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ORDINANCE NO. 2023-02

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A REZONING [PETITION NUMBER 2022-001-REZ] FOR CERTAIN PROPERTY KNOWN AS EQUESTRIAN VILLAGE AND WHITE BIRCH FARMS; LOCATED AT THE NORTHEAST CORNER OF SOUTH SHORE BOULEVARD AND PIERSON ROAD TOTALING 96.17 ACRES, MORE OR LESS, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO AMEND THE ZONING DESIGNATION FROM PLANNED UNIT DEVELOPMENT/EQUESTRIAN OVERLAY ZONING DISTRICT (PUD/EOZD) TO PLANNED UNIT DEVELOPMENT (PUD); TO REMOVE THE SUBJECT PROPERTIES FROM SUBAREA D OF THE EOZD LOCATED ON PAGE 2 OF THE OFFICIAL ZONING MAP; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wellington Council, as the governing body, pursuant to the authority vested in Chapter 163, Chapter 166 and Chapter 177, Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations (LDR), as adopted by Wellington, is authorized and empowered to consider petitions related to zoning and land development orders; and

WHEREAS, the current Zoning designation for the 96.29-acre properties is Planned Unit Development/Equestrian Overlay Zoning District (PUD/EOZD) and amending the zoning designation to PUD, adjusting the EOZD boundary, and removing the properties from Subarea D of the EOZD is consistent with the Equestrian Preserve Area boundary change approved for the Comprehensive Plan; and

WHEREAS, the Equestrian Preserve Committee recommended denial of the Rezoning petition at the June 7, 2023 meeting with a vote of 7 to 0; and

WHEREAS, the Planning, Zoning and Adjustment Board (PZAB) recommended Council, with a 5 to 2 vote, to deny the application without prejudice or to table Ordinance No. 2023-02, Wellington North Rezoning until such time as the Compatibility Determination for Pod F be submitted and has been heard by EPC and PZAB through the Public Hearing process so that the application can be heard at Council collectively with the Wellington North Rezoning application; and

WHEREAS, Wellington's Council has taken the recommendations from the Local Planning Agency, Wellington staff, and the comments from the public into consideration when considering the amendments to the Zoning Map amendment that are the subject of this Ordinance; and

WHEREAS, the Council has determined that the proposed rezoning is consistent with Wellington's Comprehensive Plan Future Land Use Map.

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

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SECTION 1: Wellington’s Official Zoning Map is hereby amended to modify the Equestrian Overlay Zoning District (EOZD) boundary and amend the zoning designation for the 96.17-acre properties known as Equestrian Village and White Birth Farms, as legally described in Exhibit “A”, from Planned Unit Development/Equestrian Overlay Zoning District (PUD/EOZD) to Planned Unit Development (PUD) and to remove the subject properties from Subarea D of the EOZD.

SECTION 2: The Manager is hereby directed to amend the Official Zoning Map of Wellington, Florida (Exhibit B) to designate the real property as described in Exhibit A as PUD and to effectuate the purpose of this Ordinance.

SECTION 4: 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 5: 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 6: This ordinance shall become effective immediately upon adoption of the Wellington Council following second reading.

(The remainder of this page left blank intentionally)

77 **PASSED** this _____ day of _____, 2023, upon first reading.

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79 **PASSED AND ADOPTED** this ____ day of _____ 2023, on second and final reading.

80
81 **WELLINGTON**

82 **FOR** **AGAINST**

83
84 BY: _____
85 Anne Gerwig, Mayor

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87 _____
88 Michael J. Napoleone, Vice Mayor

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90 _____
91 John T. McGovern, Councilman

92
93 _____
94 Michael Drahos, Councilman

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96 _____
97 Tanya Siskind, Councilwoman

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99

100 **ATTEST:**

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103 BY: _____
104 Chevelle D. Addie, Clerk

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106 **APPROVED AS TO FORM AND**

107 **LEGAL SUFFICIENCY**

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111 BY: _____
112 Laurie Cohen, Village Attorney

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Exhibit A – Legal Descriptions:

115 A PARCEL OF LAND IN PART OF SECTION 16, TOWNSHIP 44 SOUTH, RANGE 41
116 EAST MORE PARTICULARLY DESCRIBED AS FOLLOWS:

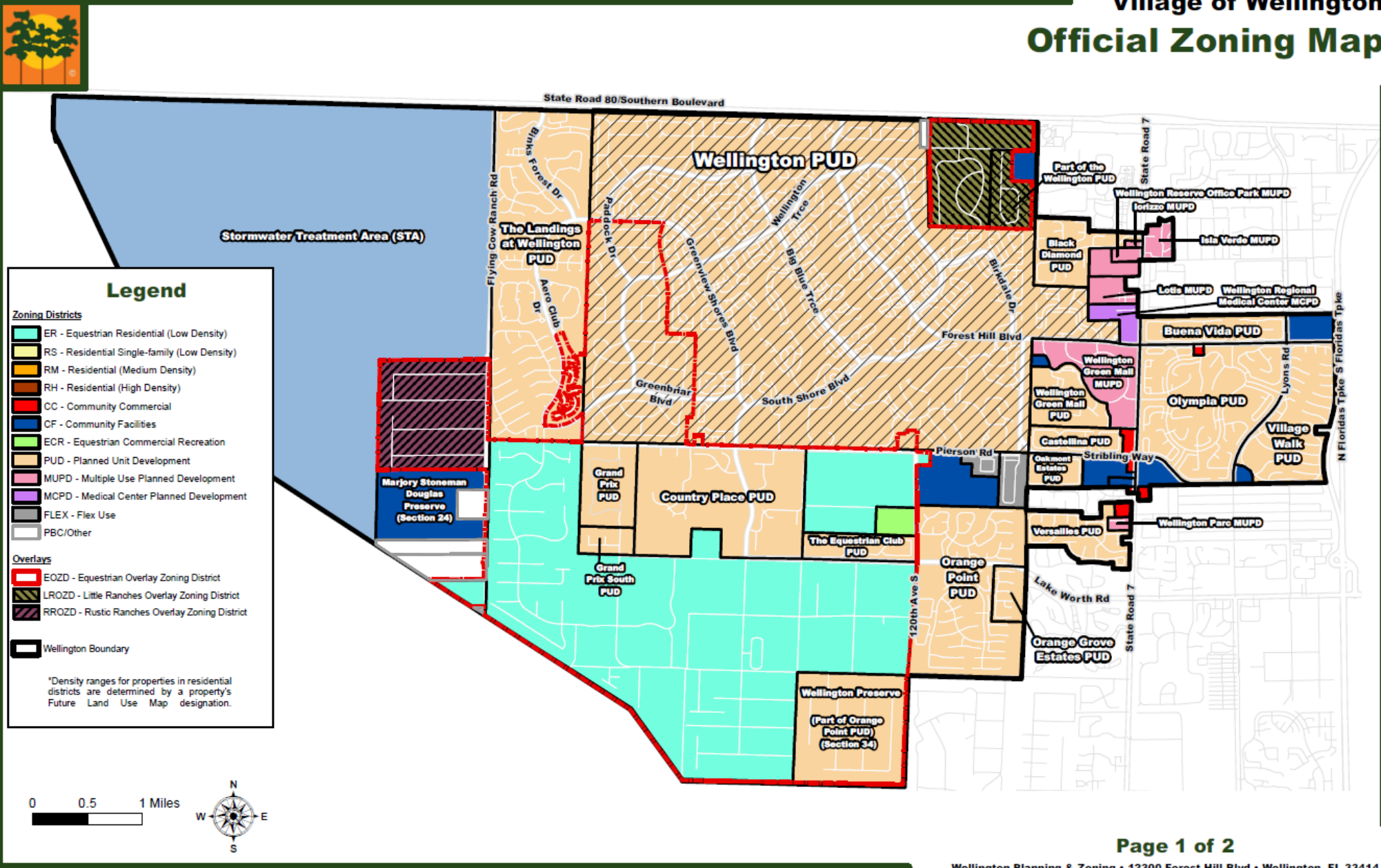
117
118 BEING ALL OF PARCEL 1, EQUESTRIAN VILLAGE, AS RECORDED IN PLAT BOOK 117,
119 PAGE 17, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

120
121 AND

122
123 ALL OF PARCEL 1, WHITE BIRCH FARMS, AS RECORDED IN PLAT BOOK 117, PAGE
124 15, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
125 CONTAINING 96.17 ACRES MORE OR LESS.

Exhibit B – Wellington Zoning Map

Village of Wellington Official Zoning Map



Village of Wellington Official Zoning Map

