RESOLUTION R2026-51

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, IN ACCORDANCE WITH SECTION 1.8.1 OF WELLINGTON'S LAND DEVELOPMENT REGULATIONS, DECLARING A ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON NEW APPLICATIONS FOR WAREHOUSING/DATA CENTERS FOR A PERIOD OF 180 DAYS; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as provided in Section 1.8.1 of Wellington's Land Development Regulations (LDR) the Planning, Zoning and Building Director, or designee, may file a request with Wellington's Council for approval of a Zoning in Progress Resolution when it is determined there is a need for a Wellington initiated change to the LDR; and

WHEREAS, the Florida Governor recently signed into law changes to the Florida Statutes that expressly recognize the authority of local governments to regulate certain land uses, including facilities with substantial electric or other utility demands, such as data centers; and

WHEREAS, these changes to Florida Statutes for facilities with substantial electric or other utility demands were adopted after the adoption of Section 28, Ch. 2025-190, Laws of Florida, known as Senate Bill 180 and, because they do not impose limitations on Wellington's exercise of its authority over "large load customers", the proposed revisions to the LDR will not conflict with Senate Bill 180; and

WHEREAS, residents in Wellington and throughout Palm Beach County have voiced their opposition to data centers due to their negative impacts on surrounding lands and residential communities; and

WHEREAS, Wellington is declaring this Zoning in Progress and moratorium on new applications for warehousing/data centers to address resident concerns and to ensure Wellington's LDR adequately addresses warehousing/data centers and mitigates any negative impacts on surrounding lands and residential communities; and

WHEREAS, many local governments have already adopted moratoriums with the intent of establishing regulations for data centers, including Palm Beach County; and

WHEREAS, the Council has taken the recommendations from Wellington staff, and the comments from the public into consideration for the proposed Zoning in Progress.

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

SECTION 1. Wellington's Council hereby declares a Zoning in Progress to consider modifying the LDR to address data centers.

SECTION 2. The Zoning in Progress shall remain in effect for 180 calendar days or until the adoption/denial of the proposed amendment, whichever occurs first. Council may extend the Zoning in Progress, by resolution, for a reasonable amount of time if it deems it necessary or if public interest requires.

SECTION 3. During the period of the Zoning in Progress, Wellington shall not accept, process, or approve any application related to warehousing/data centers. To ensure consistency with Senate Bill

180, the Zoning in Progress shall not apply to any property that was damaged by the hurricanes listed in the Senate bill.

SECTION 4. Within 10 days of adoption of this Resolution, the Wellington Clerk shall publish the adopted resolution in a newspaper of general circulation published in Wellington, or Palm Beach County.

SECTION 5: Should any section, paragraph, sentence, clause, or phrase of this Resolution 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 Resolution shall prevail to the extent of such conflict.

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

SECTION 7: This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this _____ day of _____ 2026.

WELLINGTON

BY: _____
Michael J. Napoleone, Mayor

ATTEST:

BY: _____
Chevelle D. Hall, Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: _____
Laurie Cohen, Village Attorney