

ORDINANCE NO. 2021 – 15

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAP (FLUM) OF WELLINGTON'S COMPREHENSIVE PLAN, (PETITION NUMBER 2021-0001-CPA), TO MODIFY THE LAND USE DESIGNATION FROM PALM BEACH COUNTY LOW RESIDENTIAL (LR-2) TO MIXED USE (MU) FOR CERTAIN PROPERTY KNOWN AS LAKE WORTH DRAINAGE DISTRICT 25-FOOT WIDE RIGHT-OF-WAY, TOTALING 0.35-ACRE, MORE OR LESS, LOCATED ON THE WEST SIDE OF STATE ROAD 7, APPROXIMATELY A HALF MILE NORTH OF THE FOREST HILL BOULEVARD AND STATE ROAD 7 INTERSECTION, AS MORE SPECIFICALLY DESCRIBED HEREIN; 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 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its Comprehensive Plan; and

WHEREAS, Wellington adopted Ordinance No. 2021-11 on September 14, 2021, annexing the subject property into the municipal boundary; and

WHEREAS, the subject property is a 0.35-acre sliver of land which is a portion of a 25-foot wide right-of-way (L-7W Canal) owned by the Lake Worth Drainage District (LWDD). The property will be sold to Lotis Wellington, LLC., for the development of the recently approved Lotis Wellington mixed use project; and

WHEREAS, this request is to amend the FLUM designation of Wellington's Comprehensive Plan for the subject 0.35-acre sliver of land to Mixed Use (MU) and incorporate this parcel with the adjacent parcels owned by Lotis Wellington, LLC.; and

WHEREAS, this parcel was intended to be part of previous applications to modify the land use and zoning. Further, it was intended to be part of the master plan for Lotis Wellington; and

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on July 14, 2021, recommended _____ of the Comprehensive Plan FLUM amendment to designate the subject 0.35-acre sliver of land as Mixed Use (MU) with a ____ to ____ vote; and

WHEREAS, Wellington's Council has taken the recommendations from the Local Planning Agency, Wellington staff, and the comments from the public into consideration for this request; and

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

1
2 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON,**
3 **FLORIDA, THAT:**
4

5 **SECTION 1:** The Future Land Use Map (FLUM) designation of Wellington's
6 Comprehensive Plan for the subject 0.35-acre sliver of land, as legally described in Exhibit A,
7 is hereby designated as Mixed Use (MU).
8

9 **SECTION 2:** The Manager is hereby authorized and directed to transmit this
10 Comprehensive Plan amendment to the Florida Department of Economic Opportunity
11 pursuant to Chapter 163, Florida Statutes.
12

13 **SECTION 3:** The Manager is hereby directed to amend the FLUM of Wellington's
14 Comprehensive Plan (Exhibit B) to include the property and amend the land use designation
15 for the property described in Exhibit A, and to include the adopted date and ordinance number
16 in accordance with this ordinance and pursuant to the requirements of Chapter 163, Florida
17 Statutes.
18

19 **SECTION 4:** Should any section paragraph, sentence, clause, or phrase of this
20 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall
21 not affect the validity of this ordinance as a whole or any portion or part thereof, other than
22 the part to be declared invalid.
23

24 **SECTION 5:** Should any section, paragraph, sentence, clause, or phrase of this
25 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
26 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this
27 Ordinance shall prevail to the extent of such conflict.
28

29 **SECTION 6:** The effective date of this Comprehensive Plan Amendment shall be 31
30 days after adoption by Wellington's Council, if there has not been a compliance challenge with
31 the Division of Administrative Hearings. If the ordinance is challenged within 30 days after
32 adoption, the Ordinance shall not become effective until the state land planning agency or the
33 Administrative Commission, respectively, issues a final order determining the amendment to
34 be in compliance.
35

36 (The remainder of this page left intentionally blank)
37

1 **PASSED** this _____ day of _____, 2021, upon first reading.

2
3 **PASSED AND ADOPTED** this ____ day of _____ 2021, on second and final reading.

4
5 **WELLINGTON**

6 **FOR** **AGAINST**

7
8 BY: _____
9 Anne Gerwig, Mayor
10
11 _____
12 John T. McGovern, Vice Mayor
13
14 _____
15 Michael Drahos, Councilman
16
17 _____
18 Michael J. Napoleone, Councilman
19
20 _____
21 Tanya Siskind, Councilwoman
22

23
24 **ATTEST:**

25
26
27 BY: _____
28 Chevelle D. Addie, Clerk
29

30
31 **APPROVED AS TO FORM AND**
32 **LEGAL SUFFICIENCY**

33
34
35 BY: _____
36 Laurie Cohen, Village Attorney