

ORDINANCE NO. 2023-08

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAP (FLUM) OF WELLINGTON'S COMPREHENSIVE PLAN, (PETITION NUMBER 2023-0001-CPA), TO MODIFY THE LAND USE DESIGNATION FOR CERTAIN PROPERTY, KNOWN AS MONCADA, FROM PALM BEACH COUNTY RURAL RESIDENTIAL 10 (RR/10) TO WELLINGTON'S CONSERVATION LAND USE DESIGNATION, TOTALING 45 ACRES, MORE OR LESS, LOCATED ON THE WEST SIDE OF FLYING COW ROAD, APPROXIMATELY 3.35 MILES SOUTH OF THE SOUTHERN BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; 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, being the property owner, desires to amend the Future Land Use Map (FLUM) designation of Wellington's Comprehensive Plan for the subject property to Conservation (CN); and

**WHEREAS**, Wellington desires to continue to expand its commitment to environmental stewardship; and

**WHEREAS**, Wellington purchased the Moncada property with a grant agreement from the Florida Department of Environmental Protection (FDEP) Florida Communities Trust in the amount of \$3,386,250 to further the Wellington Environmental Preserve Expansion Project; and

**WHEREAS**, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on March 15, 2023, recommended approval of the Comprehensive Plan FLUM Amendment to designate the subject property as Conservation (CN) with unanimous vote (5-0); 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.

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

**SECTION 1.** The Future Land Use Map (FLUM) designation of the Wellington's Comprehensive Plan for the subject property, as legally described in Exhibit A, is hereby designated as Conservation (CN).

**SECTION 2.** The Manager is hereby authorized and directed to transmit this Comprehensive Plan Amendment to the Florida Department of Economic Opportunity to Chapter 163, Florida Statutes.

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

**SECTION 4.** 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 5.** 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 to be declared invalid.

**SECTION 6.** The effective date of this Comprehensive Plan Amendment shall be 31 days after adoption by Wellington’s Council, if there has not been a compliance challenge with the Division of Administrative Hearings. If the ordinance is challenged within the 30 days after adoption, this Ordinance shall not become effective until the State Land Planning Agency or the Administrative Commission, respectively, issues a final order determining the amendment to be in compliance.

**PASSED** this 11<sup>th</sup> day of April, 2023, upon first reading.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2023, on second and final reading.

**WELLINGTON**

	<b>FOR</b>	<b>AGAINST</b>
BY: _____ Anne Gerwig, Mayor	_____	_____
_____	_____	_____
Michael J. Napoleone, Vice Mayor	_____	_____
_____	_____	_____
Michael Drahos, Councilman	_____	_____
_____	_____	_____
John T. McGovern, Councilman	_____	_____
_____	_____	_____
Tanya Siskind, Councilwoman	_____	_____

**ATTEST:**  
BY: \_\_\_\_\_  
Chevelle D. Addie, MMC, Village Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

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

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Ordinance 2023-08 Exhibit A:

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**LEGAL DESCRIPTION:**

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112 THE SOUTH 1,400.00 FEET OF THE NORTH 2,391.00 FEET OF THE EAST 1,400.00 FEET OF  
113 SECTION 24, TOWNSHIP 44 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA