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ORDINANCE NO. 2019-05

**AN ORDINANCE OF WELLINGTON, FLORIDA’S COUNCIL
AMENDING POLICY 1.3.8 OF THE LAND USE ELEMENT
OF THE WELLINGTON COMPREHENSIVE PLAN TO
MODIFY BUILDING HEIGHT LIMITATIONS FOR
PROPERTIES WITH MULTI-FAMILY RESIDENTIAL
FUTURE LAND USE MAP DESIGNATIONS; PROVIDING A
CONFLICTS CAUSE; PROVIDING A SEVERABILITY
CLAUSE AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Wellington Council adopted the Village of Wellington Comprehensive Plan on January 19, 1999;

WHEREAS, allowing for flexibility in building height for multi-family residential Future Land Use Map designation will encourage redevelopment of areas throughout Wellington;

WHEREAS, the Wellington Council desires to amend Policy 1.3.8 of the Land Use Element of the Comprehensive Plan to increase the allowable building height within Residential Land Use E, F, G and H;

WHEREAS, the Wellington Council desires to amend Section 6.5.8.C of Wellington’s Land Development Regulations to be consistent with the Comprehensive Plan;

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on August 14, 2019, recommended approval of the Comprehensive Plan Text Amendment with a 6-1 vote;

WHEREAS, the Council has taken the recommendations from the Planning, Zoning and Adjustment Board, Wellington staff and the comments from the public into consideration when considering the text amendments to the Comprehensive Plan that are the subject of this ordinance; and

WHEREAS, the Village Council, after notice and public hearing, voted to transmit this proposed amendment to the Florida Department of Economic Opportunity and complied with applicable provisions of the Florida Statutes governing amendments of local Comprehensive Plans.

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

SECTION 1: Policy 1.3.8 of the Land Use Element of Wellington’s Comprehensive Plan is amended as follows [~~strike-through~~ formatted text is to be deleted; underline formatted text is to be added]:

Policy 1.3.8 Land Use Element

Wellington has adopted regulations that limit building height to thirty-five (35) feet or less

51 in all categories except for:

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- 1) Properties in the Regional Commercial/LSMU Plan Category. Future Land Use designation;
- 2) Public facilities in all zoning districts;
- 3) Multi-family buildings on properties with a Residential E, F, G and H Future Land Use Map designation, that are also in a Planned Development, shall be limited to a maximum height of 56 feet. These buildings may be eligible for an additional fifteen percent (15%) height allowance, approved by Village Council, based on the criteria specified in the LDR;
- 4) The following uses within the State Road 7 Corridor, which is that area located within one (1) mile of State Road 7, from Southern Boulevard to Lake Worth Road, shall be limited to a maximum height of 72 feet:
 - a. Colleges or universities;
 - b. Employment centers which shall be defined as non-retail development that employs 100 or more people in predominantly technical or professional occupations;
 - c. Government services;
 - d. Hospital or medical centers;
 - e. Hotel or motel;
 - f. Medical or dental laboratories;
 - g. Professional business offices;
 - h. Light industrial and research park uses;
 - i. Congregate Living Facilities; and
 - j. Multi-family residential buildings.

90 ~~The State Road 7 Corridor is that area located within one (1) mile of State Road 7 from~~
91 ~~Southern Boulevard to Lake Worth Road. Such uses are consistent with the Wellington's~~
92 ~~overall GHG reduction strategy as proximity to these types of facilities can reduce or~~
93 ~~eliminates automobile dependency for area residents.~~

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95 ~~Buildings with a height in excess of that exceed thirty-five (35) feet shall be subject to~~
96 ~~additional setback requirements, to be defined and other criteria, as provided in the Land~~
97 ~~Development Regulations provided that any building in excess of 35 feet shall be~~
98 ~~specifically approved by the Wellington Council in a public hearing, and shall require~~
99 ~~Wellington Council approval. Additional height allowances may be permitted by Council~~

100 in accordance with and based on the criteria provided for in the Land Development
101 Regulations. These regulations shall be made part of the Wellington's Land Development
102 Regulations and shall be adopted and implemented consistent with the requirements of
103 Chapter 163, F.S.

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105 **SECTION 2:** The Manager is hereby directed to amend the Land Use Element of
106 Wellington's Comprehensive Plan in accordance with this ordinance.

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108 **SECTION 3:** The Manager is hereby authorized and directed to transmit this
109 Comprehensive Plan amendment to the Florida Department of Economic Opportunity
110 pursuant to Chapter 163 Florida Statutes.

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

116
117 **SECTION 5:** Should any section, paragraph, sentence, clause, or phrase of this
118 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
119 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of
120 this Ordinance shall prevail to the extent of such conflict.

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122 **SECTION 6:** The effective date of this Comprehensive Plan Amendment shall be
123 31 days after adoption by the Council, if there has not been a compliance challenge with
124 the Division of Administrative Hearings. If the ordinance is challenged within 30 days
125 after adoption, the ordinance shall not become effective until the state land planning
126 agency or the Administrative Commission, respectively, issues a final order determining
127 the amendment to be in compliance.

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147 **PASSED** this 24th day of September, 2019, upon first reading.

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149 **PASSED AND ADOPTED** this ____ day of _____ 2019, on second and final
150 reading.

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152 **WELLINGTON**

153 **FOR** **AGAINST**

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156 BY: _____
157 Anne Gerwig, Mayor

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159 _____
160 Michael J. Napoleone, Vice Mayor

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162 _____
163 John T. McGovern, Councilman

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165 _____
166 Michael Drahos, Councilman

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168 _____
169 Tanya Siskind, Councilwoman

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172 **ATTEST:**

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175 BY: _____
176 Chevelle D. Nubin, Village Clerk

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179 **APPROVED AS TO FORM AND**
180 **LEGAL SUFFICIENCY**

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183 BY: _____
184 Laurie Cohen, Village Attorney