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ORDINANCE NO. 2024-02

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE WELLINGTON LAND DEVELOPMENT REGULATIONS, MORE SPECIFICALLY, A ZONING TEXT AMENDMENT TO MODIFY SECTION 6.4.1.A.5 OF ARTICLE 6, FOR PURPOSES OF CLARIFYING FENCE SETBACK REQUIREMENTS, MODIFYING HEDGE HEIGHT REQUIREMENTS, AND PROVIDING ADMINISTRATIVE APPROVALS WITH CRITERIA REQUIREMENTS FOR NON-COMFORMING HEDGES ALONG MAJOR THOROUGHFARES IN EFFORTS TO ACHIEVING CONSISTENT APPEARANCE FOR HEDGES AND FENCES ALONG THOROUGHFARES, 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 Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations (LDR); and

WHEREAS, on October 26, 2021, Wellington's Council adopted a Zoning Text Amendment for Article 6.4.1.A.5 in efforts to improve the appearance of privately-owned hedges and fences along major thoroughfares; and

WHEREAS, the challenges found during implementation prompted staff to re-evaluate the regulations based on concerns provided by residents and initiated this update to provide clarity, consistency, and additional modifications to section 6.4.1.A.5; and

WHEREAS, the proposed text amendment to section 6.4.1.A.5 of the Land Development Regulations is consistent with the LDR and Wellington's Comprehensive Plan; and

WHEREAS, the Planning, Zoning and Adjustment Board, acting as the Local Planning Agency, after notice and public hearing on March 28, 2024, has reviewed the proposed ordinance and made a recommendation for approval with a 5-0 vote; and

WHEREAS, the Wellington Council has taken the recommendations from the Local Planning Agency, Wellington staff, and comments from the public into consideration as part of the review of the proposed amendment to Article 6.4.1.A.5 of the Land Development Regulations that are the subject of this ordinance.

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

SECTION 1. Section 6.4.1.A.5 of the Wellington Land Development Regulations, is hereby amended, as specifically provided for in Exhibit A.

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

48 ordinance, resolution, or municipal code provision, then in that event the provisions of this
49 ordinance shall prevail to the extent of such conflict.

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51 **SECTION 3.** Should any section, paragraph, sentence, clause, or phase of this
52 ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not
53 affect the validity of this ordinance as a whole or any portion of part thereof, other than the part
54 so declared to be invalid.

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56 **SECTION 4.** This ordinance shall become effective immediately upon adoption of the
57 Wellington Council following second reading.

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59 **PASSED** this _____ day of _____, 2024, upon first reading.

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61 **PASSED AND ADOPTED** this _____ day of _____ 2024, on second and final
62 reading.

63	WELLINGTON		
64		FOR	AGAINST
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66			
67	BY: _____	_____	_____
68	Michael J. Napoleone, Mayor		
69			
70	_____	_____	_____
71	John T. McGovern, Vice Mayor		
72			
73	_____	_____	_____
74	Tanya Siskind, Councilwoman		
75			
76	_____	_____	_____
77	Maria Antuña, Councilwoman		
78			
79	_____	_____	_____
80	Amanda Silvestri, Councilwoman		

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82
83 **ATTEST:**

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87 BY: _____
88 Chevelle D. Hall, MMC, Village Clerk
89

90
91 **APPROVED AS TO FORM AND**
92 **LEGAL SUFFICIENCY**

93
94
95 BY: _____
96 Laurie Cohen, Village Attorney