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ORDINANCE NO. 2022-11

AN ORDINANCE OF WELLINGTON, FLORIDA’S COUNCIL AMENDING THE CODE OF ORDINANCES BY REPEALING CHAPTER 42 TITLED “PLANNING” IN ITS ENTIRETY, AND AMENDING AND RENUMBERING IT AS CHAPTER 15 TITLED “PLANNING,” AS CONTAINED HEREIN, TO SIMPLIFY THE CODE, REMOVE UNECESSARY AND OBSOLETE PROVISIONS, ADOPT THE WELLINGTON COMPREHENSIVE PLAN AND WELLINGTON LAND DEVELOPMENT REGULATIONS BY REFERENCE, AND DESIGNATE THE PLANNING, ZONING AND ADJUSTMENT BOARD AS THE LOCAL PLANNING AGENCY; PROVIDING A REPEALER CLAUSE; 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 it by Chapter 166, Florida Statutes, and Article VIII, Section 2 of the Florida Constitution, is authorized and empowered to adopt legislation to govern the affairs of its citizens; and

WHEREAS, Wellington adopted its first Code of Ordinances in 1997, shortly after incorporation, and since that time has adopted revisions as necessary to protect the health, safety and welfare of its citizens; and

WHEREAS, Wellington believes that it is in the best interest of the community to make additional modifications to the Code of Ordinances to remove outdated and unnecessary provisions and to simplify the provisions set forth therein.

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

SECTION 1: Chapter 42 of Wellington’s Code of Ordinances is hereby repealed in its entirety, and is amended and renumbered as Chapter 15, titled “Planning,” and is hereby adopted as specifically provided in Exhibit A attached to this Ordinance.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: 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 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

47 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,
48 other than the part so declared to be invalid.

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50 **SECTION 5:** This Ordinance shall become effective immediately upon adoption
51 of the Wellington Council following second reading.

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53 **PASSED** this _____ day of _____, 2022 upon first reading.

54
55 **PASSED AND ADOPTED** this _____ day of _____, 20__ on second and
56 final reading.

57
58 **WELLINGTON**

FOR

AGAINST

59 BY: _____

60 Anne Gerwig, Mayor

61 _____

62 John McGovern, Vice Mayor

63 _____

64 Michael Drahos, Councilman

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66 Michael Napoleone, Councilman

67 _____

68 Tanya Siskind, Councilwoman

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76 **ATTEST:**

77 BY: _____

78 Chevelle D. Addie Village Clerk

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82 **APPROVED AS TO FORM AND**
83 **LEGAL SUFFICIENCY**

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86 BY: _____

87 Laurie S. Cohen, Village Attorney

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EXHIBIT A

Chapter 42—PLANNING^[1]

Footnotes:

—(1)—

Cross reference— Any ordinances prescribing through streets, parking and traffic regulations, speed limits, one-way traffic, limitations on load of vehicles or loading zone saved from repeal, § 1-8(8); any land use, land development, zoning or rezoning ordinance or amendment to the zoning map saved from repeal, § 1-8(9); any comprehensive plan ordinance saved from repeal, § 1-8(10); any ordinance dedicating or accepting any plat or subdivision in the village saved from repeal, § 1-8(11); administration, ch. 2; planning, zoning, and adjustment board, § 2-321 et seq.; buildings and building regulations, ch. 18; environment, ch. 30; manufactured homes and trailers, ch. 34; special districts, ch. 50; streets, sidewalks and other public places, ch. 54; utilities, ch. 66; waterways, ch. 70.

State Law reference— Intergovernmental programs, F.S. ch. 163; Local Government Comprehensive Planning and Land Development Regulation Act, F.S. § 163.3161 et seq.; local planning agency, F.S. § 163.3174; land development regulations, F.S. § 163.3202; state and regional planning, F.S. ch. 186; developments of regional impact, F.S. § 380.06.

ARTICLE I.—IN GENERAL

Sec. 42-1.—Adoption of interim future land use map by reference.

The interim future land use map of the village, together with all accompanying notes, charts and text, copies of which are on file with the village clerk and incorporated in this section by reference, is hereby adopted.

(Ord. No. 97-02, § 1, 5-27-97)

Secs. 42-2—42-30.—Reserved.

ARTICLE II.—RESERVED^[2]

Footnotes:

—(2)—

Editor's note— Section 1 of Ord. No. 99-09, adopted May 11, 1999, repealed §§ 42-31—42-33 in its entirety. Formerly, §§ 42-31—42-33 pertained to the planning and zoning commission and derived from §§ 1—3 of Ord. No. 97-04, March 11, 1997.

Secs. 42-31—42-33.—Reserved.

[Chapter 15- PLANNING](#)

[ARTICLE I. - IN GENERAL](#)

Sec. 15-1. - Adoption of the Comprehensive Plan by Reference.

The Village of Wellington Comprehensive Plan (Ordinance 2021-14), together with any future amendments that may be approved by the Wellington Council from time to time, is hereby adopted by reference.

Sec. 15-2- Adoption of the Land Development Regulations by Reference.

The Village of Wellington Land Development Regulations (LDR) (Ordinance 2020-1), the Village of Wellington Zoning Map, together with any future amendments that may be approved by the Wellington Council from time to time, are hereby adopted by reference.

Article II.- Designation of Local Planning Agency

Sec. 15-3- The Planning, Zoning and Adjustment Board is hereby established as the Wellington local planning agency.