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ORDINANCE NO. 2014-21

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A REZONING (PETITION NUMBER 2013-64 REZ 2) FOR CERTAIN PROPERTY KNOWN AS ISLA VERDE OF WELLINGTON, TOTALING 53.57 ACRES, MORE OR LESS, LOCATED ON THE EAST SIDE OF STATE ROAD 7 AND APPROXIMATELY 1/2 MILE NORTH OF FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; FROM MULTIPLE USE PLANNED DEVELOPMENT (MUPD) TO MIXED USE PLANNED DEVELOPMENT DISTRICT (MXPD); PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Council of Wellington, Florida, previously adopted Ordinance No. 2006-12 on June 13, 2006 to establish a Multiple Use Planned Development (MUPD) zoning designation for this property; and

WHEREAS, the Council adopted Ordinance No. 2010-08 on April 27, 2010 establishing a Mixed Use Planned Development District (MXPD) zoning designation of the Land Development Regulations to be consistent with the Wellington Comprehensive Plan Mixed Use Future Land Use Map (FLUM) designation; and

WHEREAS, Council recently adopted Ordinance No. 2014-20 on September 23, 2014 to designate this property FLUM designation as Mixed Use, Type 1; and

WHEREAS, the notice and hearing requirements as provided in Article V of the Land Development Regulations, as adopted by Wellington, have been satisfied; and

WHEREAS, on May 7, 2014 the Planning, Zoning and Adjustment Board, after notice and public hearing has considered the petition and has presented its recommendation to Council; and

WHEREAS, the Council has considered the evidence and testimony presented by the petitioner and other interested parties and the recommendations of the various Wellington review agencies and staff; and

WHEREAS, the requested site specific Mixed Use Planned Development District (MXPD) zoning designation is consistent with the current Wellington Comprehensive Plan Mixed Use FLUM designation.

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

3
4 **SECTION 1:** The zoning designation for the property described in Exhibit 1 is
5 hereby changed from Multiple Use Planned Development (MUPD) to Mixed Use
6 Planned Development District (MXPD) zoning designation. The previously approved
7 MUPD zoning designation adopted by Ordinance No. 2006-12 on June 13, 2006 is
8 hereby abandon.

9
10 **SECTION 2:** The Manager is hereby directed to amend the Wellington Zoning
11 Map to designate the FLUM designation as Mixed Use Type 1, include an adopted date
12 and ordinance number in accordance with this Ordinance.

13 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
14 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
15 Ordinance, Resolution, or Municipal Code provision, then in that event the provisions of
16 this Ordinance shall prevail to the extent of such conflict.

17 **SECTION 4:** Should any section, paragraph, sentence, clause, or phrase of this
18 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
19 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,
20 other than the part so declared to be invalid.

21 **SECTION 5:** This Ordinance shall become effective immediately upon adoption.

22 (The remainder of this page left intentionally blank)

1 **PASSED** this ____ day of _____, 2014 upon first reading.

2
3 **PASSED AND ADOPTED** this ____ day of _____ 2014, on
4 second and final reading.

5
6
7 **WELLINGTON**

8 **FOR**

AGAINST

9
10 BY: _____

11 Bob Margolis, Mayor

12
13 _____

14 John Greene, Vice Mayor

15
16 _____

17 Matt Willhite, Councilman

18
19 _____

20 Howard K. Coates, Jr., Councilman

21
22 _____

23 Anne Gerwig, Councilwoman

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25
26 **ATTEST:**

27
28 BY: _____

29 Awilda Rodriguez, Clerk

30
31 **APPROVED AS TO FORM AND**
32 **LEGAL SUFFICIENCY**

33
34 BY: _____

35 Laurie Cohen, Village Attorney

EXHIBIT 1
Legal Description

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ALL OF ISLA VERDE OF WELLINGTON RESIDENTIAL REPLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 115, PAGE 69 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

ALL OF ISLA VERDE OF WELLINGTON COMMERCIAL REPLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 115, PAGE 62 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.