

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, not including building permits, may be
2 suspended or deemed ineligible for processing for any property having an open code
3 enforcement case(s) or for any property with outstanding Code Enforcement liens and/or fines.
4 Where such permit(s) are necessary to close such code enforcement case(s), the application
5 processing and consideration shall be permitted. during the pendency of a Code enforcement
6 proceeding or for any Code violation involving all or a portion of the land proposed for
7 development, if it is demonstrated in writing by the withholding agency that continuation of
8 development review processing could be adverse to the public interest.
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10 An open code enforcement case exists when a property has been found by the Special
11 Magistrate to be in violation of a Wellington Code provision(s) and such violation(s) has not
12 been corrected and noted by the Wellington Code Compliance Division. The suspension and/or
13 processing ineligibility shall be authorized after the 30-day appeal period of the Special
14 Magistrate's order has expired. The processing and/or consideration of any development permit
15 application(s), not including building permits, shall not be permitted until such case(s) is closed
16 and all outstanding Code Enforcement liens and/or fines are satisfied.
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18 Notwithstanding the foregoing, upon the timely filing of an appeal from a final order of
19 the Special Magistrate finding the property in violation of the Wellington Code provision(s), the
20 property owner may post a good and sufficient bond, or other security deemed appropriate by
21 the Planning Director in an amount sufficient to pay all costs and expenses required to correct
22 the code violation(s), together with the costs and fines imposed by the Special Magistrate, and
23 the estimated fines accruing during the pendency of the appeal, in the event the order of the
24 Special Magistrate for which the appeal was filed is not quashed, modified, or reversed. Upon
25 the posting of such bond or other security, an application for a development permit shall be
26 processed.
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28 **SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this
29 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
30 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this
31 Ordinance shall prevail to the extent of such conflict.
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33 **SECTION 3.** Should any section, paragraph, sentence, clause, or phase of this
34 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not
35 affect the validity of this Ordinance as a whole as a whole or any portion or part thereof, other
36 than the part so declared to be invalid.
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38 **SECTION 4.** This Ordinance shall become effective immediately upon adoption of the
39 Village Council following second reading.
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51 **PASSED** this 25 day of November, 2014 on first reading.

PASSED AND ADOPTED this ____ day of _____, 2015, on second and final reading.

WELLINGTON

FOR

AGAINST

BY: _____

Bob Margolis, Mayor

John Greene, Vice Mayor

Matt Willhite, Councilman

Howard K. Coates, Jr. Councilman

Anne Gerwig, Councilwoman

ATTEST:

BY: _____

Awilda Rodriguez, Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____

Laurie Cohen, Village Attorney