2024, upon first reading.

**PASSED AND ADOPTED** this 28th day of May, 2024, on second and final reading.

**WELLINGTON**

**FOR                      AGAINST**

BY: _____	_____	_____
Michael J. Napoleone, Mayor		
_____	_____	_____
John T. McGovern, Vice Mayor		
_____	_____	_____
Tanya Siskind, Councilwoman		
_____	_____	_____
Maria Antuña, Councilwoman		
_____	_____	_____
Amanda Silvestri, Councilwoman		

**ATTEST:**

BY: \_\_\_\_\_  
Chevelle D. Hall, Village Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_  
Laurie Cohen, Village Attorney