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ORDINANCE NO. 2016-20

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING SECTION 6.5.8.B OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS RELATED TO BUILDING HEIGHT LIMITATIONS; AMENDING SECTION 6.10.6-TABLE B OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS RELATED TO THE DEVELOPMENT STANDARDS IN THE EQUESTRIAN OVERLAY ZONING DISTRICT; PROVIDING A CONFLICTS CAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Wellington's Council, pursuant to the authority granted to it in Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations; and

WHEREAS, the Wellington Council desires to amend Sections 6.5.8.B and 6.10.6 - Table B of Wellington's Land Development Regulations related to building height limitations; and

WHEREAS, The Equestrian Preserve Committee recommended _____ of the amendment at the August 3, 2016 meeting with a _____ vote (X-X); and

WHEREAS, the Planning, Zoning and Adjustment Board, acting as the Local Planning Agency, after notice and public hearing on August 10, 2016 has reviewed the proposed Ordinance and determined that the proposed amendment is consistent with Wellington's Comprehensive Plan and recommended _____ of the amendment with a ___ vote (X-X); and

WHEREAS, the Council has taken the recommendations from the Local Planning Agency, Wellington staff and the comments from the public into consideration when considering the amendments to the Land Development Regulations that are the subject of this Ordinance.

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

SECTION 1. Section 6.8.5.B of Wellington's Land Development Regulations is hereby amended as follows [~~strike-through~~ formatted text is to be deleted; underline formatted text is to be added]:

B. Exclusions from height limits.

1. Church spires, ornamental belfries, towers and spires, stage towers or scenery lofts appurtenant to civic or cultural buildings, chimneys, mechanical equipment, mechanical equipment rooms, and parapet screening mechanical equipment need not be included in measuring the height of a building or structure if they:
 - a. Do not exceed in gross area, at maximum horizontal section, thirty (30) percent of the roof area, and
 - b. Do not exceed by twenty-five (25) percent the maximum building height allowed in the district.

2. Freestanding flagpoles; provided, however, that freestanding flagpoles may not exceed twenty (20) feet in residential districts and thirty-five (35) feet in non-residential districts.
3. Water towers.
4. Wireless communications towers and facilities, including accessory radio towers, amateur radio/TV antennas, and commercial communication towers and antennas may be erected subject to the limitations in Ordinance 98-8 and Section 6.6.1.K and Section 6.6.1.L of the LDR.
5. Government buildings or structures shall be exempt from the maximum height limitation and shall obtain prior approval from Village Council.
6. Towers, copulas, ornamental belfries or other focal point elements that are part of a principal structure in a residential district shall be permitted if they:
 - a. Do not exceed twenty-five (25) percent of the maximum building height allowed within the residential district; and
 - b. Do not exceed ten (10) percent of the ground level floor area or roof area, whichever is less, of the principal structure.
 - c. An additional one-foot perimeter property setback above the minimum setback for each once (1) foot in building height or fraction thereof above thirty-five (35) feet shall be required.

SECTION 2. Section 6.10.6 – Table B of Wellington’s Land Development Regulations is hereby amended as follows [~~strike-through~~ formatted text is to be deleted; underline formatted text is to be added]:

**Table B.
Development Standards for Principal and Accessory Uses**

Development Standard	Minimum Dimension or Standard
Minimum Lot Width	300 feet, or as otherwise provided in a current, valid development order.
Minimum Lot Depth	300 feet, or as otherwise provided in a current, valid development order.
Maximum Floor Area Ratio	20%, or as otherwise provided in a current, valid development order or as otherwise provided in the Future Land Use Element of the Comprehensive Plan.
Maximum Building Height*	35 feet.
Maximum Lot Coverage	20%, or as otherwise provided in a current, valid development order.

*Note: Structural focal points may be exempt from the height limitations for principal structures within the EOZD as provided in section 6.8.5.B of the LDRs.

1 **SECTION 3.** Should any section, paragraph, sentence, clause, or phrase of this
2 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
3 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this
4 Ordinance shall prevail to the extent of such conflict.
5

6 **SECTION 4.** Should any section, paragraph, sentence, clause, or phrase of this
7 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall
8 not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the
9 part so declared to be invalid.
10

11 **SECTION 5:** This Ordinance shall become effective immediately upon adoption by the
12 Village Council following second reading.
13

14 **PASSED** this ____ day of _____ 2016, upon first reading.

15
16 **PASSED AND ADOPTED** this ____ day of _____ 2016, on second and final reading.
17

18 **WELLINGTON**

19 **FOR AGAINST**

20			
21	BY: _____	_____	_____
22	Anne Gerwig, Mayor		
23			
24	_____	_____	_____
25	John T. McGovern, Councilman		
26			
27	_____	_____	_____
28	Michael Drahos, Councilman		
29			
30	_____	_____	_____
31	Michael J. Napoleone, Councilman		
32			
33	_____	_____	_____
34	Tanya Siskind, Councilwoman		

35
36 **ATTEST:**
37

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40 BY: _____
41 Rachel Callovi, Clerk
42

43
44 **APPROVED AS TO FORM AND**
45 **LEGAL SUFFICIENCY**
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47
48 BY: _____
49 Laurie Cohen, Village Attorney