

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 6.8.8.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 ten (10) feet above the peak of the roof; and
  - b. Do not exceed ten (10) percent of the ground level floor area or roof area, whichever is less, of the principal structure; and
  - 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.

**SECTION 3.** 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

1 Ordinance shall prevail to the extent of such conflict.

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3 **SECTION 4.** Should any section, paragraph, sentence, clause, or phrase of this  
4 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not  
5 affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part  
6 so declared to be invalid.  
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8 **SECTION 5:** This Ordinance shall become effective immediately upon adoption by the  
9 Village Council following second reading.

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11 **PASSED** this \_\_\_\_ day of \_\_\_\_\_ 2016, upon first reading.

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13 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2016, on second and final reading.

14  
15 **WELLINGTON**

	<b>FOR</b>	<b>AGAINST</b>
16 BY: _____	_____	_____
17 Anne Gerwig, Mayor		
18 _____	_____	_____
19 John T. McGovern, Councilman		
20 _____	_____	_____
21 Michael Drahos, Councilman		
22 _____	_____	_____
23 Michael J. Napoleone, Councilman		
24 _____	_____	_____
25 Tanya Siskind, Councilwoman		

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33 **ATTEST:**

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36 BY: \_\_\_\_\_  
37 Rachel Callovi, Clerk

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41 **APPROVED AS TO FORM AND**  
42 **LEGAL SUFFICIENCY**

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44  
45 BY: \_\_\_\_\_  
46 Laurie Cohen, Village Attorney