

ORDINANCE NO. 2019-05

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL
AMENDING POLICY 1.3.8 OF THE LAND USE ELEMENT
OF THE WELLINGTON COMPREHENSIVE PLAN TO
MODIFY BUILDING HEIGHT LIMITATIONS FOR
PROPERTIES WITH MULTI-FAMILY RESIDENTIAL
FUTURE LAND USE MAP DESIGNATIONS; PROVIDING A
CONFLICTS CAUSE; PROVIDING A SEVERABILITY
CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wellington Council adopted the Village of Wellington
Comprehensive Plan on January 19, 1999;

WHEREAS, allowing for flexibility in building height for multi-family residential
Future Land Use Map designation will encourage redevelopment of areas throughout
Wellington;

WHEREAS, the Wellington Council desires to amend Policy 1.3.8 of the Land Use
Element of the Comprehensive Plan to increase the allowable building height within
Residential Land Use E, F, G and H;

WHEREAS, the Wellington Council desires to amend Section 6.5.8.C of
Wellington's Land Development Regulations to be consistent with the Comprehensive
Plan;

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local
Planning Agency, after notice and public hearing on August 14, 2019, recommended
_____ of the Comprehensive Plan Text Amendment with _____ vote;

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 text amendments to the Comprehensive Plan that
are the subject of this ordinance; and

WHEREAS, the Village Council, after notice and public hearing, voted to transmit
this proposed amendment to the Florida Department of Economic Opportunity and
complied with applicable provisions of the Florida Statutes governing amendments of
local Comprehensive Plans.

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

SECTION 1: Policy 1.3.8 of the Land Use Element of Wellington's Comprehensive
Plan is amended as follows [~~strike-through~~ formatted text is to be deleted; underline
formatted text is to be added]:

Policy 1.3.8 Land Use Element

Wellington has adopted regulations that limit building height to thirty-five (35) feet or less in all categories except for:

- 1) Properties in the Regional Commercial/LSMU ~~Plan Category.~~ Future Land Use designation;
- 2) Public facilities in all zoning districts;
- 3) Multi-family buildings on properties with a Residential E, F, G and H Future Land Use Map designation, that are also in a Planned Development, shall be limited to a maximum height of 56 feet. These buildings may be eligible for an additional fifteen percent (15%) height allowance, approved by Village Council, based on the criteria specified in the LDR;
- 4) The following uses within the State Road 7 Corridor, which is that area located within one (1) mile of State Road 7, from Southern Boulevard to Lake Worth Road, shall be limited to a maximum height of 72 feet:
 - a. Colleges or universities;
 - b. Employment centers which shall be defined as non-retail development that employs 100 or more people in predominantly technical or professional occupations;
 - c. Government services;
 - d. Hospital or medical centers;
 - e. Hotel or motel;
 - f. Medical or dental laboratories;
 - g. Professional business offices;
 - h. Light industrial and research park uses;
 - i. Congregate Living Facilities; and
 - j. Multi-family residential buildings.

~~The State Road 7 Corridor is that area located within one (1) mile of State Road 7 from Southern Boulevard to Lake Worth Road. Such uses are consistent with the Wellington's overall GHG reduction strategy as proximity to these types of facilities can reduce or eliminates automobile dependency for area residents.~~

~~Buildings with a height in excess of that exceed thirty-five (35) feet shall be subject to additional setback requirements, to be defined and other criteria, as provided in the Land Development Regulations provided that any building in excess of 35 feet shall be~~

specifically approved by the Wellington Council in a public hearing, and shall require Wellington Council approval. Additional height allowances may be permitted by Council in accordance with and based on the criteria provided for in the Land Development Regulations. These regulations shall be made part of the Wellington's Land Development Regulations and shall be adopted and implemented consistent with the requirements of Chapter 163, F.S.

SECTION 2: The Manager is hereby directed to amend the Land Use Element of Wellington's Comprehensive Plan in accordance with this ordinance.

SECTION 3: The Manager is hereby authorized and directed to transmit this Comprehensive Plan amendment to the Florida Department of Economic Opportunity pursuant to Chapter 163 Florida Statutes.

SECTION 4: 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 to be declared invalid.

SECTION 5: 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 6: The effective date of this Comprehensive Plan Amendment shall be 31 days after adoption by the Council, if there has not been a compliance challenge with the Division of Administrative Hearings. If the ordinance is challenged within 30 days after adoption, the ordinance shall not become effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining the amendment to be in compliance.

INTENTIONALLY LEFT BLANK

PASSED this ____ day of _____, 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