

ORDINANCE NO. 2014-27

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 5 DEVELOPMENT REVIEW PROCEEDINGS, SECTION 5.1.13 SUSPENSION OF DEVELOPMENT REVIEW PROCEEDINGS OF THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF WELLINGTON; TO AUTHORIZE THE SUSPENSION OF THE PROCESSING AND/OR CONSIDERATION OF DEVELOPMENT PERMIT(S) AND/OR USE APPROVAL APPLICATIONS FOR PROPERTIES WITH OPEN CODE ENFORCEMENT CASES AND/OR OUTSTANDING CODE ENFORCEMENT LIENS AND/OR FINES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Wellington, Florida's Council, pursuant to the authority in Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, Wellington is aware of and understands that ensuring compliance with the Village's Codes and Ordinances has positive impacts on community health, safety, welfare and overall quality of life, including property values; and

WHEREAS, Wellington believes that the suspension of the processing and/or consideration of development permit(s) and/or use approval applications for properties with open code enforcement cases and/or outstanding code enforcement liens and/or fines will result in improved code compliance and will have a beneficial effect on community health, safety, welfare and overall quality of life, including property values; and

WHEREAS, The Planning, Zoning and Adjustment Board, acting as The Land Development Regulation Board, after notice and public hearing on September 8, 2014, has reviewed the proposed Ordinance and determined that the proposed amendment is consistent with Wellington's Comprehensive Plan; and

WHEREAS, the 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 Land Development Regulations that are the subject of this Ordinance.

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

SECTION 1. Article 5. Development Review Procedures, Chapter 5. General Applicability, Section 5.1.13. of Wellington's Land Development Regulations is hereby modified, as follows [text formatted with underline is to be added; text formatted with ~~strike-through~~ is to be deleted]:

Sec. 5.1.13. *Suspension of development review proceedings.*

1 Any application for a development permit for Comprehensive Plan amendments,
2 rezoning, conditional use approvals and/or special use permits may be suspended or deemed
3 ineligible for processing for any property having an open code enforcement case(s) or for any
4 property with outstanding Code Enforcement liens and/or fines. Where such permit(s) are
5 necessary to close such code enforcement case(s), the application processing and
6 consideration shall be permitted. during the pendency of a Code enforcement proceeding or for
7 any Code violation involving all or a portion of the land proposed for development, if it is
8 demonstrated in writing by the withholding agency that continuation of development review
9 processing could be adverse to the public interest.

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11 An open code enforcement case exists when a property has been found by the Special
12 Magistrate to be in violation of a Wellington Code provision(s) and such violation(s) has not
13 been corrected and noted by the Wellington Code Compliance Division. The suspension and/or
14 processing ineligibility shall be authorized after the 30-day appeal period of the Special
15 Magistrate's order has expired. The processing and/or consideration of any development permit
16 application(s) for Comprehensive Plan amendments, rezoning, conditional use approvals and/or
17 special use permits shall not be permitted until such case(s) is closed and all outstanding Code
18 Enforcement liens and/or fines are satisfied.

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20 Notwithstanding the foregoing, upon the timely filing of an appeal from a final order of
21 the Special Magistrate find the property in violation of the Wellington Code provisions(s), the
22 property owner may post a good and sufficient bond, or other security deemed appropriate by
23 the Planning and Zoning Director, to pay all costs and expenses required to correct the code
24 violation(s), together with the costs and fines imposed by the Special Magistrate, and the
25 estimated fines accruing during the pendency of the appeal, in the event the order of the Special
26 Magistrate for which the appeal was filed is not quashed, modified, or reversed. Upon the
27 posting of such bond or other security, an application for a development permit shall be
28 processed.

29 **SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this
30 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
31 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this
32 Ordinance shall prevail to the extent of such conflict.

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34 **SECTION 3.** Should any section, paragraph, sentence, clause, or phase of this
35 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not
36 affect the validity of this Ordinance as a whole as a whole or any portion or part thereof, other
37 than the part so declared to be invalid.

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39 **SECTION 4.** This Ordinance shall become effective immediately upon adoption of the
40 Village Council following second reading.

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1 **PASSED** this ____ day of _____, 2014 on first reading.
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4 **PASSED AND ADOPTED** this ____ day of _____, 2014, on second and final reading.
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7 **WELLINGTON**

8 **FOR**

9 **AGAINST**

10 BY: _____
11

12 Bob Margolis, Mayor
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14 _____
15 John Greene, Vice Mayor
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17 _____
18 Matt Willhite, Councilman
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20 _____
21 Howard K. Coates, Jr. Councilman
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23 _____
24 Anne Gerwig, Councilwoman
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27 **ATTEST:**
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30 BY: _____
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32 Awilda Rodriguez, Clerk
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34 **APPROVED AS TO FORM AND**
35 **LEGAL SUFFICIENCY**
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38 BY: _____
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40 Laurie Cohen, Village Attorney
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