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**ORDINANCE NO. 2016 – 09**

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL; APPROVING A ZONING TEXT AMENDMENT (PETITION NUMBER 15 – 80 / 2015 – 46 ZTA) TO THE VILLAGE OF WELLINGTON LAND DEVELOPMENT REGULATIONS ARTICLE 6, ZONING DISTRICTS, CHAPTER 8 PLANNED DEVELOPMENT DISTRICT REGULATIONS, SECTION 6.8.7. MIXED USE PLANNED DEVELOPMENT DISTRICT (MXPB); AMENDING THE REQUIREMENT FOR PARCELS WITH MXPB ZONING DESIGNATION, DELETING THE 60 ACRE MAXIMUM LAND AREA AND REQUIRING FIVE (5) LAND USES FOR MXPB PROJECTS MORE THAN 60 ACRES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Wellington, Florida 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**, the purpose and intent of the Mixed Use Planned Development District (MXPB) Zoning designation is to provide for a mixture of uses within a single project while ensuring the availability of public facilities, deterring urban sprawl and internalization of vehicular trips; and

**WHEREAS**, Wellington has determined removal of the 60 acre maximum land area and requiring both commercial and office uses for project's more than 30 acres with a MXPB Zoning designation is in the best interest of the community; and

**WHEREAS**, the Planning, Zoning and Adjustment Board, acting as the Local Planning Agency, after notice and public hearing on September 14, 2016, has recommended approval of the Zoning Text Amendment with a 6 – 0 vote; and

**WHEREAS**, the Council has taken the recommendations from the Petitioner, 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 6, Zoning Districts, Chapter 8 Planned Development District Regulations, Section 6.8.7. Mixed Use Planned Development District (MXPB) of Wellington's Land Development Regulations is hereby amended, as presented in Exhibit 1.

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**SECTION 2.** 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 3.** Should any section, paragraph, sentence, clause, or phase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole as a whole or any portion or part thereof, other than the part so declared to be invalid.

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

[This space intentionally left blank.]

1 **PASSED** this 13<sup>th</sup> day of October, 2016 on first reading.

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4 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016, on second and final reading.

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**WELLINGTON**

**FOR**

**AGAINST**

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10 BY: \_\_\_\_\_

Anne Gerwig, Mayor

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John T. McGovern, Vice Mayor

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Michael J. Napoleone, Councilman

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Michael Drahos, Councilman

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Tanya Siskind, Councilwoman

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**ATTEST:**

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27 BY: \_\_\_\_\_

Rachel Callovi, Village Clerk

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**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

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32 BY: \_\_\_\_\_

Laurie Cohen, Village Attorney

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