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ORDINANCE NO. 2023-07

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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.

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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 approval 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 7 to 0 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 (5 to 0) 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, FLORIDA, THAT:

SECTION 1: The Wellington Comprehensive Plan Future Land Use Map designation for the subject property, known as Iorizzo, and legally described in Exhibit A, shall remain Commercial as illustrated in Exhibit B.

SECTION 2: The Manager is hereby authorized and directed to transmit this Comprehensive Plan amendment to the Florida Department of Economic Opportunity pursuant to Chapter 163, Florida Statutes.

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

SECTION 5: The effective date of this Comprehensive Plan Amendment shall be 31 days after adoption by Wellington's Council, if there has not been a compliance challenge with the Division of Administrative Hearings. If the ordinance is challenged within 30 days after adoption, the ordinance shall not become effective until the State Land Planning Agency or the Administrative Commission, respectively, issues a final order determining the amendment to be in compliance.

(The remainder of this page intentionally left blank)

PASSED this 21st day of February, 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