

ORDINANCE NO. 2015-18

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL PROPOSING AMENDMENTS TO WELLINGTON'S MUNICIPAL CHARTER BY CREATING A NEW SECTION "4A" ENTITLED "OCCUPANCY USES PROHIBITED" PROHIBITING HOTELS, MOTELS, CONDO-HOTELS, APARTMENTS AND SIMILAR COMMERCIAL TRANSIENT OCCUPANCY USES, EXCEPT FOR BED AND BREAKFAST USES, WITHIN THE EQUESTRIAN PRESERVE AREA; PROVIDING FOR THE SUBMISSION OF THE PROPOSED CHARTER AMENDMENT TO THE ELECTORS OF WELLINGTON AT THE ELECTION TO BE HELD ON MARCH 15, 2016; PROVIDING FOR FILING WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR PUBLICATION; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of the municipality a proposed amendment to the municipality's charter; and

**WHEREAS**, Wellington's Council recognizes that the equestrian preserve area is a vital environmental, economic and cultural resource that merits the fullest protection for future generations against commercial development; and

**WHEREAS**, Wellington's Council deems it necessary and advisable for the voters of Wellington to consider amending the charter of the Village of Wellington to prohibit motels, hotel, condo-hotels, apartments and similar commercial transient occupancy uses, other than bed and breakfasts uses within the Equestrian Preserve Area;

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

**SECTION 1: A new Section 4A, "Occupancy Uses Prohibited" is hereby proposed to be added as follows:**

\* \* \*

A. —Occupancy Uses Prohibited. Motels, hotels, condo-hotels, apartments and similar commercial transient occupancy uses, except for bed and breakfasts, are prohibited within the Equestrian Preserve Area.

1       **SECTION 2.** The charter amendment proposed by this ordinance shall be  
2 submitted to the electors of the Village of Wellington at the election to be held on March  
3 15, 2016 and shall be deemed adopted upon the favorable vote of a majority of the  
4 electors voting at that time upon the following question:

5  
6                               **REFERENDUM QUESTION NO. \_\_\_\_\_**

7  
8                               **WELLINGTON CHARTER AMENDMENT**

9  
10                           **PROHIBIT COMMERCIAL TRANSIENT OCCUPANCY USES**  
11                           **WITHIN THE EQUESTRIAN PRESERVE**

12  
13  
14                   **Other than bed and breakfasts, shall commercial**  
15                   **transient occupancy be prohibited within the Equestrian**  
16                   **Preserve?**

17  
18                               \_\_\_   **Yes**

19  
20                               \_\_\_   **No**

21  
22       **SECTION 3.** In the event of adoption by the electorate as provided herein,  
23 Wellington's Clerk shall forthwith incorporate the amendment into Wellington's charter  
24 by preparing a true copy of new section 4A as amended, and shall file the revised  
25 section with the Florida Department of State, at which time the revised section shall take  
26 effect.

27  
28       **SECTION 4.** Wellington's Clerk shall cause this ordinance to be published once  
29 a week for four consecutive weeks immediately prior to the election on March 15, 2016.

30  
31       **SECTION 5.** Should any section, paragraph, sentence, clause, or phrase of this  
32 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington  
33 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of  
34 this Ordinance shall prevail to the extent of such conflict.

35  
36       **SECTION 6:** Should any section, paragraph, sentence, clause, or phrase of this  
37 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision  
38 shall not affect the validity of this Ordinance as a whole as a whole or any portion or part  
39 thereof, other than the part so declared to be invalid.

40  
41       **SECTION 7:** This Ordinance shall become effective immediately upon adoption  
42 of the Wellington Council following second reading.

43  
44       **PASSED** this \_\_\_\_\_ day of October, 2015 upon first reading.  
45  
46

1 **PASSED AND ADOPTED** this \_\_\_\_\_ day of November, 2015, on second and final  
2 reading.  
3

4 **WELLINGTON**

**FOR**

**AGAINST**

5  
6 BY: \_\_\_\_\_

7 Bob Margolis, Mayor

8  
9 \_\_\_\_\_  
10 John Greene, Vice Mayor

11  
12 \_\_\_\_\_  
13 Matt Willhite, Councilman

14  
15 \_\_\_\_\_  
16 Anne Gerwig, Councilwoman

17  
18 \_\_\_\_\_  
19 John McGovern, Councilman

20  
21 **ATTEST:**

22  
23 BY: \_\_\_\_\_

24 Awilda Rodriguez, Clerk

25  
26  
27 **APPROVED AS TO FORM AND**  
28 **LEGAL SUFFICIENCY**

29  
30 BY: \_\_\_\_\_

31 Laurie S. Cohen, Village Attorney