ORDINANCE NO. 2025-30 1 2 AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING 3 ARTICLE 5, TABLE 5.1.2-1, DEVELOPMENT APPLICATION APPROVALS, 4 RELATED TO BUILDING HEIGHT APPLICATION TYPES; TO ADD 5 SECTION 5.3.11 RELATING TO BUILDING HEIGHT; TO AMEND ARTICLE 6 6, SECTION 6.3.1.F.5, RELATED TO BUILDING HEIGHT APPLICATIONS IN 7 **EXCESS OF 35 FEET; PROVIDING A CONFLICTS CLAUSE; PROVIDING A** 8 9 SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. 10 11 **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 12 consider changes to its Land Development Regulations (LDR); and 13 14 WHEREAS, Wellington Council desires to amend various sections of the LDR to clarify 15 the review and approval process for buildings exceeding 35 feet in height; and 16 17 WHEREAS, the Planning, Zoning and Adjustment Board, as the Local Planning Agency, 18 after notice and public hearing held on October 15, 2025, recommended approval of the Zoning 19 Text Amendment with a 7 - 0 vote; and 20 21 WHEREAS, the Council has taken the recommendations of the Planning, Zoning and 22 Adjustment Board, the Findings of Fact, and the comments from the public into consideration in 23 24 adopting the amendments to the LDR that are the subject of this ordinance. 25 26 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON, 27 FLORIDA, that: 28 **SECTION 1:** Table 5.1.2-1 titled "Development Application Approvals," is hereby 29 amended as provided below in strikethrough (delete) and underline (add) format: 30 31

Table 5.1.2-1 Development Application Approvals Authority

32

A = Approval/Denial

R = Recommendation/Certification

- * All applications for property in, or proposed to be in, the EPA/EOZD shall be reviewed by presented to the Equestrian Preserve Committee as the 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.
- **3 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 Committee¹	Planning, Zoning and Adjustment Board	Tree Board	Architectural Review Board	Village Council
Annexation	R	R	R²			A <u>3</u>
Comprehensive Plan Map and/or Text Amendments**	R	R	R			A <u>3</u>
Zoning Map and/or Text Amendments**	R	R	R			A ³
Master Plan/Amendments	R	R	R			А
Minor Master Plan Amendment	А					
Site Plan or Subdivision Plan/Amendment	А					
Minor Site Plan or Subdivision Amendment	А					
Architectural Review Board Applications	R				А	
Conditional Use and/or Amendment	R	R	R		<u>R</u>	A ⁴
Minor Conditional Use Amendment	А					
Variance	R	R	А			
Administrative Variance	А					
Amendment to Conditions of Approval (DOA)	R				nally approved mend conditions	the development of approval.

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- **3 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 Committee¹	Planning, Zoning and Adjustment Board	Tree Board	Architectural Review Board	Village Council
Interpretation of the Code	А					
Zoning Confirmation	А					
Unity of Title/Control or Release	А					
Vegetation Removal Permit	А					
Tree Board Request	R			А		
Special Use Permit	А					
Equestrian Permit	А					
Seasonal Permits that exceed 30 event days within a 6-month period (equestrian and non- equestrian)	R					А
Seasonal Permit renewal	А					
Extended Hours Special Permit	А					
Reasonable Accommodation	А					

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

33 34

35 36 37

- 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.
 - <u>Maximum building height: 25 feet</u> 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;

83 84		b.	Employment centers which shall be defined as non-retail development that
85			employs 100 or more people in predominantly technical or professional
86			occupations, such as medical or dental offices or laboratories, professional
87			business offices, and light industrial and research park uses;
88			
89		C.	Government services;
90		d.	Hospital or medical centers;
91		e.	Hotel or motel;
92		<u>f.</u> i.	Congregate Living Facilities; and
93		<u>g. j.</u>	Multi-family residential buildings.
94		f.	Medical or dental laboratories;
95		g.	Professional business offices;
96		h	Light industrial and research park uses;
97	4. 5.	ΔII bi	uildings or structures in excess of exceeding 35 feet shall require a
98	<u>+.</u> 0.		ngton Council approval and shall be subject to additional the requirements
99			ed below:
100		<u>a.</u>	e.The property shall be a minimum of two (2) acres in size.
101		h	f Building(s) within a Decidential F. F. C. and H. land uses shall be leasted
102		<u>b.</u>	f. <u>Building(s) within a</u> Residential E, F, G, and H land uses shall be located within a Planned Development and shall be within 500 linear feet of a
103			·
104 105			collector road or road with a higher classification.
106		C	a. The building(s) shall provide one (1) foot of additional setback beyond the
107		<u>C.</u>	minimum requirement for every one (1) foot in height for all portions of the
108			building or structure that exceeds 35 feet. The Council may approve
109			exceptions if it is determined that the additional setbacks are inconsistent
110			with the building's architectural style.
111			
112		<u>d.</u>	Buildings adjacent to single-family residential properties shall provide two
113		_	(2) feet of additional setback beyond the minimum requirement for every
114			one (1) foot in height for all portions of the building that exceed 35 feet on
115			the side of the building adjacent to the single-family properties. The property
116			shall not be located adjacent to single-family residential property. Non-
117			collector roadways and canals are not considered separation.
118		<u>e.</u> iv.	The site design project must include at least three (3) or more of the
119			following design criteria, as approved by the Council:

120	<u>i.</u>	,	A parking structure that results in reduced paved parking areas and
121			<u>or</u> additional open green space;
122	2	,	Provided on site amenities such as outdoor recreation, benches,
123			civic spaces, and/or focal points;
124	<u>ii.</u>	<u>3)</u>	Incorporate eEco-design or facilities such as electric vehicle ear
125			charging stations, green roof s , solar panels and/or bio-swales;
126	<u>iii</u>	<u>.</u> 4)	Funding for Pprivately improved and maintained public amenities on
127			or contiguous to the project site, such as replacing/widening
128			sidewalks, adding or improving bus shelters/stops, public art, public
129			open space, or pedestrian streetscape enhancements;
130 131	<u>iv</u>	_ ′	LEED based design or Florida Green Building design certification of silver or higher;
			D :: : : : : : : : : : : : : : : : : :
132	<u>V.</u>		Providing a minimum of 30% of the housing units with prices/rents
133			available/accessible to households within 80% - 140% of
134			Wellington's median income;
135	6))	Architectural details that are unique and exceed the multi-family
136			architectural design regulations of the LDR;
137	7)——	Landscape enhancements that exceed Article 7 of the LDR and the
138			additional criteria as listed in this section;
139			
140	8)—	Provide fee simple or for sale units;
141	f. d. T	hese	buildings Buildings may be eligible for an additional 15% height
142			nce, approved by Wellington the Council, based on the following
143		riteria	· · · · · · · · · · · · · · · · · · ·
144		i.	The area proposed to exceed the maximum building height shall be
145			limited to mechanical equipment, architectural features, and/or
146			common use areas <u>such as rooftop pool</u> , and shall not include living
147			area, occupiable floor area, or dwelling units;
148			area, occapiable noor area, or awening arms,
	;	i.	The area proposed to exceed the maximum building height shall be
149	ı		
150			limited to 35% of the overall building footprint. A technical deviation
151			for additional height for a portion of the building footprint greater than
152			35% shall be approved by Council;
153			
154	ii		The area proposed to exceed the maximum building height shall be
155			setback an additional one and one-half (1½) feet beyond the
156			minimum-setback as provided above lines for every foot above the
157			proposed maximum building height <u>.</u> ; and

158	4.		•	rcels with building heights in excess of 35 feet shall provide and
159		main	tain, ac	dditional palm/tree plantings, based upon a ratio of one tree per 20
160		linea	r feet w	vithin, and in addition to, the required Landscape Buffer, or fraction
161		there	of.	
162	5	All b	uildings	s or structures exceeding 35 feet shall be required to meeting the
163				equirements as provided in Article 7 of the LDR and shall also provide
164			Howing	·
165		g.	Addit	ional landscape requirements for pods/parcels with buildings
166		_	exce	eding 35 feet in height:
167			<u>i.</u> 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			<u>ii.</u> 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			С.	Exception can be made for using "Phoenix" palms wherein this palm
180				will receive credit for four (4) palms if:
181			į.	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		<u>h.</u>	Any r	required palms <u>landscaping</u> approved to obtain a height bonus shall
187			rema	in as a condition of the approval and must remain as long as the
188			struct	ture building remains. Any and all palms landscaping that die, become
189				sed, or disfigured must be replaced in a reasonable time period and
190				e same size as the palm(s) they replaced.
191	<u>5.</u> 8.	Exclu	ısions f	from Height Limitations:
192		a.	For bui	ildings 35 feet in height or less, Sspires, ornamental belfries, towers,
193				towers or scenery loft appurtenant to civic or cultural buildings

194 195 196 197	chimneys, mechanical equipment, mechanical equipment rooms and parapet walls used to screen mechanical equipment shall not be included in measuring the overall height of a building or structure if:
198 199	i. They do not exceed 3035% of the roof area in gross area building footprint; or
200	ii They do not exceed 000/ of the new pand recyling the hillding beight
201	 They do not exceed 25% of the proposed maximum building height.
202	h Mater Towers Dublic Hillities Civis Duildings, and nublish surred facilities
203	b. Water Towers, Public Utilities, Civic Buildings, and publicly-owned facilities
204	shall be exempt from height regulations in all zoning districts.
205	Minutes communications to your and facilities including accessmy madic
206	c. Wireless communications towers and facilities, including accessory radio
207	towers, amateur radio/TV antennas, and commercial communication towers and antennas may be erected subject to the Supplementary Standards of the
208	LDR.
209	LDN .
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	Ordinarios shall provail to the extent of each commet.
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.
223	
224	
225	
226	
227	
228	(The remainder of this page left intentionally blank)
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229	

230	PASSED this day of, 2025, t	upon first readin	g.	
231				
232	PASSED AND ADOPTED this day of	, 2025, on	second and final read	ling
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	ATTENT			
253	ATTEST:			
254				
255	DV.			
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			