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**ORDINANCE NO. 2019-06**

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 6, CHAPTER 5, SECTION 6.5.8.C, BUILDING HEIGHT, OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS BY MODIFYING THE BUILDING HEIGHT REGULATIONS FOR PROPERTIES WITH A MULTIFAMILY RESIDENTIAL FUTURE LAND USE DESIGNATIONS; 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 Section 6.5.8.C of Wellington's Land Development Regulations by amending the building height requirements for properties with a multifamily Future Land Use Map Designation ; and

**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 Zoning Text amendments with a 6-1 vote; and

**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 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 6.5.8.C 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]:

**Article 6.5.8.C. Height Limitations:**

1. No building or structure or part thereof shall be erected or altered to a height exceeding thirty-five (35) feet in districts with the ~~Comprehensive~~ Future Land Use Map Plan designations of Residential A, B, C, and D, ~~E, F, G, and H~~, Community Commercial, Office Commercial, Medical Commercial, Park, Institutional/Public Facilities/Utilities, and Industrial.
2. No building or structure or part thereof shall be erected or altered to a height exceeding twenty-five (25) feet in districts with a ~~Comprehensive~~ Future Land Use Map Plan Category designations of Conservation, Neighborhood Commercial, and Commercial Recreation.

50 3. No building or structure or part thereof shall be erected or altered to a height  
51 exceeding fifty-six (56) feet in districts with a Future Land Use Map designation  
52 of Residential E, F, G and H or seventy-two (72) feet in districts with a  
53 Comprehensive Future Land Use Map Plan Category designation of Regional  
54 Commercial/Large Scale & Multiple Use Overlay (LSMU) or for specified uses  
55 as listed in the Comprehensive Plan within one (1) mile of the State Road 7  
56 Corridor; provided, however, all buildings or structures in excess of thirty-five  
57 (35) feet shall require Village Council approval after a public hearing and shall  
58 be subject to additional requirements as listed below:

59  
60 a. An additional one-foot perimeter property setback above the minimum  
61 setback for each one (1) foot in building height or fraction thereof above  
62 thirty-five (35) feet. The building(s) shall provide one (1) foot of additional  
63 setback beyond the minimum requirement for every one (1) foot in height  
64 for all portions of the building or structure that exceeds thirty-five (35) feet.

65  
66 b. The property shall not be adjacent to a single family residential property.

67  
68 c. The property shall be a minimum of two (2) acres in size.

69  
70 d. Residential E, F, G and H shall be located within a Planned Development  
71 and shall be within 500 linear feet of a collector road or road with a higher  
72 classification. These buildings may be eligible for an additional fifteen  
73 percent (15%) height allowance, approved by Village Council, based on the  
74 following criteria:

75  
76 i. The area proposed to exceed the maximum building height shall be  
77 limited to mechanical equipment, architectural features and/or  
78 common use areas and shall not include living area, occupiable floor  
79 area or dwelling units;

80  
81 ii. The area proposed to exceed the maximum building height shall be  
82 limited to fifty percent (50%) of the building coverage;

83  
84 iii. The area proposed to exceed the maximum building height shall be  
85 setback one and one-half (1 ½) feet beyond minimum setback lines  
86 for every foot of above the proposed building height; and

87  
88 iv. The site design must include at least three (3) or more of the  
89 following design criteria:

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91 1. A parking structure that results in reduced paved parking  
92 areas and additional open green space;  
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2. Provide on-site amenities such as outdoor recreation, benches, gathering spaces, eco roofs, focal points, car charging stations, etc.;
  3. Privately improved and maintained public amenities on or contiguous to the project such as replacing/widening sidewalks, adding or improving bus shelters/stops, public art, public open space, or pedestrian streetscape enhancements;
  4. LEED based design or Florida Green Building design incorporation;
  5. Architectural details that are unique and exceed the multi-family architectural design regulations of the LDR;
  6. Landscape enhancements that exceed Article 7 of the LDR and the additional criteria as listed in sec.6.5.8.C.3.e.
- d. Pods or parcels with building heights in excess of thirty-five (35) feet shall provide and maintain, ~~within the required perimeter landscape area, in addition to the approved tree planting requirements for the particular MUPD perimeter landscape areas,~~ additional palm/tree plantings based upon a ratio of one tree per twenty (20) linear feet within, and in addition to, the required Landscape Buffer, or fraction thereof. ~~of the MUPD Perimeter Landscape Area. Of these trees:~~
- e. All buildings or structures exceeding thirty-five (35) feet shall be required to meeting the landscape requirements as provided in Article 7 of the LDR and shall also provide the following:
- i. Twenty-five (25) percent of the palms shall have a gray or brown wood height equal or greater than one-third (1/3) the overall height of the buildings or structure. These palms shall be located within the foundation plantings of the structure.
  - ii. Twenty-five (25) percent of the palms shall have a minimum gray or brown wood height in excess of twelve (12) feet and be placed within the foundation plantings of the structure.
  - iii. Five (5) percent shall be minimum size of eight-foot of gray or brown wood and can be placed anywhere within ~~the MUPD~~ the project.
  - iv. All the palm ~~tree~~ plantings under this section are credited 1:1 towards the tree planting standards requirements.

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- v. ~~The only palm types to be used are royal palms and coconut palms.~~ Exception can be made for using "Phoenix" palms wherein this palm will receive credit for four (4) palms if:
  - a) The phoenix palm size (as measured by clear wood below the root remnants) is equal in height to the tallest measurement of the palms that it is replacing; and
  - b) The phoenix must be placed in the area of the MUPD project where the palms it is replacing is located.
- vi. These required palms shall remain as a condition of the approval and must remain as long as the structure remains. Any and all palms that die or become diseased or disfigured must be replaced in a reasonable time period and be of the size palm they replaced.

**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.

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

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**PASSED** this 24<sup>th</sup> day of September, 2019, upon first reading.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2019, on second and final reading.

**WELLINGTON**

**FOR                      AGAINST**

|                                  |       |       |
|----------------------------------|-------|-------|
| BY: _____                        | _____ | _____ |
| Anne Gerwig, Mayor               |       |       |
| _____                            | _____ | _____ |
| Michael J. Napoleone, Vice Mayor |       |       |
| _____                            | _____ | _____ |
| John T. McGovern, Councilman     |       |       |
| _____                            | _____ | _____ |
| Michael Drahos, Councilman       |       |       |
| _____                            | _____ | _____ |
| Tanya Siskind, Councilwoman      |       |       |

**ATTEST:**

BY: \_\_\_\_\_  
Chevelle Nubin, Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_  
Laurie Cohen, Village Attorney