

Ordinance No. 2024-02 – Exhibit A: Zoning Text Amendment for Fences, Wall, and Hedges

(Highlighted changes were made after the Zoning Text was heard at PZAB)

Sec. 6.4.1.A.5:

5. Fencing, walls, and hedges (including gates) shall be erected and maintained according to the following standards:
 - a. Legally established fences, walls, and hedges existing as of April 10, 2007, that do not comply with the requirements of the LDR shall be considered legal, non-conforming improvement, except as provided in section 6.4.1.A.5.aa.v for major thoroughfares. Any repair or replacement of a fence, wall, or hedge shall comply with the regulations of the LDR if the linear length of the area of the fence, wall, or hedge to be repaired/replaced is greater than 30% of the whole. Additionally, proof shall be provided that the fence, wall, or hedge was legally established to maintain the non-conforming status. All illegal, non-conforming fences, walls, or hedges shall be considered a violation of the LDR for enforcement purposes.
 - b. All fences, walls, or hedges that are erected by Wellington are exempt from the regulations of the LDR.
 - c. A building permit shall be required prior to installation of a fence or wall. A removal/planting permit (VRP) for hedges is also required to be obtained as a part of the building permit for fences along a major thoroughfare.
 - d. A building permit shall be required for repair to a fence or wall when the damage exceeds 20%, or more, of the length of the fence or wall section. A section shall be defined as that portion of the fence or wall located on a given property line. The replaced section of the fence or wall shall match the color and material of the existing fence or wall.
 - e. Barbed wire is prohibited from use for any part of a fence, wall, or hedge, unless approved by Wellington Engineering Department for security or by virtue of Federal or State law.
 - f. Chain link or wire fences not located in the EPA shall be vinyl coated and require a hedge. If located in the EPA, chain link or wire fencing shall be vinyl coated or galvanized and shall meet the fence requirements located in the EOZD section of the LDR. Chain link fencing that is directly adjacent to a water body, lake, or canal shall not be required to install a hedge along the property line that abuts the water as long as a portion of the property line adjacent to the water exceed 60% of the overall linear length of the property line. The use of privacy slats in a chain link fence are prohibited.
 - g. A mesh privacy screen may be permitted on a chain link or aluminum rail fence to obtain privacy while the required hedge material is maturing. The mesh privacy screen shall be installed for the full length and height of the fence, kept in good repair with no holes, and shall be black, green, or brown to match the fence color. The mesh privacy screen shall be removed within 30 days of the required hedge achieving the height of the fence.

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- h. All fencing/walls adjacent to and visible from any roadway/street, unless specifically exempt, shall require a hedge in accordance with the standards of this section. Fencing/walls screened by existing landscaping will not require additional hedges if the hedging complies with the LDR as determined by Wellington.
- i. Fences, walls, and hedges in proximity to intersections, driveways, or access ways, public or private, shall comply with the safe sight triangle provisions of Article 6 in the LDR.
- j. Fences, walls, or hedges shall be measured from the average grade [lowest plus highest divided by two (2)] of the property line on which the fence, wall, or hedge is located when the elevation at the property varies. Fences, walls, and hedges along major thoroughfares may be measured from the higher point of the average grade at the property line. For the purposes of this section, designated “major thoroughfares” shall be any roadway identified as Collector or Minor Arterial Roads on Figure 2 – Wellington’s Functional Road Classifications in Article 9 of the LDR.
- k. The following maximum fence and wall heights shall apply:

Property/Location	Maximum Height		
	Fence	Wall	Hedge
Single Family, Zero Lot Line, Duplexes, and Villas <u>All residential properties less than an acre</u>	6 feet – side and rear 3 feet – within the front setback	6 feet	<u>8 feet</u>
Multi-family <u>Common areas of residential developments, residential properties 1-acre or more, and non-residential properties</u>	6 feet- <u>residential lot 1 acre or more</u> <u>8 feet- all others</u>	8 feet	<u>10 feet</u>
Portion of properties along major thoroughfares	6 feet	6 feet	<u>8 feet</u>

- l. For properties abutting a major thoroughfare, except as limited by subsection m. below, the hedge adjacent to a major thoroughfare shall be maintained at minimum of six (6) feet in height and a maximum of eight (8) feet high in height. When a hedge is associated with a fence or wall not along a major thoroughfare, the minimum hedge height shall be maintained at the same height as the fence or wall.
- m. Except as provided elsewhere in the LDR, fences, walls, and hedges shall not be located closer than five (5) feet back from the front plane on either side of the principal structure, unless granted by the PZB Director to accommodate existing mechanical equipment (i.e. air conditioning units, pool equipment, etc.), windows, or vegetation that cannot be relocated.
- n. Fences, walls, or hedges in residential districts or pods shall not be installed within the front building setback unless the proposed fence, wall, or hedge is installed and maintained at a maximum height of three (3) feet. Properties that are one (1) acre in size or more and are either located within the EPA or have a Future Land Use designation of Residential A or B may install a fence, wall, or hedge with a maximum height of six (6) feet within the front building setback.

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- o. The fence may include a gate and an opening in the hedge to allow use of the gate.
- p. The gate shall be the same material as the fence.
- q. Hedges shall not encroach into public rights-of-way or over a public sidewalks. All hedges shall be maintained no closer than six (6) inches from a right-of-way. Any hedge extending beyond the right-of-way shall be considered a violation of the LDR.
- r. The required hedge material for major thoroughfares is Cocoplum, Podocarpus, Green Arboricola, Clusia, or Simpson Stopper.
- s. All fences and walls shall be setback a minimum of ~~five (5)~~ three (3) feet from the property line or from the ~~roadway~~ right-of-way easement, where applicable, when adjacent to a sidewalk or a public right-of-way to accommodate the required landscaping. Hedges shall be planted within the property line, a minimum of ~~three (3)~~ two (2) feet from the property line or from the right-of-way easement, where applicable or additional setback as appropriate based upon commonly accepted professional landscaping practices for the specific hedge material. ~~a right-of-way or sidewalk, and.~~ Hedges shall be planted so that at the maximum height can be properly maintained without encroaching the sidewalk or right-of-way in accordance with this section of the LDR.
- t. Hedge material shall be planted every ~~three (3)~~ two (2) feet on center, a at a minimum height of 36 inches high at the time of planting, or as otherwise appropriate based upon commonly accepted professional landscaping practices. The PZB Director may waive the minimum size requirements if there is a scarcity of plant material due to hurricane, drought, or other natural disaster. Newly planted hedges have ~~three (3)~~ two (2) years from the time of installation to grow to the required maintained hedge height.
- u. Irrigation shall be provided and maintained in working order for all hedges, plants, and/or trees vegetation along fences and walls. Irrigation shall be installed in a manner to guarantee the hedges-vegetation outside the fence or wall receive proper irrigation.
- v. An individual property owner may request a waiver from ARB to maintain a hedge above the maximum hedge height. The applicant shall provide justification that the increase in height will provide additional screening and buffering from adjacent incompatibilities, including but not limited to, commercial/industrial structures or uses, overhead power lines, lighting associated with athletic fields, security lighting associated with public or private facilities, or similar uses and activities. ARB approval shall not be required when an Alternative Landscape Plan (ALP) is approved as part of the site planning process and complies with the perimeter buffer requirements of the LDR.
- w. The following height exceptions shall apply when ornamental or decorative features are utilized:

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- i. Ornamental decorative toppers and light fixtures not exceeding 18 inches above the maximum height limit may be permitted on pillars or supports for any fence or wall.
- ii. The height of portions of a hedge may exceed the maximum height limit to allow arches or other ornamental features associated with the location of an opening in a fence or wall for a gate, not to exceed three (3) feet on each side of the opening. ~~Arches or ornamental hedge feature shall not exceed the following:~~
 - ~~a) Single Family properties: Maximum height eight (8) feet.~~
 - ~~b) One (1) acre properties or less: Maximum height of 10 feet.~~
 - ~~c) More than one (1) acre properties: Maximum height of 12 feet.~~
- x. The finished side **(no visible support/structural members)** of all fences shall face the street or adjacent property. The ARB shall adopt a schedule of approved fence designs, materials and colors. ARB approval shall be required for any alternative design, including height, material, or color. For the purpose of these standards, metal, composite, or other material, excluding PVC/vinyl, fencing designed to look like wood fencing shall be considered wood fencing.
- y. The finished side of all walls shall face the street or adjacent property. Walls shall be masonry, concrete, or brick. All masonry and concrete walls shall have a smooth finished coating on both sides and be painted on the sides that face the street or adjacent property with a non-glossy finish, shall match the color of any existing adjacent wall within the subdivision, as approved by ARB. If there is no adjacent wall or the property is not of an overall subdivision, the non-glossy finish and color shall comply with the Color Chart approved by ARB.
- z. A gate opening exceeding four (4) feet in width shall require approval from the Wellington Engineer. Several factors, including but not limited to the following, will be considered to obtain approval:
 - i. The presence of a limited access easement or other limitation on crossing a property line established by an approved plat.
 - ii. The location of the proposed gate in relation to a public or private roadway and traffic/pedestrian circulation patterns.
 - iii. The presence of vegetation, irrigation, sidewalks, and other improvements.
 - iv. Gate openings larger than six (6) feet wide shall only be permitted when there is an approved access drive, equal to or greater than the width of the proposed gate opening, consisting of a stabilized surface from the adjacent roadway to the gate opening. The stabilized surface type must be concrete or paver blocks and must meet all applicable Florida Building Codes and Wellington Engineering Standards. Alternative stabilized surface types, such as asphalt, compacted base material, gravel, etc. may be approved by the Wellington Engineer, but must not conflict with the aesthetics of the surrounding neighborhood.

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- v. If there is an existing sidewalk between the proposed gate opening and the adjacent roadway, the sidewalk must be replaced with a minimum of six (6)-inch thick, 3,000 psi concrete, for the entire linear distance of the approved access drive, to handle anticipated traffic loading. For the purpose of this section, a driveway apron shall be defined as the area of the access drive between either the property line and the edge of roadway pavement or the limit of the Roadway Easement within the property and the edge of roadway pavement. The driveway apron must also consist of 6-inch thick, 3,000 psi concrete, to handle anticipated traffic loading.
- aa. In addition to the general standards, the following standards shall apply to fences, walls, and hedges along major thoroughfares:
 - i. Excluding properties located within the Equestrian Preserve Area, major thoroughfare fencing shall comply with the standards listed below:
 - a) The fence shall be a minimum of five (5) feet in height and a maximum of six (6) feet in height.
 - b) The fence may consist of wood, PVC, vinyl coated chain link, or aluminum railing.
 - ii. Hedges for major thoroughfare fences, excluding the EPA.
 - a) A hedge that is consistent with the requirements of this section shall be planted between the fence and the property line.
 - b) A hedge shall not be installed within an easement or right-of-way unless such installation is approved by the Wellington Engineer.
 - c) All properties that abut a major thoroughfare, even without a fence or wall, shall install and maintain a hedge at a height between a minimum of six (6) feet to a maximum of eight (8) feet.
 - d) A removal/planting permit (VRP) for hedges is also required to be obtained for hedges along a major thoroughfare. The VRP shall be required for any removal, replanting, or new hedges.
 - iii. Within the EPA, major thoroughfare fencing shall comply with the following standard:
 - a) Fences may be a three (3) or four (4) board wooden fence. If hedging is desired, it may be installed in front or behind the board wooden fence for aesthetic purposes.
 - b) Fences shall be finished with natural, clear-coat, or be painted black, gray, or white.
 - c) The fence shall be a minimum of four (4) feet in height and a maximum of six (6) feet in height.
 - d) Hedges are not required for thoroughfare fences within the EPA.
- v. An existing alternative fencing design permitted by a previously issued development order or an approval granted by the ARB shall be considered conforming to the requirements of this section.

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- vi. All legal non-conforming fence types along a major thoroughfare must be replaced by December 31, 2026, with an approved fence type.
 - vii. All legal non-conforming hedges shall be replaced by December 31, 2026, with one (1) of the five (5) required hedge materials. This includes the installation of hedges on properties that do not have a fence and abut a major thoroughfare.
 - viii. A property owner may request an administrative waiver to grant an existing legal non-conforming hedge (established before December 31, 2026) or other vegetation to remain. An administrative waiver may be granted with conditions if the following criteria are met:
 - 1. The hedge is acceptable hedge species or vegetation that will provide screening as required and is not an invasive species as determined by Wellington.
 - 2. The existing hedge or vegetation shall be in healthy condition (full and dense foliage, free of diseases, screens fence or wall from view) as determined by Wellington and consistent with the ANSI standard horticultural practices.
 - 3. The existing hedge or vegetation is setback at minimum two (2) feet from the property line and is maintained no closer than six (6) inches from a right-of-way.
- bb. Maintenance of fences, walls, and hedges shall comply with the following:
- i. Fences and walls shall be maintained in good order and repair.
 - ii. Painted surfaces of fences, walls, and other surfaces associated with fences and/or walls shall not be faded and shall be free of discoloration, staining, or peeling.
 - iii. Surfaces of a wall or fence shall be cleaned or repainted if either of the following occurs:
 - a) When 10% or more of the surface is stained or discolored; or
 - b) When 5% or more of the paint is peeling off the surface.
 - iv. Any broken, missing, deteriorated, dilapidated, or otherwise damaged portion of a fence, including boards, posts, slats, rails, stiles, structural members or elements, or fittings and any broken, chipped, missing, deteriorated, dilapidated, or otherwise damaged portion of a wall, including the foundation, the exterior, piers, arches, lintels, pilasters, columns, coping, or other structural elements or walls shall be replaced immediately.
 - v. Fences and walls shall be maintained in an upright and vertical position, shall not be allowed to lean or to otherwise be out of plumb, and not have the hedge material support the fencing. Fence rails and posts shall be

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structurally sound and shall not be bent, twisted, warped, or otherwise misshaped.

- vi. Temporary supports during the construction of the fence or wall shall not encroach easements or rights-of-way and shall be utilized for no more than a period of 60 days.
- vii. Landscaping and hedges installed in front of or in association with a fence or wall shall be maintained in a healthy condition and trimmed in a neat and orderly condition consistent with standard landscape practices in accordance with the ANSI standard horticultural practices.
 - a) Hedges that are determined to be more than 30% deteriorated, dead, or diseased must be replaced.
 - b) Hedges with more 18 inches of visible trunk at the base must be replaced with an approved hedge material.