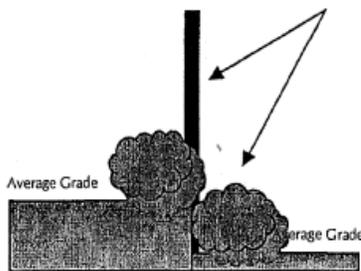




Figure 1

6 Foot Fence Measured from the Lower of the Two Average Grades



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2. Maximum height of fences, walls or hedge heights.
    - a. Fences, walls and hedges up to a maximum of six (6) feet in height are permitted in front, rear, and side setbacks except as otherwise noted herein.
      - i. Zero lot line properties – maximum six feet in height.
      - ii. Lots one acre or less – maximum nine feet in height
      - iii. Lots greater than one acre – maximum 10 feet in height.
      - iv. Lots along Major Thoroughfare – maximum 12 feet in height.
    - b. A waiver for an increase in hedge height may be granted by the ARB as provided in Section 6.4.4.E.54.
  3. Exception. Fences, walls or hedges installed along a major thoroughfare may be measured from the higher of the average grade of property line.
  4. ~~Future Land Use Map (FLUM) Designation of Residential "A" or "B" maximum hedge height.~~
    - a. ~~Hedges are permitted up to a maximum of eight (8) feet in height for properties of not less than one (1) acre in size.~~
    - b. ~~Hedge heights in excess of eight (8) feet for properties of not less than one (1) acre in size may be permitted only if approved by the PZAB.~~
  - 5.4. Waiver required and recognized prior approvals.
    - a. Except for hedges in excess of eight feet as provided in this subsection, approval of a waiver by the ARB shall be required for any fence, wall, or hedge in excess of the height requirements permitted by these land development regulations.
    - b. Prior to acceptance of an application for a hedge height waiver, an applicant shall obtain approval from the Village Engineer. The Village Engineer shall not approve a waiver when there is actual or potential damage to public facilities including underground or overhead utility lines, sidewalks or roads. The Village Engineer may require such conditions of approval as are necessary to protect public facilities, including installation of

1 root barriers, additional setbacks, and limitation on types of hedge materials  
2 to be installed.

3 c. An appeal of a decision by the Village Engineer shall be requested as  
4 provided in Section 6.6.4.D of the section.

5 d. For the purposes of this section, the ARB shall determine that a request for  
6 a hedge height waiver shall comply with each of the following standards:

7 (1). the increase in hedge height will provide additional screening and  
8 buffering for residences adjacent to a major thoroughfare or other public  
9 or private road right-of-way;

10 (2). the increase in hedge height will provide additional screening and  
11 buffering from adjacent incompatibilities such commercial or industrial  
12 structures or uses, overhead power lines, lighting associated with  
13 athletic fields, security lighting associated with public or private facilities,  
14 and similar uses or activities;

15 (3). the increase in hedge height will not adversely affect public  
16 improvements, including utilities, roads, and sidewalks;

17 (4). the increase in hedge height will not allow overhead or underground  
18 encroachment into and damage to public improvements including  
19 utilities, roads, and sidewalks; and

20 (5). the increase in hedge height will not cause adverse impacts on public  
21 safety, including visibility at intersections.

22 e. The owner of property applying for a hedge height waiver shall execute, as  
23 part of the application for waiver, an affidavit which states that such owner  
24 shall comply with all applicable requirements of Section 6.6.4 relating to  
25 hedges.

26 f. For the purposes of these land development regulations, specific increases  
27 in hedge height previously granted by the ARB shall be considered as  
28 conforming to the requirements of this Section.

29 65. Fence, wall, or hedge height exceptions.

30 a. Ornamental decorations and light fixtures not exceeding ~~eighteen (18)~~  
31 inches in height above the maximum ~~six (6) feet~~ height limit may be allowed  
32 on pillars or supports for any fence or wall. The ornamental decoration may  
33 not be more than 20% of the length of the hedge.

34 b. The height of a portion of a hedge may exceed ~~six (6) feet~~ the maximum  
35 height limit to allow arches or other ornamental features associated with;  
36 ~~and the length of arches or such features shall not exceed twenty-five (25)~~  
37 ~~percent of the length of the affected side of a hedge.~~

38 (1). the location of an opening in a wall or fence to allow a gate;

39 (2). the screening and buffering of residential utility facilities such as lift  
40 stations,

- 1 (3). the screening and buffering of utility poles, and  
2 (4). similar ornamental or aesthetic purposes.
- 3 c. The height of arches or ornamental hedge features shall not exceed:  
4 (1) twelve (12) feet for properties greater than one acre  
5 (2) 10 feet for properties one acre or less  
6 (3) Zero lot line properties:  
7 i. Maximum height of eight feet  
8 ii. The arch above a gate opening shall extend up to two and a half feet  
9 from each side of the gate.
- 10 76. Minimum and maximum height. Unless otherwise specified, fences and walls  
11 shall be not less than four ~~(4)~~ feet high and not more than six ~~(6)~~ feet in height.

12 **F. Design and exterior appearance of fences, fences, and hedges.**

- 13 1. Exterior appearance of walls and fences. The finished side of all fences and  
14 walls shall face the street or adjoining property.
- 15 2. Fence designs, materials, and colors.
- 16 a. The ARB shall adopt schedules of approved fence designs, materials, and  
17 colors. Alternative designs, materials, and colors for fences may be used  
18 only after review and approval by the ARB.
- 19 b. For the purposes of this section, PVC, metal, composite, or other fencing  
20 designed to simulate wooden fencing shall be considered wooden fencing.
- 21 3. Wall design and required materials.
- 22 a. Walls shall be either masonry or brick.
- 23 b. All masonry walls shall have smooth finished coating on both sides and  
24 shall be painted on the street or adjoining property side.
- 25 c. For purposes of this section, materials designed to look like masonry or  
26 brick walls shall be considered masonry or brick walls.

27 **G. Location of fences, walls and hedges.**

- 28 1. Front plane.
- 29 a. Except as provided elsewhere within this Code, fences, walls and hedges  
30 may not be located closer than five ~~(5)~~ feet to the front plane on either side  
31 of the principal structure.
- 32 b. The Director may allow a reduction in the front plane setback requirement  
33 to accommodate one ~~(1)~~ or more of the following:
- 34 (1). existing vegetation such as trees, shrubs, hedges, or plants;  
35 (2). existing air conditioning, heating and ventilation equipment;  
36 (3). existing pool equipment; or

- 1 (4). other similar existing mechanical equipment.
- 2 c. The reduction in front plane setback shall not exceed four ~~(4)~~ feet, unless a  
3 variance is granted for such further reduction by the PZAB.
- 4 2. Rights-of-way, easements and encroachments. Fences and walls shall not be  
5 located closer than three ~~(3)~~ feet to any street right-of-way. A hedge or required  
6 landscaping associated with a fence or wall shall not encroach upon the public  
7 right-of-way or easements.
- 8 3. Fences, walls, and hedges in front setback prohibited.
  - 9 a. Fences, walls, and hedges in residential districts, except properties of at  
10 least one ~~(1)~~ acre in size that possess FLUM designations of Residential  
11 "A" or "B" and except as provided in Section 7.14.16, shall not be installed  
12 within any front building setbacks. Except as provided in Section 7.14.16,  
13 opaque fences or walls shall not be allowed in the front building setbacks.
  - 14 b. The ARB may develop standards for the installation of hedges within the  
15 front setback of any residential structure, subject to the following  
16 restrictions:
    - 17 (1). the hedge shall not exceed three ~~(3)~~ feet in height;
    - 18 (2). the hedge shall not be located within an easement; and
    - 19 (3). the hedge shall utilize materials approved by the ARB.
- 20 4. Location of fences, walls and hedges within a safe sight triangle.
  - 21 a. For all fences, walls and hedges, a safe sight triangle shall be provided at  
22 all intersections of driveways and public or private roads. The apex of the  
23 safe sight triangle is to be located at the intersection of the driveway and  
24 the extension of the proposed hedge or fence. This requirement shall be  
25 applied to all new or replacement hedges and fences installed on or after  
26 October 1, 2005.
  - 27 b. The Village Engineer shall establish minimum standards for safe sight  
28 triangles.
- 29 5. Location of hedges and replacement hedges.
  - 30 a. As of September 1, 2005, all new hedges and all replacement hedges if  
31 approved for an ultimate height in excess of six ~~(6)~~ feet shall comply with  
32 the locational criteria provided herein. A new hedge in excess of six ~~(6)~~ feet  
33 shall be located along a line that is the greater of:
    - 34 (1). the required safe sight triangle;
    - 35 (2). five ~~(5)~~ feet or more from the property line when located at a front  
36 property line or when adjacent to a utility easement;
    - 37 (3). five ~~(5)~~ feet or more from any road right-of-way line; or
    - 38 (4). five ~~(5)~~ feet or more from any existing or planned utility easement.

1 b. A root barrier in association with a hedge in excess of six ~~(6)~~ feet shall be  
2 installed when requested by the Village Engineer.

3 c. Hedges shall be maintained in compliance with the requirements of this  
4 section.

5 **H. Chain Link or Wire Fences.**

6 1. Within the Urban Service Boundary. Inside the Urban Services Boundary (USB)  
7 wire fencing must be of the vinyl coated chain link type.

8 2. Outside the urban service boundary. Outside of the USB, galvanized or vinyl  
9 coated chain link fences or field wire fences may be used. The fencing shall  
10 comply with the requirements of Section 16.10.9.C.1 regarding the installation  
11 of a hedge or three ~~(3)~~ or four ~~(4)~~ board wooden fencing.

12 **I. Major Thoroughfare Fencing.**

13 1. Designation of major thoroughfares. For the purposes of this section, the  
14 following roads and streets are designated major thoroughfares:

15 a. Aero Club Drive;

16 b. Big Blue Trace;

17 c. Bink's Forest Drive;

18 d. Birkdale Drive;

19 e. Fairlane Farms Road;

20 f. Forest Hill Boulevard;

21 g. Greenbriar Boulevard

22 h. Greenview Shores Boulevard;

23 i. Lake Worth Road;

24 j. Paddock Drive west of Big Blue Trace;

25 k. Pierson Road;

26 l. South Shore Boulevard; and

27 m. Wellington Trace.

28 2. Fences within the Urban Services Boundary. Within the USB, but excluding  
29 properties located within the Equestrian Preserve Area, major thoroughfare  
30 fencing shall comply with the standard listed below.

31 a. The fence shall be a minimum of five ~~(5)~~ feet in height and a maximum of  
32 six ~~(6)~~ feet height.

33 b. The fence may consist of wood, PVC, vinyl coated chain link, aluminum or  
34 other material as permitted by this section.

35 c. The fence type shall comply with all applicable requirements of this section.

- 1 d. The fence shall be located a minimum of three (3) feet from the property  
2 line.
- 3 e. A thoroughfare fence may include a gate and an opening in the hedge to  
4 allow use of the gate, as provided in Section 6.6.4.M.6.
- 5 f. A gate shall consist of wood or the same material as the fence.
- 6 g. A gate opening shall be not more than four (4) feet in width.
- 7 h. A gate opening in excess of four (4) feet in width shall be approved by the  
8 Village Engineer. The Village Engineer shall consider a variety of factors,  
9 including those listed below, when determining if a gate in excess of four (4)  
10 feet shall be allowed.
- 11 (1) The presence of a limited access easement or other limit on crossing a  
12 property line established by an approved plat.
- 13 (2) The location of the proposed gate in relation to a public or private  
14 roadway and existing or proposed traffic and pedestrian circulation  
15 patterns.
- 16 (3) The presence of vegetation, irrigation, sidewalks, and other public  
17 improvements.
- 18 3. Hedges for major thoroughfare fences within the USB.
- 19 a. A hedge that is consistent with the requirements of this section shall be  
20 planted between the fence and the property line.
- 21 b. A hedge shall not be installed within an easement or right-of-way unless  
22 such installation is approved by the Village Engineer.
- 23 c. The hedge shall be maintained at a minimum of height of six (6) feet and a  
24 maximum height of 12 feet unless a greater height is approved as provided  
25 herein provided the installation and maintenance complies with the  
26 requirements of Section 6.6.4.G.5 or as otherwise provided in Section  
27 6.6.4.E.2.b.
- 28 ~~d. A hedge may be maintained at a height of eight (8) feet provided the~~  
29 ~~installation and maintenance complies with the requirements of Section~~  
30 ~~6.6.4.G.5 or as otherwise provided in Section 6.6.4.E.2.b.~~
- 31 ed. All hedges shall be irrigated with a permanent irrigation system. The  
32 irrigation system must be installed in a manner to guarantee irrigation of  
33 hedges outside fences or walls along major thoroughfares.
- 34 4. Major thoroughfare fences within the Equestrian Preserve Area (EPA). Within  
35 any portion of the EPA, major thoroughfare fencing shall comply with the  
36 standards listed below.
- 37 a. Fences shall be a three (3) or four (4) board wooden fence.
- 38 b. Fences shall be finished with natural, clear-coat or be painted black, gray,  
39 or white.

- 1 c. The fence shall be a minimum of four (4) feet in height and a maximum of  
2 six (6) feet height.
- 3 d. Hedges are not required for thoroughfare fences within the EPA.
- 4 5. Neighborhood alternative thoroughfare fencing. Other types of fences, walls, or  
5 landscaping or any combination thereof may be used subject to compliances  
6 with each of the standards listed below.
- 7 a. A request for a neighborhood alternative thoroughfare fence or wall is  
8 received from either:
- 9 (1). A duly constituted home owners' association (HOA) or property owners'  
10 association (POA) on behalf of the neighborhood; or
- 11 (2). All owners of property adjacent to the thoroughfare, if a HOA or POA for  
12 the area does not exist.
- 13 b. The perpetual maintenance of the fence or wall is assured by a HOA or  
14 POA or, if a HOA or POA does not exist, the perpetual maintenance is  
15 assured in a manner acceptable to the Village Attorney.
- 16 c. The use of alternative materials, design and associated land shall comply  
17 with each of the standards listed.
- 18 (1). The wall or fence type, material and design and associated landscaping  
19 are approved by the ARB.
- 20 (2). A determination that the alternative wall or fence design and associated  
21 landscaping produces a design quality substantially equal to or greater  
22 than that which would be achieved by the strict application of the major  
23 thoroughfare fence standards.
- 24 (3). All alternative thoroughfare wall, fence and landscape designs  
25 previously approved by the ARB are conforming to the requirements of  
26 this section.
- 27 (4). Alternative thoroughfare fence, wall or landscape designs shall be  
28 maintained as approved and as required by this section and all  
29 applicable sections of this Code.
- 30 6. Exempt fences and walls. An existing alternative fencing design permitted by a  
31 previously issued development order or an approval granted by the ARB shall  
32 be considered conforming to the requirements of this section.
- 33 7. Individual alternative thoroughfare fencing. Other types of fences or walls may  
34 be used if the following conditions are met:
- 35 a. A request for individual alternative thoroughfare fence or wall is received  
36 from a property owner.
- 37 b. The wall or fence type, material, design and associated landscaping is  
38 approved by the ARB based on a determination that the proposed  
39 alternative produces a design quality equal or greater than that which would  
40 be achieved by the strict application of the thoroughfare fence standards.

1 8. Exception for fences adjacent to water features.

2 a. For any property that directly abuts a canal, lake or other water feature  
3 maintained by the Village, only open weave fencing, in such locations as  
4 permitted by this section, shall be installed when such fencing is located  
5 within a utility, drainage, maintenance or similar easement.

6 b. Landscaping, including hedges, trees, shrubs and flowering plants shall not  
7 be installed along the inside or outside of any open weave fencing located  
8 along a lake, canal or water feature maintained by the Village when such  
9 fencing and hedging is to be installed within a utility, drainage, maintenance  
10 or similar easement.

11 **SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this  
12 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington  
13 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of  
14 this Ordinance shall prevail to the extent of such conflict.  
15

16 **SECTION 3.** Should any section, paragraph, sentence, clause, or phase of this  
17 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision  
18 shall not affect the validity of this Ordinance as a whole as a whole or any portion or part  
19 thereof, other than the part so declared to be invalid.  
20

21 **SECTION 4.** This Ordinance shall become effective immediately upon adoption  
22 of the Village Council following second reading.  
23  
24  
25

26 [This space intentionally left blank.]

1 **PASSED** this 10th day of February, 2015 on first reading.  
2  
3

4 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015, on second and final  
5 reading.  
6  
7

8 **WELLINGTON**

9 **FOR**

**AGAINST**

10 BY: \_\_\_\_\_  
11

12 Bob Margolis, Mayor

13 \_\_\_\_\_  
14

15 John Greene, Vice Mayor

16 \_\_\_\_\_  
17

18 Matt Willhite, Councilman

19 \_\_\_\_\_  
20

21 Anne Gerwig, Councilwoman

22 \_\_\_\_\_  
23

24 John T. McGovern, Councilman  
25  
26  
27

28 **ATTEST:**

29  
30 BY: \_\_\_\_\_  
31

32 Awilda Rodriguez, Clerk  
33  
34

35 **APPROVED AS TO FORM AND**  
36 **LEGAL SUFFICIENCY**  
37

38  
39 BY: \_\_\_\_\_  
40

41 Laurie Cohen, Village Attorney  
42  
43