ORDINANCE NO. 2024-06

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AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 6 OF WELLINGTON'S LAND DEVELOPMENT REGULATIONS, MORE SPECIFICALLY, A ZONING TEXT AMENDMENT TO MODIFY SECTION 6.2.2.G. TRANSPORTATION COMMUNICATIONS INFRASTRUCTURE STANDARDS FOR COMMERCIAL WIRELESS FACILITIES, ALLOWING PROPERTIES THAT ARE ACQUIRED BY WELLINGTON OR ACME BE INCLUDED AS PRELIMINARY APPROVED TOWER SITES, AND AMENDING THE WIRELESS COMMUNICATION TOWER MAP LOCATIONS FOR PRELIMINARY APPROVED TOWERS WITHIN WELLINGTON, AS MORE SPECIFICALLY 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 Chapter 163, Chapter 166 and Chapter 177, Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations (LDR); and

WHEREAS, residences, business owners, and Wellington facilities are having issues with availability of cellular/wireless service coverage within Wellington; and

WHEREAS, the 2022 Council Directions meeting provided direction to identify ways to improve cellular/wireless service coverage within Wellington; and

WHEREAS, in 2023, Council approved Ordinance No. 2022-30, updating regulations relating to wireless communication facilities. A further amendment is now required to expand and improve cellular/wireless infrastructure within Wellington; and

WHEREAS, the proposed text amendment to Section 6.2.2.G. of the Land Development Regulations is to modify the regulations and process in support of expanding the cellular infrastructure consistent with the LDR and Wellington's Comprehensive Plan; and

WHEREAS, the Planning, Zoning and Adjustment Board (PZAB), acting as the Local Planning Agency, after notice and public hearing on July 17, 2024, has reviewed the proposed ordinance and made a recommendation for approval with a vote of 4 to 0; 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 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 6.2.2.G.3 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 ordinance, resolution, or municipal code provision, then in that event the provisions of this ordinance shall prevail to the extent of such conflict.

50 51	SECTION 3. Should any section, paragraph, sentence, clause, or phase of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not					
52	affect the validity of this ordinance as a whole, or any portion of part thereof, other than the part					
53	so declared to be invalid.					
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55		TION 4. This ordinance shall become	ne effective immedia	itely upon adoption of the		
56 57	vveilington	Council following second reading.				
58	DAC	SED this 13 th day of August, 2024, up	on first reading			
59	rAst	tills 13 day of August, 2024, up	on macreading.			
60	ΡΔς	SED AND ADOPTED this 27th day of	August 2024 on seco	and and final reading		
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65	BY:					
66		Michael J. Napoleone, Mayor				
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83		Chevelle D. Hall, MMC, Village Clerk				
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85	APPROVED AS TO FORM AND					
86	LEG <i>A</i>	AL SUFFICIENCY				
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89		Laurie Cohen, Village Attorney				