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ORDINANCE NO. 2025-30

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING ARTICLE 5, TABLE 5.1.2-1, DEVELOPMENT APPLICATION APPROVALS, RELATED TO BUILDING HEIGHT APPLICATION TYPES; TO ADD SECTION 5.3.11 RELATING TO BUILDING HEIGHT; TO AMEND ARTICLE 6, SECTION 6.3.1.F.5, RELATED TO BUILDING HEIGHT APPLICATIONS IN EXCESS OF 35 FEET; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wellington Council, as the governing body, pursuant to the authority vested in it by Chapters 163 and 166 of the Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations (LDR); and

WHEREAS, Wellington Council desires to amend various sections of the LDR to clarify the review and approval process for buildings exceeding 35 feet in height; and

WHEREAS, the Planning, Zoning and Adjustment Board, as the Local Planning Agency, after notice and public hearing held on _____, 2025, recommended _____ of the Zoning Text Amendment with a _____ vote; and

WHEREAS, the Council has taken the recommendations of the Planning, Zoning and Adjustment Board, the Findings of Fact, and the comments from the public into consideration in adopting the amendments to the LDR that are the subject of this ordinance.

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

SECTION 1: Table 5.1.2-1 titled "Development Application Approvals," is hereby amended as provided below in strikethrough (delete) and underline (add) format:

Table 5.1.2-1 Development Application ~~Approvals~~ Authority

A = Approval/~~Denial~~

R = Recommendation/Certification

^{*1} All applications for property in, or proposed to be in, the EPA/EOZD shall be ~~reviewed by~~ presented to the Equestrian Preserve Committee as they ~~are a~~ recommending body to the Planning, Zoning and Adjustment Board. All other applications would proceed to PZAB when applicable.

² Voluntary/uniform method annexations require a recommendation from PZAB.

^{**2} Requires two (2) readings by the Village Council for final adoption.

⁴ Conditional Use requests for buildings with heights exceeding 35 feet require a recommendation from ARB and PZAB before the Village Council hearing.

Application Type	Administrative (PZB Director or DM)	*Equestrian Preserve Committee ¹	Planning, Zoning and Adjustment Board	Tree Board	Architectural Review Board	Village Council
Annexation	R	R	R ²			A ³
Comprehensive Plan Map and/or Text Amendments ^{**}	R	R	R			A ³
Zoning Map and/or Text Amendments ^{**}	R	R	R			A ³
Master Plan/Amendments	R	R	R			A
Minor Master Plan Amendment	A					
Site Plan or Subdivision Plan/Amendment	A					
Minor Site Plan or Subdivision Amendment	A					
Architectural Review Board Applications	R				A	
Conditional Use and/or Amendment	R	R	R		R	A ⁴
Minor Conditional Use Amendment	A					
Variance	R	R	A			
Administrative Variance	A					
Amendment to Conditions of Approval (DOA)	R	The decision-making body that originally approved the development order shall consider applications to amend conditions of approval.				

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R = Recommendation/Certification

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Application Type	Administrative (PZB Director or DM)	*Equestrian Preserve Committee ¹	Planning, Zoning and Adjustment Board	Tree Board	Architectural Review Board	Village Council
Interpretation of the Code	A					
Zoning Confirmation	A					
Unity of Title/Control or Release	A					
Vegetation Removal Permit	A					
Tree Board Request	R			A		
Special Use Permit	A					
Equestrian Permit	A					
Seasonal Permits that exceed 30 event days within a 6-month period (equestrian and non-equestrian)	R					A
Seasonal Permit renewal	A					
Extended Hours Special Permit	A					
Reasonable Accommodation	A					

SECTION 2: Section 5.3.11 titled “Building Height Exceeding 35 Feet,” is hereby added as provided below in strikethrough (delete) and underline (add) format:

Sec. 5.3.11 – Building Height Exceeding 35 Feet

Requests for buildings exceeding 35 feet in height shall require Conditional Use approval as outlined in Section 5.3.7. The following shall apply to all buildings exceeding 35 feet in height:

- A. No building permits for buildings exceeding 35 feet in height shall be issued before the approval by Wellington's Council, unless specifically exempted by the LDR.
- B. Exterior elevations, materials, and renderings, along with proposed site plan and landscape plans, shall be required as part of the submittal.
- C. Modifications to the height of a portion of a building exceeding 35 feet shall require an amendment to the Conditional Use approved by the Council only. Elevation changes that do not affect the height of the building or more than 30% of an elevation shall only require ARB approval. Minor amendments to the approved finishes/materials may be approved administratively if consistent with the intent of the approval, as determined by the project's Development Review Manager (DM). If the amendments to the finishes/materials are determined not to be minor, then ARB approval is required.

SECTION 4 Section 6.3.1.F titled "Building Height," is hereby amended as provided below in strikethrough (delete) and underline (add) format:

CHAPTER 3 – PROPERTY DEVELOPMENT REGULATIONS

Sec. 6.3.1 – General

F. Building Height: No building or part thereof shall be erected or altered to a height exceeding 35 feet unless specifically exempt and/or as allowed within this section.

~~1. No building or structure or part thereof shall be erected or altered to a height exceeding 35 feet unless the use is specifically exempt within this section.~~

~~1.2.~~ Maximum building height: 25 feet - No building, structure, or part thereof shall be erected or altered to a height exceeding 25 feet in districts All properties with a Future Land Use Map designation of Conservation, Park, Equestrian Commercial Recreation, and Open Space Recreation.

~~2. 3.~~ Maximum building height: 56 feet - No building, structure, or part thereof shall be erected or altered to a height exceeding 56 feet All properties within Planned Development districts with a Future Land Use Map designation of Residential E, F, G, and H, and Commercial and Mixed Use.

~~3. 4.~~ Maximum building height: 72 feet - No building, structure, or part thereof shall be erected or altered to a height exceeding 72 feet in districts All properties with a Future Land Use Map designation of Regional Commercial/Large Scale Multiple Use or for the following uses within ~~the State Road 7 Corridor, which is the area located within~~ one (1) mile of State Road 7, from Southern Boulevard to Lake Worth Road:

- 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, such as medical or dental offices or laboratories, professional business offices, and light industrial and research park uses;

c. Government services;

d. Hospital or medical centers;

e. Hotel or motel;

f. i. Congregate Living Facilities; and

g. j. Multi-family residential buildings.

~~f. Medical or dental laboratories;~~

~~g. Professional business offices;~~

~~h. Light industrial and research park uses;~~

4. 5. All buildings or structures in excess of exceeding 35 feet shall ~~require a~~ Wellington Council approval and shall be subject to ~~additional~~ the requirements as listed below:

a. ~~e.~~ The property shall be a minimum of two (2) acres in size.

b. ~~f.~~ Building(s) within a Residential E, F, G, and H land uses shall be located within a Planned Development and shall be within 500 linear feet of a collector road or road with a higher classification.

c. ~~a.~~ The building(s) shall provide one (1) foot of additional setback beyond the minimum requirement for every one (1) foot in height for all portions of the building or structure that exceeds 35 feet. The Council may approve exceptions if it is determined that the additional setbacks are inconsistent with the building's architectural style.

d. Buildings adjacent to single-family residential properties shall provide two (2) feet of additional setback beyond the minimum requirement for every one (1) foot in height for all portions of the building that exceed 35 feet on the side of the building adjacent to the single-family properties. The property shall not be located adjacent to single family residential property. Non-collector roadways and canals are not considered separation.

e. iv. The ~~site design~~ project must include at least three (3) or more of the following ~~design criteria~~, as approved by the Council:

i. 4) A parking structure that results in reduced paved parking areas ~~and~~
or additional open green space;

~~2) Provided on site amenities such as outdoor recreation, benches,
civic spaces, and/or focal points;~~

~~ii. 3) Incorporate eEco-design or facilities such as electric vehicle car
charging stations, green roofs, solar panels and/or bio-swales;~~

~~iii. 4) Funding for P~~privately improved and maintained public amenities on
or contiguous to the ~~project site~~, such as replacing/widening
sidewalks, adding or improving bus shelters/stops, public art, public
open space, or pedestrian streetscape enhancements;

~~iv. 5) LEED based design or Florida Green Building design certification of
silver or higher;~~

~~v.g-~~ Providing a minimum of 30% of the housing units with prices/rents
available/accessible to households within 80% - 140% of
Wellington's median income;

~~6) Architectural details that are unique and exceed the multi-family
architectural design regulations of the LDR;~~

~~7) Landscape enhancements that exceed Article 7 of the LDR and the
additional criteria as listed in this section;~~

~~8) Provide fee simple or for sale units;~~

~~f.d. These buildings~~ Buildings may be eligible for an additional 15% height
allowance, approved by ~~Wellington the~~ Council, based on the following
criteria:

i. The area proposed to exceed the maximum building height shall be
limited to mechanical equipment, architectural features, and/or
common use areas such as rooftop pool, and shall not include ~~living~~
~~area~~, occupiable floor area, or dwelling units;

ii. The area proposed to exceed the maximum building height shall be
limited to 35% of the overall building footprint. ~~A technical deviation
for additional height for a portion of the building footprint greater than
35% shall be approved by Council;~~

iii. The area proposed to exceed the maximum building height shall be
setback an additional one and one-half (1½) feet beyond the
~~minimum setback as provided above lines~~ for every foot above the
~~proposed~~ maximum building height; ~~and~~

158 4. ~~Pods or parcels with building heights in excess of 35 feet shall provide and~~
159 ~~maintain, additional palm/tree plantings, based upon a ratio of one tree per 20~~
160 ~~linear feet within, and in addition to, the required Landscape Buffer, or fraction~~
161 ~~thereof.~~

162 5. ~~All buildings or structures exceeding 35 feet shall be required to meeting the~~
163 ~~landscape requirements as provided in Article 7 of the LDR and shall also provide~~
164 ~~the following:~~

165 g. Additional landscape requirements for pods/parcels with buildings
166 exceeding 35 feet in height:

167 i. a. A minimum of 25% of the palms shall have a gray or brown wood
168 height equal or greater than one-third (1/3) the overall height of the
169 buildings or structure. These palms shall be located within the
170 foundation plantings areas of the structure subject building.

171 ii. b. A minimum of 25% of the palms shall have a minimum gray or
172 brown wood height in excess of over 12 feet and be placed within
173 the foundation plantings areas of the structure subject building.

174 ~~a.~~ ~~5% of the palms shall have a minimum gray or brown wood height~~
175 ~~in excess of eight (8) feet and can be placed anywhere within the~~
176 ~~project.~~

177 ~~b.~~ ~~All palm plantings under this section are credited 1:1 towards the~~
178 ~~tree planting standards requirements.~~

179 ~~c.~~ ~~Exception can be made for using "Phoenix" palms wherein this palm~~
180 ~~will receive credit for four (4) palms if:~~

181 ~~i.~~ ~~The phoenix palm size (as measured by clear wood below the root~~
182 ~~remnants) is equal in height to the tallest measurement of the~~
183 ~~palms that it is replacing; and~~

184 ~~ii.~~ ~~The phoenix must be placed in the area of the project where the~~
185 ~~palms it is replacing is located.~~

186 h. Any required palms landscaping approved to obtain a height bonus shall
187 remain as a condition of the approval and must remain as long as the
188 structure building remains. Any and all palms landscaping that die, become
189 diseased, or disfigured must be replaced in a reasonable time period and
190 be the same size as the palm(s) they replaced.

191 5. 8. Exclusions from Height Limitations:

192 a. For buildings 35 feet in height or less, Spires, ornamental belfries, towers,
193 stage towers or scenery loft appurtenant to civic or cultural buildings,

194 chimneys, mechanical equipment, mechanical equipment rooms and parapet
195 walls used to screen mechanical equipment shall not be included in
196 measuring the overall height of a building ~~or structure~~ if:

197
198 i. They do not exceed ~~30~~35% of the ~~roof area in gross area~~ building
199 footprint; or

200
201 ii. They do not exceed 25% of the ~~proposed maximum~~ building height.

202
203 b. Water Towers, Public Utilities, ~~Civic Buildings~~, and publicly-owned facilities
204 shall be exempt from height regulations in all zoning districts.

205
206 c. Wireless communications towers and facilities, including accessory radio
207 towers, amateur radio/TV antennas, and commercial communication towers
208 and ~~antennas may be erected subject to the Supplementary Standards of the~~
209 ~~LDR.~~

210
211 **SECTION 2:** Should any section, paragraph, sentence, clause, or phrase of this
212 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
213 Ordinance, Resolution, or Municipal Code provision, then in that event the provisions of this
214 Ordinance shall prevail to the extent of such conflict.

215
216 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
217 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not
218 affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part
219 so declared to be invalid.

220
221 **SECTION 4:** This Ordinance shall become effective upon adoption by the Wellington
222 Council following second reading.

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228 (The remainder of this page left intentionally blank)
229

230 **PASSED** this _____ day of _____, 2025, upon first reading.

231

232 **PASSED AND ADOPTED** this _____ day of _____, 2025, on second and final reading.

233

234 **WELLINGTON**

235

FOR

AGAINST

236

237 BY: _____

238 Michael J. Napoleone, Mayor

239

240 _____

241 Tanya Siskind, Vice Mayor

242

243 _____

244 John T. McGovern, Councilman

245

246 _____

247 Maria Antuña, Councilwoman

248

249 _____

250 Amanda Silvestri, Councilwoman

251

252

253 **ATTEST:**

254

255

256 BY: _____

257 Chevelle D. Hall, MMC, Village Clerk

258

259

260 **APPROVED AS TO FORM AND**

261 **LEGAL SUFFICIENCY**

262

263 BY: _____

264 Laurie Cohen, Village Attorney