

ORDINANCE NO. 2023-07

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAP OF WELLINGTON'S COMPREHENSIVE PLAN (PETITION 2022-0001-CPA) FOR CERTAIN PROPERTY, KNOWN AS IORIZZO, TOTALING 5.45 ACRES, MORE OR LESS, LOCATED APPROXIMATELY ONE MILE NORTH OF FOREST HILL BOULEVARD ON THE WEST SIDE OF STATE ROAD 7/U.S. 441, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO DELETE ALL SITE-SPECIFIC CONDITIONS OF APPROVAL THAT WERE PREVIOUSLY ADOPTED AS PART OF FUTURE LAND USE MAP DESIGNATION; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

**WHEREAS**, Wellington adopted Ordinance No. 2005-06 on June 28, 2005 to establish a Future Land Use Map (FLUM) designation of Community Commercial (Currently known as Commercial) for the Iorizzo property (A.K.A. Cheddars restaurant site) with site-specific Conditions of Approval limiting the floor area ratio and uses with a maximum allowed square footage. The site-specific conditions were later amended with Ordinance No. 2011-02 adopted on April 12, 2011; and

**WHEREAS**, the applicant is seeking to delete all previous site-specific Conditions of Approval limiting the floor area ratio and uses with maximum allowed square footage as approved by Ordinance No. 2011-02. The current Commercial FLUM designation will remain for the subject property; and

**WHEREAS**, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on January 18, 2023, recommended \_\_\_\_\_ of the request to delete site-specific Conditions of Approval of the Comprehensive Plan Future Land Use Map designation for the subject property with a \_\_\_\_\_ to \_\_\_\_\_ vote; and

**WHEREAS**, Wellington's Council has taken the recommendations from the Local Planning Agency and Wellington staff, along with the applicant's presentation and comments from the public, into consideration for the proposed amendments that are the subject of this ordinance; and

**WHEREAS**, Wellington's Council, after notice and public hearing, voted (\_\_\_ to \_\_\_) to transmit this proposed amendment to the Florida Department of Economic Opportunity in compliance with applicable provisions of the Florida Statutes governing amendments of local Comprehensive Plans.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON,**

49           **FLORIDA, THAT:**  
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51           **SECTION 1:** The Wellington Comprehensive Plan Future Land Use Map designation  
52 for the subject property, known as Iorizzo, and legally described in Exhibit A, shall remain  
53 Commercial as illustrated in Exhibit B.  
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55           **SECTION 2:** The Manager is hereby authorized and directed to transmit this  
56 Comprehensive Plan amendment to the Florida Department of Economic Opportunity  
57 pursuant to Chapter 163, Florida Statutes.  
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59           **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this  
60 ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington  
61 ordinance, resolution, or municipal code provision, then in that event the provisions of this  
62 ordinance shall prevail to the extent of such conflict.  
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64           **SECTION 4:** Should any section paragraph, sentence, clause, or phrase of this  
65 ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall  
66 not affect the validity of this ordinance as a whole, or any portion or part thereof, other than  
67 the part to be declared invalid.  
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69           **SECTION 5:** The effective date of this Comprehensive Plan Amendment shall be 31  
70 days after adoption by Wellington's Council, if there has not been a compliance challenge  
71 with the Division of Administrative Hearings. If the ordinance is challenged within 30 days  
72 after adoption, the ordinance shall not become effective until the State Land Planning  
73 Agency or the Administrative Commission, respectively, issues a final order determining the  
74 amendment to be in compliance.  
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**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2023, upon first reading.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2023, on second and final reading.

**WELLINGTON**

**FOR                      AGAINST**

|                                  |       |       |
|----------------------------------|-------|-------|
| BY: _____                        | _____ | _____ |
| Anne Gerwig, Mayor               |       |       |
| _____                            | _____ | _____ |
| Michael Drahos, Vice Mayor       |       |       |
| _____                            | _____ | _____ |
| John T. McGovern, Councilman     |       |       |
| _____                            | _____ | _____ |
| Michael J. Napoleone, Councilman |       |       |
| _____                            | _____ | _____ |
| Tanya Siskind, Councilwoman      |       |       |

**ATTEST:**

BY: \_\_\_\_\_  
Chevelle D. Addie, MMC, Village Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_  
Laurie S. Cohen, Village Attorney