

ORDINANCE NO. 2021-17

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE WELLINGTON COMPREHENSIVE PLAN, MORE SPECIFICALLY, TO ADOPT A PRIVATE PROPERTY RIGHTS ELEMENT, IN ITS ENTIRETY, AS CONTAINED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wellington Council, as the governing body, pursuant to the authority vested in it by Chapter 163, Chapter 166 and Chapter 177, Florida Statutes, is authorized and empowered to consider changes to its Comprehensive Plan (Plan); and

WHEREAS, after incorporation in 1996, the Wellington Council adopted the first Comprehensive Plan in 1999; and

WHEREAS, Chapter 163, Florida Statutes, requires an Evaluation and Appraisal Report (EARs) every seven years to update information and evaluation what changes may be required; and

WHEREAS, House Bill (HB) 59 (2021) was approved by the Governor requiring local governments to include a private property rights element in their comprehensive plan; and

WHEREAS, HB 59 requires the private property rights element to be adopted by the earlier of its adoption of its next proposed plan amendment or the next scheduled evaluation and appraisal report; and

WHEREAS, the Planning, Zoning and Adjustment Board, acting as the Local Planning Agency, after notice and public hearing on August 11, 2021, has reviewed the proposed Ordinance for consistency with Wellington's Comprehensive Plan and made a recommendation for approval with a 6-0 vote; and

WHEREAS, the Village Council has taken the recommendations from the Local Planning Agency, Wellington staff, and the comments from the public into consideration as part of the review of the proposed amendment to the Comprehensive Plan that are the subject of this Ordinance.

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

SECTION 1. The Private Property Rights Element, Exhibit A, of the Comprehensive Plan is hereby adopted.

SECTION 2. 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, in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 3. 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 of part thereof, other than the part so declared to be invalid.

SECTION 4. This Ordinance shall become effective 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.

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 J. Napoleone, Councilman	_____	_____
_____	_____	_____
Michael Drahos, Councilman	_____	_____
_____	_____	_____
Tanya Siskind, Councilwoman	_____	_____

ATTEST:

BY: _____
Chevelle D. Addie, MMC, Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney