

ORDINANCE NO. 2021 – 07

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A DEVELOPMENT ORDER AMENDMENT (PETITION NUMBER 2020-0001-DOA) TO MODIFY THE OFFICIAL ZONING MAP OF WELLINGTON FOR CERTAIN PROPERTIES, KNOWN AS WELLINGTON GREEN, TOTALING 456.30 ACRES, MORE OR LESS, LOCATED ON THE SOUTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN, TO ILLUSTRATE THE ONE (1) PLANNED UNIT DEVELOPMENT (PUD) AND SEVEN (7) MULTIPLE USE PLANNED DEVELOPMENTS (MUPD) AS ESTABLISHED; TO DELETE ALL CONDITIONS OF APPROVAL THAT WERE ORIGINALLY ADOPTED AS PART OF THE REZONING BY PALM BEACH COUNTY; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council, as the governing body of Wellington, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Land Development Regulations (LDR), as adopted by Wellington, is authorized and empowered to consider petitions related to zoning and land development orders; and

WHEREAS, Palm Beach County (PBC) adopted Resolution No. R-96-1195 designating the subject site, known as Wellington Green (F.K.A. Wellington Commons DRI), as one (1) Planned Unit Development (PUD) and seven (7) Multiple Use Planned Developments (MUPDs) on the Official Zoning Map, subject to the conditions of approval described in Exhibit "C" of the adopted resolution; and

WHEREAS, Wellington Green was approved as a Development of Regional Impact (DRI) by PBC around the same time as Wellington's incorporation. The subject properties were included within the boundary of Wellington at the time of incorporation. The Wellington Charter indicated that, "all development orders and developments permits associated with the DRI shall be administered and issued by PBC for 48 months subsequent to the date Wellington commences corporate existence". Wellington became the responsible jurisdiction for the DRI on March 28, 2000. At that time, the Wellington Green DRI had a Regional Commercial/Large Scale Multiple Use (RC/LSMU) FLUM designation and a Planned Unit Development/Multiple Use Planned Development (PUD/MUPD) Zoning designation. Wellington also accepted the master plan and site plan(s) that were approved by PBC as valid development orders; and

WHEREAS, this request is to illustrate which properties are designated as PUD and MUPD for the overall Wellington Green project and to delete the development order conditions from the zoning approval as the current conditions are also included in the adopted master plan development order; and

WHEREAS, the Wellington Green DRI sunset on December 31, 2016. The subject site is now regulated by the master plan and site plan(s) in accordance with Wellington's Comprehensive Plan and Land Development Regulations (LDR); and

50 **WHEREAS**, this request does not grant, modify, or eliminate entitlements related to
51 the overall Wellington Green Project and any proposed changes to the master plan will
52 require a public hearing and approval by Wellington's Council; and
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54 **WHEREAS**, the Planning, Zoning and Adjustment Board, sitting as the Local Planning
55 Agency, after notice and public hearing on February 10, 2021, recommended _____ of
56 the development order amendment with a _____ to _____ vote; and
57

58 **WHEREAS**, the Wellington's Council has taken the recommendations from the Local
59 Planning Agency, Wellington staff, and the comments from the public into consideration for
60 this request; and
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62 **WHEREAS**, the Wellington's Council has determined this request is consistent with the
63 RC/LSMU FLUM designation of Wellington's Comprehensive Plan.
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65 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON,**
66 **FLORIDA, THAT:**
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68 **SECTION 1:** Wellington's Official Zoning Map, is hereby amended to illustrate each
69 designated Planned Unit Development (PUD) and Multiple Use Planned Development
70 (MUPD) for the 456-acre project, known as Wellington Green, as legally described in Exhibit
71 A, including a notation for this ordinance number and date of adoption, as illustrated in Exhibit
72 B.
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74 **SECTION 2:** The conditions of approval described in Exhibit "C" of Palm Beach
75 County Resolution No. R-96-1195 are hereby deleted.
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77 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
78 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
79 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this
80 Ordinance shall prevail to the extent of such conflict.
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82 **SECTION 4:** Should any section paragraph, sentence, clause, or phrase of this
83 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall
84 not affect the validity of this ordinance as a whole or any portion or part thereof, other than
85 the part to be declared invalid.
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87 **SECTION 5:** This ordinance shall become effective after Ordinance No. 2021-06, is
88 adopted and in full effect.
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90 (The remainder of this page left intentionally blank)
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PASSED this _____ day of _____, 2021, upon first reading.

PASSED AND ADOPTED this ____ day of _____ 2021, on second and final reading.

WELLINGTON

FOR AGAINST

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

ATTEST:

BY: _____
Chevelle D. Addie, Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney