

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 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 13, 2021 annexing the subject property into the municipal boundary; and

WHEREAS, the subject property is a 0.35-acre parcel 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 parcel 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 approval of the Comprehensive Plan FLUM amendment to designate the subject 0.35-acre parcel of land as Mixed Use (MU) with a 5 to 0 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

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

SECTION 1: The Future Land Use Map (FLUM) designation of Wellington's

50 Comprehensive Plan for the subject 0.35-acre parcel of land, as legally described in Exhibit
51 A, is hereby designated as Mixed Use (MU).
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53 **SECTION 2:** The Manager is hereby authorized and directed to transmit this
54 Comprehensive Plan amendment to the Florida Department of Economic Opportunity
55 pursuant to Chapter 163, Florida Statutes.
56

57 **SECTION 3:** The Manager is hereby directed to amend the FLUM of Wellington's
58 Comprehensive Plan (Exhibit B) to include the property and amend the land use designation
59 for the property described in Exhibit A, and to include the adopted date and ordinance number
60 in accordance with this ordinance and pursuant to the requirements of Chapter 163, Florida
61 Statutes.
62

63 **SECTION 4:** Should any section paragraph, sentence, clause, or phrase of this
64 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall
65 not affect the validity of this ordinance as a whole or any portion or part thereof, other than
66 the part to be declared invalid.
67

68 **SECTION 5:** Should any section, paragraph, sentence, clause, or phrase of this
69 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
70 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this
71 Ordinance shall prevail to the extent of such conflict.
72

73 **SECTION 6:** The effective date of this Comprehensive Plan Amendment shall be 31
74 days after adoption by Wellington's Council, if there has not been a compliance challenge with
75 the Division of Administrative Hearings. If the ordinance is challenged within 30 days after
76 adoption, the Ordinance shall not become effective until the state land planning agency or the
77 Administrative Commission, respectively, issues a final order determining the amendment to
78 be in compliance.
79

80 (The remainder of this page left intentionally blank)
81

PASSED this 13th day of September, 2021, upon first reading.

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

WELLINGTON

FOR AGAINST

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

ATTEST:

BY: _____
Chevelle D. Addie, Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney