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ORDINANCE NO. 2023-04

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING COMPREHENSIVE PLAN AMENDMENTS TO WELLINGTON'S COMPREHENSIVE PLAN FUTURE LAND USE MAP [PETITION NUMBER 2022-003-CPA] TO AMEND THE FUTURE LAND USE DESIGNATION FOR CERTAIN PROPERTY KNOWN AS POD F PHASE V, PHASE VI, AND A PORTION OF PHASE VII OF THE WELLINGTON COUNTRYPLACE PLANNED UNIT DEVELOPMENT (PUD) FROM RESIDENTIAL B (0.1 DWELLING UNITS PER ACRE (DU/AC) TO 1.0 DU/AC) TO EQUESTRIAN COMMERCIAL RECREATION (ECR), LOCATED AT THE NORTHEAST CORNER OF GRACIDA STREET AND GENE MISCHE WAY, TOTALING 114.65 ACRES, MORE OR LESS; TO AMEND THE FUTURE LAND USE DESIGNATION FOR CERTAIN PROPERTY KNOWN AS THE COMMERCIAL POD OF THE WELLINGTON COUNTRYPLACE PUD FROM COMMERCIAL TO RESIDENTIAL B (0.1 DU/AC – 1.0 DU/AC), LOCATED AT THE NORTHWEST CORNER OF SOUTH SHORE BOULEVARD AND GRACIDA STREET TOTALING 5.8 ACRES, MORE OR LESS, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Equestrian Commercial Recreation (ECR) Future Land Use Map designation allows for the designation of the site as an equestrian venue/facility on the master plan and future development as a commercial equestrian arena; and

WHEREAS, Residential B (0.1 du/ac to 1.0 du/ac) Future Land Use Map designation allows development of the site within the density range of the land use subject to master plan approvals; and

WHEREAS, the Comprehensive Plan Amendments were reviewed by the Equestrian Preserve Committee (EPC) on June 8, 2023, and recommended for denial with a 7 to 0 vote. The request has been amended since EPC by modifying the FLUM designation of only the 5.8-acre Commercial property to Residential B, not the originally requested Residential C and maintaining the existing Residential B designation for Pod E; and

WHEREAS, the Comprehensive Plan Amendments were reviewed by the Planning, Zoning and Adjustment Board (PZAB), sitting as the Local Planning Agency, on August 16, 2023, and recommended approval with a 5 to 2 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 when considering the amendments to the Comprehensive Plan Map amendments that are the

49 subject of this Ordinance; and
50

51 **WHEREAS**, Wellington’s Council, after notice and public hearing, voted (__ to __) to
52 transmit this proposed amendment to the Florida Department of Economic Opportunity
53 in compliance with applicable provisions of the Florida Statutes governing amendments of
54 local Comprehensive Plans.
55

56 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON,**
57 **FLORIDA, THAT:**
58

59 **SECTION 1:** The Wellington Comprehensive Plan Future Land Use Map designation
60 for the properties within the Wellington CountryPlace Planned Unit Development and legally
61 described in Exhibit “A,” are hereby designated as Equestrian Commercial Recreation and
62 ResidentialB, respectively.
63

64 **SECTION 2:** The Manager is hereby authorized and directed to transmit this
65 Comprehensive Plan amendment to the Florida Department of Economic Opportunity
66 pursuant to Chapter 163, Florida Statutes.
67

68 **SECTION 3:** The Manager is hereby directed to amend the Wellington Comprehensive
69 Plan Future Land Use Map (Exhibit “B”) to include the site-specific designation for the property
70 as described in Exhibit “A,” including an adopted date and ordinance number in accordance
71 with this ordinance and pursuant to the requirements of Chapter 163, Florida Statutes.
72

73 **SECTION 4:** Should any section paragraph, sentence, clause, or phrase of this
74 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall
75 not affect the validity of this ordinance as a whole or any portion or part thereof, other than
76 the part to be declared invalid.
77

78 **SECTION 5:** Should any section, paragraph, sentence, clause, or phrase of this
79 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
80 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this
81 Ordinance shall prevail to the extent of such conflict.
82

83 **SECTION 6:** The effective date of this Comprehensive Plan Amendment shall be 31
84 days after adoption by Wellington’s Council, if there has not been a compliance challenge with
85 the Division of Administrative Hearings. If the ordinance is challenged within 30 days after
86 adoption, the ordinance shall not become effective until the state land planning agency or the
87 Administrative Commission, respectively, issues a final order determining the amendment to
88 be in compliance.
89

90 (The remainder of this page left intentionally blank)
91

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

93
94 **PASSED AND ADOPTED** this ____ day of _____ 2023, on second and final reading.

95
96 **WELLINGTON**

97 **FOR** **AGAINST**

98	BY: _____	_____	_____
99	Anne Gerwig, Mayor		
100	_____	_____	_____
101	Michael J. Napoleone, Vice Mayor		
102	_____	_____	_____
103	John T. McGovern, Councilman		
104	_____	_____	_____
105	Michael Drahos, Councilman		
106	_____	_____	_____
107	Tanya Siskind, Councilwoman		

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114 **ATTEST:**

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118 BY: _____
119 Chevelle D. Addie, Clerk

120
121
122 **APPROVED AS TO FORM AND**
123 **LEGAL SUFFICIENCY**

124
125
126 BY: _____
127 Laurie Cohen, Village Attorney

128

Exhibit A – Legal Descriptions

129 **Pod F Phase V, Phase VI, and a portion of Phase VII (Residential B to Equestrian**
130 **Commercial Recreation):**

131

132 ALL OF PBIEC ESTATES OF WELLINGTON COUNTRYPLACE, P.U.D. ACCORDING TO
133 THE PLAT THEREOF AS RECORDED IN PLAT BOOK 128, PAGE 148 OF THE PUBLIC
134 RECORDS OF PALM BEACH COUNTY, FLORIDA AND LOCATED WITHIN THE
135 SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 41 EAST,
136 PALM BEACH COUNTY, FLORIDA.

137 LESS THE FOLLOWING AREA BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

138 BEING A PORTION OF TRACT "A", PBIEC ESTATES OF WELLINGTON COUNTRYPLACE
139 P.U.D., AS RECORDED IN PLAT BOOK 128 PAGES 148 THROUGH 151, PUBLIC
140 RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY
141 DESCRIBED AS FOLLOWS:

142 BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT "A"; THENCE NORTH 89°27'55"
143 WEST ALONG THE SOUTH LINE OF SAID TRACT "A", A DISTANCE OF 621.10 FEET;
144 THENCE NORTH 00°50'56" EAST, A DISTANCE OF 372.45 FEET TO THE SOUTHWEST
145 CORNER OF A CONSERVATION EASEMENT AS RECORDED IN OFFICIAL RECORD
146 BOOK 30821, PAGE 901, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
147 THENCE CONTINUE NORTH 00°50'56" EAST ALONG THE WEST LINE OF SAID
148 CONSERVATION EASEMENT, A DISTANCE OF 735.56 FEET TO A POINT OF CURVE
149 CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 180.00 FEET; THENCE NORTH
150 AND EAST ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF
151 88°53'42"; A DISTANCE OF 279.27 FEET TO A POINT ON THE NORTH LINE OF SAID
152 EASEMENT; THENCE NORTH 89°44'38" EAST, ALONG SAID NORTH LINE, A DISTANCE
153 OF 444.97 FEET TO A POINT ON THE EAST LINE OF SAID TRACT "A"; THENCE SOUTH
154 00°51'46" WEST ALONG THE EAST LINE OF SAID TRACT "A", A DISTANCE OF 1,293.15
155 FEET TO THE POINT OF BEGINNING.

156 CONTAINING 114.65 ACRES MORE OR LESS.

157 **Commercial Site (Commercial to Residential B):**

158 THAT COMMERCIAL SITE AND PARCEL "A" OF THE PLAT OF COMMERCIAL SITE-
159 WELLINGTON COUNTRYPLACE-P.U.D., AS RECORDED IN PLAT BOOK 45, PAGE 12
160 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

161 CONTAINING 5.80 ACRES MORE OR LESS.

Exhibit B – Future Land Use Map

Wellington Comprehensive Plan 2023 Land Use Element Future Land Use

