

## **ARTICLE 1 – GENERAL PROVISIONS**

### **CHAPTER 1 – GENERAL**

#### **Sec.1.1.1 – Land Development Regulations**

This code shall be known as the Land Development Regulations, commonly referred to as the Code or the LDR.

#### **Sec. 1.1.2 – Authority**

**Wellington's** Council has the authority to adopt the LDR pursuant to Article VIII, Sec. 2(b), Fla. Const., Chapter 163 and 166, F.S. and pursuant to other authorities established by the State of Florida.

- A. Pursuant to Chapter 163, Part II, F.S., known as the Community Planning Act, Wellington is required to prepare and adopt a Comprehensive Plan. Implementation of the Comprehensive Plan shall be achieved by adopting the LDR to govern development. All development undertaken and all actions taken in regards to development orders by Wellington shall be consistent with the LDR and Comprehensive Plan.
- B. The LDR shall be consistent with land uses, densities, intensities, capacity, review procedures, timing, and all required and optional elements of the Comprehensive Plan.

#### **Sec. 1.1.3 – Purpose and Intent**

- A. The purpose and intent of the LDR is to encourage appropriate uses of land, water, natural resources, public utilities, drainage, solid waste, open space/conservation, public facilities and efficient level of service related to transportation, education, parks, fire and police facilities.
- B. The purpose and intent of the LDR is to provide standards and procedures for growth and development patterns that will protect public interest, community character, housing needs, ensure intergovernmental coordination and encourage economic development.
- C. The purpose and intent of **the** LDR is to implement the components of the Comprehensive Plan in order to ensure public health, safety and welfare of the community.
- D. The purpose and intent of Article 1 of the LDR is to provide policies for the in-progress and approved development orders related to the effective date of the LDR, nonconforming lots, uses and/or structures, eminent domain procedures, and the formal interpretation of the LDR.

### **CHAPTER 2 – PREVIOUSLY APPROVED AND IN-PROCESS DEVELOPMENT ORDERS**

#### **Sec. 1.2.1 – Previously Approved Development Orders**

- A. Development orders that were approved prior to the effective date of these LDR shall be permitted to apply for subsequent development orders, engineering permits and/or building permits subject to the standards and conditions of approval that were in effect at the time of the approval.

- B. Amendments to the previously approved development orders that propose to modify the density or intensity of a development shall comply with the standards and regulations of the LDR, unless otherwise determined by the PZB Director that the modification would not be permitted under the LDR and the project has a vested right or entitlement under the previous code, in which case the amendment shall comply with the previous code.
- C. All previously approved development orders shall comply with the development review procedures set forth in Article 5 of the LDR, except where conditions of approval in an approved development order provide for different timelines or standards, then the development order shall control.
- D. Any previous conditions of approval in a valid development order shall continue to govern project development and/or site design in the event they exceed this code.

**Sec. 1.2.2 – Development Orders In-Progress on the Effective Date of this Code**

Applications filed before the effective date of these LDR shall be processed to completion based on the development standards in effect at the time of submittal provided the application(s) was/were deemed sufficient at an in-take meeting. If a pending application is no longer required after the effective date of these LDR, staff shall notify the applicant and the application shall be withdrawn. If an applicant desires to process the request subject to these LDR, the application shall be modified to reflect the changes and a resubmittal fee shall be required.

**Sec. 1.2.3 – Existing Lots, Uses and/or Structures**

- A. All lots, uses or structures legally existing on the effective date of these LDR that do not comply with these LDR shall be considered legal nonconforming lots/uses/structures and Chapter 3 of this article shall apply.
- B. All lots, uses or structures legally existing on the effective date of these LDR, shall maintain a legally conforming status upon any reduction of the lot, use or structure below the minimum standards of the LDR by virtue of an easement, roadway or property dedication for public purposes.

**Sec. 1.2.4 – Invalid Development Orders**

Any development order or approval that is revoked or has expired prior to implementation as set forth in Table 5.2.4-1 of Article 5 shall be subject to these LDR if the request is submitted for reconsideration.

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**CHAPTER 3 – NONCOMFORMITIES**

Legal nonconforming lots, uses, and/or structures shall be permitted to continue to exist with the limitations set forth in the LDR. Where possible, the applicant shall take action to bring the nonconformity into compliance with the LDR. Subsequent development application may require compliance with the LDR as part of the development order.

**Sec. 1.3.1 – Determination**

Nonconforming status of a lot, use, and/or structure shall be determined based on the following:

- A. Nonconforming status shall only be permissible to those lots, uses, or structures that were legally established prior to the effective date of this code and maintained continuous operation as originally established.
- B. The nonconforming status was created due to an eminent domain action as provided for in Chapter 4 of this article.
- C. Evidence (i.e. permits, development order, recordation of lot, etc.) may be required to determine legal nonconforming status. Affidavits alone shall not be considered sufficient to establish nonconforming status.

**Sec. 1.3.2 – Residential and Non-residential Development on Nonconforming Lots**

- A. A non-conforming lot may be developed if all of the following are met:
  - 1. The use was permissible under the applicable code at the time the lot was legally created.
  - 2. The lot is identified as a legal lot of record by one of the following means:
    - a. The lot was the subject of a recorded agreement for deed or other recorded instrument of conveyance prior to February 5, 1973, which was the initial creation of the Palm Beach County Subdivision Regulations. Lots created by conveyance after this date shall be reviewed by the Village Engineer for Compliance with Article 8 – Subdivision, Platting, and Required Improvements;
    - b. The lot was shown on a recorded map, plat, drawing or survey or was legally subdivided prior to the effective date of the LDR; or
    - c. The lot is part of an antiquated subdivision as determined by the Comprehensive Plan and is not subject to Article 8 – Subdivision, Platting, and Required Improvements.
  - 3. The proposed use is permissible under these LDR.
  - 4. A variance from the development regulations was granted in accordance with Article 5 of the LDR.
- B. Residential lots that cannot conform to minimum setbacks, maximum lot coverage or maximum total floor area regulations of the Zoning district are subject to the following requirements:

1. Minimum Setback Requirements:

Front	30% of lot depth
Side (corner)	20% of lot width
Side (interior)	15% of lot width
Rear	20% of lot depth

2. Maximum Lot coverage: 40% of lot area

### Sec. 1.3.3 – Non-conforming Uses and Structures

- A. Non-conforming uses and structures may continue to exist in accordance with the following:
1. A non-conforming use/structure shall not be relocated in part, or in full, on a lot unless the non-conformity will be decreased and the development regulations can be met for the zoning district.
  2. A non-conforming use/structure shall not be enlarged or expanded.
  3. A non-conforming use/structure shall not be changed to another non-conforming use/structure. If a non-conforming use/structure is changed to a permitted use/structure, the non-conforming use shall not be re-established at any time.
  4. If a non-conforming use is discontinued for more than 180 consecutive calendar days or for 15 total months during any three (3) consecutive years, then such use may not be re-established. If the discontinuation exceeds this period of time, and can be documented, due to governmental action, the delay period shall not be used to calculate the amount of time a non-conforming use has been discontinued.
- B. In addition to section 1.3.3.A, non-conforming structures shall adhere to the following:
1. Maintenance, repair or renovation of structures, inclusive of replacing wiring, plumbing, nonbearing walls and fixtures may be performed to the extent it does not exceed 30% of the improvement value of the structure within a 12 month period.
  2. Reconstruction due to natural disaster of more than 30% of a structure's improvement value at the time of reconstruction must conform with the LDR. The Planning, Zoning and Adjustment Board (PZAB) shall hear requests for reconstruction, repair or renovation that exceed 30%, but is no more than 50% of the improvement value of structure. PZAB shall consider the following:
    - a. Compliance of the lot and structure with the LDR;
    - b. The degree of the non-conformity of the structure;
    - c. Existing impacts of the non-conformity related to parking, access, and other design elements that may affect health, safety and welfare;
    - d. Whether the non-conforming structure will result in health, safety, and welfare hazards; and
    - e. Whether the structure can be reduced or redesigned to mitigate the non-conformity.
  3. In determining whether improvements exceed 30% of the structure's improvement value, the International Code Council's Building Valuation Data Table shall be used. The Building Official, in his discretion, may use other comparable guidelines accepted in practice to make this determination. The valuation data table is outlined in the Building Safety Journal, as amended periodically, to provide average construction costs per square foot related to natural disaster damage and repair.
  4. Any portion of a non-conforming structure that becomes physically unsafe or unlawful due to lack of repair or maintenance shall be declared unsafe or unlawful by Wellington's Building

Official. An owner who wishes to restore, repair, or reconstruct shall comply with current LDR at that time.

## **CHAPTER 4 – EMINENT DOMAIN**

### **Sec. 1.4.1 – Applicability**

Eminent domain action occurs when property is acquired by the Village through an eminent domain proceeding or where property is voluntarily conveyed under the threat of condemnation by the Village, in accordance with Chapter 166, Florida Statutes and other applicable Florida Statutes. This section shall apply to any conforming or non-conforming properties impacted by eminent domain.

### **Sec. 1.4.2 – Impacts and Actions for Properties Affected by Eminent Domain**

- A. Any portion of property acquired by eminent domain that was previously used to calculate lot area, setbacks, parking, landscaping, sign locations or other development regulations, and results in reduced calculations that do not comply with the LDR, shall continue to exist and are considered legally conforming. Additionally, the following shall apply:
  - 1. Written approval from the Village Engineer shall be required for access that is less than ten (10) feet in length, measured from the Right-of-Way line, or Roadway Easement;
  - 2. Access to non-residential sites and residential sites that share a common access shall maintain ingress and egress in a forward vehicular direction. This does not apply to a typical single-family residential driveway.
- B. A structure or use on properties reduced by eminent domain may be enlarged or expanded if the modification complies with the current LDR.
- C. Any vacant lot reduced by eminent domain that falls below the minimum lot size, frontage, depth or width for the zoning district may be developed and shall meet all other development regulations of this code.
- D. Proposed site improvements that do not comply with the LDR, and are a direct result of eminent domain, may apply for a variance to the development regulations in accordance with Article 5 of this code.
- E. A structure that does not comply with the LDR as a direct result of the eminent domain and becomes damaged may be reconstructed in the location and manner as it legally existed after the eminent domain.
- F. Any existing, legally established, free-standing sign located on the property acquired by eminent domain may be relocated onto the remnant site and shall comply with the sign code. Any minor deviation from the sign code related to setbacks and location shall obtain written approval from the PZB Director. Any deviation related to the size and height, shall require a technical deviation approval from the Architectural Review Board.

## **CHAPTER 5 – DEVELOPMENT ELIGIBILITY FOR VESTED LOTS**

The following provisions shall apply to the development of any lot that is not depicted on a plat or record, affidavit of exemption, or affidavit of plat waiver that is valid and in effect.

### **Sec. 1.5.1 – Eligibility Criteria**

A lot, as originally conveyed, may be considered eligible for building permits if a determination of compliance is issued by the PZB Director and the determination is based on the following criteria:

- A. The lot was conveyed into ownership separate from abutting lands pursuant to a recorded deed, recorded agreement for deed or other recorded instrument prior to February 5, 1973;
- B. The lot created by conveyance complied with the density requirements of the Comprehensive Plan in effect at the time of creation;
- C. The lot complied with all other development standards in effect at the time it was conveyed and recorded; and
- D. The lot has legal access that was established at the time of recordation.

### **Sec. 1.5.2 – Determinations**

- A. The owner shall submit a determination request, in the form of a letter, to the PZB Director prior to applying for a building permit. The PZB Director shall respond within ten (10) working days.
- B. Based on the proposed development, the PZB Director or the Village Engineer may determine that a Plat or other instrument be recorded prior to obtaining permits, in accordance with Article 8 of this code.

## **CHAPTER 6 – INTERPRETATION OF THE LAND DEVELOPMENT REGULATIONS**

### **Sec. 1.6.1 – General Provisions for Interpretations and Rules of Construction**

All provisions, terms, phrases and expressions contained in the LDR shall be construed so to carry out the true meaning and intent of Wellington's Council as established in the Comprehensive Plan. Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the Florida State Statutes. Where any provision of the LDR imposes a greater restriction than a general provision of the Comprehensive Plan, the more restrictive regulation shall control. For the purpose of these regulations the following shall apply:

#### **A. Calendar and Time Calculations**

- 1. Day shall mean calendar day, unless specifically referenced as business day in the LDR. Business days shall mean Monday through Friday, excluding weekends and holidays when Village Hall is closed.

2. Computation of time shall exclude the first day and include the last day; if the last day is a Saturday, Sunday or legal holiday, then the last day shall be computed using the next regular business day.
3. Month shall mean calendar month, unless otherwise indicated (i.e. 30, 90, 180 days).
4. Week shall mean calendar week.
5. Year shall mean calendar year, unless a fiscal year or three hundred 365 calendar days is indicated.

#### B. Text

1. In the event of a conflict between the text of these regulations and any caption, figure, illustration, table or map, the text of these regulations shall control. In the event of a conflict between a chart and an illustration, the chart shall control. All illustrations included in these regulations are for illustrative purposes only.
2. "May" is permissive in nature.
3. "Shall", "must", and "will" means mandatory, implying an obligation or duty to comply.
4. "And" shall mean all cases must apply.
5. "Or" means either or all cases may apply.
6. Written means any representation of words, letters or figures whether by printing or other form or method of writing.
7. Words utilizing a masculine gender shall be construed to include the feminine and vice versa.
8. Words used in the past or present tense include the future tense and vice versa.
9. Use of "include" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
10. A word importing the singular number only may extend and be applied to several persons or things as well to one (1) person or thing. The use of a plural number shall be deemed to include any single person or thing.
11. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
12. Any words and terms not defined herein shall have the meaning indicated by common dictionary definitions.

#### C. Delegation of Authority

Any act authorized by these regulations to be carried out by a specific official or agency of Wellington is authorized to be carried out by a designee, or delegate, of such official or agency.

D. Any reference to Federal Statutes, Florida Statutes, Florida Administrative Code, Palm Beach County Code, or other official code shall be construed to be a reference to the most recent enactment of such statute, code or rule, as amended from time to time.

#### E. District Boundaries

Zoning district boundaries are usually along roads, alleys, property lines or extensions thereof. Where an uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of roads, highways, or alleys shall be construed to follow the centerlines.
2. Boundaries indicated as approximately following platted lot lines, sections or tracts shall be construed as following such lines.
3. Boundaries indicated as approximately following Wellington limits shall be construed as following the municipal boundary lines.
4. Boundaries indicated as following shorelines shall be construed to follow such shoreline, or change of shoreline meaning the boundary shall move with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
5. Whenever any road, alley or other public right-of-way is vacated by official action of the Wellington Council, the zoning district of the property abutting upon each side of such road, alley or public right-of-way shall be automatically extended to the center of such vacation and all area included within the vacation shall thereafter be subject to all appropriate regulations of the extended district(s).
6. Whenever any lot, tract or parcel is split among more than one (1) zoning district, the use regulations and LDR applicable to the district containing the majority of the lot, tract or parcel shall apply to the entire lot, tract or parcel.
7. Whenever any lot, tract or parcel of land or water has been inadvertently excluded from a district in any manner, subject land shall be given a zoning designation by Wellington's Council that is consistent with Future Land Use Map designation.

#### Sec. 1.6.2 – Formal Interpretation Request

A. Interpretations of the LDR shall be made as follows:

1. The PZB Director shall be principally responsible for implementation, interpretations and enforcement of all articles, sections, and provisions of the LDR and the Comprehensive Plan.



2. Village Engineer shall make interpretations related to driveways and access, Traffic Performance Standards, and Subdivision, Platting, and Required Improvements found in Articles 7 and 8 of this code and provide the interpretation to the PZB Director for approval prior to issuance.
  3. The Village Attorney shall make interpretations related to required Maintenance and Use documents.
- B. A request for an interpretation shall be submitted, in the form of a letter, along with the applicable fee to the PZB Director.
- C. A request for an interpretation of the LDR shall be processed in accordance with the following timeframe:
1. The PZB Director, or designee, shall determine if the request is sufficient or insufficient and notify the applicant within five (5) working days from the date of submittal.
  2. Sufficient requests shall be processed and the written interpretation shall be issued to the applicant within 15 working days from the date of sufficiency notification.
  3. The applicant shall be given ten (10) working days from the date of the insufficient request to remedy any specified deficiencies. If the applicant fails to correct the deficiencies, the request shall be considered withdrawn.
- D. The PZB Director shall maintain a record of all interpretations in the Planning and Zoning Division records.
- E.** No appeal of an interpretation may be made without first obtaining a formal interpretation of the LDR. The appeal shall be submitted within 30 calendar days of the issuance of the formal interpretation and in accordance with Article 5 of the LDR. **There shall be no re-hearing of an appeal once a determination is made by the decision-making body.**

### **Sec. 1.6.3 – Representations by Staff**

Any assistance given or any representation made by a member of the staff during consultation shall not constitute approval, and shall not bind the staff, departments, the Village Manager, or the Council. Further, assistance or representation shall not relieve any person of the requirements of the LDR or other federal, state, or local ordinances. If a conflict exists between staff representation and the laws, rules, LDR, codes, or ordinances, then such laws, rules, LDR, codes, or ordinances shall control.

## **CHAPTER 7 – ENFORCEMENT OF THE LAND DEVELOPMENT REGULATIONS**

### **Sec.1.7.1 – Enforcement Authority**

The LDR shall be enforced in accordance with the following:

- A. Wellington's Council shall appoint Special Magistrates. The Special Magistrates shall have jurisdiction to hear and decide alleged violations of the LDR and ordinances enacted by Wellington

in accordance with Chapter 2 of the Code of Ordinances and in accordance with Chapter 162, Florida Statutes, as amended from time to time.

- B. Wellington's Council, Boards and Committees, and Wellington Departments or Staff shall have the authority to enforce the LDR in accordance with authority granted within the LDR and/or Code of Ordinances.

### **Sec. 1.7.2 – General Violations of the LDR**

- A. Violations shall be calculated based on calendar days.
- B. A violation of any condition of a development order shall be considered a violation of the LDR. The violation shall be rectified prior to any public hearing or meeting on the issuance of any subsequent development order or permit for that project, unless the subsequent development order application seeks to amend the condition that has been violated.
- C. Maintaining an open permit status that should be closed, or has expired, including but not limited to Building Permit, Utilities Permit, or Engineering Permit, shall be considered a violation of the LDR and may result in a notice of violation and/or inability to obtain future permits.

### **Sec. 1.7.3 – Administrative Remedies**

The Planning, Zoning and Building Department, including Code Compliance, shall have the authority to issue cease and desist orders, in the form of written official notices given to the owner, owner's agent, lessee, tenant, contractor or any person using the land, buildings or premises where a violation has been committed or exists.

### **Sec. 1.7.4 – Legal Remedies**

In addition to the penalties and enforcement procedures provided for in Chapter 2 of the Code of Ordinances, Wellington's Council may take lawful civil action or proceeding to prevent, restrain or abate violations of the LDR and/or Code of Ordinances.

## **Chapter 8 – Zoning in Progress**

### **Sec. 1.8.1 – Request**

When there is a need for a Wellington initiated change to the LDR, the PZB Director, or designee, may file a request with Wellington's Council for approval of a "Zoning in Progress" Resolution. The request shall be made in writing and accompanied by a staff report summarizing the basis for the revision, approximate time it will take to adopt the modification and all area(s) affected by the revision.

### **Sec. 1.8.2 – Process**

- A. Wellington Council shall review the request as a regular agenda item at the first possible Council meeting.
- B. Council shall approve or deny the proposed Zoning in Progress Resolution and, by adoption, direct staff to proceed with the LDR amendment.

- C. 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 they deem necessary or public interest requires.
- D. Within ten (10) days of adoption of the Zoning in Progress Resolution, the Wellington Clerk shall publish the adopted resolution in a newspaper of general circulation published in Wellington, or Palm Beach County.
- E. Staff shall draft the LDR amendment and initiate the Public Hearing process to the Planning, Zoning and Adjustment Board, or Equestrian Preserve Committee when applicable.

### **Sec. 1.8.3 – Effects of the Zoning in Progress**

- A. During the period of time that the Zoning in Progress Resolution is adopted, and an amendment to the LDR is being drafted by staff and considered by the decision-making bodies, no permits or development orders of any kind shall be issued if issuance would result in the nonconforming or unlawful use of the subject property should the proposed amendment to the LDR be adopted.
- B. If a permit or development order request satisfies the objective of the proposed amendment, the PZB Director may issue a waiver to the applicant and allow the permit or development order to be processed during the effective time of the Zoning in Progress.
- C. All permits and development order applications that are not directly affected by the proposed amendment may be processed under the provisions of the LDR and shall not be affected by the Zoning in Progress.
- D. Any variance request that may be desired due to a hardship or physical site constraint, that would be considered under normal variance standards and criteria, may be processed during a Zoning in Progress even if the variance is related to the proposed amendment. The applicant shall be made aware, in writing, if the proposed amendment may result in the elimination of the need for a variance. The applicant shall provide a written acknowledgement, with notarized signature, of this information and determine if they desire to process the request.

**ARTICLE 2 – CONCURRENCY MANAGEMENT**

**CHAPTER 1 – GENERAL**

**Sec. 2.1.1 – Purpose and Intent**

The purpose and intent of this article is to implement the Comprehensive Plan, pursuant to Chapters 163 and 166, Florida Statutes, related to the Level of Service (LOS) for public facilities, utilities, traffic, infrastructure, open space and recreation, which shall be reviewed regularly, and may be amended from time to time, by the Village Engineer. This article shall apply to all development and redevelopment Village-wide.

**Sec. 2.1.2 - Concurrency Review and Approval**

Concurrency management shall be implemented as follows:

- A. LOS standards for review shall be in accordance with the adopted LOS in the Comprehensive Plan and as further provided for in Articles 8 and 9 of the LDR.
- B. Wellington shall ensure the issuance of development orders include a determination that the development/redevelopment has met the LOS standards for potable water, sanitary sewer, solid waste, drainage, transportation, parks and recreation. If the LOS is impacted by the proposed development/redevelopment, the development order shall be conditioned to mitigate and/or monitor the LOS to ensure adequate public facilities are available concurrent with the development. If the applicant believes that a modification to a development order does not impact the LOS, then the applicant may request an equivalency determination, which shall be reviewed in the same manner as a concurrency determination.
- C. The following development applications shall require concurrency review, and a determination shall be provided with those development applications in accordance with Article 5 of the LDR and the Development Review Manual, based on the type of application:
  - 1. Master Plans and Master Plan Amendments;
  - 2. Conditional Use;
  - 3. Development Order Amendments;
  - 4. Site Plan or Subdivision Plans and Site Plan/Subdivision Plan Amendments;
  - 5. Special Use Permits and Equestrian Permits that require Council Approval; or
  - 6. Development Order Time Extension with Conditions of Approval related to LOS.
- D. Table 2.1.2-1 provides the department or agency that shall provide a concurrency determination to the applicant:

**Table 2.1.2-1 – Concurrency Determination**

<b>Public Facility/Service</b>	<b>Department/Agency</b>
Potable Water	Wellington Utilities Department
Sanitary Sewer	Wellington Utilities Department
Parks and Recreation	Wellington Planning, Zoning and Building Department

<b>Public Facility/Service</b>	<b>Department/Agency</b>
Drainage	Wellington Engineering Department
Solid Waste	Palm Beach County Solid Waste Authority
Transportation	Wellington Engineering Department and Palm Beach County Traffic Division (when applicable)
School Capacity Availability Determination	Palm Beach County School Board

*\*Note: Although School Capacity is no longer identified as a concurrency requirement, it is a LOS requirement and School Capacity Availability Determination (SCAD) is required for certain development orders.*

- E. Concurrency determinations shall expire based on the expiration or build-out date provided by the department or agency. If no specific date is provided, then the concurrency determination shall be subject to the time limitations for development orders, as established in Article 5.

**Sec. 2.1.3 – Concurrency Exemption**

A concurrency determination for a development application is exempt as follows:

- A. A modification or amendment to a project with an approved development order shall be exempt if the applicant demonstrates that the modification does not create additional impacts on public facilities/services.
- B. The addition of a permitted accessory use or structure that does not create additional impacts on public facilities/services.
- C. The development, or replacement, of a single-family residential unit or duplex on a legally platted or vested lot of record.

**Sec. 2.1.4 – Appeals of a Concurrency Determination**

Appeals of a concurrency determination, **issued by Wellington**, shall be processed in accordance with Article 5 and shall be appealed to the decision-making body designated to hear appeals for the related type of development application as set forth in Article 5.

## **ARTICLE 3 – DEFINITIONS, ABBREVIATIONS AND ACRONYMS**

### **CHAPTER 1 – PURPOSE AND INTENT**

The purpose and intent of this article is to provide definitions, abbreviations and acronyms for commonly used terms throughout the LDR. If a definition is not specifically provided, the practice shall be to resort to the common dictionary definition.

### **CHAPTER 2 – DEFINITIONS**

#### **Sec. 3.2.1 – General**

All terms, phrases and expressions contained in the LDR shall be construed so that the intent and meaning of the Council, as established in the Comprehensive Plan, may be fully carried out. Terms used in these regulations shall have the meanings prescribed by the Florida State Statutes for the same terms. Some technical terms which are unique to an article may be defined within the respective article. If a definition is not provided in the LDR, the term shall have the same meaning indicated by common dictionary definition.

#### **Sec. 3.2.2 – A through Z**

1. **Abutting property** means property lying immediately adjacent to and sharing a common property line with other property.
2. **Access way** means a non-dedicated area which is permitted for ingress or egress of vehicles or pedestrians. An access way is permitted to traverse a required landscape buffer.
3. **Access way zone** means the area extending from the paving edge of the entry drive (access way) for a distance equal to half the adjacent right-of-way width and is required on both sides of the entry drive. The zone also includes entry medians, if provided.
4. **Accessory building or structure** means a detached, subordinate building that is clearly incidental and related to that of the principal building or use of the land, and is located on the same lot as that of the principal building or use.
5. **Accessory dwelling** means a dwelling designed to operate as an independent living unit containing up to two (2) bedrooms and one (1) bathroom. An accessory dwelling may be detached or attached to an existing principal single-family dwelling.
6. **Accessory use** means a permitted use that is customarily associated with the principal use and clearly incidental to the principal use and is subordinate in area, extent, or purpose and serves only the principal use.
7. **Act** means the Community Planning Act, § 163.3161, Fla. Stat.
8. **Activities** means temporary functions that are less intense, smaller and less structured than events, which require less planning than events and are not organized for the general public. Activities shall not reach a size or level of intensity requiring or including traffic control, security, additional sanitary facilities, special parking arrangements, sponsors or vendors. Activities do not span more than one day and, are short in duration and do not occur on a repetitive schedule. Activities shall be customarily associated with the permitted uses at a site.
9. **Adjacent** means, for property purposes, land that directly abuts another property or is separated by no more than a street, canal or other man made feature.
10. **Administrative/Agency inquiry** means a request for Council direction on procedural or interpretative matters.

11. **Adopted Level of Service (LOS)** means, for the purposes of Article 9, generally LOS D; however, it may be another Level of Service set by the Plan or pursuant to Policies of the Transportation Element. For the Equestrian Overlay Zoning District, it is LOS E except as set forth by the Plan.
12. **Adult Entertainment Establishment** shall mean any Adult Arcade, Theater, Bookstore/Video/Novelty Store, Motel, or Dancing Establishment, as defined below, or any regulated establishment or business operated for commercial gain where any person, including an employee, independent contractor, performer, operator, owner, or patron exposes his/her Specified Anatomical Area, as defined below, for viewing by patrons. The term Adult Entertainment Establishment shall include, but not limited to: massage establishments whether or not licensed pursuant to Chapter 480, Fla. Stat., tanning salons, modeling studios, or lingerie studios but shall exclude educational institutions where the exposure of the Specified Anatomical Area is associated with the curriculum or program. An establishment that possesses an adult entertainment license is presumed to be an Adult Entertainment Establishment. The following definitions are specifically related to adult entertainment.
  - a. **Adult Arcade** means any place or establishment operated for commercial gain that invites or permits the public to view Adult Material.
  - b. **Adult Bookstore/Video/Novelty Store** means an establishment offering Adult Material for sale or rent for commercial gain, unless the establishment demonstrates either:
    - i. The Adult Material is accessible only by employees and the gross income from the sale or rental of Adult Material comprises less than 40 percent (40%) of the gross sales or rentals of the establishment; or
    - ii. The individual items of Adult Material offered for sale or rental comprise less than ten percent (10%) of the individual items publicly displayed or available for purchase in the establishment and are not accessible to minors at the establishment.
  - c. **Adult Booth** means a small enclosed or partitioned area inside an Adult Entertainment Establishment which is:
    - i. Designed or used for the viewing of Adult Material by one or more persons; and
    - ii. Is accessible to any person, regardless of whether a fee is charged for access.
    - iii. The definition includes, but is not limited to, a peep show booth, or other booth used to view Adult Material. It does not include a bathroom or a foyer through which any person can enter or exit the establishment.
  - d. **Adult Dancing Establishment** means an establishment where any person displays or exposes Specified Anatomical Areas to patrons for commercial gain, regardless of whether the person is actually engaged in dancing.
  - e. **Adult Material** means any one or more of the following, regardless of whether it is new or used:
    - i. Books, magazines, periodicals or other printed matter; photographs, films, motion pictures, video cassettes, slides or other visual representations; recordings and/or other audio materials; and novelties or devices that have, as their primary or dominant theme, subject matter depicting, exhibiting, illustrating, describing or relating to Specified Sexual Activities or Specified Anatomical Areas; or

- ii. Instruments, novelties, devices or paraphernalia that are designed for use in connection with Specified Sexual Activities.
- f. **Adult Motel** means a hotel, motel or similar commercial establishment that offers accommodations to the public for any form of consideration and provides patrons with Adult Material by means of closed-circuit television transmissions.
- g. **Adult Theater** means an establishment operated for commercial gain which consists of an enclosed building, or a portion or part thereof, or an open-air area regularly used for viewing of Adult Material, which activity requires the exclusion of minors under Chapter 837, Fla. Stat. Adult Motels, Arcades, motion picture theaters, and Adult Booths, or any establishment that has an Adult Booth, shall be considered an Adult Theater.
- h. **Commercial gain** means for the purpose of the Adult Entertainment Establishment provisions of the LDR, operated for pecuniary gain, which shall be presumed for any establishment which has received an occupational license. For the purpose of the LDR, commercial or pecuniary gain shall not depend on actual profit or loss.
- i. **Employee** means for the purpose of the Adult Entertainment Establishment provisions of the LDR, any person who works, performs or exposes his/her specified anatomical areas in an establishment, irrespective of whether said person is paid a salary or wages by the owner or manager of the business, establishment, or premises. "Employee" shall include any person who pays any form of consideration to an owner or manager of an establishment, for the privilege to work performing or exposing his/her specified anatomical areas within the establishment.
- j. **Lap Dance (Straddle Dance, Face Dance or Flash Dance)** means the use by an employee, independent contractor, or performer of an Adult Entertainment Establishment, whether clothed, partially clothed, or totally nude, of any part of his/her body to touch, massage, rub, stroke, caress or fondle the genital or pubic area of a person while at the establishment, or the touching of the genital or pubic area of any employee, independent contractor, or performer by a person while at the establishment. It shall be a Lap Dance regardless of whether the touching occurs while the employee, independent contractor, or performer is displaying or exposing any Specified Anatomical Area. It shall also be a Lap Dance regardless of whether the touching is direct or through a medium.
- k. **Park** means for the purpose of the Adult Entertainment Establishment provisions of the LDR, a tract of land within a municipality or unincorporated area which is (1) kept for ornament and/or recreation, and which is open to the public, whether or not the land is publicly owned, or (2) land privately owned which is kept for ornament and/or recreation purposes and which is limited to surrounding landowners. A playground shall be considered a park.
- l. **Person** means for the purpose of the Adult Entertainment Establishment provisions of the LDR, includes an individual(s), firm(s), association(s), joint ventures(s), partnership(s), estate(s), trust(s), business trust(s), syndicate(s), fiduciary (ies), corporation(s), and all other or any other similar entity.
- m. **Private Performance** means the display or exposure of any Specified Anatomical Area by an employee, independent contractor, or performer at an Adult Entertainment Establishment to a person other than another employee, independent contractor, or performer while the person is in an area within the establishment not accessible during



such display to all other persons in the establishment, or while the person is in an area in which the person is totally or partially screened or partitioned during such display from the view of all persons within the establishment.

n. **Specified Anatomical Area** means:

i. Less than completely and opaquely covered:

1. Human genitals or pubic region;
2. The opening between the human buttock/anal cleft; or
3. The portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola, including the entire lower portion of the female breast. This does not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other apparel, provided the areola is not exposed.

ii. Human ale genitals in a discernibly turgid state, even if completely and opaquely covered.

o. **Specified Sexual Activities** means:

i. Human genitals in a state of sexual stimulation, arousal or tumescence;

ii. Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse or sodomy;

iii. Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or

iv. Excretory functions as part of or in connection with any of the activities above.

p. **Religious activities** means for the purpose of the Adult Entertainment Establishment provisions of the LDR, any daily, weekly, or periodic activity associated with or that occurs at a religious institution.

q. **Religious institution** means for the purpose of the Adult Entertainment Establishment provisions of the LDR, a premises or site which is used primarily or exclusively for religious worship and related religious ecclesiastical or denominational organization or established place of worship, retreat, site, camp or similar facilities owned or operated by a bona fide religious group for religious activities shall be considered a religious institution.

13. **Affidavit of exemption** means a document, recorded in the public record, evidencing the grant of an exemption for an unrecorded subdivision existing prior to February 5, 1973, from the provisions of the former Palm Beach County Subdivision and Platting Regulations (Ord. 73-4, as amended), granted pursuant to said regulations.

14. **Affidavit of waiver** means a document evidencing the grant of an exception to the platting requirement or the required improvement regulations.

15. **Agreement** means a development agreement, public facilities agreement, or other binding agreement entered into between the applicant and Wellington or other service provided for the

purpose of assuring compliance with the Adopted Level of Service standards. The form of the agreement may include, but not be limited to a Development Agreement pursuant to § 163.3220, Fla. Stat.

16. **Aggrieved or adversely affected person** means any person or local government which will suffer an adverse effect to an interest protected or furthered by the Comprehensive Plan, including interests related to health and safety, police and fire protection systems, densities or intensities of development, transportation facilities, health care facilities, or environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but shall exceed in degree the general interest in common good shared by all persons.
17. **Agricultural affidavit of exemption** means a document submitted to the Building Department that identifies a non-residential farm building, fence or sign in accordance with Florida Statute 604.50.
18. **Agriculture** means farming to raise or produce trees, shrubs, vines, foliage and cereal plants and all other plants and plant parts including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds, wood, lumber and all products made from them unless excluded by the rules of the Florida Department of Agriculture and Consumer Services and farming to raise or produce any animal or insect useful to humans including but not limited to any product derived therefrom. This shall include but is not limited to horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, apiculture, pisciculture for the production of tropical fish, aquaculture, algaculture, sod farming and wholesale nurseries. It may also include limited marketing on the site for farm products and by-products and attendant accessory uses including processing activities. Agriculture is inclusive of bona fide agriculture pursuant to Fla. Stat. 604.50, farm operations and production pursuant to Fla. Stat. 570.02(1), 581.011(27), 823.14(3)(b) and 823.14(3)(c) and agritourism pursuant to Fla. Stat. 570.86.
19. **Alley** means a right-of-way providing a secondary means of access to property and is not intended or used for principal traffic circulation.
20. **Alteration or materially alteration** means the result of human-caused activity which modifies, transforms or otherwise changes the environment, including but not limited to the following:
  - a. The addition, removal, displacement, or disturbance (severe pruning, hatracking, poisoning) of vegetation, but shall exclude prescribed ecological burning for the management of native Florida communities, the removal of trees, seedlings, runners, suckers, and saplings of prohibited plant species;
  - b. Demucking and grading of soil;
  - c. The removal, displacement, or disturbance of rock, minerals or water;
  - d. The grazing of cattle or other livestock;
  - e. The removal, addition, or moving of sand; or
  - f. Any construction, excavation or placement of a structure that has the potential to affect biological resources, the control of erosion and hurricane protection.
21. **Antenna** means a device for transmitting, receiving or transmitting and receiving signals.
22. **Antenna support structure** means any building or structure used or useable for one or more antennae. The term does not include towers.
23. **Antiquated subdivision** means subdivisions that were platted prior to the adoption of Wellington's Comprehensive Plan and Land Development Regulations.
24. **Applicant** means the owner of record, the agent pursuant to an agent's agreement acceptable to the Wellington Attorney or the mortgagor in the case of bankruptcy. For the purposes of

adequate public school facilities, applicant means approved agent or contract purchaser seeking a site-specific development order of any amendment thereto.

25. **Archaeological Evaluation Report** means a letter, prepared by a qualified Archaeologist, evaluating the potential significance of an archaeological site after issuance of a Suspension Order by the Department.
26. **Archaeological site** means a property or location that yielded or might yield information on Wellington, Palm Beach County, Florida or the Nation's history or prehistory. Archaeological sites are evidence of artifacts and features on or below the ground surface indicating the past use of a location at least seventy-five (75) years ago by people or the presence of non-human vertebrate fossils. Archaeological sites include aboriginal mounds, forts, earthworks, village locations, camp sites, middens, burial mounds, missions, historic or prehistoric ruins which are or may be the source of artifacts or other items of significant archaeological value.
27. **Architectural detailing** means the use of any design features on the front facade of the proposed structure such as belt banding, columns, quoins, decorative shutters, window banding or window with architectural character as defined below:
  - a. **Belt Banding** means raised stucco surface no less than six (6) inches wide and one-half (1/2) inch deep that is typically painted a contrasting color and is used as an architectural enhancement on the exterior of the structure.
  - b. **Columns** are no less than two pillars complete with decorative capital, base and shaft.
  - c. **Entry Feature** for a building or structure means a pitched roof, ten (10) feet or higher to the eaves that cover at least eight (8) square feet of the exterior area directly above the main entrance or a front porch of one hundred fifty (150) square feet or more under cover with a railing.
  - d. **Façade** means the elevation of the structure that is visible from outside the building or structure. More specifically, the front façade is that side of the structure oriented towards the street and contains the main/primary entrance.
  - e. **Front Elevation Planes** are the wall surfaces that vary with horizontal separations offset at least three (3) feet from the principal front elevation.
  - f. **Gable Roof** means a roof sloping downward in two parts at an angle from a central ridge leaving a gable at each end.
  - g. **Gambrel Roof** means a symmetrical two-sided roof with two slopes on each side.
  - h. **Hip Roof** means a roof where all sides slope downwards to the walls, usually with a gentle slope.
  - i. **Identical Façade** means any two front facades that have the same fenestration or major architectural elements such as roof line, window type and placement, entry feature and placement, exterior colors, vertical plane placement, major architectural elements or the front elevations are repeated to such extent they appear to be same building. A reserved, mirrored or flipped elevation shall be considered to be an identical façade.
  - j. **Mansard Roof** means an extension of the roof system a minimum of three (3) feet in height constructed of the same material as the principal structure and used to screen a flat roof surface.
  - k. **Parapet** means a wall that is a minimum of two (2) feet in height, constructed of the same materials and painted the same color as the principal structure and used to screen a flat roof surface or mechanical equipment.

- l. **Paver Fabricated Driveway** means a driveway constructed of at least sixty percent (60%) paver blocks.
  - m. **Quoins** mean raised stucco surface typically found at the building corners or when used as a keystone over entryways or other focal points of the building.
  - n. **Roof Plane** means the plane of the roof that is visible in elevations from the street, not including the clipped portion of a hip or gable roof planes.
  - o. **Roof Tiles** means tiles fabricated from clay or cement for the use on a roof.
  - p. **Side Entry Garage** means garage with vehicular access only from the side of a residential structure resulting no, or partial, visibility in elevations from the road.
  - q. **Shutters** means a window accessory that is permanently installed to a structure and may be functional and/or decorative in nature. To be considered an architectural element, they must compliment the color scheme, design, and be a key component in the theme of the structure.
  - r. **Window Banding** means raised stucco no less than six (6) inches wide and one-half (1/2) inch deep that is painted a contrasting color and encompasses windows, doors or other architectural elements on the exterior of a structure.
  - s. **Window with Architectural Character** means a window that substantially improves the architectural character of the structures, such as a bay window, arched window, block windows, etc.
28. **Arterial Road** means a major road of higher classification than a collector road used as a main traffic artery for traffic traveling considerable distance within or through an area of considerable continuity used.
29. **Artifacts** means relics, specimens or objects of historical, prehistorical, archaeological or anthropological nature, over seventy-five (75) years old, which may be found on, above, or below the surface of the earth, including land and water, which have a scientific or historic value as objects of antiquity, as aboriginal relics or as anthropological specimens, including but not limited to clothing, tools and weapons made of ceramics, worked stone, shell, bone, teeth, hide, feathers and horn, metal coins, glass, beads, building material, daub, and plant fibers. Objects over seventy-five (75) years old but not of significant archaeological value shall not be considered an artifact for purposes of the LDR. Further, objects under seventy-five (75) years old and deemed by a qualified archaeologist to be of significant archaeological value shall be subject to the provisions of the LDR.
30. **Assembly** means an institutional or membership use that has organized meetings or programs for social, educational or recreational purposes. Assembly includes such uses as museums, botanical gardens, private clubs and lodges, religious institution, places of worship, cultural and/or community centers.
31. **Assisted living facility**, means a building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator as defined by Fla. Stat. 429.02.
32. **Assured construction** means, for the purposes of Article 9 Road Construction Improvements scheduled to be made to the Wellington Roadway system by one (1) or more of the following means:
- a. Inclusion in the adopted Five-Year County Road Program for commencement of construction; provided any anticipated non-public funds are secured by Performance Security;

- b. Inclusion in the adopted Five-Year Florida Department of Transportation Work Program for commencement of construction;
  - c. Wellington Roadway or Intersection improvement for which a contract for construction which is secured by performance security has been executed and which, by its terms, requires that construction be completed within six (6) years;
  - d. Wellington Roadway or Intersection improvement which will be constructed pursuant to an agreement; and which, by its terms, requires that construction be completed within six (6) years;
  - e. Wellington Roadway or Intersection improvements which is required to be constructed pursuant to a condition of a development order which by its terms requires that it be completed within six (6) years and which has been secured by performance security;
  - f. Specific inclusion in the capital improvements element of the comprehensive plan for commencement of construction within five (5) years provided: (1) the improvements are financially feasible, based on currently available public revenue sources adequate to complete the improvement; and (2) a comprehensive plan amendment would be required to eliminate, defer, or delay construction.
33. **Attached home** means a type of multi-family residential structure, excluding a townhouse, with dwelling units located horizontally adjacent to each other sharing common wall(s). Such structures may be on one lot, may span multiple lots or may include multiple attached house structures on a lot. See also Townhouse.
  34. **Background traffic** means, for the purposes of Article 9, the projected traffic generation from previously approved but incomplete projects, and other sources of traffic growth.
  35. **Barn or stable** means a structure used for boarding, training or raising livestock. Typically includes stalls, tack rooms, wash stalls, and may include grooms quarters.
  36. **Base flood** means the flood having a one (1) percent chance of being equaled or exceeded in any given year.
  37. **Bed and breakfast** means an owner-occupied single-family dwelling that offers lodging for paying guests and which serves breakfast to these guests.
  38. **Berm** means mounds or walls of earth that molded into landforms in a landscaped area. When berms are used for screening, buffering, or any other purpose, the berm shall be constructed such that soil erosion is prevented and sight triangles, are unobstructed. The surface of the berms shall be completely covered with plant material or durable mulch so that bare soil is not visible. Allowance for soil settlement shall be calculated at ten (10) percent after the berms are compacted.
  39. **Blank copy** means any paraphernalia including pennants, streamers and banners that are intended solely to attract attention and which contain no letters or symbols.
  40. **Boundary Plat** means a map or delineated representation for recordation of a single lot for development purposes prepared, approved, and recorded in accordance with requirements and procedures for a plat pursuant to Article 8 and Chapter 177, Fla. Stat.
  41. **Building alteration** means any change in the structure that will increase the number of dwelling units, the floor area, building coverage or height of the structure.
  42. **Buildable area** means the portion of a lot remaining after the setbacks have been provided.
  43. **Building base** means a defined area on the lower portion of the ground story.

44. **Building/lot coverage** means the square footage of the ground floor area of a building or structure occupied by all structures that are roofed or covered and extend more than three (3) feet above ground level divided by the gross lot area (expressed as a percentage).
45. **Building frontage** means the length or proportion of the building facing the road.
46. **Building height** means the vertical distance in feet from the highest point of the adjacent right-of-way or roadway easement to the highest point of the roof for flat roofs; to the deck line for mansard roofs; to the average height between eaves and the ridge for gable, hip and gambrel roofs; or to the highest point of the roof surface for domed roofs.
47. **Building Official** means the head of the Wellington Building Department.
48. **Building permit** means an official document or certificate issued by the governmental authority having jurisdiction, authorizing the construction of any building. Building permit includes a tie-down permit for a structure or building that does not require a building permit, such as a mobile home, in order to be occupied.
49. **Building site** means a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use and the customary accessory buildings and open spaces belonging to the same.
50. **Building story** means that part of a building between the surface of a floor and the ceiling immediately above. The maximum height shall be fourteen (14) feet measured from the finished floor to the finished ceiling. Attics and raised basements shall not be included in calculations of a building story unless they are used for residential or parking purposes.
51. **Buildout period or buildout date** means, for the purposes of Article 9, the anticipated time between the issuance of the development order and December 31 of the year of completion of a proposed project as assumed in the Traffic Impact Study and approved by the Wellington Engineer.
52. **Bulk regulations** means regulations within the LDR that apply to all properties, when applicable, and are in addition to the requirements within the supplemental regulations for a specific use (i.e. setbacks, FAR, building coverage, height limitations, etc.).
53. **Bulkheads** means structures of concrete, wood or other permanent material affixed to the land adjacent to a water management tract or other water body for the purpose of establishing a vertical surface at the water's edge and stabilizing the land behind the bulkhead; provided, however, that water control structures and endwalls around outfalls and bridges shall not be considered bulkheads.
54. **Caliper** means quantity in inches of the diameter of supplemental and replacement trees measured at the diameter at breast height or four and one-half (4½) feet above the ground.
55. **Capacity** means for the purpose of impact fees, the maximum number of vehicles for a given time period which a road can safely and efficiently carry, usually expressed in terms of vehicles per day. For the purpose of impact fees the capacity of a road shall be verified with the Impact Fee Coordinator in the Building Division.
56. **Capital drainage facilities** means the planning of, engineering for, acquisition of land for or the construction of drainage facilities necessary to meet the LOS for Capital Drainage Facilities.
57. **Capital facilities and improvements** means land, infrastructure, structures, and fixtures having a cost or value of at least one thousand dollars (\$1,000.00); personal property and equipment having an aggregate cost or value of at least one thousand dollars (\$1,000.00); hard-bound books and materials having a cost or value of at least twenty-five dollars (\$25.00), which must be of a non-consumable nature and be expected to be in service for at least one (1) year; and, in the case of school sites, the land only, and not any improvements to the land.

58. **Capital facility costs** means all costs directly associated with the acquisition, design, engineering, site preparation, construction and placement of a capital facility. It excludes operation and maintenance costs, and the repair, replacement, or renovation of existing capital facilities where the capital facility improvement does not add capacity. In the case of the school site acquisition fee, it means the costs directly associated with the acquisition of fee simple absolute marketable title in land, and does not include the costs of improvement to that land.
59. **Capital Potable Water Facilities** means the planning of, engineering for, acquisition of land for, or the construction of potable water facilities necessary to meet the LOS for Capital Potable Water Facilities.
60. **Capital Recreation and Park Facilities** means the planning of, engineering for, acquisition of land for, or the construction of buildings and park equipment necessary to meet the LOS for district, community and neighborhood parks.
61. **Capital Road Facilities** means the planning of, engineering for, acquisition of land for, or the construction of roads on the Major Road Network System necessary to meet the LOS for Capital Road Facilities.
62. **Capital Sanitary Sewer Facilities** means the planning of, engineering for, acquisition of land for, or the construction of sanitary sewer facilities necessary to meet the LOS for Capital Sanitary Sewer Facilities.
63. **Capital Solid Waste Facilities** means the planning of, engineering for, acquisition of land for, or the construction of solid waste facilities necessary to meet the LOS for Capital Solid Waste Facilities.
64. **Car wash or auto detailing** means an establishment primarily engaged in the washing or detailing of motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, window tinting, striping, and interior cleaning.
65. **Carport/Private garage** means an accessory roofed structure or a portion of a main building providing space for the parking or storage of motor vehicles of the occupants of the main building.
66. **Catchment** means a sub-area of a drainage basin which contributes stormwater runoff by overland flow to a common collection point.
67. **Central sewer system** means a regional sewerage system, owned and operated by a municipal, county, special district or other governmental entity, which provides sewer service to several developments located within its service area.
68. **Central water system** means a regional water supply system owned and operated by municipal, county, special district or other governmental entity, which provides water service to several developments located within its service area.
69. **Certificate of Occupancy/Completion** means a document issued by the Village's Building Department certifying a buildings compliance with applicable building codes and other laws, and indicating it to be in a condition suitable for occupancy.
70. **Certificate to Dig** means a certificate that is necessary prior to development occurring when there are known archaeological sites or discovered archaeological artifacts, human skeletal or fossilized remains or non-human vertebrate fossils.
71. **Chickee hut** means an open-sided wooden hut that has a thatched roof, not incorporating electricity or plumbing, and which is exempt from permitting per Fla. Sta. 553.73. Chickee huts shall comply with the applicable Accessory Uses and Structures standards of Article 6.
72. **Clearing** means the removal or material damage of landscape materials by disturbing, excavating or removing the underlying soil.

73. **Clear trunk** means for the purposes of determining palm size in Article 7 a measurement from the top of the root ball to the point where the lowest untrimmed leaf 's petiole diverges from the trunk. The remaining leaf counts must meet the minimum requirements for the chosen grade per the most current edition of the Florida Grades and Standards for Nursery Plants. Reducing the leaf count to achieve more clear trunk can result in a lower grade.
74. **Co-location** means the use of a single support structure and/or site by more than one wireless communications provider.
75. **Code** means Code of Laws and Ordinances of Village of Wellington, Florida, including the Land Development Regulations (LDR).
76. **Code Compliance Officer** means any authorized agent or employees of Wellington whose duty is to assure code compliance.
77. **Collector road** means a road which carries traffic from local roads to arterial roads. Collector roads have more continuity, carry higher traffic volumes and may provide less access than local roads.
78. **Community event** means an event that is less intense than described in events. Typically, community events are one (1) day and last for less than six (6) hours. For example, community garage sale, grand opening, side walk sale, etc. may be considered a community event. A maximum of two (2) community events may occur on any property/tenant in a year.
79. **Commercial vehicle** means a vehicle that is used solely for personal business activities. The following factors will be considered when determining commercial status: (1) Outside lettering designating a business of any kind, (2) use of vehicle, (3) size of vehicle. The following types of vehicles shall be considered commercial for the purposes of this section, but shall not be the only types of vehicles considered as commercial: truck cab, semi-trailer, taxi, tow truck, stepvan, construction vehicle, bus, trailer or utility trailer, a vehicle outfitted for commercial purposes or a vehicle with three (3) or more axles.
80. **Compensatory littoral zone or area** means that underwater area within the water management tract or water body graded and planted as compensating for lost littoral zones from bulkheading or shading from structures over the water.
81. **Completely enclosed** means a building separated on all sides from the adjacent open area, or from other buildings or other structures by a permanent roof and by exterior walls or party walls pierced only by windows or entrances or exit doors normally provided for the accommodation of persons, goods, or vehicles.
82. **Complete Street** means a road designed for all users regardless of transportation mode, age or physical ability providing for vehicles, bicycles, pedestrians and if relevant to the context and location, public transit.
83. **Comprehensive Plan** means the Wellington Comprehensive Plan, as amended from time to time.
84. **Concurrency requirement** means the provisions in the Plan and the implementing land development regulations requiring that public facilities for traffic circulation, mass transit, sanitary sewer, potable water, recreation/open space, fire-rescue, solid waste and drainage are available at the minimum levels of service concurrent with the impact of the Development; and, as to the applicability of expanded or more stringent traffic performance standards pursuant to State mandates under Ch. 163, Florida Statutes such requirements as set forth in the Comprehensive Plan and LDR.
85. **Condition of Approval** means a condition imposed as part of or associated with the issuance of a valid development order.



86. **Conditional Use** means those uses that are generally compatible with the other uses permitted in a district but require individual review of their location, design, configuration, intensity and density of uses and structures, and may require the imposition of conditions to ensure the appropriateness of the use at a particular location in accordance with the LDR.
87. **Cone of depression** means an area of reduced water levels which results from the withdrawal of groundwater from a point of collective source such as a well, wellfield, dewatering site or quarry. The area extent and depth of the depression is a function of the hydraulic properties of the aquifer, the pumpage rates and recharge rates.
88. **Congregate living facility (CLF)** means assisted living facilities, extended congregate care facilities, transitional living facilities, community residential homes, community transitional residences, rehabilitative home care services, boarding home, home for the aged or any other residential structure which undertakes care, housing, food service and one or more personal services for persons not related to the owner or administrator by blood or marriage. The term shall not mean nursing home or a facility which provides medical care and support services to persons not capable of independent living. The different types of congregate living facilities are as follows:
- a. **Type 1 CLF** means a CLF that provides a residence for no more than six (6) persons.
  - b. **Type 2A CLF** means a CLF that provides a residence for more than six (6) but no more than 14 persons.
  - c. **Type 2B CLF** means a CLF that provides a residence for more than 14 but no more than 21 persons and shall only be for senior housing subject to a finding of compatibility by Council.
  - d. **Type 3 CLF** means a CLF that provides a residence for more than 14 persons.
89. **Contiguous** means, but is not limited to, lands separated only by roads, easements, pipelines, power lines, conduits, rights-of-way under ownership of the land owner of one (1) of the subject parcels, a property owners association or a governmental agency, or a public utility. For density purposes only, contiguous means lots that share a common border. (Lots that touch point-to-point, and lots which are separated by waterways, roads or major easements are not considered contiguous for density calculations.)
90. **Contractor's storage yard** means storage and accessory office for building trade, landscaping and service contractors.
91. **Control device** means the element of a discharge structure which allows release of water under controlled conditions.
92. **Control elevation** means the lowest elevation at which water can be released through a control device.
93. **Controlled plant species** means those plant species, as listed in the Wellington Landscape Manual found in the DRM which have planting limitations.
94. **Corner lot** means either a lot bounded entirely by roads, or a lot that adjoins the point of intersection of two (2) or more roads.
95. **County** means Palm Beach County, Florida.
96. **County Health Director** means the Agency Head of the Palm Beach County Public Health Unit (PBCPHU).
97. **Covenant** means a recordable instrument that runs with the land, binds the fee simple owner, heirs, successors, and assigns, and is recorded. It may include recorded Development Agreements or other agreements. Covenants may include Wellington as a party or intended

- beneficiary, shall recite the benefit intended, and shall include any terms or conditions under which it may be released.
98. **Craftsman** means a use that involves the small scale production or assembly and sale of goods resulting in little to no by-products. It includes space to show or sell the goods produced on-site.
99. **CRALLS** means, for the purposes of Article 9, a Constrained Roadway at a Lower Level of Service - a Major Thoroughfare on which a lower Level of Service is set as designated by Palm Beach County.
100. **Cul-de-sac** means a dead-end road terminating in a circular vehicular turn-around.
101. **Day care center** means an establishment that provides care protection and supervision for children when licensed by the Palm Beach County Health Department or for adults when licensed by the Agency for Health Care Administration (AHCA).
102. **Decision/order** means an administrative act of any Board, unless otherwise noted, constituting final agency action consistent with their powers as described herein.
103. **Dead-end road** means a road with only one (1) outlet.
104. **Density** means the number of dwelling units per acre of land allowed by the Comprehensive Plan.
- Maximum density level means the amount of density allowed by the Wellington Comprehensive Plan.
  - Minimum density level means the amount of minimum density that must be attained when land is developed pursuant to the Wellington Comprehensive Plan, as amended from time to time.
105. **Department** means the departments and divisions of Wellington which are assigned the responsibility of administering and enforcing the LDR.
106. **Detention** means the collection and temporary storage of stormwater runoff for the purpose of treatment and/or discharge rate control with subsequent gradual release directly to surface waters.
107. **Detention/Retention area** means an area, typically basin-shaped, that is designed to capture substantial quantities of stormwater and to gradually release the same at a sufficiently slow rate to avert flooding.
108. **Developer** means any person, including a governmental agency, undertaking any development.
109. **Developer's agreement** means an agreement entered into among Wellington a service provider(s) and a person associated with the development of land pursuant to the terms of the LDR.
110. **Development** means any proposed material change in the use or character of the land including, but not limited to land clearing or the placement of any structure or site improvement of land.
111. **Development** means:
- a. for the purpose of impact fees, as the context indicates, either the carrying on of construction or any physical alteration of a building or structure; the result of such activity; a legally divisible parcel of land developed under a common plan; or the change in any use of a structure or land that increases the impact on capital facilities for which the particular impact fee is assessed. It includes the placement of a mobile home for dwelling purposes.

- b. for the purpose of archaeological preservation, the definition in § 380.04, Fla. Stat. as well as site preparation work consisting of excavation, earth moving, and the like. This definition shall not include: the dividing of land into two (2) or more parcels.
  - c. for the purpose of Article 2 Concurrency Management the definition in § 380.04, Fla. Stat., except that it shall not include the following items listed therein:
    - i. Demolition of a structure;
    - ii. Deposit of refuse, solid or liquid waste, or fill on the Parcel unless the valid Local Government Development Order is exclusively and specifically for such;
    - iii. Site preparation work consisting of excavation, earth moving, and the like unless tied to a contract for required improvements or backed by surety, or as part of a local development order; and
    - iv. Lot clearing.
112. **Development of Regional Impact** means a specific type of development as defined in § 380.06, Fla. Stat.
113. **Development order** means any order granting, denying, or granting with conditions an application for development permit as defined in § 163.3164(7), Florida Statutes. A preliminary development order is a development order for an amendment to the Future Land Use Map, a planned development, a conditional use, a special use, a variance, a flood prevention permit, an environmentally sensitive lands permit, a wetlands permit, a wellfield protection permit, or a rezoning.
114. **Development permit** means any amendment to the text of the LDR or rezoning, conditional use, planned development, Site Plan/Final Subdivision Plan, subdivision, building permit, variance, certificate of conformity or any other official action of Wellington having the effect of permitting the development of land or the specific use of land.
115. **Development Review Coordinator** is the Planning and Zoning Manager responsible for the Development Review Manager and who oversees the completion, scheduling and processing of development applications and planning activities.
116. **Development Review Manager (DM)** is the staff person who processes development applications as indicated in Article 5.
117. **Development Review Manual (DRM)** means a manual adopted by Wellington's Council that provides types of development applications, required documentation, graphic depictions and other information for development processes.
118. **Diameter at breast height (DBH)** means the diameter of a tree trunk measured at a point four and one half (4.5) feet above the ground.
119. **Director of Parks and Recreation** means the head of the Wellington Parks and Recreation Department.
120. **Director of Planning, Zoning & Building** means the PZB Director that oversees Planning, Zoning and Building and Code Compliance departments.
121. **Director of Utilities** means the head of the Wellington Water and Wastewater Utilities Department and facilities.
122. **Discharge structure** means a structural device, constructed or fabricated from durable material such as concrete, metal, or decay-resistant timber, through which water is released to surface water from detention.
123. **Disturbed excavated area** means the total area altered by excavation activities.

124. **Dock** means a structure built on or over the water which is designed or used to provide no more than ten (10) boat slips, and anchorage for and access to one (1) or more boats belonging to the property owner. Necessary services such as water, and other utilities are considered a part of a dock; which does not provide a fuel facility, however, no cooking, sleeping or business activity shall be permitted.
125. **Double frontage lot (through)** means any lot having frontage on two (2) nonintersecting roads.
126. **Drainage basin** means a sub-area of a watershed that contributes stormwater runoff to a watercourse tributary to the main receiving water.
127. **Drainage easement** means an easement establishing rights to collect, drain or convey surface water by means of natural or man-made facilities, including, but not limited to water bodies, water courses, canals, ditches, swales, storm sewers and overland flow. It also includes any fee interest of a governmental entity in land to collect, drain, or convey water.
128. **Dressage wall** means a structure utilized in dressage training consisting of a permanent wall with a mirror located on one (1) side of the wall and facing a dressage training or practice ring.
129. **Drip line** means a vertical line extending from the outermost branches of a tree to the ground, provided, however, that the same shall not be less than a ten-foot diameter circle which is drawn through the center of the trunk of a tree.
130. **Drought-tolerant tree** means a tree, excluding prohibited or controlled species, classified as drought tolerant in "Waterwise Landscaping to Promote Water Conservation Using the Principles of Xeriscape from the South Florida Water Management District".
131. **Dry detention/retention** means detention or retention of water in a storage facility which is designed, constructed, and operated to limit the duration of ponding within the facility so as to maintain a normally dry bottom between rainfall events.
132. **Dwelling unit or residence** means one (1) or more rooms designed, occupied or intended for occupancy as separate living quarters, with only one (1) kitchen plus sleeping and sanitary facilities provided within the unit, for the exclusive use of a single family maintaining a household. Specialized residences, such as accessory dwellings, congregate living facilities or groom's quarters, shall not be considered "dwelling units" for the purpose of applying restrictions on density contained in the Wellington Comprehensive Plan or the LDR.
133. **Easement** means any strip of land dedicated and recorded in the public records, for public or private access utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the name of the land owner, subject to the right of use designated in the reservation of the servitude.
134. **Easement holder or beneficiary** means the grantee of an easement or persons directly benefiting from the existence of the easement.
135. **Educational Institution** means a premises or site within a municipality or within the unincorporated area of the Village upon which there is a governmentally licensed child care facility for six (6) or more children or elementary or secondary (k—12) school, attended in whole or in part by persons under eighteen (18) years of age.
136. **Electric transmission facility** means equipment associated with electric transmission networks excluding electrical substations.
137. **Emergency** means any unusual incident that results in immediate danger to the health, safety, welfare or resources of the residents of Wellington including damages to or erosion of any shoreline resulting from a hurricane, storm or other such violent disturbance.
138. **Emergency work** means work made necessary to restore land to a safe condition following a calamity, or work required to protect persons or land from imminent exposure to danger.

139. **Eminent domain** means a right of a government to take private property for public use by virtue of the superior dominion of the sovereign power over all lands within its jurisdiction.
140. **Eminent domain proceedings** means either (1) those formal court initiated civil actions to acquire fee simple, easement, or right-of-way interest in land for governmental purposes, or (2) a voluntary conveyance of such in lieu of formal court initiated action.
141. **Encumber** means to reserve or earmark funds for a specific expenditure or an identified development.
142. **Engineer of record** means a single engineering firm or a professional engineer registered in Florida, and engaged by the developer to coordinate the design and monitor the construction of the work required under Article 8, Subdivision, Platting and Required Improvements.
143. **Entertainment** means:
- a. **Indoor entertainment** means an establishment offering entertainment, recreation or games of skill to the general public for a charge and is entirely enclosed in a building excluding other uses listed in the Use Regulations Schedule of Article 6. Typical uses include indoor sports arenas, indoor skating rinks, bowling alleys, movie theaters, billiard parlors and arcades. Typical uses include bowling alleys, bingo parlors, movie theaters, pool halls, billiard parlors and video game arcades.
  - b. **Outdoor entertainment** means an establishment offering entertainment, recreation or games of skill to the general public for a charge where any portion of the activity takes place in the open excluding other uses listed in the Use Regulations Schedule of Article 6. Typical uses include archery ranges, athletic fields, skating rinks, batting cages, golf driving ranges, tennis, swimming, go-cart tracks and miniature golf.
  - c. **Temporary outdoor entertainment** means an establishment offering entertainment or games of skill for a charge serving the general public at a temporary location which may utilize tents, temporary structures and/or the temporary utilization of vehicles.
144. **Equipment cabinet or shelter** means a structure located near a wireless communications facility that contains electronics, back-up power generators or other on-site supporting equipment.
145. **Environmental Site Assessment (ESA)** means a comprehensive written report prepared by a qualified ecologist or biologist that identifies and discusses the quality of any natural features and wildlife existing on a site.
146. **Equestrian amenities** means low-impact amenities that serve the purposes of equestrian use and training activities including structural improvements such as fences and dressage walls but not lighting standards or seating and non-structural improvements such as banks, ditches, jumps, paddocks, polo fields, riding arenas and riding rings. Equestrian amenities do not include livestock waste storage areas or similar facilities.
147. **Equestrian arena** means:
- a. **Commercial equestrian arena** means a commercial establishment with an enclosed area primarily used for equestrian spectator events excluding a stadium.
  - b. **Private equestrian arena** means an area on residential property utilized for equestrian purposes including practice sessions, shows, etc.
- Equestrian arena may be covered by a roof or an uncovered open area.
148. **Equestrian instruction** means instruction limited to individual students or small groups of students related to such equestrian private training activities such as polo, riding, dressage and jumping.

149. **Equestrian retail or service** means an establishment providing equestrian retail sales, rental or services including equestrian goods, equine feed, tack, agricultural produce, farriers, equine services which may also have the incidental sale of convenience goods or equestrian contracting.
150. **Equestrian stadium** means a commercial establishment with an open structure or enclosed area including three hundred (300) seats or more primarily used for equestrian events.
151. **Establishment** means the site or premises on which a business is located, including the interior of the business, or portion thereof, upon which activities or operations are being conducted for commercial gain.
152. **Events** means temporary functions organized to occur at a certain place and time, which are characterized by a need for a greater level of planning and greater intensity than smaller, less structured activities. Functions which are organized to be open to the general public, are advertised to attract the general public, or which include or have a need for sponsors, vendors, traffic control, security, additional sanitary facilities, special parking arrangements or which span more than one day may be deemed to be events. For example, field sports and/or equestrian sports that are organized and occur on a repetitive schedule, celebrations, markets, etc. which have the preceding characteristics would be deemed to be events. Events shall be customarily associated with the permitted uses at a site, or shall require special approvals per Article 5 of the LDRs.
153. **Excavate or excavation** means any act by which material is cut into, dug, quarried, uncovered, removed, displaced, related or otherwise deliberately disturbed, including the conditions resulting therefrom. Excavation excludes agricultural plowing and site grading, demucking and canal dredging in preparation for construction.
154. **Exfiltration system** means any gallery, perforated or "leaky" pipe or similarly designed structure that is used to dispose of untreated stormwater by allowing the routed water to percolate by subsurface discharge directly or indirectly into the groundwater.
155. **Expenditure** means the irrevocable contractual obligation which requires the remittance of money by the applicant for services, goods, facilities, or fixtures, for the project; the post remittance of money for such.
156. **Family** means either a single person occupying a dwelling unit and maintaining a household, including not more than one (1) boarder, roomer, or lodger as herein described; or two (2) or more persons related by blood, marriage, or adoption occupying a dwelling, living together and maintaining a common household, including not more than one (1) such boarder, roomer, or lodger; or not more than four (4) unrelated persons occupying a dwelling, living together and maintaining a non-profit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use. A common household shall be deemed to exist if all members thereof have access to all parts of the dwelling.
157. **Family day care home** means a type of home occupation in an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit.
158. **Fence** shall mean an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
159. **Fill** means the placement of any material in, on, or over land.
160. **Field wire fence** means woven wire fencing meeting the standards of ASTM (American Society for Testing and Materials Standards) A116-05, entitled "Standard Specification for Metallic-Coated, Steel Woven Wire Fence Fabric."

161. **Final plat** means a finished plat including all signatures required for recordation except those signifying approval by the Village.
162. **Finger lake** means that portion of a dead-end water body which is less than fifty (50) feet in width and longer than one and one-half (1½) times its width, as measured from the point at which the dead-end water body is less than fifty (50) feet wide.
163. **Firewall** means a wall of incombustible construction which subdivides a building or separates buildings to restrict the spread of fire and which starts at the foundation and extends continuously through all stories to and above the roof, except where the roof is of fireproof or fire-resistive construction and the wall is carried up tightly against the underside of the roof slab, pursuant to the Wellington Building Code.
164. **Fitness center** means an enclosed building or structure generally containing multi-use facilities for conducting recreational activities such as aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash. A fitness center may also include the following customary accessory activities as long as they are intended for the use of the members of the center and not for the general public: babysitting service, bathhouse, food service, and the serving of alcoholic beverages consumed on the premises.
165. **Fixed mechanical equipment** means mechanical equipment, such as an air conditioning unit, water-cooling tower, swimming pool pump, irrigation pump, well water pump, fan, power generator or other similar power source equipment, permanently affixed to land, as distinguished from temporary, portable, non-fixed mechanical equipment.
166. **Flex space and/or flexible use** means a light production, contractor, instructional services, office, warehousing, wholesaling or other use which allows designated uses accessory to the principal use.
167. **Flood or flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source. Terms associated with flooding include:
- **Frequent**, which means flooding which occurs more than once every two (2) years on the average;
  - **Ten (10) year flood elevation**, which means that flood elevation which has a ten (10) in one hundred (100) probability of being equaled or exceeded in any calendar year.
168. **Flood Hazard Boundary Map (FHBM)** means the official map of the Village of Wellington, produced by the Federal Emergency Management Agency or by Palm Beach County, where the boundaries of the areas of special flood hazard have been designated as Zone A.
169. **Flood Insurance Study** means the official report provided by the Federal Emergency Management Agency that contains flood profiles, as well as the Flood Hazard Boundary Map and the water surface elevation of the base flood.
170. **Floodplain** means the land area adjacent to the normal limits of a watercourse or water body which is inundated during a flood event of specified magnitude or return period.
171. **Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
172. **Floor** means the top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

173. **Floor area** means the gross horizontal square footage of all floors of a building measured from the exterior face of exterior walls or other type of enclosure, or from the centerline of a wall separating two (2) buildings.
174. **Floor area ratio (FAR)** means the ratio of the gross floor area of all structures on a lot to the lot area, excluding vertical core circulation and structured parking areas for multi-story structures. FAR is expressed as decimal.
175. **Floor area, gross leasable (total leasable)** means that portion of the total floor area designed and used for tenant occupancy and exclusive use, including any basements, mezzanines or upper floors but excluding stairwells, elevator shafts, equipment and utility rooms. The area shall be expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.
176. **Food service** means at least one (1) full meal being provided to each resident every day in a central dining area.
177. **Footcandle** means a unit of illumination that is equal to one (1) lumen distributed evenly over a one (1) square foot area.
178. **FPL corridor** means a dedicated Florida Power & Light Co. power transmission line easement or right-of-way no less than two hundred (200) feet wide.
179. **Front lot line** means the lot line adjacent to a road.
180. **Future Land Use designation** means a generalized view of how land in the District is intended to be used. It is a community's visual guide to future planning. The future land use map, found in the Comprehensive Plan, identifies the adopted future land use designation for each parcel in the Village. Development of each parcel is governed by the densities and/or intensities according to the Comprehensive Plan.
181. **Gasoline sales** means an establishment engaged in the retail sale of gasoline or motor fuels which may include accessory activities such as the sale of accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles or the sale of convenience food items.
182. **Glare** means a discomforting condition which occurs when the brightness of a light contrasts with a low brightness background and makes it difficult for the human eye to adjust.
183. **Golf cart** means a vehicle as defined in Fla. Sta. 320.01 and operated in compliance with Fla. Sta. 316.212.
184. **Golf course** means a facility providing a private or public golf recreation area designed for executive or regulation play along with accessory golf support facilities, but excluding miniature golf.
185. **Government services** means buildings or facilities owned or operated by a government entity providing services for the public and open to the public such as administrative offices and community centers.
186. **Grade, finished** (for the purpose of determining height) means:
- a. For parcels whose lot line adjoins one (1) road only, finished grade is the average of the natural grade measured from the center of the front property line to the center of the rear lot line.
187. For parcels whose lot line adjoins more than (1) road, finished grade is the average natural grade of all measurement lines, measured from the property line(s) adjoining the road(s) to the opposite property line(s). **Grassed parking** means that portion of a development's required off-street parking requirement that meets the standards of Section 7.2 (Parking and Loading Regulations).



188. **Greenhouse** means an accessory structure consisting of a glass or hard plastic enclosure used to protect plants from insects, heat, cold and exposure to the sun.
189. **Greenway** means multi-purpose open space corridors of private and public lands, which may be located within a public right-of-way, an edge area, a landscape buffer, or an easement, and may contain pedestrian paths, bicycle facilities, jogging paths, equestrian paths and fitness trails. Greenways are employed to provide usable open space close to residential areas, and provide alternative access ways connecting a variety of uses, such as residential areas, parks, school, cultural facilities and employment centers. Greenways also provide aquifer recharge, preserve unique features or historic or archaeological sites, and can link urban rural areas.
190. **Grey wood** means the portion of the palm trunk that is mature hardwood and measured from the top of the root ball to the base of the green crown shaft or the base of the branching fronds.
191. **Groom's quarter** means on-site living quarters for persons responsible for grooming and caring for horses boarded at the stable.
192. **Gross land area** means the total area, including all public and private areas within the legal boundaries of a particular parcel of land or project.
193. **Ground cover** means low growing plants, other than turf grass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.
194. **Ground floor** means a level of building, the floor of which is located not more than two (2) feet below or more than six (6) feet above finished grade.
195. **Ground water** means water beneath the surface of the ground within a zone of saturation where such water is at or above atmospheric pressure, whether within the voids between soil particles or within solution channels or fractures in rock.
196. **Grubbing** means removal of vegetation from land by means of digging, raking, dragging or otherwise disturbing the roots of the vegetation and the soil in which roots are located.
197. **Guaranty** means sufficient funds over which Wellington has control irrevocably committed by written instrument to secure complete performance of a contract for required improvements, condition of a Development Order or Road Agreement.
198. **FPL corridor** means a dedicated Florida Power & Light Co. power transmission line easement or right-of-way no less than two hundred (200) feet wide.
199. **Guyed tower** means a wireless communications tower that is supported, in whole or in part, by guy wires and ground anchors
200. **Habitable room** means a room occupied by one (1) or more persons for living, eating, sleeping, or working purposes. It does not include toilets, laundries, serving and storage pantries, corridors, cellars, and spaces that are not used frequently or during extended periods.
201. **Handicapped person** has the meaning given in § 393.063(6) and § 760.22(5)(a)(6) Fla. Stat.
202. **Handicapped spaces** means parking spaces designed, marked and reserved for exclusive use by persons properly registered as handicapped.
203. **Hatracking/topping** means the severe cutting back of branches, making intermodal cuts to lateral limbs leaving branch stubs with little regard to the natural shape of the tree.
204. **Heavy Vehicle** means vehicles larger than a pick-up truck or vehicles with more than four wheels or the Federal Highway Administration (FHWA) Class Group 4 or greater as defined in the FDOT Quality/Level of Service Handbook.
205. **Hedge** means shrubs planted in a continuous line that will block at least eighty (80) percent of a view in a maximum of two (2) growing seasons after installation.

206. **Highest adjacent grade** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
207. **Historical Growth Rate Table** means, for the purposes of Article 9, a table prepared by the County Traffic Division and /or the Wellington Engineer showing the preceding three (3) year's increase or decrease in average annual daily traffic on various links, based upon traffic counts and which provide the information to be used in projecting the background traffic during the buildout period of the proposed project.
208. **Home occupation** means a business, profession, occupation or trade conducted within a dwelling unit for gain or support by a resident of the dwelling unit pursuant to the limits of the LDR.
209. **Hospital** means a medical facility as provided in § 395.002(12), Florida Statutes, as amended.
210. **Hotel** means a commercial establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term rent to guests, in which rooms are furnished for the accommodation of such guests and may have accessory uses such as dining rooms, meeting rooms and recreation facilities.
211. **Impact Fees** means certain fees necessitated by growth and development as provided in the Code of Ordinances, Chapter 33.
212. **Impact Fee Coordinator** means the person appointed by the Village Manager to perform such functions as designated under this Ordinance or the designee of such person.
213. **Impervious surface** means any area of land consisting of or covered by material that prevents absorption of water into the ground.
214. **Incompatibility of land use** means issues arising from the proximity or direct association of contradictory, incongruous or discordant land uses or activities, including the impacts of noise, vibration, smoke, odors, toxic matter, radiation and similar environmental conditions.
215. **Individual sewer system** means a privately owned sewerage system, which provides sewer service to a single development, because of unavailability of a central sewer system.
216. **Industrial waste** means waste generated from commercial and industrial operations other than agricultural including but not limited to the processing, manufacturing, packaging, repair, maintenance or production of marketable goods. Construction and demolition debris shall be considered industrial waste.
217. **Industrial wastewater** means wastewater generated by commercial or industrial establishments as a result of manufacturing, preparation, processing, or handling of materials, chemicals and/or food products and from cleaning or washing operations. Laundromats, food service establishments, bakeries and car wash facilities are specifically included in this definition.
218. **Infill development** means a new development that is constructed on vacant or undeveloped land within an older existing neighborhood.
219. **Ingress** means entry.
220. **In-kind contribution** means the conveyance, dedication, construction, placement, delivery or remittance of land, buildings, improvements, fixtures, personal property or money to Wellington for capital facilities for which impact fees are levied.
221. **Intensity** means the number of square feet per acre and specific land use for non-residential uses.
222. **Interested Party** means a property owner, contract purchaser, authorized agent of the owner/purchaser or those property owners within 500 feet of the subject property or as otherwise provided by Florida Statutes.

223. **Internal trips** means, for the purpose of Article 9, trips from a Proposed Project that do not exit the Project or enter the Wellington Roadway system.
224. **Inundation** means the presence of water, in motion or standing, of sufficient depth to damage property due to the mere presence of water or the deposition of silt or which may be a nuisance, hazard or health problem.
225. **Instructional services** means an establishment offering scheduled instructional classes or training. Typical uses include barber or beauty schools, test-taking or training centers, karate, dance and gymnastics studios.
226. **Interior lot** means any lot neither a corner lot nor a through lot.
227. **Interior lot line** means any lot line not adjacent to a road.
228. **Invasive non-native plant species or invasive non-native vegetation** refers to those species defined as Category 1 invasive plant species by the Florida Exotic Pest Plant Council.
229. **Irrigated, irrigation or irrigation system** means an operational, permanent, and artificial watering system designed to transport and deliver water to vegetation, landscaping, and landscaped areas.
230. **Kennel** means a commercial establishment, including any building or land used, for the raising, boarding, breeding, or sale of such domesticated animals as dogs and cats, not necessarily owned by the occupants of the premises, for profit.
231. **Kitchen** means that portion of a structure used or designed to be used for the preparation of food, and including or designed to include a stove, refrigerator and sink.
232. **Laboratory** means a designated area or areas used for testing, research, experimentation, quality control, or prototype construction, but not used for repair or maintenance activities (excluding laboratory equipment), the manufacturing of products for sale, or pilot plant testing.
233. **Lake maintenance easement** means an expressed easement, created by plat dedication or other instrument of record, establishing access and use rights on or to the periphery of a water management tract for purposes of construction, maintenance, and repair of wet detention/retention facilities and appurtenant structures therein.
234. **Land** means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.
235. **Land application** means the application or disposal of effluent or sludge on, above or into the surface of the ground through spray irrigation, land spreading, or other methods.
236. **Land Development Permit** means, for the purposes of Article 8, the development permit issued by Wellington authorizing construction of required improvements for a subdivision.
237. **Land Development Regulations** means ordinances enacted by Wellington for the regulation of any aspect of development and includes any zoning, rezoning, subdivision, health, environmental, or sign regulations controlling the development of land.
238. **Land use activity generating traffic** means the carrying out of any building activity or the making of any material change in the use or appearance of any structure or land that attracts or produces vehicular trips over and above that produced by the existing use of the land.
239. **Land use designation means** as adopted on Wellington's Future Land Use Map.
240. **Landscape barrier** means a landscape design feature constructed within a landscape buffer that is intended to channel pedestrian movement and impede vehicular access and to provide an abrupt transition between otherwise incompatible uses. A landscape barrier may consist of living plants (such as a hedge), structures (such as a wall or fence), or changes in grade (such as a berm).

241. **Landscape buffer** means a continuous area of land which is required by Article 7, Landscape and Buffering, to be set aside along the perimeter of a lot or parcel in which existing native vegetation, relocated native vegetation, and landscaping is used to provide a transition between and to reduce the negative environmental, aesthetic, compatibility and other impacts of one (1) use upon another. Buffers may contain both signage and pedestrian paths.
242. **Landscape maintenance service** means an establishment engaged in the provision of landscape installation or maintenance services, but excluding retail or wholesale sale of plants or lawn and garden supplies from the premises.
243. **Landscaping** means any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) or nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials). Landscaping may include the preservation and incorporation of existing trees, vegetation, or ecosystems into site development.
244. **Legal access** means the principal means of access from a lot to a public or private road over which a perpetual ingress and egress easement or right-of-way has been granted to the owners of any lot serviced by such road.
245. **Legal positive outfall** means the permanently established connection of a stormwater discharge conveyance facility serving a development site to a watercourse or water body under the control and jurisdiction of one (1) or more public agencies, said connection being subject to all applicable agency permitting and approval requirements.
246. **Legally or lawfully permitted or established** shall mean a structure, fence, wall or hedge that complied with all applicable governmental regulations when it was built, installed or planted, and received permits from the county or Village if a permit was required at the time of construction, installation or planting.
247. **Level of Service (LOS)** means an indicator of the extent or degree of service provided by, or proposed to be provided by a public facility or service based on and related to the operational characteristics of the public facility or service. For the purposes of Article 9, the measure of the functional and operational characteristics of a roadway or intersection based upon traffic volume in relation to road capacity or the amount of vehicle delay or average speed.
248. **Light cutoff** means a luminaire with elements such as shields, reflectors or refractor panels which direct light and eliminate light spillover and glare.
249. **Limited access easement** means an easement established adjacent to a road for the purpose of prohibiting vehicular access to the road from abutting property except at those locations specifically authorized by the Village Council.
250. **Limited access road** means a road to which access from abutting property is under the control and jurisdiction of the Wellington or the County pursuant to a limited access easement or other regulatory access restriction.
251. **Link** means, for the purposes of Article 9, the portion of a Wellington Roadway between two (2) Wellington Intersections.
252. **Listed species** means those plant and animal species indicated as endangered, threatened, rare, commercially exploited, or species of special concern by the Florida Fish and Wildlife Conservation Commission, the Florida Department of Agriculture and Consumer Services or the United States Fish and Wildlife Service.
253. **Littoral Zone** means that region of the shoreline beginning at the OHW and extending waterward to a maximum depth of minus three (-3) feet OHW.
254. **Live-work unit** means a unit that includes a residential dwelling and flex space which may be used for commercial, retail, office, and/or services with any of these commercial activities being performed only by the resident owner or an employee. The residential and commercial

components shall have interior access between them and may or may not have independent entrances from the outside.

255. **Livestock** means breeding, raising and caring for animals pursuant the Fla. Stat. 585.01(13) and 588.13(1). Livestock raising includes keeping and/or stabling horses.
256. **Loading space** means the off-street area designated for loading and unloading of trucks, in the form which may include one (1) or more truck berths located either within a building or in an open area on the same lot.
257. **Local government development order** means a Development Order properly issued by Wellington through procedures established by LDR that establishes the specific use or uses of land, sets the density, and involves an active and specific consideration by Wellington of particular detailed development concept. It shall include Affidavits of Exemption and Subdivision approval. It typically involves the submission and review of a master plan, site plan, or building plans, but may not necessarily involve such. It shall not include land use designations established by a Local Government's Comprehensive Plan. It does not include comprehensive general rezoning/district boundary changes initiated by Wellington. It typically involves a petition of the land owner for his property alone and not adjoining properties. It does not include vegetative removal, clearing, grading or demolition permits.
258. **Local Planning Agency** means the Planning, Zoning and Adjustment Board which is designated by Wellington to prepare the Comprehensive Plan pursuant to § 163.3161, et seq., Fla. Stat.
259. **Local road** means a road designed and maintained primarily to provide legal and vehicular access to abutting land. A local road is of limited continuity, is not for through traffic, and is the middle order road of minor roads, being of a higher classification than a residential access road.
260. **Lot** means the smallest division of land identified as a single unit of ownership for conveyance and legal development purposes, and delineated by a closed boundary which is either:
- a. Depicted on a record plat;
  - b. Depicted on a survey, map, or drawing for which an affidavit or waiver or affidavit of exemption has been recorded; or
  - c. Described on a recorded deed or agreement for deed.
- The total area of abutting lands joined pursuant to a recorded unity of title shall be deemed a single lot for the purposes of the LDR. As used herein, the term shall be synonymous with the terms "plot," "parcel," or "tract" when referring to lands within a closed boundary not further divided by one (1) or more interior property lines.
261. **Lot area** means the total horizontal area included within lot lines.
262. **Lot depth** means the horizontal length, in feet, of a straight line drawn from the midpoint of the front property line of a lot to the midpoint of the rear property line.
263. **Lot frontage** means the length of the front property line abutting a legally accessible road right-of-way.
264. **Lot width** means the horizontal distance, in feet, between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear property lines.
265. **Lot size** means the total horizontal area included within the lot lines, expressed in acres or square feet.
266. **Lounge** means a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, lounges, and similar uses other than restaurants or alcohol sales for off-premises consumption. A lounge is distinct from a restaurant

- that sells alcohol when the establishment cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant to the State Beverage Law.
267. **Luminaire** means a complete lighting unit, consisting of a light source and all necessary mechanical, electrical and decorative parts.
268. **Maintenance and Preserve Management Plan** means a plan that will provide for the perpetual viability of a designated preserve area including the ongoing control of invasive non-native plant species and periodic maintenance.
269. **Major equestrian venue** means a site within the Equestrian Preserve Area to accommodate equestrian events, drawing 300 or more spectators, which due to the intensity of uses may have significant impacts on adjacent properties. Typical uses include equestrian stadiums and arenas, non-equestrian outdoor entertainment, equestrian instruction, barns, stables, accessory groom's quarters, equestrian retail and services and restaurants.
270. **Mechanical equipment** means air cooling and heating equipment, fuel tanks, irrigation pumps, pool pumps, water softeners and similar equipment.
271. **Major road** means collector roads, arterial roads, and expressways.
272. **Major thoroughfare** shall mean any road within the Village which is designated as a major thoroughfare by this Code.
273. **Manufactured home** means a structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer."
274. **Marginal access road** means a minor street
275. **Mass transit facilities** means the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or the construction of or purchase of mass transit facilities and equipment necessary to meet the LOS for mass transit facilities.
276. **Master Property Owner's Association** means a property owner's association of which membership is mandatory with the ownership of property subject to the master property owner's association and which has the authority to represent the members and bind the members by such representation.
277. **Medical or dental laboratory** means a facility for the construction or repair of prosthetic devices or medical testing exclusively on the written work order of a licensed member of the dental or medical profession and not for the public.
278. **Medical or dental office** means an establishment where patients, who are not lodged overnight are admitted for examination and treatment by one (1) person or group of persons practicing any form of healing or health-building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida.
279. **Medical marijuana dispensing** means an operation approved by the Florida Department of Health to cultivate, process and dispense low-THC cannabis or medical cannabis pursuant to the provisions of Chapter 2017-232, Laws of Florida and Chapter 64-4 "compassionate use" of the Florida Administrative Code.
280. **Medical marijuana treatment center** means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers sells, distributes, dispenses or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their professional caregivers, and is registered by the Florida Department of Health.

281. **Mezzanine** means a low-ceilinged story between two (2) main stories of a building. A mezzanine shall be counted as one (1) story if it covers more than one-third (1/3) of the area of the floor below.
282. **Microbrewery** means an establishment that produces limited quantities of beers or malt beverages for consumption on the premises or for sale in packages for later consumption off the premises via carry-outs or distribution. In conjunction with the sale of beer for consumption on the premises a microbrewery may sell wine by the glass or carafe for consumption on the premises.
283. **Microwave dish antenna** means a disk-like antenna used to send or receive wireless communications signals between terminal locations.
284. **Mined lake** means a body of water, excluding canals of conveyance, greater than one (1) acre in size or greater than six (6) feet in depth from OHW and which will remain open for longer than one hundred eighty (180) days. Multiple (more than one (1)) bodies of water constructed on a parcel or parcels of property under common ownership or control shall be considered a mined lake when such water bodies have a combined surface area greater than one (1) acre. A lake constructed, under construction or to be constructed under a permit of a jurisdictional agency prior to the effective date of Article 7 (Excavation) is considered an existing mined lake.
285. **Mining operation** means the extraction of subsurface materials for use at a location other than the immediate construction site.
286. **Minor equestrian venue** means a use that is compatible with residential properties in the Equestrian Preserve Area and provides a limited number of equestrian events that may draw a limited number of students, participants and spectators. The location, design, configuration and intensity of the venue's activity shall not create significant traffic or noise impacts to adjacent residential areas.
287. **Minor road** means roads which constitute the internal circulation network of a development and which are not classified as a major road.
288. **Mixed use** means a building or development of more than one building containing multiple land uses including a minimum mix of eligible land uses pursuant to the objectives of Article 6 where land uses are in close proximity, planned and integrated as a unified complementary whole.
289. **Mobile home** means a detached, transportable single family dwelling unit, manufactured upon a chassis or undercarriage as an integral part thereof, without independent motive power, designed for long term occupancy as a complete dwelling unit and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems.
290. **Mobile vendor** means a business that does not have a permanent location, stays at one location for more than two (2) hours and is removed from the temporary location every night.
291. **Monopole tower** means a wireless communications tower consisting of a single pole or spire supported by a permanent foundation constructed without guy wires and ground anchors.
292. **Motor vehicle** shall have the meaning ascribed by the statutes of the State of Florida providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of Florida.
293. **Multi-family** means the use of a structure designed for two (2) or more dwelling units that are attached, or the use of a lot for two (2) or more dwelling units.
294. **Multi-family complex** means an apartment or condominium complex which contains more than one (1) townhome structure or which contains attached house structures comprising more than four (4) dwelling units on a lot.

295. **Multi-family lot area** means the total lot area(s) of a multi-family complex which may be on one lot or on up to several contiguous lots containing an entire apartment or condominium complex.
296. **Municipality** means a general purpose local governmental entity created by the State Legislature and governed by § 166.01, et seq., Florida Statutes. For the purposes of adequate public school facilities, municipalities means all municipalities in Palm Beach County, except those that are exempt from participating in the school concurrency program, pursuant to § 163.3180, Florida Statutes.
297. **Native plant materials or species** means any plant species with a geographic distribution indigenous to all or part of South Florida and recognized as such by the Florida Department of Agriculture. Plant species which have been introduced by man are not native vegetation.
298. **Native upland vegetation** means the plant component of a native Florida upland community consisting of predominantly upland terrain which includes but is not limited to, Florida scrub, pine flatwoods, scrubby flatwoods, hammocks, dry prairies and drained cypress heads.
299. **Natural area** means waterways, wetlands, nature preserves, and other lands designated on the preliminary development plan to be preserved in perpetuity.
300. **Natural disaster** means a major adverse event resulting from natural processes of the earth including floods, hurricanes, tornados, brush fires, lightning or similar events. The damage must be a result of an emergency which activates Emergency Operations Level 1 - Full Scale Activation of the Emergency Response Team by the Governor or Village Manager.”
301. **Neighborhood** means the area of a neighborhood, including its blocks, roads, alleys, squares, and parks but excluding adjacent edge areas and through roads.
302. **Net trips** means, for the purposes of Article 9, Project Trips minus Pass-by Trips and the Previous-Approval Traffic or traffic from the Existing Use.
303. **New capital facilities** means newly constructed, expanded or added capital facilities which provide additional capacity. New capital facilities shall not include that portion of reconstruction or remodeling of existing facilities that does not create additional capacity.
304. **Nonconforming lot** means a single lot, tract or parcel of land of record that was conforming at the time of its creation, but which fails to meet the requirements for area, width or depth under the current district regulations of the LDR or the Comprehensive Plan.
305. **Nonconforming structure** means a structure that was lawfully established before the LDR was adopted or amended, that does not conform to the property development regulations of area, height, lot coverage, yard setbacks, lot location, parking or other dimensional requirements for the zoning district in which it is located.
306. **Nonconforming use** means a use that was lawfully established before the LDR was adopted or amended which does not conform to the use regulations of the zoning district in which it is located.
307. **Nonconformities** means uses of land, structures, lots and landscaping that were lawfully established before the LDR was adopted or amended, that are not in conformity with the terms and requirements of the LDR.
308. **Non-equestrian outdoor entertainment** means temporary entertainment, recreation or events offered to the general public where any portion of the activity takes place in the open excluding other uses listed in the Use Regulations. Typical uses include recreational uses on athletic fields, concerts and charitable events.
309. **Nonresidential activity** means any activity which occurs in any building, structure or open area which is not used primarily as a private residence or dwelling.



310. **Non-residential farm structure** means any building or structure used for agricultural purposes excluding those used for residences.
311. **Nursery** means the cultivation for retail sale of horticultural specialties such as flowers, shrubs, sod and trees intended for ornamental or landscaping purposes.
312. **Nursing or convalescent facility** means an establishment where, for compensation pursuant to a previous arrangement, care is offered or provided for three (3) or more persons suffering from illness, other than a contagious disease, or sociopathic or psychopathic behavior, which is not of sufficient severity to require hospital attention, or for three (3) or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.
313. **Office** means an establishment providing executive, management, administrative or professional services excluding other principal uses listed in the Use Regulations. An office use does not rely on frequent visits by the public.
314. **Official Zoning Map** means the official map upon which the boundaries of each district are designated and established as approved and adopted by the governing body, made a part of the official public records of Wellington, and shall be the final authority as to amend zoning status of land and water areas, buildings, and other structures in Wellington and incorporated into the LDR by reference.
315. **Off-site improvements** means improvements constructed outside of the boundaries of the project that are required as a part of a development approval.
316. **Off-street loading space** means the stall and berth along with the apron or maneuvering area incidental thereto
317. **Off-street parking**, means the minimum number of parking spaces per land use as required by this section.
318. **Open pavilion** means a type of open accessory structure such as a chickee hut, tiki hut, gazebo, outdoor kitchen or cabana.
319. **Open Space** means an open area which is set aside and restricted to open space use including a park, preserve, recreation space, square, plaza courtyard, etc. Unless these LDRs expressly provide open space credit for required green spaces such as those in rights-of-way, required retention or detention areas, landscape buffers and yards, they are not considered open space.
320. **Open weave fencing** means chain link, aluminum rail, picket, or similar types of non-opaque fences approved by the Architectural Review Board (ARB).
321. **Ordinary High Water (OHW)** means, for areas with an established control elevation, the control elevation will be the OHW. For areas without an established control elevation, the wet season water table prior to the excavation activity will be OHW.
322. **Original value of the structure** means the value of the structure at the time it was issued a Certificate of Occupancy, based upon an appraisal by a Member of the Appraiser's Institute (MAI).
323. **Owner** means the owner of the freehold estates, as appears by deed of record, or agreement for deed. It shall not include short-term lessees, reversioners, remainderman, or mortgagees. It shall include lessees with a lease of more than twenty-five (25) years.
324. **Package wastewater treatment facility** means a facility consisting of a prefabricated wastewater treatment unit and on-site disposal system, intended to provide sewer service to a single development which does not have central sewer service available.

325. **Package water treatment facility** means a facility consisting of a prefabricated water treatment unit, intended to provide water service to a single development which does not have central water service available.
326. **Panel antenna** means an array of antennas designed to direct, transmit or receive radio signals from a particular direction.
327. **Parcel** means a unit of land legally established property lines.
328. **Parcel Control Number** means a Palm Beach County identification number assigned for each parcel of land.
329. **Park** means a developed or planned site owned by a governmental entity that offers the general public an opportunity to partake in a variety of recreational activities that may be active, passive, or special in nature in a safe and convenient manner that is compatible with its environs. The different types of parks include:
- a. **Community park** means those facilities Wellington provides active recreational facilities to population bases under twenty-five thousand (25,000) persons. Recreational facilities include play areas, small groups of fields or courts suitable for programmed activities, community centers, and adequate bicycle, automobile parking areas and pedestrian paths to serve the facility.
  - b. **District park** means those Wellington facilities generally between sixty (60) and two hundred and fifty (250) acres in size that primarily provide active recreational facilities and to a lesser degree some passive recreational facilities, where possible. Recreational facilities include special facilities such as competition pools, golf courses, or boat ramps and marinas, large groups of lighted fields or courts suitable for scheduled league activities, and adequate support facilities with bicycle and automobile parking areas and pedestrian paths to accommodate those using the park.
  - c. **Neighborhood park** means the smallest class park that is less than ten (10) acres in size and usually less than five (5) acres. Recreational facilities are generally few in number due to size restraints and developed according to the demands and character of the neighborhood that they serve. Neighborhood parks are open space area providing passive and active recreation and usable open green space within walking distance of housing.
  - d. **Regional park** means the largest class park in Wellington. It generally exceeds two hundred fifty (250) acres in size and also provides access to a substantial resource base. Regional parks primarily provide passive recreational facilities and to a lesser degree active recreational facilities where no adverse impact on the resource base results. Recreational facilities in regional parks are primarily passive or resource based in nature with picnicking, camping, hiking, fishing, and boating as the main activities. Special facilities such as museums, golf courses, or water skiing facilities may also be included, as well as some of those active facilities often found in district parks.
330. **Parking lot** means an off-street, private or public area constructed at grade which is used for the temporary parking of automobiles, motorcycles and trucks. Parking lots include access aisles, ramps, maneuvering and all vehicle use areas. Parking lot types include:
- a. **Commercial parking lot** means a paved area intended or used for the off-street parking or storage of operable motor vehicles on a temporary basis, other than accessory to a principal use.
  - b. **Shared or common parking lot** means a parking lot or area that serves more than one (1) lot, use or residential dwelling.
331. **Parking space** means a surfaced or grassed area, enclosed or unenclosed, sufficient in size and approved to store one (1) motor vehicle.

332. **Parking tract** means a parking lot delineated on a plat or otherwise created by instrument of record for the purpose of providing common vehicular parking and legal access for owners of abutting lots.
333. **Pass-by trips** means, for the purposes of Article 9, trips generated by a proposed project which are passing trips already on the road LINK on which the proposed project is located.
334. **Passive recreation and observation uses** means activities, such as walking, hiking, and bird watching, which rely on the natural qualities of the area for enjoyment and have a low impact on the land.
335. **Patio** means an open unoccupied space that may be partially enclosed by wall, fence, or building and not considered part of the residential living structure.
336. **Paver fabricated driveway** means a driveway constructed of at least sixty (60) percent paver block or high quality stamped concrete.
337. **Peak hours** means the period as established pursuant to Article 9, related to those hours with the highest traffic level for evaluation purposes.
338. **Peak season** means, for the purposes of Article 9, the time from January 1 through March 31.
339. **Percolation pond** means an artificial impoundment similar to a holding pond for which the design and operation provides for fluid losses through percolation of seepage.
340. **Performance security** means funds irrevocably committed by written instrument that are sufficient to secure the complete performance of a contract or condition of a development order, Development Agreement, or covenant. Performance securities shall be denominated in United States dollars. The form of the security shall be approved by the Village Attorney, and may include: an irrevocable letter of credit; an Escrow Agreement; a Surety Bond; a cash bond; or any other form of comparable security.
341. **Perimeter landscape buffer** means a continuous area of land which is required to be set aside along the perimeter of a lot in which landscaping is used to provide a transition between and to reduce the environmental, aesthetic and other impacts of one (1) type of land use upon another.
342. **Perimeter lot/property line** means the boundary or a line determining the limit of an area.
343. **Permitted use** means a use allowed by right in such district. Permitted uses may be subject to site plan review if specifically required by this code.
344. **Person** means any individual, public or private corporation, governmental agency, business trust, estate, trust, partnership, association, property owners' association two (2) or more persons having a joint or common interest, governmental agency, or any other legal entity.
345. **Personal services** means an establishment engaged in the provision of commercial services which may also involve the limited sale of retail products.
346. **Pervious surface area** means all that area of land that can be landscaped or planted, allows natural passage through by water, and is not covered by nonpervious manmade materials or structures, such as buildings or paving.
347. **Pharmacy** means a retail establishment offering on-site dispensing of prescription drugs, nonprescription drugs or both, and which may offer retail sales of other goods, but which differs from a retail sales, general use as defined in this section. Pharmacies shall be staffed by a state licensed pharmacist.
348. **Phased development** means development which is designed, permitted or platted in distinct, sequential stages to be developed over a specified period of time.
349. **Place of worship** means a premises or site used primarily or exclusively for religious worship and related religious services or established place of worship, retreat site, camp, convent,

seminary or similar facilities owned or operated by a tax exempt religious group for religious activities. A place of worship may also be referred to as a religious institutions or an assembly use.

350. **Planned Development** means a project that was approved within a planned development district or a previously approved planned development and is governed by the regulations within the LDR and/or those as set forth in a valid development order. A regulation containing the term "planned development" means that the regulation applies to a planned development district and a previously approved planned development.
351. **Planned Development District** means a zoning district which is approved pursuant to the policies and procedures of Article 6, Planned Development Districts of the LDR.
352. **Plan of Operation** means a detailed plan which provides layouts, descriptions and controls as to how events and activities will be defined, designed, limited, managed and secured. It shall include a graphical plan of the site and all related activities. The plan shall identify for each event: the type of event, location, frequency, duration, typical personnel needed, shipping and receiving areas, number of participants, spectators, parking accommodations and standards and whether amplified sound, temporary sanitary facilities or lighting would be used. Necessary mitigation measures for the impact of the proposed activities shall be included in the plan. Potential growth of the events should be identified in the Plan of Operation to determine during review and decision making whether the standards for a conditional use have been met pursuant to Article 5.
353. **Plat** means a map or delineated representation of the subdivision of lands, being a complete, exact representation of the subdivision and other information in compliance with the requirements of all applicable provisions of Article 8 and Chapter 177, Fla. Stat., and may include the terms "replat," "amended plat," or "revised plat."
354. **Plat of record** means a plat that conforms to the requirements of the applicable state laws and Article 8, Subdivision, which has received all required Wellington approvals for recordation, and which has been placed in the official records of Wellington and Palm Beach County Clerk of the Courts.
355. **Plaza** means a formal open space adjacent to buildings or roads to serve as a gathering place for civic, social or passive activities.
356. **Pod** means areas in a planned development that are designated for specific uses.
357. **Positive drainage** means the provision of a stormwater management system which conveys stormwater runoff to a point of legal positive outfall.
358. **Potable water facilities** means the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of potable water facilities necessary to meet the LOS for potable water facilities.
359. **Preliminary development plan** means a generalized depiction of use categories presented to the appropriate review body for planned development districts, previously approved planned developments (master plans and site plans), and conditional use approvals.
360. **Preliminary plat** means a copy of the plat in sufficient form to readily compare the plat with the subdivision plan and construction plans.
361. **Premises** means any lot, area, or tract of land whether used in connection with a building or not.
362. **Preserve or preserve area** means that portion of native vegetation which is required to be set aside from development or other alteration activities, protected from the removal of any native plant species, managed to maintain viability for wildlife habitat, and maintained free of non-native plant species.

363. **Previous Approval** means, for the purposes of Article 9, a development order which:  
Is a valid development order formally approved which either:
- a. For which a complete application was made to and accepted prior to February 1, 1990; or
  - b. In the case of a Development of Regional Impact, a Development of Regional Impact which received a report and recommendation by the Treasure Coast Regional Planning Council prior to February 1, 1990, all pursuant to formally established procedures pursuant to the land development regulations. It does not include applications for Site Specific Development Orders on a lot subject to an Interlocal Agreement entered by the municipality and the County, after May 21, 1987, as a result of an annexation where the agreement requires compliance with traffic performance standards. It does not include an amendment or amendments to a Previous Approval applied for on or after February 1, 1990.
364. **Previous Approval Traffic** means, for purposes of Article 9, Project Traffic resulting from units or square footage of a Previous Approval.
365. **Previously Approved Planned Development** means a Planned Development approved by rezoning, special exception or conditional use prior to the effective date of the LDR.
366. **Previously Captured Project** means, for purposes of Article 9, a Project approved after February 1, 1990.
367. **Principal building or structure**, means a building in which is conducted the primary use of the lot on which it is located.
368. **Principal use** means the primary and major purpose for which land or building is used as allowed by the applicable zoning district.
369. **Privacy fence or wall** means a structural barrier of an opaque quality, constructed such that the privacy of the area to be enclosed is maintained.
370. **Private road** means any road that has not been dedicated for public use; is reserved to a property owners' association pursuant to recorded restrictions and covenants or a plat of record; or is dedicated for public use but has not been accepted for maintenance by Wellington, the State or a special district.
371. **Prohibited use** means a use not permitted in such district.
372. **Prohibited plant species** means those species as defined in the landscape section of the LDR, as being demonstrably detrimental to native plants, wildlife, the ecosystem or public health, safety, or welfare.
373. **Project** means a land use or group of land uses involving the development of a particular parcel of land at a particular density that was granted a valid development order, or which substantially complies with applicable provisions of the Wellington LDRs as determined by the PZB Director.
374. **Project Standards Manual** means the governing documents, in addition to the master plan and site plan, for a planned development that provided all regulations as required and in accordance with Article 6 of the LDR.
375. **Project Traffic/Project Trips** means, for the purposes of Article 9, the number of trips generated by the proposed project (this includes reductions for internal trips). In the event no specific use, size, or density is proposed, the maximum Trips possible under the development order shall be Project Traffic. Project traffic shall be generated using the latest edition of Trip Generation handbook published by the Institute of Transportation Engineers unless local trip generation rates are documented.
376. **Property line** means the boundary line between two pieces of property.

377. **Property owners' association** means an organization recognized under the laws of the State, operated under recorded maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, home, property or any other interest, is automatically a voting member, and each such member is automatically subject to a charge for a prorated share of expenses, either direct or indirect, for maintaining common properties within the subdivision, such as roads, parks, recreational areas, common areas and other similar properties. Within the text of the LDR, a property owners' association is considered to be a single entity for property ownership. As used in the LDR, the term "property owners association" shall also be deemed to include a homeowners' association, condominium association or cooperative (apartment) association, as defined in Chapter 711, Fla. Stat., as amended, having a life tenure of not less than twenty (20) years, as well as a third party having an agreement with a condominium or cooperative association as permitted by Chapter 711, Fla. Stat., as amended.
378. **Proportionate Share Program** means, for the purposes of Article 9, the established method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors as required by and in a manner consistent with § 163.3180, F.S. and as detailed in Article 9.
379. **Proposed New Residential Development** means any application for residential development or amendment to a previously approved residential development that increases the number of housing units. This shall include any request for any approval of the type that establishes a density of development and which approves a site-specific development order on a specific parcel of property.
380. **Protected vegetation** means all vegetation other than prohibited plant species, invasive non-native plant species or invasive non-native vegetation.
381. **Pruning** means the removal of plant parts, dead or alive, in a careful and systematic manner so as to not damage other parts of the plant.
382. **Public agency** means any government or governmental agency, board, commission, authority or public body of Wellington, Palm Beach County, the State of Florida, or of the United States government, or any legally constituted governmental subdivision or special district.
383. **Public easement** means an easement granted to a governmental entity, public agency, a utility, or the public.
384. **Public facilities** means capital facilities including but not limited to roads, parks and recreation, fire-rescue, library, law enforcement, public buildings, and school sites.
385. **Public Facilities Agreement** means an agreement entered into by Wellington or a Service Provider and a developer or landowner for the purpose of ensuring public facility capacity is reserved for a proposed development.
386. **Public Health Unit** means the HRS/Palm Beach County Public Health Unit.
387. **Public road** means a road owned by a governmental agency.
388. **Public utility** means an entity owning, operating, managing or controlling a system or proposing construction of a system that is providing or proposing to provide water or sewer service, electricity, natural or manufactured gas, or any similar gaseous substance, telephone, or other communication service to the public for compensation.
389. **Public works projects** means projects that may be conducted by government agencies or are linear projects, such as pipelines, transmission lines, telephone lines, etc., that are constructed for no single property.
390. **PZB Director** means the department head of the divisions including, but not limited to, planning and zoning, code compliance, and building, as directed by the Village Manager, or their designee.

391. **Quasi-public easement** means an easement granted to a property owners association in which the Village or public have some beneficial interest.
392. **Quasi-public use** means a use or group of uses open for general public use, such as stadiums, amphitheatres, civic centers, and colleges. It does not include shopping centers or other retail uses, and hotels.
393. **Queuing area** means a one-way aisle that provides a waiting area for a specified number of cars.
394. **Rear lot line** means that lot line which is opposite, generally parallel to, and most distant from the front lot line.
395. **Reclamation** means increasing land use capability to be made suitable for development, by changing the land's character or environment through drainage, fill or revegetation.
396. **Recreation and park facilities** means the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of buildings and park equipment necessary to meet the LOS for Park and Recreation Facilities.
397. **Recreation facility** means a facility designed and intended for use by occupants of a residential development. Typical uses include golf courses, swimming pools and tennis courts and required recreational areas.
398. **Recreational vehicle** means any vehicle designed as a temporary living quarters for recreational, camping or travel use, which is self-powered or is mounted on or drawn by another vehicle.
399. **Recycling drop-off bin** means a totally enclosed structure, containing no more than five hundred (500) square feet of gross floor area, within which pre-sorted, non-biodegradable recyclable materials are collected for redistribution or sale for the purpose of reuse.
400. **Redevelopment** means the action or process of developing something again or differently.
401. **Regulated Substances** means:
- a. Those deleterious substances and contaminants, including degradation and interaction products which, because of quality, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), or infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non-degradability) in nature, or any other characteristic, may cause significant harm to human health and environment (including surface and groundwater, plants, and animals).
  - b. Those substances set forth in, but not limited to, the Lists of Hazardous Wastes (40 CFR Part 261, Subpart D), 40 CFR, Part 261, Appendix VIII-Hazardous Constituents, and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances Under CERCLA (40 CFR 302, effective July 3, 1986); as amended from time to time provided, however, that this section shall only apply whenever the aggregate sum of all quantities of any one (1) Regulated Substance at a given facility/building, at any one time, exceeds five (5) gallons where said substance is a liquid, or twenty-five (25) pounds where said substance is a solid. The section shall also apply if no single substance exceeds the above reference limits but the aggregate sum of all Regulated Substances present at one facility/building, at any one time, exceeds one hundred (100) gallons if said substances are liquids, or five hundred (500) pounds if said substances are solids.
  - c. Where Regulated Substances are dissolved in or mixed with other non-Regulated Substances, only the actual quantity of the Regulated Substance present shall be used to determine compliance with the provisions of this section. Where a Regulated Substance is a liquid, the total volume of the Regulated Substance present in a solution or mixture of

said substance with other substances shall be determined by volume percent composition of the Regulated Substance, provided that the solution or mixture containing the Regulated Substance does not itself have any of the characteristics identified in paragraph one of this definition.

402. **Repair and maintenance (Large)** means an establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, golf carts, mopeds, motorcycles and trucks, excluding paint and body work. Typical uses include automobile repair garages, automobile tune-up stations, automotive glass shops, quick-lubes and muffler shops.
403. **Repair and maintenance (Small)** means an establishment engaged in the repair and maintenance of personal apparel and household appliances, furniture, and similar items, excluding repair of motor vehicles. Typical uses include apparel repair and alterations, small appliance repair, small motor repair (including golf carts, mopeds and lawn mowers), bicycle repair, clock and watch repair, and shoe repair shops.
404. **Required recreation areas** means recreational tracts of land with facilities required within a residential development, dedicated or reserved to a property owners association for the perpetual use by all residents of the development for recreation.
405. **Residential access road** means the lowest order of a minor road that is intended to carry the least amount of traffic at the lowest speed.
406. **Residential** means single-family detached and patio home dwellings, attached house dwellings, multi-family dwellings, assisted living facilities and congregate living facilities.
407. **Residential district** means any area that has a residential zoning district or future land use map classification.
408. **Respondent/Alleged violator** means those persons including both landowners and tenants who have been issued a Notice of Violation.
409. **Restaurant** means an establishment engaged in the sale of food and beverages normally consumed while seated in the restaurant but may include take-out service.
410. **Retail sales general** means an establishment providing general retail sales or rental of goods, but excluding uses classified as another use type. Retail sales includes but is not limited to clothing stores, auto parts stores, book stores, business machine sales, food stores (excluding convenience stores), marine supply sales (excluding boat sales), pharmacies, medical marijuana dispensing organizations/facilities, medical marijuana treatment center dispensaries, the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may rent and perform incidental repair to their products.
411. **Retail sales temporary** means an operation at a temporary location in a commercial or planned development district which may utilize tents, temporary structures and/or vehicles to provide goods and services. Typical uses include food trucks, lunch wagons, mobile clinics and the seasonal sales of merchandise such as Christmas trees, sparklers or produce.
412. **Retention** means the collection and storage of a specific portion of stormwater runoff without subsequent direct release to surface waters of said portion or any part thereof.
413. **Retention or detention pond** means any pit, pond, or excavation excluding canals of conveyance which creates a body of water by virtue of its connection to groundwater, and which is intended to receive stormwater.
414. **Right-of-way** means a strip of land dedicated or deeded to the perpetual use of the public.
415. **Road** means a strip of land, owned privately or publicly, which affords legal access to abutting land and is designated for vehicular traffic. "Road" includes street, thoroughfare, parkway,



- avenue, boulevard, expressway, lane, throughway, place, and square, or however otherwise designated. Roads are further classified according to the function they perform.
416. **Road Design Element** means a feature of a road that may include but is not limited to right-of-way, travel lanes, medians, on-street parking, sidewalks, bicycle lanes, pavement, curbs, streetscape, lighting, furnishings and related design parameters.
417. **Road facilities** means the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of roads on the major road network system necessary to meet the LOS for road facilities.
418. **Road mile** means the distance of one mile measured on a legal roadway easement or right-of-way.
419. **Rubbish** means waste consisting of any accumulation of paper, excelsior, rags, wooden or paper boxes or containers, sweeping, and all other accumulations of a nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places, and also any bottles, cans, container, or any other products which due to their ability to retain water may serve as breeding places for mosquitoes or other water-breeding insects; rubbish shall not include noncombustible refuse.
420. **Rural subdivision** means a division of land within the Equestrian Preserve Area.
421. **Sand** means sediments having a distribution of particle diameters between 0.074 and 4.76 millimeters, as defined in the Unified Soils Classification System. Sand grain analyses shall follow the methodology described in Folk, Robert L. 1980, Petrology of Sedimentary Rocks to determine grain size distribution.
422. **Sanitary hazard** means any percolation pond for domestic wastewater effluent disposal, the land application of domestic wastewater sludge or domestic wastewater effluents that have not received high-level disinfection and any on-site sewage disposal system (septic tank).
423. **Sanitary landfill** means a permitted disposal facility employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid wastes in thin layers, providing a sand fill or approved substitute cover.
424. **Sanitary nuisance** means any act, or the keeping, maintaining, propagation, existence or permission of anything, by an individual, municipality, organization or corporation, by which the health or life of an individual may be threatened or impaired or by which or through which, directly or indirectly, disease may be caused.
425. **Sanitary sewer facilities** means the planning of, engineering for, preparation of documents for, acquisition of land for, or construction of facilities necessary to meet the LOS for sanitary sewer facilities.
426. **School Board** means the Palm Beach County School Board.
427. **School (primary or secondary)** means a premises or site upon which there is an institution of learning, whether public or private, which conducts regular classes and courses of study required for accreditation as an elementary or middle school by the State Department of Education of Florida.
428. **Screen enclosure** means a structure, which may or may not be roofed, used to completely enclose an outdoor living space with screening.
429. **Screening** means landscaping, berms, fences, walls or any combination thereof used to block or significantly obscure, in a continuous manner, the view from one (1) area to another.
430. **Seedling, sapling, runner, or sucker** means any young plant or tree in early stages of growth.
431. **Self-service storage (indoor)** means a self-service storage facility with a limited number of access points from the exterior of the building to the building's interior halls from which individual

- enclosed storage bays are accessed or with multiple access points from the exterior of the building accessing individual enclosed storage bays.
432. **Self-support/lattice tower** means a structure requiring no guy wires for support.
433. **Senior housing** means housing reserved for adults age fifty-five (55) and older, in selected locations, utilizing meeting applicable requirements provided in Article 6.
434. **Septic tank system** means a building sewer, septic tank, distribution box and drainfield. When pump equipment is utilized, it is also considered part of the septic tank system.
435. **Service provider** means any agency that is responsible for the provision of public facilities to development in the Village of Wellington.
436. **Setback** means the required minimum horizontal distance between any structure and the related front, side, side corner or rear property lot line.
437. **Shade house** means an accessory agricultural structure consisting of a screened enclosure with a screened or roll plastic roof used to protect plants from insects, heat and exposure to the sun.
438. **Shade tree** means a tree that reaches a minimum height of fifteen (15) feet at maturity, provides relief from direct sunlight for at least six (6) months each year, and is indicated as a shade tree on the Recommended Tree List.
439. **Shared driveway** means a driveway that serves more than one (1) dwelling unit.
440. **Shared parking** means the approved use of the same off-street parking spaces for two (2) or more distinguishable uses where peak parking demand of the different uses occurs at different times of the day, or where various uses are visited without moving the automobile, and where the provision of parking spaces is a net decrease from the combined total of each use's individual off-street parking requirements if provided separately.
441. **Shopping center** means a group of commercial establishments planned, developed, managed and operated as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.
442. **Shrub** means a self-supporting woody perennial plant more than thirty (30) inches in height at maturity, characterized by multiple stems and branches continuous from the base.
443. **Sidewalk, curb or vehicular sign** means signs placed on or affixed to vehicles or trailers which are parked on a public right-of-way, public land, or private land so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, service or activity, or direct people to a business or activity located on the same or nearby land.
444. **Safe Sight Distance** means the extent of unobstructed vision in a horizontal and vertical plane.
445. **Safe Sight Triangle** means a point of measurement whereby an individual in a vehicle has the ability to sight a prescribed distance without pulling onto a vehicular thoroughfare.
446. **Side of fence or wall** means the lineal portion of a wall, fence or hedge located along or parallel to a front, side, side interior, or rear property line.
447. **Single-family home** means the use of a lot or a structure that permits one (1) detached dwelling unit.
448. **Single-family cluster** means a dwelling unit which is part of a cluster of similar dwelling units within a planned development but that is separated from other similar units by common areas dedicated to a property owners' association.
449. **Single-family district** means any area that has a residential Zoning district or Future Land Use Map designation which permits single-family detached or detached patio home principal uses.

450. **Site plan** means the most recent site plan approved by the Development Review Manager. A site plan shows the proposed and existing improvement (building footprint, drive aisles, parking, drainage facilities, water lines, lighting landscaping, etc.) to a given lot or project.
451. **Site-related improvements** means road construction or road improvements at or near the development site which are necessary to interface the development's external trips with the major road network system, or which are necessary to interface the development's internal trips with the major road network system where a portion of the major road network system is included within the development.
452. **Site-specific development order** means a development order issued by Wellington which establishes the density or maximum density, and which approves a specific plan of development on a lot or lots pursuant to an application by or on behalf of an owner or contract purchaser, including applications initiated by Wellington. It may apply to a lot or lots under single ownership or a group of lots under separate ownership. It shall apply to all parcels or lots in their entirety taken together of any subdivision. It includes site specific rezonings, special exceptions, conditional uses, special permits, master plan approvals, site plan approvals, plat approvals, building permits and any "Development of Regional Impact" development order as defined in § 380.06, Florida Statutes. It may or may not authorize the actual commencement of development. Two (2) or more development orders which individually do not constitute a site-specific development order shall be considered a site-specific development order if when taken together, they meet the definition of a site-specific development order.
453. **Solid waste** means garbage, rubbish, refuse, sludge, septage, dewatered domestic wastewater residuals, grit and screenings from a domestic wastewater treatment facility or other discarded solid or liquid material resulting from domestic, commercial, industrial, agricultural activities or governmental operations but does not include storm water discharges or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows or other common water pollutants.
454. **Solid waste facilities** means the planning of, engineering for, preparation of documents for, acquisition of land for or construction of facilities necessary to meet the LOS for solid waste facilities.
455. **Source property** means the land from which the subject nuisance is originating including public or private roads, sidewalks or other public or open space areas.
456. **Special allocation** means the assignment by the Council of impact fee credits for in-kind contributions to a fee payer, or a portion of a development. It may involve the prorating of impact fee credits for in-kind contributions.
457. **Special Flood Hazard Area** means a designated AE Zone on the Flood Insurance Rate Map (FIRM) where the base flood elevations are provided.
458. **Special magistrate** means the special magistrate appointed as provided in the Code of Ordinances Chapter 2, "Administration", Article 4, "Code Enforcement", Section 2-293, "Special Magistrate".
459. **Special use** means a use that is temporary in nature and shall be permitted by issuance of a Special Use Permit only in such district if they meet the supplementary use standards, procedures and standards set forth in Article 5 and all other standards in the code.
460. **Specialized vehicular use area** means an area designed for storage of vehicles in operative condition, or for warehousing, transportation or trucking operations, and which is not open to the general public.
461. **Specimen trees** are trees that substantially contribute to the aesthetics of a site or development that have reached the diameter at breast height (DBH) measurement indicated in Article 7.

462. **Speculative clearing** means the clearing of property for which no final development order has been issued.
463. **Spent** means the commitment of funds to a particular capital facility acquisition by the awarding of a contract.
464. **Spill** means the unpermitted release or escape of a Regulated Substance, irrespective of the quantity thresholds identified in the definition of "Regulated Substance," directly or indirectly to soil, surface water or groundwater.
465. **Spillover light** means light that is distributed into areas where the illumination is not needed or intended.
466. **Square footage** means the gross constructed area of all buildings and structures covered by a solid or screened roof and totally or partially enclosed by walls or other material. Nonresidential outdoor areas covered or uncovered which functionally extend the primary use, such as open seating and open retail are included, except that uses which generally completely occur outdoors, such as vehicle or monument sales, nurseries, gasoline sales, salvage yards, and outdoor storage, are not included. Nonresidential canopies and screened enclosures which functionally extend the primary use are included. Decorative canopies or canopies designed to protect from weather are not included. For impact fee purposes of residential development, the square footage means the conditioned area of the building as measured to the outside of the exterior wall. If the residential structure or addition has no conditioned area, square footage shall be the living area of the building as measured to the outside of the exterior wall.
467. **Stall or berth** means the space within which vehicles are placed during actual loading or unloading operations.
468. **Stall**, for the purposes of the Equestrian Preserve Area, means a compartment for a domestic animal in a stable or barn.
469. **Standards Manuals** means the Wellington Engineering Standards Manual (Engineering Manual) and the Wellington Utility Water and Wastewater System Construction Specifications and Standard Details Manual (Utility Manual), (Collectively, Standards Manuals).
470. **State standards** for the purpose of Article 8, Subdivision, Platting and Required Improvements, means the various design and construction guidelines, policies and standards promulgated, and amended, by the departments and agencies of the State, including but not limited to the Policy and Guidelines for Vehicular Connections to Roads on the State Highway Systems, Manual of Uniform Traffic Control Devices for Streets and Highways (as adopted by the Department of Transportation), Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (a/k/a "The Greenbook"), Standard Specifications for Road and Bridge Construction, Roadway and Traffic Design Standards, and Handbook for Drainage Connection Permits.
471. **Stealth facility** means any wireless communications facility that is designed to incorporate into and be compatible with uses of the site such as by means of using camouflage techniques. Examples include architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to look like or incorporated into light poles, power poles, trees, flag poles, clocks, building towers, steeples or carillons and of similar height.
472. **Stormwater** means the flow of water that results from and occurs immediately following a rainfall event.
473. **Stormwater management plan** means an engineering drawing and written report outlining the proposed secondary and tertiary stormwater management system needed for the proper development of a specific increment of the Village of Wellington, including details of drainage-related conditions and characteristics of the existing development site and surrounding lands.

474. **Stormwater management system** means a comprehensive system designed and constructed or implemented to collect, convey, store, absorb, inhibit, treat, use or reuse stormwater in order to prevent or reduce inundation, flooding, over-drainage, environmental degradation, and water pollution, or otherwise affect the quantity and quality of stormwater runoff.
475. **Stormwater runoff** means that portion of stormwater which occurs either as overland surface flow or subsurface lateral flow through normally unsaturated soils, and which is neither intercepted by vegetation, evaporated, nor recharged to groundwater.
476. **Stormwater system, primary** means classified surface waters of the State which convey stormwater runoff toward the ocean or a major inland water body.
477. **Stormwater system, secondary** means that component of a stormwater management system which consists of facilities and features designed to provide for treatment and control of stormwater runoff generated by specifically delineated lands, in order to meet regulatory requirements governing the quality and quantity of stormwater discharged to the primary stormwater system.
478. **Stormwater system, tertiary** means that component of a stormwater management system which consists of facilities and features designed to provide for rapid removal of stormwater from structures, building sites, roads, and other areas of development or uses sensitive to damage or disruption by inundation.
479. **Stormwater treatment** means removal of pollutants, debris, and other undesirable materials from stormwater runoff by means of natural chemical, biological or physical processes, including, but not necessarily limited to, detention, retention, filtration, percolation, sedimentation, floatation, and skimming. This definition does not normally include active treatment processes, requiring the consumption of electrical or mechanical energy.
480. **Structure** means that which is three (3) feet or more in height, built, constructed, erected, or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices, and poster panels.
481. **Structured parking** means the provision of parking spaces and drive isles in an enclosed building, to serve nonresidential or multi-family development, provided that an individual dwelling's garage is not considered structured parking.
482. **Subdivision** means the division of land, whether improved or unimproved, whether previously platted or not, into two (2) or more contiguous lots for the purpose, whether immediate or future, of transfer of ownership. The term shall include any modification of legal boundaries for the purpose of redividing or combining any lot(s) depicted on a record plat, or on a certified survey or other map recorded pursuant to an affidavit of exemption or affidavit of waiver. When appropriate to the text, the term refers to the process of subdividing or the land proposed to be or which has been subdivided.
483. **Subdivision plan** means the most recent subdivision plan approved by the Development Review Manager.
484. **Substantial change in land use** means either (1) a change in land use or site design that increases the intensity of land use, (2) a change in land use or site design that creates or increases incompatibility of adjacent land uses, or (3) an increase in the total floor area of multiple-family dwellings or nonresidential buildings which results in increased traffic.
485. **Substantial improvement** means any combination of repairs, reconstruction or improvement of a structure, where the improvement creates additional enclosed space that contains equipment or utilities relative to the primary structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage

- occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any development for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Place.
486. **Surface water** means water upon the surface of the earth whether contained within natural or artificial boundaries or diffused.
487. **Surveyor** means a land surveyor registered in the State of Florida.
488. **Suspension Order** means suspension of construction work directly over the potential archaeological find. During the initial site visit, a qualified archaeologist may extend the boundary of the suspension order based on the potential significance and geographic coverage of the find.
489. **Swale** means a stabilized and graded depression designed to convey stormwater runoff and retain water for only a brief period following a rainfall event.
490. **Swimming pool** means any confined body of water, located either above or below the existing finished grade of the site, exceeding one hundred fifty (150) square feet in surface area, and two (2) feet in depth, designed, used, or intended to be used for swimming or bathing purposes.
491. **Temporary** means a single period or an accumulation of periods not exceeding ninety (90) days in any 365-day period unless further restricted.
492. **Temporary sign** means any sign erected and maintained for a specified length of time.
493. **Tiki Hut** means an open-sided wooden hut that has a thatched roof, which incorporates electricity and/or plumbing.
494. **Total trips** means, for the purposes of Article 9, the sum of Existing Traffic, Net Trips and Background Traffic.
495. **Towing service and storage** means the use of a lot for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service, with no sales or repair or salvage activity occurring on the lot.
496. **Townhouse** means a dwelling unit in a structure comprising of three (3) to eight (8) units in a row configuration. Each unit shall be located on an individual lot and attached by at least one (1) but no more than two (2) party wall(s) along fifty (50) percent of the maximum depth of the unit, to one (1) or more other dwelling units; has a continuous foundation; each on its own lot, with said party wall(s) being centered on the common property line(s) between adjacent lots.
497. **TPS Database** means, for the purposes of Article 9, a database which was initially approved by the Palm Beach County Board of County Commissioners. On an ongoing basis, the Database compiles traffic from existing traffic counts as well as approved but unbuilt developments for each Wellington Roadway Link and Intersection on the roadway network in order to provide Background Traffic volumes for use in traffic studies addressing compliance with the Project Buildout Test. The Background Traffic data shall be maintained by the County and updated to reflect all new project concurrency approvals as well as the buildout status of previously approved projects.
498. **Transient vendor** means a business who does not have a permanent location and travels to several locations in one (1) day and does not stay in any one location for more than two (2) hours per day.
499. **Tree** means a woody perennial plant commonly with a single four (4) foot clear stem having a more or less defined crown that usually grows to at least fifteen (15) feet in height at maturity.

500. **Tree canopy** means the upper portions of trees consisting of limbs, branches and leaves, which constitute the upper layer of a forested community.
501. **Tree survey** means a comprehensive survey document or site plan that provides the following information for trees greater than four (4) inches diameter at breast height (DBH), or palm trees with an overall height of eight (8) feet, that delineates the location and identifies the species of trees and vegetation upon a lot, and that meets the tree survey requirements of Article 7 (Landscaping and Buffering). The Department shall determine the applicability and the extent of each survey. The survey shall provide the following information:
- a. The surveyed location, by a Florida licensed land surveyor, in relation to all proposed development, of all existing trees that are proposed to be destroyed, relocated or preserved.
  - b. The common and scientific name of each tree.
  - c. The diameter at breast height (DBH) of each tree, or, if a multiple trunk tree, the sum of the DBH of all trunks.
502. **Trip** means a one-way movement of vehicular travel from an origin (one (1) trip end) to a destination (the other trip end).
503. **Trip generation** means the attraction or production of trips caused by a given type of land development.
504. **Ultimate right-of-way** means an area set aside for future road widening or used as means of ingress, egress as determined by the Department of Transportation, the Wellington Engineer, the Council, or by the LDR.
505. **Under air living area** means the fully enclosed portion of a structure that is air conditioned or sufficiently weather tight to make air conditioning practical, not including garages or storage areas.
506. **Understory** means the structural, component of a forest community below the canopy and above the ground layer composed of a complex of woody, fibrous or herbaceous plant species.
507. **Unit** means a building or portion of a building, or a mobile home used primarily for human habitation purposes with separate bathing, cooking and/or dining facilities. In the case of a hotel or motel, or a congregate living facility, it means the room and bathrooms.
508. **Unity of control** means a covenant stipulating that a lot, lots, or project with different owners shall be developed according to a common site or master plan providing unified control and the combined lots shall meet land development requirements as if they are one (1) lot.
509. **Unity of title** means a document recorded in the public records of Palm Beach County stipulating that a lot, lots or parcel of land shall be held under single ownership, shall not be eligible for further subdivision and shall not be transferred, conveyed, sold or divided in any unit other than in its entirety.
510. **Urban services area** means that portion of Wellington designated as the "Urban Services Area" by the Wellington Comprehensive Plan, as such area may change from time to time, pursuant to the procedures set forth within said plan.
511. **Use** means any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.
512. **Use regulations table** shall refer to the Use Regulations Schedule in Article 6.
513. **Utility** means a government or franchised provider of water, sewer, electric, gas, phone, cable television or similar service.

514. **Utility easement** means an easement established for the purpose of the installation, operation, repair, or maintenance of facilities and equipment used to provide utility services.
515. **Utility minor** means mechanical equipment associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities. Typical uses include gas and water regulators, electrical distribution substations, chlorine injection and potable water booster pump stations; water reclamation treatment, storage and distribution facilities, sewage lift stations, telephone exchange buildings, communication substations and stormwater system facilities.
516. **Utility pole-mounted facility** means an antenna facility attached to or upon an electric transmission or distribution pole, street light, traffic signal or similar facility located within a public right-of-way or easement. The facility shall include any associated equipment shelters.
517. **Valid** means, for the purposes of impact fees, a development order or other authorization which was legally issued, and that has not expired, lapsed, or been abandoned, revoked, or canceled; or is not subject to such by the passage of time or the conduct of the owner or developer, and on which or for which all conditions of approval are satisfied that must be satisfied by the terms or conditions of approval.
518. **Value** means, in the case of land, the appraised value as determined by an appraiser from a list of appraisers approved by Wellington. In the case of improvements to real property or chattel, it means the actual cost to the fee payer or developer of such improvements or chattel. In all cases, the values shall be established in or as if in an arm's length, bona fide transaction in a competitive market between a willing seller and a willing buyer, neither of whom are under any special circumstances. If the Impact Fee Coordinator rejects an appraised value, the Impact Fee Coordinator may obtain another appraisal using an appraiser from the approved list, in which case that appraisal shall prevail.
519. **Variance** means an abatement of the terms of the Land Development Regulations for a use, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the LDR would result in unnecessary and undue hardship.
520. **Vegetation** means all plants, palms and trees, groundcover, turf, or grass collectively, typically those in a specific region.
521. **Vegetation removal** means the extraction of vegetation, direct or indirect actions resulting in the effective removal of vegetation through damaging or poisoning or similar actions resulting in the death of vegetation.
522. **Vehicular encroachment** means any protrusion of a motor vehicle outside of the boundaries of a vehicular use area into landscape or other area.
523. **Vehicular use area** means either: (1) an area designed or used for off-street parking; or (2) an area used for loading, circulation, access, storage, or display of motor vehicles. Designated parking areas on public or private roads shall not be considered a vehicular use area.
524. **Vested** means vested pursuant to the application of Florida law.
525. **Village** shall mean the Village of Wellington, Florida.
526. **Village Attorney** means the Village Attorney of the Village of Wellington, Florida.
527. **Village Council** means the Village Council of the Village of Wellington, Florida.
528. **Village Engineer** means the Village Engineer of the Village of Wellington, Florida.
529. **Village Manager** shall mean the Chief Administrative Officer of the Village, appointed by the Council or the designee of such Person.



530. **Violator** means a person who has been ordered by Code Enforcement to correct a violation.
531. **Walls** means, for the purposes of Article 6, only those walls serving as a barrier and shall not include walls associated with a habitable structure.
532. **Warehousing** means an establishment engaged in the storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement, breaking of bulk and storage of products or equipment. Typical uses include motor freight transportation, moving and storage facilities, cold storage, warehousing and dead storage facilities, but exclude self-service storage facilities and office-warehouse combinations.
533. **Waste** means discarded material including but not limited to garbage, rubbish, yard trash, litter, noncombustible refuse and industrial wastes.
534. **Wastewater residuals** means the solid, semisolid, or liquid residue removed during the treatment of municipal wastewater. Not included is the treated effluent or reclaimed water from domestic wastewater treatment plant.
535. **Wastewater residuals (dry)** means domestic wastewater residuals that contain sixty-five (65) percent solids or greater, by weight.
536. **Water or treatment plant** means a facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.
537. **Water management tract** means a parcel of land under single ownership, identified and created as a single unit on a plat or other instrument of record, established for the purpose of delineating a complete facility or unified area to be utilized for detention, retention, or groundwater recharge of stormwater runoff prior to discharge from a development site.
538. **Water system, individual** means a privately owned water supply system which provides water service to a single development because of unavailability of a central water system.
539. **Water well** means a source of water used for drinking, culinary, sanitary and other domestic purposes. The following are classifications of wells:
- a. **Private well** means a well used to provide water only for residential purposes and serving no more than four (4) dwelling units;
  - b. **Semi-public well** means a well used to provide water for:
    - c. **Less than twenty-five (25) individuals daily at least sixty (60) days out of the year, or**
    - d. **At least twenty-five (25) individuals daily less than sixty (60) days out of the year;**  - e. **Non-community well** means a well used to provide water to at least twenty-five (25) individuals daily at least sixty (60) days out of the year but is not a community water system;
  - f. **Community water well** means a well used to provide water to at least fifteen (15) service connections used by year-round residents or which regularly serves at least twenty-five (25) year-round residents;
  - g. **Non-potable well** means a well intended exclusively for irrigation purposes, or for supplying water to a heat pump system or a well for receiving discharge water from a heat pump system;
540. **Watercourse** means any stream, canal, ditch, or other natural or artificial channel in which water normally flows within a defined bed, banks, or other discernible boundaries, either continuously or seasonally, whether or not such flow is uniform or uninterrupted.

541. **Waters of the state** means waters, as defined in § 403.031(12), Fla. Stat., subject to compliance with State Water Quality Standards adopted pursuant to Chapter 403, Fla. Stat., and set forth in Chapter 17-3, F.A.C.
542. **Watershed** means the land area which contributes to the total flow of water entering a receiving stream or water body.
543. **Well** means any opening in the ground designed to conduct water from a ground water supply to the surface by pumping or natural flow when water from such opening is used or is to be used for a drinking water supply system or irrigation purposes.
544. **Wellfield** means an area of land which contains more than one (1) potable well that is designed for a pumping rate of at least one hundred thousand (100,000) gallons per day.
545. **Wellfield Zones 1 and 2** means zones of influence delineated by iso-travel time contours around public water supply wellheads. Zones of influence maps, are on file and maintained by the County ERM Department.
546. **Wellington** shall mean the Village of Wellington, Florida.
547. **Wellington Engineer** means the Village Engineer of the Village of Wellington, Florida.
548. **Wellington Intersection** means, for the purposes of Article 9, the intersection of two (2) or more Wellington Roadways or the intersection of a Wellington Roadway with a County or State Major Thoroughfares.
549. **Wellington Roadways** means, for the purposes of Article 9, either:
- a. All roads as defined in the Wellington Roadway Analysis Map as it may be amended from time to time;
  - b. All roadways that function as Wellington Roadways as determined by the Wellington Engineer based on the following criteria:
    - i. Provides continuity of an existing roadway;
    - ii. Provides connectivity to other Links of the roadway network;
    - iii. Carries or is projected to carry a volume of at least eight hundred (800) peak hour directional trips.
- All proposed and approved roads that would, if built, function as arterials and major collectors during the buildout period of the proposed project as determined by the Wellington Engineer in accordance with accepted traffic engineering principles.
550. **Wellington Tree Fund** means a fund which shall be used for the installation and may be used for maintenance of native canopy trees on publicly owned lands in Wellington and may include landscape design services, irrigation, tree grates, porous surfacing and materials necessary for the proper installation and maintenance of tree plantings and relocation of trees for the purpose of increasing and maintaining native tree canopy coverage in Wellington.
551. **Wet detention/retention** means detention or retention in a storage facility not designed, constructed, and operated so as to provide dry detention/retention.
552. **Wetland** means those areas defined in § 373.019(22), Florida Statutes, and those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to

grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

- 553. **Whip antenna** means an omnidirectional antenna used to transmit or receive radio signals.
- 554. **Wholesaling** means an establishment engaged in the display, maintaining inventories of goods, storage, distribution and sale of goods to other firms for resale, or the supplying of goods to various trades such as landscapers, construction contractors, institutions, industries, or professional businesses. In addition to selling, wholesale establishments sort and grade goods in large lots, break bulk and redistribute in smaller lots, delivery and refrigeration storage, but excluding vehicle sales, wholesale greenhouses or nurseries, wholesale of gas and fuel, and wholesale building supplies.
- 555. **Wireless communications facility** means a facility that is used to provide wireless communications services including towers, arrays, antennas and associated facilities. This term does not include over-the-air reception devices that deliver or receive broadcast signals, devices that provide direct-to-home broadcast satellite services ("DBS") or devices that provide multichannel multipoint distribution services ("MMDS") as defined and regulated by 47 Code of Federal Regulations (CFR) § 1.4000, as amended.
- 556. **Wireless communications services** means the transmission of information by electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), or other communications signals whether or not the transmission medium is owned by the provider itself. This term includes but is not limited to wireless services, common carrier wireless exchange access services and commercial mobile services as defined by 47 United States (U.S. Code) 332 (d), as amended.
- 557. **Wireless communications tower** means a guyed, monopole or self-support/lattice tower or extension constructed as a freestanding structure supporting one or more antennas used in the provision of wireless communications services.
- 558. **Wireless Provider** means an entity that provides service over a wireless communications facility whether or not the provider owns the facility. A person that leases a portion of a wireless communications facility shall be treated as a provider.
- 559. **Work** means all required construction as shown on approved construction plans and specifications for all facilities and features of any kind which are required, related to the process of subdivision of land under Article 8, Subdivision, Platting and Required Improvements.
- 560. **Zero lot line home** means the use of a lot for one (1) detached dwelling unit with at least one (1) wall, but not more than two (2) walls or a portion thereof, located directly adjacent to a side lot line, excluding a mobile home but including a manufactured building.
- 561. **Zoning District** means any certain described Zoning district of Wellington to which these regulations apply and within which the zoning regulations are uniform.

**CHAPTER 3. - ABBREVIATIONS AND ACRONYMS**

<b><u>AADT</u></b>	<u>Average annual daily traffic</u>
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<u>AASHTO</u>	<u>American Association of State Highway and Transportation Officials</u>
<u>ACOE</u>	<u>Army Corps of Engineers</u>
<u>ADT</u>	<u>Average daily trips</u>
<u>AER</u>	<u>Archaeological Evaluation Report</u>
<u>ANSI</u>	<u>American National Standards Institute</u>
<u>ARB</u>	<u>Architectural Review Board</u>
<u>ASTM</u>	<u>American Society of Testing and Materials Standards</u>
<u>BP</u>	<u>Building Permit</u>
<u>CD</u>	<u>Certificate to Dig</u>
<u>CIE</u>	<u>Capital Improvement Element</u>
<u>CO</u>	<u>Certificate of Occupancy</u>
<u>CRALLS</u>	<u>Constrained Road At A Lower Level of Service</u>
<u>Db</u>	<u>Decibel</u>
<u>DBH</u>	<u>Diameter at breast height</u>
<u>DEPW</u>	<u>Department of Engineering and Public Works</u>
<u>DO</u>	<u>Development Order</u>
<u>DRI</u>	<u>Development of Regional Impact</u>
<u>DM</u>	<u>Development Review Manager</u>
<u>DRM</u>	<u>Development Review Manual</u>
<u>EPC</u>	<u>Equestrian Preserve Committee</u>
<u>ESL</u>	<u>Environmentally Sensitive Land</u>
<u>ESA</u>	<u>Environmental Site Assessment</u>
<u>FAA</u>	<u>Federal Aviation Administration</u>
<u>F.A.C.</u>	<u>Florida Administrative Code</u>
<u>FAR</u>	<u>Floor Area Ratio</u>
<u>FIRM</u>	<u>Flood Insurance Rate Map</u>
<u>FDEP</u>	<u>Florida Department of Environmental Protection</u>
<u>FDOT</u>	<u>Florida Department of Transportation</u>
<u>FHBM</u>	<u>Flood Hazard Boundary Map</u>
<u>Fla. Stat.</u>	<u>Florida Statutes</u>
<u>GOPs</u>	<u>Goals, Objectives and Policies of the Comprehensive Plan</u>
<u>HCM</u>	<u>Highway Capacity Manual</u>

<u>LDP</u>	<u>Land Development Permit</u>
<u>LDR</u>	<u>Land Development Regulations (Wellington)</u>
<u>LOS</u>	<u>Level of Service</u>
<u>MAI</u>	<u>Member of the Appraiser's Institute</u>
<u>MF</u>	<u>Multi-family</u>
<u>MPO</u>	<u>Metropolitan Planning Organization</u>
<u>NGVD</u>	<u>National Geodetic Vertical Datum</u>
<u>NPDES</u>	<u>National Pollutant Discharge Eliminate System</u>
<u>OHW</u>	<u>Ordinary High Water</u>
<u>OLW</u>	<u>Ordinary Low Water</u>
<u>PBC</u>	<u>Palm Beach County</u>
<u>PBCPHU</u>	<u>Palm Beach County Public Health Unit</u>
<u>PUD</u>	<u>Planned Unit Development</u>
<u>PUP</u>	<u>Public Utility Permit</u>
<u>PZAB</u>	<u>Planning, Zoning and Adjustment Board</u>
<u>PZB</u>	<u>Planning, Zoning &amp; Building Department</u>
<u>SF</u>	<u>Single Family</u>
<u>SFWMD</u>	<u>South Florida Water Management District</u>
<u>TCRPC</u>	<u>Treasure Coast Regional Planning Council</u>
<u>TIS</u>	<u>Traffic Impact Study (or Statement)</u>
<u>TPS</u>	<u>Traffic Performance Standards</u>
<u>USA</u>	<u>Urban Services Area</u>
<u>USB</u>	<u>Urban Services Boundary</u>
<u>WPZ</u>	<u>Wellfield Protection Zones</u>
<u>ZLL</u>	<u>Zero lot line</u>

**ARTICLE 4 – RESERVED FOR FUTURE USE**

**(Decision-making, Administrative, and Enforcement Bodies - Previously repealed in its entirety.)**

**ARTICLE 5 – DEVELOPMENT REVIEW PROCEDURES**

**CHAPTER 1 – GENERAL**

**Sec. 5.1.1 – Purpose, Intent and Applicability**

The purpose and intent of this article is to provide the development review procedures that shall apply to all development applications, excluding platting, re-platting, or other applications that are governed by Article 8. All development applications shall be reviewed for compliance with the Comprehensive Plan and all other applicable Land Development Regulations (LDR). Additionally, the development review procedures shall comply with Wellington Code of Ordinances and Florida Statutes, Chapters 163 (Community Planning), 166 (Municipalities), 171 (Annexation), 380 (Land and Water Management).

**Sec. 5.1.2 – Decision-making Bodies**

- A. Wellington’s Code of Ordinances, Chapter 2, defines the role and authority of Wellington committees, boards and Council. Public meetings and/or public hearings shall comply with the Code of Ordinances and Sec. 5.2.3 of this Article.
- B. Administrative reviews, approvals or denials shall be the responsibility of the Planning, Zoning, and Building (PZB) Director, or designee.
- C. The Development Review Manager (DM) is responsible for processing development applications that are administrative or require public meetings and/or hearings. Table 5.1.2-1 provides the types of development applications, required review entities, and the decision-making body. The respective decision-making bodies may approve, approve with conditions, or deny a development application.

**Table 5.1.2-1 Development Application Approvals**

A = Approval R = Recommendation/Certification * All applications for property in, or proposed to be in, the EPA/EOZD shall be reviewed by the Equestrian Preserve Committee as they are a recommending body to the Planning, Zoning and Adjustment Board. All other applications would proceed to PZAB when applicable. ** Requires two (2) readings by Village Council for final adoption.						
Application Type	Administrative (PZB Director or DM)	*Equestrian Preserve Committee	Planning, Zoning and Adjustment Board	Tree Board	Architectural Review Board	Village Council
Annexation	R	R	R			A
Comprehensive Plan Map and/or Text Amendments**	R	R	R			A
Zoning Map and/or Text Amendments**	R	R	R			A
Master Plan/Amendments	R	R	R			A
Minor Master Plan Amendment	A					
Site Plan or Subdivision Plan/Amendment	A					
Minor Site Plan or Subdivision Amendment	A					

Architectural Review Applications	R				A	
Conditional Use and/or Amendment	R	R	R			A
Minor Conditional Use Amendment	A					
Variance	R	R	A			
Administrative Variance	A					
Amendment to Conditions of Approval (DOA)	R	<i>The decision-making body that originally approved the development order shall consider applications to amend conditions of approval.</i>				
Interpretation of the Code	A					
Zoning Confirmation	A					
Unity of Title/Control or Release	A					
Vegetation Removal Permit	A					
Tree Board Request	R			A		
Special Use Permit	A					
Equestrian Permit	A					
Seasonal Permits that exceed 30 event days within a 6 month period (equestrian and non-equestrian)	R					A
Seasonal Permit renewal	A					
Extended Hours Special Permit	A					
Reasonable Accommodation	A					

NOTES: Any applicant who wishes to appeal a determination of a decision-making body shall do as provided in Section 5.2.4.D. or if applicable Section 5.3.11 of this article.

## CHAPTER 2 – APPLICATIONS

### Sec. 5.2.1 – Purpose and Intent

The purpose and intent of this chapter is to provide general submittal requirements, review criteria, process, determinations and time limitations for all development applications as identified in Chapter 1, Table 5.1.2-1. This chapter also provides information pertaining to results, appeals, suspensions and/or revocation of development orders.

### Sec. 5.2.2 – Application Initiation

- A. A Development Review Manual has been adopted by the Village Council. All applicable information in this manual complies with Florida Statutes. The manual is available on-line and a hard copy is located with the Planning and Zoning Division. This manual provides the types of applications, the required



documents to supplement the applications, the specific criteria that shall justify application consideration, and other helpful references such as the fee schedule, process flowcharts, graphics, and resources.

- B. All development applications submitted by a property owner, interested party or agent shall be submitted on a form provided by the Planning and Zoning Division. If the application is completed for a corporation, provided documentation indicating who is authorized to sign and the individual shall sign on behalf of the of corporation, including their title. Staff shall be required to complete the application and provide all necessary documentation required for consideration for all applications initiated by staff.
- C. All applications that require public meetings/hearings and all Site Plans/Amendments shall be required to schedule a pre-application meeting with the DM prior to the in-take meeting. The DM will determine if other department representatives should be in attendance for the pre-application meeting based on the type of application.
  - 1. A pre-application summary shall be prepared by the DM and be provided to the applicant within five (5) business days setting forth the results, concerns, and general process required.
  - 2. The pre-application summary is valid for six (6) months. If the applicant does not submit the application(s) within the six (6) month validation period, a new pre-application meeting is required.
- D. All applications that require public meetings/hearings and all Site Plans/Amendments shall be required to schedule an In-take meeting to submit the applications. For all applications that are required to use Wellington's online application submittal system, the agent shall review one (1) full set of documents with the DM prior to the electronic submittal. That review, along with confirmation of the electronic submittal, shall satisfy the requirement for an in-take meeting. Multiple applications may be submitted at the same meeting as determined by the DM. An application shall be deemed sufficient or insufficient, by the DM, at the in-take meeting. If an application is not sufficient for submittal, it will be returned to the applicant, in its entirety, for corrections and a new in-take meeting will be required. Sufficiency shall include, but is not limited to, the following:
  - 1. Properly executed applications.
  - 2. Application fee and escrow fee (changes to the plans or application exceeding 25% of the initial submittal, resubmittals, and/or postponements may require additional fees).
  - 3. All applicable items on the checklist provided with each application.
  - 4. The supplemental documents requested on the checklist must be specific to the project and must meet the criteria as provided in the Development Review Manual.
  - 5. Certified or stamped mailings (if required).
- E. Notice of all development applications shall be posted on Wellington's website within five (5) business days of the In-take meeting or required electronic online submittal where the application was deemed sufficient for review.

### **Sec. 5.2.3 – Review Criteria and Process**

- A. Annexations and Contractions shall comply with the criteria and eligibility set forth in Chapter 171, Florida Statutes and all applicable Palm Beach County requirements. The annexation criteria is provided in the Development Review Manual.
- B. All other development applications shall comply with the following:
  - 1. The proposed development/activity is consistent with the Comprehensive Plan, including land use, density and intensity.

2. The proposed development/activity results in logical, timely and orderly development patterns.
  3. The proposed development/activity is compatible with surrounding land uses, zoning and existing development.
  4. The proposed development/activity complies with all other applicable requirements of the LDR.
  5. The proposed development/activity complies with the applicable criteria of the Development Review Manual based on application type.
- C. Administrative applications and applications that require public meetings/hearings
1. The Development Review Manual classifies each application as follows:
    - a. Administrative:
      - i. Type A1 Applications: Administrative applications are those that can be approved, approved with conditions, or denied by the PZB Director or the DM.
      - ii. Type A2 Applications: Administrative applications are those that require administrative certification/approval from the PZB Director or the DM, such as site plans and site plan amendments, **and do not require public hearing**.
    - b. Applications that Require Public Meetings/Hearings:
      - i. Type B Applications: Applications that require administrative certification that the application(s) meet all requirements to move forward for public meeting or hearing by a Board or Committee.
      - ii. Type C Applications: Applications that require administrative certification and review/recommendation from a Board or Committee prior to a public hearing by Village Council.
  2. Public Meeting or Hearing Notice Requirements:
    - a. All items scheduled for review by the EPC or ARB shall be posted at least 24 hours prior to the meeting on the Village Website.
    - b. Development applications that proceed to PZAB and/or Council shall be subject to statutory notice requirements and the requirements below:
      - i. Legal Notice shall be advertised in a newspaper of general circulation at least 15 calendar days prior to the date of the hearing.
      - ii. Notice of hearing shall be mailed certified mail with return receipt for domestic mail or registered mail with return receipt for international mail, as required, a minimum of 15 calendar days prior to the hearing, to all owners of real property located within a 500-foot radius of the subject site. The applicant shall use the names and addresses from the latest published ad valorem tax records of the County property appraiser. If the area within 500 feet is owned by the applicant the required notice boundary shall be extended to include these parcels. Governmental jurisdictions within one (1) mile of the property shall also be notified. Notice shall include a description of the proposal, the date, time and place of the hearing, a location map indicating the subject site, nearby roads and a statement that interested parties may appear and be heard regarding the matter.
      - iii. The applicant shall post notice signs, provided by the Planning and Zoning Division, and in accordance with the following:

- a. Posted a minimum of 15 calendar days in advance of any public hearing.
- b. One (1) sign for every 500 feet of frontage along a public or private road.
- c. Shall be no more than 25 feet from the road.
- d. Shall be in full view to the public. Where there is no frontage on a public road, one (1) sign shall be posted on the nearest public road indicating the direction and distance to the subject land.
- e. The applicant shall provide an affidavit including pictures of posted signs within three (3) business days of posting.
- f. The signs shall be removed by the applicant within seven (7) calendar days after the final hearing.

#### D. Public Hearing Proceeding and Records

1. Public meetings/hearings shall be conducted in accordance with the adopted process as provided in the Public Meeting Handbook.
2. If it is determined the application is based on incomplete or inaccurate information or misstatements of fact, the application may be remanded back to a previous reviewing entity (e.g., the DM, EPC or PZAB).
3. The decision-making body conducting the public hearing may on its own motion, or at the request of an applicant or staff, continue the hearing or meeting to a fixed time and place. An applicant shall have the right to request and be granted one (1) thirty-day continuance. Subsequent continuances shall be granted at the discretion of the decision-making body conducting the hearing. Any request for a continuance shall be submitted in writing at least five (5) business days prior to the hearing or the applicant shall be required to attend the hearing to make the request and the continuance will then be at the discretion of board. Additional fees may be required.
4. If substantive changes are made to the request within ten (10) business days prior to a public meeting or hearing, the item will incur an automatic continuance and may be remanded back to the previous decision-making body.
5. An applicant shall have the right to withdraw an application at any time prior to a vote on the final action by the decision-making body. Requests for withdrawal, received in writing by the PZB Director five (5) business days prior to the meeting, will be granted without prejudice as a matter of right and subject to forfeiture of all application fees; thereafter, requests may be granted with or without prejudice.
6. For Type B and C applications that request a minor amendment to the approved development order, but exceed the minor administrative amendment criteria, the applicant may request an expedited review of the change. An expedited review means the applicant may qualify to take the amendment directly to the decision-making body and not be required to go back to a committee or board that provided a recommendation. Expedited reviews shall meet all required legal ad, mailing, and posting requirements that apply to the application type. Applications that modify project boundaries, increase density and/or intensity, or increase the project traffic generation are not eligible for expedited review.
7. Records.
  - a. Records of public hearings shall be kept in accordance with Florida Statute 286.011.
  - b. The record of oral proceedings, including testimony and statements of opinion, the minutes of the EPC, PZAB and Council as applicable, applications, exhibits and papers submitted in any proceeding before the decision-making body, the staff report and recommendation of the Wellington official or staff responsible for making the recommendation, and the final vote of the decision making body shall constitute the record.

- c. It is the responsibility of any person appealing a decision of any decision-making body conducting a public meeting or hearing pursuant to these LDR to provide a record of all necessary evidence to support the appeal.

## **Sec. 5.2.4 – Results, Time Limitations, Revocations, Suspensions, and Appeals of Development Orders**

### **A. Results**

1. Decision-making bodies shall comply with the Code of Ordinances, Florida Statutes, the LDR and the Development Review Manual when specific actions or criteria are required based on the type of application. Additionally, the following shall apply:
  - a. When a development application is denied with prejudice at a public hearing, an application for all, or in part, of the subject site shall not be considered for a period of one (1) calendar year, except for a Future Land Use Map amendment to the Comprehensive Plan, which shall not be considered for two (2) calendar years, from the date of the denial unless the subsequent application involves:
    - i. A change in proposed use;
    - ii. A 25% or greater increase or decrease in the proposed density or intensity; or
    - iii. A majority of the decision-making body determined the denial is based on a material mistake of fact of the proposed application.
  - b. If an application is deemed sufficient and submitted for review, but then becomes inactive for 90 calendar days, the DM shall have the authority to administratively withdrawal the applications unless an extension is requested prior to the expiration of the 90-day period. An extension fee may be applicable.
2. Type A1 Administrative Applications shall be reviewed and a decision shall be made within ten (10) business days of a sufficient application, including resubmittals as required. The final decision shall be provided to the applicant within five (5) business days of the decision.
3. Applicants that obtain an approval of a Type A2, B and/or C Application shall submit two (2) sets of plans and one (1) Mylar for stamping, along with a georeferenced CAD and/or GIS file. The plans must match what was approved by the decisions-making body and include all conditions of approval. A rectified plan shall be submitted for final review/approval and stamped by the DM for any amendments required by the decision-making body and/or to implement or illustrate a condition of approval. Any changes beyond what is considered to be the rectified plan shall be considered an amendment and shall require a new application in accordance with this article.
4. If there is evidence that a development order application or presentation contained misrepresentation, fraud, deceit or a deliberate error of omission, the PZB Director shall initiate a re-hearing of the decision-making body and may result in the proposed application being remanded back to the beginning of the development review process.

### **B. Time Limitations**

1. Development orders shall comply with the time limitations and requirements of Table 5.2.4 -1 unless:
  - a. The PZB Director grants an administrative extension for a period of time not to exceed 12 months. If a surety bond, escrow deposit, or letter of credit was not originally required, one may be required as a determining factor in granting the extension. Only one administrative extension is permitted and shall be considered based on the following:
    - i. Attempts by the applicant to complete the unfulfilled conditions of approval;

- ii. Changed circumstances that affected the applicant's ability to fulfill conditions of approval; or
  - iii. Circumstances that are not self-imposed by the applicant.
- b. Amendments to a development order granted by the respective decision-making body may provide new date certain conditions of approval that supersede the previous development order.
- c. If a state of emergency is declared by the State of Florida, an applicant may be entitled to an extension of a development order, in full or in part, pursuant to Florida Statutes 252.363 (1)(a), as amended from time to time.
- d. All development orders that include a specified phasing plan, which provides the sequence and timing of each phase, may only be eligible for an extension on certain phases and partial completion of the overall development.
- e. The following development orders are exempt from the time limitations set forth in this article:
- i. Village initiated development orders.
  - ii. Rezoning of a single residential parcel that does not exceed the corresponding density permitted within the Future Land Use Map designation of the Comprehensive Plan.

**Table 5.2.4 -1 Time Limitations for Development Orders**

Development Order	Maximum Number of Phases	Required Commencement Action	Maximum Time to Commence Development	Maximum Length Time Extension	Action Upon Failure to Comply
Master Plan/Planned Development	3	Commence Development	3 years	1 year	Council Review
Site/Subdivision Plan	2	Commence Development	2 years	1 year	All undeveloped phases are null and void
Conditional Use	2	Commence Development or Initiate Use	2 years	1 year	Council Review
Variance	1	Commence Development	2 years	1 year	PZAB Review

NOTES: (1) "Commence development" means initiation of physical improvements, but does not include platting, demolition, land clearing or filling.

(2) The maximum time to commence development starts at final certification or effective date of a resolution.

**C. Abandonment, Suspension or Revocations**

1. Abandonment of a development order may occur based on one or more of the following:

- a. A new development order is issued that replaces the existing development order.
- b. The property owner(s) provide a written request, or the DM requests, to abandon a development order to the PZB Director. The property owner(s)/DM must demonstrate that no improvements have commenced.

## 2. Suspension of a Development Order

- a. Suspension of a development order may occur if a code case was initiated on the subject property by the Code Compliance Division and is found to be in violation of code provisions by the Special Magistrate. The suspension shall take effect immediately after the 30-day appeal period of the Special Magistrate's order has expired. No new development applications shall be processed for the subject site unless the proposed development application is required to rectify the code case, then the PZB Director may authorize the DM to process the request.
- b. Suspension of a development order may occur if there is a violation of a condition of approval. A violation of a development order is considered a violation of the code. The PZB Director shall have the option to report the violation to Code Compliance or to set a hearing with the respective decision-making body to impose corrective action.
- c. A suspension of a development order, as indicated above, shall be documented and recorded with the Palm Beach County Clerk of Courts. The document shall indicate the reason for the suspension and must express that no new development orders shall be processed until the suspension is removed. A document removing the suspension shall be recorded once all violations are rectified. The property owner may be required to pay the recordation and processing fees.
- d. A suspension may be waived if:
  - i. The property owner is a government agency.
  - ii. The violation was not self-imposed and due to a government-caused delay.
  - iii. Litigation prevents or delays compliance. Documentation of active litigation may be required.

## 3. Revocation of a Development Order

- a. Type A1 development orders: The PZB director, **or designee**, shall have the right to revoke development orders if a property owner violates the conditions of approval.
- b. Type A2, B and C development orders: If a property owner fails to comply with conditions of approval, the PZB Director shall set a hearing with the original final decision-making body, for consideration of revocation of the development order. The DM shall notify the property owner of the date, time and reason for the hearing. The decision-making body shall consider the same review criteria of the development order as the original approval and as provided for in the Development Review Manual.
- c. The hearing process for a revocation of Type A2, B and C development orders shall comply with the following:
  - i. Legal Notice shall be advertised in a newspaper of general circulation at least 15 calendar days prior to the date of the hearing.
  - ii. The hearing shall be scheduled to occur within 90 calendar days of notification to the property owner that consideration for revocation has occurred.
  - iii. If the decision-making body revokes a development order, any future development shall require a new development application.
  - iv. If the decision-making body does not revoke the development order, it will remain valid and may have newly imposed conditions of approval determined by the body.

## D. Appeals

1. Standing to file an appeal of a development review decision shall be limited to the property owner, contract purchaser, authorized agent of the owner/purchaser or those property owners within 500 feet of the subject property or as otherwise provided by Florida Statutes.
2. A recommendation by staff, committee, or board acting in their advisory capacity is not a final decision and is not appealable.
3. Any person aggrieved by a final decision included in this article shall exhaust all administrative remedies available prior to applying to the courts for judicial relief.
4. Appeals from any affected party or governmental entity on annexations or contractions shall be processed in accordance with Florida Statute 171.081.
5. Administrative Appeals:
  - a. The PZB Director shall hear appeals of any decision of the DM, unless otherwise listed in Table 5.2.4-2. The appeal shall be submitted to the Director within 30 calendar days of the issuance of a DM's decision. The Director's decision on the appeal may be further appealed to the PZAB within 30 calendar days of rendering of such decision.
  - b. If the Director is the decision-making authority for an administrative development application, any appeal shall be heard by the PZAB in accordance with the appeal process in sec.5.2.4.D.6 of this article.
6. Appeals to a Committee, Board or Council
  - a. Table 5.2.4-2 provides the decision-making bodies and the type of appeal they are tasked with hearing.
  - b. Such appeals shall follow the procedures below:
    - i. Appeals shall be filed on forms prescribed by the PZB Director within 30 calendar days of the decision.
    - ii. A hearing before the PZAB shall be scheduled no later than 45 calendar days following receipt of the written appeal unless the PZB Director and the applicant mutually agree to an extension of this time period.
    - iii. The PZAB shall give the Appellants and other interested parties a reasonable opportunity to be heard. The interpretation or decision in question shall be presumed to be correct and the applicant shall have the burden to demonstrate errors. The Board shall not reject or modify the Director's interpretation/decision if it is supported by competent substantial evidence. At the conclusion of the hearing, the Board shall render its determination. The Board may reverse, affirm, wholly or in part, or may modify the decision or determination being appealed. The determination shall be issued in written form with a copy sent to Appellants.
    - iv. Following exhaustion of all administrative remedies, parties to an appeal heard before the PZAB may seek appropriate judicial relief. **A re-hearing of an appeal is not permitted.**
    - v. For an appeal of a decision by the PZAB pertaining to an archaeological certificate to dig, pursuant to Article 7, within 30 calendar days of a written decision by the PZAB an aggrieved party may appeal the decision by filing a written notice of appeal with a filing fee established by the Wellington Council with the Wellington Clerk and the PZB Department. The notice

of appeal shall state the decision that is being appealed, the grounds for the appeal and a brief summary of the relief that is sought. Within 45 calendar days of the filing of the appeal or the first Wellington Council meeting that is scheduled, whichever is later in time, the Council shall conduct a public hearing at which time they may affirm, modify or reverse the decision of the PZAB. The applicant shall be notified (by certified mail/return receipt requested) of the date, time and place of such hearing. At this hearing the party shall set forth the alleged inconsistencies or non-conformities with procedures or criteria set forth in these LDR. However, no new material or evidence shall be presented to or considered by the Council. The decision of the Council shall be in writing and a copy of the decision shall be forwarded to the appealing party.

- vi. Appeals to the ARB shall be filed within ten (10) calendar days of the decision. A hearing shall be scheduled no later than 45 calendar days following receipt of the written appeal unless the PZB Director and the applicant mutually agree on a date certain hearing.
- vii. Any interested party aggrieved by a decision of the PZB Director pertaining to Article 7, Tree Protection shall appeal to the Tree Board by filing a written appeal with the PZB Department within ten (10) calendar days of the decision of the department. A hearing shall be scheduled no later than 45 calendar days following receipt of the written appeal unless the parties mutually agree to an extension.

**Table 5.2.4-2 Decision-making Bodies for Appeals**

Decision-making Body	Type of Application					
Architectural Review Board	Administrative denial of a building materials or design					
Planning, Zoning and Adjustment Board	Special/Equestrian Permits	Extended Hours of Operation Permit	Excavation Permits	Interpretations of the Code	Administrative Conditions of Approval	Denial of Administrative Time Extension
Tree Board	Decision or conditions of approval by the PZB Director regarding Vegetation Removal Permits					
Village Manager	The denial or conditions of approval for a Reasonable Accommodation					
Council	Decision by PZAB regarding an Archaeological Certificate to Dig			Seasonal Permits (new and renewals)		

**CHAPTER 3 – APPLICATION REGULATIONS BY TYPE**

**Sec. 5.3.1 – Purpose and Intent**

The purpose and intent of this chapter is to provide procedural and statutory standards for the various types of development applications. The Development Review Manual, adopted by Village Council, provides further details for each application type, submittal requirements, formatting, review criteria, fee schedule, etc.

**Sec. 5.3.2 – Annexation or Contraction**

- A. Annexations and contractions shall comply with the standards set forth in Chapter 171, Florida Statutes and shall be approved/denied by ordinance.
- B. Voluntary Annexations shall require approval by the Palm Beach County Board of County Commissioners prior to final action by the Village Council.



- C. The Justification Statement submitted with the annexation or contraction application shall include required information as provided in the Development Review Manual under Type C applications.
- D. The adoption of an annexation or contraction request only results in the changed municipal boundary. The approval does not provide entitlements, an amendment to the Future Land Use Map designation or Zoning designation. The subject property's existing land use and zoning remains in effect until subsequent development orders are approved by the designated decision-making body.

### **Sec. 5.3.3 – Comprehensive Plan Map/Text Amendments**

- A. Comprehensive Plan Map and/or Text amendments shall comply with Chapter 163, Florida Statutes and shall adhere to the submittal and review requirements of the State Land Planning Agency.
- B. To modify the Future Land Use Map or other map in the Comprehensive Plan, the applicant shall comply with the Type C submittal requirements and process as provided for in the Development Review Manual.
- C. The provisions in Wellington Charter, and/or Comprehensive Plan, shall determine if a majority or super-majority vote of Council is required based on the type of request and shall be approved/denied by ordinance.

### **Sec. 5.3.4 – Zoning Map/Text Amendments**

Zoning Map and/or Text amendments shall comply with the Type C submittal requirements and process of the Development Review Manual and shall be approved/denied by Ordinance. Additionally, the following shall apply:

- A. To modify the Official Zoning Map the applicant must:
  - 1. Justify the request is consistent with the Comprehensive Plan Future Land Use Map designation; and
  - 2. Provide evidence that justifies the request based on the required criteria for consideration as provided for in the Development Review Manual.
- B. To modify the text of the LDR, the applicant must provide the exact proposed text changes in strike-through and underline format and justify the request based on the required criteria for consideration as provided for in the Development Review Manual.

### **Sec. 5.3.5 – Master Plan/Amendments**

Master plans and/or amendments to existing master plans shall comply with the Type C submittal requirements and process of the Development Review Manual and shall be done by resolution. Additionally the following shall apply:

- A. No permits for development shall be issued prior to the approval of the master plan/amendment and the corresponding site plan/amendment or subdivision plan(s).
- B. A conceptual site plan or subdivision plan is required as part of the application for a master plan/amendment.
- C. If the project is intended to be constructed in phases, the applicant must submit a phasing plan as part of the required documents. This is necessary to ensure appropriate development patterns and to apply time limitations as set forth in Sec.5.2.4 related to site plans/subdivision plans.
- D. Master plans are required for all Planned Developments and may be required for multiple parcels that are intended to function as a single project but are not a designated Planned Development.

- E. Master plan amendments shall be reviewed by Village Council as a Type C application unless the modifications to the master plan qualify as a minor amendment pursuant to the Development Review Manual (no increase in density and/or intensity), then an administrative approval, approval with conditions, or denial may be granted in accordance with a Type A2 application.

### **Sec. 5.3.6 – Site Plan or Subdivision Plans/Amendments**

Site plans or subdivision plans are required for residential developments consisting of three or more dwelling units, commercial, industrial, and private recreational developments prior to eligibility for the issuance of engineering and/or building permits.

- A. Site plans or subdivision plans shall be processed in accordance with a Type A2 application as provided in the Development Review Manual.
- B. Minor site plan or subdivision plan amendments (no increase in density and/or intensity) shall be processed in accordance with a Type A1 application as provided in the Development Review Manual. Minor amendments include, but are not limited to, change in sign location, minor modifications to parking areas, reduction in building footprint, addition of decorative canopies, etc.
- C. A site plan or subdivision plan shall be required prior to platting and/or obtaining land development or building permits, unless otherwise stated in Article 8 of the LDR.

### **Sec. 5.3.7 – Conditional Uses**

Conditional uses are those uses that are generally compatible with the Future Land Use Map and Zoning designations, but may require additional conditions to ensure mitigation of impacts to adjacent properties. Uses that require a conditional use approval are identified in the Use Regulations of Article 6 and the following shall apply:

- A. A Conditional Use is a Type C application.
- B. The term “compatibility determination” means conditional use for purposes of **the LDR**.
- C. A Conditional Use may not commence until all other required development orders and permits are secured in accordance with the LDR.
- D. Minor amendments to a Conditional Use shall be processed as a Type A2 application.

### **Sec. 5.3.8 – Variance**

A Variance is required when a deviation from the Bulk Regulations is necessary to allow the development of a property when a peculiar condition and the literal enforcement of the regulations would result in an undue hardship for the property owner.

- A. A Variance shall be processed as a Type B application in accordance with the Development Review Manual.
- B. PZAB is the decision-making body to consider this request, except for administrative variances as set forth below.
- C. Bulk Regulations include, but are not limited to, setbacks, FAR, building coverage, minimum landscape requirements, etc. **Bulk Regulation is defined further in Article 3.**
- D. A Variance on minimum thresholds for uses and structures, such as lot size, is not permitted.
- E. A Use Variance is not permitted.
- F. Administrative Variances granted by the PZB Director, or designee, shall be processed as a Type A1 application and shall be considered as follows:

1. An enlargement, expansion or rebuilding of a single-family nonconforming use pursuant to Article 1 on one (1) occasion provided the extent of the improvement does not exceed 15% of the floor area of the individual structure or ten (10%) percent of the improvement value of the structure whichever is less.
2. Allowance for an additional 15% total square footage of a barn as permitted in Sec. 6.10 of the LDR.
3. A structural encroachment into a setback of no more than 15% of the setback if the structural encroachment does not encroach an easement, right-of-way or is on a zero lot line side. **The setback encroachment must still meet all applicable fire codes for separation from other structures.**
4. An Administrative Variance to accommodate the preservation of existing native tree(s) pursuant to Article 7, Tree Protection as follows:
  - a. Up to 15% percent of a required setback.
  - b. Up to 15% of the required parking spaces.
  - c. This section may not be combined with any other section which allows reductions in setbacks or parking.

### **Sec. 5.3.9 – Special Use Permits, Equestrian Permits and Seasonal Permits**

- A. Special Use Permits are required for temporary uses and/or activities that are generally compatible with the land use and zoning but require individual review based on location, duration and/or intensity.
- B. Equestrian Permits are required for temporary equestrian related uses and/or activities that are generally compatible with the land use and zoning but require individual review based on location, duration and/or intensity.
- C. Special Use and Equestrian Permits shall be reviewed and processed as Type A1 applications and in accordance with the Development Review Manual. Uses that require a Special Use or Equestrian Use Permit are identified in the Use Regulations of Article 6. Additionally, these applications shall be reviewed by Palm Beach County Sheriff's Office and Palm Beach County Fire Rescue.
- D. Seasonal Permits are required for those temporary uses or equestrian uses that exceed 30 cumulative event days within a six (6)-month period. They shall be processed as a Type A1 application and in accordance with the Development Review Manual; however they shall require Council approval for the initial request. All seasonal permits that are identical to the Council approved permit shall be renewed administratively by the DM. Any modification to the Council approved permit shall be required to seek Council approval as a new request. Seasonal sales, such as pumpkins or Christmas trees, and Equestrian Permits for temporary stabling tents, not associated with events or construction of a barn that exceed 30 days, are exempt from Council approval and shall be reviewed administratively. Seasonal permits required to obtain Council approval shall be placed on an agenda as a regular agenda item and are not subject to the mailing and legal ad requirements since it is not a public hearing item.**
- E. The applicant shall comply with all Code of Ordinances, the LDR, and the Conditions of Approval of the permit. Wellington staff shall have the authority to inspect any property for compliance for the duration of the permit effective dates. Failure to abide may jeopardize future permits and/or result in code enforcement action with possible fines or immediate revocation of the permit. Revocation shall be determined by PZB Director, or designee.**
- F. Duration:
  1. A Special Use Permit and Equestrian Permits shall be issued based on the number of days and type of request within a 12-month period on the same property, or as otherwise stated in another section of the LDR.
  2. Seasonal Permits shall not exceed six (6) months within a 12-month period on the same property.

### **Sec. 5.3.10 – Extended Hours of Operation Permit**

Any commercial establishment within 300 feet of residential homes within a residential PUD shall request a permit to operate outside of the normal hours of operation as provided for in the Code of Ordinances. This request requires the following:

- A. Extended hours of operation shall be processed as a Type A1 application, shall be reviewed by Palm Beach County Sheriff's Office and Palm Beach County Fire Rescue, and shall be signed by the PZAB Director, or designee, and the Village Manager prior to issuance.
- B. Any violator of the Extended Hours of Operation Permit shall be notified of the violation and scheduled for the next available meeting of the Special Magistrate. A determination shall be made to maintain, modify or revoke the permit and may be subject to fees, fines, or limitations on future development orders.

## **CHAPTER 4 – REASONABLE ACCOMMODATION**

### **Sec. 5.4.1 - Purpose and General Provisions**

- A. This chapter addresses requests for reasonable accommodation to the Village's ordinances, rules, policies, and procedures for persons with disabilities and facilities serving them as provided by the federal Fair Housing Amendments Act (42 U.S.C. 3601, et seq.) ("FHA") and Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) ("ADA").
- B. The following general provisions shall be applicable:
  1. The Village shall display a notice in the Village's public notice bulletin board, and shall maintain copies available for review in the Village Clerk's Office, advising the public that disabled individuals and qualifying entities may request a reasonable accommodation as provided herein.
  2. A disabled individual may apply for a reasonable accommodation on his/her own behalf or may be represented at all stages of the reasonable accommodation process by a person designated in writing by the disabled individual.
  3. The Village shall provide assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including, without limitation, assistance with reading application questions, responding to questions, completing the necessary forms, filing an appeal, and appearing at a hearing to ensure the process is accessible.

### **Sec. 5.4.2 - Definitions**

For purposes of this chapter, a "disabled" individual or person is an individual that qualifies as disabled and/or handicapped under the FHA and/or ADA. Any person who is disabled (or qualifying entities) may request a reasonable accommodation with respect to the Village's land use or zoning laws, rules, policies, practices and/or procedures as provided by the FHA and the ADA pursuant to the procedures set out in this chapter.

### **Sec. 5.4.3 - Procedure**

- A. A request by an applicant for reasonable accommodation shall be made in writing by completion of a reasonable accommodation request form. The form shall be maintained by (and shall be submitted to) the Planning, Zoning and Building Department.
- B. The PZB Director, or designee, shall have the authority to consider and act on requests for reasonable accommodation. The PZB Director, or designee, shall issue a written determination within 45 calendar days of the date of receipt of a completed application and may, in accordance with federal law:
  1. Grant the accommodation request;
  2. Grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request; or

3. Deny the request, in accordance with federal law.

Any such denial shall be in writing and shall state the grounds thereof. All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e. the disabled individual or his/her representative) by certified mail, return receipt requested. Notice shall be deemed complete when deposited in the U.S. Mail. If reasonably necessary to reach a determination on the request for reasonable accommodation, PZB Director, or designee, may, prior to the end of said 45-day period, request additional information from the requesting party, specifying in sufficient detail what information is required. The requesting party shall have 15 calendar days after the date of the request for additional information to provide the requested information. In the event a request for additional information is made, the 45-day period to issue a written determination shall no longer be applicable, and the PZB Director, or designee, shall issue a written determination within 30 calendar days after receipt of the additional information. If the requesting party fails to provide the requested additional information within said 15-day period, the Planning Director, or designee, shall issue a written notice advising that the requesting party has failed to timely submit the additional information, and therefore the request for reasonable accommodation shall be deemed abandoned and/or withdrawn and no further action by the Village with regard to said reasonable accommodation request shall be required.

C. In determining whether the reasonable accommodation request shall be granted or denied, the requesting party shall be required to establish that they are protected under the FHA and/or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA and/or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this section the disabled individual must show:

1. A physical or mental impairment which substantially limits one (1) or more major life activities; and
2. A record of having such impairment; or
3. That they are regarded as having such impairment.

The requesting party will have to further demonstrate that the proposed accommodations being sought are reasonable and necessary to afford handicapped/disabled persons equal opportunity to use and enjoy the subject property. The foregoing (as interpreted by the courts) shall be the basis for a decision upon a reasonable accommodation request made by the PZB Director, or designee, or by the Village Manager in the event of an appeal.

D. While an application for reasonable accommodation, or appeal of a determination of same, is pending before the Village, the Village will not enforce the subject zoning ordinance, rules, policies, and procedures against the applicant.

**Sec. 5.4.4 - Appeal**

The requesting party may appeal the decision of the PZB Director or his/her designee. The appeal shall be submitted in writing no later than 30 calendar days after the decision of the PZB Director or designee. All appeals shall include a statement containing sufficient detail of the grounds for the appeal. Appeals shall be made to the Village Manager who shall render a determination as soon as reasonably practicable, but in no event later than 60 calendar days after an appeal has been filed.

**Sec. 5.4.5 - Fee**

There shall be no fee imposed by the Village in connection with a request for reasonable accommodation under this section or an appeal of a determination, and the Village shall have no obligation to pay a requesting party's (or an appealing party's, as applicable) attorneys' fees or costs in connection with a request or an appeal.

## **ARTICLE 6 – ZONING DISTRICTS**

### **CHAPTER 1 – ESTABLISHMENT OF DISTRICTS**

#### **Sec. 6.1.1 – Purpose and Intent**

The purpose of this section is to establish zoning districts and regulations to ensure that development is compatible with surrounding uses, served by adequate public facilities, sensitive to natural resources and consistent with the Comprehensive Plan. All development and uses within each district shall comply with LDR and specific zoning district regulations.

#### **Sec. 6.1.2 – Zoning Districts**

In order to implement the Comprehensive Plan, the following districts are hereby established and defined as the Village of Wellington Zoning Districts:

- A. **Agricultural Residential District (AR):** The AR district is established to protect and enhance the equestrian lifestyle and quality of life of residents in areas designated as equestrian residential, to protect watersheds and water supplies, and scenic areas, conservation and wildlife areas, and to permit a variety of uses that require non-urban locations but do not operate to the detriment of adjoining lands devoted to equestrian and residential purposes. The AR district is consistent with the Residential A Future Land Use Map designation in the Land Use Element of the Comprehensive Plan.
- B. **Residential Estate District (RE):** The purpose and intent of the RE district is to provide lands for larger lot single-family development with some accessory uses to support the residential neighborhood. The RE district is consistent with the Residential B Future Land Use Map designation in the Land Use Element of the Comprehensive Plan.
- C. **Single-Family Residential (RS):** The purpose and intent of the RS district is to recognize the need to provide areas for moderately high density single-family dwelling units. The RS district is consistent with the Residential C, D and E Future Land Use Map designation in the Land Use Element of the Comprehensive Plan.
- D. **Multi-family Residential Medium Density (RM):** The purpose and intent of the RM district is intended primarily for the development of multiple family dwelling units. The RM district is consistent with the Residential F and G Future Land Use Map designations in the Land Use Element of the Comprehensive Plan.
- E. **Multi-family Residential High Density (RH):** The purpose and intent of the RH district is intended primarily for the development of concentrated residential densities. The RH district is consistent with the Residential H Future Land Use Map designation in the Land Use Element of the Comprehensive Plan.
- F. **Country Residential District (CRS):** The purpose and intent of the CRS district is to provide for a primarily equestrian residential environment that is also conducive to the keeping of horses and livestock, to protect watersheds and water supplies, and scenic areas, and conservation and wildlife areas, and to permit a limited number of activities that require non-urban locations but do not operate to the detriment of adjoining lands devoted to equestrian and residential purposes. The CRS district is consistent with the Residential A Future Land Use Map designation in the Land Use Element of the Comprehensive Plan.

- G. **Residential Transitional Suburban District (RTS):** The purpose and intent of the RTS district is to provide lands for low intensity single-family development at or near the fringe of urban development. The provision of active recreational facilities within the privacy of an individual lot and the preservation of natural site features is encouraged in the RTS district to minimize the impact of such development upon the community. The RTS district is consistent with the Residential C Future Land Use Map designation in the Land Use Element of the Comprehensive Plan.
- H. **Community Commercial (CC):** The CC district is established for commercial, office and medical office uses that serve residential neighborhoods. The district may be located along arterial and collector roads, adjacent to residential districts and may be located to buffer more intense or larger commercial and office development from residential districts. The CC district is consistent with the Community Commercial Future Land Use Map designations in the Land Use Element of the Comprehensive Plan.
- I. **Flexible Use (FLEX):** The purpose and intent of the FLEX is to provide for uses that will create local higher wage employment opportunities and offer a wide range of industrial and limited commercial uses that are compatible with adjacent uses. The FLEX zoning district is consistent with the Industrial Future Land Use designation of the Comprehensive Plan.
- J. **Community Facilities (CF):** The CF district is established for public and institutional facilities and uses including schools, government offices, assembly, utility services and other capital improvement facilities. The CF district is consistent with all land use categories and in particular Institutional/Public Facilities/Utilities Future Land Use Map designation of the Land Use Element of the Comprehensive Plan.
- K. **Planned Unit Development (PUD):** The PUD district is established to offer a residential development alternative that provides greater flexibility and encourages more design creativity than may be available under conventional development approaches. The intent of the PUD is to promote the design of largely residential living environments, which incorporates commercial, recreational, civic, and institutional uses that support the residential uses. It also provides for preservation of natural features and scenic areas and promotes creation of a continuous non-vehicular circulation system. The PUD is consistent will all residential and commercial Future Land Use Map designations in the Land Use Element of the Comprehensive Plan.
- L. **Multiple Use Planned Development (MUPD):** The MUPD is established to promote the design of unified, multiple use developments for land which has a residential, commercial industrial, or commercial recreation designation on the Future Land Use Map and to provide for the efficient use of land by the integration of multiple uses within a single development. The intent of the MUPD is to provide for the development of multiple nonresidential uses with enlightened and imaginative approaches to community planning. The MUPD is consistent with the Mixed Use, Regional Commercial/LSMU and Commercial Future Land Use Map designations in the Land Use Element of the Comprehensive Plan.
- M. **Mixed Use Planned Development (MXPD):** The MXPD district is established to provide efficient use of land by the integration of multiple uses, with an emphasis on non-residential, within a single development in order to develop or redevelop sites which are sensitive to the surrounding uses, obtain the desired character of the community, and ensure the availability of capacity of public facilities to serve proposed developments. This designation is also intended to foster infill development, to deter urban sprawl and to lessen the need for additional vehicular trips through the internalization of trips within a neighborhood or project. The MXPD is consistent with the Mixed Use Future Land Use designation in the Land Use Element of the Comprehensive Plan.
- N. **Medical Center Planned Development (MCPD):** The purpose and intent of the Medical Center Planned Development (MCPD) Zoning District is to provide for the orderly planned development

of major health care facilities consisting of a hospital with clinics, medical offices, extended care facilities and other ancillary or medical care support facilities. The MCPD district provides appropriate architectural design standards and locations for large-scale developments that ensure capacity of the campus facilities meets the future evolution of healthcare services for the community and the region. The MCPD provides for flexibility of certain property development regulations, placement and clustering of buildings and provision for site design. The MCPD is consistent with the Medical Commercial Future Land Use Map designation in the Land Use Element of the Comprehensive Plan.

- O. **Equestrian Overlay Zoning District (EOZD):** The EOZD is established to protect and enhance the Equestrian Preservation Areas of Wellington, as created by the Comprehensive Plan; to preserve, maintain and enhance the equestrian community, equestrian lifestyle, and development patterns which are consistent with the overall character of the equestrian community; and to identify and encourage types of land uses that are supportive of the equestrian character of the Equestrian Preservation Areas. The EOZD is consistent with the Residential A, Residential B, Residential C, Commercial Recreation and Neighborhood Commercial Future Land Use Map designations in the Land Use Element of the Comprehensive Plan.
- P. **Little Ranches Overlay Zoning District (LROZD):** The LROZD is established to implement the community vision and values established in the Village charter and the Equestrian Element of Wellington's Comprehensive Plan; to preserve the equestrian character and lifestyle of the Palm Beach Little Ranches community and maintain the existing residential and equestrian development patterns in the neighborhood. The LROZD is consistent with the Residential B Future Land Use Map designation in the Land Use Element of the Comprehensive Plan.
- Q. **Rustic Ranches Overlay Zoning District (RROZD):** The RROZD is established to that implement the community vision and values established in the Village charter and the Equestrian Element of Wellington's Comprehensive Plan; to preserve the equestrian character and lifestyle of the Rustic Ranches community and to maintain the existing residential and equestrian development patterns in the neighborhood. The RROZD is consistent with the Residential B Future Land Use Map designation in the Land Use Element of the Comprehensive Plan.

### **Sec. 6.1.2 – Official Zoning Map and District Boundaries**

- A. The location and boundaries of the districts established in this article shall be set forth on the Official Zoning Map of Wellington and is incorporated by reference into this article. A copy of the Official Zoning Map is available for inspection by the general public during regular business hours in the offices of the PZB Department.
- B. All amendments to the Official Zoning Map are approved by the Village Council. The PZB Director shall ensure the zoning map is updated to reflect amendments within seven (7) business days from the effective date of the amendment.
- C. The new Official Zoning Map may correct drafting and clerical errors or omissions in the prior map, but no such corrections shall have the effect of amending the original Official Zoning Map or subsequent amendments thereto without a duly noticed public hearing pursuant to the procedures and standards of this Code.



## **CHAPTER 2 – USE REGULATIONS**

### **Sec. 6.2.1 – General**

- A. Uses Permitted by Right, as a Special Use or Conditional Use shall be determined as listed in the Use Regulation Schedule (Table 6.2-1). All uses included in the Use Regulations Schedule shall be limited to the districts in which they appear as Permitted, Special Use or Conditional Use on the table. Any use not reflected for any particular district shall be prohibited in the District.
- B. Uses listed in any of the use regulation schedules are intended to identify those uses that are compatible and functional within a given Zoning district. In the event that any particular proposed use is not shown anywhere in the Use Regulations Table, the PZB Director shall determine what listed use is most similar to any use on table not specifically listed in the use regulation schedules and that use shall be classified as such, in accordance with the Interpretation and Appeals criteria in the LDR.
- C. Uses, densities and intensities for all Planned Development Districts (PDD) shall be regulated by the approved/valid Master Plan for the project. Any conflicts that may arise between the LDR and the approved Master Plan shall comply with the most restrictive requirements.
- D. The corresponding number listed to the right of the use type within Table 6.2-1 shall identify that additional use-specific regulations are provided in the supplementary use standards of this Article.





**Sec. 6.2.2 – Supplementary Standards for Principal Uses**

This section contains supplementary standards for specific uses. In the case of conflict with district or other regulations of the LDR, the more restrictive requirement shall apply.

**A. Residential Uses:**

**1. Congregate Living Facilities:**

- a. Shall be in compliance with the minimum essential facilities regulations contained in the Florida Building Code as determined by the Florida Agency for Health Care Administration (AHCA) and/or Department of Children and Families (DCF) through licensing and inspections.
- b. Shall follow the regulations below:

	<b><u>Type 1</u></b>	<b><u>Type 2A</u></b>	<b><u>Type 2B</u></b>	<b><u>Type 3</u></b>
<b><u>Maximum Occupancy (excluding staff)</u></b>	<u>Up to 6 persons</u>	<u>7 to 14 persons</u>	<u>15 to 21 elderly persons only</u>	<u>Dependent on DO approval</u>
<b><u>Distance from other CLF</u></b>	<u>1000 linear feet (Type 1, 2B and 3) and 1200 linear feet (Type 2A)</u>	<u>1000 linear feet (Type 1, 2B and 3) and 1200 linear feet (Type 2A)</u>	<u>1000 linear feet (Type 1 and 3) and 1200 linear feet (Type 2A). Maximum of four (4) Type 2B within ½ mile radius.</u>	<u>1000 linear feet (Type 1, 2B and 3) and 1200 linear feet (Type 2A)</u>
<b><u>Kitchen Facilities</u></b>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Permitted</u>
<b><u>Permitted Locations</u></b>	<u>Wherever single-family is permitted</u>	<u>RM district and multi-family areas of Residential Pods of a PUD. Prohibited in and within 500 LF of a Single Family district/Pod.</u>	<u>RM district and multi-family areas of Residential Pods of a PUD as a Conditional Use. Prohibited in and within 500 LF of a Single Family district/Pod.</u>	<u>See use table</u>
<b><u>Distance from Emergency Services</u></b>	<u>NA</u>	<u>Five (5) road miles of a full service fire rescue station</u>	<u>1.5 road miles of a full service fire rescue station and three (3) road miles of a full service hospital</u>	<u>Five (5) road miles of a full service fire rescue station</u>
<b><u>Access</u></b>	<u>NA</u>	<u>NA</u>	<u>Located within a ¼ road mile of a collector or an arterial roadway.</u>	<u>Primary access to a collector or an arterial roadway. If less than 25 persons, then can be located on a local road.</u>
<b><u>Minimum Lot Size</u></b>	<u>NA</u>	<u>7,500 square feet</u>	<u>11,500 square feet</u>	<u>NA</u>
<b><u>Signage</u></b>	<u>One (1) on-premises sign no more than one (1) square foot in size.</u>			<u>See Article 7</u>
<b><u>Drop Off Area Required</u></b>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<b><u>Public Water/Wastewater Connection</u></b>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<b><u>Restrict Vehicles and Parking Reduction Methods Required</u></b>	<u>The parking of residents' personal vehicles shall be prohibited at the facility. Parking reduction methods shall include the use of shuttle vans, staggering of providers/guest visitations, and carpooling of employees or other effective means of limiting the number of vehicles parked at the residence.</u>			<u>No</u>
<b><u>Architecture</u></b>	<u>Conform the residential structure's exterior to the architecture, massing, height and style of surrounding residences.</u>			<u>See Design Standards</u>
<b><u>Buffer/Fencing Required</u></b>	<u>No</u>	<u>A six (6) foot opaque fence not located in front setback</u>		<u>See Article 7 Buffers</u>

**c. Accessory Uses:**

- i. All facilities may have those non-residential uses customarily incidental to a congregate living facility, such as a common dining room, a central kitchen, a nursing station, a medical examining room, a chapel, a library, and offices necessary to

manage the congregate living facility, and accessory uses, incidental to a residential dwelling unit.

- ii. In addition, Type 3 facilities may have a limited amount of commercial uses incidental and accessory to the facility such as retail and congregate living personal service uses designed to exclusively serve the residents of the facility, such as a barber or beauty shop, small convenience retail sales and banking services. No more than ten (10%) percent of the gross floor area of the facility shall be dedicated to such commercial uses.
- d. Parking: All CLF types shall comply with the parking requirements of Article 7.
- e. In addition to above, Type 2B facilities shall follow the following standards:
  - i. The facility shall have one (1) designated single occupancy room available for residents requiring short-term additional care.
  - ii. The facility shall be in compliance with the following minimum square footage standards:

<u>Space</u>	<u>Minimum Standards</u>
<u>Single Occupancy Room</u>	<u>90 square feet</u>
<u>Double Occupancy Room</u>	<u>130 square feet</u>
<u>Bathroom</u>	<u>1 full bathroom per 3 persons</u>
<u>Common Area (Interior)</u>	<u>50 square feet per resident</u>

- f. In addition to above, Type 3 facilities shall comply with the following standards:
  - i. Within a Planned Development, the maximum occupancy for the facility shall be included in the Development Order. The gross area of a pod dedicated to a congregate living facility in a Planned Development shall be deducted from the gross area of the planned development for the purpose of calculating the maximum density of conventional residential development.
  - ii. Conversion to conventional dwelling units:
    - 1. Prior to conversion to conventional dwelling units, a structure designed to accommodate a congregate living facility shall, if necessary, be structurally modified to comply with the standards of this Code.
    - 2. No development orders for a Site Plan/Final Subdivision Plan for a congregate living facility shall be approved until a declaration of restrictions in a form approved by Wellington Attorney has been recorded to run with the land records maintained by the Clerk of the Circuit Court for Palm Beach County. This declaration of restrictions shall expressly provide that: (1) the conversion of the premises to conventional dwelling units is prohibited except in compliance with this section; and (2) if permitted, conversion will not result in an increase in the number of "quarters" and residents permitted on the site unless the converted development has obtained a development order for a Planned Development District. If that development order has not been granted, the converted development will have to comply with the density permitted in the district; and (3) the total number of permitted residents may be determined by referring to the approved master or site development plan on file with the Planning and Zoning Division.

2. Multi-Family:

- a. Multi-family shall include attached dwelling units such as duplexes, quads, townhouses, condominiums and apartments.
- b. Accessory commercial uses contained within a multi-family structure shall be permitted provided that the use is limited to a total floor area not to exceed ten (10%) percent of the gross residential floor area contained therein, exclusive of vehicular parking and service areas, and limited to such uses as restaurants, delicatessens, and such personal services as beauty shops, barber shops, drug stores and professional offices. This provision is for 100 units or more and utilizing 20 square feet per unit with a maximum of 20,000 square feet per each project or development as indicated on the site or subdivision plan. The accessory use must meet parking requirements subject to Article 7.

3. Security/Caretaker's Quarters:

- a. Applicant shall obtain a special permit from the Planning and Zoning Division.
- b. No more than one (1) security or caretaker quarters shall be developed upon the same lot or project governed by the same site plan.
- c. The security or caretaker quarters use shall be for the exclusive use of and shall be occupied only by a guard, custodian, caretaker, manager, or employee of the owner of the principal use, and his family. Such person shall be actively engaged in providing security, custodial, or managerial services on the premises.
- d. A security or caretaker quarters shall not be permitted in association with a temporary use.
- e. Mobile homes and recreational vehicles are not permitted to be used as security/caretaker's quarters.
- f. A security or caretaker quarters shall continue only so long as the principal use that it is meant to serve remains active. Upon termination of the principal use, the right to have the security or caretaker shall end, and the occupancy of the quarters shall immediately be discontinued. Once discontinued, such quarters shall not be re-established except in conformity with this section.

4. Single Family: The use of a mobile home or a recreational vehicle as a single family residence is prohibited.

**B. General Services and Entertainment Uses:**

1. Adult Entertainment as defined in Article 3, including the related secondary definitions, shall be subject to the following:
  - a. If the regulations and standards of the LDR related to adult entertainment are in conflict with any other lawfully enacted and adopted rules, regulations, ordinances or laws, the most restrictive shall apply.
  - b. Any person convicted of violating the provisions of these regulations shall be subject to the general penalties in accordance with Sec. 1-12 of the Code of Ordinances.
  - c. Findings and Intent:

- i. Based on findings incorporated in the cases of *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Cornell Restaurant Ventures, LLC v. City of Oakland Park*, 681 F. App'x 859 (11th Cir. 2017); *Park Peek-A-Boo Lounge of Bradenton, Inc. v. Manatee County, Florida*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach, Florida*, 490 F.3d 860 (11th Cir. 2007); *Peek-A-Boo Lounge of Bradenton, Inc. v. Manatee County, Florida*, 337 F.3d 1251 (11th Cir. 2003); and *David Vincent, Inc. v. Broward County, Florida*, 200 F.3d 1325 (11th Cir. 2000); and in studies of other communities including, Indianapolis, Indiana (1984); Garden Grove, California (1991); New York Times Square (1994), and Centralia, Washington (2004), the Wellington Council finds that:
    - 1. Adult Entertainment Establishments are associated with a variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, public safety risks, illicit drug use, elevated crime levels, negative impacts on property values, and neighborhood blight.
    - 2. Each of the foregoing negative secondary effects constitutes a harm to which Wellington has a substantial government interest in preventing and/or abating.
  - ii. It is Wellington's intent to establish reasonable and uniform regulations for proper locations and separation criteria to prevent and/or reduce the adverse secondary effects of Adult Entertainment Establishments within Wellington and promote the health, safety, and general welfare of the residents of Wellington. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of or reasonable access to any communicative materials, including Adult Material. Similarly, it is neither the purpose nor effect of this section to restrict or deny access by adults to Adult Material protected by the First Amendment, or to deny access by distributors or exhibitors of Adult Material to their intended market. Neither is it the purpose nor effect of this section to condone or legitimize the distribution of obscene material.
- d. Standards: The following are minimum standards that shall apply to Adult Entertainment Establishments:
- i. Adult Entertainment Establishments within the Flex Zoning District (Industrial – commerce parks).
  - ii. Separation requirements:

<u>Use</u>	<u>Distance</u>
<u>Place of Worship</u>	<u>500'</u>
<u>Educational Institution</u>	<u>500'</u>
<u>Public Park</u>	<u>500'</u>
<u>Residential Zoning District or Residential Pod of Planned Development</u>	<u>500'</u>
<u>Another Adult Entertainment Establishment</u>	<u>500'</u>

- (1) The separation set forth in this regulation shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay of the proposed Adult Entertainment Establishment to the nearest point on the property line of the use requiring a separation.
- (2) A subsequent development approval for any uses that require a separation, when the Adult Entertainment Establishment existed first, shall not change the status of the use to non-conforming.

- iii. A landscape buffer shall be installed along any property line that abuts a residential project, in accordance with the buffer requirements of Article 7, prior to the issuance of a certificate of occupancy.
- iv. Outdoor low-intensity lighting that illuminates the entire parking and vehicular use area shall be provided. The lighting shall be installed on structures that do not exceed 15 feet in height from finished grade.
- v. If the operation is to exceed the normal hours of operation in the Code of Ordinances, the establishment shall be required to obtain a permit for extended hours of operation in accordance with Article 5 of the LDR.
- vi. There shall be no variance to the locational standards of these regulations.

2. Bed and Breakfast:

- a. The owner-operator shall reside on the premises fulltime and shall provide a written affidavit qualifying the owner-operator. The failure of the owner-operator to reside fulltime on the premises during operational hours of the Bed and Breakfast shall result in revocation of the development approval. All subsequent owners, purchasers or successors in interest shall comply with the provisions of this code in order to continue to operate a Bed and Breakfast on the premises.
- b. The minimum lot size for an establishment shall be at least two (2) acres with a maximum of eight (8) bedrooms for paying guests. Any combination of lots to achieve the minimum lot size shall be accomplished by a replat of the affected properties.
- c. A Bed and Breakfast establishment shall be required to connect to public water and sewer systems where public water and sewer is available. Proposed private well and septic/drainfield systems will be reviewed by the Village Engineer and PBC Health Department should public water and sewer not be available.
- d. Each Bed and Breakfast establishment shall have a separation requirement of 1,320 linear feet from another, measured from the closest property line of each establishment. Vehicular access for patrons shall not be more than 1,320 linear feet from a collector or roadway of higher classification.
- e. A Bed and Breakfast establishment shall not contain rental dwelling units.
- f. The proposed use of the property shall not adversely affect the immediate neighborhood or create noise, light or traffic conditions detrimental to the neighboring residents.
- g. Meal service shall be limited to paying Bed and Breakfast guests only.
- h. One (1) sign for the establishment may be installed to indicate the establishment name, address and logo on a maximum four (4) square feet sign area. Any proposed lighting for the signage shall be limited to uplighting.
- i. The establishment must be located as part of and attached to the principal single family residential dwelling on the property.
- j. Parking areas, including areas for horse trailers in the Equestrian Overlay Zoning District, may consist of paving, grass, gravel or other materials, subject to the Village Engineer's approval.
- k. Guests shall be limited to a length of stay that does not exceed 30 consecutive days.



3. Car Wash and Auto Detailing:

- a. The use of temporary shade structures is prohibited. All shade structures must be permanently installed and must meet minimum setbacks of the principal structure.
- b. The car wash facility shall utilize a water recycling system.
- c. All outdoor waiting areas shall be constructed permanently within a paved patio area, and not located within any landscape areas or parking spaces.
- d. Principal Use:
  - i. In the Flex District, a car wash or auto detailing use shall be permitted if limited to hand washing/waxing only.
- e. Accessory Use:
  - i. An automatic car wash shall be considered an accessory use to an automotive service station use when it is located on the same lot, and shall be governed by the use and property development regulations applicable to the service station use.
  - ii. In the Flex District, a car wash or auto detailing use shall be permitted if limited to hand washing/waxing only and accessory to auto repair or auto body shops.
- f. Mobile Detailers:
  - i. Not permitted to park in any one location/project governed by a site plan for more than four (4) hours per week.

4. Catering: For all districts except the Flex district, all catering vehicles with signage shall be parked in the rear of the building not to be visible from the right-of-way when not in use.

5. Day Care, Adult/Children:

- a. The minimum lot area shall be at least 6,000 square feet.
- b. Minimum floor area for facilities are provided below or shall follow the amount as required by Palm Beach Health Department, whichever is greater:

	<u>Useable Floor Area (exclusive of kitchen, office, storage, restrooms, etc.)</u>	<u>Additional Required square feet for each additional child/adult</u>
<u>Child Day Care (40 or less)</u>	<u>1,500 square feet</u>	<u>35 square feet</u>
<u>Adult Day Care (20 or less)</u>	<u>1,500 square feet</u>	<u>75 square feet</u>

c. Outdoor activity areas:

- i. An outdoor activity area shall be provided on the same lot as the day care center. It shall not be located in the required front yard or adjacent to any outdoor storage area of any existing adjacent use. Stationary play structures shall be located a

minimum of 25 feet from any residential property line and 10 feet from any other property line.

- ii. A minimum of one (1), 12-foot tall native canopy tree shall be provided or preserved per 750 square feet of outdoor activity area provided. All trees shall be within the interior of the outdoor activity area. Installation of a permanent shade structure up to 75% of the required square footage of canopy shade may be installed and must meet the minimum setbacks of the principal structure.
- iii. A six (6) feet high fence or wall shall surround the outdoor activity area.
- iv. Landscaping along the perimeter of the outdoor activity area shall include 14 feet tall native canopy trees placed 20 feet on center, and 24 inch high hedge or shrub material placed 24 inches on center. This required landscaping material shall be located on the exterior side of the fence.
- v. Minimum Outdoor Play Area Size Requirements:

	<b><u>Required Outdoor Activity Area</u></b>	<b><u>Maximum Reduction of Outdoor Area</u></b>
<u>Infants two (2) years of age and younger</u>	<u>45 square feet per child</u>	<u>1/2 of the required area <sup>(1)</sup></u>
<u>Older than two (2) years of age</u>	<u>1,500 square feet or 75 square feet per child, whichever is greater</u>	<u>1/2 of the required area <sup>(1)</sup></u>
<u>Adult day care</u>	<u>1,000 square feet or 30 square feet per person, whichever is greater</u>	<u>Council approval <sup>(2)</sup></u>

*(1) The Palm Beach County Child Care Facilities Board may approve a reduction in the size of this area where the operator utilizes split shifts for its use.*

*(2) The Village Council may approve a waiver of the minimum outdoor activity area requirement as a part of a conditional use approval based upon applicant's demonstration of need and the recommendations of the DM and PZAB.*

- d. Access, parking and loading shall be provided in accordance with Article 7. Drop-off stalls shall be a minimum 12 feet wide by 20 feet in length.
  - e. A five (5) foot wide walkway adjacent to the drop-off spaces and connecting to the day care entrance shall be provided.
  - f. Child day care centers located in the Flex district shall be designed principally to serve employees of the commerce parks.
6. Day Care, Family:
- a. Shall be permitted wherever a single family residence is permitted.
  - b. Maximum number of children shall be established by Florida Department of Children and Families and the Florida Statutes.
7. Entertainment, Outdoor:
- a. A minimum of 200 feet of frontage and primary access is required on an arterial or collector road.

- b. Safety fences shall be required around a recreation facility to protect the use of the adjacent property and public safety if deemed necessary.
  - c. All athletic fields shall be setback a minimum of 50 feet and all other recreational areas or structures shall be setback a minimum of 100 feet from all property lines.
8. Fitness Center: Outdoor uses for training purposes shall be prohibited when adjacent to residential properties.
9. Funeral Home:
- a. A crematory facility must be approved through the State Department of Environmental Regulation.
  - b. Disposal of wastewater from embalming operations shall be in accordance with the requirements of the PBCPHU or approval of disposal to public water or sewer shall be through the local utility.
10. Gun Club/Gun Range: An enclosed gun club shall have a 100 foot setback in addition to a 50 foot buffer from a residentially occupied or zoned property.
11. Hotel/Motel:
- a. A hotel may have an accessory lounge not to exceed to 25% of the gross floor area of the hotel, exclusive of parking.
  - b. Must be located on a minimum of two (2) acres.
12. Home Occupation:
- a. The home occupation shall be clearly incidental and secondary to the residential use of the building and shall be confined to no more than 15% of the total floor area of the dwelling.
  - b. A home occupation, with the exception of outside instructional services, shall be conducted within the principal dwelling, and shall not be conducted within any accessory building or structure or within any open porch or carport that is attached to and part of the principal structure.
  - c. The home occupation shall not change the essential residential character of the dwelling in terms of exterior appearance and interior space.
  - d. A home occupation use shall be conducted by a member of the immediate family residing in the dwelling unit. A maximum of one (1) person who is not a member of the immediate family may assist in the operation of the home occupation. In addition, only one (1) person outside of the home may be employed by the service provided by the home occupation.
  - e. No external evidence or sign shall advertise, display, or otherwise indicate the presence of the home occupation, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, newspapers, internet or other media. Advertising on vehicles shall be limited to the minimum necessary to meet code requirements as mandated by PBC Contractors Certification Division or Florida Statutes.
  - f. A home occupation shall not involve the retail sale of any supplies or products.
  - g. Instructional services may be approved as home occupations, provided the services meet the following additional regulations.

- i. Instructional services, which by their nature, must be conducted outside of the principal structure, such as swimming lessons, shall be located in a rear or side yard.
- ii. The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one (1) instructor shall be permitted to provide instruction.
- iii. No more than two (2) cars associated with the lessons shall be permitted to be parked at the instructor's home at a time.
- iv. Instruction shall occur only between the hours of 9:00 a.m. and 8:00 p.m.
- h. No equipment or materials used in the home occupation shall be stored or displayed outside of the dwelling including driveways.

13. Kennel:

- a. May be operated in conjunction with a residence where permitted.
- b. The commercial care of snakes or birds may be permitted provided this use is explicitly requested during the approval process. Care of domestic animals is subject to the Division of Animal Care and Control. The keeping of wild or exotic animals is subject to the regulations of the Florida Game and Fresh Water Commission.
- c. The minimum lot size shall be one (1) acre in the Flex Zoning District and two (2) acres in all other applicable Zoning districts.
- d. The minimum required frontage on a public road to be used for the primary point of access shall be 100 feet.
- e. Outdoor structures, runs, or play yards shall be located a minimum of 25 feet from any property line. In the Flex Zoning district, outdoor structures, runs and play yards shall be located a minimum of ten (10) feet from any property line.
- f. Outdoor runs shall be hard surfaced or grassed with drains provided every ten (10) feet, and shall be connected to an approved sanitary facility. Outdoor runs shall provide a chain-link material on the walls and the top. If necessary to protect the general public, safety fences of up to a height of six (6) feet shall be required on outdoor runs. If necessary to protect neighboring property, a landscape screen of at least 75% opacity shall be provided around the outdoor run.
- g. Outdoor play yards shall be screened from adjacent properties by a minimum six (6) foot opaque fence or wall.
- h. Supervision of animals shall be provided at all times during use or area designated as a play yard on an approved site plan. Waste shall be immediately disposed of properly within the establishment. Alternative treatment of grassed area may be approved by the Wellington Engineer or Utilities Director and the required drains and connection to sanitary facilities may be waived.

14. Lounge:

- a. Shall not be located within 250 feet of a residential district nor within 750 feet of another lounge use unless approved by Council as a conditional use. The separation shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay to the nearest point on the property line.
  - b. Outdoor and open lounge areas shall be subject to additional site design requirements to protect neighboring residential districts in the adjacent properties.
15. Nightclub means any commercial establishment open after 10:00 PM at which a cover charge, door charge, contribution requirement or one (1) time membership fee is paid at the door, or has a minimum drink requirement (excluding temporary events where a Special Use Permit has been granted by Wellington), or:
- a. If none of the factors listed above exist and no Special Use Permit has been approved by Wellington, then if any four (4) of the following conditions exist, the establishment is a nightclub:
    - i. There is a dance floor or other open area for use by patrons for dancing or viewing of live entertainment (permanently or which can be established by temporary removal or rearrangement of furniture).
    - ii. The establishment is open to the public anytime between 12:00 a.m. and 8:00 a.m. on any day of the week.
    - iii. The maximum capacity of the establishment as set by the fire officials through fire, building structure and other relevant laws and ordinances is 150 or more persons. Voluntary reduction of capacity by the establishment shall not prevent the building or fire officials from determining a different and increased capacity.
    - iv. Alcohol is sold, served and/or consumed on the premises at any time.
    - v. Advertisements for the establishment describe specific entertainment events or encouragements (e.g. "House Party Saturday Night"; "DJ Saturday Night"; "Live Music Tonight").
    - vi. The establishment features a platform or musical staging area used in connection with performances or entertainment.
  - b. Security: All nightclubs shall supply interior and exterior security personnel of a number equaling one security officer for every 150 occupants or portion thereof. Security officers employed or contracted by the owners/operators of the business must possess a class D license established pursuant to Florida Statutes, Sec. 493.6303. Alternatively, off duty law enforcement officers can be utilized to meet this requirement. A reduction in the number of required security personnel can be requested annually by any nightclub that has had less than four (4) incidents which required a law enforcement response within the preceding calendar year and which are attributable to events held at the nightclub. Such reduction may be granted by the Planning, Zoning and Building Director (or his/her designee) on an annual basis, with a recommendation of approval from the Sheriff's Department. Neither the Sheriff's office nor the Village of Wellington shall be under any obligation or duty to any person hereunder by reason of this Article. The Sheriff and Wellington specifically disclaim liability for any damages which may be caused by failure to provide security.
  - c. Patron age restriction- It shall be unlawful for persons under the age of 21 to patronize, visit, loiter, be admitted or allowed access in any nightclub; except this restriction shall not apply to:

- i. Persons employed by or at the nightclub.
- ii. During periods when the establishment is not functioning as a nightclub, such as when such establishment is functioning as a restaurant.
- iii. Members of the military or armed services with proper military identification which reflects that they are currently on active duty.
- d. Any person who gains access to a nightclub by using fraudulent identification shall be in violation of this Ordinance.
- e. Nightclub establishments located at equestrian facilities within the EOZD may only be open for business during the days that equestrian competition events are being conducted on the property where they are located.
- f. Enforcement and penalties- violations of this Section shall be subject to enforcement as provided in Articles 5 and 14 of the Wellington LDR and Chapter 36 of the Wellington Code of Ordinances as well as additional penalties as provided by F.S. Sec.125.69(1).
- g. Applicability-The provisions of this Ordinance shall apply to all existing establishments and all new establishments meeting the definition of "nightclub." All establishments existing at the time of the adoption of this Ordinance are deemed to be conforming uses.

16. Restaurant:

- a. All outdoor seating shall be subject to site plan review.
- b. This use may include the on premise sale, service and consumption of alcoholic beverages as an accessory and secondary use.

17. Vehicle Brokering:

- a. No vehicles shall be stored outside the establishment at any time.
- b. Business shall be conducted "by appointment only" and at no time open to the public.
- c. No external evidence or sign shall advertise, display, or otherwise indicate the nature of the business, nor shall the street address of the business be advertised through signs, billboards, television, radio, newspapers, internet or other media.
- d. Vehicles may be shipped to the business location for detailing prior to shipping, delivery or pick-up of the vehicle by appointment. Detailing must be conducted indoors or offsite.

18. Veterinary Clinic:

- a. In the EOZD, a veterinary clinic use shall be for livestock only and shall be located on a minimum of five (5) acres.
- b. Veterinary clinics with outdoor runs or boarding facilities shall comply with the following standards:
  - i. The minimum lot size shall be one (1) acre.
  - ii. No outdoor run or boarding structure shall be located within 25 feet of any property line.

- iii. Shall be hard surfaced or grassed with drains provided every ten (10) feet, and shall be connected to an approved sanitary facility.
- iv. Shall provide a chain-link material on the walls and the top. If necessary to protect the general public, safety fences of up to a height of six (6) feet.
- v. A landscape screen of at least 75% opacity shall be provided around the outdoor run.

C. **Office/Medical Uses:**

1. Hospital:

- a. The minimum lot area shall be five (5) acres.
- b. The minimum frontage for the lot shall be 300 feet and be located on an arterial roadway.
- c. The number of patient rooms for the hospital or medical center shall not exceed one (1) patient room for each 1,000 square feet of lot area (43.56 patient rooms per acre).
- d. Accessory heliport or helipad is permitted provided the use is shown on the approved site plan.
- e. An incinerator use shall be set back a minimum of 500 feet from any property line abutting a residential use.

2. Medical/Dental Office:

- a. Overnight lodging is prohibited except when in conjunction with sleep or any overnight testing.
- b. Includes facilities that are specifically for imaging, diagnostics and phlebotomist.

3. Nursing/Convalescent Facility:

- a. The minimum lot area shall be two (2) acres and shall have frontage of a minimum of 100 feet and direct access on a collector or an arterial roadway.
- b. The number of patient rooms shall not exceed one (1) for each 1,000 square feet of lot area (43.56 patient rooms per acre).
- c. Sleeping rooms shall be no less than 100 square feet for each patient single occupancy or 170 square feet for a double occupancy.
- d. One (1) bathing facility shall be provided for every ten (10) patients.
- e. At least ten (10) square feet of total floor area per patient shall be devoted to a common area exclusive of halls, corridors, stairs and elevator shafts, wherein a variety of recreational or therapeutic activities shall occur.

4. Professional/General Office: Within the Flex district and Industrial pods, only offices accessory to another permitted use and or property management offices specifically for the industrial parks shall be permitted.

**D. Retail and Trade Uses:**

1. Gasoline Sales:

- a. All accessory repair activities shall be conducted within an enclosed structure. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.
- b. Accessory Automatic/Hand Car Wash:
  - i. Hand car wash/detailing shall only be permitted when a permanent automatic car wash structure exists on the property.
  - ii. The use of temporary shade structures is prohibited. All shade structures must be permanently installed and must meet minimum setbacks of the principal structure.
  - iii. The automatic car wash facility shall utilize a water recycling system.
  - iv. All outdoor waiting areas shall be constructed permanently within a paved patio area, and not located within any landscape areas or parking spaces.

2. Mobile Vendor:

- a. Shall not be located in any required parking spaces, right-of-ways, landscape buffers, driveway aisles, loading areas or interfere with on-site circulation.
- b. Shall not be located in such a manner as to distract motor vehicle operators or promote, require or cause any vehicles to stop, stand or park in violation of official traffic-control devices.
- c. Only one (1) mobile vendor shall be permitted on a property.
- d. Must be removed from the site each night.

3. Pharmacy:

- a. Retail pharmacy facilities and medical marijuana dispensing organizations/facilities and medical marijuana treatment center dispensaries must have a minimum of 10,000 square feet of floor area.
- b. No more than one (1) retail pharmacy facility or medical marijuana dispensing organization/facility or medical marijuana treatment center dispensaries may be permitted to operate within any individual retail development. Pharmacy operations that function as an accessory service within grocery stores do not apply to this limitation.
- c. Retail pharmacy facilities and medical marijuana dispensing organizations/facilities and medical marijuana treatment center dispensaries shall not be located closer than 1,000 feet from any public or private school.
- d. Retail pharmacy facilities and medical marijuana dispensing organizations/facilities and medical marijuana treatment center dispensaries located within larger retail developments with frontage on State Road 7/U.S. 441 or on individual sites with frontage on State Road 7/U.S. 441, pharmacy product distributorships and pharmacy product compounding facilities not open to the public are exempt from the provisions of both a. and b. above.



4. Vehicular Sales and Rental:

- a. The minimum lot area for vehicle sales and rentals is three (3) acres.
- b. Vehicle rental shall be limited to 15 parking spaces and not be adjacent to residential lots.
- c. Motor vehicle dealerships may store vehicles outdoors on an improved parking surface without reference to parking stalls, backup distances, parking stall striping or wheel stops for outdoor display only. Parking for vehicle storage, sales or display may not be counted toward meeting the number of required off-street parking spaces to be provided for customers and employees.
- d. Customer parking shall be physically separated from the motor vehicle sales, storage and display space and shall be striped as required in Article 7.
- e. If a specialized vehicular use area is utilized for display of vehicles, there shall be a barrier separating it from customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards or other suitable barrier approved by the PZB Director.
- f. No vehicle shall be parked with its hood or trunk open. Motor vehicles on display shall not be elevated.
- g. If an accessory car wash facility is installed on-site, it shall use a water recycling system.
- h. Repair facilities and sales of parts may be provided as an accessory use. Repair facilities and paint and body shops shall be located at least 100 feet from any residential district lot. Service bay doors shall not be oriented toward any adjacent property in a residential district, or oriented toward any adjacent public road. There shall be no outdoor repair of vehicles. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on-site.
- i. The development shall include an area on-site to unload vehicles from car carriers. This area shall be a minimum of 15 feet wide and 60 feet long, shall have sufficient maneuvering area adjacent to it, and shall be located out of the vehicular traffic circulation. The unloading area shall be located a minimum of 100 feet from any property in a residential district.
- j. No vehicles, other than for customer and employee parking, shall be stored or displayed on the site except those which are intended for sale and are in running, safe operating condition.
- k. No mobile home, recreational vehicle, or other vehicle shall be used as sales offices, storage space or for sleeping purposes. Sales offices and storage shall be contained in permanently constructed buildings.

E. Industrial/Manufacturing/Distribution Uses:

1. Automotive Paint/Body Shop:

- a. All body shop work shall be performed inside a building or garage area.

2. Contractors Storage Yard:

- a. An accessory office shall be permitted.

- b. Outdoor activities and storage shall be completely screened from view from adjacent property and public roads. All storage shall be effectively screened from view by on-site walls, fences or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from rights-of-way or adjacent lots. For a storage-yard contiguous to property in a residential district, an opaque fence/wall a minimum eight (8) feet in height shall be placed along the inside border or the required landscape strip.
    - c. In no case shall the height of materials, stored in outdoor areas exceed 20 feet or the height of the principal building on the lot, whichever is greater.
    - d. All major repairs of vehicles or equipment shall be conducted inside, and no manufacturing or processing shall occur on the site.
3. Craftsman/Contractor Services: All work and storage of materials shall be conducted indoors.
4. Flex Space: The maximum percentage of office space supporting the Flex Space use shall be 25% of the gross floor area.
5. Packing, Distribution and Processing:
  - a. Shall be located on a collector or higher classification road.
  - b. The minimum lot size shall be two (2) acres.
  - c. There shall be no outdoor loud speaker system.
  - d. All loading and unloading must be confined to the property and shall not encroach upon the setbacks.
  - e. Only equipment directly related to products packed, distributed or processed at this plant shall be stored on the property and the equipment shall be screened from adjacent property.
6. Recycling Plant:
  - a. The minimum lot size for recycling plants in industrial districts shall be five (5) acres. The minimum lot size for such facilities in other districts shall be ten (10) acres, provided that underlying district lot sizes shall apply to recycling plants that operate completely in enclosed buildings that are located in the IL district.
  - b. Except for a freestanding office, no part of a recycling plant and its accessory ramps, on site circulation system or storage areas, shall be located within 50 feet of any property line. However, if the facility is in an industrial district and is contiguous to land in an industrial district or designated for an industrial use on the Future Land Use Atlas in the Comprehensive Plan, the setback shall be 25 feet of that contiguous property line. No part of a recycling plant, its accessory ramps, on-site circulation system or storage areas shall be sited within 150 feet of a school, park, church, library or residential lot. In no case shall the setback be less than the requirement of the district. No additional setback beyond district setbacks shall apply to recycling plants that operate completely in enclosed buildings and are located in the Flex district or Industrial pod.
  - c. All storage areas shall be effectively screened from view by on-site walls, fences or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from rights-of-way or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas exceed 20 feet or the height of the principal building on the lot, whichever is greater. For

an outdoor recycling plant contiguous to property in a residential district, an opaque fence/wall a minimum of eight (8) feet in height shall be placed along the inside border of the required landscape strip.

- d. Buffer strips must be installed pursuant to Article 7 for facilities in industrial districts contiguous to land zoned for industrial use and for completely enclosed recycling plants in industrial districts. For all other facilities, a landscape strip shall be installed, provided that when the property line is contiguous to residential districts, the landscape buffer strip shall be 50 feet in width.
- e. An access road that can be negotiated by loaded collection vehicles shall be provided to the entrance of the recycling plant. Access shall not be provided on a residential road. Access shall be restricted to specific entrances with gates which can be locked at all times and which carry official notice that only authorized persons are allowed on the site.
- f. Untreated surface water runoff shall not be permitted to discharge directly into lakes, streams, drainage canals or navigable waterways other than into or through approved on-site containment areas.
- g. All outdoor storage of recyclable materials shall be in leak-proof containers or located on a paved area that is designed to capture all potential runoff associated with the stored material. Runoff shall be handled in a manner that is in conformance with local, state and Federal regulations.
- h. In addition to the standard requirements of this Code, applications for recycling plants shall include the following:
  - i. Graphic illustration and narrative analysis of year round access routes to the site.
  - ii. An explanation of the type of facility requested. It shall specify the type of materials to be handled and include a description of the proposed method of operation, including special waste handling procedures and limitations.
  - iii. An estimate of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
  - iv. A statement specifying the hours of operation.
  - v. A plan to address dust control in traffic, storage and processing areas and contingency during high winds. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder, screening/fencing, vacuuming or watering traffic areas and watering or enclosing storage piles.
  - vi. Verification that the applicant has obtained a permit from and posted a bond with the Solid Waste Authority (SWA) before Site Plan approval. This SWA permit shall be approved consistent with the procedures for obtaining an amendment to the Future Land Use Map.
  - vii. A recycling plant shall be located within ten (10) miles of a full-service fire station or have and maintain on-site firefighting equipment acceptable to the Palm Beach County Fire Marshall.

7. Repair and Maintenance, Large:

- a. All repair and maintenance activities shall be conducted within an enclosed structure or shall not be visible from a right-of-way or residential district.

- b. All outdoor storage of disassembled vehicles, or parts thereof, shall be screened from view with a combination of fencing and vegetation a height of six (6) feet.
  - c. No repair or maintenance activity shall be conducted within 100 feet of any property line adjacent to a residential district.
  - d. No service bay door shall be oriented toward any adjacent residential district or any adjacent public road.
  - e. No outdoor speaker or public address system that is audible off-site shall be permitted.
  - f. Vehicles shall not be tested off-site on residential roads.
  - g. Any accessory automatic car wash facility is subject to the requirements of this section.
8. Repair and Maintenance, Small
- a. All repair activities shall be conducted within an enclosed structure in all districts, except Flex district and Industrial pods.
  - b. Within the Flex district and within Industrial pods, outdoor storage or outdoor repair activities shall be completely screened from view with a combination of fencing and vegetation to a height of six (6) feet.
9. Self-Storage, Indoor and/or Outdoor:
- a. Self-service storage facilities shall be limited to the rental of storage bays and the pickup and deposit of goods or property in storage.
  - b. Truck and trailer rental used for moving limited to a maximum of five (5) vehicles per lot shall be permitted subject to site plan approval.
  - c. A maximum of 1,000 square feet of the rental office may be devoted to the rental and sale of retail items used for moving and storage including but not limited to: hand trucks, cartons, tape, and packing materials.
  - d. Use of storage bays shall be limited to storage of personal goods only. The use of storage bays to conduct any commercial or industrial activity on the site is prohibited.
  - e. Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address in order to obtain an occupational license or other governmental permit or license to do business nor as a legal address for residential purposes. Violation of this subsection shall cause revocation of any license or permit obtained to conduct such activity.
  - f. The minimum lot size for a self-service storage facility shall be two (2) acres.
  - g. A security or caretaker quarters use may be established on the site of a self-storage facility pursuant to this section.
  - h. Except as provided in this section, all property stored in the area devoted to a self-service storage facility use shall be entirely within enclosed buildings. Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self-service storage facility use, provided that the following standards are met.

- i. The storage shall occur only within a designated area. The designated area shall be clearly delineated on the site plan.
- ii. The storage area shall not exceed 25% of the lot area unless approved by the Village Council. In no case shall the storage area exceed 50% of the lot area.
- iii. The storage area shall be entirely screened from view from adjacent residential areas and public roads by a building or by installation of a six-foot high wall meeting the requirements of Article 7.
- iv. Storage shall not occur within the area set aside for minimum building setbacks.
- v. Pleasure boats stored on the site shall be placed and maintained upon wheeled trailers. No dry stacking of boats shall be permitted on site.
- vi. No vehicle maintenance, washing or repair shall be permitted in a self-storage facility.
- i. Outdoor lighting shall be the minimum necessary to discourage vandalism and theft. If a facility abuts a residential district, outdoor lighting fixtures shall be no more than 15 feet in height.
- j. No exterior loudspeakers or paging equipment shall be permitted on the site.
- k. Storage bay doors shall not face any abutting property located in a residential district, nor shall they be visible from any public road.
- l. The exterior facades of all structures shall receive uniform architectural treatment, including stucco and painting of surfaces. The colors selected shall be compatible with the character of the neighborhood.
- m. In addition to the general standards above, multi-access self-service storage facilities shall comply with the following regulations:
  - i. Separation between buildings within the facility shall comply with the circulation standards in this subsection or be a minimum of ten (10) feet.
  - ii. The maximum size of a storage bay shall be 450 square feet.
  - iii. Interior parking shall be provided in the form of aisle ways adjacent to the storage bays. These aisle ways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisle ways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.
- n. In addition to the general standards above, limited-access self-storage facilities shall comply with the following regulations:
  - i. Each entry point used to access hallways leading to the storage bays shall accommodate a minimum of two (2) loading berths and related maneuvering area. The loading areas shall not interfere with the primary circulation system on site.
  - ii. Parking allocated to the storage bays shall be distributed among and conveniently located to the loading areas.
- o. Portable storage units shall mean any portable, above-ground containers including but not limited to, non-licensed trailers and other containers used for temporary storage of personal

property, merchandise or materials. Portable storage units are intended only to be used for short-term storage.

- i. In residential zoning districts, portable storage units shall be placed on either the driveway, approved parking areas, or within the buildable portion of the lot. In nonresidential zoning districts, portable storage units shall only be allowed in conjunction with the issuance of a valid building permit and located so as not to create a hazard for either pedestrian or vehicular traffic. Portable storage units shall not be placed within any right-of-way, on top of any easement, on any required parking area or drive aisle, on landscape buffers or any drainage areas.
- ii. Portable storage units shall be allowed to be placed at a location for a period of no more than seven (7) calendar days if the unit is placed in the front or side corner of the property with a maximum of two (2) such placements per year for that property.
- iii. In conjunction with a valid building permit, portable storage units may be located in the rear or side yards for the duration of a valid building permit, under the following conditions: the unit must meet setback requirements for accessory structures in the applicable zoning district, the unit is screened from view and the unit is properly secured via approved storm wind strips. When installed as part of a valid building permit, portable storage units shall be removed prior to the issuance of a certificate of occupancy.
- iv. Portable storage units shall be secured at all times whenever loading or unloading is occurring. No hazardous materials shall be stored in these units at any time.

#### 10. Towing Service and Storage:

- a. An accessory office shall be permitted.
- b. Outdoor activities and storage shall be completely screened from view from adjacent property and public roads. All storage shall be effectively screened from view by on-site walls, fences or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from rights-of-way or adjacent lots. For a storage-yard contiguous to property in a residential district, an opaque fence/wall a minimum eight (8) feet in height shall be placed along the inside border or the required landscape strip.
- c. In no case shall the height of materials, stored in outdoor areas exceed 20 feet or the height of the principal building on the lot, whichever is greater.
- d. All major repairs of vehicles or equipment shall be conducted inside, and no manufacturing or processing shall occur on the site.

#### 11. Warehouse:

- a. Storage of stock-in-trade, equipment or material best kept in a warehouse-like environment shall not be open to the general public.
- b. Retail sales shall be prohibited.
- c. All materials shall be stored entirely within an enclosed building.
- d. No manufacturing, assembly or processing shall take place on site.
- e. An office/warehouse combination is a construction office for special trade contractors, or a commercial wholesale trade establishment consisting of a mix of small scale,

independent business offices each having a contiguous, accessory enclosed storage area which is internally accessible to the office.

- f. The minimum percentage of office space supporting the warehouse use shall be 25% of the gross floor area.

**F. Civic/Institutional/Recreational/Assembly Uses:**

1. Arena/Auditorium/Stadium:

- a. The minimum lot area required shall be no less than five (5) acres.
- b. The minimum required frontage on a public road at the primary point of access shall be a minimum of 400 feet in length.
- c. All points of vehicular access shall be from an arterial road. The access points shall be located to minimize vehicular traffic to and through local roads in residential neighborhoods
- d. Safety fences up to a height of six (6) feet shall be required, if determined appropriate, to protect the general health, safety and welfare.

2. Assembly:

- a. The use shall be located on a collector, a local commercial road or road of higher classification.
- b. Within the Little Ranches Overlay Zoning District, an assembly use shall be limited to place of worships only.

3. Golf Course:

- a. A golf course may also include a clubhouse facility. The clubhouse is to serve as the place where golfers register daily and pay fees for the use of the golf facility.
- b. The golf course must be fully functioning for the clubhouse to be in operation.
- c. The size of the clubhouse and the services it provides may vary with local conditions and intensity of use. The clubhouse facility must be indicated on the site plan during the approval process and must meet all concurrency standards, and standards of this Code including parking and landscaping.
- d. Services the golf clubhouse may provide include various combinations of the following: locker rooms, shower rooms, dining room, snack bar, lounge, manager's office, pro shop (where golf merchandise may be purchased), caddy and golf cart storage room, and recreation room reserved for special activities of clubhouse members.

4. Recreational Vehicle Park:

- a. The park shall be located within a property that contains a permanently approved equestrian venue consisting of at least 50 acres.
- b. The number of recreational vehicles permitted shall not exceed the underlying residential land use density of the equestrian venue parcel and may be clustered within the site.

- c. The location of all permanent structures associated with the park and all recreational vehicles shall comply with the setbacks applicable to principal structures.
  - d. The individual recreational vehicle spaces within park shall be provided electrical, potable water and sanitary sewer service that meet all applicable codes and other applicable standards.
  - e. Additional landscaping and buffering may be required when any portion of the park abuts property assigned a residential designation by the Future Land Use Map or the Official Zoning Map.
  - f. Minimum area for a recreational vehicle space is 1,500 square feet, with a minimum width of 20 feet and a minimum depth of 40 feet.
  - g. A minimum of one (1) vehicle parking space per recreational vehicle space shall be provided. Additional uses within the park shall provide the amount of parking required by Article 7.
  - h. Permitted accessory uses within a recreational vehicle park include:
    - i. Recreation amenities, restricted to use by park clientele, including pools, tennis and shuffleboard courts, recreation rooms, equestrian facilities, nature and walking trails, play grounds, tot lots, and similar facilities.
    - ii. Gate houses or similar facilities designed to provide security to the park.
    - iii. Maintenance facilities.
    - iv. Administrative office space necessary for operation of the park.
    - v. Commercial or retail use, restricted to use by park clientele, including convenience food and beverage items and recreational vehicle parts.
5. School, Secondary or Primary:
- a. For primary schools, the proposed site shall have direct access to at least a minor collector road. Outdoor recreational facilities and similar support facilities shall be located and buffered on the proposed site to minimize impacts on the adjacent properties.
  - b. For secondary schools, the proposed location shall have direct access to at least a major collector road. Stadiums, outdoor recreational facilities and similar support facilities shall be located and buffered on the proposed site to minimize impacts on adjacent properties.
  - c. Prior to approval of a building permit, a pedestrian access/bike path and cross-walk plan shall be submitted by the applicant showing access to the school site from surrounding neighborhoods. This system shall be integrated with existing or proposed pedestrian/bike path systems in the area, and shall be subject to the approval by the Village Engineer.
  - d. Vehicular circulation shall be designed to provide an independent traffic flow for school employees, visitors, and deliveries from the bus loading area and parent drop-off area, where applicable.
  - e. Dumpster and trash receptacles shall be located a minimum of 100 feet from residential property and screened from view with a six (6) foot solid wood fence and hedge combination unless part of a pre-existing commercial development.



- f. A six (6) foot high security fence shall be installed around the entire perimeter of the outside activity area to limit access.
- g. Outside activity areas shall be located away from adjacent residential areas, whenever possible. Outside activity areas located adjacent to developed residential properties because of site design constraints shall provide a 50 foot buffer. This landscape buffer shall be supplemented with a six (6) foot high hedge or hedge/berm combination and a double row of native canopy trees, spaced an equivalent of one (1) tree per 20 linear feet of landscape buffer.
- h. Subject to site plan conditions, schools with 100 or fewer on-site students are a permitted use. Schools with 101 or more on-site students shall be considered a Conditional Use. All schools must demonstrate consistency with the existing site plan/conditions of approval if applicable.
- i. Existing public schools are considered conforming uses and shall not require conditional use approval to expand or modify their facilities.

6. Wildlife Sanctuary:

- a. Minimum lot size shall be five (5) acres.
- b. Pens, cages or structures associated with the animal care use shall be setback a minimum of 50 feet from any property line. Pens, cages or structures containing dangerous animals or Class I animals as defined by the Florida Game and Fresh Water Fish Commission shall be setback 100 feet from any property and shall be screened from view.
- c. All pens, cages and outdoor structures shall provide a chain-link material on the walls and the top. If necessary to protect the general public, safety fences of up to a height of 12 feet shall be required on outdoor runs.
- d. Housing of Class I animals shall be subject to a Conditional Use approval.

G. Transportation/Communications/Infrastructure:

1. Airplane Landing Strip:

- a. In the AR districts, only airplane landing strips and airplane hangars accessory to a bona fide agricultural use shall be permitted.
- b. Accessory airplane landing strips shall comply with the minimum required dimensions listed in the FDOT Chapter 14-60, F.A.C.
- c. Rural airplane landing strips and hangars accessory to agricultural use shall be located on parcels containing a minimum of 20 acres.
- d. No structure or navigation aid shall be located within 50 feet of any property line. In addition, there shall be a 100 foot setback between the edge of the runway primary surface area as defined by the FDOT Chapter 14-60, F.A.C., and the property line, unless the landing strip facility is a major recreation facility located within a PUD or subdivision. In such cases, there shall be a 50 foot setback between the edge of the runway primary surface area and any residential structure.
- e. Any existing airplane landing strip use which was permitted pursuant to a valid development order prior to the date of adoption of this ordinance shall not be deemed a

nonconforming use, but shall without further action be deemed a conforming use. Such uses are deemed to be lawful existing uses and are deemed to be in conformity with these regulations and may be allowed to continue and to expand as a lawfully existing use.

2. Helipads:

- a. In the AR district, only helipads accessory to a bona fide agricultural operation is permitted.
- b. No person owning, piloting, or operating a helicopter shall land such aircraft, permit same to be landed, or permit such aircraft to takeoff in the Village except at an approved helipad location, unless specifically exempt from the provisions contained in this Ordinance. No more than three (3) takeoffs may take place on any single helipad within any 24-hour period.
- c. A helipad shall not be located within 2,640 feet of another helipad as measured from helipad to helipad.
- d. Use of helipads shall be accessory to a primary and specified use, such as an individual business, or incidental to a primary residential use.
- e. No takeoffs or landings may occur between the hours of 7:00 p.m. and 8:00 a.m.
- f. No auxiliary facilities such as fueling or maintenance shall be permitted.
- g. Helipads within the EOZD shall be located on parcels under single ownerships containing a minimum of 60 acres and be located no less than 100 feet from the nearest property line.
- h. The landing site shall be paved and shall be marked with those symbols required and approved by the Federal Aviation Administration.
- i. The helipad area shall be screened and buffered to a height of three (3) feet from adjoining non-commercial and non-industrial property.
- j. The ground around the perimeter of the helipad area shall be sodded or paved with a dust free surface for a sufficient distance to prevent the dissemination of dust and dirt during takeoff and landing.
- k. The provisions of this Ordinance shall not apply to helicopters:
  - i. Operated by the United States or by any other governmental law enforcement agencies;
  - ii. Used solely in conjunction with a construction project undertaken pursuant to the performance of a state contract;
  - iii. Used by mosquito control or emergency services, not to include areas where permanent facilities are installed, such as hospital landing sites
  - iv. Making eighteen or fewer takeoffs and landings on the same property per year on a non-regular basis in the EOZD or on residential lots 60 acres or larger in size in the Urban Service Area.

3. Wireless Communications Facilities/Towers (excluding facilities in the right-of-way):

- a. No facility may be sold, transferred or assigned without prior notification to Wellington. No sublease shall be entered into by any provider until the sub-lessee has obtained a permit for the subject facility or site.
- b. Except where otherwise permitted by Wellington, state or federal regulatory agencies possessing jurisdiction over wireless communications facilities, all wireless communications towers, antennae and facilities within Wellington's limits shall be stealth facilities.
- c. No commercial signs or advertising shall be allowed.
- d. No signals, lights or illumination shall be permitted unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the alternatives chosen shall be the least obtrusive to the surrounding community.
- e. Any graffiti or other unauthorized inscribed materials shall be removed or covered in a manner consistent with the original exterior finish. Wellington may provide the tower owner and/or operator written notice to remove or cover graffiti within a specific period of time. In the event the graffiti has not been removed or painted within the specified time Wellington shall have the right to remove or paint over the graffiti, and in that event, the owner or operator of the facility shall bear all costs incurred.
- f. All wireless communications facilities shall comply with the regulations of the Federal Aviation Administration and the Federal Communications Commission. If such regulations change then the owners of the facilities shall bring such facilities into compliance within six (6) months of the effective date of such regulations unless a different compliance schedule is mandated by the agency. Failure to maintain facilities in compliance shall constitute a violation of this Code and shall be subject to Wellington's Code enforcement procedures.
- g. Owners of wireless communications facilities shall certify that all licenses and franchises required by law for the construction and operation of a facility have been obtained and shall file copies with Wellington. An owner of a facility shall notify Wellington in writing within 48 hours of any revocation or failure to renew such license or franchise.
- h. In the event the use of a facility is discontinued, the owner and/or operator shall provide written notice to Wellington of its intent to discontinue use and the date when the use shall be discontinued.
- i. Wellington may require removal of any abandoned or unused wireless communications facility by the owner within 30 days of confirming abandonment. A facility shall be considered abandoned if use has been discontinued for 180 consecutive days as determined by Wellington.
  - i. Where a facility is abandoned but not removed within the specified time frame Wellington may remove it or remove it and place a lien on the property following procedures for demolition of an unsafe structure.
  - ii. Where a facility is utilized for other purposes including but not limited to lighting standards and power poles it shall not be considered abandoned if still being maintained in good condition.
  - iii. Where a facility is removed by an owner, said owner shall restore the area to as good a condition as prior to the placement of the facility unless otherwise instructed by Wellington.

- j. Owners or operators of wireless communications facilities shall comply with the frequency emissions standards of the Federal Communications Commission (FCC). If requested by Wellington, the facility owner/operator shall provide a statement from an independent FCC and qualified engineer demonstrating compliance with these requirements. This statement shall be based on the following:
  - i. Facilities shall be tested at least annually to determine if radio frequency emissions are in compliance with applicable federal, state and local regulations. Testing equipment shall have current certification from an independent testing laboratory. Testing and analysis of results shall be at the cost of the facility provider.
  - ii. Any facility which does not comply with all applicable federal, state and local regulations shall be removed at the owner's expense upon failure to bring the facility into compliance after 30 days written notice.
  - iii. Wireless communications facilities shall be maintained in good condition. Maintenance or construction shall be performed by licensed personnel. The owner / operator shall inspect the condition of facilities at least annually and perform necessary maintenance. Inspection reports shall be provided if requested by Wellington. If review of the inspection reports and/or Wellington's inspections indicates a need for further maintenance, Wellington shall notify the owner/operator in writing regarding maintenance required. Failure to complete noticed repairs or maintenance within 30 days of notification may result in revocation of approval/permit and/or removal of facilities. Any person aggrieved by an administrative decision may file an appeal pursuant to Article 5.
- k. Violations of conditions of approval, permits and/or this section for a wireless communications facility may result in the revocation of the right to operate or maintain the facility following written notification of the violation to the owner or operator and after failure to correct said violation within 30 days. A violation shall be subject to Wellington's code enforcement procedures and penalties. Removal of the facility shall be at the owner's expense.
- l. Wellington reserves the right to enter, disconnect and remove any wireless communications facility that becomes a hazard to the safety of persons or property as determined by the Building Official or their designee. Wellington shall notify the owner of such action within 24 hours. The owner or operator shall reimburse Wellington for any costs incurred by Wellington.
- m. No mobile or immobile equipment or materials shall be stored or parked on the site of a wireless communications facility unless used in direct support or for repairs of a facility.
- n. Wellington reserves the right upon reasonable notice to the owner/operator of a wireless communications facility to conduct inspections for the purpose of determining whether the facility complies with the LDR, the Building Code and construction standards provided by local, state or federal law.
- o. Security:
  - i. The facilities shall be secured to prevent public access.
  - ii. If necessary for the operation of the facility, warning signs including "HIGH VOLTAGE - DANGER" and/or "NO TRESPASSING" signs, shall be permanently attached to the fence or wall and shall be spaced no more than 20 feet apart on each fence frontage as necessary. The letters for the warning signs shall be at least six (6) inches in height. The signs may be combined into one (1) sign. The warning signs shall be installed at least four and one-half (4½) feet above the finished grade of the fence.

- p. Wellington has no obligation to accept an application for the use of Wellington property for facilities. If an application is accepted, a lease agreement acceptable to Wellington shall be executed. Wellington has no obligation to execute such a lease.
- q. Existing Towers and Facilities:
  - i. Owners of existing towers shall comply with the procedures herein to replace or re-locate a tower, co-locate an antenna on a tower or expand a wireless communication facility.
  - ii. Expansions in height or dimensions to an existing tower or facility or the conversion of an existing tower to another design shall be treated as a new tower if the expansion exceeds the threshold for a substantial change per 47 CFR 1.40001(b)(7)(i). Expansions to existing facilities which do not exceed the threshold for a substantial change shall utilize the Special Permit process pursuant to Article 5.
  - iii. Owners of existing towers shall comply with applicable requirements of the wireless communication facility section.
- r. Utility and street light pole-mounted facilities:
  - i. Pole-mounted facilities immediately adjacent to rights-of-way are regulated per Code of Ordinances Chapter 23.
  - ii. Facilities mounted on parking lot or similar pole lights or athletic field pole lights shall not exceed a height above an additional ten (10) percent of the height of the pole structure or ten (10) feet, whichever is less, and shall be designed and mounted by the least visually obtrusive means including minimizing the dimensional width of antennae.
  - iii. The location, design and screening of associated equipment boxes shall be approved by the PZB Director and Wellington Engineer.
  - iv. Generators associated with pole mounted facilities shall meet the requirements of Wellington's noise ordinance.
- s. Facilities mounted on buildings and rooftops.
  - i. Facilities shall only be permitted on non-residential buildings that are at least two (2) stories or 24 feet in height.
  - ii. If an equipment building associated with the facility is located on the roof of the building, the equipment building shall not exceed ten (10) feet in height and 400 square feet in area.
  - iii. Antennas and related equipment buildings shall be located or screened so that the facility is not visible from adjacent properties to the greatest extent practicable. The antennas and equipment building shall be consistent in colors and/or materials of the structure it's mounted on as determined during permitting and/or inspection to achieve maximum compatibility and minimum visibility. Wellington shall approve the stealth or camouflage design before a permit can be granted.
- t. Building and rooftop antenna dimensions.

- i. Omni-Directional (whip) antennas and their supports shall not exceed 25 feet in height and 12 inches in diameter and shall be constructed of a material or color which matches the exterior of the building.
- ii. Directional or Panel antennas and their supports shall not exceed eight (8) feet in height or two (2) feet in width and shall be constructed of materials and coloration which achieves maximum compatibility and minimum visibility.
- iii. Satellite and microwave dish antennas located in the Commercial, Commercial Recreation and the Institutional/Public Facilities/Utilities Future Land Use Map Designations may not exceed ten (10) feet in diameter.
- u. Towers.
  - i. Minimum setback and location standards are indicated in Table 6.2.2.G-1 below.
  - ii. Lot setback requirements shall be measured from the base of the tower to the property line of the subject parcel and for residential separation to the residential land use property line.

**Table 6.2.2.G-1 Wireless Communication Tower Standards**

<u>Future Land Use Plan Category</u>	<u>Minimum Distance From Residential Land Use B-H</u>	<u>Minimum Setback from Property Line (1)</u>	<u>Maximum Height</u>	<u>Stealth or Camouflaged Required</u>
<u>Industrial</u>	<u>400' or 250% of tower height whichever is greater</u>	<u>200% of tower height or for a Stealth tower 110% of tower height</u>	<u>200'</u>	<u>No</u>
<u>Commercial, Commercial Recreation, Park or Institutional-Public Facilities</u>	<u>400'</u> <u>250% of the tower height for towers 60' in height or less.</u>	<u>110% of tower height</u>	<u>140'</u>	<u>Yes</u>
<u>Residential A</u>	<u>400' or 250% of tower height whichever is greater</u>	<u>200% of tower height or for a Stealth tower 110% of tower height</u>	<u>200'</u>	<u>No</u>

*(1) The setbacks of tower compounds and the appurtenances within them shall conform to setbacks for the zoning district or Master Plan.*

*(2) Self-supporting or guyed lattice towers shall be permitted as a replacement of similar facilities.*

- iii. Tower designs shall be certified by an engineer specializing in tower structures and licensed in Florida. The certification shall state that the design is structurally sound, and in conformance with the Building Code and other standards in this Ordinance.
- iv. Measurement of tower height shall include the tower structure, base pad and attached facilities measured from grade. Lightning rods are excluded from height measurement. The height requirements may not apply if the applicant can show that Federal Communications Commission rules require operation at a specific height. The maximum tower height shall otherwise be as indicated in Table 6.2.2.G-1 above.

- v. Requirements for separation between towers.
  - a. The minimum tower separation distance shall be applied irrespective of any jurisdictional boundary.
  - b. Measurement of separation distances shall be from the base of a tower to the base of any other tower.
  - c. Proposed towers shall meet the following minimum separation requirements from other towers:

**Table 6.2.2.G-2 Minimum Tower Separation Distance**

<u>Nearby / Existing Tower Height</u>	<u>Proposed tower up to 100 feet in Height</u>	<u>Proposed tower 101—150 feet in Height</u>	<u>Proposed tower &gt;150 feet in Height</u>
<u>Up to 100 ft.</u>	<u>750'</u>	<u>1,000'</u>	<u>1,500'</u>
<u>101—150 ft.</u>	<u>1,000'</u>	<u>1,500'</u>	<u>2,000'</u>
<u>&gt;150 ft.</u>	<u>1,500'</u>	<u>2,000'</u>	<u>2,500'</u>

- d. The applicant shall identify towers within a one-half-mile radius of the proposed tower and shall indicate reasons that those towers cannot be used for the facilities. If there is space available for the facilities on any of those towers, or if the reasons are found not to be justified, a new tower shall not be approved.
- v. Co-Location.
  - i. A tower owner shall permit other wireless communications providers to co-locate facilities on a tower if space and structural capacity exists subject to mutually agreeable terms between the parties. Co-location requirements shall not apply to towers erected within FPL easement corridors to look like power transmission poles or structures.
  - ii. Facilities shall be constructed to accommodate at least the following number of users.

**Table 6.2.2.G-3 Co-location Requirements**

<u>Facility height (in feet)</u>	<u>Minimum number of users to support</u>
<u>Less than 80</u>	<u>One user</u>
<u>81 to 120</u>	<u>Two users</u>
<u>121 to 150</u>	<u>Three users</u>
<u>151 or greater</u>	<u>Four users</u>

- iii. The site or leased footprint shall contain sufficient square footage to accommodate equipment/mechanical facilities based upon the structural capacity of the tower.
- iv. If it is determined that the proposed tower cannot meet setback requirements due to the height needed to accommodate co-location, minimum setback requirements may be reduced by up to 25 feet, except from residential land use property lines.
- v. Certified mail notice shall be provided to all wireless facility providers operating in the area. The following information shall be included: description of the proposed tower and

location including longitude and latitude, rate structure for leasing based on reasonable local charges, proposed tower height, a phone number for the applicant or their agent and an application form inviting providers to apply for space on the tower within 20 days of receipt.

- vi. An application shall be submitted within one (1) year of the notice mailing date.
- w. Facilities shall be screened by landscaping to minimize the view of the tower compound from surrounding property. The buffer shall consist of a landscaped strip at least ten (10) feet wide outside the perimeter of the compound. Landscaping shall include but not be limited to canopy trees with a minimum height of 14 feet and hedge with a minimum height of 48 inches, three (3) feet on center when installed and maintained at the fence/wall height. Existing mature growth not including exotics, and natural land forms shall be preserved to the extent possible. All areas disturbed during construction shall be replanted.
- x. A tower compound shall provide a wall or fence along with landscaping to screen all equipment, mechanical facilities, etc. for all proposed providers based upon the capacity of the tower. The tower compound shall contain sufficient area to accommodate the equipment/mechanical facilities for all providers. The wall/fence height shall be a minimum of two (2) feet above all objects within the compound to ensure sufficient screening. To ensure safety of the facilities and surrounding area, the PZB Director or Wellington Engineer may require a concrete wall.
- y. An applicant seeking to construct a tower shall submit a visual impact analysis for any proposed tower greater than 60 feet in height. The applicant shall utilize digital imaging to prepare a visual analysis in a manner acceptable to Wellington, and shall provide the following:
  - i. The location of the proposed tower illustrated on an aerial photograph at scale of not more than one (1) inch equals 300 feet.
  - ii. All zoning districts within a 3,000 foot radius from all property lines of the proposed site shall be indicated.
  - iii. A line of site analysis which shall include the following information:
    - a. Identification of all significant existing natural and manmade features adjacent to proposed tower site and identification of features which may provide buffering and screening for adjacent properties and public rights-of-way;
    - b. Identification of at least three (3) specific points within a 2,000 foot radius of the proposed tower location with the locations to be approved by the PZB Director;
    - c. Copies of all calculations and data used, and a description of the methodology used in the analysis for selecting the points of view;
    - d. Graphic illustration of the visual impact of the proposed tower, at a scale that does not exceed five (5) degrees of horizontal distance from the identified points;
    - e. Identification of screening and buffering materials within the tower site's boundaries and under the applicant's control;
    - f. Prohibited plant species pursuant to Article 7 of the Land Development Regulations shall not be considered in the visual impact analysis;
    - g. Any additional information that may be required by the PZB Director to evaluate the impact of the proposed tower.



z. Development Application Requirements.

In addition to application requirements below for specific types of facilities, all applications shall include:

- i. An inventory of wireless communications facilities, including facilities owned by the applicant, which are in and within two (2) miles of Wellington. The inventory shall include the location, height and design of each facility. Each applicant shall provide a composite propagation study which illustrates graphically existing and proposed coverage in industry-accepted median received signal ranges;
- ii. The application fee shall be multiplied by the number of users listed in the application; and
- iii. Copies of the licenses or franchises required to be filed with Wellington pursuant to this section.

aa. Tower / structure application shall contain the following:

- i. A scaled site plan indicating the location, type and height of the proposed tower, site land uses and zoning, elevations of the proposed tower, topography and other information deemed by Wellington to be necessary to assess compliance;
- ii. The names, addresses and telephone numbers of owners of other towers or antenna support structures within the search ring for the proposed facility;
- iii. An affidavit stating that the applicant made diligent but unsuccessful efforts for permission to install or co-locate the facilities on all existing support structures located within the search ring for the proposed facility;
- iv. Evidence from an engineer that the proposed facilities cannot be installed on another structure in Wellington and shall be located at the proposed site to meet coverage requirements with a composite propagation study illustrating graphically existing and proposed coverage in industry-accepted median received signal ranges.
- v. A statement from an engineer that the facility will comply with FCC radiation standards for interference and safety and will produce no significant signal interference with public safety communications and the radio, television or other communications services.
- vi. The applicant shall submit any technical information requested by Wellington or its designated engineering consultant.
- vii. The applicant shall establish in the application that they are unable to provide service at existing sites including co-location nearby, no other suitable existing structure is available including utility poles and that no reasonable alternative technology can accommodate the facility due to one (1) or more of the following factors.
  - a. Insufficient height to allow the facility to function reasonably in parity with similar facilities;
  - b. Insufficient structural strength to support the antenna and related equipment;
  - c. Insufficient space to allow the antenna to function effectively and reasonably in parity with similar equipment;
  - d. Resulting electromagnetic interference which cannot reasonably be corrected;

- e. Unavailability of a reasonable leasing agreement;
  - f. The resulting facility would create a greater visual impact than the proposed alternative or otherwise would be less in compliant with the intent and objectives of the LDR;
  - g. Other limiting factors.
- bb. Pole-mount, roof-mount or building-mount application.
- i. The facilities shall require a Special Permit approval, pursuant to Article 5.
  - ii. An application shall contain a scaled site plan indicating the location, type and height of the proposed facility, site land uses and zoning, elevations of the tower, pole or building structure showing how stealth design is incorporated, dimensioned profiles of antennae and mountings on the structure, topography, survey, landscape plans and other information deemed by Wellington to be necessary to assess compliance.
- cc. The PZB Director may waive application requirements for the expansion of an existing facility if the requirements are not applicable to the proposed expansion.

### **Sec. 6.2.3 – Supplementary Standards for Accessory Use**

This section contains supplementary standards for specific uses. In the case of a conflict with a district specific regulation or other regulations of the LDR, the more restrictive requirement shall apply.

#### A. Accessory Dwelling:

1. Occupancy of accessory dwelling shall be limited to a household that includes at least one (1) member who is physically disabled or elderly, or who meets the low-income standards specified in affordable housing as defined in Article 3.
2. A maximum of one (1) dwelling may be permitted as an accessory use to a principal single-family dwelling unit. The accessory dwelling may be attached to the principal dwelling unit or freestanding.
3. The accessory dwelling shall not exceed 800 square feet gross floor area, except when located on a lot that is at least one (1) acre in size, in which case the dwelling shall not exceed 1,000 square feet gross floor area. An administrative variance of up to ten (10%) percent of the gross floor area of the accessory dwelling may be granted by the PZB Director providing that all other zoning district and subarea regulations are met.
4. No accessory dwelling shall contain more than one (1) bedroom.
5. The accessory dwelling shall be constructed of materials equivalent to either the principal dwelling unit or other permanent accessory structure on the lot, if such materials comply with all other applicable standards of the building code.
6. The accessory dwelling shall be compatible in character and subordinate in size to the principal dwelling unit.
7. The accessory dwelling shall comply with the minimum yard setbacks applicable to the principal single-family dwelling unit.
8. The accessory dwelling shall remain accessory to and under the same ownership as the principal single-family dwelling unit and shall not be subdivided, sold as a condominium, or rented in any capacity.

B. Airplane Landing Strip, Accessory:

1. Airplane landing strips and hangars accessory to agricultural use shall be located on parcels containing a minimum of 20 acres.
2. No structure or navigation aid shall be located within 50 feet of any property line. In addition, there shall be a 100 foot setback between the edge of the runway primary surface area and the property line, as defined by the FDOT, unless the landing strip facility is a major recreation facility located within a PUD or subdivision. In such cases, there shall be a 50 foot setback between the edge of the runway primary surface area and any residential structure.
3. Requirement for a variance for a structure to exceed the height limit for the district in which the use is located shall be waived if the additional height is required by State or Federal law.
4. Where deemed necessary to protect the public, safety fences up to a height of six (6) feet shall be required. Additionally, screening of at least 75% opacity shall be required if determined necessary to protect neighboring property from potential loss of use or diminishment of land value.

C. Antennas – Amateur Radio, Television Antennas, and Satellite Dish Antennas:

1. The purpose and intent of this section is to provide for the safe and effective installation and operation of amateur radio, citizens band radio, and television antenna support structures and the beam antennas installed on those support structures as well as satellite dish antennas. It is also the purpose and intent of this section to provide for a reasonable accommodation of amateur radio communications, in accordance with Parts 95 and 97 of Chapter 1 of Title 47 of the Code of Federal Regulations, while reflecting Wellington's legitimate interest of protecting and promoting the health, safety, welfare, neighborhood aesthetics, and morals of its citizens. The standards in this section are intended to place reasonable safety and aesthetic precautions on the installation and erection of such antennas and antenna support structures, and to represent the minimum practicable regulation necessary to protect and promote the health, safety and welfare of the public. The regulations are not, however, intended to unduly restrict or preclude amateur radio communications.
2. All amateur and citizens band radio and television transmission and receiving antennas, including satellite dish antennas but excluding satellite earth stations, shall be governed by the standards of this section.
3. All antenna support structures and the beam antenna installed on those antenna support structures, shall be considered accessory uses, and shall comply with the provisions of this section, and Section 5-23 (Airport Zones and Airspace Height Limitations) of the Palm Beach County Code of Laws and Ordinances.
4. In addition to the requirements of this section, all antenna support structures and the beam antennas installed on those support structures, extending greater than 70 feet above grade level or 15 feet above building height, whichever is greater, shall be a Conditional Use.
5. All antenna support structures and the beam antennas, installed on these support structures that do not extend greater than 70 feet above grade, shall be exempt from conditional use approval.
6. All antenna support structures and the beam antennas installed on these support structures that have been constructed, installed, and are operational as of February 1, 1990, shall be considered legal, nonconforming uses.
7. All legal nonconforming antenna support structures and the beam antennas installed on these support structures that extend greater than 70 feet above grade level or 15 feet above building height, whichever is greater, shall acquire written certification from the PZB Director.

Such registration shall reflect the height and location of the antenna support structure, the beam antennas installed on the support structure, the date of installation, and documentation of installation.

8. All antenna support structures and the beam antennas installed on those support structures, including all elements or parts thereof, shall conform to the minimum yard setback standards of the district in which it is to be located. Satellite dish antennas shall not be permitted in front yards and shall meet all accessory structure setbacks.
9. In addition to complying with the district setback standards, antenna support structures shall be located on the property so as to provide a minimum distance equal to 50% of the height of the tower from above-ground utility power lines other than applicants' service lines, or a break point calculation certified by a professional engineer or as evidenced by the manufacturers' specifications that demonstrate a clear fall radius. In addition, no antenna support structure shall be located in the front yard.
10. In addition to complying with the district setback standards, beam array antennas shall be mounted so as to provide for removal at approach of hurricanes, if necessary, or provide for the lowering of such beam, and in no event shall the beam or any element thereof extend closer than then (10) feet to an official right-of-way line and/or easement, or property under different ownership.
11. All antenna support structures and peripheral anchors shall be located entirely within the boundaries of the property. If said supports and anchors are closer than five (5) feet to property under different ownership and if such support or anchor extends greater than three (3) feet above the ground, it shall be effectively screened against direct view from abutting properties and shall extend no greater than six (6) feet above ground.
12. No more than one (1) antenna support structure that exceeds 40 feet in height shall be allowed on any lot.

D. Composting Facility:

1. A composting facility use shall be located on a lot with a minimum area of five (5) acres.
2. Outdoor material storage piles shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district or use.
3. A composting facility shall be subject to all applicable regulations of the FDEP (including Chapter 17-701, F.A.C), the PBCPHU, and the Solid Waste Authority.
4. A composting facility use shall be designed and operated to restrict objectionable odor and dust from entering adjacent properties.
5. An access road for collection vehicles shall be provided to the entrance of the facility. Acceptable access does not include local streets. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.
6. On-site storage of unprocessed material shall be limited to 45 days and pile height of storage material shall be limited to 15 feet. Storage areas shall be effectively screened from view. Such screening shall be designed to ensure that storage areas cannot be seen from rights-of-way or adjacent residential districts.
7. The operation is subject to the compatibility buffer requirements of these LDR. The standards shall be waived for any portion of the required landscape buffer that is not visible from adjacent lots or rights-of-way.
8. The applicant shall provide the following information:

- a. A site plan illustrating how the operation functions including circulation routes and their locations, square footage, height, and location of buildings and storage piles;
  - b. A statement specifying the hours of operation;
  - c. An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day; and
  - d. The applicant shall provide a notarized letter of approval from the property owner verifying consent to use the property for composting.
9. Composting accessory to a wholesale greenhouse or nursery is permitted subject to Site Plan/Final Subdivision Plan review pursuant to Article 5 – Site Plan/Final Subdivision Plan) and the following supplementary standards:
- a. The facility shall receive no more than 20 tons or 120 cubic yards of yard trash or chipping material per day. The yard trash is composed of vegetative matter resulting from landscape maintenance or landscape clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees, and tree stumps.
  - b. A notarized letter of approval is provided from the property owner verifying consent to use the property for composting.
  - c. A site plan shall be provided illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings and storage piles.
  - d. A composting facility use shall be designed and operated to restrict objectionable odor and dust from entering adjacent properties.
  - e. On-site storage of unprocessed material shall be limited to 45 days and pile height of storage material shall be limited to fifteen 15 feet. Storage areas shall be effectively screened from view. Such screening shall be designed to ensure that storage areas cannot be seen from rights-of-way or adjacent residential districts. Outdoor material storage piles shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district.
- E. Drive-Thru Lanes:
1. A drive thru accessory use may be incorporated into restaurants, personal services and financial institution uses as a Conditional Use, approved by Council, and shall follow design requirements as provided for within Article 7.
  2. If drive thru window(s) and/or lane(s) are placed facing a public right-of-way, alternative design modifications shall be provided to the property to mitigate the visual impact of the drive thru. Modifications may include one or more of the following: additional landscaping, landscape berms three (3) feet or higher, fencing and/or any other alternative design approved by the PZB Director or his/her designee.
- G. Guest Cottage:
1. Occupancy of guest cottage shall be limited to non-paying occupants as follows:
    - a. A non-paying guest, other than a dependent or an immediate family member, for a period not to exceed eight (8) months per year.
    - b. A dependent or an immediate family member may occupy the structure continuously with no time limitation. Immediate family member is restricted to great grandparents, grandparents, child, spouse, aunt, uncle, son or daughter in law, mother or father in law of the property owner. Dependent shall mean relying on another for support.

2. A maximum of one (1) guest cottage may be permitted as an accessory use to a principal single-family dwelling unit. The guest cottage may be attached to the principal dwelling unit or may be freestanding.
3. There shall be no kitchen or cooking facilities contained within the guest cottage.
4. The guest cottage shall be constructed of materials equivalent to the principal dwelling unit, if such materials comply with all other applicable standards of the building code.
5. The guest cottage shall be compatible in character and subordinate in size to the principal dwelling unit. In determining the floor area of a guest cottage all area under a solid roof, whether the area is air-conditioned space or not, shall be included. The guest cottage shall not exceed 30 percent of the floor area of the principal structure.
6. The guest cottage shall comply with the minimum yard setbacks applicable to the principal single-family dwelling unit.
7. The guest cottage shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and shall not be subdivided or sold as a condominium.
8. Prior to utilizing a guest cottage, the owner shall file with the PZB Department a form stating that the guest cottage is being occupied as follows:
  - a. A non-paying guest for a period not to exceed eight (8) months per year and any other information the Department deems appropriate, or;
  - b. A dependent or an immediate family member only may occupy the structure continuously with no time limitation. Immediate family member is restricted to great grandparents, grandparent, child, spouse, aunt, uncle, son or daughter in law, mother or father in law of the property owner. Dependent shall mean relying on another for support.

H. Radio Tower, Accessory:

1. A radio tower for noncommercial electronic communication purposes may be permitted as an accessory use to a permitted principal school or bona fide agricultural use.
2. The radio tower shall not exceed 100 feet in height from the ground level.
3. Setbacks measured from the base of the radio tower to the property line shall equal a distance of not less than 20 percent of the height of the tower. In addition, the radio tower shall be located in such a manner that it will not fall on any power line.

I. Swimming Pools and Spas:

1. Any swimming pool or spa or screen enclosure operated by a non-profit assembly, social, civic organization, residential homeowner's association, or resident of a single-family dwelling shall be considered as an accessory use and shall exist in conjunction with the principal use regulations stated herein. The accessory use shall be located on the same lot of the principal use except if operated by a residential homeowner's association. If operated by a residential homeowner's association then the accessory use shall be located within the development boundary, as applicable.
2. Setbacks for swimming pools shall be measured to the water's edge:

<u>Use</u>	<u>Front</u>	<u>Side Interior</u>	<u>Side Corner</u>	<u>Rear</u>
<u>Single family</u>	<u>28 feet</u>	<u>10.5 feet</u>	<u>18 feet</u>	<u>10.5 feet</u>
<u>Zero lot line</u>	<u>13 feet</u>	<u>3 feet – Zero Lot line</u> <u>5 feet – Non-zero Lot line</u>	<u>13 feet</u>	<u>5 feet</u>
<u>Townhouse,</u> <u>Row house and Quad</u>	<u>13 feet</u>	<u>3 feet</u>	<u>5 feet - From property line</u> <u>18 feet - From ROW</u>	<u>5 feet</u>
<u>Other Multifamily</u> <u>Home Owners Assoc.,</u> <u>Non-profit assembly,</u> <u>Social, Civic</u>	<u>50 feet</u>	<u>50 feet</u>	<u>50 feet</u>	<u>50 feet</u>

3. Spas shall meet the following setbacks:
  - a. Front and side corner: 25 feet
  - b. Side interior and rear: 5 feet
4. Swimming pools or spas may be constructed with a three (3) foot rear or side interior setback for single family or zero lot line dwelling units provided the entire rear or side interior property line is adjacent to open space a minimum of 50 feet in depth and all construction and earthwork is completed within the owner's lot.
5. Setbacks for swimming pools or spas in Planned Developments may be reduced in accordance with the flexible regulations in the Planned Developments section of these LDR.
6. Swimming pools or spas located at finished grade shall not be included in the building coverage calculation unless contained in a building or within a screen enclosure with a solid roof.
7. Every swimming pool or spa shall be enclosed by a barrier, retaining wall, fence or other structure in accordance with Palm Beach County Swimming Pool and Spa Code, as amended.
8. Pools or spas shall not encroach any utility, drainage or lake maintenance easement.
9. The construction of private swimming pools and spas for individual households within a common area is prohibited, unless the swimming pools and spas were legally constructed within a specified development pod prior to April 21, 1995. If any of the existing dwelling units have existing swimming pools or spas in the common area of a development pod, the remaining dwelling units within the same development pod may construct a swimming pool or spa as shown on the final subdivision plan or final site plan. If the final subdivision plan or final site plan does not graphically depict the placement of swimming pools or spas in a common area, an application shall be made to the DM to amend the final subdivision plan or final site plan to depict the placement of the swimming pool or spa if:
  - a. The applicant demonstrates that existing swimming pools and spas were legally permitted and constructed in common areas;
  - b. The landowner or homeowners' association must be a joint applicant on the building permit application;
  - c. The structure must comply with all setback requirements measured from the outer boundary of the common area or have a 15-foot separation between primary structures, whichever is greater;
  - d. No private structures are proposed to be erected in a required perimeter landscape area;

- e. The entire development must continue to meet open space requirements;
- f. The homeowners' documents shall be amended to include provisions that allow private use of the common area upon association approval; and
- g. Structures will not be permitted in a common area that is designed as a water management tract.

#### **Sec. 6.2.4 – Supplementary Standards for Temporary Uses**

##### **A. Mobile Home Dwelling:**

1. In the PUD and EOZD districts, placement of a mobile home dwelling shall be permitted on a temporary basis during home construction.
2. Sanitary sewage facilities shall be approved by all governmental agencies having appropriate jurisdiction. Permits and inspections for the installation must be obtained from the PZB Department.
3. A valid building permit for a single-family dwelling unit on the land shall have been approved by the Building Director.
4. A special permit valid for one (1) year shall be obtained from the PZB Department. Requests for time extensions beyond the initial one-year approval must be made on forms prescribed by the PZB Department. In no case shall the total time exceed a maximum of two (2) years for the initial approval and subsequent extension.
5. Execution of a notarized Mobile Home Removal Agreement and Removal Bond in the amount of \$5,000 shall be provided, which establishes that the mobile home shall be removed within 30 days after receipt of the Certificate of Occupancy or at the end of the maximum two (2) -year period.
6. No additions shall be permitted to the mobile home except awnings, demountable screen panels, stairs, decks, and trellises.

##### **B. Mobile Medical or Professional Units:**

1. Mobile medical facilities or other self-contained facilities that travel to several locations, are at the location for a period greater than 24 hours, and provide medical or other professional services are required to receive a special permit from the PZB Department that is renewed annually.
2. The length of time and frequency of visits to the various locations must be specified within the special permit. The unit shall be on each site no longer than 30 days from the date permit is issued. Units shall visit the site no more than six (6) times a year.
3. A site plan for all locations indicating where the unit travels shall be placed on the site.

##### **C. Temporary Emergency Structures:**

1. The PZB Director may authorize, in any district, the issuance of a building permit for a temporary structure upon determination that a public emergency exists or an overwhelming public purpose is served by the temporary permit.
2. The use shall be approved as a special use for a period of six (6) months, with one three-month extension, or until the emergency is determined to have ceased. The Village Council may extend this period under extenuating circumstances at any regularly scheduled public hearing. Copies of all special use permits approved under this subsection shall be forwarded to the Village Attorney's Office and the Village Council.



D. Temporary Facilities during Development Activity: During development of planned developments, subdivisions, and multi-family projects requiring DM approval, temporary structures and facilities may be allowed in platted developments under the following conditions and uses.

1. Temporary construction trailer:

- a. Use of this facility shall be limited to storage and on-site office work with no overnight habitation and provided that the construction trailer remain on site only for the duration of the permitting and building of the primary structures.
- b. The construction trailer, attendant parking and storage areas shall be located on site so as not to interfere with safe ingress and egress to developed areas or areas under construction.
- c. The construction trailer shall be removed if construction ceases for more than five (5) months unless it can be demonstrated that construction will proceed within 30 days.
- d. The construction trailer shall be removed no later than 30 days after the final Certificate of Occupancy is issued.
- e. Abandoned trailers shall not be permitted on the site.
- f. If building permits for the primary structures have expired, and no further permits have been issued for six (6) months, the trailer shall be removed from the property immediately. Any trailers which have been abandoned under these provisions shall be considered an unsafe structure and shall be abated pursuant to the Village Building Code Enforcement Administrative Code.

2. Mobile home real estate sales and management office:

- a. Use of this facility shall be limited to on-site office work with no overnight habitation.
- b. The mobility of the vehicle shall be maintained.
- c. The facility shall be subject to the master plan, final site plan, or final subdivision plan that has been certified by the DM.
- d. The facility shall be located so as not to interfere with on-site construction operations or safe ingress and egress to the proposed development.
- e. The facility shall meet the minimum setbacks of the applicable zoning district.
- f. A minimum of six (6) parking spaces, plus one for each employee on the shift of greatest employment shall be provided. The temporary parking associated with the temporary mobile home, with the exception of the handicap parking and access, may be provided on hard surface pavement, shell rock or mulch, if there is a compacted sub-grade. A minimum 24-inch hedge shall be planted around the perimeter of the parking lot.
- g. A special permit to be valid for a period of one (1) year shall be obtained. Requests for extensions of time beyond the initial one (1) year approval shall be made on forms prescribed by the PZB Department.

E. Tents accessory to non-retail use and seasonal sales:

1. A tent may be used as a temporary structure for non-retail purposes accessory to the principal use subject to the PZB Director's approval as a special use and the standards of this subsection.
2. The use of the tent and the proposed non-retail use or event shall be a one-time occurrence at any given lot per year.
3. The tent may be used for a maximum period of 90 days, provided that an additional 30-day administrative extension may be approved subject to the PZB Director's finding that the

tent and use continue to meet all the applicable requirements of this Code and the Building Code and are in harmony with the surrounding area.

4. All setback requirements of the underlying district shall be met.
5. The tent shall be located on the lot so as not to adversely interfere with on-site circulation and shall not be located in any required parking space.
6. The primary access for the use shall be from an arterial road and shall not cause traffic to flow through nearby residential areas. Back out parking directly onto a public street shall be prohibited.
7. Lighting to illuminate the premises of any temporary tent structure for advertisement or direction shall be extinguished no later than 12:00 midnight.
8. Sounds emanating from the temporary use shall not adversely affect surrounding residential lands.
9. The structure shall be removed immediately upon the declaration of any weather emergency, including a "hurricane watch" or "hurricane warning."

F. Tents accessory to residential use:

1. Tents shall be erected for no more than 72 consecutive hours.
2. Tents shall be setback a minimum of five (5) feet from any property line and are not allowed in the front yard of a lot.
3. Tents shall be properly tied down according to manufacturers' specifications.
4. Tents shall not be tied to any portion of a permanent building/structure.
5. The installation and removal of these temporary screen rooms, party tents, and portable shade canopies is the responsibility of the property owner. The structure shall be removed immediately upon the declaration of any weather emergency, including a "hurricane watch" or "hurricane warning."
6. Properties with tent(s) over 300 square feet in total size are required to have a Special Use Permit.

G. Temporary Entertainment, Outdoor:

1. Applicant shall obtain a special use permit from the Zoning Division.
2. All structures related to the temporary outdoor entertainment shall comply with the minimum setbacks of the district and shall be located at 50 feet from a right-of-way and 200 feet from any property line adjacent to a residential district. Carnival rides shall be setback a minimum of 100 feet from any right-of-way.
3. The primary access shall be from an arterial or collector roadway and shall not cause traffic to flow through nearby residential areas. Back-out parking directly onto a public road shall be prohibited.
4. Temporary commercial amusements shall not be permitted where the frontage of the subject property abuts a right-of-way under major construction, such as a road widening project.
5. If the applicant is found in violation of any provision of the conditions of approval of the special use permit or of this Code, the PZB Director may withhold future special permits from the applicant for a period of 18 months.

H. Transient Sales Vehicles:

1. Transient sales vehicles are permitted to travel to any business or residence.
2. Parking is not permitted in any one location for more than two (2) hours.

## **CHAPTER 3 – PROPERTY DEVELOPMENT REGULATIONS**

### **Sec. 6.3.1 – General**

The property development regulations of the LDR shall apply to all property in Wellington based on zoning district. Such regulations include, but are not limited to, minimum lot size and dimensions, minimum and maximum density, Floor Area Ratio (FAR), building coverage, and setbacks. Additional regulations may be required based on the proposed use and as approved for planned developments. The following general criteria shall apply to properties Village-wide, unless specifically indicated otherwise as part of a previously approved development order under regulations at the time of approval.

A. General Property Development Regulations are provided in Table 6.3 - 1:

**Table 6.3 – 1 Property Development Regulations**

Zoning Districts	Minimum Lot			Maximum FAR	Maximum Building Coverage	Minimum Setbacks			
	Size	Width	Depth			Front	Side	Corner	Rear
AR	10 acres	300 ft	300 ft	-	20%	100 ft	50 ft	50 ft	100 ft
RE	2.5 acres	180 ft	200 ft	-	20%	50 ft	40 ft	50 ft	50 ft
RS <sup>(1)</sup>	6,000 sf	65 ft	75 ft	-	40%	25 ft	7.5 ft	15 ft	15 ft
RM <sup>(2)</sup>	-	65 ft	75 ft	-	35%	25 ft	15 ft	25 ft	15 ft
RH <sup>(2)</sup>	-	65 ft	75 ft	-	40%	25 ft	15 ft	25 ft	15 ft
CC	1 acre	100 ft	200 ft	0.35	25%	30 ft	30 ft	30 ft	30 ft
CF <sup>(3)</sup>	-	-	-	-	-	-	-	-	-
FLEX	1 acre	100 ft	200 ft	0.45	45%	40 ft	15 ft	25 ft	20 ft
PUD <sup>(1)</sup>	10 acres	Determined by Approved Development Order			45%	Determined by Approved Development Order			
MUPD	5 acres				45%				
MCPD	20 acres				45%				
EOZD <sup>(4)</sup>	Determined based on Subarea or Approved Development Order			0.20	20%	Determined based on Subarea or Approved Development Order			
LROZD <sup>(4)</sup>				0.20	20%				
RROZD <sup>(4)</sup>				0.20	20%				

**NOTES:**

*(1) FAR is not calculated for residential structures. Alternative setbacks are available for zero lot line properties and non-traditional lot layouts as long as Palm Beach County Fire separation requirements and Building Code requirements are in compliance. See the Supplementary Standards for the unit type for further information.*

*(2) Minimum lot size shall determined based on ownership and management of parcel(s) and units. FAR is not calculated for residential structures. Alternative setbacks may be proposed and approved as part of a development order.*

*(3) CF shall be exempt from the development regulations.*

*(4) See the EOZD section of Article 6 for specific development regulations based on the Subarea of the Equestrian Preserve.*

B. The following are Property Development Regulations for Zero Lot Line and Townhomes:

Housing Type	Minimum Lot			Maximum FAR	Maximum Building Coverage	Maximum Building Height	Minimum Setbacks			
	Size	Width	Depth				Front	Side	Corner	Rear
Zero Lot Line/Patio Home <sup>(1)</sup>	4,500 sf	45 ft	100 ft	-	50%	35 ft	10 ft - Dwelling unit 25 ft - Garage 10 ft - Side entry garage	0 ft - Zero Lot Line 10' - Non-zero Lot Line	15'	10 ft
Townhouse <sup>(2)</sup>	1,600 sf	16 ft	100 ft	Determined by Approved Development Order		35 ft	20 ft -Dwelling unit 30 ft - Garage	0 ft - Between units 15' - End unit to property line	25 ft	25 ft

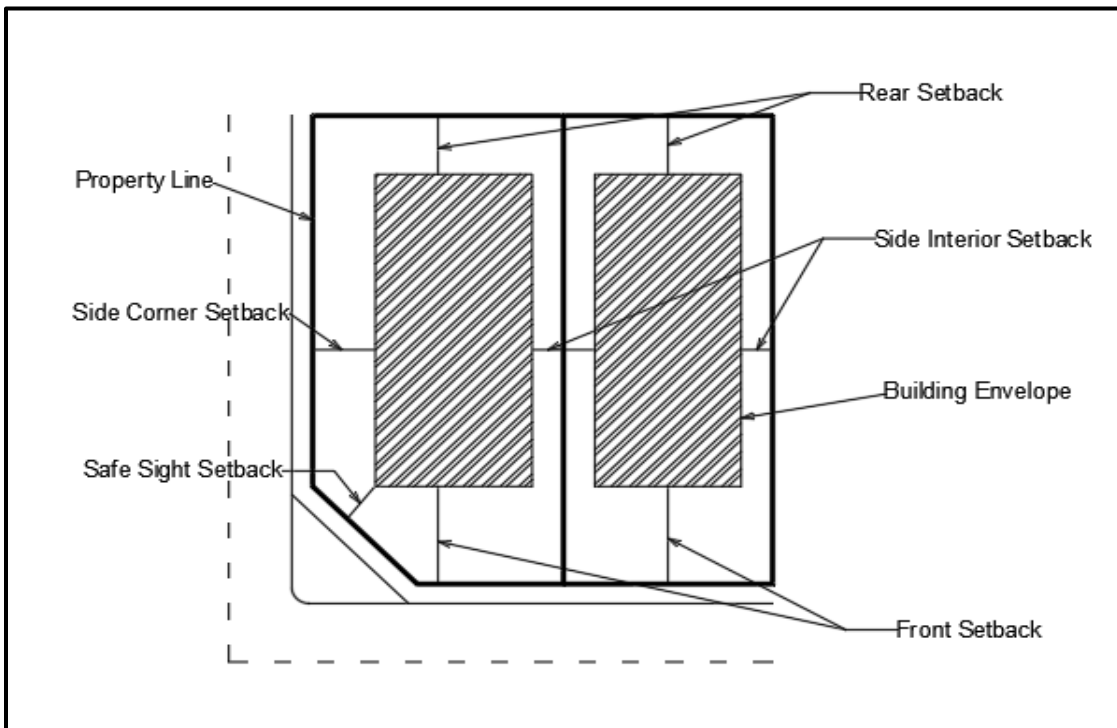
(1) All Zero Lot Line homes are required to have 2 parking spaces. Openings such as doors or windows (including the second and third floors of the home), shall not be allowed in the portion of the home abutting the zero lot line.

(2) Townhouses shall have a maximum of eight (8) units per building. If the townhomes are part of a multi-building project then the separation between buildings shall be a minimum of 25 ft. If the lots are 100% fee simple for the unit only, an HOA or POA shall be required for the exterior building, parking lot and common area maintenance.

C. Lot Dimensions and Setbacks:

1. For pie-shaped lots, the minimum lot frontage shall be measured at the midpoint between the front property line and the setback line. Any proposed reduction to the minimum frontage of a lot due to curving street or cul-de-sac may not exceed 40% of required frontage.
2. Setbacks shall be measured from the property line to the base building line. When the property line and the center line of a road are the same line, the setback shall be measured from the right-of-line or roadway easement line to the base building line. Figure 6.3 – 1 provides a graphic depiction for standard setbacks.

**Figure 6.3 – 1 Setback Diagram**



3. Legal non-conforming lots may use the setback reductions provisions in accordance with Article 1 of the LDR.
  4. Residential side interior and rear setbacks may be reduced by 30% for principal structures and 50% for accessory structures when 75% of the subject lot is adjacent to open space or water bodies greater than 50 feet in width.
  5. All accessory structures used as dwelling units, or those that exceed ten (10) feet in height, shall meet the required setbacks for principal structures. All accessory uses that exceed 120 SF in area shall meet the accessory setback requirements. All other accessory structures less than ten (10) feet in height and less than 120 SF in area shall maintain a five (5) foot setback on the side and rear of the property, unless otherwise provided for in the LDR.
  6. If there is a conflict between a setback and any type of easement, the structure may not encroach the easement. No portion of any habitable structure or any structure that is not easily removable shall be permitted to encroach an easement.
  7. Any setback regulations provided in the Principal and/or Accessory Use Standards of this article, or provided on a valid development order, shall supersede the general setback regulations.
  8. Whenever a lot in a non-residential Zoning district, or pod of a Planned Development, is contiguous to an alley, one-half (1/2) of the alley width may be considered as a portion of the required rear yard, but in no case shall the rear yard be reduced to less than five (5) feet.
  9. Setbacks from safe sight corners shall be a minimum of ten (10) feet for residential properties and 25 feet for non-residential properties. The setback shall be measured perpendicular from the interior property line of the safe sight triangle. Common areas, entry features, and other non-residential structures of a residential planned development shall meet the non-residential safe sight setbacks.
- D. Density:
1. Density shall be calculated by dividing the number of dwelling units on a lot by the lot area (in acres). When the result is other than a whole number it shall be rounded down to the nearest 100<sup>ths</sup>.
  2. Densities proposed to exceed the maximum permitted density of a Zoning district shall meet at least one of the following conditions:
    - a. A density bonus has been approved as part of the redevelopment incentive provided in the LDR; or
    - b. The density of a residential pod in a PD may exceed the maximum density of the Zoning district as long as the overall density of the PD does not exceed the permitted density of the district.
- E. FAR calculations shall be expressed as a decimal and both gross floor area and site area shall be expressed in square feet.
- F. Building Coverage shall be expressed in square feet and shall include all awnings, overhangs, coverings, breezeways, etc.

G. Building Height:

1. No building or structure or part thereof shall be erected or altered to a height exceeding 35 feet in districts with the Future Land Use Map designations of Residential A, B, C and D, Community Commercial, Office Commercial, Medical Commercial, Park, Institutional/Public Facilities/Utilities, and Industrial.
2. No building, structure, or part thereof shall be erected or altered to a height exceeding 25 feet in districts with a Future Land Use Map designation of Conservation, Neighborhood Commercial, and Commercial Recreation.
3. No building or structure or part thereof shall be erected or altered to a height exceeding 56 feet in districts with a Future Land Use Map designation of Residential E, F, G and H or 72 feet in districts with a Future Land Use Map designation of Regional Commercial/Large Scale Multiple Use or for specified uses as listed in the Comprehensive Plan within one (1) mile of the State Road 7 Corridor; provided, however, all buildings or structures in excess of 35 feet shall require Village Council approval and shall be subject to additional requirements as listed below:
  - a. The building(s) shall provide one (1) foot of additional setback beyond the minimum requirement for every one (1) foot in height for all portions of the building or structure that exceeds 35 feet.
  - b. The property shall not be located adjacent to single-family residential property. Non-collector roadways and canals are not considered separation.
  - c. The property shall be a minimum of two (2) acres in size.
  - d. Residential E, F, G and H shall be located within a Planned Development and shall be within 500 linear feet of a collector road or road with a higher classification. These buildings may be eligible for an additional 15% height allowance, approved by Village Council, based on the following criteria:
    - i. The area proposed to exceed the maximum building height shall be limited to mechanical equipment, architectural features and/or common use areas and shall not include living area, occupiable floor area or dwelling units;
    - ii. The area proposed to exceed the maximum building height shall be limited to 35% percent of the overall building footprint. A technical deviation for additional height for a portion of the building footprint greater than 35% shall be approved by Council;
    - iii. The area proposed to exceed the maximum building height shall be setback one and one-half (1½) feet beyond minimum setback lines for every foot of above the proposed building height; and
    - iv. The site design must include at least three (3) or more of the following design criteria:
      - 1) A parking structure that results in reduced paved parking areas and additional open green space;
      - 2) Provide on-site amenities such as outdoor recreation, benches, civic spaces, and/or focal points;

- 3) Incorporate eco-design such as car charging stations, green roofs, solar panels and/or bio swales;
  - 4) Privately improved and maintained public amenities on or contiguous to the project such as replacing/widening sidewalks, adding or improving bus shelters/stops, public art, public open space, or pedestrian streetscape enhancements;
  - 5) LEED based design or Florida Green Building design certification of silver or higher;
  - 6) Architectural details that are unique and exceed the multi-family architectural design regulations of the LDR;
  - 7) Landscape enhancements that exceed Article 7 of the LDR and the additional criteria as listed in this section;
  - 8) Provide fee simple or for-sale units;
  - 9) Providing housing with prices/rents available/accessible to households within 80%-140% of the Village's median income;
4. Pods or parcels with building heights in excess of 35 feet shall provide and maintain, additional palm/tree plantings based upon a ratio of one tree per 20 linear feet within, and in addition to, the required Landscape Buffer, or fraction thereof.
  5. All buildings or structures exceeding 35 feet shall be required to meeting the landscape requirements as provided in Article 7 of the LDR and shall also provide the following:
    - a. 25% of the palms shall have a gray or brown wood height equal or greater than one-third (1/3) the overall height of the buildings or structure. These palms shall be located within the foundation plantings of the structure.
    - b. 25% of the palms shall have a minimum gray or brown wood height in excess of 12 feet and be placed within the foundation plantings of the structure.
    - c. Five (5) percent shall be minimum size of eight-foot of gray or brown wood and can be placed anywhere within the project.
    - d. All the palm plantings under this section are credited 1:1 towards the tree planting standards requirements.
    - e. Exception can be made for using "Phoenix" palms wherein this palm will receive credit for four (4) palms if:
      - i. The phoenix palm size (as measured by clear wood below the root remnants) is equal in height to the tallest measurement of the palms that it is replacing; and
      - ii. The phoenix must be placed in the area of the project where the palms it is replacing is located.
    - f. Any required palms shall remain as a condition of the approval and must remain as long as the structure remains. Any and all palms that die or become diseased or disfigured must be replaced in a reasonable time period and be of the size palm they replaced.

6. Exclusions from Height Limitations:

- a. Spires, ornamental belfries, towers, stage towers or scenery loft appurtenant to civic or cultural buildings, chimneys, mechanical equipment, mechanical equipment rooms and parapet walls used to screen mechanical equipment need not be included in measuring the overall height of a building or structure if:
  - i. They do not exceed 30% of the roof area in gross area; or
  - ii. They do not exceed 25% of the proposed maximum building height.
- b. Free-standing flagpoles shall not exceed 20 feet in residential districts or residential pods of a planned development or 35 feet in non-residential districts/pods of a planned development.
- c. Water Towers, Public Utilities, and Civic Buildings shall be exempt from height regulations in all Zoning districts.
- d. 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 Supplementary Standards of the LDR.

**Sec. 6.3.2 – Exceptions to the Property Development Regulations**

- A. Antiquated Subdivisions: Any subdivision that was platted prior to the adoption of the LDR shall be considered vested and shall meet the minimum development regulations that were in place at the time of the plat recordation or in accordance with a valid development order. Any modifications proposed to the subdivision that would change the minimum property development regulations shall meet regulations of the current LDR.
- B. Table 6.3 – 2 provides improvements exceptions from structural setback requirements. No improvement shall be constructed or installed within an easement without consent from the easement holder and approval from the Wellington Engineer.

**Table 6.3 – 2 Exceptions to Setback Regulations**

<u>Description</u>	<u>Exception</u>
<u>Arbors and Trellises</u>	<u>Must be a minimum of three (3) feet from any property line.</u>
<u>Bay windows</u>	<u>May encroach the setback on non-zero lot lines only.</u>
<u>Chimneys</u>	<u>May encroach the setback a maximum of three (3) feet on non-zero lot lines only.</u>
<u>Columns (Decorative or functional and as part of a fence or entry feature)</u>	<u>May be placed at the property line and shall comply with safe sight criteria and wall/fence provisions of the LDR.</u>
<u>Driveways, walkways, pavers and other open air impervious surfaces</u>	<u>May encroach structural setbacks but shall maintain specific driveway provisions of the LDR. The lot shall be required to meet all pervious/impervious area percentage requirements.</u>
<u>Fire escapes and staircases</u>	<u>If the fire escape or staircase is at least 50% open and shall not exceed ten (10%) percent of the required yard setback, may encroach the setback a maximum of three (3) feet.</u>
<u>Flagpoles</u>	<u>Shall be permitted in the required yard setback and shall only have one (1) structural ground member.</u>
<u>Fountains, sculptures, lawn art</u>	<u>Must be a minimum of three (3) feet from the property line.</u>



<u>Description</u>	<u>Exception</u>
<u>HVAC units and above ground mechanical equipment</u>	<u>HVAC units, including compressors and condensers, and mechanical equipment units may encroach the side or rear yard setback as long as the exhaust air from unit is directed vertically or away from adjacent property. In the event of a zero-lot line, side-entry garage structure, the HVAC unit may be placed in the front yard setback, if justification is provided illustrating that there is not an alternative location within the side yard and illustrating that the unit shall be screen from view. All other applicable mechanical equipment provisions of the LDR for non-residential use shall apply.</u>
<u>Light poles (one (1) ground member)</u>	<u>Shall be permitted within the front yard setback.</u>
<u>Mailboxes</u>	<u>Shall be permitted within the front yard setback.</u>
<u>Recreational equipment/playset/pre-fabricated sheds</u>	<u>Shall be located a maximum of five (5) feet from side and rear property lines. Shall not be located in front yard setbacks. Additionally, these items shall not be located within any type of easement.</u>
<u>Roof overhang</u>	<u>Shall be permitted to project into the required setback a maximum of two and one-half (2 ½) feet.</u>
<u>Wall and Fences</u>	<u>Shall be permitted within the setback area and in accordance with the wall and fence provisions of the LDR.</u>

**CHAPTER 4 – DEVELOPMENT AND DESIGN STANDARDS**

**Sec. 6.4.1 – General Standards**

A. The following standards shall apply in all Zoning districts Village-wide:

1. All structures or buildings shall be equipped with storm protection, pursuant to the Florida Building Code. This can be accomplished with impact windows or storm shutters, rollups or panels. If storm shutters, rollups or panels are used, the hardware that is permanently affixed to the structure shall match the body or trim color to mitigate appearance. Additionally, the portion that is not permanent shall not be put in place more than 72 hours before the storm event and must be removed within 72 hours after the storm. From June 1 to November 30 (hurricane season), if a property owner is absent, shutters are permitted to be in place for two (2) periods of up to 15 days each.
2. Awnings shall be consistent with the approved materials and color charts adopted by ARB. Awnings shall not extend more than 3 feet from the building. Awnings used in the rear or side yard in lieu of a covered patio shall meet the same setbacks as a covered patio and shall not be limited to the 3-foot requirement.
3. Docks may be constructed subject to the following criteria:
  - a. Docks may extend up to three (3) feet in to the water for canals, six (6) feet into lakes, both measured from the water’s edge;
  - b. Docks located on canals shall be cantilevered from the supports located on dry land, above the mean high water line, and no pilings or other supports shall be permitted in the water;
  - c. The top of the horizontal dock surface shall be no higher than two (2) feet above the mean high water level on any water body;
  - d. Docks shall meet the side yard setbacks for principal structures;

- e. Docks may be constructed of wood or other material as approved by ARB; and
  - f. Permits to construct a dock shall be conditioned upon the applicant obtaining all other necessary or applicable approvals from any other jurisdictional agency.
4. Dumpsters shall be provided for garbage and trash removal when individual collection or indoor storage is not provided. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall meet the following standards:
- a. Access to indoor or outdoor collection areas shall be incorporated into the site to minimize the turning and backing up movements of the removal vehicles.
  - b. Dumpsters within or adjacent to residential property lines shall be setback a minimum of 50 feet.
  - c. All dumpsters or receptacles shall be visually screened by a solid opaque enclosure that is consistent with the architectural character of the project or principal buildings. The open end of the enclosure shall have an obscure, opaque gate that shall remain closed except during pick-up or when discarding trash/debris. The enclosure shall be landscaped with shrubs or hedges on all sides not containing a gate for removal purposes. The landscaping shall be maintained to the same height as the enclosure.
5. Fencing, walls and hedges 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 improvements. Any repair or replacement shall comply with the regulations of the LDR if the linear length of the area to be repaired/replaced is greater than 40%. 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 the Village are exempt from the regulations within.
  - c. A building permit shall be required prior to installation of a fence or wall.
  - 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.
  - e. Barbed wire is prohibited as any part of a fence wall or hedge, unless waived by the Wellington Engineer as required for security by virtue of federal or state law.
  - f. Chain link or wire fences within the Urban Service Boundary (USB) shall be vinyl coated and require a hedge. Outside of the USB, chain link or wire fencing shall be vinyl coated and shall require a hedge or a three rail fence. 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 a portion of the property line adjacent to the water exceed 60% of the overall linear length of the property line. All fencing adjacent to any roadway shall require a hedge in accordance with the standards of this section.

- g. Fences, walls and hedges in proximity to intersections, driveways, or access ways, public or private, shall comply with the safe sight triangle provisions of the LDR.
- h. Fences, walls and/or hedges shall be measured from the average grade (lowest plus highest divided by 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 of the average grade at the property line.
- i. The following maximum fence, wall and hedge heights shall apply:

<b>Property/Location</b>	<b>Maximum Height</b>		
	<b>Fence</b>	<b>Wall</b>	<b>Hedge</b>
<u>Single Family, Zero Lot Line, Duplexes, and Villas</u>	<u>6 feet – side and rear 3 feet – within the front setback</u>	<u>6 feet</u>	<u>10 feet – Single Family 6 feet – Zero Lot Line, Duplexes and Villas</u>
<u>Multi-family and non-residential properties</u>	<u>6 feet</u>	<u>10 feet</u>	<u>6 feet – Multi-family 10 feet – Non-residential</u>
<u>Properties along major thoroughfares</u>	<u>6 feet</u>	<u>6 feet</u>	<u>10 feet</u>

- j. 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.
- k. Fences, walls or hedges in residential districts or pods shall not be installed within the front building setback unless the property is located within the EPA and is at least one (1) acre in size, or unless the proposed fence and hedge is proposed and maintained at a maximum height of three (3) feet.
- l. No hedge, including legal non-conforming hedges, shall encroach into a public right-of-way or over a public sidewalk. All hedges along property lines or adjacent to public rights-of way shall be installed with a root barrier and shall be maintained to avoid code violations. Any hedge encroaching the right-of-way by six (6) inches or more, shall be considered a violation of the LDR. The recommended hedge material for major thoroughfares is Cocoplum, Podocarpus and Green Arboricola.
- m. Hedge material shall be a minimum of three (3) gallons and a minimum of 36 inches high at time of planting, provided the PZB Director and the Landscape Architect with the approval of the ARB may require hedge material of a minimum of five (5) to seven (7) gallons based upon the type of hedge material to be planted. Plants shall be installed two (2) feet on center, or as otherwise is appropriate based upon commonly accepted professional landscaping practices. The PZB Director may waive these minimum size requirements if there is a scarcity of plant material due to hurricane, drought, or other natural disaster.
- n. Irrigation shall be provided and maintained in working order for all hedges, plants and trees along fences and walls. On major thoroughfares, fences and walls shall be setback a minimum of three (3) feet from the property line to accommodate the required landscaping. Irrigation shall be installed in a manner to guarantee the hedges outside the fence or wall will be provided proper irrigation.

- o. A waiver to maintain a hedge above the maximum hedge height shall be determined by the ARB and based on the following criteria:
  - i. The increase in hedge height will provide additional screening and buffering for residences adjacent to a major thoroughfare or other public or private road right-of-way;
  - ii. The increase in hedge height will provide additional screening and buffering from adjacent incompatibilities such commercial or industrial structures or uses, overhead power lines, lighting associated with athletic fields, security lighting associated with public or private facilities, and similar uses or activities;
  - iii. The increase in hedge height will not adversely affect public improvements, including utilities, roads, and sidewalks;
  - iv. The increase in hedge height will not allow overhead or underground encroachment into and damage to public improvements including utilities, roads, and sidewalks; and
  - v. The increase in hedge height will not cause adverse impacts on public safety, including visibility at intersections.
- q. Certain height exceptions shall apply to fences, walls and hedges:
  - 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 the 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, screening and buffering of residential utility facilities or poles, and for aesthetic purposes. The arches or ornamental hedge feature shall not exceed:
    - a) Zero lot lines: maximum height eight (8) feet;
    - b) One (1) acre properties or less: Maximum height of ten (10) feet;
    - c) More than one (1) acre properties: Maximum height of 12 feet.
- r. The finished side of all fences shall face the street or adjoining property. The ARB shall adopt a schedule of approved fence designs, materials and colors. Alternative designs and materials shall obtain approval from ARB. An alternative color shall require a modification of the approved color list. For the purpose of these standards, PVC, metal, composite or other fencing designed to look like wood fencing shall be considered wood fencing.
- s. The finished side of all walls shall face the street or adjoining property. Walls shall be masonry or brick. All masonry walls shall have a smooth finished coating on both sides and shall be painted on the street or adjoining property side with a non-glossy finish.
- t. In addition to the general standards, the following standards shall apply to fences, walls and hedges along major thoroughfares:
  - i. Designation of major thoroughfares. For the purposes of this section, the following roads and streets are designated major thoroughfares:
    - a) Aero Club Drive;
    - b) Big Blue Trace;

- c) Bink's Forest Drive;
  - d) Birkdale Drive;
  - e) Forest Hill Boulevard;
  - f) Greenbriar Boulevard
  - g) Greenview Shores Boulevard;
  - h) Lake Worth Road;
  - i) Paddock Drive west of Big Blue Trace;
  - j) Pierson Road;
  - k) South Shore Boulevard;
  - l) Stribling Way; and
  - m) Wellington Trace.
- ii. Within the USB, but 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, aluminum or other material as permitted by this section.
  - c) A thoroughfare fence may include a gate and an opening in the hedge to allow use of the gate.
  - d) A gate shall consist of wood or the same material as the fence.
  - e) A gate opening shall be not more than four (4) feet in width.
  - f) A gate opening in excess of four feet in width shall be approved by the Wellington Engineer. The Wellington Engineer shall consider a variety of factors, including those listed below, when determining if a gate in excess of four feet shall be allowed.
    - 1) The presence of a limited access easement or other limit on crossing a property line established by an approved plat.
    - 2) The location of the proposed gate in relation to a public or private roadway and existing or proposed traffic and pedestrian circulation patterns.
    - 3) The presence of vegetation, irrigation, sidewalks, and other public improvements.
    - 4) Fence gate openings larger than six (6) feet wide shall only be permitted if there is an approved access drive, at least the width of the 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 Department Standards. Alternative stabilized surface types, such as asphalt, compacted base material, gravel, etc. may be approved by the Village Engineer at his/her sole discretion, but must not conflict with the aesthetics of the surrounding neighborhood.
    - 5) If there is an existing sidewalk between the proposed gate opening and the adjacent roadway, the sidewalk must be replaced with a minimum of 6-inch thick, 3,000 psi concrete, to

handle anticipated traffic loading. The area of the access drive between the property line or front of sidewalk and the adjacent roadway, otherwise known as the driveway apron, must also consist of 6-inch thick, 3,000 psi concrete, to handle anticipated traffic loading.

- iii. Hedges for major thoroughfare fences within the USB.
  - 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 Village Engineer.
  - c) The hedge shall be maintained at a minimum height of six (6) feet and a maximum height of ten (10) feet provided the installation, irrigation and maintenance complies with the requirements this section.
- iv. Within any portion of the EPA, major thoroughfare fencing shall comply with the following standard:
  - a) Fences shall be a three (3) or four (4) board wooden fence.
  - 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 height.
  - d) Hedges are not required for thoroughfare fences within the EPA.
- v. Other types of fences, walls, or landscaping or any combination thereof that is not specifically mentioned in the LDR may be used subject to compliances with each of the standards listed below.
  - a) A request for a neighborhood alternative thoroughfare fence or wall is received from either:
    - 1) A duly constituted homeowners' association (HOA) or property owners' association (POA) on behalf of the neighborhood; or
    - 2) All owners of property adjacent to the thoroughfare, if a HOA or POA for the area does not exist.
  - b) The perpetual maintenance of the fence or wall is assured by a HOA or POA or, if a HOA or POA does not exist, the perpetual maintenance is assured in a manner acceptable to the Village Attorney.
  - c) The use of alternative materials, design and associated land shall comply with each of the standards listed.
    - 1) The wall or fence type, material and design and associated landscaping are approved by the ARB.
    - 2) A determination that the alternative wall or fence design and associated landscaping produces a design quality substantially equal to or greater than that which would be achieved by the strict application of the major thoroughfare fence standards.
    - 3) All alternative thoroughfare wall, fence and landscape designs previously approved by the ARB are conforming to the requirements of this section.
    - 4) Alternative thoroughfare fence, wall or landscape designs shall be maintained as approved and as required by this section and all applicable sections of this Code.

- vi. 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.
- vii. Other types of fences or walls may be used if the following conditions are met:
  - a) A request for individual alternative thoroughfare fence or wall is received from a property owner.
  - b) The wall or fence type, material, design and associated landscaping is approved by the ARB based on a determination that the proposed alternative produces a design quality equal or greater than that which would be achieved by the strict application of the thoroughfare fence standards.
- u. 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 ten (10%) percent or more of the surface is stained or discolored;  
or
    - b) When five (5%) percent 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 and shall not be allowed to lean or to otherwise be out of plumb. Fence rails and fence posts shall be 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-ways 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.
- 6. Mechanical equipment for residential and non-residential structures shall be located at least five (5) feet back from the front plane of the structure and shall be visually screened from the road. Equipment above ground may use hedging and fencing. Equipment located on a roof shall be screened with a parapet or enclosure that aesthetically blends the equipment with the building.

7. Outdoor recreational areas that are accessory to residential or non-residential uses shall be setback a minimum of 50 feet from any property line abutting a residential district. Passive outdoor accessory recreational facilities shall be setback a minimum of 25 feet from any property line abutting a residential district. As part of the review process, the DM will determine if the use requires screening for compatibility with the surrounding uses. This buffer may consist of fence, wall and/or hedge to ensure 75% percent opacity around active or passive recreational areas. Any swimming pool/spa operated as a commercial enterprise shall meet the above setbacks and shall be considered as a principal use subject to all other applicable development regulations.
8. Outdoor storage, where permitted, shall be completely screened from view with a combination of fencing and vegetation to a minimum height of six (6) feet. Outdoor storage as a principal use is only permitted in the Flex Zoning District and Supplementary Standards for Principal Uses of this article shall apply. Outdoor storage in all other zoning districts shall be accessory to the principal use. Outdoor storage shall not be located within the setbacks for the lot/parcel.
9. Solar panels are permitted on all buildings or structures. All piping and other equipment leading to and from the panels shall be completely concealed behind a parapet, inside a roof or wall, or painted to match the portion of the structure to which they are affixed. Tanks, pumps and other associated mechanical equipment shall be visually screened from the road and adjacent properties.
10. Chickee huts do not contain electric or plumbing. They do require zoning review only through the building permit process. Chickee huts that are ten (10) feet by ten (10) feet, or 100 square feet or smaller shall maintain a five (5) foot setback from the side and rear property line. If the chickee hut exceeds 100 square feet, then the accessory use setbacks shall apply.
11. Tiki huts containing electric and/or plumbing work shall meet the accessory structure setbacks and shall be required to obtain a building permit.
12. Tennis courts shall be permitted and subject to the following standards:
  - a. Shall not be located in front of the principal structure and the court, including fencing, shall be at least five (5) from the side and rear property lines.
  - b. Ten (10) foot high chain link fencing is permitted and wire mesh, rails, and stiles shall be vinyl coated black, brown or dark green;
  - c. Tennis court lighting shall meet the lighting requirements of Article 7 of the LDR.
  - d. Tennis courts, with or without fencing, shall be required to have a hedge, planted no more than 24 inches on center, a minimum of three (3) gallons and 36 inches high at planting, on all sides. The hedge shall be maintained at a minimum of five (5) feet in height and shall not be allowed to exceed the height of the fence.
13. Utility meters and related conduits shall be located on the side or rear walls of all structures. Conduits shall be painted to match the wall or trim of the structure. All onsite utility services shall be installed underground in an accordance with the LDR and Standards Manuals.
14. Windows shall not be installed with reflective glass and/or with reflective film. Non-reflective glass and film is permitted. All windows located on a front façade shall be uniform or consistent in type to create a unified architectural design.



## **Sec. 6.4.2 – District Specific Development Standards**

- A. The following development standards shall apply to all residential districts and residential pods of planned development districts:
1. The minimum dwelling unit size shall be that as determined by federal, state or local building code.
  2. For single-family and two-family residential lots, impervious surfaces shall include buildings, driveways, walkways, patios, pool aprons and other approved structures/surfaces. The front yard, defined as all area from the front setback line of the structure to the property line, shall not exceed 50% impervious area.
  3. Above-ground pools are not permitted. Certain circumstances may be eligible for consideration of a Reasonable Accommodation and shall comply with the Article 5 of the LDR.
  4. Basketball hoops may be portable in nature or permanently installed on a residential lot. The following regulations shall apply:
    - a. Backboards and hoops shall be mounted on a freestanding pole only and shall not be mounted on a wall or roof of a building;
    - b. Backboards and hoops shall be located at least 15 feet from the front property line and three (3) feet from the side property line;
    - c. Backboards and poles on which they are mounted shall not exceed 14 feet in height measured from the grade level at the closest point to the front property line or roadway, whichever is closest to the front plane of the home;
    - d. Backboards and poles shall not be painted or altered from the original manufacturer's finish or appearance; and
    - e. Portable basketball hoops shall not be placed in/on the street or sidewalk. They shall not exceed the regulations of permanent basketball hoops and may be subject to other regulations as provided in the LDR or Code of Ordinances.
  5. All play equipment or play houses that exceed ten (10) feet in height and 120 square feet shall match the colors and materials of the principal structure.
  6. Prefabricated sheds shall meet the following criteria:
    - a. Shall be visually screened from adjacent properties;
    - b. Shall be finished to match the principal structure or be a neutral color; and
    - c. Shall not exceed 120 square feet in area or eight (8) feet in height. Any prefabricated shed that exceeds this shall be considered an accessory structure and shall meet all accessory structure regulations.
    - d. One (1) shed shall be permitted on properties up to one (1) acre in size. Two (2) sheds shall be permitted on properties greater than one (1) acre in size.
  7. Screen enclosures shall comply with the following standards:

- a. Screen enclosures may be roofed with a screened roof or solid roof. Property development regulations vary based on the type of roof covering.
- b. Setbacks shall be measured from the property line of the dwelling to the closest edge of the screen enclosure. Setbacks shall be as follows:

<b><u>Setbacks</u></b>	<b><u>Front</u></b>	<b><u>Side Interior</u></b>	<b><u>Side Corner</u></b>	<b><u>Rear</u></b>
<b><u>Single Family</u></b>	<u>25 feet</u>	<u>7.5 feet</u>	<u>15 feet</u>	<u>7.5 feet</u>
<b><u>Zero lot line</u></b>				
<u>Zero lot line side</u>	<u>25 feet</u>	<u>0 feet</u>	<u>10 feet</u>	<u>2 feet</u>
<u>Non-zero lot line</u>	<u>25 feet</u>	<u>2 feet</u>	<u>10 feet</u>	<u>2 feet</u>
<b><u>Townhouse</u></b>				
<u>Measured from lot boundary</u>	<u>25 feet</u>	<u>0 feet</u>	<u>From lot line - 5 feet From ROW line = 15 feet</u>	<u>0 feet</u>
<u>Measured from inside edge of buffer of PD or Tract boundary</u>	<u>15 feet</u>	<u>15 feet</u>	<u>15 feet</u>	<u>15 feet</u>
<u>Separation between groups</u>	<u>25 feet</u>	<u>15 feet</u>	<u>N/A</u>	<u>15 feet</u>
<b><u>Quad or four-plex</u></b>				
<u>Measured from lot boundary</u>	<u>0 feet</u>	<u>0 feet</u>	<u>From lot line - 0 feet From ROW line = 15 feet</u>	<u>0 feet</u>
<u>Measured from inside edge of buffer of PD or Tract boundary</u>	<u>15 feet</u>	<u>15 feet</u>	<u>15 feet</u>	<u>15 feet</u>
<u>Separation between groups</u>	<u>25 feet</u>	<u>15 feet</u>	<u>N/A</u>	<u>15 feet</u>
<b><u>Other Multifamily, Homeowners Association, Non-profit, Social, Civic</u></b>	<u>50 feet</u>	<u>25 feet</u>	<u>25 feet</u>	<u>25 feet</u>

- c. Screen enclosures may be eligible for a zero (0) foot rear setback reduction if the following is applicable:
- i. The entire rear or side interior property line is adjacent to open space (lake, natural preserve or golf course) a minimum of 50 feet in depth;
  - ii. All construction and earthwork is completed within the owner's lot;
  - iii. All maintenance can be conducted from within the owner's lot; and
  - iv. Roof eaves or structures shall not overhang the property line or encroach any utility, drainage or lake maintenance easement.
- d. Solid roofed screen enclosures shall meet the minimum setbacks for the principal use on the lot.

- e. A minimum five (5) foot high opaque fence or wall shall be provided on the zero side of zero lot line extending from the rear of the structure to the rear edge of the screen enclosure with screened roofs. A minimum eight (8) foot minimum height wall shall be provided on the zero lot line extending at least to the rear edge of the enclosure with solid roofs. Such wall shall be masonry or wood. The screen enclosure shall be attached to the fence or wall.
  - f. Townhouses shall not have required interior side setbacks from individual property lines of interior units. The end units shall measure from the property line of development or pod. If the roof of the enclosure is solid, there shall be a minimum eight (8) foot high wall on the shared lot line, extending from the dwelling to the rear edge of the portion of the enclosure that is roofed. The wall shall be fire-rated in accordance with standard building codes. The screen enclosure may be attached to the masonry wall.
  - g. Screen enclosures with screen roofs shall not be included in the building coverage calculation. Solid roof screen enclosures shall be included in the building coverage calculation.
  - h. Screen enclosures shall be permitted to cover a maximum of 30 percent of the total lot area except for townhouses. Screen enclosures for townhouses may cover 100 percent of the total lot area provided minimum separations between groups are met.
  - i. The height of the screen enclosure shall not exceed the highest point of the peak of the roof.
  - j. Roof eaves or structures shall not overhang the rear property line or encroach any utility, drainage or lake maintenance easement.
  - k. Superstructure shall be black, bronze, white or the color of the window frames of the structure; and
  - l. All screening shall be the same color on all sides and shall be gray or charcoal.
- B. The following development standards shall apply to all multi-family, non-residential districts, and Planned Development Districts:
- 1. All multi-family, non-residential developments, and planned developments shall provide for the following:
    - a. Safe and effective pedestrian and vehicular access and circulation;
    - b. Safe and effective on-site circulation, parking and connectivity;
    - c. Adequate road system adjacent to the project;
    - d. Inter-connectivity between projects to capture internal traffic patterns and mitigate off-site traffic;
    - e. Incorporate Crime Prevention Through Environmental Design (CPTED) principles into the project design;
    - f. Create and maintain positive character and ambiance with enhanced streetscapes, appropriate massing on structures and consistent architectural design;

- g. Loading and service areas shall be visually screened from adjacent properties and roadways. Materials and design to accomplish this standard shall match the design of the project;
  - h. Adequate Fire/Police vehicular access for safety protection.
2. Non-residential free-standing buildings, utilized by a single tenant, shall not exceed 75,000 gross square feet in size.
  3. Pedestrian paths, walk-ways, cross walks, and sidewalks shall be provided from the buildings to the adjacent public pedestrian system. They shall also be provided for safe access to the parking areas. Compliance with Americans with Disabilities Act (ADA) guidelines shall be required. Walkways shall be a minimum width of five (5) feet and shall be intermittently shaded. Such improvements, including but not limited to, markings, signage, raised walkway design, etc., may be required upon development review or in accordance with the engineering standards manual.

### **Sec. 6.4.3 – Architectural Review and Design**

- A. The architectural character and building design of uses shall conform to and be compatible with the general architectural character of the development, project, neighborhood or surrounding uses.
- B. All exterior finishes, colors, and materials shall be consistent with the material schedule and color charts adopted by the ARB, or shall be approved as part of an overall design by the ARB during the review of elevations and design details. The ARB may approve alternative materials and design provided they find the proposed design is compatible with the approved materials and color schemes.
- C. All approved colors shall be considered a modification to the color chart and may be used Village-wide. Permits to paint a structure are not required, but the color choice must match the approved color chart or the property owner may be found in violation of the LDR.
- D. All applications that require ARB consideration shall comply with the Development Review Process of Article 5.
- E. The design criteria in this Article shall apply to all buildings, residential and non-residential, Village-wide.
- F. If there are any conflicts between the design regulations of this this article and any other regulations in the LDR, the more restrictive shall govern.

### **Sec. 6.4.4 – Design Standards by District**

- A. The following are design standards for residential zoning districts:
  1. No two identical facades shall be placed next to, or across the street from, each other in residential zoning districts. Identical facades shall mean color, material, and design. If any of the elements differ, but have one identical element, this requirement shall not apply.
  2. Accessory structures or buildings, such as freestanding garages, cabanas, accessory dwellings, shall match the colors and materials of the principal structure. Any alternative design shall require ARB approval for aesthetic compatibility prior to alterations or construction.

3. The cumulative square footage of all accessory structures on a parcel/lot shall not exceed 30% of the principal structure gross floor area.
4. All single-family residential structures, including zero lot lines, shall be reviewed by Zoning as part of the building permit. The following items shall be taken into consideration:
  - a. Exterior materials and colors;
  - b. Front, side and rear elevations;
  - c. Roof pitch and number of roof planes. Roof planes shall have a minimum of a three-foot offset to be considered a separate roof plane.
  - d. No building permits shall be issued for initial construction of single family, including zero lot line homes, unless it is demonstrated that the building has achieved the a minimum of 80 design criteria points provided in Table 6.4-1- Design Criteria for Single family and multi-family structures (4 units or less), or unless an alternative design has been approved by ARB.
  - e. Pervious and impervious area of the lot; and
  - f. Compliance with all other applicable bulk regulations of the LDR;
5. All roofs shall meet the following standards:
  - a. For all residential structures, 70% of under air footprint plus attached garage shall have a minimum 3:12 roof pitch;
  - b. Flat roofed areas shall not be visible from the street, unless an alternative design has been approved by ARB; and
  - c. Roof planes over entry features shall have a minimum of a three (3) foot offset to be considered a separate roof plane.

**Table 6.4-1 Design Criteria for Single Family and Multi-family Structures (4 units or less)**

<u>Design Criteria</u>	<u>Points</u>	
	<u>Single Family</u>	<u>2- 4 Dwelling Units</u>
<u>More than 3,000 SF under air, or</u>	<u>20</u>	<u>-</u>
<u>2,500 - 3,000 SF under air, or</u>	<u>15</u>	<u>-</u>
<u>2,000 - 2,499 SF under air, or</u>	<u>10</u>	<u>20</u>
<u>1,500 – 1,999 SF under air</u>	<u>5</u>	<u>15</u>
<u>1,200-1,499 SF under air</u>	<u>-</u>	<u>10</u>
<u>Entry feature</u>	<u>10</u>	<u>10</u>
<u>First floor tie beam 9 feet or higher</u>	<u>10</u>	<u>10</u>
<u>Front elevation planes (2 or more)</u>	<u>-</u>	<u>10</u>
<u>Front elevation planes (3 or more)</u>	<u>10</u>	<u>15</u>
<u>Garage (two car or more)</u>	<u>10</u>	<u>10</u>
<u>Side entry garage</u>	<u>10</u>	<u>10</u>
<u>Paver fabricated driveway</u>	<u>10</u>	<u>10</u>
<u>Stamped concrete driveway</u>	<u>10</u>	<u>10</u>
<u>Roof planes (2 or more)</u>	<u>-</u>	<u>10</u>
<u>Roof planes (3 or more)</u>	<u>10</u>	<u>10</u>
<u>Roof tiles (clay or cement)</u>	<u>10</u>	<u>10</u>
<u>Roof metal (standing seam)</u>	<u>10</u>	<u>10</u>

<b>Design Criteria</b>	<b>Points</b>	
	<u>Single Family</u>	<u>2- 4 Dwelling Units</u>
<u>Landscaping 20% in excess of minimum requirements</u>	<u>10</u>	<u>10</u>
<b>Architectural details</b>		
<u>Belt banding, minimum 6" wide and ½" deep</u>	<u>5</u>	<u>5</u>
<u>Columns (two or more – free standing or engaged)</u>	<u>5</u>	<u>5</u>
<u>Column taper or entasis</u>	<u>3</u>	<u>3</u>
<u>Quoins, minimum 18" on one side and ½" deep</u>	<u>3</u>	<u>3</u>
<u>Shutters – decorative</u>	<u>4</u>	<u>4</u>
<u>Shutters – operative</u>	<u>5</u>	<u>5</u>
<u>Window banding, minimum 6" wide and ½" deep</u>	<u>3</u>	<u>3</u>
<u>Window boxing, minimum 12" wide and 1" deep</u>	<u>3</u>	<u>3</u>
<u>Window with architectural feature, such as an arched, palladian, or clear story window</u>	<u>5</u>	<u>5</u>
<u>Maximum points obtainable</u>	<u>154</u>	<u>141</u>
<b>Minimum points required</b>	<b>80</b>	<b>70</b>

B. The following are design standards for multi-family and non-residential Zoning districts:

1. All multi-family and commercial facades shall contain architectural details on all sides to avoid solid blank walls. The use of varied materials, stones, colors, and lighting is encouraged. Buildings within the Flex zoning district, due to the industrial nature of buildings, are only required to provide architectural detailing on the front façade, along with any façade visible from a public or private roadway or adjacent residential properties. Blank wall areas shall not exceed ten (10) feet in a vertical direction nor 20 feet in a horizontal direction on any primary façade or façade adjacent to a roadway.
2. No building permit shall be issued for initial construction of duplex units, quads, or townhouses (4 units or less), unless it is demonstrated that the building has achieved the a minimum of 70 design criteria points as provided in Table 6.4-1 - Design Criteria for Single family and multi-family structures (4 units or less), or unless an alternative design has been approved by ARB.
3. Windows shall be incorporated into the design on all facades facing a roadway and shall occupy at a minimum 40% of the elevation.
4. Buildings shall be designed in a manner that is compatible with the character, mass, bulk, and scale of the surrounding area. When a new project is proposed that will have a height more than twice the height of the tallest building on an adjacent parcel, transitional massing elements shall be required to mitigate the change in height and elevation.
5. Accessory buildings and structures shall conform to the design, materials, colors, and style of the principal structures.
6. Outparcels that are part of an overall project shall contain architectural elements that match or are compatible with the overall project design.
7. Projections and recesses on multi-family and non-residential building facades shall have a minimum depth of three (3) feet with 25% percent of these having a varied length with a minimum differential of one (1) foot.

8. All multi-family, five (5) units or more, and all non-residential building must obtain ARB approval prior to building permits, with the exception of barns and hangers, which shall match or have compatible elements to the single-family principal structure.
9. All non-residential buildings shall provide a minimum of five (5) of the following building design treatments:
  - a. Canopies or portico, integrated with the building's massing and style;
  - b. Overhangs, minimum of three (3) feet;
  - c. Arcades, minimum of eight (8) feet clear in width;
  - d. Sculptured artwork;
  - e. Raised cornice or building banding with a minimum of two (2) reliefs;
  - f. Peaked roof forms;
  - g. Arches;
  - h. Display windows;
  - i. Ornamental/structural architectural details;
  - j. Clock/Bell towers or other roof treatments;
  - k. Projected and covered entry (five (5) foot minimum);
  - l. Additional roof articulation above the minimum standards; or
  - m. Metal or tile roof as the dominant roof material.
10. Building facades shall include a repeating pattern and shall include no less than three (3) of the design elements listed below. At least one (1) of these design elements shall repeat horizontally. All design elements shall repeat at intervals of no more than 50 feet, horizontally and a maximum of 15 feet vertically.
  - a. Color Change;
  - b. Texture Change;
  - c. Material Module Change;
  - d. Expression of architectural or structural bays, through a change in plane of no less than 12 inches in width, such as a reveal, an offset, or a projecting rib;
  - e. Architectural Banding;
  - f. Building setbacks or projections, a minimum of three (3) feet in width on upper level(s); or
  - g. Pattern Change.
11. Predominant exterior building materials shall include, but are not limited to:
  - a. Stucco;

- b. Brick;
  - c. Tinted, textured, other than smooth or ribbed, concrete masonry units; or
  - d. Stone, excluding an ashlar or rubble construction look.
12. Accent material on exterior building facades may include, but is not limited to, metal panels, stone, tile, smooth or rib-faced concrete block.
13. At a minimum of two (2) locations, the roof edge and/or parapet shall have a vertical change from the dominant roof condition, a minimum of three (3) feet. At least one (1) such change shall be located on a primary facade adjacent to a collector or arterial right-of-way. One (1) additional roof change must be provided for every 25,000 square foot increment over 50,000 square feet of ground floor space.
- a. Parapets shall be used to conceal roof top equipment and flat roofs;
  - b. Where overhanging eaves are used, overhangs shall be no less than three (3) feet beyond the supporting walls. Where overhangs are less than three (3) feet they shall be provided with a band or cornice, a minimum of eight (8) inches under the soffit at the wall;
  - c. Fascia shall be a minimum of eight (8) inches; and
  - d. Tile or metal shall be the dominant roof material.
  - e. The following roof types/materials are prohibited:
    - i. Asphalt shingles, except laminated, 320 pound, 30 year architectural grade asphalt shingles or better;
    - ii. Mansard roofs and canopies without a minimum vertical distance of eight (8) feet and at an angle not less than 25 degrees, and not greater than 70 degrees;
    - iii. Roofs utilizing less than or equal to a 2:12 pitch unless utilizing full parapet coverage; and
    - iv. Backlit awnings used as a mansard or canopy roof.
  - f. All commercial buildings shall incorporate highly defined customer entrances. Additionally, site elements, including but not limited to, benches, decorative landscape planters, shading and trash receptacles shall be required.

## **CHAPTER 5 – PLANNED DEVELOPMENT DISTRICT REGULATIONS**

The following provisions are applicable to all Planned Development Districts (PDD) and previously approved PDD, new or amended within Wellington.

### **Sec. 6.5.1 – Purpose and Intent**

The purpose and intent of the following regulations is to provide flexible zoning regulations for the development of land within a PDD that differ from traditional zoning district standards. A PDD shall comply with the Comprehensive Plan and LDR. The objectives of a PDD is to encourage ingenuity, imagination and good design that will result in development that limits and/or mitigates impacts on adjacent parcels, meets the density, intensity and open space objectives of the LDR and the Comprehensive Plan, while allowing flexibility from traditional zoning regulations. A PDD shall:



- A. Minimize adverse impacts on environmentally sensitive areas;
- B. Increase and promote mass transit, bicycle routes and non-vehicular modes of transportation;
- C. Increase use of public and private amenities as part of the Planned Development (PD) design;
- D. Provide for efficient use of land, utilities, and infrastructure;
- E. Provide for effective circulation patterns, internal trip capture, integrated land uses, and enhanced open space and recreational areas;
- F. Ensure adequate storm water management; and
- G. Encourage innovation in design while ensuring compatibility with the surrounding area.

**Sec. 6.5.2 – General**

- A. Before any land is designated as a PDD on the Official Zoning Map, it shall be approved as a zoning or rezoning application in accordance with Article 5 of the LDR.
- B. The following Zoning districts are all considered PDD: Planned Unit Development (PUD), Medical Center Planned Development (MCPD) and Mixed Use Planned Development (MUPD).
- C. All PD shall require a Master Plan, including a Project Standards Manual (PSM), and Site Plan approval in accordance with Article 5 of the LDR. Approved PD or projects within a PDD shall be governed by the development order, master plan, PSM and site plan for the subject property.
- D. When a certain density is approved for a PD, surplus units may be transferred from one pod to another pod that permits residential units as long as the density for the overall project remains the same or decreases. The DM may approve a transfer up to 30% of the unit count that was approved by Council. Any transfer in excess of 30% shall be approved by Council as a Master Plan Amendment.
- E. All PD that have a residential component shall be subject to land dedications, or payment in lieu of fees, for parks and recreation facilities, as well as civic facilities, in accordance with the following:
  - 1. The developer shall provide five (5) acres of property for park and recreational facilities and one (1) acre of civic facilities, each 1,000 of the population proposed for the project.
  - 2. The proposed population shall be calculated by using the current median household size for Wellington by the latest U.S. Census multiplied by the number of proposed dwelling units.
  - 3. Park and recreational facilities shall not include dry or wet detention, preserve/conservation areas, landscape buffers, or open space areas.
  - 4. Civic facilities may include such uses as fire stations, police stations, libraries, community centers, government offices or public utilities.
  - 5. If it is determined that parks, recreational facilities, and civic facilities are not provided as part of the proposed project, in part or in full, the property owner/developer shall pay a fee equal to \$50,000.00 per acre or the fair market value per acre, whichever is greater, for such park/recreational/civic land dedication.
  - 6. Credit for privately owned recreational space within a proposed project may be applied to the land dedication if, and only if, the recreational space is open to the public. The use of the private recreational space shall, by recorded covenant, run with the land and cannot be eliminated without the consent of Wellington’s Council. The property shall be operated and maintained by the property owner, successors, or assignees.
- F. Modifications to previously approved PDD shall comply with the procedures of Article 5 of the LDR.

- G. If a conflict exists between the provisions of this section and other regulations in the LDR, the provisions of this section shall control.
- H. The residential density for any PDD shall be determined by the underlying Future Land Use Map designation and shall be calculated based on gross site acreage.
- I. Actual maximum density granted to a PDD is based on the project's illustration that it meets the performance goals and Comprehensive Plan objectives. Actual density granted by the Village Council to a PDD may be less than the maximum density indicated by the Comprehensive Plan.

### **Sec. 6.5.3 – Use Regulations**

- A. All uses within a PDD shall comply with the Use Regulations Table of Article 6, the Supplementary Standards of the LDR, and all other applicable sections of the LDR.
- B. All accessory uses shall not exceed 30% of the gross floor area of the principal use. An accessory use shall be located on the same lot as the principal use, except for off-site parking, as approved on a valid development order.

### **Sec. 6.5.4 – General Design Standards for Planned Developments**

- A. The proposal shall provide a continuous, non-vehicular circulation system and perimeter landscape areas to connect buildings and other land improvements.
- B. The proposal shall conveniently design and locate parking to encourage pedestrian circulation between land uses. Parking structures may be used to conserve open green space within the project.
- C. The proposal shall preserve existing trees and other natural features of the site to the greatest possible extent.
- D. The elements of the final site plan/final subdivision plan shall be organized based on the size and shape of the tract, the character of the adjoining property, and the type and size of the buildings, shall produce compatibility and functionality, mitigate noise and light impacts on adjacent sites and illustrate an economical land use pattern.
- E. All proposed PD shall have a PSM, adopted by resolution that is submitted with the master plan providing the proposed standards for the project. At a minimum, the PSM shall contain the following:
  - 1. Project Description – Justification, theme, architectural style, general uses and character of the project. The justification shall also include how the proposed PD exceeds the intent of the LDR with the proposed flexible regulations and how it complies with the Comprehensive Plan. The justification shall include methods of calculating the data, such as land use mixes, population projections, densities and intensities. This includes the raw data used for making population assumptions.
  - 2. Development Regulations – Setbacks, lot size, building coverage, FAR, calculation of land uses, etc. This information shall be provided in graphic, written and tabular form to illustrate the proposed densities and intensities of the project. The proposed property development regulations shall comply with all applicable fire separation and protection standards.
  - 3. Landscape Standards – Buffers, perimeter landscaping, minimum landscape requirements for lots/parcels, street trees, common areas, cross sections, typical sections, parking lot landscaping, etc. Landscape standards shall exceed the Article 7 landscape standards of the LDR by a minimum of 30% of the general standard. The perimeter landscape areas shall be dedicated for landscaping and buffering, including the installation and maintenance of any structures/features such as fences, walls, and berms.
  - 4. Signage Regulations – Master Sign Plan, locations, types, sizes, etc.

5. All proposed structures/buildings shall comply with the height limitations of the Comprehensive Plan and LDR.
  6. Recreation/Civic report shall be included that identifies the acreages, dedications or payment in lieu of fees, activities, and any other information that justifies the use.
  7. Circulation – Parking, access, vehicular circulations, non-vehicular circulation, connectivity to surrounding areas, lighting etc. Breaks are permitted in the perimeter buffers to allow for easy access for pedestrians and interconnectivity between sites. The construction of a circulation path within perimeter landscape areas is encouraged to promote non-vehicular circulation. A minimum width of ten (10) feet shall be added to the minimum width of a perimeter landscape area to accommodate the path's construction. The circulation path shall have a stabilized subsurface and shall be mulched or paved. Proposed bike lanes shall be identified on the master plan and site plan.
  8. Easements – All easements shall be listed and dedications shall be identified in the PSM. This includes such easements for roadways, landscape, utilities (public and private), drainage, stormwater management, etc. Additionally, these easements shall be illustrated on the master plan, site plan and plat.
  9. Conceptual graphics, such as site plans, sections, elevations, renderings, etc., shall be made part of the PSM to illustrate the functionality of the project design.
- F. Principal vehicular access points shall be designed to encourage smooth traffic flow and minimize hazards to vehicular or pedestrian traffic. Traffic controls and traffic medians shall be required where existing or anticipated heavy traffic flows indicate needed controls.
- G. Safe sight visibility triangles shall be maintained at all intersections.
- H. Land may be added to a PD, with Council approval, if land is contiguous and the resulting PD meets the purpose and intent of a PDD.
- I. Arterial and collector roads, whether public or private, shall connect with similarly classified roads in adjacent developments. If no roads exist, the Village Engineer shall determine whether future connections are likely and desirable and shall have the authority to alter the design according to the criteria established in Article 8 of the LDR.
- J. Wellington's Council may condition a PD to provide certain improvements within the road rights-of-way or elsewhere within a PDD, in addition to the land development improvements required for the subdivision, or platting of land. These conditional improvements are intended to forward the goals and objectives of the Comprehensive Plan, such as assuring the public health, safety and welfare; facilitating non-vehicular circulation; open space connectivity; improving the neighborhood aesthetics; and other applicable Village programs. These conditional improvements may include, but are not limited to:
1. Street lighting;
  2. Median landscaping;
  3. Street trees and minimum landscape standards;
  4. Bicycle lanes, multi-purpose paths, non-vehicular paths, and equestrian trails (if applicable);
  5. Water Management tracts shall be provided.
  6. Parking standards suitable for the overall project; and
  7. Open space areas and gathering places;

- K. All PD shall comply with the parking and loading criteria of Article 7.
- L. All PD shall comply with the land development elements, such as roadways and traffic, drainage, utilities, etc., found in Articles 7, 8 and 9 of the LDR.
- M. All PD shall comply with the requirements of the Natural Resource Protection Regulations and other applicable Village, County, State and Federal environmental regulations.
- N. All PD shall be required to obtain Architectural Review Board (ARB) approval prior to building permit. This may be requested in phases, based on the phasing of the project. Signage is also required to obtain ARB approval.
- O. All structures/buildings shall comply with or exceed the minimum architectural criteria for the respective use type of this Article.
- P. All modifications to PD shall comply with Article 5 of the LDR.
- Q. Property Owners Association, or other type of association, shall be formed concurrent with the first recorded plat.

**Sec. 6.5.5 – Planned Unit Development District (PUD)**

- A. The purpose and intent of a PUD is to allow flexible regulations and development standards for projects that are primarily residential and may contain pods of civic, recreation and limited non-residential and mixed uses. All uses shall be connected by a continuous circulation system.
- B. The project must demonstrate that proposed flexible regulations have a benefit and overall compatibility with the community, while protecting and furthering the health, safety, and welfare of the community.
- C. Landscaping shall exceed the minimum requirements of Article 7 by at least 30%.
- D. PUD's that exceed 75 acres in size or 300 dwelling units, shall provide at least two (2) housing types. Housing types shall include, but are not limited to, single family, zero lot line, townhouse, multi-family or congregate living facility.
- E. Recreation shall be provided at a minimum of 110 SF of area/person.
- F. The maximum percentage of civic pods to gross area of the PUD shall not exceed 65%.
- G. Density for a PUD may be calculated on the gross acreage of the PUD.
- H. The land uses within the PUD shall be located and designed to be compatible with surrounding land uses both internal and external to the PUD.
- I. The resulting mix of land uses shall further the goals of the Comprehensive Plan to integrate and share facilities, thereby encouraging efficient use of land and reduction in use of public funding sources.
- J. Once a PDD has been fully executed, Wellington may at its discretion, convert the PDD to conventional zoning district(s) based upon the uses, density and intensity of the respective pods. This will be done as a rezoning and will result in a modification to the Official Zoning Map.

**Sec. 6.5.6 – Multiple Use Planned Development (MUPD)/Mixed Use Planned Development (MXPDP)**

- A. For the purpose of the LDR, there shall be no distinction between MUPD and MXPDP. Any property that is designated as MXPDP on the official zoning map may be converted to MUPD at the time of a Village initiated modification in the future. This does not change any entitlement that a property may have with an MXPDP designation. This does not give entitlement to MUPD's that have not

already been permitted under the LDR. Historically, residential uses were not listed as a permitted use in a MUPD. All MUPD's that have been developed in Wellington contain residential uses. In an effort to rectify the standards that were adopted under Palm Beach County, these two designations will be known as MUPD.

- B. The purpose and intent of the MUPD is to promote the use of a PD that has a unified design of multiple uses within a single development. It provides flexibility to encourage creative design that results in the best use of land, parking, landscaping, access, architectural compatibility, and adaptable space for future uses and sustainability. The intent is also to encourage development or redevelopment sites which are sensitive to the surrounding uses, obtain the desired character of the community, and ensure the availability of public facilities to serve proposed developments. This designation shall foster infill development, deter urban sprawl and lessen the need for additional vehicular trips through the internalization of trips within the community or within a neighborhood or project. The criteria established herein are to be used for development of sites designated as MUPD.
- C. The use types permitted in MUPD include residential, commercial, office, entertainment, limited industrial, civic, recreation and institutional.
1. Residential shall include, but not be limited to, any combination of congregate living facility (Type 1, 2 and 3), dormitory, loft/residence above a non-residential ground floor use, single family, multi-family, townhouses, duplex, triplex, and quads.
  2. Commercial means those establishments providing a variety of uses, including but not limited to entertainment, hotel, motel, bed and breakfast, personal services, restaurants, and retail.
  3. Office means a building or buildings used primarily for conducting the affairs or administration a business; organization; profession; service; industry; or similar activity, including medical office, medical clinic, medical laboratory, and medical research and development of similar types of activities.
  4. Other uses commonly found in an MUPD include, but are not limited to, biomedical/medical research, laboratories, manufacturing of products not involving raw or processed food or hazardous materials, research and development, colleges/universities, cultural facilities, government offices, assembly, and day care.
  5. Parks means land owned or operated by a governmental entity offering the general public an opportunity to participate in a variety of active, equestrian, passive, or similar recreational activities.
  6. Conservation shall mean land permanently dedicated for preservation of environmental, conservation, and natural resources, including public or private lands protecting such resources.
  7. Open space shall mean land permanently dedicated as common open space within a MUPD, including recreation areas, preservation areas, and water management tracts. For the purposes of this section, if open space is included as a specific use within a mixed use project, the open space feature or features, including water management tracts, shall be fully integrated as an element of the overall project and shall be designed to enhance the pedestrian, recreational, and visual amenities within the entire MUPD.
- D. A MUPD with a total non-residential gross floor area exceeding 80,000 SF may reduce the parking calculation ratio rate to one (1) space per 500 SF for general and special permit uses for the amount of gross non-residential floor area above 80,000 SF. This parking calculation rate reduction is limited to non-residential building area and shall be applied only to gross floor area.
- E. A minimum of 20% of parking shall be located to the side or rear of a building.

- F. Entry boulevards with building placement along the boulevard and parking located behind the buildings is encouraged.
- G. Vertical integration of uses shall be part of the design criteria.
- H. The following development regulations regarding use types shall apply to all MUPDs:

<u>Gross Acreage</u>	<u>Required Number of Use Types</u>	<u>Maximum Percentage of a Single Use for the District</u>
<u>5 to 10 acres</u>	<u>2</u>	<u>60%</u>
<u>11-20 acres</u>	<u>3</u>	<u>50%</u>
<u>21-30 acres</u>	<u>4</u>	<u>40%</u>
<u>More than 30 acres</u>	<u>5</u>	<u>30%</u>

- I. MUPD architectural style and design shall be:
  1. Designed with an overall unified architectural style approved as part of the overall master plan. Final architectural plan shall be subject to review by the Architectural Review Board (ARB) as provided in this section of these LDR.
  2. Pedestrian-oriented, including arcades, overhead weather protection, etc., that connects all ground level activities and provides direct access to any outparcels, sidewalks or other pedestrian amenities including mass transit facilities, bicycle parking areas, etc.
  3. Designed with a central square, plaza, piazza or similar focal point, with clearly defined pedestrian connections to all activities within the center.
  4. Designed to be a combination of one, two and three story structures, with pedestrian-oriented uses and services on the ground floor and a vertical integration of residential and nonresidential uses on the above-ground floors.
  5. Designed with external sidewalks and walkways a minimum of ten (10) feet in width, and shall be designed to encourage such uses as outdoor restaurant seating, pedestrian street furniture, and similar amenities.

**Sec 6.5.7 – Medical Center Planned Development (MCPD)**

- A. The MCPD district shall be permitted only in conjunction with a hospital as a principal use. A MCPD district is required to be located at the intersection of two (2) or more major arterial thoroughfares that traverse the Village of Wellington. The MCPD district shall be located not less than five (5) miles from another MCPD district or hospital use measured from the distances of the two (2) closest property lines.
- B. A MCPD shall be governed by a Master Plan approved by the Village Council that illustrates in a graphic, written and tabular form, how the MCPD is designed and phased. The MCPD shall include flexible property development regulations, a transportation program, and internal street and pathway cross-sections.
- C. A continuous circulation system for pedestrian paths/sidewalks and bicycle paths/lanes shall connect all of the buildings within a MCPD. A MCPD shall provide pedestrian and bicycle accessory facilities for seating, bicycle parking, etc. to encourage on-site non-vehicular circulation.

- D. Accessory uses such as retail (including restaurants, cafes, coffee shops, sundry shops) and financial institutions shall not exceed a maximum of 500 square feet for each use if located within a building of a medical pod.
- E. Visitor parking shall be located the shortest walking distance to the primary public entrance of buildings. Designated parking areas shall be provided for all employees.
- F. The space shall be designed as landscaped areas with places for informal gathering and seating areas. The design of open spaces shall incorporate at least three (3) of the following:
  - 1. Architectural sculptures;
  - 2. Fountain structures;
  - 3. Tables and benches/seating areas with shade;
  - 4. Gazebos; or
  - 5. Fitness trails.
- G. A MCPD shall be required to submit a Master Sign Plan as part of their ARB applications, in accordance with Article 7 and 5 of the LDR.

**CHAPTER 6 – DEVELOPMENT AND REDEVELOPMENT INCENTIVES (RESERVED FOR FUTURE USE)**

**CHAPTER 7 – FLEXIBLE USE ZONING DISTRICT (FLEX)**

**Sec. 6.7.1 – Flex Zoning District**

- A. The FLEX shall provide an opportunity for advanced technology development and other research and development needs.
- B. For the purpose of this section, the existing projects are defined as “Commerce Park” and “Commerce Park East”, located south of Pierson Road and west of Fairlane Farms Road. The approved master plan for each project shall govern all development and redevelopment of the project.
- C. All uses within the FLEX shall comply with the Use Regulations Table of Article 6, the Supplementary Standards, and Property Development Standards of the LDR, and all other applicable sections of the LDR.
- D. Industrial developments constructed prior to the adoption of the FLEX zoning district with an approved Master Plan, shall be considered to be conforming to the applicable requirements of this section. Existing projects rezoned to a FLEX designation shall comply, if needed, with the requirements of Article 1 of the LDR regarding Non-conformities.
- E. The FLEX shall maintain a continuous circulation system for pedestrians, bicycles and vehicles.
- F. All properties within the FLEX that are not platted shall be required to plat prior to engineering and/or building permits.

## **CHAPTER 8 – EQUESTRIAN PRESERVE AREA (EPA) REGULATIONS AND THE EQUESTRIAN OVERLAY ZONING DISTRICT (EOZD)**

This section shall apply to all land located within the EPA, as identified in the Comprehensive Plan and on the Future Land Use Map. The Equestrian Overlay Zoning District (EOZD), Palm Beach Little Ranches Overlay Zoning District (LROZD) and Rustic Ranches Overlay Zoning District (RROZD) correspond with the boundaries on the Official Zoning Map.

### **Sec. 6.8.1 – Purpose and Intent**

- A. Preserve, maintain and enhance Wellington’s EPA as identified in the Comprehensive Plan.
- B. Preserve, maintain and enhance the equestrian area that is home to equestrian farms, competition venues, and the equestrian lifestyle in Wellington.
- C. Identify and encourage land uses and development patterns that are supportive of the equestrian character and lifestyle with in the EPA.

### **Sec. 6.8.2 – Conflicts**

In the event of conflicts between this section and other requirements of the LDR, this section shall govern. Any lawfully approved and valid development order approved for property in the EPA prior to the effective date of the Code is subject to the time limitations of development orders under the LDR that was effective at the time of approval. Any amendments to a development order submitted after of the effective date of these LDR shall follow the regulations and procedures within.

### **Sec. 6.8.3 – The EPA subareas**

The following subareas are established and identified on Wellington’s Official Zoning Map:

- A. **Subarea A:** consists of Section 2, Township 44S, Range 41E and Section 35, Township 43S, Range 41E, including the area described as “Palm Beach Little Ranches” and “Palm Beach Little Ranches East” and a portion of the Northeast corner of Section 3.
- B. **Subarea B:** consists of those portions of the Wellington PUD located in Section 8 and 17, Township 44S, Range 41E, including developments known as Saddle Trail Park, Paddock Park No. 2 and Parcel “H”, Greenview Shores No. 2 of Wellington PUD, according to the Plat thereof, as recorded in Plat Book 31, Pages 120-136, of the Public Records of Palm Beach County, Florida.
- C. **Subarea C:** consists of Sections 19, 27, 28, 29, 30, 32, 33 and 34, Township 44S, Range 41E and Section 25, Township 44S, Range 40E, located south of Lake Worth Road and west of 120<sup>th</sup> Avenue, including all of Palm Beach Point and that portion of the Orange Point PUD located in section 34.
- D. **Subarea D:** consists of portions of Sections 15, 16, 20, 21 and 22, Township 44S, Range 41E, including the Wellington CountryPlace PUD and the Equestrian Club PUD.
- E. **Subarea E:** consists of Section 13, Township 44S, Range 40E, commonly known as Rustic Ranches.
- F. **Subarea F:** consists of portions of Section 18, Township 44S, Range 41E, commonly known as Winding Trails of The Landings at Wellington PUD.

### **Sec. 6.8.4 – Uses and Property Development Regulations for the EOZD**

- A. All uses within the EPA shall comply with the Use Regulations Table of Article 6, the Principal and Accessory Use Standards, Supplementary Standards of the EOZD, and all other applicable sections of the LDR or valid development order.



B. The following development standards shall be the minimum requirements for all principal and accessory uses/structures within the EPA. These uses/structures are also subject to all applicable sections of the LDR, Development Review Manual and Standards Manuals.

1. Table 6.8 – 1 below provides the minimum property development standards for the all Subareas of the EOZD.

**Table 6.8 - 1 Equestrian Property Development Regulations**

<u>Overlay District/ Subarea</u>	<u>Maximum Density</u>	<u>Minimum Lot</u>			<u>Maximum FAR</u>	<u>Maximum Building Coverage</u>
		<u>Size</u>	<u>Width</u>	<u>Depth</u>		
<u>EOZD/LROZD/A</u>	<u>0.2 DU/AC</u>	<u>5 acres</u>	<u>300 ft</u>	<u>300 ft</u>	<u>0.20</u>	<u>20%</u>
<u>EOZD/B</u>	<u>1.0 DU/AC</u>	<u>1 acre</u>	<u>200 ft</u>	<u>200 ft</u>	<u>0.20</u>	<u>20%</u>
<u>EOZD/C</u>	<u>0.1 DU/AC</u>	<u>10 acre</u>	<u>300 ft</u>	<u>300 ft</u>	<u>0.20</u>	<u>20%</u>
<u>EOZD/D</u>	<u>0.5 DU/AC</u>	<u>2 acres</u>	<u>200 ft</u>	<u>200 ft</u>	<u>0.20</u>	<u>20%</u>
<u>EOZD/RROZD/E</u>	<u>0.2 DU/AC</u>	<u>5 acres</u>	<u>300 ft</u>	<u>300 ft</u>	<u>0.20</u>	<u>20%</u>
<u>EOZD/F</u>	<u>0.5 DU/AC</u>	<u>2 acres</u>	<u>200 ft</u>	<u>200 ft</u>	<u>0.20</u>	<u>20%</u>
<u>EOZD/EC</u>	<u>-</u>	<u>3 acres</u>	<u>200 ft</u>	<u>300 ft</u>	<u>0.45</u>	<u>45%</u>

- a. Building coverage shall include the ground floor area of a building or structure extended to any additional area measured from the outside edge of the roof.
- b. For determining minimum lot size compliance, a lot size with a fractional part of 0.9 or greater shall be rounded up to the next whole number.
- c. Subareas A, C, D, E and F of the EOZD: Principal and accessory structures are limited in height to 35 feet in accordance with the method of calculating maximum building height as set forth in Article 6 of the LDR. Residential properties proposed to have architectural features (including but not limited to chimneys, cupolas, parapets, towers and turrets) as part of the principal or accessory structures may exceed the 35 foot height limitation provided the architectural feature meets all of the following standards:
  - i. The lot must be five (5) acres in size or greater;
  - ii. The architectural feature does not include habitable room(s);
  - iii. The architectural feature may exceed the roof line by 25% with a maximum building height of the feature not to exceed 50 feet;
  - iv. The architectural feature does not exceed ten (10%) percent of the ground level floor area or roof area, whichever is less, of the principal/accessory structure; and
  - v. The architectural feature shall be setback one (1) additional foot for each additional foot of height above 35 feet.
- d. Subarea B of the EOZD: Principal and accessory structures shall maintain the maximum building height of 35 feet. Non-habitable architectural features proposed on lots five (5) acres or greater shall be subject to the height limitations set forth in the regulations for Subarea A, C, D and E above.

e. Subarea F of the EOZD shall be limited to a maximum of two (2) stories.

2. Table 6.8 – 2 below provides the minimum setback requirements within the EPA by Subarea, unless otherwise provided on an approved development order. All setbacks shall be measured from the property lines, or from the outside edge of right-of-way or roadway easement lines in those subdivisions without dedicated or platted rights-of way.

**Table 6.8 - 2 EPA Setback Table**

Overlay District/ Subarea	Minimum Setbacks For Principle Structures <sup>(1)</sup>				Minimum Setbacks For Accessory Structures <sup>(2)</sup>				Minimum Setbacks For Dressage Walls, Sand Rings and Riding Rings
	Front	Side	Corner	Rear	Front	Side	Corner	Rear	From Any Property Line
EOZD/LROZD/A	50 ft	25 ft	50 ft	25 ft	100 ft	25 ft	25 ft	25 ft	10 ft
EOZD/B	25 ft	25 ft	25 ft	Dwelling Units: 15ft Barns: 25 ft	100 ft	25 ft	25 ft	25 ft	10 ft
EOZD/C	100 ft	50 ft	80 ft	100 ft	100 ft	25 ft	25 ft	25 ft	10 ft
EOZD/D	100 ft	50 ft	80 ft	100 ft	100 ft	25 ft	25 ft	25 ft	10 ft
EOZD/RROZD/E	100 ft	50 ft	80 ft	100 ft	100 ft	25 ft	25 ft	25 ft	10 ft
EOZD/F <sup>(3)</sup>	50 ft	50 ft	50 ft	10 ft	55 ft	10 ft	10 ft	10 ft	20 ft

(1) Single family dwellings, barns, stables, covered arenas, temporary stabling tents and similar structures shall always be considered a principle use and shall meet principle structure setback requirements.

(2) All nonconforming lots shall follow the setback determination as set forth in Article 1 of the LDR.

(3) Subarea F, known as Winding Trails, shall have a 50 foot setback from residential lots for riding rings, paddocks, and practice fields. Additionally, manure bins must be setback at least 30 feet from the rear property line.

### **Sec. 6.8.5 – Bridle Trails and Easements**

To implement the Equestrian Circulation Plan of the Equestrian Element in the Comprehensive Plan, Wellington may require dedication of bridle trail easements as part of a development order or building permit for a principal equestrian structure or use. This requirement shall not have the effect of reducing the density or intensity of development to which the property owner would be entitled or cause an increase to the required setbacks.

### **Sec 6.8.6 – Equestrian Services (ES) Development Standards**

Equestrian Services, generally referred to as commercial uses shall be limited to uses intended to serve the needs of the adjacent equestrian and agricultural communities within the EOZD, as determined by the size of the uses and types of goods and services offered. Commercial development shall be designed to acknowledge its location within the EPA.

A. All commercial development shall be consistent with this section.

B. The character, intensity, architectural style, massing, building materials and colors of materials of commercial development shall be consistent with the equestrian nature of the EPA.

C. With the exception of commercial stables, barns and arenas, commercial development requires ARB approval for architecture, building and structure materials and building and structure materials colors.

D. Commercial sites shall integrate equestrian amenities into the design, including an equestrian circulation plan as well as a plan to provide hitching posts, fences, corrals, and other features providing locations to hold and protect the horses of owners patronizing establishments.

- E. The gross floor area of any single commercial use shall not exceed 20,000 square feet, including all areas enclosed within the building.
- F. Hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m., including deliveries and all types of operations except when otherwise provided for specific uses in these LDR or if permitted by a development order approved by Council.
- G. Parking lot light standards shall not exceed 15 feet in height and shall otherwise meet the Outdoor Lighting Standards of the LDR.
- H. Outdoor display and storage of merchandise is prohibited except as permitted in the Accessory Uses and Structures section of the LDR, or approved with a Special Permit for a temporary use.
- I. Commercial developments shall provide landscape buffers to integrate commercial uses with other uses present in the EOZD. At a minimum, buffers shall be Type C landscape buffers as defined in the Landscaping and Buffering Chapter of the LDR, and shall be provided along all perimeter property lines that are adjacent to other uses. The buffers shall include an opaque component at least five (5) feet in height, consisting of any combination of berm, wall or fencing.
- J. Commercial sites shall meet other applicable development and site standards of the LDR, including but not limited to, Principal and Accessory Use Standards; Development Regulations; and Site Development Standards. In the event of a conflict between this section and another section of the LDR, this section shall govern.

#### **Sec. 6.8.7 – Architectural and Materials Requirements for Other Principal Structures**

- A. On all lots within the EPA, principal structures including dwellings, barns, stables and covered arenas shall be constructed in a manner resulting in consistent architectural style, color and materials.
- B. Re-roofing of multiple structures in the EPA must match within one (1) year of the completion of the first structure. If the desire is not to have consistent architectural style, color and material, then ARB approval shall be required.

#### **Sec. 6.8.8 – Equestrian Developments**

Equestrian Developments (ED) are those Planned Developments located in the EPA with a goal to provide an equestrian oriented master plan. An ED shall be designed for compatibility with the objectives of this section along with the use of flexible property development regulations and design standards. To the extent of any conflict with other provisions of the LDR, this section shall apply.

- A. An ED Master Plan application shall be considered in all EPA subareas and the submittal shall comply with Master Plan/Amendments requirements as outlined in LDR Article 5.
- B. An ED Master Plan shall comply with PDD regulations of the LDR.
- C. Single-family detached residential is the only dwelling type permitted unless approved by a previous development order.
- D. In addition to the PDD regulations, the following ED Design Standards shall apply:
  - 1. The Master Plan shall provide that common equestrian amenities shall serve as the internal focus of the development, which may include, but are not limited to, such common features as stables, rings, paddocks, horse exercise areas, internal bridle trails, connections to external bridle trails, other equestrian amenities, public spaces and/or preserve areas for environmentally sensitive lands.
  - 2. The Master Plan shall provide that the installation of such common equestrian amenities is required prior to the issuance of a certificate of occupancy for any residential dwelling unit, accessory dwelling or groom's quarters.

3. Prior to the issuance of a final Master Plan certification by the Development Review Manager (DM), a deed restriction in a form acceptable to the Wellington Attorney shall be executed and recorded to limit in perpetuity the use of common equestrian amenities to owners and residents or guests of owners within the ED.
4. An ED is not eligible for development incentives as provided in LDR Article 6.

**Sec. 6.8.9 – Supplementary Standards for Principal and Accessory Equestrian Uses**

The following equestrian use regulations shall apply to all uses and structures within the EPA.

A. Agricultural Retail/Service:

1. All storage areas shall be enclosed or completely screened from view. Tractor trailers used for the transport of bona fide agricultural products may be stored on the property. A maximum of five (5) tractor trailers may be stored outside if they are completely screened from view from roads and neighboring property.
2. Service of small implements shall only be permitted in enclosed areas of an agricultural retail and service use that is completely screened from the roadway and adjacent lands. Repair activities shall occur only between the hours of 7:00 a.m. and 9:00 p.m.

B. Aviculture:

1. The maximum number of birds shall be restricted to 200 birds.
2. Pens, cages or structures associated with the care of birds shall be setback a minimum of 50 feet from any property line.

C. Barns and Stables:

For the purpose of this code, the terms barn and stable may be used interchangeably, and shall be subject to the following criteria:

**Table 6.8 - 3 Regulations for Barns and Stables**

<u>Size of Lot</u>	<u>Principal Residential Structure Required</u>	<u>Square Footage of Stable</u>
<u>Minimum 1 acre, but less than 5 acres</u>	<u>Yes</u>	<u>1,250 square feet/acre</u>
<u>Minimum 5 acres</u>	<u>No</u>	<u>Limited by FAR and building coverage in Table B</u>

1. Groom’s quarters shall not be considered a principal residential unit.
2. Interior aisles open to the outside of the structure are not included when calculating square footage.
3. Grand Prix Farms and Grand Prix Village South shall be exempt from Table 6.8 – 3 and shall be developed in accordance with the approved Master Plan.
4. Subarea B shall be limited to four (4) stalls per acre within all barns/stables.
5. Subarea F shall be limited to four (4) stalls per acre, with a maximum of ten (10) stalls per lot, within the barns/stables.

D. Bona Fide Agriculture:

1. Exotic animals (imported or normative animal species), game animal care for commercial breeding purposes or housing of Class I animals as defined by the Florida Game and Fresh Water Fish Commission shall be on a minimum lot size of five (5) acres. Pens, cages or structures associated with care of these animals shall be setback a minimum of 50 feet of any property line.
2. Housing of Class I and game animals shall be subject to all requirements of the Florida Game and Fresh Water Fish Commission and shall be subject to a Conditional Use approval.

E. Compost Bins and Livestock Waste Storage Areas shall meet setback requirements for accessory buildings and shall be screened to a height of at least five (5) feet from the street and adjacent properties by walls, fences or hedges, and comply with Code of Ordinances Sec. 30-153 Best Management Practices for Livestock Waste.

F. Covered Equestrian Arenas:

1. Covered Arenas are prohibited in Subarea F (Winding Trails).
2. Setbacks shall comply with Table 6.8 – 2 for principal structures.
3. A roofed equestrian arena shall be constructed to be consistent with the architectural style, color and materials of the principal structures.

G. Dressage Walls:

1. Shall not be located within easements;
2. Shall only be permitted on lots that are a minimum of one (1) acre in size;
3. Shall not exceed ten (10) feet in height and four (4) feet in width;
4. Shall comply with all requirements for safe sight-distance clear zones for rights-of-way;
5. Shall match the architectural style, color and materials of the principal structures;
6. Shall be located to avoid reflecting the glare of the sun or lighting from any adjacent light source onto a public or private right-of-way or adjacent property; and
7. The exterior portion of a dressage wall visible from a public right-of-way shall be screened with hedges, shrubs or other suitable plant materials. A landscape plan for screening shall be submitted with the building permit application and shall be installed prior to the issuance of the certification of completion. The plant materials shall be installed so that it will completely screen the dressage wall within two (2) years of installation.

H. Equestrian Uses, Seasonal: Seasonal uses shall be equestrian in nature and may require a Seasonal Permit in accordance with Article 5 of the LDR.

I. Fences:

1. Wire type fences including utility or hog wire fences, galvanized chain-link and vinyl-covered chain-link fences are permitted only if screened by either a hedge, located on the exterior side of the fence or by attaching the fence to a three or four-board fence. Hedge material shall be installed to cover the fence within two (2) years after planting. A wire fence shall not exceed six feet in height within setback areas.

2. The use of barbed wire or razor wire is prohibited.
3. Electrically charged fence or wall shall only be permitted in the EOZD on properties with a Residential A or B Future Land Use designation.
4. Fences on collector and arterial roads shall be natural, clear-coat, black, gray or white-painted three-rail wooden fences.
5. Lots in the EPA shall be exempt from those provisions of Article 6 of the LDR that prohibit fences located in front setback areas.
6. The Code of Ordinances Chapter 36, Article II, Section 36-22 (c) Fence and Wall Maintenance shall apply.

J. Grooms' Quarters:

1. A maximum of one (1) groom's quarters, not to exceed 500 square feet in area, shall be permitted for each four (4) stalls.
2. Groom's quarters may contain individual cooking facilities and/or one (1) common dining facility.

K. Horse Trailer Parking and Storage:

1. Horse trailers shall not be parked in roadways, swales, canals, rights-of-way or designated easements.
2. One (1) unscreened horse trailer may be parked adjacent to a barn or stable on an individual lot provided the trailer is not parked between the front plane of the principal structure and the right-of-way.
3. Additional horse trailers, up to a maximum of one trailer per acre, shall comply with the following:
  - a. On lots less than five (5) acres in size, the additional trailers shall be screened from view from adjacent roads and private properties in the manner provided in Section 62-9.(b).(1) of the Code of Ordinances.
  - b. Screened trailer parking areas shall meet the minimum setbacks for accessory structures listed in Table 6.6-1 Equestrian Preserve Area Minimum Setbacks.
4. Temporary parking of horse trailers (i.e., trailers on site for daily instructional, show or other site-specific uses) shall be allowed, provided temporary parking is not overnight and trailers are not parked in rights-of-way or designated easements.
5. Properties with a Future Land Use Map designation of Equestrian Commercial and approved as a Major Equestrian Venues are exempt from the provisions of this section except for screening.

L. Livestock Raising: Processing and slaughtering is strictly prohibited.

M. Major Equestrian Venue:

1. The minimum lot size shall be 25 acres unless the sole use is as a polo major venue which shall have a minimum lot size of 15 acres.

2. The primary point of access shall be from 50th Street, Lake Worth Road, Pierson Road, 120th Street or South Shore Blvd.
3. Any incompatibility with surrounding uses shall be satisfactorily mitigated with the plans submitted with the Conditional Use request. Conditions may be imposed with the approval to include, but not limited to, controlling objectionable odors, fencing, noise, inspections, reporting, monitoring, preservation areas, mitigation and/or limits of operation. Landscape hedges and/or screens with a minimum opacity shall be required with the approval if they are necessary to mitigate for compatibility.

N. Minor Equestrian Venue:

1. The minimum lot size shall be five (5) acres.
2. A Plan of Operation shall be submitted with the Conditional Use request.
3. If an event is planned to exceed 75 combined participants and spectators a traffic study pursuant the Article 9 shall be provided with the Conditional Use request or with a request for modification of the Conditional Use.
4. No event shall be planned or operated to accommodate or produce more than 200 combined participants and spectators.
5. No event shall occur for more than four (4) consecutive days.
6. Vendors are not permitted.
7. Any incompatibility with surrounding uses shall be satisfactorily mitigated with the plans submitted with the Conditional Use request. Conditions may be imposed with the approval to include but not limited to controlling objectionable odors, fencing, noise, inspections, reporting, monitoring, preservation areas, mitigation and/or limits of operation. Landscape hedges and/or screens with a minimum opacity shall be required with the approval if they are necessary to mitigate for compatibility.
8. The site shall be restored to original or better condition within 24 hours after any event including the removal of all temporary structures, temporary sanitary facilities, equipment, trash and debris.

O. Nursery, Wholesale or Retail:

1. A retail nursery in the Urban Services Area shall comply with the following supplementary use standards:
  - i. The use shall be located on a road of collector or higher classification.
  - ii. The minimum lot size shall be one (1) acre.
  - iii. A buffer shall be provided along all property lines that are not screened by plant material. The buffer shall consist of one (1) tree per 30 linear feet plus hedges 24 inches on center.
  - iv. Setbacks shall be as follows:
    1. Structures and accessory activities shall be setback a minimum of 50 feet.

2. Container plants shall be setback a minimum of 15 feet.

2. An office may be permitted as an accessory use provided it is not a mobile home.
3. No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed. In the event that over spraying of pesticides, fungicides, fertilizers, herbicides or any other chemical is experienced, the petitioner shall provide an increased buffer to insure that no further over spraying will occur, or will cease to operate.
4. A nursery use may be operated in conjunction with a residence if a residence is permitted in the district.
5. Use of heavy equipment shall be limited to daylight hours.
6. Nurseries over ten (10) acres adjacent to a residential district shall be required to construct a compatibility buffer as required in Article 7.

P. Recreational Vehicles as Temporary Residences:

1. The use of recreational vehicles as a temporary overnight residence on residential lots in the EZOD is allowed with an approved Equestrian Permit between the months of November and April in accordance with the following:
  - a. Lots that are less than five (5) acres are not eligible for temporary overnight RV usage.
  - b. Lots five (5) acres to nine and nine-tenths (9.9) acres in size shall be permitted to have one (1) RV for temporary overnight usage.
  - c. Lots ten (10) acres or greater shall be permitted to have two (2) RVs for temporary overnight usage.
2. The use of recreational vehicles as temporary residences shall be in conjunction with a permanent residence or stable type structure(s), shall comply with the building setbacks applicable to principal structures and shall be screened from view of adjacent roads and private properties.
3. The individual recreational vehicle shall be provided electrical, potable water and sanitary collection or sewer service as indicated below:
  - a. Electrical service connections shall comply with all manufacturer's specifications and the Florida Building Code, including Chapter 1 Amendments;
  - b. Water service connections shall comply with all requirements of the Florida Building Code, including Chapter 1 Amendments, Wellington standards and those of other appropriate agencies including the Palm Beach County Health Department (PBCHD); and
  - c. Connections to the wastewater treatment system or a septic system in compliance with the PBCHD regulations shall be provided.

Q. Run-in Shade Structures:

1. The purpose of the structure shall be to provide temporary shelter for horses and shall not include overnight boarding. Run-in shade structures shall not be considered a stall since there is no overnight boarding permitted.



2. The structure shall not be completely enclosed and shall not have finished or impermeable floors.
3. The structure shall be included in floor area ratio and building coverage calculations, and shall comply with accessory structure setbacks.
4. The structure shall have the same roof materials and colors as principal structures, if they exist on the property.
5. The structure may have water service, but no other utility service.

R. Temporary Stabling Tents:

1. An application for an Equestrian Permit pursuant to Article 5 Development Review Procedures is required for all temporary stabling tents.
  2. Temporary stabling tents are allowed on any lot in the EPA during construction of a permanent barn or stable for a continuous period, not to exceed 24 months, after a building permit has been issued. The PZB Director may approve a one-time extension, not to exceed an additional consecutive 12 months, if construction has proceeded and is ongoing. The temporary tent must be removed within two (2) weeks of issuance of certificate of occupancy, special permit expiration or building permit revocation, whichever occurs first.
  3. From November through April, temporary stabling tents are only allowed on the following lots:
    - a. Lots in the EPA that are designated Equestrian Commercial on the Future Land Use Map.
    - b. Lots in EPA Subareas C and D which contain a permanent barn or which have an approved equestrian permit.
  4. Temporary stabling tents shall comply with the property development regulations of the EPA for principal structure setbacks and lot coverage.
  5. If Wellington is in a natural disaster area as declared by the Governor or the Council, the prohibition of tents for recovery areas and time extensions may be temporarily suspended. A property owner must apply for an Equestrian Permit for any tent, and it shall be issued only after the Building Official determines there is substantial damage to a structure that warrants the use of a temporary stabling tent.
- S. Vehicle parking on public rights-of-way or designated easements within the EPA is prohibited.

## **CHAPTER 9 – PALM BEACH LITTLE RANCHES OVERLAY ZONING DISTRICT**

### **Sec. 6.9.1 – Purpose and Intent**

Palm Beach Little Ranches (PBLR) is an established residential neighborhood, with an equestrian character, located along the south side of Southern Boulevard about an equal distance between State Road 7 and Forest Hill Boulevard. This neighborhood consists of three residential areas, Palm Beach Little Ranches, Palm Beach Little Ranches East, and unplatted land, which total approximately 604 acres in size. The lot sizes average two (2) acres but the subareas consists of lots up to ten (10) acres in size.

The residents and property owners of PBLR have assisted in the development of this overlay zoning district to help preserve the unique character of their community. Therefore, the purpose and intent of the Palm Beach Little Ranches Overlay Zoning District (LROZD) is:

- A. To establish land development regulations that implement the community vision and values established in the Village Charter and the "Equestrian Element" of Wellington's Comprehensive Plan.

- B. To preserve the equestrian character and lifestyle of the Palm Beach Little Ranches community, and provide guidelines for the future.
- C. To preserve and maintain the existing residential and equestrian development patterns within this neighborhood.

### **Sec. 6.9.2 – Applicability and Conflicts**

This chapter shall apply to all land located within the residential neighborhood known as Palm Beach Little Ranches, which is generally bounded on the north by the C-51 canal, on the east by the east Village limits, on the south by the C-28 canal, and on the west by the east plat line of Pinewood East of Wellington Plat.

In the event of any conflict between this chapter and other regulations in the LDR, this chapter shall govern. In the absence of any conflict, the regulations in the underlying zoning district and the LDR shall be applicable and supplement this section.

This chapter shall not affect the validity of any lawfully approved development order approved prior to August 27, 2002, if the development order remains in effect. Issuance of subsequent development orders shall be based on the minimum requirements of this chapter, provided however, that a complete application for development approval received prior to August 27, 2002, shall be reviewed using the criteria that existed on the date of the applications. This chapter shall apply to any request to modify any existing development order or permit for only the area directly affected by the proposed modification.

### **Sec. 6.9.3 – Uses and Property Development Regulations for the LROZD**

- A. All uses within the LROZD shall comply with the Use Regulations Table of Article 6, the Principal and Accessory Use Standards of Article 6, LROZD and EOZD, and all other applicable sections of the LDR.
- B. The minimum lot development standards are provided in Table 6.8 – 1.
- C. The minimum setbacks for principal and accessory structures are provided in Table 6.8 – 2.

### **Sec. 6.9.4 – Use of Tents as Temporary Stalls**

As of June 1, 2003, temporary tents shall not be permitted in PBLR except as follows:

- A. Tents may be permitted, for a period not to exceed 24 months, during the period a building permit for a permanent barn or stable has been issued and construction is actively proceeding.
- B. Any tents shall be removed within one (1) week of the receipt of certificate of occupancy or the revocation of a building permit.

### **Sec. 6.9.5 – Horse Trailers**

- A. Parking of horse trailers shall be permitted, subject to the following limitations:
- B. Horse trailers may not be parked in roadway or canal rights-of-way or easements, or in a required setback area.
- C. When feasible, horse trailers shall be screened from adjacent public rights-of-way by landscaping or buildings.

### **Sec. 6.9.6 – Vegetation Removal and Tree Protection**

Vegetation removal and tree protection shall be regulated by Article 7 of the LDR. However, the removal of dead, diseased or invasive, non-native trees shall not require a permit.

### **Sec. 6.9.6 – Supplementary Regulations for LROZD**

- A. The general supplementary use regulations of Article 6, as noted on the Use Schedule, shall apply to all uses in the LROZD.
- B. The following supplementary use regulations shall apply specifically to the LROZD:

1. For an Agriculture use that includes aviculture, the maximum number of birds shall be restricted to 200.
2. For Family Day Care Homes, exterior signage shall not be permitted.
3. A Livestock use shall not include pigs.

## **CHAPTER 10 – RUSTIC RANCHES OVERLAY ZONING DISTRICT**

### **Sec. 6.10.1 – Purpose and Intent**

Rustic Ranches is an established residential neighborhood with an equestrian character. It is located along the west side of Flying Cow Road, approximately one mile south of Southern Boulevard (State Road 80). The neighborhood is comprised of approximately 638.9 acres, consisting of mostly five (5) acre lots.

The residents and property owners of Rustic Ranches have developed this overlay zoning district to help preserve the unique character of their community. Therefore, the purpose and intent of the Rustic Ranches Overlay Zoning District (RROZD) is:

- A. To establish land development regulations that implement the community vision and values established in the Wellington Charter and the "Equestrian Element" of Wellington's Comprehensive Plan.
- B. To preserve the equestrian character and lifestyle of the Rustic Ranches community, and collectively determine guidelines for the future.
- C. To preserve and maintain the existing mix of land use patterns within this neighborhood.
- D. To the extent practicable, to incorporate the provisions of the "Declaration of Restrictions" for the neighborhood known as Rustic Ranches into the neighborhood plan and the Rustic Ranches Overlay Zoning District.
- E. To make Rustic Ranches a part of the Equestrian Overlay Zoning District (EOZD).

### **Sec. 6.10.2 – Applicability and Conflicts**

The regulations of this section shall apply to all land located within the residential neighborhood known as Rustic Ranches, which is generally located within and consists of Section 13, Township 44 South, Range 40 East, of Palm Beach County.

In the event of any conflict between the regulations of this chapter and the other regulations in the LDR, this chapter shall govern. In the absence of any conflict, the regulations in the underlying zoning district, the EOZD and the LDR shall be applicable and supplement the regulations in this chapter.

This chapter shall not affect the validity of any lawfully approved development order approved prior to October 1, 2005, if the development order remains in effect. Issuance of subsequent development orders shall be based on the minimum requirements of this chapter. This chapter shall apply to any request to modify any development order or permit only for the area directly affected by the proposed modification.

### **Sec. 6.10.3 – Uses and Property Development Regulations for the RROZD**

- A. All uses within the RROZD shall comply with the Use Regulations Table of Article 6, the Principal and Accessory Use Standards of Article 6, RROZD and EOZD, and all other applicable sections of the LDR.
- B. The minimum lot development standards are provided in Table 6.8 – 1.
- C. The minimum setbacks for principal and accessory structures are provided in Table 6.8 – 2.

#### **Sec. 6.10.4 – Horse Trailers**

The parking of tractors and trailers utilized solely for equestrian purposes within the RROZD shall be permitted, subject to the following limitations:

- A. One unscreened horse tractor and trailer may be parked adjacent to a barn or stable on an individual lot, provided that the horse tractor and trailer may not be parked between the front plane of the primary structure and the roadway easement or right-of-way.
- B. Additional horse trailers may be kept, provided that the additional trailers shall be completely screened from the view of adjacent roadways and private properties, and the screened parking area meets the accessory structure setbacks listed in Table B.
- C. Temporary parking of horse tractors and trailers on site for instructional, show, or other site-specific uses shall be allowed, provided that said temporary parking is not overnight, and trailers are not parked in rights-of-way or easements.

#### **Sec. 6.10.5 – Semi-Tractors and Trailers**

- A. The parking of all commercially related semi-tractors and trailers is prohibited within the RROZD, excluding horse tractors and trailers as provided herein.
- B. The use of all commercially related semi-tractors and trailers, mobile homes, or similar structures or vehicles for storage is prohibited.

#### **Sec. 6.10.6 – Recreational Vehicles**

The use of recreational vehicles, travel trailers, campers or similar vehicles as a temporary residence is permitted, but shall not exceed two (2) consecutive weeks during a calendar year. Water and wastewater connections are required and shall comply with Palm Beach County Health Department regulations.

#### **Sec. 6.10.7 – Vegetation Removal and Tree Protection**

Vegetation removal and tree protection shall be regulated by Article 7 of the LDR. However, the removal of dead, diseased or invasive, non-native trees shall not require a permit.

## **ARTICLE 7 – SITE DEVELOPMENT STANDARDS**

### **CHAPTER 1 – GENERAL**

#### **Sec. 7.1.1 – Purpose and Intent**

The purpose and intent of this article is to protect the health, safety and welfare of Wellington by implementation of the following:

- A. Provide minimum site development and maintenance standards for archaeological resources, excavation, driveways and access, off-street parking and loading, lighting, critical resources and tree protection, landscaping, signage and establish performance standards.
- B. Protect sites located in Wellington, deemed to have significant archaeological value (prehistoric, historic and cultural resources), or sites that were previously unidentified and found to be significant during construction, by a qualified archaeologist, by establishing procedures that will not substantially delay development.
- C. Provide regulations for excavation that mandates the following:
  - 1. Regulate land excavation practices which individually, or cumulatively, are destructive to natural resources;
  - 2. Deter negative immediate and long-term environmental and economic impacts due to land development practices;
  - 3. Preserve land values by ensuring any alteration of a parcel by excavation does not prevent meeting minimum Land Development Regulations (LDR) requirements for other uses;
  - 4. Encourage the incorporation of excavated sites into other beneficial uses by promoting economical, effective and timely site reclamation;
  - 5. Protect existing and future use of surrounding properties;
  - 6. Control impacts from the removal of excavated materials to locations off-site;
  - 7. Establish clear, reasonable and enforceable requirements for excavation activities; and
  - 8. Prevent excavation from becoming a public safety hazard or source of water resource degradation or pollution.
- D. Promote safe and efficient traffic movement while providing reasonable access to abutting land(s).
- E. Ensure efficient and safe off-street parking, loading, queuing, and circulation for all development and redevelopment.
- F. Provide standards for outdoor lighting that reduces the hazard and nuisance caused by the spillover of light and glare to drivers, pedestrians, adjacent land(s) and to promote safety for traffic and pedestrians, energy efficiency, compatibility, aesthetics and to limit urban sky glow.
- G. Implement policies of the Comprehensive Plan to protect trees, wetlands and other vegetation by prohibiting unnecessary removal or destruction, require invasive removal and replacement, identifying Federal and State protected species, provide for mitigation options and protect public water wellfields by:

1. Recognizing trees and vegetation serve a number of environmental, social, economic and aesthetic functions including providing psychological benefits by softening urban development, maintaining surface water filtration, conserving water, reducing pollution, reducing heat gain, reducing erosion, providing a wildlife habitat, providing transitions between incompatible development, increasing the value of land and maintaining Wellington's heritage; and
  2. Preventing land clearing practices for speculative development without a bona fide development plan to avoid the removal of native vegetation or wetlands that may have otherwise been preserved or relocated.
- H. Provide regulations for the installation, maintenance and protection of landscape and trees that will promote conservation of energy and water resources, protect Wellington's tree canopy, and maintain and improve the aesthetic quality of the community.
- I. Provide regulations for signage that will ensure compatibility within development projects and with the architectural theme of Wellington. Signage shall promote attractive and creative design, lessen hazardous conditions, minimize visual clutter and shall not impede the safe and free flow of vehicular and pedestrian traffic, while protecting free speech, through reasonable, consistent, and content-neutral regulations intended to meet statutory requirements.
- J. Provide performance standards to eliminate and regulate sources and occurrences of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazards or glare that interfere with the peaceful enjoyment of land or constitutes a nuisance to the public.

#### **Sec. 7.1.2 – Applicability and Effect of Previously Approved Projects**

The regulations of this article shall be considered the minimum standards and shall apply to all development in Wellington, unless specifically exempt within, if a development order provides additional conditions of approval, or the development complies with Article 1 for previously approved development orders.

#### **Sec. 7.1.3 – General Enforcement**

All regulations set forth in this article shall be enforced in accordance with Article 1 – Enforcement and as specifically set forth in each chapter of this article when specific enforcement regulations exist. If any section, clause, or portion of this article is declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this article as a whole, but shall allow other provisions to remain in full effect other than the part declared to be invalid.

### **CHAPTER 2 – ARCHAEOLOGICAL RESOURCES PROTECTION**

#### **Sec. 7.2.1 – Development Subject to Archaeological Resource Review**

All development shall be subject to archaeological review as follows:

- A. The owner of known archaeological site(s) must receive a Certificate to Dig (CD) prior to issuance of a development order.
- B. When one (1) or more artifacts, human skeletal or fossilized remains, or non-human vertebrate fossils, which were previously undiscovered, are found on a site during development or activity disturbing the site, all development or activity shall cease and the following procedures shall apply:

1. The area directly over the discovered findings shall be staked by the property owner, agent, contractor or party that discovered the potential findings;
  2. The entity that discovers the findings shall notify the property owner, PZB Department, and all interested parties within one (1) business day of the find;
  3. Within ten (10) business days of the findings, the PZB Department shall request an inspection and evaluation of the site by a qualified archaeologist to determine whether the findings are valid and of archaeological significance. The archeologist shall evaluate the significance of the findings and notify the property owner and PZB Director. The PZB Director shall issue an order suspending construction and define the protected area based upon the archaeologist's assessment. Construction activities may continue outside of the defined protected area;
  4. Within 15 business days of suspension order issuance, the archaeologist shall send a written Archaeological Evaluation Report (AER), to the property owner and PZB Director. The property owner is responsible for the associated costs of the inspection and evaluation;
  5. If the AER deems the findings to be of significant archaeological value, then the property owner shall apply for a CD. If the AER deems the findings are not significant, then the suspension order shall be removed by the PZB Director and construction shall recommence.
- C. Human skeletal remains found shall be subject to Section 872.05, Florida Statutes.
- D. Excavation of any archeological site shall be prohibited until the site has been examined and the preservation status has been determined.

**Sec. 7.2.2 – Certificate to Dig**

- A. Owners of sites requiring a CD shall make a written request to the PZB Department for review by the PZAB.
- B. The criteria used for staff recommendations and PZAB decisions for the CD follow:
1. The recommendations in the Archaeological Evaluation Report;
  2. Comment received from the Florida Department of State Division of Historical Resources;
  3. Comment received from the County Archaeologist or other qualified archaeologists; and
  4. Evidence presented at the hearing.
- C. The PZAB shall do one (1) of the following:
1. If the property is determined to have no significant, or insignificant, archaeological value, the PZAB shall issue the CD or lift the construction suspension order and the development may proceed; or
  2. If the property is determined to have significant archaeological value, the PZAB shall issue a CD with conditions deemed necessary to protect any part of the site found to be of significance, including possible conditions regarding site design and excavation. The PZAB may require the applicant to do one (1) or more of the following:
    - a. Preserve the archaeological site within proposed open space of the development.

- b. Redesign the development to accommodate preservation, in part or in full, of a site containing the significant archaeological resources.
  - c. The property owner may voluntarily fund or seek funding for excavation of the resource if agreed to by Wellington.
3. If the PZAB finds it is impossible to adequately preserve the significant archaeological resource and the proposed development plan would adversely affect any significant archaeological resources found on the site, the PZAB may delay issuance of a CD for up to eight (8) calendar weeks from the meeting date until:
- a. Appropriate archaeological excavation may be conducted to properly extract and interpret the significant archaeological resources found on the site;
  - b. Wellington may approach any recognized historic or archaeological preservation agency to seek alternate solutions; and/or
  - c. A buyer may be found to purchase a site for either site preservation or in order to allow detailed excavation, analysis and interpretation of the site.

## **CHAPTER 3 – FILL AND EXCAVATION**

### **Sec. 7.3.1 – Fill/Excavation Permits**

- A. All fill/excavation activities within Wellington, unless specifically exempt in this article, shall comply with the LDR, as well as, Federal, State, and local requirements, including but not limited to, National Pollutant Discharge Elimination System (NPDES), Army Corp of Engineers (ACOE), South Florida Water Management District (SFWMD), and Florida Department of Environmental Protection (FDEP). Where conflicts with applicable regulations occur, the more stringent regulations shall apply. A fill/excavation permit, issued by the Wellington Engineer, or designee, shall be required prior to commencement of any excavation activity. Excavation that requires dewatering is prohibited unless a permit by a Federal, State or other jurisdictional agency is obtained.
- B. All requirements and conditions of a fill/excavation permits shall be satisfied prior to the issuance of a building permit.
- C. All fill/excavation criteria, including but not limited to, setbacks, sloping and grading, depth, water quality, hauling, odors, operations, and littoral zones shall comply with the Wellington Engineering Standards Manual.
- D. Recordation of restrictive covenants for littoral zones or dry surface water management areas shall be required on a form provided by the Wellington Engineer.
- E. The preservation, removal, replacement and mitigation of vegetation, trees or wetlands shall comply with Preservation of Critical Resources and Tree Protection regulations of the LDR.
- F. In addition to the regulations of this section, all fill/excavation shall comply with the criteria and typical details, along with the submittal and processing requirements for fill/excavation permits provided in the Wellington Engineering Standards Manual.

### **Sec.7.3.2 – Fill/Excavation Permit Exemptions**

The following fill/excavation activities shall be exempt from this chapter of Article 7:

- A. Previously approved existing lakes that are:



1. Regulated by a NPDES permit;
  2. Regulated by a FDEP industrial wastewater operations permit; or
  3. An excavated lake that functions as a stormwater management facility as approved by:
    - a. A surface water permit issued through SFWMD; or
    - b. A Wellington development order depicting the littoral areas and slopes of the lake, as long as the lake continues to meet the water quality standards of Chapter 62-302, F.A.C.
- B. Swimming pools, subject to Article 6 of LDR as Accessory Uses and Structures;
- C. Small ponds and small water features with a maximum depth of four (4) feet below the wet season water table level and not exceeding 500 square feet in surface area, in conjunction with a valid building permit;
- D. Excavation by Wellington or the Florida Department of Transportation (FDOT) in the ultimate right-of-way of a road that is under construction;
- E. Excavation for installation of utilities, including septic tanks;
- F. The repair, reconstruction and/or maintenance of existing man-made canals, channels, control structures, riprap, erosion controls and intake/discharge structures where spoil material is to be removed or deposited on a self-contained upland spoil site that will prevent the escape of the spoil material and drainage from the site into waters of the State. This work shall be limited to the minimum excavation necessary to restore the site/area to the design specifications provided that control devices are used at the dredge site that prevent turbidity and toxic or deleterious substances from discharging into adjacent waters.
- G. Mitigation projects permitted by SFWMD, FDEP or the Wellington Engineer pursuant to Chapter 403 and 373, Fla. Stat., Chapter 62-342 and 62-345 F.A.C. or the Preservation of Critical Resources and Tree Protection section of Article 7 of the LDR.
- H. Agricultural ditches, for bona fide agricultural crop farm production, constructed to be less than six (6) feet in depth below the wet season water table level and not connected to conveyance canals or water bodies.

### **Sec.7.3.3 – Fill/Excavation Enforcement**

In accordance with the general enforcement regulations of Article 1 of the LDR, all fill/excavation activities shall comply with this section and the specific provisions below:

- A. Each of the following shall be considered separate violations:
1. Altering or destroying any water management area by disturbing the approved depths, slopes, contours or cross-sections;
  2. Chemically or manually removing, damaging, destroying, cutting, or trimming any plants in a Littoral Zone except upon obtaining written approval from the Wellington Engineer;
  3. Dredging, excavating, or mining an area without obtaining all required approvals; or
  4. Causing a violation of the water quality standards provided for in Chapter 62-302, F.A.C.;

- B. Any fill/excavation activity that requires a permit and does not obtain a permit prior to commencement shall be penalized with a permit fee that is triple the cost of the permit.
- C. Damage to Littoral shelves or plants or any fill/excavation activities that occur without prior approval may result in an order to the restore the site to its original condition or in accordance with applicable conditions of approval.

## **CHAPTER 4 – DRIVEWAYS AND ACCESS**

### **Sec. 7.4.1 – Driveways**

Driveways shall be subject to the following standards:

- A. Lots located on local or residential access roads shall have a maximum of two (2) driveways. If it is determined that a third driveway will not adversely impact the lot or adjacent properties, the Wellington Engineer may approve a third driveway in the following locations:
  - 1. On lots 1.75 acres or greater;
  - 2. On all corner lots located within the Aero Club Subdivision; or
  - 3. For all lots located within a subdivision that are greater than one (1) acre and is to provide direct access to a permitted accessory detached structure such as a garage or hanger.
- B. Driveways on lots located on local or residential access roads shall maintain a minimum setback from the side interior lot line as follows:
  - 1. Single Family or Multi-family: Two (2) feet.
  - 2. Zero Lot Line and Townhouse: One (1) foot.
- C. The total residential single-family and two-family driveways, walkways and patio impervious area in the front yard shall not exceed 50% of the required front yard setback.
- D. Driveway connections and separation (spacing) standards located on arterial or collector roads shall comply with the Wellington Engineering Standards Manual for road connections along arterial and collector roads.
- E. Driveway expansions shall match the existing driveway in material and color. A decorative border or design shall be permitted as long as all sections have a continuous pattern and do not divide or delineate one section of the driveway from another. Sidewalks shall not be altered, painted or stained. Swales shall not be altered unless an engineering permit is obtained approving the alteration or alternative design.
- F. Driveway connections to roads under Palm Beach County jurisdiction shall comply with applicable Wellington and/or County standards.
- G. Driveway connections to any road which is part of the State Highway System as defined in Sec. 334.03, Fla. Stat., shall comply with FDOT road connections permit requirements pursuant to Sec. 335.18-199 Fla. Stat.

### **Sec. 7.4.2 – Ingress/Egress Access Ways for Subdivisions and Parking Areas**

- A. Access ways shall be subject to the following minimum dimensions, unless dimensions or radius were previously approved on a development order prior to the codification of these requirements:

Minimum Width at Road	Feet
One-Way	20
Two-Way without Median	35
Two-Way with Median	40 (not including median width)
<b>Right Turn Radius:</b> On side of driveway exposed to entry or exit by right-turning vehicles.	
Minimum	25
Maximum	30

- B. Access ways shall be measured from the inner edge of curb to inner edge of curb and shall be unobstructed pavement meeting the minimum width requirements above, unless otherwise approved by the Wellington Engineer.

**Sec. 7.4.2 – Double Frontage Lots**

Double frontage lots that are adjacent to an arterial or collector road shall be required to record a limited access easement along the property line that abuts such road. Primary access to these lots shall be provided from a local or residential access road only.

**Sec. 7.4.3 – Exceptions**

The Wellington Engineer shall have the authority to grant a permit for driveways or access that differs from the standards of this section based on, but not limited to, lot size, location, configuration, proposed land use, current or anticipated traffic generation, driveways on contiguous land or on the opposite side of the road, median openings, and/or safe sight distance.

**CHAPTER 5 – OFF-STREET PARKING AND LOADING**

**Sec. 7.5.1 – General**

- A. The required off-street parking and loading areas shall be provided for all new residential and/or non-residential development. For building additions or project enlargements, additional off-street parking and loading areas shall be required proportionate to the proposed expansion, unless otherwise provided for in the LDR.
- B. All surface parking and loading areas, grass or otherwise, shall be considered impervious paved surface for the purpose of determining drainage system flow capacity and stormwater management runoff treatment control requirements. Pervious/porous paved areas may be excluded if approved by the Wellington Engineer.
- C. The minimum number of off-street parking spaces shall comply with Table 7.5-1. In the event that a use is not provided for in the minimum parking standards table, or in another section of the LDR, the PZB Director, or designee, shall assign a use standard from the LDR that is most similar to the proposed use.

**TABLE 7.5-1  
MINIMUM OFF-STREET PARKING STANDARDS**

Use	Parking Standard
<b>Residential</b>	
Bed and Breakfast	Two (2) spaces for the establishment, plus one (1) space for each bedroom for rent.

Use	Parking Standard
Congregate Living Facility, Types 1, 2A, 2B and 3	Types 1, 2A and 3 shall provide one (1) space per unit or two (2) beds whichever is greater and one (1) space per peak shift employee or one (1) space per 200 NSF of office, whichever is greater.  Type 2B shall provide one (1) space per peak shift employee plus one (1) space per seven (7) residents for guests and shall prohibit resident parking.  Types 2A, 2B and 3 shall provide drop off space within 50 feet of the primary building entrance.
Single-family and Multi-family Dwelling Units	Two (2) spaces per unit and units with four (4) or more bedrooms require one (1) additional parking space per bedroom.  Multi-family shall provide 0.25 guest parking spaces per unit for all dwelling units.  Independent living shall provide 0.25 guest parking spaces per unit for all dwelling units.
<b>Commercial, Institutional, Recreational (Outdoor) and Events</b>	
Arena, Auditorium , Entertainment, Theater, Public Assembly or Stadium	One (1) space per 200 NSF of use area or one (1) space per three (3) seats, whichever is greater; plus one (1) space per employee (Accessory uses shall be calculated separately).
Assembly, Church or Place of Worship	One (1) space per three (3) seats (schools and gyms calculated separately)
Athletic Field	One (1) space per four (4) seats or 30 spaces per field, whichever is greater.
Bowling Alley	Two (2) spaces per lane, plus one (1) space per 200 GSF of non-bowling area.
Clubhouse	One (1) space per 500 GSF of air conditioned use.
College or University, Vocational School	One (1) space per two (2) students (maximum enrollment); One (1) space per four (4) seats in gymnasiums and auditoriums; and One (1) space per 300 NSF of administrative and educational office space.
Community Swimming Pool	One (1) space per 100 GSF of pool area.
Craftsman	Parking spaces shall be determined by using the Flex Space standard for the production area, and the Retail standard for the remaining area.
Day Care Center  * capacity 5 to 99  **capacity 100 or more	*One (1) space per five (5) persons; plus one (1) drop off space per 20 persons.  **One (1) space per 10 persons; plus one (1) drop off space per 10 persons.
Events or Special Use Events	One (1) space per four (4) seats or one (1) space per three (3) attendees and/or spectators, whichever is greater.  Events proposed for the Equestrian Preserve Area to include parking for golf carts or oversized vehicles shall require specific parking plans and standards for the vehicles as part of the Special Permit, Equestrian Permit, Seasonal Permit or Conditional Use, whichever applies.
Golf Course	Four (4) spaces per hole; plus one (1) space per 200 GSF of clubhouse.
Government Services	One (1) space per three (3) seats of public assembly room or one (1) space per 500 GSF, whichever is greater.
Hospital	1.5 spaces per two (2) beds, plus one (1) space per 1,000 GSF.

Use	Parking Standard
Hotel	1.25 spaces per guest room; (convention areas, restaurants, etc. totaling over 1,500 NSF shall be calculated separately); plus 1 space per employee.
Instructional Services	One (1) space per 200 NSF of class room area, plus one (1) space per employee/instructor or one (1) space per 200 NSF of building area, whichever is greater.
Medical Office	One (1) space per 200 NSF.
Microbrewery	One (1) space per 1,000 NSF of storage of finished product or raw material, plus one (1) space per 100 NSF of retail/tasting room, plus one (one) space per 600 NSF of all other areas including production.
Nursing or Convalescent Facility	One (1) space per four (4) beds, plus one (1) space per 200 NSF of office.
Office (general) or Retail	One (1) space per 250 NSF.
Repair and Maintenance	One (1) space per 200 NSF, plus two (2) spaces per repair bay.
Restaurant or Lounge	One (1) space per three (3) seats including outdoor seating.
Retail Nursery	One (1) space per 500 NSF of indoor or covered retail or office areas, plus one (1) space per four (4) acres up to 20 acres. For nurseries greater than 20 acres, one (1) space per five (5) acres shall be provided.
School, Elementary	One (1) space per classroom, plus one (1) space per 200 NSF of building not accounted for in class or hall areas.
School, Secondary	0.25 per student, plus one (1) per 200 NSF of building not accounted for in class or hall areas.
Tennis Courts	1.5 spaces per court.
<b>Agricultural</b>	
Stable	Four (4) or fewer stalls: No required parking 5 – 100 stalls: One (1) space per three (3) stalls 101+ stalls: One (1) space per two (2) stalls
Wholesale Nursery	One (1) space per 500 NSF of indoor or office area plus one (1) space per four (4) acres.
<b>Industrial</b>	
Contractor's Storage Yard	One (1) space per 500 GSF, plus one (1) space per 5,000 GSF of outdoor storage.
Flex Space / Warehouse	One (1) space per 1,000 NSF, plus one (1) space per 200 NSF of office or sales area.
Manufacturing and Processing	Two (2) spaces per 1,000 NSF of the first 10,000 NSF; plus one (1) space per 1,000 NSF over 10,000 square feet.
Self-service Storage	One (1) space per 200 NSF of indoor storage and office space with a minimum of five (5) customer spaces.

*Notes:*

1. For the purposes of this table, each 22 inches of bleacher or bench area shall be equivalent to one (1) seat.
2. NSF: Net square feet (excluding public corridors, elevators, stairwells, mechanical rooms, public bathrooms, custodial rooms and shaft spaces).
3. GSF: Gross square feet.

C. Bicycle parking shall be provided for all non-residential development and recreational facilities in residential developments in accordance with the following criteria:

1. Bicycle parking shall be located within 50 feet of the main entrance to the building or use. Alternative locations may be approved by the Development Review Manager (DM) if determined that bicycle parking is better served at a secondary entrance.

2. One (1) space per 2,000 square feet of GFA floor area.
3. A minimum of two (2) and a maximum of 10 spaces shall be provided for a single use, excluding schools.

### **Sec. 7.5.2 – Off-Street Parking Supplemental Regulations**

- A. All off-street parking spaces shall be provided on the same property as the principal use, unless specifically provided for in the LDR and/or for fee simple residential developments with a common parking area.
- B. A Parking Demand Analysis, generated by certified planner or professional traffic engineer, may be submitted by the applicant, for consideration by the DM, if there is evidence that the parking demand differs from the established parking calculations provided in the LDR. The submittal shall comply with the Parking Demand Analysis requirements in the Development Review Manual (DRM). The Parking Demand Analysis shall be considered as part of the related development application and are subject to conditions of approval by the decision-making body based on the type of applications in Article 5 of the LDR. Future parking reservations on-site shall be required, and must be illustrated on the site plan, if a parking reduction is granted.
- C. A Shared Parking Study, which shall comply with the criteria in the DRM, may be submitted when reduced parking is requested based on developments that have different peak parking demands. A Shared Parking Study shall be reviewed by the DM and the Wellington Engineer and the following shall apply:
  1. Shall be submitted with a development application;
  2. Approval shall be based on the trip generation characteristics of uses and the feasibility sharing spaces;
  3. Parking reservations are required and may be illustrated by identifying an area for the future reservation, parking garage, rooftop garage, off-site parking or by limiting the uses that will adhere to the parking regulations;
  4. Retention areas, detention areas, lakes, landscape buffers, preserves, conservation areas, and required open space requirements shall not be used to illustrate future parking reservation areas;
  5. If the shared parking spaces are off-site, then at least one (1) sign shall be located on the off-site facility indicating the uses served, along with at least one (1) sign on-site indicating the location of the additional off-site parking.
  6. An executed shared parking agreement between the owner(s) of record shall be submitted to the DM for review by the Wellington Attorney. Once reviewed and approved, the applicant shall record the agreement with Palm Beach County and proof of recordation shall be submitted to the DM; and
  7. In the event the PZB Director or Wellington Engineer determine that the parking demand is not being met due to the shared parking reduction, the owner shall provide for additional parking to meet the requirement or shall have the option of submitting a Parking Demand Analysis to illustrate the standard regulation does not apply.
- D. Required parking shall not be used for the following:
  1. Storage, sale or display of goods or materials;

2. Sales, repair, or servicing of vehicles;
  3. Delivery vehicle parking;
  4. Temporary use or event without a Special Use Permit, Equestrian Use, or Seasonal Permit; and
- E. Donation/Collection bins may be located in off-street parking spaces that exceed the required parking calculation and shall require written approval from the PZB Department in accordance with the requirements of Article 6.
- F. There shall be no charge, except in accordance with the valet parking standards of this section, to park in the required off-street parking spaces. Fees may be charged for the use of parking spaces that exceed the minimum required off-street parking standards or if approved as part of a Special Use, Equestrian Use, or Seasonal Permit.
- G. For any non-residential use that provides more than 50 spaces, a maximum of three (3) required parking spaces may be reduced in size and redesigned to accommodate three (3) motorcycle parking spaces. Motorcycle parking shall be identified with signage. The minimum motorcycle parking space dimensions shall be three (3) feet wide by six (6) feet in depth.
- H. Valet parking may be used to satisfy off-street parking standards. Valet parking shall not cause customers to park off-site and queuing area shall not back up into drive isles or ROW. Additionally, designated valet spaces shall not exceed 50% of the required off-street parking. Handicapped spaces shall not be used for valet purposes. Designated valet spaces may be located anywhere on site.
- I. Residential guest parking shall be located within 300 feet of the dwelling units they are intended to serve. All guest parking spaces shall be prominently identified with an above-grade sign or marking on the wheel-stop.
- J. For Planned Developments (PD) that are designed to have a mix of uses, incorporate pedestrian connectivity that exceeds the minimum standards of the LDR, and are design oriented towards interior roads with commercial services, on-street parking credits may be considered to meet the require off-street parking requirement provided the following:
1. The parking is for public use and not designated for the exclusive use by any single use, building, or lot;
  2. The parking is located on the same side of the road and within 600 linear feet of the commercial use(s) they are intended to serve; and
  3. The parking is directly adjacent to the property requesting the credit and not utilized by another adjacent parcel for a credit purposes.

### **Sec. 7.5.3 – Off-Street Loading Requirements and Supplemental Regulations**

- A. Off-street loading ratios and location:
1. One (1) space for every 15,000 square feet of Gross Floor Area (GFA) up to 100,000 square feet;
  2. One (1) space for every 50,000 square feet of GFA over 100,000 square feet; and

3. Off-street loading spaces shall be distributed throughout the site and adjacent to the buildings they are intended to serve. All development applications, new or modifications, shall illustrate the location of off-street loading spaces.
- B. No motor vehicle repair work, except emergency repairs services, shall be permitted in any required off-street loading space or maneuvering area.
  - C. A reduction in the number of require off-street loading spaces may be considered if:
    1. The operation is reduced in size or the nature/use of the operation changes resulting in a reduced need for loading spaces.
    2. A uses contains less than 10,000 square feet of GFA, the DM may waive or reduce the loading standards whenever the character of the use does not require the full provision of loading area.
  - D. A reduction in the dimensions of require off-street loading spaces may be considered if the operation is such that the required dimensions exceed those necessary to regularly service the operation. Some typical uses that may qualify for this reduction include, but are not limited to, bowling alleys and other recreational establishments, financial institutions, funeral chapel and funeral homes, nursing homes, offices and personal service establishments. If a reduction is granted the following shall apply:
    1. The site plan shall illustrate where a loading space, meeting the minimum dimensions, could be placed in the future should the use or operation change.
    2. Minimum reduced space shall be at least 12 feet wide, 15 feet in length and have ten (10)-foot vertical clearance.

**Sec. 7.5.4 – Off-Street Parking and Loading Design and Construction Criteria**

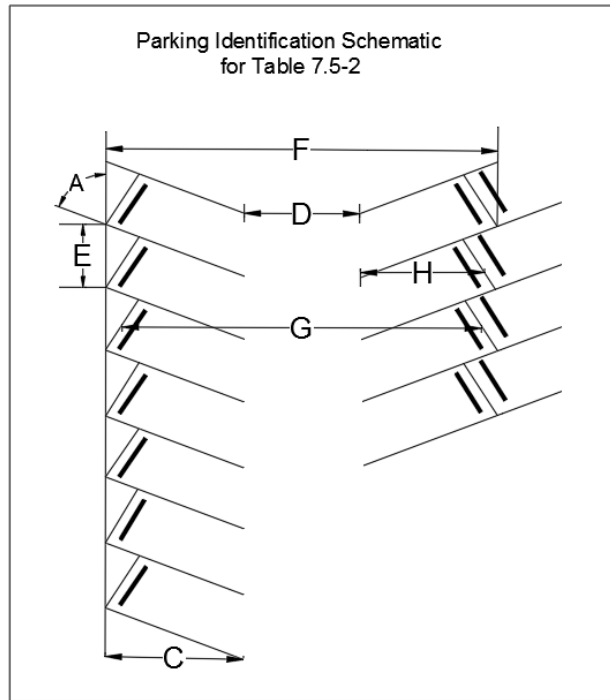
- A. When calculating parking and loading requirements, the following shall apply:
  1. On lots containing more than one (1) use:
    - a. The total number of required off-street parking spaces shall be the sum of the required parking for each use separately, unless a shared parking plan is approved as part of a development order.
    - b. The total number of required loading spaces, where the GFA for a single use is below the minimum threshold but the aggregate GFA is greater than the minimum, loading space(s) shall be provide for the building and the space(s) shall be located near the use that requires the most frequent use of the space(s).
  2. If a calculation results in a fractional number, the following shall apply:
    - a. Parking: Any fraction of a space shall be rounded up to provide for a full parking space.
    - b. Loading: Any fraction of one-half (0.50) or more shall be rounded up to provide for an additional loading space.
- B. All required off-street parking and loading spaces shall be paved, unless otherwise approved by the Wellington Engineer and/or in accordance with another section of the LDR.



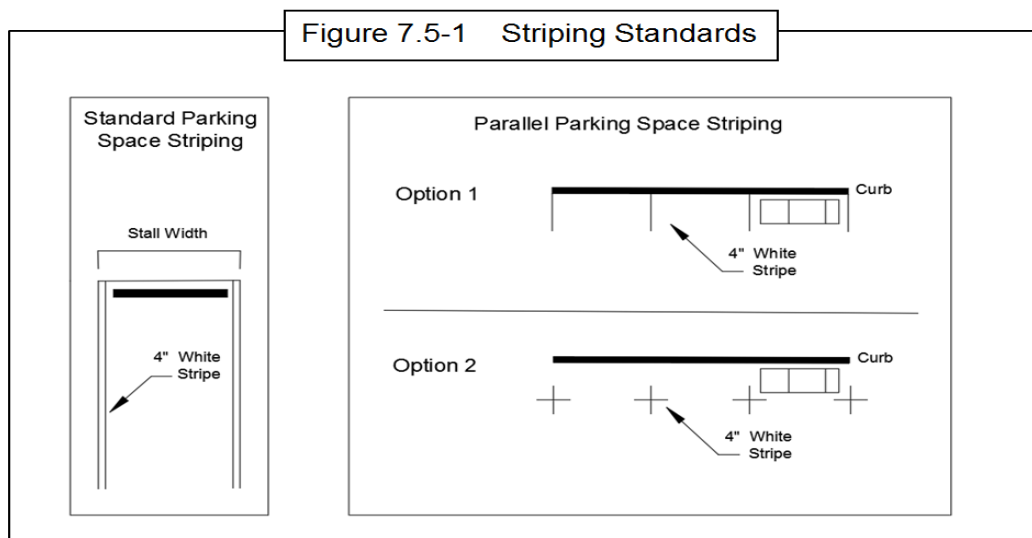
- C. The location and configuration of off-street parking and loading spaces shall not interfere with normal traffic flow or with the operation of queuing and back-up areas. Structures, drive aisles, parking spaces, driveways and open spaces shall be designed to provide logical and efficient pedestrian movement, without unnecessary conflicts with vehicular traffic, especially between buildings.
- D. Where off-street loading spaces are directly adjacent to, or integrated with, off-street parking, the DM may require installation of physical barriers such as curbing, fences, solid hedge, bollards or other means of separation between the loading spaces and vehicular/pedestrian traffic.
- E. Off-street parking and loading spaces are prohibited within landscape buffers.
- F. There shall be no off-street parking at the rear of a structure unless the parking is associated with an accessory structure on an alley, there is a secondary entrance to the structure, there is a parking structure, or a public pedestrian walkway or breezeway connects the parking to the front of the structure is proposed. The walkway or breezeway shall be a minimum of five (5) feet wide, clearly marked, well-lit and unobstructed.
- G. The provisions for handicapped parking spaces, passenger loading and signage shall be governed by Sec 316.1955-316-1959 and Chapter 553, Part II, Fla. Stat., as amended from time to time. All required signage shall include the language "\$250.00 fine for violators". All handicapped parking spaces shall be paved and located closest to the handicapped accessible entrance to the principal building or associated use.
- H. All parking areas shall comply with the following standards:
  - 1. All off-street parking spaces shall be a minimum of nine and one-half (9.5) feet wide and shall meet the criteria found in Table 7.5-2 below:

**TABLE 7.5-2  
MINIMUM PARKING BAY DIMENSIONS (FEET)**

<b>A Angle</b>	<b>B Space Width</b>	<b>C Space Depth</b>	<b>D Aisle Width</b>	<b>E Curb Length</b>	<b>F Wall-to- Wall Width</b>	<b>G Interlock-to Interlock Width</b>	<b>H Space Depth to Interlock</b>
<b>45</b>	9.5	17.5	12.0	13.5	47.0	43.0	15.5
	12.0	17.5	12.0	17.0	47.0	43.0	15.5
<b>60</b>	9.5	19.0	15.0	11.0	54.0	50.0	17.5
	12.0	19.0	14.0	14.0	53.0	49.0	17.5
<b>70</b>	9.5	19.5	18.0	10.0	57.0	55.0	18.5
	12.0	19.5	17.0	12.5	56.0	54.0	18.5
<b>75</b>	9.5	19.5	22.0	10.0	61.0	59.0	18.5
	12.0	19.5	21.0	12.5	60.0	58.0	18.5
<b>80</b>	9.5	19.5	23.0	9.5	62.0	61.0	19.0
	12.0	19.5	22.0	12.0	61.0	60.0	19.0
<b>90</b>	9.5	18.5	25.0	9.5	62.0	62.0	18.5
	12.0	18.5	24.0	12.0	61.0	61.0	18.5



2. Off-street parking spaces shall be located within 600 feet from the primary public entrance to the building or use they are intended to serve.
3. A minimum queuing distance of 20 feet is required between property line and the first parking space.
4. Parallel parking spaces shall be a minimum of 23 feet long and ten (10) feet wide.
5. Where double striping is used between spaces, the width shall be measured from the centerline of one (1) set of stripes to the centerline of the corresponding set of strips.
6. Standard and parallel parking space striping shall be four (4) inches wide and shall be as shown in Figure 7.5-1. Parking space stripes shall be painted white except for handicapped spaces which shall be painted blue.



7. Required off-street loading spaces shall be subject to the following minimum dimensional standards in Table 7.5-3, unless a reduction to the minimum standards is approved:

**TABLE 7.5-3  
Off-street Loading Space Dimensions**

Minimum Width	15 feet
Minimum Length	55 feet
Maneuvering Area	Equal to the width and length of the space
Vertical Clearance	15 feet
Front, Side, Corner Setback	20 feet
Rear Setback	5 feet
No loading space shall be located within 40 feet of the edge of pavement or curb of any two (2) intersection roads.	

8. Parking areas shall be designed to provide for safe and convenient pedestrian pathways, bikeways, parking aisles and driveways.
9. Paving, lighting, retention walls, sidewalks, fences, curbs and other amenities in parking areas shall be maintained in good appearance and in safe operating condition.
10. Paved, landscaped or graded pedestrian walks shall be provided from building entrances to roads, parking areas and other adjacent buildings.
11. Where off-street parking spaces are perpendicular and adjacent to a structure, a paved pedestrian walkway shall be provided between the front of the parking spaces and the structure's primary entrance. The walkway shall be a minimum clearance of five (5) feet wide exclusive of vehicle overhang and shall be separated from the parking space by either concrete wheel stops or continuous curbing. Residential vehicular use areas are exempt from this standard.
12. The drainage design shall be reviewed and approved by the Wellington Engineer before a permit may be issued.
13. Unless otherwise provided in this section all parking areas and specialized vehicular use areas shall be improved either with:
- a. A minimum of a six (6) inch shellrock or limerock base with a one (1) inch hotplant mix asphaltic concrete surface;
  - b. A base and surface material of equivalent durability, as certified by the developer's engineer; or
  - c. An alternative surface approved by the Wellington Engineer. Responsibility for pavement failure occurring as a result of inadequate alternative base and surface material design shall fall on the certifying engineer.
14. For uses and associated features approved by the Wellington Engineer, the developer may construct surface parking lots with shellrock or other similar material except for parking areas connected to a paved public road. When the parking area is adjacent to a paved public right-of-way, a paved driveway apron must be constructed extending a minimum of 24 feet wide and 60 feet long from the edge of the paved roadway in all directions. This shall also apply in the EOZD unless cattle grates are provided, then the apron may be reduced to 20 feet from the edge of the paved roadway.

15. Wheel stops or continuous curbing shall be placed two and one-half (2.5) feet back from walls, poles, structures, pedestrian walkways or landscaped areas. The area between any wheel stop and required landscaped strip may be landscaped to reduce the paved space area 15 to 16 feet in length, depending on the angle of parking provided.
  16. Lighting shall be arranged and designed so that no source of light is directed toward any adjoining or nearby land used classified for residential use. Parking lot lighting shall comply with the Outdoor Lighting Standards of this article.
  17. Traffic control signs and other pavement markings shall be installed and maintained to comply with the Standards Manual on Uniform Traffic Control Devices.
  18. Stormwater runoff from vehicular use areas shall be controlled and treated in accordance with all applicable Wellington standards in effect at the time an application is submitted.
  19. Each parking space shall have appropriate access to a road or an alley. Previously approved dwelling units with no more than two (2) parking spaces shall be allowed backward egress onto a local road. In all other cases, multiple parking spaces shall share a driveway with all maneuvering and access aisle area to be sufficient to permit vehicles to enter and leave the parking area or specialized area only in a forward motion.
- I. In addition to meeting the minimum off-street parking and loading standards of this section all drive-through establishments shall meet the queuing standards listed below:
1. Queuing shall be provided for all drive-through establishments. Each queuing lane shall be clearly defined and designed to not conflict or interfere with other traffic using the site. Each queuing space shall be a minimum of ten (10) feet wide by 20 feet deep;
  2. A minimum ten (10)-foot wide by-pass lane shall be provided before or around the point of service. Subject to DM approval, a by-pass lane may not be required if the queuing lane is adjacent to a parking lot or lane which could function as a by-pass lane. The by-pass lane shall be clearly designated and distinct from the queuing area; and
  3. For each queuing lane, the minimum number of required queuing spaces, including the one the vehicle being serviced shall meet the criteria of Table 7.5-4. Unless otherwise indicated, queuing shall be measured from the front of the stopped vehicle located at the point of service to the rear of the queuing lane. One (1) queuing space shall be provided after the point of service for all uses before conflicting with other circulation aisles.

**TABLE 7.5-4  
MINIMUM QUEUING STANDARDS FOR DRIVE-THRUS**

Drive Through Use	Number of Spaces
Financial Institution: Teller Lanes	5
Automatic Teller Lanes	3
Restaurant Minimum before Menu Board	7 4
Car Wash: Automatic	5
Self-Service	3
Oil Change	4

Drive Through Use	Number of Spaces
Gasoline Sales	20 feet of Queuing at Each End of Pump Island
Dry Cleaning or Laundry	3
Retail/Pharmacy	4

J. Parking Structure Standards:

1. All public or private parking garages may be used to meet off-street parking standards for any use or combination of uses. All public or private parking structure shall comply with the standards for surface parking lots with regards to marking, signage and minimum number of spaces to be provided.
2. When the parking facilities are combined with a multi-storied structure or on the roof of a building, a site plan shall be submitted for approval of interior traffic circulation, slope of ramp, ease of access and utilization of ramps, parking space and aisle dimensions, proper traffic control signage and pavement markings for safe and efficient vehicular and pedestrian operation, location of entrances and exits on public roads, sight distances at such entrances and exits and at corners of intersecting public roads and the effective screening of the cars located in or on the parking structures from adjoining lands and from public roads.
3. The unobstructed distance between columns or walls measured at any point between the ends of the parking aisle shall be as specified in Table 7.5-5.

**TABLE 7.5-5  
MINIMUM PARKING STRUCTURE MODULE WIDTHS**

Angle	Parking on Both Sides of Aisles	Parking on One Side of Aisles
90	60 feet one-or two-way aisle	43 feet one-or two way aisle
75	60 feet one-way	40 feet one-way aisle
60	53 feet one-way aisle	34 feet one-way aisle

K. Grass Parking may be permitted if approved by the Wellington Engineer and shall comply with the following standards:

1. The applicant shall submit, as part of the development order application, the following:
  - a. Site plan showing the proposed grass parking area(s);
  - b. Circulation plan and method of traffic control to direct flow of traffic;
  - c. A written statement acknowledging the proposed grass parking area(s) shall not be used for more than three (3) days/nights each week or on an irregular/part-time basis of no more than 45 days/nights within a period of four (4) consecutive months within a 12-month period. This information shall contain the proposed hours and days of the expected use and expected average daily traffic and peak hour traffic counts as calculated by a professional engineer qualified to perform such studies;
  - d. A conceptual drainage plan for the entire parking area; and
  - e. A description of the current soil conditions and the engineered soil type of the area proposed to be used for the grass parking.

2. Only parking spaces provided for temporary peak demands may be approved as grass parking. Paved parking shall be provided for the average daily traffic, including employees and visitors.
3. Grass Parking shall not be located in landscaped areas, surface water management areas or easements other than those dedicated for utility purposes.
4. All access aisles within grassed parking areas shall either:
  - a. Be paved and meet the same substructural and surface standards as paved asphaltic parking surfaces; or
  - b. Be surfaced with paver block or other semi-pervious coverage approved by the Wellington Engineer.
5. If at any time the Wellington Engineer determines that the grassed parking area does not meet the standards established in this section, the property owner shall be required to restore the grassed surface and/or require that paved parking be provided and the grass parking no longer serve the use.
6. Grass parking area shall be maintained to ensure a viable and healthy grassed surface and present a neat appearance at all times.

## **CHAPTER 6 – Lighting Standards**

### **Sec. 7.6.1 – General**

All exterior lighting shall be designed to minimize direct light spillage, sky glow and hazardous interference with vehicular traffic on adjacent rights-of-way and all adjacent properties. Lighting shall be the minimum necessary to discourage vandalism and theft. All light fixtures shall utilize a cutoff-type luminaire with less than 75 degree cutoff.

- A. All outdoor lighting, except for street lights, shall meet the following standards:
  1. All outdoor lights shall, to the greatest extent possible, confine emitted light to the property on which the light is located and shall not be directed upwards, unless when intending to accent a surface of a building façade, landscaping, artwork or for any other decorative purpose. Upward lighting shall be aimed at the intended surface and shielded from projecting into the sky.
  2. All light in excess of 800 lumens (equivalent to a 60 watt incandescent light bulb) shall be a "white light," unless approved by ARB. Single-family residential homes shall be exempt from the "white light" requirement for accent lighting less than 450 lumens (equivalent to a 40 watt incandescent light bulb).
  3. All lighting shall not create adverse spillover or glare on adjacent properties or rights-of-way.
  4. Permitted light fixture height:
    - a. Residential lots over ten (10) acres may have fixtures a maximum of 18 feet in height and a minimum of five (5) feet from the property lines.
    - b. Multi-family and non-residential properties may have fixtures a maximum of 25 feet in height within parking lot areas and 15 feet in height within non-vehicular pedestrian areas.
    - c. Commercial equestrian arenas, sports arenas, amphitheaters, stadiums or public recreational areas may have fixtures a maximum of 90 feet in height within the confines of the activity areas, 30 feet in height within parking areas and 15 feet in height within non-vehicular pedestrian areas.

- d. Light fixtures attached to a building shall not be installed above the roofline.
  - e. When abutting a residential district, outdoor fixtures shall be no more than 15 feet in height within ten (10) feet of any property line.
5. Flood, security, camera or similar lighting shall not be directed toward any residential lot or create a safety and/or traffic hazard. Security lighting shall be required for non-residential, multi-family residential and common areas of single-family developments utilizing principles of Crime Prevention Through Environmental design (CPTED) as found in the DRM. Security lighting provided from dusk to dawn or when a business is closed shall not exceed 50% of the required light levels.
  6. Exterior holiday lighting shall be permitted November 1 through January 31.
  7. Time restrictions shall be required for all external luminaries or luminaries visible from the exterior of a structure to reduce light pollution and conserve energy while providing for public safety per CPTED guidelines.
    - a. The illumination of outdoor areas or luminaries visible from the exterior of a structure of all non-residential development which exceeds 800 lumens (equivalent to a 60 watt incandescent light bulb) shall be extinguished at 11:00 p.m., or by issuance of a Special Permit Use up to one (1) hour after use of the area or an approved special event.
    - b. All Wellington public recreational facilities, areas, pedestrian paths or multi-purpose paths are exempt from time restrictions.
    - c. Security lighting shall be allowed for building entrances and parking areas. All security lighting shall utilize the minimum illumination required to ensure public safety and include CPTED or other strategies as determined by the Wellington Engineer.
    - d. Automatic timing devices (on Eastern Standard Time) with photo sensor or time clocks shall be required for all site lighting and parking areas.
- B. Street lighting shall be installed and maintained by the developer, property owners' association, its successor and/or assigns, as part of a developments' or subdivisions' infrastructure. Street lights along public right-of-ways shall be maintained by Wellington or designee, after completion by the developer and acceptance by Wellington's Engineer. Properties within the Equestrian Preserve Area are exempted from the requirement to install street lights, except if required by the Wellington Engineer or Council as part of a development permit/approval. Street lights shall meet the following standards:
1. Installation shall be outside of rights-of-way, road tracts, or any other areas designated for road purposes and conform to the standards of the utility company.
  2. Street lights shall be wired for underground service, except aerial service is permitted in the rural areas, Equestrian Preserve Area and pursuant to the Exceptions to Underground Installations standards in Article 8.
  3. A maximum height of 25 feet shall be required for street lights along all platted road rights-of-way with a width of 32 feet or greater. This height limitation is excluded for rights-of-way under Palm Beach County and Florida Department of Transportation (FDOT) jurisdiction.

4. Lights shall be sized and spaced to provide a minimum sidewalk and pavement illumination of point four (0.4) foot-candles. The fixture shall be designed to direct light away from residences and onto the sidewalk and road.
  5. Street lighting for public and private rights-of-way shall be designed in accordance with Florida Power & Light (FPL), FDOT or Illuminating Engineering Society of North America (IESNA) recommended practices as determined by the Wellington Engineer to ensure public safety.
  6. Decorative lighting a maximum of 15 feet in height shall be installed for pedestrian pathways along public and private roads if required or approved by Council or Wellington Engineer, as part of a development order approval.
- C. The following types of lights are prohibited:
1. Blinking, flashing, moving, revolving, changing color or intensity and flickering lighting.
  2. Any upward-oriented lighting unless otherwise provided for in this section.
  3. Any unshielded light source in a luminaire with no light cutoff visible within the normal range of vision from any residential property.
  4. Any light which creates an observable glare that is hazardous within the normal range of vision to any public right-of-way.
  5. Any light which resembles an authorized traffic sign, signal, traffic control device or interferes with or confuses traffic as determined by the Wellington Engineer.
  6. Searchlights, beacons and laser-source lights except when associated with an event approved by a special permit or if required by state or federal law.
- D. All lighting fixtures and support structures design shall be compatible with the proposed architectural character of the development, the surrounding community and for street lighting the existing lights along surrounding roadways. The design shall enhance integral design element of the project and be consistent for the entire site, through style, material and color (dark colors such as black or bronze). The design, colors (light, fixture, structure) and material of outdoor lighting fixtures and structures shall require ARB approval for residential and non-residential developments prior to permitting.
- E. Expansions, renovations, maintenance and relocation of lighting fixtures and support structures shall be permitted to install lighting fixtures similar in height and design of the previously approved existing fixtures and structures for the development.
- F. Minor amendments within an existing development for lighting plans, including lighting fixtures, structures (pole and wall-mounted), location, height, colors (light, fixture, structure), materials and photometric plan shall be submitted with all permit applications for developments (except for single-family detached dwelling units) with external luminaires or luminaires visible from the exterior of a structure. The photometric plan shall be signed and sealed by an engineer registered to practice in Florida and shall not include time averaging or other alternative methods of measurement. Certification of compliance signed and sealed by an engineer registered to practice in Florida shall be required prior to the issuance of a Certificate of Occupancy.
- G. The mounting height of light fixtures shall be the vertical distance from grade elevation of the surface being illuminated to the highest point of the fixture.



- H. Lighting shall be designed to prevent direct glare, light spillage and hazardous interference with automotive and pedestrian traffic on adjacent roads and all adjacent properties. Spillover light shall not exceed three-tenths (0.3) of one (1) foot-candle when measured six (6) feet above grade at the property line of the light source. The minimum and maximum illumination levels (foot-candle) shall not exceed the Palm Beach County Outdoor Lighting illumination levels for the specific use type and site element or the above spillover standard. The Illuminating Engineering Society of North America (IESNA) recommended practices illumination levels or other state or federal standards, or as determined by Wellington engineer, shall be used when levels are not provided for a use type or site element.
- I. Illumination levels shall be measured in foot-candles with a direct-reading portable light meter. The light meter shall be placed at six (6) feet above ground level at the property line of the subject parcel. Comparable measurements shall be made after dark with the lights in question are on and then with the same lights off. The difference between the two (2) readings shall be compared to the maximum permitted illumination in order to determine compliance with this section.
- J. All lighting shall meet the requirements of Florida Statutes and Florida Building Code. Lighting shall also be consistent with the applicable provisions of Palm Beach County Lighting and Security Code, IESNA recommended practices or other nationally recognized standards as determined by the Wellington Engineer to ensure public safety.
- K. All lighting shall be in working order and maintained in a manner that ensures safety, security and original aesthetic appearance at all times.

## **CHAPTER 7 – Preservation of Critical Resources, Tree Protection and Performance Standards**

### **Sec. 7.7.1 – General**

Preservation of Critical Resources, Tree Protection, and Performance Standards shall apply to all property, unless specifically exempt from this chapter, and shall be achieved through the following:

#### A. Wetlands and Native Vegetation:

1. Limitations on the timing and extent of removal of vegetation from a site;
2. Required compliance with state and federal wetland regulations; and
3. Establishment of minimum criteria for wetlands.

#### B. Tree Protection:

1. Incorporating existing trees into site design when possible;
2. Establishing the Wellington Tree Fund;
3. Prohibiting destructive clearing or grubbing to protect trees;
4. Limiting the removal of trees before a site plan or building permit are issued;
5. Requiring removal of invasive trees and vegetation;
6. Requiring that a vegetation removal permit for all removal prior to commencement; and

7. Mitigating vegetation removal with replacement regulations to ensure the protection of Wellington's tree canopy, protect specimen trees and enhance the aesthetic appeal of trees and the positive effect that trees have on property values.
- C. Providing Performance Standards that will ensure compliance with Palm Beach County Wellfield Protection, Listed Species (plant and/or animal) and Wellington's regulations related to noise, vibration, smoke, dust and other particulate matter as they related to air and water quality.

### **Sec. 7.7.2 – Wetlands**

A. General Regulations:

1. When a development application is submitted to Wellington for subdivision, master plan or site plan approval, the application shall include an environmental site assessment which identifies Wetland areas, which includes any native buffers, within or encroaching on the parcel.
2. If the environmental site assessment verifies the existence of wetlands, the application shall include a written determination from the appropriate state and federal agencies such as the SFWMD, FDEP and the ACOE along with a determination the wetlands are jurisdictional or non-jurisdictional.
3. No net loss of function from wetlands as defined by the state (Chapter 373, Florida Statutes) and federal (40 CFR Part 232) government shall be permitted within Wellington, except as specifically provided in this section.
4. If the environmental site assessment identifies jurisdictional wetlands, the applicant shall comply with all agency regulations for on-site/off-site mitigation and protection. A copy of the mitigation plan, approved by the applicable agency, shall be submitted to Wellington prior to any alteration of on-site wetlands or mitigation within the Wellington Boundary.
5. If the wetlands are deemed to be non-jurisdictional, the following shall apply:
  - a. Whenever possible, the wetland areas should form a contiguous tract with, or link to, nearby upland preserves or wetlands to create, or further enhance, a wildlife corridor;
  - b. Wetlands are recommended to be at least a half (0.5) acre in size to maintain long-term viability and maximize wildlife utilization.
  - c. All designated wetlands shall be protected by a minimum 25-foot wide transitional buffer, which must contain native plant materials and slope protection.
  - d. Wetlands and associated buffers shall be designated on the site plan or plat and be protected by a Maintenance and Preserve Management Plan (MPMP) in accordance with this section.
  - e. The wetland areas shall be maintained in its natural state, except that invasive non-native vegetation shall be removed prior to the issuance of a certification of occupancy/completion.
6. Jurisdictional and non-jurisdictional Wetland areas shall be protected for the entire duration of construction by a minimum 25-foot wide protective setback/buffer and temporary perimeter fence. The following shall apply:

- a. Construction activities shall not commence until the PZB Director has verified that the preserve area is properly fenced and marked using metal or wood stakes and flags;
- b. During construction, no earthwork, storage of materials, equipment or placement of structures (temporary or permanent) shall be within the protective setback area. The wetlands shall be protected from stormwater runoff from the adjacent property.

### **Sec. 7.7.3 – Listed Species**

If the environmental site assessment reveals the presence, or probability, of Listed Species the following shall apply:

- A. The applicant shall submit written evidence to the PZ Division of coordination with the applicable agencies concerning the Listed Species;
- B. The applicant shall take the actions determined to be appropriate by the regulating agency to preserve the Listed Species; and
- C. Relocation of Listed Species to an off-site preserve may be permitted providing that the regulating agency approves a relocation plan and the approved plan is submitted to the PZ Division.
- D. Additional general information related to Listed Species is available in the DRM.

### **Sec. 7.7.3 – Maintenance and Preservation Management Plans**

- A. Wetland preserve areas and/or areas that contain Listed Species shall coincide with conservation easements for their perpetual protection, consistent with Section 704.06, Florida Statutes. The conservation easements shall be held by Wellington and shall be subject to the review and approval of the Wellington Attorney prior to issuance of a final development order. Perpetual protection and maintenance of the preserve area shall be assured through one of the following:
  1. Dedication of the preserve area to an appropriate Wellington, county, state or federal agency. The applicant shall provide written verification of this dedication, including a written statement from the public agency accepting the dedication prior to issuance of a final development order. The written verification shall also address the availability of adequate technical, including provisions for access, and financial resources for perpetual maintenance and protection of the preserve.
  2. Dedication of a preserve area to a homeowner's or property owner's association provided:
    - a. The preserve area shall remain undivided. A covenant shall provide that such areas have been encumbered for the perpetual benefit of the public as well as members of the association and all future use shall be consistent with the MPMP.
    - b. The covenants shall contain an obligation by members of the association to pay for and ensure implementation of proper care and maintenance of the preserve areas.
    - c. The covenants are reviewed and approved by the Wellington Attorney prior to the issuance of the final development order.
- B. The only uses permitted in preserve areas are passive recreation, observation uses, and preserve maintenance. These uses may be further limited if Listed Species are present.
- C. Applicants for development approval or restoration plans for sites that contain wetlands or a Listed Species shall submit a MPMP for review and approval by the PZB Director. MPMP submittal requirements are found in the DRM and the MPMP shall be incorporated into the development approval by reference.

- D. MPMP shall not be allowed without a development order amendment or approval by the PZB Director.

**Sec. 7.7.4 – Tree Protection Standards**

- A. By adoption of this Article, Wellington has created the Wellington Tree Fund (TF) to ensure the future growth and sustainability of the tree canopy throughout the Village. The TF will collect money from property owners that remove trees for a variety of reasons, including development, and either have physical site constraints or the desire to not provide on-site mitigation of the trees. The criteria to qualify for a payment in lieu of replacement are provided below in this section. The TF will be used to purchase and plant trees on Wellington owned property for the establishment and restoration of the Village-wide tree canopy. **Staff will review the established fees once every 3 years and proposed an increase to Council when applicable.**
- B. Specimen trees are an important natural resource of Wellington deserving protection. The incorporation of existing specimen trees into the project design is preferred to any mitigation option in this section. Specimen trees are defined in Article 3 and listed in Table 7.7-1.

**Table 7.7-1 Specimen Tree Trunk Diameter Breast Height (DBH) and Circumference**

Common Tree Name	Scientific Name	Trunk Size (in inches)	
		DBH	Circumference
Bald Cypress	Taxodium distichum	13	42
FL Strangler Fig	Ficus aurea	25	78
Green Buttonwood	Conocarpus erecta	13	42
Gumbo Limbo	Bursera simaruba	13	41
Laurel Oak	Quercus laurifolia	17	56
Live Oak	Quercus virginiana	22	72
Red Maple	Acer rubrum	13	40
Red Mulberry	Morus rubra	13	43
Seagrape	Coccoloba uvifera	10	32
Slash Pine	Pinus elliot var. densa	14	45
Southern Red Cedar	Juniperus silicicola	21	64
Sweet Bay	Magnolia virginiana	12	38
Any species excluding invasive species and fruit trees	Varies	25	Varies

- C. The removal of trees, specimen or non-specimen, shall comply with the following criteria, unless otherwise provided for in this Article:

1. Tree Replacement Criteria:

Removal	Replacement
Non-specimen tree (single-family)	One (1) non-specimen tree; or One (1) palm
Non-specimen tree (all other uses)	One (1) non-specimen tree; or Three (3) palms
Specimen tree	One (1) specimen tree; Two (2) non-specimen trees; or Five (5) palms

2. No mitigation or replacement is required for single family lots, if the remaining quantity, types and sizes satisfies the minimum lot requirements of the LDR.
  3. On existing single-family lots, the PZB Director, or designee, shall have the authority to reduce, partially or in full, the replacement requirement below the code minimum when justification is provided from the property owner, and agreed upon by the Director, that physical site constraints, which may include other mature trees, would hinder the ability to plant the trees on-site. The property owner shall provide a payment in lieu of the replacement of \$100.00 per tree to the TF. This request shall be made part of the Vegetation Removal Permit application and upon approval the tree fund fees will be collected.
  4. On all other lots, up to 25% of mitigation tree credit can count towards the required landscape minimum if a payment in lieu of \$600.00 per tree is made to the TF. The Tree Board may authorize a payment in lieu that exceed 25% of the required mitigation trees due to physical site constraints that would hinder the ability to plant the trees on-site. To calculate the maximum number of required trees that can be requested for payment in lieu of planting on site, the result is rounded down to the nearest whole number.
- D. Speculative clearing and grubbing of a site is prohibited.
- E. Mitigation trees shall be planted with a minimum two (2) inch DBH, minimum ten (10) feet in height and spaced a minimum of 20 feet on center.
- F. Tree relocation and replacement shall be done in accordance with standard forestry practices to promote tree establishment and survivability.
- G. Invasive species shall be removed from the site prior to issuance of a certificate of occupancy. Invasive species are also encouraged to be removed on existing sites when identified. They may not be counted toward the code minimum requirements for a site. **The list of invasive species is provided in the DRM and is maintained by the Florida Exotic Pest Plant Council.**
- H. To protect trees during construction, the following construction measures shall be implemented:
1. No excess soil, additional fill, equipment, liquids, construction debris or equipment shall be placed within the drip line of any tree.
  2. No soil shall be removed from within the drip line of any tree.
  3. Protective barriers shall be installed and maintained beginning with the commencement of any land clearing or building operations and ending with the completion of the permitted clearing or building construction work on the site per the installation provisions found in the landscape standards of this article.

### **Sec. 7.7.5 – Vegetation Removal Permits**

A vegetation removal permit shall be required for the removal of all vegetation within Wellington, unless specifically exempt in the LDR. **Vegetation shall include trees, palms, shrubs, hedges, groundcover and sod varieties.**

#### **A. Vegetation Removal Permit Requirements**

1. The property owner shall submit a vegetation removal permit application to the Planning and Zoning Division, including any additional information the PZB Director deems necessary, for review. The vegetation removal permit shall be considered a Type A1

application and processed according to the criteria of Article 5. The submittal requirements are found in the DRM.

2. A vegetation removal permit application that proposes to remove more than five (5) trees shall include a tree survey as defined in Article 3 of the LDR. If the trees cannot be incorporated into the site plan design, the applicant shall also submit a modified tree survey indicating the location and proposed method of mitigation.

B. A Vegetation Removal Permit shall be issued if one (1) or more of the following apply:

1. Due to natural circumstances the vegetation is irreparably damaged, dead and/or is diseased.
2. The vegetation is in danger of falling and/or located in danger proximity to an existing structure that may result in damage.
3. The vegetation interferes with utility services or creates an unsafe visual clearance for pedestrian and vehicular traffic.
4. The vegetation is located in the buildable area of the site, unreasonably restricts the permitted use and cannot be relocated on site due to viability, age, type or size.
5. Justification has been provided with the permit showing removal of the tree is in the public interest.

C. Vegetation Removal Permit Issuance and Expiration

1. A separate Vegetation Removal Permit is not required if a development application is approved with a companion landscape plan, alternative landscape plan or planting plan and a tree survey was submitted as part of the application. The stamped plans will act as the approval to remove, mitigate and replace the vegetation.
2. Any modification to a previously approved plan, that requires removal of approved vegetation, shall require a Vegetation Removal Permit.
3. Any Land Development Permit or Building Permit application that requires removal of vegetation shall require a Vegetation Removal Permit. The applications may be submitted concurrently for review by the respective agencies. A building permit may be issued prior to the satisfaction of the conditions of the Vegetation Removal Permit, however a Certificate of Completion (CC) or Occupancy (CO) may be withheld if the conditions of the Vegetation Removal Permit are not completed at the time the CC or CO is requested.
4. All Vegetation Removal Permits shall expire 60 days after the date of issuance. The PZB Director may administratively extend the removal permit for a maximum of 60 days. A request for extension of a permit must be made in writing to the PZ Division prior to the expiration of the permit. Any work not completed within this period shall require submission of a new vegetation removal permit application and fees.

D. The following are exempt from the requirement to obtain a Vegetation Removal Permit:

1. The minimum removal of vegetation, by a Florida licensed Land Surveyor, for the performance of their duties, provided the area cleared shall not exceed five (5) feet in width and only require a hand tool to facilitate removal of vegetation. If survey lines greater than five (5) feet in width are needed, then a vegetation removal permit from Wellington shall be required.

2. The removal of vegetation by Wellington or Palm Beach County for environmental enhancement or restoration.
3. The removal of vegetation during a period of officially declared emergency such as hurricane, flood or disaster. In this circumstance, the PZB Director may waive certain requirements related to tree protection.
4. When the only vegetation proposed to be removed is located within the footprint of the proposed structure(s).

#### **Sec. 7.7.6 – Enforcement and Penalties**

In addition to the enforcement section of Article 1, critical resources and tree protection shall be enforced in accordance with the following:

##### **A. Critical Resources**

1. A minimum violation of this section shall be based on the unauthorized alteration or removal in increments (rounded up) of 1,500 square feet of wetlands and preserve areas, with each additional increment considered a separate violation to be added to an aggregated area.
2. Each 1,500 square feet, or portion thereof, damaged or destroyed wetlands and preserve areas shall be restored to pre-damage conditions at the property owner's expense. The violator shall submit a restoration plan to the PZB Director for review to restore the area(s) to pre-damaged conditions. Once the restoration plan is approved, the violator shall post a bond in an amount equivalent to the costs for implementing the restoration plan. If the extent of the damage is such that viable restoration on site is not possible then off-site mitigation shall be required at a multiplier of three (3) times the land area to be restored. Payment in lieu of restoration of an existing preserve shall not be accepted.
3. If a restoration plan is not submitted within 30 days following the notice of violation, Wellington may suspend issuance of any further permits for the property including suspension of building permits, inspections, occupational licenses and development orders.
4. If after 60 days of the notice of violation a restoration plan has not been submitted Wellington may place a lien on the property in an amount equal to the sum of any accumulated and ongoing unpaid fines and the reasonable cost for repairing the damage. Once collected these funds may be used for the acquisition, restoration or enhancement of publicly-owned conservation parcels or preserve areas in Wellington.
5. In addition to the Critical Resource Enforcement Standards, alterations that include the removal of trees shall be subject to the provisions of Tree Protection Enforcement Standards,

##### **B. Trees**

1. Hazardous Trees: If a tree or its limbs leans, encroaches or falls into an adjacent right-of-way, Wellington may deem the tree a public hazard and require its removal. Failure to remove such tree after Wellington provides notice that it is a public hazard is a violation of this section.
2. The following shall be considered separate violations:
  - a. The removal of a tree without a permit.
  - b. Continued endangerment and neglect of each remaining tree(s).
  - c. Each day a violation exists for such unlawful removal.

3. If a tree removed without a Vegetation Removal Permit is an invasive or a dead tree, the property owner will be advised in writing of the requirement to obtain a permit. Repeated unauthorized removal of invasive or dead trees may result in fines for each occurrence.
4. For all other trees, a fine of up to \$100 per day, per tree removed, may be imposed based on the violation findings and fine certification by the special magistrate. Wellington may suspend issuance of permits, inspections and occupational licenses while such violation is pending. Wellington may place a lien on the property in an amount equal to the sum of any unpaid fines and the reasonable costs for removing and installing the unlawfully removed.

#### **Sec. 7.7.7 – Performance Standards**

##### **A. Noise:**

1. Any emission of noise in excess of the Noise Standards in the Code of Ordinances shall be deemed a public nuisance. The Code Compliance Division may investigate a violation of the noise standards complaints. If a violation is documented, the Wellington Attorney may file injunctive proceedings to abate the nuisance. These proceeding shall be cumulative and in addition to the penalties provided for in the LDR or Code of Ordinances.
2. Any noise exemptions provided in the Code of Ordinances shall apply to the LDR.

##### **B. Vibration:** In all non-industrial districts, no use shall be operated so that ground vibration is produced and noticeable without the use of vibration detections instruments at the property line on which the use is located.

##### **C. Smoke, Emissions and Particulate Matter:**

1. All uses shall operate in full compliance with the air pollutions standards as provided by the State of Florida, Palm Beach County Public Health Unit (PBCPHU) and Wellington LDR and Code of Ordinances.
2. In addition to any Wellington Code of Ordinances, all uses shall operate in compliance with the visible emission limiting standards as provide by the Florida Department of Environmental Protection (FDEP), Ringlemann Chart – Opacity not to exceed 20%. All measurements shall be taken at the point of emission. For the purpose of determining the density of smoke, FDEP regulations and Rule 62-296, F.A.C. shall apply.
3. All uses shall operate to prevent the emission of dust or other solid particulate matter into the air which may cause danger to land and/or the health of persons or animals at, or beyond, the lot line of the premises on which the use is located.

##### **D. Odor:** No use shall produce the emission of objectionable or offensive odors in such concentration that is readily perceptible at or beyond any point of the property line on which the use is located, in accordance with Rule 62-296, F.A.C.

##### **E. Toxic Matter:** No use shall discharge toxic matter or produce toxic matter in such concentrations that are detrimental to or endanger public health, safety, comfort, and/or welfare across the property lines on which the use is located.

##### **F. Radiation:**

1. Any operation involving radiation, i.e. the use of gamma rays, X-rays, alpha and beta particles, high speed electrons, neutrons, protons and other atomic or nuclear particles, shall



be permitted only in accordance with the regulations of the Florida Department of Health, Office of Radiation Control and FDEP.

2. No person shall operate or cause a source of electromagnetic radiation which does not comply with the regulations of the Federal Communications Commission (FCC) or result in abnormal performance degradation of electromagnetic receptor as determined by the principles and standards of the American Institute of Electrical Engineers, Institute of Radio Engineers and Electronic Industries Association.
3. No use, activity or process shall be conducted which produces electromagnetic interference with normal radio, phone or television reception in any district.

#### **Sec. 7.7.8 – Exemptions**

A. General exemptions from this article are as follows:

1. Any alteration in accordance with design specifications, under the direction of utility agencies, water control or management districts, where the activity has received all required construction and/or operating permits.
2. Alterations or activities associated with government maintained parks, recreation areas, wildlife management areas, conservation areas, preserves and environmental enhancement projects.
3. The lots of record or lots on a recorded legal subdivision plat that do not include a wetland or preserve for listed species.
4. Undeveloped parcels, or portions of parcels, with an existing valid development order that do not include a wetland or preserve for listed species. This section shall apply to any request to modify a development order or permit for such parcels.

### **CHAPTER 8 – Landscape**

The following landscape, buffer and maintenance standards shall apply to all property, unless specifically exempt in the LDR. Wellington promotes Florida-friendly landscape design and maintenance principles as defined in F.S. 373.185. The DRM contains design principles and information that should be used in the development of landscape plans for all uses.

#### **Sec. 7.8.1 – General Landscape Standards**

- A. All plants shall comply with, or exceed, the minimum standards for Florida Number 1 at installation in accordance with the State of Florida Department of Agriculture and Consumer Services most current edition of “Grades and Standards for Nursery Plants”.
- B. All Landscape is subject to the maintenance, pruning and replacement requirements of this section. The replacement of trees may also be eligible for the Tree Fund payment in lieu of option, in accordance with the Tree Protections Standards of this article.
- C. Wellington has adopted a preferred species plant list which can be found in the DRM. 50% of the required plantings shall be selected from this list.
- D. When more than six (6) trees are required to be planted in order to meet the minimum landscape standards of this Chapter, a variety of species shall be required. The number of species planted shall increase by one species for each ten (10) trees. A minimum ten (10%) percent of all required vegetation shall be flowering trees and 20% shall be of a palm species.

- E. A minimum of 50% of the required trees on a lot/parcel shall be installed at a minimum size relating to the building roof height according to Table 7.8-1. The minimum planting area of a tree shall be 120 square feet (10 ft. X 12 ft.). The ground within the tree planting area shall receive appropriate landscape treatment including mulch and ground cover.

**Table 7.8-1 Tree Size**

<b>Building Height (feet)</b>	<b>Tree Height (feet)</b>	<b>Palm Height Gray Wood* (feet)</b>
To 15	12	8
15-25	14	12
26-35	16	18
36 or more	18	22

*\*The terms Building Height, Clear Trunk (CT) and Grey Wood (GW) are defined in Article 3.*

All other tree sizes shall be as follows:

1. Flowering trees at time of installation shall have a minimum height of ten (10) feet and a minimum crown spread of four (4) feet.
  2. Palms used to fulfill code requirements shall have a minimum ten (10) feet of CT and 14 feet in overall height, with a minimum trunk diameter of six (6) inches at the time of installation.
  3. A minimum 18-foot GW palm can be substituted with groups of three staggered height palms between 12 and 16 feet CT.
  4. All measurements shall be from the top of the root ball.
- F. Palm clusters may be used to meet the minimum lot/parcel tree requirements; however, palms susceptible to lethal yellowing shall not be used to comply with this Chapter.
1. Palms with trunks less than six (6) inches in caliper shall be specified in groups of no less than three (3) to be considered a replacement for one (1) tree. In the case of species of palms which characteristically grow in clumps, each clump of three (3) or more trunks shall be considered to be one (1) tree. Palm groupings and clumps must meet height requirements of this section.
  2. Accent or Feature Palms, include Royal Palms, Bismarck Palms, Coconut Palms, large Date Palms or other acceptable accent palm species, may be counted as one (1) required shade tree. These palms shall not exceed a maximum of 25% of the total number of trees required.
- G. The following shall apply to hedges and shrubs at the time of installation:
1. Hedge material shall be a minimum of 24 inches in height or 18 inches in height for native species. Required hedges shall form a continuous solid opaque visual screen of at least 36 inches in height within two (2) years of planting. Additionally, 50% of the materials shall be composed of vertical landscape material at least 36 inches in height. The height of the plant material should not remain uniform and should be designed to meander within the buffer area.
  2. Shrubs shall be a minimum of 18 inches in height or 12 inches in height for native species. At least ten (10%) percent of all required shrubs shall be a flowering species. The number of species to be planted shall increase by one species for each 50 shrubs required. Shrubs

shall be planted in masses to provide a continuous solid mass within two (2) years of planting.

- H. Ground cover shall consist of turf grasses and/or low-growing vegetation. Ground cover shall be installed a minimum of six (6) inches in height. The ground surface within required landscaped areas, or the preservation of existing or new vegetation, shall receive appropriate treatments such as, mulch or shrubs and shall present a finished appearance upon planting. Sand, gravel, shellrock or pavement alone are not considered appropriate landscape treatments. The following standards shall apply to the design of ground treatment:
1. Live materials used as ground cover shall provide a minimum of 50% coverage immediately upon planting and 100% coverage within three (3) months after planting.
  2. Mulched areas without associated plantings shall be limited to a maximum of ten (10%) percent of the pervious area of the lot. Mulched areas may be wood-based or non-wood based and shall comply with the following:
    - a. Shall be installed and maintained at a minimum compacted depth of three (3) inches at all times in all planted areas not containing ground covers. All mulch material shall be seed and weed free to prevent spouting and regrowth. Cypress mulch is discouraged as it promotes the unnecessary destruction of wetlands.
    - b. Recycled rubber mulch products, pebbles or decorative rock may be used as a ground treatment or in areas designed to accommodate limited roof runoff and where drainage is a problem.
  3. Grass areas shall be planted with species suitable for permanent lawns in Wellington. Grass areas may be sodded, plugged, sprigged or seeded provided solid sod shall be used in swales, rights-of-way or other areas subject to erosion. Seeded, plugged or sprigged lawns must be sown for immediate effect and maintenance shall be provided until coverage is complete. The use of Bahia sod or other drought-tolerant ground cover is required on cleared undeveloped parcels.
  4. Ground cover is not required in wetland areas shown on approved site or landscape plans.
- I. A list of prohibited species is provided in the Landscape Manual found in the DRM. Each landscape plan, planting plan or ALP required or permitted shall include a program to eradicate and prevent the reestablishment of prohibited plant species.
- J. A list of controlled species is provided in the Landscape Manual found in the DRM. Controlled species shall not be planted except as provided in the manual.
- K. No artificial vegetation shall be used to meet the standards of this section except alternative grass surfaces for governmental facilities.

### **Sec. 7.8.2 – Supplemental Landscape Standards**

- A. Single Family and Two-Unit Attached Residential Lots:
1. One (1) tree, 20 shrubs and ten (10) ground covers shall be planted, or preserved, for every 1,500 square feet of lot area, ~~excluding an area equivalent to the maximum permitted building coverage for the lot and~~ excluding wetland areas and/or areas with listed species.
  2. A minimum of 25% percent of the required number of trees and 75% of the shrubs shall be planted, or preserved, in front of the front plane of the home. For a lot less than 4,500 square feet, the tree requirement shall be one (1) tree in front of the home. The minimum required for a lot more than 4,500 square feet, shall be two (2) trees in front of the home.

3. Credit for existing trees may be given in accordance with Tree Credit standards of this section. The maximum number of new, or preserved trees, required as a result of this calculation is capped at this calculation or a maximum of 30 trees, whichever is less.
4. No more than 75% of the pervious area on a lot may be planted with turf grasses. The balance of the lot plantings shall be shrubs, groundcovers, mulched or undisturbed native plant communities.

B. Non-residential and Multiple Family Lots:

1. One (1) tree and three (3) shrubs shall be planted, or preserved, for every 1,500 square feet of a non-residential lot, or fraction thereof, excluding wetland areas and areas with listed species. This standard does not include trees, shrubs or hedges required to be planted in perimeter buffers and vehicular areas. Additional plantings are needed to meet buffer and vehicular area requirements.
2. Foundation plantings shall be provided along the front, side and rear facades of non-residential and multiple-family structures, except for vehicle access areas such as garage entrances, bay doors, and if in conflict with access to above ground utilities and/or fire safety equipment. The minimum depth of the required foundation planting shall be five (5) feet for each building story or a maximum of twenty five (25) feet. The combined length of the required foundation planting shall be no less than 40% of the total length of the applicable side of the structure. All required foundation plantings shall be planted with a minimum of one (1) tree or three (3) palms for each 20 linear feet of building façade, along with a combination of mass plantings of shrubs, a minimum of two (2) to three (3) feet in height, or mass plantings of appropriate ground cover, a minimum of six (6) inches up to two feet in height, and accent plants.
3. No more than 40% of the pervious area on a non-residential lot may be planted with turf grasses. The balance of the lot plantings shall be shrubs, ground cover, mulched or undisturbed native plant communities.

C. Signage and Equipment Screening:

1. A minimum three (3) foot wide planting area shall be required around the base of all proposed freestanding signs. One (1) shrub for each 10 square feet of the total size of the monument sign shall be installed within the three (3) feet planting area at the base of the sign. Monument signs shall be surrounded by colorful ground cover on all sides, in addition to the required shrubs. Landscaping and trees which interfere with the visibility of signage may be located outside of the sign viewing zone, subject to approval from the PZB Director.
2. All ground-based mechanical, electrical, water equipment, pump houses, etc. shall be entirely screened from public view on three sides, utilizing opaque materials and/or landscaping. Screening material shall accommodate maintenance or inspection access with the use of appropriate panels and/or hinged gates. All dumpsters shall be placed on a concrete pad and be entirely screened on three sides with a masonry wall and shrubs planted along the foundation of the wall.

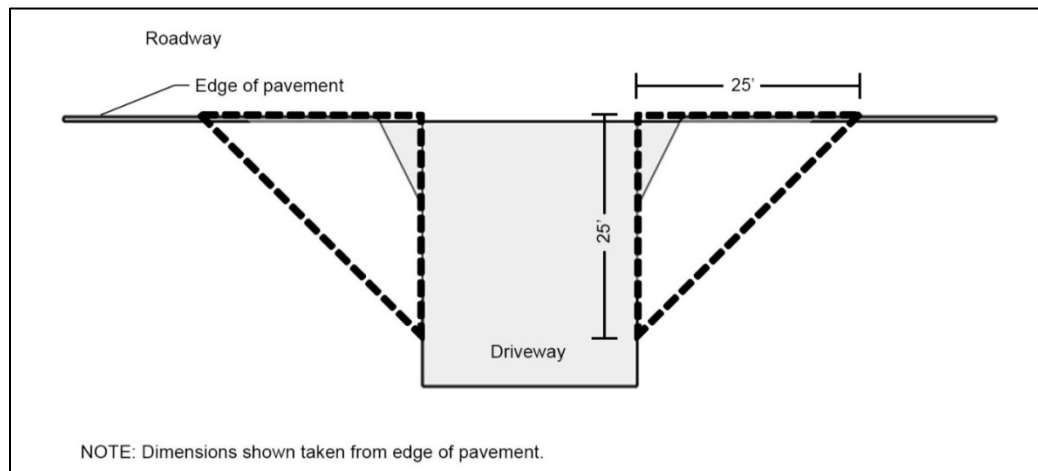
D. Access ways and Public Entries to Projects:

1. Planned Developments shall have an overall landscape plan that meets the intent of the LDR and includes access ways, entry feature landscaping, buffer plantings, etc. for approval as part of their development order.
2. All projects, including Planned Developments, shall meet the following criteria as it related public access ways and landscape design:
  - a. The access way zone extends from the paving edge of the entry drive (not radius) for a distance equal to half the adjacent right-of-way width (i.e. 80 foot right-of-way = 40 linear feet) and is required on both sides of the entry drive. The zone also includes entry medians where provided. A minimum zone length of 40 linear feet per side is required for rights-of-way of less than 80 feet wide.

- b. All access ways designed for public entry shall comply with the following minimum standards.
  - i. The access way zone requires two (2) shade trees and four (4) small trees per 40 foot section of the zone; large shrubs specified at a 5 foot height minimum may be substituted for the small tree requirement on a 2:1 basis.
  - ii. Access way medians require three (3) trees per 40 linear feet as well as shrubs or groundcovers to cover the entire zone.
  - iii. The use of Accent of Feature Palm species is encouraged. A minimum ten (10)-foot planting bed, containing low shrubs and/or ground cover must also be provided in front of the tree or palm plantings, in the access way zone and extend a minimum of five (5) feet beyond the tree or palm plantings.
  - iv. Service drives used exclusively for service access are exempted from these regulations.
  - v. Alternate design schemes which meet the intent of this section may be approved at the discretion of the DM.
  
- E. Street Trees: Street trees shall be shade species as provided in the landscape criteria of the DRM and are required along public and private roads at the time of road construction or infill development. Street trees shall be planted by the developer or builder prior to the issuance of a certificate of occupancy and maintained by the property owner or property association.
  - 1. One (1) shade tree shall be required for every 30 linear feet of road frontage. Smaller trees may be substituted under overhead utilities as prescribed by FPL's "Right Tree, Right Place" Guidelines.
  - 2. Street tree placement shall follow horizontal offset requirements of Florida Green Book for all non-FDOT roadways.
  - 3. Where underground utilities limit street tree placement in the right-of-way, street trees shall be placed in alternative locations near and along the street as shown on an Alternative Landscape Plan.
  - 4. Where construction timing will delay street tree placement a surety bond may be obtained for portions or all of the required street trees.
  
- F. Easements: Landscaping may be permitted in easements only with the written permission of all easement holders. Easements may overlap a required landscape buffer by a maximum of five (5) feet provided there remains a minimum five (5) foot clear zone for the buffer. Concrete block walls with a continuous footer shall require a minimum of five (5) foot unobstructed area for planting. The landscape buffer may be traversed by easements or access ways as necessary to comply with the standards of this section and other Wellington regulations. Easements shall be identified prior to preparation of the landscape plan and any proposed overlap approved by the Wellington Engineer and/or Utilities Director.
  - 1. Trees planted within any easement with overhead utilities shall comply with the latest edition of FPL's "Right Tree, Right Place" Guidelines and take into consideration the mature height and spread of the species beneath or adjacent to existing overhead utilities. Existing trees shall be maintained so the canopy does not encroach within five (5) feet of the overhead utility.
  - 2. No trees, shrubs or palms shall be placed within five (5) feet of a designated utility or drainage easement or within 10 feet of an underground service line, measured from the nearest point of the line to the nearest point of the trunk at the time of planting, without approval of the Wellington Engineer and the easement holder.
  - 3. No landscaping shall be placed within Lake Maintenance Easements.

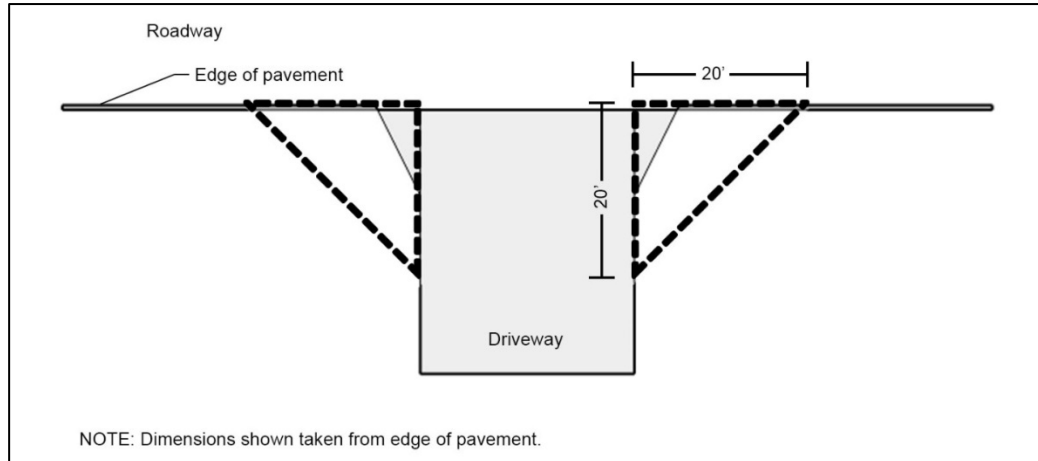
4. Bio-swailes and bio-retention facilities shall not be located in perimeter landscape buffers.
  5. Off-street parking lot islands and medians that may overlap easements must be designed to accommodate the off-street parking landscape requirements of this section. Parking islands may require additional width in order to accommodate easements and the required number or location of trees.
- G. Berms: Landscaped berms may be used in lieu of barriers, such as fences or walls, only when installed in conjunction with plant materials and if compatible with adjacent properties. Landscaped berms may be used to elevate the plant material but shall not be placed in the visibility are of a clear sight triangle. All berms shall not exceed three-to-one (3:1) slope. In areas where existing vegetation has been preserved, berms shall not be installed under the tree drip lines unless the viability of preserved trees and vegetation can be demonstrated. Drainage run off from perimeter berms shall be contained within the buffer area.
- H. Clear Sight Triangle: Vegetation located adjacent to, and within clear sight triangles, shall be trimmed so limbs or foliage do not extend into the required visibility areas. All landscaping within clear sight triangles shall be planted and perpetually maintained by the property owner in accordance with this section. Trees located within clear sight triangles shall be installed with a minimum of eight feet of clear trunk. Clear sight triangles shall be provided on both sides of all intersections and driveways and shall be measured as follows:
1. As required by FDOT Design Standards (current edition) Index 546 "Sight Distance at Intersections" as may be amended, the Limits of Clear Sight diagram and the design speed of the intersecting road shall be placed on the landscape plan sheet to demonstrate compliance.
  2. Vegetation shall be maintained to provide unobstructed visibility at a level between 30 inches and eight (8) feet above the crown of the adjacent roadway to avoid creating a traffic hazard.
    - a. Visibility corners for a road with 100' or more of right-of-way shall be a minimum of 25 feet along the edge of pavement line from the intersection of a driveway with a major road as depicted in Image 1 below:

**Image 1: Safe Triangle for ROW 100 Feet or More**



- b. Visibility corners for a road of less than 100' of right of way shall be a minimum of 20 feet along the edge of pavement line from the intersection of a driveway with a local road as depicted in Image 2 below:

**Image 2: Safe Triangle for ROW Less Than 100 Feet**



**Sec. 7.8.3 - Tree Credits**

A preserved native, upland or drought-tolerant trees meeting the standards specified in this Chapter may be substituted for trees required by this Code or condition(s) of approval subject to the following:

- A. Credit may be granted for on-site preservation of existing trees when a landscape plan is accompanied by a tree removal and replacement tree survey with credit calculations based on this section.
- B. Existing trees to be preserved shall be credited according to the formula in Table 7.8-2.

**Table 7.8-2 Tree Credits**

Crown Spread of Tree	Or	Diameter of Tree at 4.5 Feet Above Grade (DBH)	=	Credits
90 Feet or Greater	Or	37 inches or more	=	8
60-89 Feet	Or	32-36 inches	=	7
50-59 Feet	Or	27-31 inches	=	6
40-49 Feet	Or	22-26 inches	=	5
30-39 Feet	Or	17-21 inches	=	4
20-29 Feet	Or	12-16 inches	=	3
10-19 Feet	Or	7-11 inches	=	2
5-9 Feet	Or	2-6 inches	=	1
Less than 10 Feet	Or	Less than 2 inches	=	0

*Notes*

- 1. Fractional measurements shall be rounded down.
- 2. Preserved slash pines a minimum of 16 feet in height may count as one required tree.
- 3. Accent palms shall be counted as one shade tree for interior tree requirements. A maximum of 25% of the required interior trees may be palms species.

4. *Existing palms with a clear trunk greater than eight feet shall be counted as 1/3 of a tree for perimeter buffer requirements (e.g. three palms = one shade tree). A maximum of 25% of the required buffer trees may be palm species.*

C. Tree credits shall not be permitted for trees that are:

1. Required or protected by law or trees located in required preservation areas;
2. Not properly protected from damage during the construction process as provided in this chapter;
3. Classified as prohibited, fruit or controlled species;
4. Dead, dying, diseased or infested with harmful insects; or
5. Located within recreation tracts, golf courses or similar areas within planned developments.

**Sec. 7.8.4 – Parking Lot Landscape Requirements**

A. General tree, shrub and hedge standards:

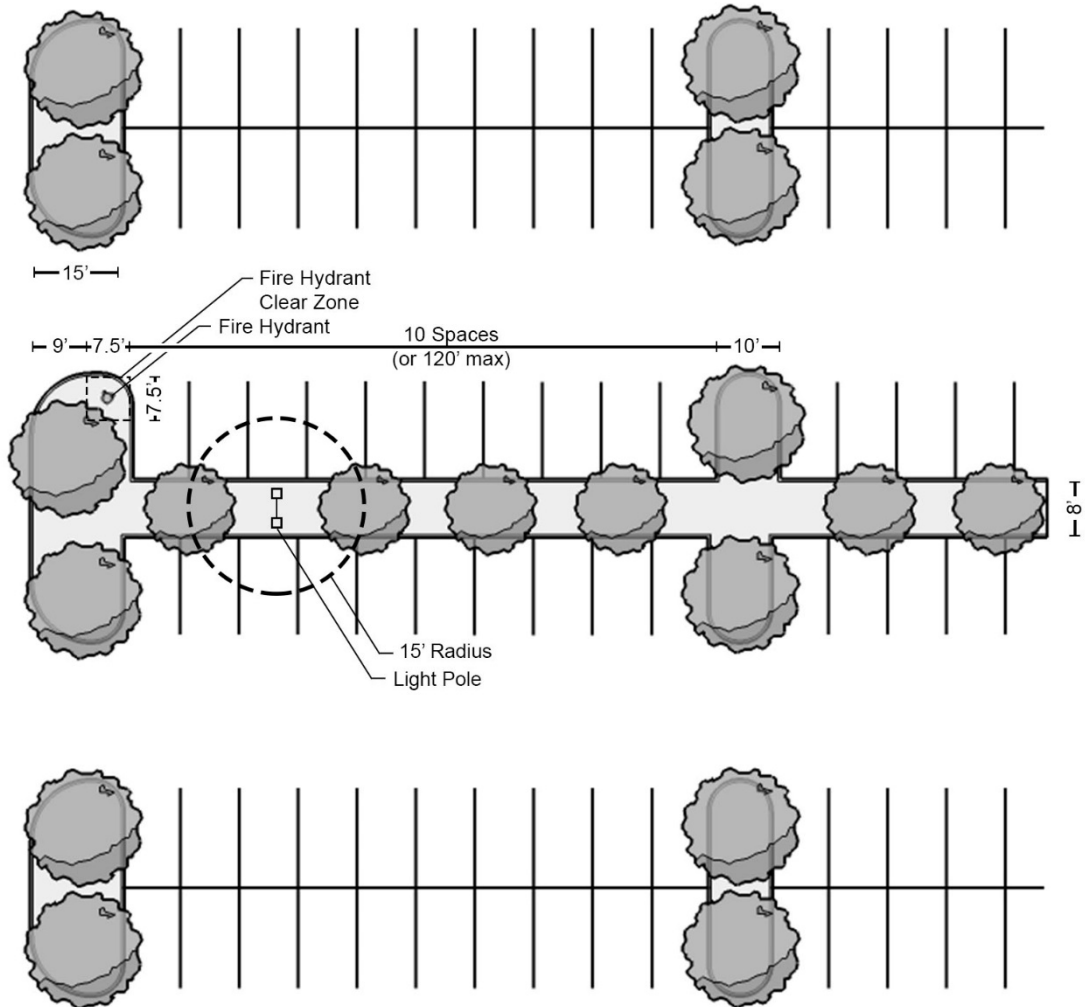
1. A minimum of 75% of all trees required to be planted in the interior of vehicular use areas shall be shade trees. The remaining 25% may be understory trees or palms that mature to more than 25 feet in overall height.
2. Palms may count as one (1) required interior tree and shall not exceed a maximum of 25% of the required interior trees. Preserved native palms with a minimum of four (4) feet of clear trunk located within the interior of a site may be counted as one (1) required interior tree. Palms planted in the interior of vehicular use areas shall be an appropriate species which when mature will not interfere with required lighting or other land development regulations.
3. Shade trees for vehicular use areas shall have a minimum height of 14 feet and a minimum crown spread of six (6) feet at time of installation.
4. The hedge and shrubs installation requirements for interior landscape shall comply with the General Landscape Standards of this chapter.

B. Off-Street Parking:

1. Each row of parking spaces shall be terminated by landscape islands. The terminal island shall not overlap perimeter or other required buffers and shall be a minimum of 12 feet in width, excluding required curbing, 15 feet in length and include at least 180 square feet of planting area and one tree.
2. A minimum of one interior landscape island shall be provided for every ten (10) parking spaces as shown in Image 3 below, or fraction thereof. Interior landscape islands shall be spaced a maximum of 120 feet apart and shall be a minimum of ten (10) feet in width, excluding required curbing, 15 feet in length and include at least 150 feet square feet of planting area and one tree.
3. Divider medians providing at least eight feet of landscaped width shall be installed between every other row of parking and between all parking and adjacent vehicular use areas. If a sidewalk is designed into the parking lot divider median a minimum five (5) feet of landscaped area width is required. One (1) shade tree shall be planted for each 30 linear feet, with a maximum spacing of 40 feet on center.



**Image 3: Landscape Islands and Divider Medians**



NOTE: Dimensions shown taken from back of curb.

4. All parking, loading, storage or outdoor display area(s) adjacent to rights-of-way shall be screened with a continuous hedge.
5. Landscape protection measures such as curbing and wheel stops shall be shown on all paving, drainage, site and landscape plans. Low shrubs and ground covers must be maintained to allow for 24 inches of clearance from the outside face of curb adjacent to an off-street parking space or vehicle use area and 12 inches of clearance at maturity from the inside face of the curb. Plant material required per this section shall be protected from vehicular encroachment by the use of concrete wheel stops or continuous concrete curbing.
  - a. Planting area width requirements shall be measured from the inside edge of the curb or wheel stop.
  - b. All landscape area subject to vehicular encroachment shall be separated from vehicular use areas by six-inch, non-mountable, FDOT type "D" or FDOT type "F" concrete curbing except for divider medians with abutting parking spaces wheel stops or alternative landscape protection measures may approved by the DM.
  - c. Wheel stops shall have a minimum height of six (6) inches above the finished grade of the parking area. All wheel stops shall be properly anchored, continuously maintained in good condition and rest fully on the pavement to prevent rocking.

**Sec. 7.8.5 – Landscape Buffers**

Perimeter landscape buffers and rights-of-way (ROW) buffers, including road medians, shall comply with the standards of this section, unless otherwise provided for the LDR.

A. The following subsection establishes three (3) landscape buffer types and the application criteria for each type of buffer and use. The minimum height standards established for each buffer type shall be achieved within two (2) years of installation. The minimum installation standards are provided in the General Landscape Standards of this chapter.

1. Type A buffers shall be a minimum of ten (10) feet wide and contain one (1) shade tree per 30 linear feet of buffer, planted a maximum of 40 feet on center. A continuous hedge a minimum of 36 inches high and planted three (3) feet on center shall also be required. For the purpose of this section, Type A buffers that are required to have a six (6) foot high fence shall be indicated as a Type A/F buffer.
2. Type B buffers shall be a minimum of 15 feet wide and contain one (1) shade tree per 30 linear feet of buffer, planted a maximum of 40 feet of center. A continuous hedge a minimum of 36 inches high and ten (10) shrubs per 30 linear feet, a minimum of 18 inches high, both planted three (3) feet on center shall be required. For the purpose of this section, Type B buffers that are required to have six (6) foot high masonry wall shall be indicated as a Type B/W buffer.
3. Type C buffers shall be a minimum of 20 feet wide and contain one (1) shade tree per 40 linear feet of buffer, planted a maximum of 40 feet on center. One (1) flowering or small tree per 30 linear feet of buffer, planted a maximum of 40 feet on center shall be required. A continuous hedge a minimum of 36 inches high and ten (10) shrubs per 30 linear feet, a minimum of 18 inches high, both planted three (3) feet on center shall be required.

B. Landscape Buffer Application:

1. The required landscape buffer type shall be based on the proposed and adjacent land uses. For subject properties with multiple proposed uses, such as PDs, more than one buffer type may apply.
2. Table 7.8-1, Landscape Buffer Application, provides the Future Land Use Map designation and corresponding buffer type requirements.
3. When the adjacent property is a ROW, a Type C buffer shall be required.

**Table 7.8-1 Landscape Buffer Application**

Subject Property	Adjacent Property						
	Residential A, B, C	Residential D, E	Commercial	Utility and Flex Use	Institutional	Commercial Recreation	Park and Conservation
Residential A, B, C	-----	A/F	B/W	B/W	A/F	B	C
Residential D, E	A/F	-----	B/W	B/W	A/F	B	C
Commercial	B/W	B/W	A	B/W	A/F	B	C
Utility and Flex Use	B/W	B/W	B/W	A	A/F	B	C
Institutional	A/F	A/F	A/F	A/F	A	B	C
Commercial Recreation	B	B	B	B	B	-----	C

Subject Property	Adjacent Property						
	Residential A, B, C	Residential D, E	Commercial	Utility and Flex Use	Institutional	Commercial Recreation	Park and Conservation
Park and Conservation	C	C	C	C	C	C	-----

C. Landscape Buffer Standards:

1. The area of easements or access ways that traverse the required perimeter or ROW buffer may be subtracted from the overall linear buffer area calculation.
2. Palms or Slash Pines planted in buffers shall be installed in groups of three (3) or more. Each group of palms shall be a minimum of 12, 14, and 16 foot clear trunk at installation. Each group of Slash Pines shall average ten (10) feet in height and counted as one (1) required shade tree.
3. For new development or redevelopment, existing native vegetation may be used to meet landscape buffer requirements in total, or in part, upon approval by the PZB Director if the following can be demonstrated:
  - a. The effectiveness of the existing visual screening;
  - b. The quality of the vegetation and ability to properly protect the vegetation during construction; and
  - c. The probability of native materials surviving proposed relocation from another area on-site.
4. All landscape buffers, where required, shall be installed for all non-residential developments prior to the issuance of the first certificate of occupancy.
5. All landscape buffers, where required, shall be installed for all residential developments prior to the issuance of the first CO, unless phased installation is approved as part of a development order. For a phased development, the buffer shall be installed along the entire perimeter of each phase prior to the issuance of the first CO for the corresponding phase.
6. Where properties are separated from adjacent properties or ROW by a canal, lake and/or passive open space, with a minimum width of 50 feet, the buffer width may be reduced by up to 25%. If the buffer includes a wall or fence the buffer shall maintain a minimum ten (10) foot width. The quantities of plant material may be reduced proportionate to the reduction in buffer width.
7. If a fence or wall is desired or required, the landscaping shall be located between the barrier and the adjacent property or ROW. Fences and walls that may conflict with pre-existing dedicated easements, shall require approval from the Wellington Engineer, Utilities Director and/or easement holder if the structure is not able to be shifted for relocated to not encroach the easement. Fences and walls shall comply with the clear sight triangle requirements of this chapter.
8. All walls shall obtain approval from the Architectural Review Board and shall be masonry construction unless an alternative material/type is approved by the Board, and must meet all applicable Florida Building Code requirements. Both sides of the walls shall be given a finished architectural treatment and shall contain no openings except gates or access approved during site plan approval. Connectivity to adjacent properties is encouraged. Maintenance of both sides of the wall shall be the responsibility of the property owner.

9. It is encouraged that double walls or fences between two properties be avoided. If an existing development has a wall or fence and a new development is required to have a wall or fence, the PZB Director may waive the requirement for the wall or fence. The minimum width of the buffer and required landscape quality and quantities shall still apply.
10. The PZB Director may impose special standards to mitigate potential impacts or to ensure the intent of the landscape standards are met for the following uses:
  - a. Recreational and Institutional uses within a residential subdivision;
  - b. As part of PD with a proposed ALP;
  - c. Property owned by Wellington; or
  - d. Property owned by Palm Beach County School District.

D. Rights-of-Way Buffers:

In addition to the General Landscape Standards, general buffer requirements, and Type C buffer criteria, the following standards shall apply to all ROW buffers:

1. Single-family detached homes in a residential subdivision shall not require a ROW buffer along internal roads.
2. For non-residential developments, the required quantity of trees and palms may be clustered in ROW buffers to allow for sign visibility and to accommodate signage proposed in the buffer. Clustering of plant material is also allowed to feature a site design element or to accommodate utilities and easements if at least three (3) of the following conditions are met:
  - a. Clusters are spaced a maximum of 60 feet apart;
  - b. Clusters consist of trees or palms of varied height with the smallest in the cluster meeting the minimum height requirements;
  - c. The subject property has a minimum of 300 feet of frontage along a ROW; or
  - d. The subject property includes site enhancements adjacent to the ROW such as plazas, public art, decorative architectural elements or pedestrian oriented amenities.
3. Walls or fences shall comply with the supplementary standards of Article 6 pertaining to fences, walls, and hedges along a ROW.
4. For developments with reduced setbacks of less than 20 feet, a reduction to the buffer width may be proposed and the required landscaping may be relocated to an alternative buffer that is part of the overall project. An ALP is required and shall comply with the submittal standards in the DRM.
5. The developer of property(s) adjacent to roadways with medians shall provide median landscaping within ROW located in, or intersecting, the perimeter of a development, which shall be subject to the following:
  - a. A landscape median permit shall be required from the Engineering Department. The required quantities and spacing of trees, palms and other vegetation shall be the same as indicated for ROW buffers, or based on an approved ALP.

- b. All plantings shall be done in accordance with an approved site plan/subdivision plan.
  - c. Median landscaping shall be installed concurrent with the construction of the road or access way and shall be completed prior to the final release of the performance bonds for the road construction.
6. All ROW, including median, landscape installation and maintenance shall be subject to all regulations and Maintenance of Traffic (MOT) requirements of Wellington's Engineering and Public Works Divisions, as well as, Palm Beach County and/or FDOT when applicable.

**Sec. 7.8.6 – Landscape Plan and Alternative Landscape Plan Requirements**

- A. All new development requiring the issuance of a building or paving permit shall require a landscape plan or Alternative Landscape Plan (ALP) signed and sealed by a Florida registered Landscape Architect. For single-family, two-family or infill residential projects with four units or less a planting plot plan shall be acceptable and does not require a Landscape Architect's sealed signature. The Landscape and Alternative Landscape Plan submittal requirements are found in the Landscape section of the DRM.
- B. An applicant may demonstrate the intent of this chapter can be more effectively met through site design flexibility by submitting an ALP. Requirements for plant material, heights, spacing and up to 50% of the required buffer widths may be varied with approval of an ALP. Buffer reductions for required fences or walls are excluded from ALP consideration. To qualify for approval, the ALP shall meet at least eight (8) of the following design guidelines and principles:
  - 1. Demonstrates an innovative use of plant materials and design techniques in response to site characteristics;
  - 2. Preserves or incorporates existing native vegetation in excess of minimum standards;
  - 3. Uses a variety of plant material, including plants of color, plants of form and plants of texture;
  - 4. Incorporates naturalistic design principles, such as natural variations in topography, meandering or curvilinear buffer plantings and groupings of dominant plant materials including trees and large shrubs in a manner consistent with existing native vegetation;
  - 5. Integrates landscaping and pedestrian facilities in a manner compatible with the location in which the development is located;
  - 6. Use of shade trees in excess of the minimum standards in this chapter to create additional canopy;
  - 7. Illustrate that 50% of the required trees exceed minimum height requirements;
  - 8. Creates greater compatibility with abutting properties and is consistent with the design principles and guidelines of this chapter and the DRM;
  - 9. Provides a consistent aesthetic appearance from lot perimeters and adjacent roadways;
  - 10. Uses water-efficient irrigation systems and Florida Friendly landscaping principles at appropriate locations; and
  - 11. Incorporates the character of soil, slope, hydrology and vegetative communities unique to the site and is compatible with existing environmental features on adjacent properties.

**Sec. 7.8.7 – Installation, Maintenance, Irrigation and Replacement**

The following standards shall be considered the minimum required installation, maintenance, irrigation and replacement standards for all trees and landscape material.

- A. All landscaping shall be installed according to acceptable nursery practices and in a manner designed to encourage vigorous growth. Soil improvement measures may also be required to ensure long term healthy plant growth. A plant or tree's mature growth characteristics shall be

considered before planting to prevent conflicts with views, lighting, infrastructure, utilities or signage.

1. Required landscaping may be installed in phases, if designated on the approved site/subdivision plan. The number of trees required to be planted or preserved in a construction phase of a planned development shall be a proportion of the total number of trees required to be planted in the overall planned development. This proportion shall be determined by comparing the area of the phase to the area of the entire planned development as shown on the approved plan. Areas of vegetation required to be preserved shall be excluded from the calculation.
  2. During construction of any structure or other improvement, it shall be unlawful for any person to place materials, machinery or temporary soil deposits within the drip line of any tree. The builder shall install protective barriers around all trees to be preserved outside the canopy dripline as depicted in the landscape criteria found in the DRM. Trees designated for protection during construction and which do not survive shall be replaced by a tree of equal size or an equivalent number of trees based on trunk diameter. The minimum protection shall be two inch by 4 inch (2" X 4") wood posts at 48 inches height with 2" X 4" cross rails. Alternative protection methods may be accepted at the discretion of the PZB Director. A bond may be required and the amount of the bond shall be based upon the equivalent value of the tree(s) to be protected. Any bond required for a protected tree shall be four (4) times the equivalent value for that tree.
  3. All installed trees and palms shall be properly guyed and staked at the time of planting and remain in that manner for one (1) year after installation. The use of nails, wire, rope or any other method which damages the trees or palms is prohibited. All plants shall be installed so the top of the root ball remains even or slightly higher than the surrounding soil grade. Plant materials shall be fertilized immediately after planting with type and rate as specified on the landscape plan.
  4. Root barriers shall be required for the installation of trees near utility lines and public facilities such as right-of-way improvements, including sidewalks, using specifications indicated in the landscape criteria found in the DRM. The Wellington Engineer may also require root barriers for hedges to protect facilities. The Wellington Engineer may allow alternative root barrier types and sizes according to their location and application.
- B. The property owner shall be responsible for the following:
1. All proposed removal of trees or palms shall require a vegetation removal permit.
  2. Regular maintenance of all landscaping to encourage a healthy, neat and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance as needed consistent with acceptable horticultural practices.
  3. Regular maintenance, repair or replacement of landscape barriers and maintenance of required landscape structures (i.e. walls or fences) in a structurally sound condition;
  4. Perpetual maintenance to prohibit the re-establishment of prohibited and invasive species within landscaped areas;
  5. All trees shall be allowed to grow to their natural mature height and a full canopy. Large and medium shade trees shall be required to reach a minimum 20 foot canopy spread prior to the initial pruning. In no case shall the canopy spread be reduced to less than 20 feet in width. Maintenance shall be limited to periodic pruning to correct structure, eliminate hazards and maintain healthy vegetation.
  6. Landscaped areas shall not be used for the storage or display of materials or sale of products or services.
  7. The owner shall be responsible for maintenance of landscaped areas in a manner consistent with the approved site plan or landscape plan and in accordance with this section. If a

property owner requests changes and/or removal of more than 30% of the required parcel vegetation or more than ten (10%) percent of the required buffer vegetation, such as hedges, shrubs and ground cover then a proposed landscape plan, along with a vegetation removal permit, illustrating the replacement material shall be submitted for approval by the DM. If the property's original site plan or landscape plan is not available, the property owner must meet current code requirements.

8. Landscaping and hedges shall be trimmed and maintained in a healthy, neat condition and shall not encroach into or over public properties, rights-of-way or easements.
  9. Installed landscape shall be fertilized by following best management practices, which include applying only slow-release products with reduced or no phosphorus, keeping fertilizer application off of hard surfaces, no fertilizer application within ten (10) feet of any water body or before pending rainfall periods. Fertilizer shall be applied only between late spring and early fall using preferred iron-based products in lieu of nitrogen products.
- C. Pruning is permitted to allow for healthy tree growth, reduce potential hazards and enhance the aesthetic value of plant material. Trees which cause a conflict with views, signage or lighting shall not be pruned more than the maximum allowed as stated below. The PZB Director may suspend the provisions of this section upon finding additional pruning is necessary for plant growth, safety or desired aesthetics.
1. A maximum of 25% of tree canopy may be removed within a one year period provided the removal conforms to the standards of crown reduction, removal of dead or dying branches, crown thinning, crown raising, vista pruning and crown restoration pruning techniques. All pruning shall comply with the American National Standards Institute ANSI 300 (Tree, Shrub and other Woody Plant Maintenance) current edition as amended. The crown of a tree required by this chapter, or condition of approval, shall not be reduced below the minimum spread or height requirements or conditions of approval. A tree pruned in excess shall be replaced and shall meet the minimum requirements of Section. The PZB Director shall determine whether the excess pruning is a violation of this section and if fines shall be imposed.
  2. Shaping of a tree may be permitted if the tree is to be used as an accent or focal point or as part of an overall landscape design. A maintenance program shall be clearly outlined on the approved landscape plan to explain the care and upkeep of a shaped tree.
  3. All cuts shall be made close to the trunk or parent limb without cutting into the branch collar or leaving a protruding stub. Clean cuts shall be made at all times to minimize branch damage.
  4. Climbing spikes are prohibited for tree or palm pruning.
  5. Pruning tools shall be disinfected with diluted chlorine bleach or suitable solution during pruning to prevent transmission of diseases.
  6. Tree topping (hatracking) is prohibited and shall be defined as the cutting back of limbs to a point between branch collars or buds larger than one (1) inch in diameter within the tree's crown. Branches may be pruned to an adjacent lateral branch at least 33% the diameter of the limb being removed.
  7. No tree shall be initially pruned before it has a minimum of 20 foot canopy spread unless for structural pruning to correct deficiencies or remove potential hazards.
  8. For palm pruning:
    - a. No more than 33% of fronds shall be removed.
    - b. No frond removal allowed above the horizon line (three o'clock to nine o'clock) except to remove dead or diseased fronds.
  9. The following trees and species are exempt from these pruning standards:
    - a. Trees in conflict with Federal Aviation Administration and airport safety regulations;
    - b. Trees which interfere with corner clips, utility lines or utility structures;

- c. Trees having insect or disease damage, crown dieback or decay greater than one third (1/3) of the tree canopy;
  - d. Trees having suffered damage due to natural or accidental causes;
  - e. Trees in botanical gardens or botanical research centers;
  - f. Trees maintained by Wellington; or
  - g. Ficus species.
- D. Landscaped areas shall be irrigated, as necessary, to maintain required plant materials in good and healthy condition. Irrigation systems shall comply with the following standards:
- 1. Irrigation systems, and their control mechanisms, shall be continuously maintained in working order, without visible leaks and within full compliance with this section.
  - 2. Irrigation systems shall be maintained to avoid overspray onto adjacent paved surfaces.
  - 3. Landscape irrigation shall be restricted between the hours of 7:00 p.m. to 7:00 a.m.. Any water restrictions issued by South Florida Water Management District due to extended drought conditions shall prevail unless Wellington imposes stricter standards. Failure to comply with the requirements of these restrictions will constitute a violation and may be enforced by Wellington.
  - 4. The following activities shall be exempted from the provision of this section.
    - a. Landscape watering using a hand spray nozzle with a self-closing nozzle or by low volume irrigation system (dripline, drip emitters, bubblers, or similar).
    - b. Landscape irrigation systems under repair and maintenance to observe zone coverage limited to ten (10) minutes, per zone, per week.
    - c. Landscape irrigation for purpose of applying of fungicides, insecticides, herbicides, pesticides and fertilizers as required by the manufacturer. This exemption applies only to licensed application operators and shall be limited to manufacturer's recommendations to be completed within 24 hours of the application. Application Operators must be on premises if prescribed watering periods are beyond the hours allowed for irrigation.
    - d. Irrigation of clay tennis courts, artificial turf or athletic fields limited to one (1) hour, two (2) times per day.
- E. Landscape trees planted or preserved to meet the minimum landscape tree requirements of this section may be later removed provided a Vegetation Removal Permit is applied for and the requirements of Tree Protection are met.

**Sec. 7.8.8 – Temporary Suspension of Landscape Standards**

- A. The installation of landscaping required by this Chapter may be temporarily suspended by the PZB Director under the following circumstances:
- 1. After a freeze or major hurricane when required landscape materials are not available;
  - 2. During a period of drought when the use of water is restricted by a governmental authority; or
  - 3. Prior to issuance of a building certificate of occupancy in response to extenuating circumstances beyond the control of the applicant.
- B. If the landscape standards of this Chapter are suspended, the PZB Director may enter into an agreement with the property owner to allow issuance of the permit or Certificate of Occupancy or Certificate of Completion only if the property owner provides adequate guarantee or surety the terms of this Chapter will be met. The guarantee shall consist of a performance bond or other surety agreement approved by the Wellington Attorney in an amount equal to 110% of the direct costs of materials and labor and other costs incidental to the installation of the required landscaping completion agreement based on a cost estimate signed and sealed by the project's Landscape Architect. Performance bonds, or other guarantees, required pursuant to this chapter shall name Wellington as beneficiary and specify the time frame for the completion of the landscape standards.



- C. An application for a temporary suspension of landscape standards shall be accompanied by a landscape plan identifying the plantings which have been postponed, the proposed planting schedule and the costs of the suspended planting. Planting cost estimates shall be verified by the project's Landscape Architect and provided to Wellington along with the application request for temporary suspension.

**Sec. 7.8.9 – Administration**

- A. All site/subdivision plans shall be reviewed by Wellington for conformance to landscaping and screening requirements prior to the issuance of a Certificate of Occupancy.
- B. Unless otherwise provided in this section, all development shall be inspected after installation of the required landscaping. Required landscaping shall be approved by the DM prior to issuance of a Certificate of Occupancy or Certificate of Compliance.
- C. In addition to the required field inspection, the property owner shall provide a Letter of Compliance, in a form approved by the PZB Department, prior to the issuance of a Certificate of Occupancy or Certificate of Completion. The letter shall be prepared and signed by a Landscape Architect licensed by the State of Florida, listing any changes or substitutions and demonstrate all of the provisions of this section have been met.
  - 1. The PZB Department may conduct a follow-up field inspection to verify the Letter of Compliance.
  - 2. If no field verification is conducted by the PZB Department within 30 calendar days the Letter of Compliance shall be deemed to have been accepted. Upon acceptance by the PZB Department the Letter of Compliance shall be filed and maintained with the official records of the development.
- D. Landscaping shall be inspected periodically by Wellington to insure proper maintenance. The property owner shall be notified by Wellington, in writing, of any areas which are not being maintained as provided in this Chapter and shall be granted 30 calendar days from the time of notification to restore the landscaping to a healthy condition.
- E. Tree and landscaping services within Wellington shall comply with the following:
  - 1. All tree and landscaping services shall register with the PZB Department and obtain an occupational/business tax receipt before beginning work within the boundaries of Wellington.
  - 2. Vehicles used by a tree service, or Arborist, operating within Wellington shall be clearly marked with the name of the tree service or Arborist. Certified Arborists shall display their business logo and registration number.
  - 3. A photocopy of the current occupational license/business tax receipt and registration shall be available for inspection at each job site.
  - 4. Persons engaged in business as a tree service in Wellington shall adhere to the American National Standards Institute A-300 standards for pruning, except for listed Ficus species or removal of prohibited trees.
  - 5. Persons engaged in business as a tree or landscaping service in Wellington shall remove all limbs and planting debris prior or upon leaving the work site.

**Sec. 7.8.10 – Enforcement**

This chapter is subject to the enforcement provisions of Article 1, the Tree Protection Enforcement Standards and those below:

The following deficiencies shall be considered separate violations:

- A. Each tree or shrub which is not properly installed or properly maintained on site as required by this Chapter;
- B. Each day in which landscaping is not properly installed or properly maintained on site as required by this Chapter; and
- C. Each tree or palm removed without a permit.

## CHAPTER 9 – SIGN REGULATIONS

- A. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this Chapter is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community and encouraging economic development.
- B. This Chapter allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This Chapter must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Chapter is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of the other provisions of this Chapter that can be given effect without the invalid provision.
- C. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.
- D. These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by this State, the federal government or the Village of Wellington. The inclusion of “government” in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

### Sec. 7.9.1 – Definitions

The following definitions, in addition to Article 3, and the illustrated example provided in the DRM, shall be utilized to administer this Chapter:

**A FRAME SIGN** - a movable temporary sign usually constructed to form an “A” or tent-like shape.

**AUXILIARY GROUND SIGN** - a sign associated with vehicular and pedestrian critical turning points at properties with multiple nonresidential tenants, a sign associated with lanes at restaurant drive-thru facilities or a sign associated with entrances to non-exempt agricultural and equestrian property in the EOZD.

**AUXILIARY WALL SIGN** - a wall sign associated with drive-thru facilities or building entrances.

**BANNER SIGN** - a sign made of cloth, fabric, paper, non-rigid plastic or similar type of material.

**BUILDING BANNER SIGN** – a banner sign associated with a tenant space and fastened to the building facade.

**CANOPY** - a roof-like structure generally self-supporting which may be freestanding or attached to a principal structure, including those signs on fabric awnings, providing shade and weather protection typically utilized over drive-thru facilities and gasoline pumps.

**CANOPY OR MARQUEE SIGN** - a sign that is mounted, painted or attached to a canopy or marquee.

**CHANGEABLE COPY SIGN** - a sign designed for displaying information or copy where the copy is changeable and affixed to or made a part of the sign.

**COPY/ADVERTISING** - written or graphic material, which is placed, displayed or depicted or otherwise indicated on a sign.

**COPY CAT SIGN** - signs that resemble any official signage or markers and that because of design, location, position, shape or color may be reasonably confused with or construed as traffic-control devices or regulatory signs.

**CRITICAL TURNING POINT** - a point on a site's interior where pedestrians or vehicles need to be safely directed to navigate to other points on a site such as a business entrance, parking area, delivery area, loading area, building, neighborhood area or community facility.

**DIGITAL SIGN** - a sign that utilizes an electronic display including liquid crystal display (LCD/LED), plasma display or projected images.

**DOUBLE-FACED SIGN** - a sign with two faces that are typically parallel.

**ELECTRONIC MESSAGE BOARD SIGN** - a sign with a display consisting of text or graphics illuminated with light emitting diodes or similar technology that can be changed frequently.

**EMITTING SIGN** - signs that emit audible sound, odor or visible matter such as smoke or steam.

**ENTRY WALL SIGN** - a sign attached to a wall, fence or gate near the entrance of a site.

**EXEMPT SIGN** - a sign that is exempt from the requirements of this Chapter.

**FACADE** - the entire face of a building (front, side and rear) including the parapet.

**FLAG** - a piece of material, typically cloth on which is depicted a government agency, civic or institutional symbol, other symbols, graphics or lettering.

**FLAG BANNER SIGN** - a temporary banner sign associated with a tenant space or model home mounted on a non-permanent pole.

**GROUND MOUNTED SIGN** - any non-movable sign in which the entire bottom is in contact with or is less than two (2) feet from the ground.

**FREESTANDING SIGN** – any sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.

**FRONTAGE, STREET** - the portion of a building abutting or facing a public right-of-way.

**GRADE** - the average finished ground level of a parcel on which a sign is located.

**GRAFFITI** – means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the Village of Wellington. Graffiti includes snipe signs.

**GRAFFITI IMPLEMENT**- means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.

**GRAPHICS** - copy, graphical designs, letters, color or combination thereof to comprise or be part of a sign.

**HOLIDAY DECORATIONS** - temporary decorations customarily incidental to, and commonly associated with, a holiday.

**HANGING SIGN** - a sign suspended from an exterior arcade, canopy, covered walkway or similar building element.

**HUMAN BILLBOARD SIGNS** - signs attached, held, worn, thrown or spun by an individual for advertising.

**ILLEGAL SIGN** - a sign installed without a permit, if required.

**ILLUMINATED SIGN** - a sign that is internally or externally illuminated by artificial means.

**INCIDENTAL SIGN** - A ground mounted sign or wall sign which is smaller than an auxiliary sign having a face consisting of one panel, associated with lanes of drive-thru facilities or with an entrance to residential or non-exempt agricultural and equestrian properties in the EOZD.

**INCIDENTAL WALL SIGN** - an incidental sign affixed permanently to a wall associated with a drive-thru facility.

**INSTITUTIONAL USE** - a site or facility operated by a nonprofit organization open to the public and providing religious, social, educational, governmental or recreational services.

**LARGE MONUMENT SIGN** - a monument sign that is greater than 32 square feet.

**LOT** - the smallest division of land identified as a single unit of ownership for conveyance and legal development purposes, and delineated by a closed boundary that is inclusive of the horizontal area within lot lines as further defined in Article 3 Chapter 2 of these LDR.

**LSMU** - the Regional Commercial Large Scale Multiple Use (LSMU) Land Use designation of the Comprehensive Plan.

**MAJOR TENANT** - a tenant with indoor space of 5,000 square feet or more.

**MARQUEE** - any hood or canopy of permanent construction, which projects from the wall of a building.

**MASTER SIGN PLAN** - drawings and plans that illustrate the proposed sign program for the overall development, including size, location, type, architectural design, dimensional and other design standards, materials, color and sign illumination.

**MINOR TENANT** - a tenant with indoor space of less than 5,000 square feet.

**MOBILE SIGN** - signs mounted on top or on the rear of a vehicle or bicycle or signs attached to or located within a trailer or other equipment towed by a vehicle or bicycle.

**MODEL HOME MONUMENT SIGN** - a type of temporary monument sign permitted at model home centers.

**MONUMENT SIGN** - a freestanding permanent sign with a solid base located on or close to the ground typically incorporating materials that complement the architecture and landscaping of the principal structure on the site.

**MOVING SIGN** - any sign or part of a sign that flashes, changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

**MULTI-PANEL MONUMENT SIGN** - a monument sign that contains multiple panels and areas for the display of graphics or lettering.

**NONCONFORMING SIGN** - a sign or structure which by its design, height, type, sign area, location, use, structural support or otherwise does not conform to the requirements of this Chapter.

**OBSTRUCTING SIGN** - a sign that obstructs the vision of pedestrians, cyclists or motorists traveling on or entering public streets.

**OFF-PREMISE SIGN** - any temporary or freestanding permanent sign constructed or existing at a place other than on the property that its associated use or activity is located.

**PARAPET** - a false front or wall extending above the roofline.

**PAVEMENT AND CURB SIGN** - signs that are painted, pasted or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street except address numbers, street names and traffic-control signs.

**POLE BANNER SIGN** - a banner sign mounted on a permanent pole.

**POLE SIGN** - a sign mounted on a pole except for certain incidental signs.

**POST AND PANEL SIGN** - a sign made of wood, metal, similar rigid materials or durable weatherproof fabric attached to one or more ground mounted posts utilized as a panel to display graphics or letters.

**PRIMARY FACADE** - the facade which has the principal entrance, often referred to as the principal facade or storefront.

**PUBLIC EVENT SIGN** - a sign erected by a governmental body such as permanent or temporary traffic control, safety, directional or informational signs that inform the public of meetings, public notices, information or events or signs erected by Wellington for events with an anticipated significant traffic impact beyond the location of the associated activity.

**PROJECTING SIGN** - a sign attached to a building extending beyond the building or wall face to which it is attached.

**RING ROAD** - the access drive near the perimeter of a regional shopping center's parking fields.

**ROOF SIGN** - a sign erected over, across or on the roof of any building, which is dependent on the roof or mansard for support.

**SIGN** - any object, device, display, structure, name, identification, description, illustration, or part thereof that is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface, which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street are not considered a sign. Each display surface of a sign or sign face is considered to be a sign.

**SIGN AREA** - the entire face of a sign, including the surface and framing, trim, or molding, but not including the supporting structure.

**SIGN FACE** - the entire display surface area of a sign upon, against or through which copy is placed.

**SMALL MONUMENT SIGN** - a monument sign that does not exceed 32 square feet in size.

**SNIFE SIGN** - any small sign, generally of a temporary nature, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or other objects not erected, owned, and maintained by the owner of the sign.

**TEMPORARY SIGN** - a sign that appears to be intended or is determined by a code enforcement officer to be displayed for a limited period of time (rather than permanently attached to the ground or structure).

**VEHICLE SIGN** - a sign attached to or displayed on a vehicle.

**VENDING MACHINE SIGN** - any sign, display or other graphic attached to or part of a machine dispensing food, beverages or products.

**WALL** - an exterior vertical structure encompassing the area between the grade and the eaves of a building that encloses the building.

**WALL SIGN** - a sign fastened to the exterior wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and that does not project more than 24 inches from such building or structure.

**WINDOW AREA** – the entire glass area of a window or door used for calculation of permitted sign area including any mullions or transoms within a window or door but excluding the supporting structures of such window or door.

**WINDOW SIGN** - a sign placed inside upon or within three (3) feet of a first-story window at or below eight (8) feet of the associated doorway grade level intended to be seen from the exterior of the window.

**YARD SIGN** - a small temporary sign placed upon or supported by the ground independently of another structure not including an A-frame sign.

### **Sec. 7.9.2 – Prohibited Signs**

Signs are prohibited in all Zoning Districts unless:

- A. Constructed pursuant to a valid building permit when required under this Code; and
- B. Authorized by this Code.

### **Sec. 7.9.3 – Authorized Signs**

The following signs in this Section are authorized in every Zoning District:

- A. Although these regulations do not apply to signs erected, maintained or posted by the State, federal or this government, these regulations clarify that Government signs which form the expression of that government are allowed in every Zoning District and include the signs described and regulated in Section A(1) through A(4) below when erected and maintained pursuant to law.
  - 1. Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration. Because these regulations do not apply to the State, federal or this government, a failure to comply with this provision by those governments does not constitute evidence of negligence or form the basis for a cause of action.

2. Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this code or other law the identification must be on the curb and may be on the principal building on the property. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building and in no case be smaller than four (4) inches in height. In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street.
3. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property. If the federal, state or local regulation describes the form and dimensions of the sign, the property owner must comply with those requirements, otherwise, when not defined, the sign shall be no larger than two square feet and located in a place on the property to provide access to the notice that is required to be made. Signs posted under this Section are not snipe signs.
4. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed by the property owner no more than ten (10) days after their purpose has been accomplished or as otherwise required by law. Signs posted under this Section are not snipe signs.

#### B. Temporary Signs, Generally.

1. Temporary signs allowed at any time:
  - a. A property owner may place one sign with a sign face no larger than two (2) square feet on the property at any time. This Section does not include snipe signs.
  - b. A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time.
2. One temporary sign per 0.25 acre of land may be located on the owner's property for a period of thirty (30) days prior to an election involving candidates for a federal, state or local office that represents the district in which the property is located or involves an issue on the ballot of an election within the district where the property is located per issue and per candidate. Where the size of the property is smaller than 0.25 acres these signs may be posted on the property for each principal building lawfully existing on the property. This section does not authorize snipe signs.
3. One temporary sign that is not a snipe sign may be located on a property:
  - a. When the owner consents and that property is being offered for sale through a licensed real estate agent;
  - b. If not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner through advertising in a local newspaper of general circulation; and
  - c. For a period of 15 days following the date on which a contract of sale has been executed by a person purchasing the property.

4. One temporary sign may be located on the owner's property on the day prior to and on the day when a property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a Residential District on more than two days in a year and the days must be consecutive and may not use this type of sign in any Commercial District for more than 14 days in a year and the days must be consecutive. For purposes of this Section, a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward. This Section does not authorize snipe signs.
5. During the 40 day period December 1 to January 10, a property owner may place one (1) temporary sign on the property and may use lights that do not exceed 0.3 foot-candles above ambient light levels as measured at the property line between the hours of 8AM and 10PM to decorate the property even if the lights might be arranged to form a sign. This Section does not authorize snipe signs.
6. A property owner may place and maintain one temporary sign on the property on July 4. This section does not authorize snipe signs.
7. A person exercising the right to place temporary signs on a property as described in this Section must limit the number of signs on the property per 0.25 acre at any one time to two (2) plus a window sign allowed as described in this Section, or if the property is smaller than 0.25 acres then no more than two (2) signs plus a window sign allowed as described in this Section per principal building on the property.
8. The sign face of any temporary sign, unless otherwise limited in this section must not be larger than two (2) square feet.

#### **Sec. 7.9.4 – General Sign Standards**

- A. All signs shall be kept in good condition and operational. All signs shall be compliant with the building code, present a neat appearance and be maintained free of debris, stains, mold, discoloration or deterioration. Temporary signs shall be constructed of durable, weatherproof material.
- B. A sign shall not directly or indirectly create a traffic or fire hazard, interfere with the free and unobstructed use of streets, sidewalks or building entrances or obstruct clear vision at the intersection of any streets, drives or public or private vehicular access ways or so that it may be confused with authorized traffic signs or devices.
- C. All signs shall be setback a minimum of five (5) feet from the property line, or unless otherwise specified in this Section, and shall provide a minimum 18 inch clearance from rights-of-way, curbs, sidewalks and landscaping, or a larger clearance if deemed necessary by the Wellington Engineer.
- D. Master Sign Plans and building permits shall provide designs, colors and lighting for signs that are compatible with the theme, architecture, colors and lighting of all signs in the development or as otherwise permitted by Fla. Stat. 553.79 which references trademarks, logos, gasoline sign pricing, etc.
- E. If a permissible sign is proposed to vary from a specific standard of the sign regulations, a Technical Deviation shall be obtained prior to the issuance of a building permit. The request shall be in accordance with the criteria in the DRM. ARB shall review all requests for Technical Deviations and may not permit a sign type or variance from regulations that are specifically prohibited in the LDR. The justification statement shall demonstrate that the type and extend of



the requested deviation for each sign is necessary, beneficial, and does not violate the intent of the LDR.

- F. Lighting shall be non-glaring, directed away from adjoining properties and shall be designed to avoid affecting the vision of drivers on adjacent roadways.
- G. All mechanical and/or electrical elements of a sign shall be fully screened or concealed with the exception of external lighting approved by the Architectural Review Board.
- H. All ground-mounted signs shall be appropriately landscaped to ensure that the structure blends with the character of the surrounding community. Landscaping shall be installed and maintained in a manner not to interfere with visibility of a sign.
- I. Sign height shall be measured from the average grade of surrounding property. Grades raised solely to increase sign height shall not be used to determine allowable height. Grade elevations raised as part of landscaping, berms and approved entry features may be utilized to determine height.
- J. Temporary signs must be removed within ten (10) days after the event that is the basis for the sign or if a different standard is required by an approval such as a special use permit or temporary sign permit, then the temporary sign must be removed within the time period required by that approval.
- K. Mounting:
  - 1. Wall signs shall not be mounted to extend more than 24 inches from the face of the building.
  - 2. Wall signs shall not be mounted to, or extend above or below the edge of any wall or above the parapet.
  - 3. Ground mounted permanent signs shall be on a foundation or footing.
- L. The repainting, changing of parts and maintenance of an approved sign shall not require a permit, provided such maintenance is consistent with an approved sign plan and the LDR.
- M. Computation of Sign Number and Area:
  - 1. The surface area of a sign shall be the entire face of a sign, including any framing, trim or molding but not including the supporting structure. In the case of double-faced signs, if the two faces are parallel or constructed at an angle of 15 degrees or less, than the two faces shall be considered a single sign face. If the angle of a double-faced sign is greater than 15 degrees, each sign face shall be included for determining the total area.
  - 2. For the purpose of computing the number and area of signs, the frontages of lots shall be established by orientation of the main entrances of the buildings. If this method is not

determinative, the PZB Director shall determine frontages on the basis of traffic flow and access from adjacent streets.

3. Sign height shall be measured from the highest point to the lowest point, including graphics or logos. All spaces between each line of copy shall be included in the sign height. If signage includes a colored background, the background shall also be included in the height.



- N. As part of an annexation agreement, Council may allow nonconforming signs to continue for a specific number of years or permanently. All signs located on property not subject to an annexation agreement shall comply with the requirements of this Chapter regarding nonconforming signs.
- O. Appeal of any decision relating to sign designs, materials or colors shall be filed with the Architectural Review Board in accordance with Article 5 of the LDR.
- P. Previously permitted, non-conforming signs and sign structures shall not be enlarged, altered or moved without the entire sign being brought into compliance with the LDR. The sign face, that does not increase the degree of non-conformity, on non-conforming signs may be replaced with a valid building permit, including lighting and electrical alterations. If a non-conforming sign is damaged or destroyed by any means and cost to repair the sign is 50% or more than the cost to replace it, the sign shall be removed and any replacement shall comply with the LDR.

#### 7.9.5. – Master Sign Plan

A Master Sign Plan shall serve as the controlling document for review of all applications for sign approval within a designated development, including planned developments, conditional uses, or other developments with more than one (1) building or parcel, including all outparcels. The purpose and intent of a Master Sign Plan is to provide a master record of signs on a parcel, ensure compatible signage, and to create unification of signage within parcels but not between parcels that are common to a planned commercial development, and out-parcels shall be treated separately. All Master Sign Plans shall be approved by the Architectural Review Board (ARB) in accordance with Article 5 of the LDR and shall comply with the following:

- A. The Master Sign Plan shall be approved prior to the issuance of a building permit;
- B. The plan shall indicate the type, location, size, dimensions, illumination, color, materials and architectural style, including the address requirements of the Florida Building Code. The locations shall be illustrated on elevations and on a site plan;
- C. When applicable, landscape plans and details shall be part of the plan and shall comply with the landscape standards of the LDR;
- D. If a Technical Deviation is required, the request can be made part of the application for a Master Sign Plan.

#### 7.9.6. – Sign Approval Process

- A. All signs require a building permit except for those listed in this Section below. Signs are to meet the standards based on the sign type as indicated in this Chapter or meet the standards as indicated in the approved Master Sign Plan for the particular development.

B. The following signs may be erected without a building permit. Other approvals, such as a special use permit or temporary sign permit, may be required:

1. Vending Machine Signs;
2. Public Event Signs coordinated by the Village of Wellington;
3. Signs within a building;
4. Equipment signs, such as small areas of graphics or objects that are integral with and incorporated into machinery or equipment and not used as off-premise signage;
5. Words or letters printed on an umbrella, affixed to a permanent table or located within an approved outdoor seating area, provided the total sign area on an umbrella does not exceed 20 square feet;
6. Public warning signs on private property to indicate the dangers of trespassing, swimming, vehicle parking, animals or similar hazards. Such signs shall not exceed 18 inches in height by 24 inches in width, unless specifically provided for by law;
7. Signs mounted on interior walls or suspended when located inside a building's entry vestibule;
8. Signs on vehicles in the process of making deliveries in any district such as postal and other package services and business vehicles. These vehicle may also be parked in designated parking areas in the Flex Zoning District;
9. Signs authorized by a federal bankruptcy order;
10. Signs required for a public purpose by local, State or Federal entities;
11. Temporary signs, except temporary Model Home Monument signs;
12. Signs as defined and in accordance with Fla. Stat. 604.50 for bona fide agriculture properties are eligible for an agricultural exemption and shall not be subject to this Chapter.

C. Technical Deviation:

1. An applicant may submit a request for a Technical Deviation for signs that are included in a Master Sign Plan and do not meet the standards in the sign plan or for signs that do need meet the standards in this Chapter. See the Development Review Manual for procedures and decision criteria for a Technical Deviation.
2. All Technical Deviations shall be approved by the ARB in accordance with Article 5 of the LDR.

D. Special Permit for Temporary Signs.

1. Special Permits issued by the PZB Department are required for certain temporary sign types as indicated in this Chapter and shall comply with the Supplementary Standards for the particular sign.
2. The number of signs and durations permitted for temporary signs associated with an event that requires a Special Permit as per Article 5 shall be determined by the needs of the event with justification provided by the applicant as required in the Development Review Manual.

## Sec. 7.9.7 – Supplementary Standards for Permanent Signs

A. Permanent Wall Signs shall meet the standards below based on sign type:

1. Major and Minor Principal Wall Signs:

- a. Within a regional mall designated LSMU on the Future Land Use Map: each major Tenant facade with an exterior public entrance exceeding a facade length of 150 feet is eligible for a wall sign up to 200 square feet in sign area. An additional allotment of three hundred 300 square feet of sign area per one thousand 1,000 linear feet of total facade length is permitted for overall mall facades.
- b. Major/Minor tenants for all other commercial, institutional and industrial uses, one (1) sign per tenant principal facade shall be permitted with a maximum sign area of two (2) square feet per foot of principal facade length not to exceed 150 square feet.
- c. Major Principal Wall Signs shall not exceed a height of 66 inches and Minor Principal Wall Signs shall not exceed a height of 30 inches. The length of the signs shall not exceed 80% of the tenant facade length.
- d. Additional Wall Signs Allowed on Buildings:
  - i. Tenants may have up to two (2) additional secondary wall signs located on the rear, end and/or tower facades with only one (1) sign on each facade. Secondary wall signs shall not exceed 50% of the maximum area of the associated major/minor principal wall sign. No more than three (3) signs per tenant, including the principal wall sign, shall be permitted. These additional signs shall not face a residential district.
  - ii. A wall plate is permitted on or near the rear door of each business not to exceed three (3) square feet.

2. Entry Wall Sign:

- a. Equestrian and agricultural properties shall be limited to two (2) signs mounted on an entry wall, fence or gate per street frontage, with a maximum sign area of 16 square feet.
- b. Residential subdivisions and commercial, industrial and institutional developments shall be limited to two (2) signs mounted on an entry wall at each vehicular access point per street frontage with a maximum sign area of 32 square feet.
- c. A small monument sign and an entry wall sign shall not be located at the same vehicular access point.

3. Auxiliary Wall Sign: Tenants within commercial, industrial and institutional land uses shall be limited to one (1) sign mounted on a facade located within 20 feet of the principal entrance with a maximum sign area of 12 square feet.

4. Incidental Wall Sign: Incidental wall signs within all land uses shall be limited to one (1) per critical turning point necessary for safe and efficient pedestrian or vehicular movement and/or up to one (1) sign immediately adjacent to each drive-thru facility lane with a maximum sign area six (6) square feet.

5. Window Sign:
  - a. Window signs within commercial, industrial and institutional land uses shall be limited to a sign area of 50% of each window area, including glass doors and be located within three (3) feet of a first story window.
  - b. Illuminated signage, including neon, may be displayed in windows limited to a total illuminated area of six (6) square feet.
6. Hanging Sign:
  - a. Hanging Signs within commercial, industrial and institutional land uses shall be limited to one (1) per storefront and up to two additional signs for a drive thru facility.
  - b. Signs shall be placed a minimum of eight (8) feet above grade with a maximum sign area of eight (8) square feet.
7. Projecting Sign:
  - a. Signs within commercial, industrial and institutional land uses shall be limited to one (1) per tenant front façade with a maximum sign area of three (3) square feet and be placed a minimum of eight (8) feet above grade.
  - b. Signs shall not project closer than three (3) feet from a point straight beneath the sign to the curb nor more than four (4) feet from the structure.
8. Awning/Canopy Sign: Signs within commercial, industrial and institutional land uses shall be limited to one (1) per tenant front façade with a maximum sign area of sign (8) square feet. The height of the copy shall not exceed six (6) inches and be limited to a length of 50% of the awning length.

B. Permanent Freestanding Signs shall meet the standards below based on sign type:

1. Large Monument Sign:
  - a. Signs within LSMU and Institutional land uses shall be limited to one (1) sign per 1,000 linear feet of street frontage, be located near major access points or intersections, separated by a minimum of 200 feet from other freestanding monument type signs and be setback 10 feet from all property lines.
  - b. Signs shall not exceed a height of 20 feet and have a maximum sign area of 75 square feet.
2. Small Monument Sign
  - a. Shall be limited in number and location of signs as follows:
    - i. Two (2) signs per residential subdivision entrance and properties within the Equestrian Overlay Zoning District, except for Major Equestrian Venues.
    - ii. One (1) sign per street frontage with a vehicular access point for institutional uses and Major Equestrian Venues.
    - iii. One (1) sign for each vehicular access point for all commercial and industrial centers with multiple buildings and one (1) additional sign per property when the property has

a single business, provided the number of small monument signs for the development shall not exceed three (3) signs per frontage.

- b. The sign structure shall not exceed eight (8) feet in height. The sign copy is limited to **three (3)** lines of copy, not to exceed 36 inches in height and have a maximum sign area of 32 square feet. The sign shall be separated by a minimum of 200 feet from any other freestanding monument type sign.
- c. When changeable copy is incorporated into a Small Monument Sign at sites with gasoline sales and institutional uses, the following shall apply:
  - i. The changeable copy area shall be limited to a maximum sign area of 20 square feet.
  - ii. Maximum letter and numeral heights for pricing information within the changeable copy area shall be limited according to speeds on adjacent roads as follows:

**Table 7.9-1 Changeable Copy Sign Letter Height**

Road maximum legal speed limit	Changeable copy maximum letter height
Up to 40 mph	10 inches
Either 45 or 50 mph	12 inches
55 mph or above	13 inches

- iii. Letters and numerals on such signs shall conform to Changeable Copy Sign Letter Height table above and to the height, width and spacing standards for as required in the Florida Statutes and the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety.
- d. When an Electronic Message Board (EMB) is incorporated into a Small Monument Sign at sites with gasoline sales and institutional uses, the following shall apply:
  - i. The EMB shall have automatic dimming capabilities to measure and adjust brightness relative to ambient light levels. Brightness shall not exceed 0.3 foot-candles above ambient light levels measured at a distance of one hundred feet from the sign face at a height of six (6) feet above grade at all times. Light levels shall be confirmed by the applicant and submitted to the municipality in writing prior to approval of the building permit.
  - ii. The electronic display shall not flash, scroll, have intermittent light or be animated. Changes of electronic display shall occur simultaneously on the entire electronic area of the sign face. The minimum duration of any electronic message displayed shall be ten (10) seconds.
  - iii. The electronic lettering or graphics displayed shall be either white or red and the display area shall have a black non-lighted background.
  - iv. The maximum sign area of an electronic display shall not cause the sign area of the entire sign to exceed 32 square feet.

**3. Multi-Panel Monument Sign:**

- a. Signs within all commercial and industrial land uses shall be limited to one (1) per street frontage from which primary access occurs per commercial/industrial development and be separated a minimum of 200 feet from any other freestanding monument type sign.

- b. The sign structure shall not exceed eight (8) feet in height and have a maximum sign area of 32 square feet.
  - c. The sign requires a single primary graphic area at the top of the secondary graphic area. Below the primary graphic area there may be up to four (4) rows containing a maximum of eight (8) secondary graphic areas together comprising a maximum height of four (4) feet. Each secondary graphic area shall be limited to **three (3)** lines of copy with no graphic or letter exceeding 12 inches.
4. Auxiliary Ground Sign:
- a. No sign limitation so long as signs are deemed necessary by Wellington and are at interior critical turning points with a maximum sign area of 16 square feet.
  - b. A maximum of one (1) sign per lane for restaurant drive-thru facilities with a maximum sign area of 32 square feet.
    - i. A communication system associated with an Auxillary Ground Sign at a restaurant drive-thru facility is prohibited within 50 feet of a residential community, shall be oriented away from residences and not exceed a noise level of 55 decibels.
    - ii. Auxillary Ground Signs at restaurant drive-thru facilities may be digital, changeable copy and/or may have an inner rotating component.
  - c. A maximum of one (1) sign per entrance for residential properties within the EOZD with a maximum sign area of 20 square feet.
  - d. All signs shall not exceed a height of six (6) feet.
5. Incidental Ground Sign:
- a. A maximum of one (1) sign per critical turning point within 100 feet of a drive-thru facility lane is permitted.
  - b. A maximum of one (1) sign located near each entrance for residential and industrial uses is permitted.
  - c. The sign structure shall not exceed four (4) feet in height and have a maximum sign area of 12 square feet.
6. Pole Banner Sign:
- a. Banner signs are to be installed on permanent utility/light poles within all commercial, industrial and institutional land uses and are to be located no closer than 50 feet from a public right-of-way. A maximum of two (2) banners can be mounted per pole.
  - b. Banners located on a public right-of-way are to be installed by Wellington personnel only and require consent of the utility provider.
  - c. Banners shall not exceed a height of five (5) feet, have a maximum sign area of 15 square feet, and be located on a pole a maximum of 35 feet in height.

## Sec. 7.9.8 – Supplementary Standards for Temporary Signs

- A. Temporary Signs allowed without a permit are as follows and shall meet the standards below based on sign type:
1. A-Frame Sign:
    - a. A maximum of one (1) sign shall be permitted per ground floor tenant with an exterior entrance and be removed nightly.
    - b. Signs are to be located within 25 feet of the principal exterior entrance and shall not obstruct pedestrian walkways or be located within vehicular circulation areas.
    - c. Signs shall not exceed four (4) feet in height and have a maximum sign area of six (6) square feet.
  2. Construction Fence Banner Signs:
    - a. Banners shall be securely fastened and flush against a temporary construction fence along street frontages and shall not be illuminated.
    - b. The maximum height of the banners shall be six (6) feet or the height of the fence, whichever is smaller, and be limited to a cumulative sign area of 1,500 square feet per street frontage.
    - c. Banners shall be removed when temporary construction fencing is removed or when construction is deemed by Wellington to be not ongoing and to have ceased.
  3. Fence Banner:
    - a. A maximum of one (1) banner per lot with a maximum sign area of 32 square feet.
    - b. Banners facing a right-of-way shall be securely fastened to a permanent chain link fence and be limited in duration to a period of three (3) hours before and three (3) hours following an event and promptly removed after the event.
  4. Post and Panel Sign:
    - a. A maximum of one (1) sign per street frontage per property with a maximum height of eight (8) feet.
    - b. For properties one (1) acre or less, a maximum cumulative sign area of 16 square feet is permitted. For properties more than one (1) acre, a maximum cumulative sign area of 32 square feet is permitted.
    - c. The sign shall be permitted until a certificate of occupancy is issued, until the property is sold or leased or 14 days after an opening of a new business.
  5. Medical District Banner:
    - a. A maximum of one (1) banner is permitted for up to 30 consecutive days within a calendar year. The maximum length of the banner shall be 80 feet with a maximum sign area of 400 square feet.
    - b. The banner shall be mounted flush against the primary building within a Medical Commercial use only. The banner shall be placed above the upper story windows and on



a parapet oriented towards an intersection of two arterial roads a minimum of 50 feet from any right-of-way.

6. Roadside Marker:

- a. A maximum of one (1) marker per accident where a fatality has occurred and shall be installed by Wellington personnel. The application for a marker shall be made to the Village Engineer or designee on such forms as the Village may indicate.
- b. Markers shall have a maximum sign height of 42 inches and maximum diameter of 15 inches.
- c. Markers shall be permitted for an initial period of one (1) year and may be renewed for a second year upon reapplication and payment of additional fees.

7. Yard Sign:

- a. The number of signs shall be limited to two (2) signs with a cumulative sign area of 16 square feet per street frontage for lots located in all land uses.
- b. Signs shall not exceed three (3) feet in height.
- c. All Yard Signs shall be permitted for a period of no more than one (1) week prior to the related event and shall be removed no later than 48 hours after the event ends.

B. Temporary Signs that require a Special Use Permit are as follows and shall meet the following criteria:

1. Flag Banner Sign:

- a. A maximum of one (1) banner shall be permitted for each ground floor tenant and shall be mounted on a pole installed in the ground within 25 feet of the tenant's principal exterior entrance.
- b. Signs shall not exceed 10 feet in height, 18 inches in width and have a maximum sign area of 15 square feet.
- c. Sign placement is limited to a maximum of 30 calendar days, three (3) times per year.

2. Building Banner Sign:

- a. A maximum of one (1) per ground floor tenant with a maximum sign area of 32 square feet. Signs shall be securely fastened to the building facade and shall not extend above the roofline or parapet.
- b. Banner placement is limited in duration to no more than 14 days prior to and 14 days after the date of the event.
- c. When a temporary banner is associated with the manufacturing and installation of a permanent affixed sign, the banner shall be removed immediately once the permanent sign is installed.

## ARTICLE 8 – SUBDIVISION, PLATTING AND PHYSICAL IMPROVEMENTS

### CHAPTER 1 – GENERAL

#### Sec. 8.1.1 – Authority

- A. Chapter 177 and Sec. 166.021, Fla. Stat. vested municipalities with powers to regulate and control the platting of lands and perform municipal functions and services.
- B. Special Acts, Chapter 69-1425, Laws of Florida, authorizes the Council to adopt, prescribe and promulgate rules and regulations governing the filing of plats and development of subdivisions in order to aid in the coordination of land development.
- C. It is in the public interest to ensure adequate and necessary construction improvements are available or established whenever land is developed.
- D. It is in the public interest to establish procedures and standards for the subdivision, development and improvement of land in Wellington, within Wellington's Urban Service Boundary, and Utility Service Area.

#### Sec. 8.1.2 – Purpose, Intent and Applicability

- A. The interpretation and application of the requirements of this Article are necessary for the promotion of public health, safety and general welfare. The specific provisions of this Article shall be applied and interpreted in a manner consistent with Wellington's purpose and intent to:
  - 1. Establish procedures and standards for the subdivision of real estate;
  - 2. Ensure proper legal description, identification, monumentation and recordation of subdivisions;
  - 3. Aid in the coordination of land development in accordance with orderly physical patterns;
  - 4. Implement concurrency with respect to improvements required for new development, and redevelopment, that are necessary to meet or maintain the levels of service required under the Comprehensive Plan and LDR;
  - 5. Ensure provisions for safe, convenient, legal and physical access to, and circulation between, lots for vehicular, pedestrian, bicycle and equestrian traffic;
  - 6. Regulate the subdivision and associated development of lands subject to seasonal and periodic flooding and provide for adequate storm water management, including but not limited to flood plain protection and water quality, to minimize adverse impacts of development on water resources, while ensuring acceptable levels of protection to residents and improvements from inundation;
  - 7. Ensure provisions of public and private parks and recreational areas to accommodate the additional population of new subdivisions, and redevelopment, in accordance with the objectives of the Comprehensive Plan;
  - 8. Ensure the citizens and taxpayers of Wellington will not have to bear the costs resulting from haphazard subdivision of lands or failure by the developer to provide adequate and necessary physical improvements of lasting quality; and
  - 9. Assure infrastructure improvements have been constructed in accordance with the Wellington Engineering Standards Manual (Engineering Manual) and the Wellington Utility Water and Wastewater System Construction Specifications and Standard Details Manual (Utility Manual), (Collectively, Standards Manuals).

- B. The regulations set forth in this Article are applicable to land subdivisions and improvements within Wellington's Municipal Boundary and for public water and sewer improvements within Wellington's Utility Service Area. Wellington shall have no responsibility to fund any improvements unless otherwise provided for in a binding agreement between the developer and Wellington.

### **Sec. 8.1.3 – Relationship to Other Agency Requirements**

The requirements of this Article are intended to complement and expand upon rules, regulations and permit requirements of other state, regional and local agencies. In no case will the requirements of this Article lessen the requirements under Federal or State law governing the design or construction of improvements. Developers/individuals seeking approvals under this Article are responsible for obtaining all necessary Federal, State and Local permits that govern intended improvements.

### **Sec. 8.1.4 – Authority, the Standards Manuals, Conflicting Requirements, and Exemptions**

The Wellington Engineer and Utilities Director are responsible for the following tasks and have the authority to make the following decisions, as necessary, to protect public health, safety and general welfare of Wellington:

- A. The Wellington Engineer is responsible for updating the Engineering Manual as necessary to protect Wellington and its residents. The Utilities Director is responsible for updating the Utility Manual as necessary to protect Wellington, its residents and Utility customers. The Engineering and Utility Manuals are adopted by reference, including future amendments.
- B. The Wellington Engineer will interpret conflicts between this Article and applicable Federal, State and local laws. The Utilities Director will interpret conflict between this Article and applicable Federal, State and local laws when it relates to public drinking water and domestic wastewater provisions. If the difference between said requirements is solely a matter of degree, then the more restrictive requirement shall prevail.
- C. In the event of a conflict between specific requirements of this Article and the Standards Manuals, the Wellington Engineer or the Utilities Director shall determine whether there is a conflict of the provisions in question or as stated in their respective manuals. If there is deemed to be a conflict, this article shall supersede.
- D. The Wellington Engineer and Utilities Director have the authority to waive certain general requirements and improvements, or allow alternative designs that exceed the minimum requirements, in their respective Standards Manuals, when the intent of the LDR has been met. The applicant shall obtain written approval from the Wellington Engineer and/or Utilities Director for alternative improvement designs.
  - 1. Such authority shall consider the following:
    - a. The proposal is compatible with present and future development of the area as contemplated under the Comprehensive Plan by the PZB Director; and
    - b. The proposal makes adequate provisions for public requirements including safe and convenient vehicular, pedestrian, bicycle, and equestrian circulation, access, stormwater management, private utilities, potable water and wastewater disposal.
- E. All specific agreements, guaranties, certifications and other legal documents are subject to review by the Wellington Attorney, Wellington Engineer and Utilities Director. All applications shall be on the forms approved by the PZB Director, Wellington Engineer and/or Utilities Director, respectively.
- F. The Maintenance and Use Documents required by the LDR, specifically related to this Article, shall be subject to review and approval by the Wellington Attorney. These documents may be required

as a condition of approval of a development order or by a Wellington Official as required in the LDR, Development Review Manual or Standards Manuals.

## **CHAPTER 2 – IMPLEMENTATION**

The following information provides for the implementation of subdivision and platting regulations of this Article and the implementation of the Standards Manuals for Engineering and Utilities.

### **Sec. 8.2.1 – Building Permits and other Approvals**

- A. Except as provided in this Article, no building permit shall be issued for any structure on any lot created by the subdivision of land in violation of this Article.
- B. Temporary structures and permanent structures having a temporary use (i.e. trailer/house used as sales center) may receive a building permit prior to recordation of the final plat for the property only when the use and location have been approved by the Development Review Manager (DM) and shown on the approved Subdivision plan.

### **Sec. 8.2.2 – Previously Approved or Platted Subdivisions**

- A. All active subdivisions and all modifications to previously platted subdivisions shall comply with Article 1 of the LDR relating to previously approved development orders. Additionally, the following shall apply:
  1. All active subdivision developments and all modifications to previously platted subdivisions shall be subject to the requirements of this Article and the LDR unless the modification is otherwise eligible for DM or administrative approval.
  2. When the developer fails to submit the required application and obtain approvals for permits required by this Article, within the time frames provided in this Article, such failure shall be considered evidence that the Subdivision plan or Preliminary plat has been abandoned. All active approvals for the subdivision plan, construction plans, or preliminary plat shall be void.
  3. The DM has the authority to review any previously approved subdivision, that complies with the LDR, and may declare the master plan, subdivision plan, preliminary or final plat and accompanying construction plans or site plan to be an active approval when he/she finds such declaration would be in accordance with the purpose and intent of this Article and the LDR. Such review shall be initiated by an application from either the developer or the Wellington Engineer, in a form prescribed by PZB Director. Application fees are hereby waived for applications initiated by Wellington.
- B. Land within Wellington that was previously platted and does not meet the requirements of this Article shall be considered non-conforming subdivisions. Improvement of existing, partially developed, non-conforming subdivisions shall comply with the following:
  1. The existing rights-of-way for a local road shall be considered sufficient if the roads meet the minimum width prescribed in the Engineering Manual and this Article. Additional right-of-way shall be required for all non-conforming right-of-way sections.
  2. Legal access shall be provided to all lot(s) from a public or private road;
  3. Positive drainage, with a legal positive outfall, is provided for; and
  4. All easements for drainage, public water and sewer shall conform to the Standards Manual and this Article.

## CHAPTER 3 – SUBDIVISIONS

Subdivision plans provide a multi-agency review of a project to identify and resolve errors, omissions, and conflicts. The plans are processed in accordance with Article 5 of the LDR. Subdivision plans shall meet the minimum requirements of this article and the Standards Manuals, unless otherwise determined by the Wellington Engineer or Utilities Director. Except as provided for in the LDR, a developer shall obtain approval of a subdivision plan prior to submittal of a preliminary plat and construction plans for Technical Compliance approval.

### Sec. 8.3.1 – General Subdivision Requirements

- A. No person shall create a subdivision, or develop any lot within a subdivision, except in conformity with the LDR. The recordation of a final plat for a subdivision is not permissible until the subdivision meets all applicable provisions of the LDR, other Ordinances and applicable laws of the State of Florida.
- B. Subdivisions of land unsuitable for the proposed type or extent of development proposed shall not be approved unless adequate methods of correction or mitigation are formulated and approved in accordance with the LDR. The Wellington Engineer may determine if land is unsuitable for subdivision due to unstable or poorly draining soils, contamination, frequent inundation, the existence of environmentally sensitive or protected areas, inadequate legal and/or physical access or any other aspects deemed harmful to the health, safety and welfare of the public.
- C. A subdivision plan shall meet the submittal requirements of Article 5, the Development Review Manual and shall illustrate compliance with the Comprehensive Plan and the LDR. Companion applications may be required in order to achieve compliance and may require approval prior to certification of a subdivision plan. All subdivisions shall require a recorded final plat in order to be considered legal lots of record, unless specifically exempt by the LDR.

### Sec. 8.3.2 – Subdivision Design

- A. **Blocks:** The length, width and shape of blocks shall be governed as follows:
  - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
  - 2. Zoning requirements related to lot size and dimensions;
  - 3. Need for convenient access, circulation, control and safety of vehicular and pedestrian traffic;
  - 4. Limitations and opportunities of topography; and
  - 5. Block lengths shall not exceed 1,320 feet between intersecting roads, unless an exception is approved by the Wellington Engineer.
- B. **Lots:** All lots shall comply with the following:
  - 1. Subdivisions developed upon land with existing structures that are proposed to remain shall be designed so as not to cause existing structures to become nonconforming;
  - 2. Direct access to major or collector roadways is not permissible;
  - 3. Double frontage lots or through lots shall be avoided, except where essential to provide separation of residential development from major roadways or to overcome specific disadvantages of topography or orientation; and
  - 4. Corner lot lines at intersecting road lines shall be the long chord of a 25-foot radius except at the intersection of two (2) roads of collector or higher classification where the radius shall be 40 feet. Corner lots shall be designed to facilitate a safe intersection with respect to minimum

stopping and turning sight distances in accordance with criteria prescribed in the most recent edition of the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. A plat restriction prohibiting structures or landscaping over 30 inches high within any safe sight area is required.

C. **Planned Developments:** In addition to the standards established in this article, planned developments, which means any development within a planned development district as defined and regulated under the LDR, shall comply with the following:

1. The subdivision plan shall include all proposed standards and the required regulating plan in accordance with Article 6 of the LDR.
2. The Wellington Engineer may exempt a nonresidential building site from recording a plat or re-plat if:
  - a. Legal access to interior lots is provided by a common parking lot in full compliance with all requirements of the Standards Manuals and the LDR;
  - b. The location of structures is regulated by separation distances rather than by setbacks from interior lot lines;
  - c. Individual interior lots are not subject to requirements for minimum area or dimensions established in the LDR;
  - d. A statement from the developer of his intent to subdivide the property pursuant to the platting exemption in this Article;
  - e. All lands within the perimeter of the building site are subject to a common recorded unity of control or other such maintenance and use covenants for access, parking, public water and sewer, storm water management and other required common areas or facilities as approved by the Wellington Attorney pursuant to the LDR; and
  - f. The building site is delineated on a single boundary plat of record, which depicts all existing easements, water management tracts, common areas and appropriate dedications or reservations.

D. **Rural Subdivisions in the Equestrian Preserve Area (EPA):** The following alternative design standards may be applicable for rural subdivisions located in the EPA:

1. All roads shall be constructed to meet all criteria established in the Standards Manuals. The Wellington Engineer has the authority, but not the obligation, to approve an alternative material for roads related to a rural subdivision. Sidewalks, bridle trails and pathways may be required.
2. Rural lots within the EPA may utilize an individual drinking water well for potable water supply if public water is not available. Septic systems for sanitary supply may be utilized if sanitary sewer is not available. The Utilities Director shall confirm the availability of water and sanitary sewer.

E. **Phasing:** The property encompassed by a subdivision plan may be developed in two (2) or more phases. A subdivision plan showing the proposed phasing plan requires DM approval prior to submission of the preliminary plat. Partial phases are not permissible. The following shall apply to phased development:

1. The phases shall be clearly identified on the subdivision plan or separate phasing plan;

2. The improvements of each phase shall be capable of operating independently of any unconstructed phase with respect to drainage, access, public and private utilities and other required improvements, unless provisions were made to accommodate in a previous project phase (i.e. a lift station – may not need a new lift station in a future phase). A dependent phase shall not be deemed complete until the improvements in the initial phase are completed; and
3. The phasing and all phased construction must be completed in accordance with all phasing controls established in the LDR. The following shall apply to construction of a phased development:
  - a. A certificate of occupancy shall not be issued until the improvements, other than the final lift of asphalt, are constructed and approved by the Wellington Engineer;
  - b. All required improvements serving the development are platted pursuant to the LDR and the Standards Manuals;
  - c. The gross density of an individual plat shall not exceed the maximum density permitted for the entire development unless the total of all previously recorded plats of record, and the plat under review, produce an average density less than or equal to the approved maximum density for the entire development. For redevelopment projects that may seek an increased density, the PZB Director shall have the authority to waive this requirement if the redevelopment incentives of Article 6 are met; and
  - d. Water management tracts that support a phase of development must be constructed in their entirety, and easements recorded, prior to the issuance of the first Certificate of Occupancy in the phased area being supported.
  - e. Public water and sewer facilities that support a phase of development must be constructed in their entirety, easements recorded, and the appropriate clearances obtained from any regulatory agencies prior to the issuance of the first Certificate of Occupancy in the phased area being supported.

### **Sec. 8.3.3 – Required Improvements for All Subdivisions**

The improvements listed below shall be the minimum required physical improvements for all subdivisions necessary to implement the goals, objectives and policies of the Comprehensive Plan. These required improvements shall be installed prior to recordation of the corresponding plat, unless the developer provides a certified cost estimate prepared, signed and sealed by a professional engineer registered in the State of Florida and surety/bond in the amount of 110% of the certified cost estimate, guaranteeing the installation/construction of improvements in accordance with this Article.

- A. All required roads, sidewalks, and parking areas (if applicable) shall be constructed by the developer in accordance with the design and construction requirements of this article and the Engineering Manual. The guarantee for these requirements shall be as follows:
  1. The cost of all road improvements shall be guaranteed.
  2. The cost of installing all sidewalks and paths pursuant to the approved pedestrian circulation system shall be guaranteed, including those sidewalks and paths in roads abutting open space, common areas, recreation areas, water management tracts and other areas that will not have a dwelling unit constructed.
  3. The cost of parking areas need not be guaranteed since the plat establishes legal access and such areas are required to be installed prior to issuance of the Certificate of Occupancy.

- B. The developer shall complete all necessary excavation, grading and filling of land.
- C. The developer shall install the required stormwater system for the development. On lots intended for building construction, the final grading of each lot plan shall be done in conjunction with, and pursuant to, the building permit for said construction.
- D. All required public water and wastewater systems shall be constructed by the developer in accordance with the design and construction requirements of this article and the Utility Manual. The guarantee for these requirements shall be as follows:
  - 1. The cost of all public water system and wastewater improvements, including all public lift stations shall be guaranteed.
  - 2. The ancillary costs of installing all water and wastewater systems, including but not limited to trench repair, restoration, survey, and engineering, shall be guaranteed. A 5% contingency shall be included in the certified cost estimate and the guarantee.
- E. The developer shall provide locations necessary and be responsible to coordinate the installation of, or install, all utility services required by private utility providers, including but not limited to, cable, phone, internet, electric and gas (when applicable).
- F. The developer shall install all required permanent control points. When the permanent control points are to be installed after plat recordation, the cost of installing permanent control points shall be guaranteed.

#### **CHAPTER 4 – PRELIMINARY AND FINAL PLATS**

All plats shall be prepared in accordance with the provisions of Chapter 177 of the Florida Statutes, as amended, and shall conform to the LDR and Standards Manuals. The developer shall have the Final Plat recorded following approval by Council, and completion of construction and acceptance of all improvements by Wellington.

##### **Sec. 8.4.1 – Plats**

- A. A certified subdivision plan, site plan, or master plan shall be required prior to platting or re-platting land.
- B. Final Plat, or re-plat, shall not be recorded until all required improvements, except those specifically waived by this Article, are completed or guaranteed in accordance with the requirements of the LDR.
- C. The subdivision of contiguous lands under single ownership, where none of the resulting lots is less than 40 acres, shall not be subject to compliance with the provisions of this Article unless such compliance is required as a specific condition of a development order approved pursuant to the LDR.

##### **Sec. 8.4.2 – Dedications and Reservations**

Dedications and Reservations shall be specified in accordance with the requirements of the LDR and shall be subject to approval by the Wellington Attorney prior to plat recordation.

##### **Sec. 8.4.3 – Plat Waiver**

- A. The developer shall make a formal plat waiver request to the Wellington Engineer. The following criteria shall apply:
  - 1. The combination, or recombination, of lots is required by Unity of Title/Control in order for the new lot or lots to meet the density requirements of the Comprehensive Plan.



2. For the further subdivision of previously platted multi-family lots and non-residential developments, to allow the conversion of existing attached units/bays to individual fee simple ownership, or the construction of new fee simple units/bays. In order to qualify for this waiver the applicant must provide appropriate easements, shared use agreement(s), maintenance agreements and/or community association documents, pursuant to Maintenance and Use Documents requirements of this Article, at the time of the waiver application for approval by the Wellington Attorney and the Wellington Engineer.

## **CHAPTER 5 – REQUIRED IMPROVEMENTS**

### **Sec. 8.5.1 – General Required Improvements**

All required improvements shall be designed and constructed in accordance with the LDR and the Standards Manuals. The following requirements, to adequately provide for improvements, shall be considered in all development applications:

- A. Safe and efficient movement and circulation of vehicular, bicycle, equestrian and pedestrian traffic;
- B. Solid waste disposal;
- C. Public drinking water and domestic wastewater;
- D. Private utilities;
- E. Storm water quality and quantity;
- F. Flood protection;
- G. Fire-rescue Services;
- H. Parks and Recreation Facilities;
- I. Potential adverse impacts on adjacent land uses and facilities; and
- J. All other requirements of the LDR.

### **Sec. 8.5.2 – Parks and Recreation**

- A. The intent of this section is to ensure the development of public and private recreational land is coordinated with other subdivision improvements and timed in conjunction with development.
- B. The developer shall satisfy applicable requirements for parks, recreational areas and facilities in accordance with this section. The means of complying with said requirements shall be addressed on the Subdivision plan.
- C. The developer shall dedicate land, pay a fee in lieu of or do a combination of both, at the option of Wellington, for public parks and civic facilities land. Civic facilities may include certain public governmental facilities such as community centers, cultural centers and government offices. Dedications of land shall be in a form approved by the Wellington Attorney and shall not include dry or wet retention areas for uses located outside of the site or for land used to meet landscape buffer or parking requirements.
- D. Ten (10) acres of park land and one (1) acre of civic facilities land shall be provided for each one thousand (1,000) population, or fraction thereof, generated by the development.

- E. If it is determined appropriate for the public park and civic facilities requirements to be met, in part or in full, with a fee in lieu of land dedication, the amount shall be based on Wellington's cost to acquire land for community or neighborhood parks at the time the subdivision plan or site plan is submitted or on a Wellington approved certified MSA appraisal of the average value of the land in the development at the time of the submittal.
- F. Wellington shall place payments in lieu in an account in the general fund to be used for the acquisition, improvement or implementation of parks and civic facilities in Wellington.
- G. In addition, private recreational area(s) shall be provided in the development at a minimum rate of one hundred ten (110) square feet per capita.
- H. Population shall be calculated based on the most recent decennial U.S. Census or State-certified census average family size for Wellington, per approved dwelling unit.

**Sec.8.5.3 – Construction of Required Improvements**

Pre-work meetings: For projects requiring a Land Development and Public Utility Permit, the Engineer of Record shall coordinate with the Wellington Engineer and the Utility Director to conduct a pre-work meeting. For projects requiring a Public Utility Permit only, the Engineer of Record shall coordinate with the **Utilities Director**.

**Sec. 8.5.4 – Release of Guarantee and Provision of Maintenance Bond**

- A. Upon final acceptance by the Wellington Engineer, the Utilities Director and final plat recordation, the construction guarantee shall be released.
- B. Prior to release of construction guarantees, the developer shall provide a one-year guarantee to cover workmanship and materials for publicly owned improvements. The amount and form of guarantee shall be 25 % of the cost to construct the improvements. The guarantee shall be in the following forms, acceptable to Wellington in its sole and absolute discretion:
  - 1. A clean irrevocable letter of credit;
  - 2. A performance or surety bond; or
  - 3. An escrow agreement.

**Sec. 8.5.5 – Village Use of Funds for Failure of Developer to Complete Improvements**

Wellington reserves the right to complete improvements, if the developer fails to do so, in accordance with provisions stipulated in the form of guarantee.

**CHAPTER 6 - TECHNICAL COMPLIANCE**

**Sec. 8.6.1 – Application**

Prior to the expiration of the subdivision plan approval, and prior to commencing construction of required improvements, the developer shall submit a request for Technical Compliance to the Wellington Engineer. The following information shall be submitted:

- A. A preliminary plat that meets the requirements of the LDR;
- B. A copy of the letter to the developer, from the Wellington Engineer, waiving the plat requirements (when applicable);

- C. Construction plans and all required supporting engineering and design information for all the required improvements;
- D. A certified cost estimate for construction costs, signed and sealed by a Professional Engineer registered in the State of Florida;
- E. A soils report, prepared by a licensed Professional Geotechnical Engineer registered in the State of Florida, in accordance with the Standards Manuals, to determine special design or construction requirements; and
- F. The Maintenance and Use Documents as established in the Supplementary Standards section of this Article.

### **Sec. 8.6.2 – Technical Compliance Review**

- A. Within five (5) business days of receipt of a complete application, the Wellington Engineer shall forward copies of appropriate submittal documents to the following agencies/departments for written comments regarding conformance with requirements of their respective LDR standards and program responsibilities:
  1. The Wellington Traffic Engineer;
  2. The Wellington Professional Land Surveyor;
  3. The Wellington PZB Director;
  4. The Wellington Building Official;
  5. The Wellington Attorney;
  6. The Wellington Utilities Director;
  7. The Palm Beach County Fire Rescue;
  8. The Wellington Director of Parks and Recreation (if applicable);
  9. Florida Department of Transportation (as required); and
  10. South Florida Water Management District or local drainage districts (as required).

Internal departments shall have 15 business days to forward comments to the Wellington Engineer. Within five (5) business days after this period, the Wellington Engineer shall forward all written comments to the developer and the Engineer of Record.

- B. When the Wellington Engineer determines that Technical Compliance is not achieved, a letter shall be provided to the applicant that references the specific section(s) or standard(s) found not to be in compliance.
- C. Within 60 calendar days of receipt of the letter, the developer shall resubmit the required documents and information addressing the non-compliance. Failure to resubmit within the required time shall be deemed an abandonment of the application and any subsequent submittal shall require a new Technical Compliance application, including related fees.
- C. When the Wellington Engineer determines that Technical Compliance has been achieved, a formal Technical Compliance Letter shall be issued to the developer and Engineer of Record.

### **Sec. 8.6.3 – Technical Compliance Letter**

The Technical Compliance (TC) Letter shall expire 180 calendar days after its issue date. Extensions may be granted by the Wellington Engineer, upon written request by the Engineer of Record, as long as the request was submitted 30 calendar days prior to the expiration of the TC letter. The TC letter shall contain the following conditions and information:

- A. The documents reviewed and the date of such documents;
- B. Surety requirements;
- C. The amount of recording fees due for recordation of the final plat or certified survey, payable to the Clerk of the Circuit Court of Palm Beach County; and
- D. A requirement to obtain a Land Development and/or Public Utility Permit, where applicable.

**Sec. 8.6.4 – Effect of Changes to Subdivision plans**

A subdivision plan amendment that causes substantial revisions, as determined by the Wellington Engineer, shall void any associated preliminary plat or construction plans under review or approved for Technical Compliance. Such determination shall be in writing and be provided to the Engineer of Record within 15 business days from the date the subdivision plan amendment was received by the Engineering Department.

**CHAPTER 7 – SUPPLEMENTARY STANDARDS**

This chapter provides supplementary standards that shall be considered prior to submitting a subdivision plan and/or preliminary plat. These standards shall be considered the minimum requirements. Supplementary standards not applicable to a given project shall be accompanied by a justification statement provided by the applicant with the subdivision plan application, and shall identify those reasons and will be considered by the PZB Director and Wellington Engineer.

**Sec. 8.7.1 – Access and Circulation Systems**

The access and circulation systems shall conform to the Standards Manuals, the Table of Access Hierarchy and Table of Minimum Road Standards:

**Table 8.7-1 ACCESS HIERARCHY**

<b>MAJOR ROADS:</b> Roads which constitute the traffic circulation network as contemplated under the Comprehensive Plan. Listed from highest to lowest category:
• PRINCIPAL ARTERIAL
• MINOR ARTERIAL
• COLLECTOR
<b>MINOR ROADS:</b> Roads which constitute the internal circulation network of a development and which are not classified as a MAJOR ROAD. Listed from highest to lowest category:
• LOCAL
• RESIDENTIAL ACCESS (private roads only)
• 40 FOOT (marginal access roads)
• 32 FOOT
• ALLEY (secondary access only)

**Table 8.7 – 2: MINOR ROADS STANDARDS**

Classification <sup>(c)</sup>	Minimum Width (FT.) Road <sup>(a)</sup>	Maximum Allowable Pavement <sup>(b)</sup>	Average Daily Trips	Allowed as Legal Access for	
				Commercial	Residential
Local Residential <sup>(d)</sup> Curb & Gutters	50	20	1,500		✓
Local Residential <sup>(d)</sup> Swales	60	20	1,500		✓
Local Commercial	80	24	1,500	✓	✓
Residential Access <sup>(e)</sup> One Sidewalk	40	20	800		✓

**NOTES:**

- (a) Road width refers to standard right-of-way or private road tract width.
- (b) Pavement width represents two (2) travel lanes of equal width and does not include the additional width of paved shoulder where required.
- (c) Dead end roads of all classifications shall not exceed one thousand three hundred twenty (1,320) feet in length unless otherwise approved by the Wellington Engineer.
- (d) Roads within a rural subdivision shall be at least sixty (60) feet wide when they are to be constructed without a wearing surface.
- (e) Use is restricted to private roads providing access to multi-family and/or mixed-use developments within a Planned Development District.

**Sec. 8.7.2 – Pedestrian, Bicycle and Bridle Circulation System**

- A. Except as provided in this section, sidewalks shall be constructed on both sides of all roads. No public rights-of-way or private roadway tracts shall be less than 50-feet in width. Sidewalk construction is the obligation of the developer. The minimum sidewalk width shall be five (5) feet.
- B. The DM may approve a Master Pedestrian Circulation Plan and may waive in whole, or in part, the requirement for sidewalks within a subdivision when the alternative pedestrian circulation system provides accessibility, convenience, continuity and safety equivalent to or greater than would be provided by the required sidewalks. The Master Pedestrian Circulation Plan shall be submitted by the developer for approval concurrently with, and shall be considered part of, the proposed subdivision plan. The Master Pedestrian Circulation Plan shall comply with the submittal criteria of Article 5 and the Development Review Manual.
- C. The control, jurisdiction and maintenance obligation of paths not located wholly within a road and of sidewalks within private roads shall be placed with a property owners association or an improvement district. Where such control and maintenance obligation is to be placed with an improvement district, the district shall expressly accept said obligation upon the plat or by a separate instrument filed in the Public Records.
- D. When the block length exceeds 900 feet, crosswalks between roads may be required, if deemed necessary by the Wellington Engineer, to provide convenient pedestrian circulation or access to

schools, playgrounds, shopping centers, transportation facilities and/or other community facilities.

**Sec. 8.7.3 – Water Management Tracts, Maintenance Easements, Public Utility Easements and Drainage Easements**

- A. The construction or placement of structures adjacent to or over water management tracts, maintenance, public utility easements and/or drainage easements is prohibited. Examples include, but are not limited to, houses, barns, garages, screen enclosures, concrete block walls, concrete decks, pools and affixed permanent sheds.
- B. The Wellington Engineer and/or Utilities Director may approve an encroachment into water management tracts, maintenance, public utility easements and/or drainage easements for non-permanent, non-affixed structures or landscaping provided appropriate measures are implemented to ensure such structures or plants are not detrimental to the maintenance or proper functioning of the storm water management system or public safety.
- C. Private docks are permissible and require a building permit to ensure compliance with the dock regulations in the LDR, Code of Ordinances and Standards Manuals.
- D. A permit to construct or replace a structure or install landscaping within a water management tract, maintenance easement, public utility easement or drainage easement is required from the Engineering/Utilities Department. A vacation/abandonment of the easement, in part or in full, may be required prior to the issuance of any permits to construct or install improvements. The vacation/abandonment process shall comply with the Code of Ordinances and meet the requirements of the Standards Manuals and shall be the responsibility of the applicant to obtain. The criteria used to evaluate permit applications to construct within water management tracts, maintenance and/or drainage easements shall comply with the following:
  - 1. There shall be no obstruction to outfalls, water control structures or lake embankments.
  - 2. If approved, the owner shall execute and record Wellington's hold harmless agreement.
  - 3. If the construction is within a water management tract that is maintained by a community association, consent from the association, and any other entity that has a beneficial interest, is required.
  - 4. All proposed landscaping should conform to applicable sections of the LDR.
  - 5. Irrigation in-take lines are permissible with the approval of the Wellington Engineer.
  - 6. Fences and/or landscape shall be permitted within a canal/lake maintenance easement when there is a minimum of a 40-foot wide horizontal distance between the proposed fence/landscape location and the typical edge of water. At the sole discretion of the Wellington Engineer, this separation requirement may be reduced, but in no case may it be less than 25-feet from the top of bank.
  - 7. Fences and/or landscape may be permitted in drainage easements where there are no existing or proposed drainage pipes, structures, or swales. The fence and/or landscape shall not impede the flow of surface water or modify the grading to the extent that flooding occurs on adjacent properties. The Wellington Engineer, in his/her sole discretion, determines if a swale exists, should exist, or is required within a drainage easement.

#### **Sec. 8.7.4 – Dredge and Fill Activities Within/Adjacent to Waters of the State**

- A. Permits from appropriate Federal, State or local regulatory agencies are required prior to any dredge and fill activities.
- B. For new construction, additional easements may be required to maintain/access existing or proposed waters of the state. Dedications to appropriate agencies will be required to be recorded and duly noted on the plat and are not permissible by separate instrument.

#### **Sec. 8.7.5 – Clearing, Earthwork and Grading**

All clearing, earthwork and grading requirements shall conform to the Standards Manuals. An Engineering Permit shall be required prior to commencement.

#### **Sec. 8.7.6 – Fire Protection Services**

Fire hydrants and minimum fire flows shall comply with the Florida Fire Prevention regulations, current edition, and the Palm Beach County local amendments.

#### **Sec. 8.7.7 – Stormwater Management**

The following shall be the minimum required improvements for all developments to implement the Level of Service (LOS) under the Capital Improvements and Infrastructure Elements of the Comprehensive Plan and Article 2, Concurrency Management, of the LDR.

- A. A complete, fully functional stormwater drainage system, including necessary lot grading, ditches, canals, swales, storm sewers, drain inlets, manholes, headwalls, endwalls, culverts and other appurtenances, shall be required for the positive drainage of storm water runoff in conformance with the approved drainage plans.
- B. Means to convey all stormwater discharge from the development site to at least one (1) point of legal positive outfall shall be provided as an integral part of the required stormwater management system, including construction of all necessary conveyance facilities and establishment of appropriate easements for operation and maintenance of said off-site facilities. The following shall apply:
  - 1. Adequate physical and legal means shall be provided to ensure the continued conveyance of all pre-development flow of surface waters into, or through, the development site from adjacent lands. Unless otherwise specified by ordinance, regulation or a condition of development order, such conveyance may be accomplished by incorporating the inflow into the on-site stormwater management system or diverting the inflow to its pre-development location of outflow from the development site, including construction of all necessary conveyance facilities and establishment of appropriate easements to accommodate said inflow.
  - 2. All facilities necessary to meet requirements for stormwater treatment, off-site discharge control and conveyance of existing inflows applicable to site construction must be in place and operational at the time of commencement of construction of required new improvements and shall be maintained and protected by the developer until such time as all required new improvements are acknowledged to be complete.
- C. General Stormwater Management Facility Criteria: Stormwater Management Facilities for each subdivision, and for each lot, road and other development site within the subdivision shall be designed and constructed so as to:
  - 1. Prevent flooding and inundation to a degree consistent with levels of protection adopted by the Wellington Stormwater Ordinance for buildings, roads, lots, parking areas, recreational areas, and open space;

2. Maintain stormwater runoff rates at levels compatible with safe conveyance and/or storage capacities of drainage facilities and established legal limits applicable to receiving waters at the point of discharge;
  3. Mitigate degradation of water quality and contravention of applicable state water quality standards in surface and groundwaters receiving stormwater runoff;
  4. Provide facilities for conveyance to legal positive outfall of all allowable discharges of stormwater runoff from each development site without causing or contributing to inundation of adjacent lands;
  5. Provide for continued conveyance of pre-development stormwater runoff and surface waters which flow into or through the development site from adjacent lands;
  6. Provide for long-term, low maintenance, low cost operation by normal operating and maintenance methods;
  7. Provide for necessary maintenance of the pre-development range of groundwater levels to prevent adverse impacts on land uses and water resources of the development site and adjacent lands;
  8. Promote percolation, recharge and reuse of stormwater; and
  9. Comply with the specific requirements for stormwater management facilities found in the Engineering Manual.
- D. The following shall apply to drainage and maintenance access rights related to stormwater management facilities:
1. Each stormwater management facility for detention or retention of stormwater runoff in an open impoundment shall be placed entirely within a water management tract dedicated or deeded to an acceptable entity responsible for operation and maintenance of the stormwater management system.
  2. There shall be a lake maintenance easement a minimum of 20 feet in width and graded at a slope no steeper than 8:1 (Horizontal:Vertical) coinciding with the required maintenance berm for each water management tract established for purposes of wet detention or retention in an open impoundment. The width of the easement shall be measured from the point at which the grade is not steeper than 8:1 (H:V). Lake maintenance from an abutting local road may be permitted by the Wellington Engineer in accordance with standard engineering practices. Access to a lake maintenance easement from at least one (1) local road shall be established as part of said easement, or when necessary by separate expressed easement or other instrument of record. If the water surface at the control elevation is greater than 40 feet wide a lake maintenance easement shall be required on both sides. A lake maintenance easement shall be required on only one (1) side of the water body or water management tract where the water surface at control elevation does not exceed 40 feet in width, provided elimination of said easement does not isolate any remaining lake maintenance easement from proper access. In a residential subdivision, lake maintenance easements, including required access, shall be established over common areas only and shall not encroach on residential lots.
  3. In addition to any requirements of SFWMD or other regulatory agency, all water bodies within Wellington shall:
    - a. Be maintained regularly to remove all aquatic weeds and plant material;
    - b. Side slopes measured from the top of bank to two (2) feet below the typical water surface of the water body shall not exceed 4:1 (H:V);



c. The cross-section of the water body shall be maintained so there is no blockage in the flow of stormwater; and

d. Water bodies shall be aerated, or similarly maintained, to avoid excessive algae growth.

4. Drainage easements shall be provided, where necessary, at a width adequate to accommodate the drainage facilities as follows:

Storm Drain Pipe Diameter	Minimum Width of Easement Required
24"	12'
25" to 36"	15'
37" and above	20'

5. Where swales are used, the width shall be adequate to accommodate the entire design section between the tops of slope. Where canals or ditches are permitted, the width shall be adequate to accommodate drainage facilities, plus 20 feet on one (1) side for maintenance purposes. Drainage easements shall be provided to accommodate existing drainage of surface waters from off-site contributory areas.

6. When a subdivision is traversed by existing canals, watercourses, streams, drainage ways or channels, there shall be a drainage easement or rights-of-way conforming substantially within the lines of such watercourse, and of such further width or construction, or both, adequate for access, maintenance, and floodplain purposes.

**Sec. 8.7.8 – Maintenance and Use Documents**

A. The purpose and intent of this section is to protect and provide for the perpetual maintenance of all Common Areas, improvements or other required areas pursuant to the LDR and applicable Wellington regulations. This section is also established to ensure the continued availability and utility of the Common Areas for both the residents and occupants of the development and to prevent such facilities from becoming an unnecessary burden or nuisance to Wellington or surrounding properties. Nothing in this section shall be construed as creating any obligation upon Wellington to maintain such Common Areas and improvements or to otherwise ensure their availability and condition.

B. Community Associations shall establish regulations in accordance with the requirements set forth by the Florida Law. If the project is located within a Planned Development District, Wellington may require additional documents.

C. The type of documents required to establish the use rights and responsibility for maintenance of the common areas for a development are as follows:

1. For all development projects, residential and/or non-residential, that will ultimately share maintenance or have common elements/areas, a Community Association shall be required. The developer shall submit the Articles of Incorporation, Declaration of Covenants and Restrictions and the By-Laws for review as part of the preliminary plat or plat waiver. If there are no common areas but there are common walls or roofs, a maintenance agreement shall be required.

2. An existing subdivision of less than five (5) lots/units that has no common elements and no party walls may apply for a waiver of the requirements to create a Community Association.

3. An **existing** subdivision of less than five (5) lots/units that has common elements or party walls shall be required to submit and record a Party Wall Agreement to ensure that the structures and grounds are maintained in a satisfactory manner without expense to the taxpayers of Wellington. The form of Party Wall Agreement shall be as provided in the Development Review Manual, and is subject to the review and approval of the Wellington Attorney.
  4. A developer shall submit documents establishing maintenance and use of the common areas for a proposed development and other required areas as set forth in the Development Review Manual and/or Standards Manuals or as required as a condition of approval by any decision making body or official of Wellington. All documents shall be reviewed and approved by the Wellington Attorney prior to recording. All associated fees, including the recording costs, shall be the developer's responsibility. Copies of the recorded documents shall be submitted to Wellington when requested.
- D. All Community Associations shall comply with Florida law, including the provisions of Chapters 718 through 723 of the Florida Statutes, as applicable, when creating the association and governing documents. Additionally, the Articles of Incorporation, Declaration of Covenants and Restrictions, and the By-laws shall comply with and include all items set forth in the Development Review Manual. The following shall be the minimum content required for Community Association documents. Any additional provisions included may be more restrictive but shall not be less restrictive than the regulations of the LDR, Code of Ordinances, or a condition imposed by a development order.
1. Articles of Incorporation: All terms shall be consistent with the terms of the Declaration and By-laws.
  2. Declaration of Covenants and Restrictions:
    - a. The Declaration shall run with the land for a minimum of 30 years and shall have provisions for automatic renewal.
    - b. No Amendment that withdraws properties from the terms of the Declaration shall be recorded unless approved in writing by, and at the sole discretion of, the Wellington Attorney.
    - c. The Declaration shall have language for the following perpetual easements and rights as recorded on the plat. The purpose of the plat is to dedicate the easements and the purpose of the reference in the Declaration is to assign rights to those existing easements that may or may not differ from the dedications.
      - i. Ingress/Egress easement(s) for members, their guest and licensees;
      - ii. Utility easement(s) for installation, maintenance and repair by any utility company, including but not limited to, cable service, fiber, water, sewer, power and light and gas;
      - iii. Drainage easement(s);
      - iv. Landscape Buffer Easement(s) (if applicable);
      - v. Maintenance and Access Easement(s) for common areas;
      - vi. Common area easement(s) that allow use by all members of the association and their guests;

- vii. Developer's easement(s) to grant the developer access as needed to complete construction of the project. This type of easement is not required to be a perpetual easement;
  - viii. Public Service for police protection, fire protection, emergency services, postal services and utility meter readings; and
  - ix. A three (3)-foot wide easement contiguous to any zero-lot line boundary for the purpose of incidental encroachments, access and maintenance.
- d. Any provisions included in the Declaration regarding architectural control shall be consistent with Wellington regulations. The provisions may be more restrictive, but in no case shall they be less restrictive, than Wellington regulations and shall not provide for exemptions from compliance with the LDR or effective development order.
  - e. Any owner may petition the Circuit Court for the appointment of a Receiver to manage the affairs of the Association in the event of dissolution of the Association.

## **CHAPTER 8 – UTILITIES**

### **Sec. 8.8.1 – Sanitary Sewer and Potable Water Systems**

Public sanitary sewer systems and/or potable water systems shall be designed and constructed in accordance with all applicable federal, state and local regulations including the Utility Manual. **Private systems are not permissible. Septic and private wells are permitted where no public infrastructure is available.** Package systems serving multiple properties are not permissible. All public sanitary sewer and potable water systems not located within the right-of-way shall be installed in easements dedicated to Wellington for the exclusive use of the Utility Department. Physical structures, fences, and/or landscaping are not permissible in public water and sewer easements.

### **Sec. 8.8.2 – Private Utilities**

- A. All private utilities, including but not limited to, power and light, telephone and fiber, cable television, wiring to streetlights and gas shall be installed in designated easements and installed underground. Wires, conduits or associated supporting structures whose exclusive function is to transmit or distribute electricity between generating stations, substations and transmission lines of other utility systems may be installed above ground and requires prior written approval from the Wellington Engineer.
- B. The installation of private utilities within public easements dedicated for the purposes of public utilities, including but not limited to, potable water and sanitary sewer, is not permitted. All public easements take precedent over private utility easements.
- C. Appurtenances placed in Wellington maintained rights-of-way, such as pedestal mounted terminal boxes, meter cabinets, service terminals, telephone splice closures, pedestal type telephone terminals or other similar facilities that are part of the distribution system, shall be placed underground unless otherwise approved by the Wellington Engineer.

### **Sec. 8.8.3 – Utility Easements**

All Utility Easements shall be provided in accordance with the minimum width criteria in Table 8.8-1.

**Table 8.8-1 Minimum Utility Easement Widths**

<b>Location</b>	<b>Required Minimum Width of Easement</b>
Adjacent and parallel to road rights-of-way	10 foot
Open area – single mains	12 foot
Single Family – side property line	15 foot
Areas not typically accessible – all development	15 foot
Multiple Utilities installed parallel to each other*	30 foot
Lift Stations	Sized appropriately based on lift station design dimensions.

Note: \*This does not apply to multiple utilities that are adjacent to or parallel to road rights-of-way.

**CHAPTER 9 – LAND DEVELOPMENT AND PUBLIC UTILITY PERMITS**

**Sec. 8.9.1 – Permit Applications and Submittal Requirements**

A Land Development Permit (LDP) shall be required prior to commencement of construction of improvements regulated by the Wellington Engineer. A Public Utility Permit (PUP) shall be required prior to commencement of construction of public water and sewer improvements regulated by the Utilities Director. The Engineering Department shall be the intake department for both LDP and PUP applications.

A. Submittal requirements: All LDP and/or PUP applications shall include the following applicable information and be submitted prior to the expiration of Technical Compliance in order to be deemed sufficient. Insufficient applications will not be reviewed and will be returned to the applicant for corrections. **The permit applications should be submitted electronically through the Village’s approved electronic system.** The following shall be submitted:

1. All LDP and PUP applications shall be submitted along with the respective fees;
2. The applicant shall indicate whether the required improvements are to be constructed prior to plat recordation and the applicant shall submit a Wellington approved statement acknowledging responsibility for completion of all required Improvements. The plat must include this acknowledgement statement. Once constructed, and prior to plat recordation, the applicant shall obtain written acknowledgement from the Wellington Engineer that all improvements are in compliance with the approved plans, LDR and Standards Manual;
3. For all improvements to be constructed after plat recording, a guarantee, in a form acceptable to the Wellington Engineer and/or Utilities Director, in their sole and absolute discretion, for the completion of improvements at 110% of the certified cost estimate shall be submitted. Additionally, the guarantee must include a provision that it shall not be released without approval from the Wellington Engineer, Utilities Director, or Village Manager. The certified cost estimate shall be signed and sealed by a Professional Engineer registered in the State of Florida and approved by the Wellington Engineer and/or Utilities Director. The guarantee shall be renewed annually based on a revised and approved certified cost estimate. The following types of guarantee are acceptable:
  - a. A clean irrevocable letter of credit;
  - b. A performance or surety bond; or
  - c. An escrow agreement.

B. All documentation as required by the Technical Compliance letter, including the maintenance and use documents, shall be submitted as part of the permit application.

- C. Final construction plans **and survey** that conform to this LDR and the Standards Manuals. A written statement, by the Engineer of Record, detailing modifications made following Technical Compliance, when applicable.
- D. Applicable Department of Environmental Protection/Palm Beach County Health Department forms, for execution by the Utilities Director, for construction of public water and sewer improvements.
- E. A certified cost estimate for construction costs signed and sealed by a professional Engineer in the State of Florida and conforming to the requirements of the standards manual.

**Sec. 8.9.2 – Regulatory Permitting**

- A. Where a Palm Beach County Health Department or other regulatory agency permit is required in addition to a Wellington PUP permit and a complete PUP submittal has been provided:
  - 1. Written notification indicating that the application package complies with the LDR and Standards Manuals shall be provided to the agent within 20 business days.
  - 2. At that time, the applicant will be required to pay all applicable fire, sewer, and water capacity fees for the project. The Utility Director shall not sign any Department of Environmental Protection/Palm Beach County Health Department forms prior to the payment of capacity fees.
  - 3. The applicant shall submit the applicable Department of Environmental Protection/Palm Beach County Health Department forms and signed and sealed construction documents for execution by the Utilities Director. All plans submitted to the Department of Environmental Protection/Palm Beach County Health Department for public systems within the Village of Wellington Utility Service area must be stamped “Approved” by the Utility Department.

**Sec. 8.9.3 – Action by the Wellington Engineer and Utilities Director**

Within 30 calendar days of receipt of a complete submittal, the Wellington Engineer and/or the Utilities Director shall review the permit submittal for conformity with the LDR and shall take the following action:

- A. A LDP shall be issued within 15 business days of receiving a sufficient application package that conforms to all requirements under the LDR and the Standards Manuals. The permit shall be subject to approval of the final plat by the Wellington Council prior to the final plat recordation with the Office of the Clerk of the Circuit Courts.
- B. A PUP shall be issued within seven (7) business days of receipt of the issuance of the Palm Beach County Health Department Construction Permit, but in no case before the LDP is issued. In those cases where a LDP is not required (public water and sanitary sewer improvements are outside of Wellington’s municipal boundaries but are within the Utility Service Area), a PUP will be issued within seven (7) business days of receipt of the Department of Environmental Protection/Palm Beach County Health Department Permit for Construction.
- C. Written notification identifying deficiencies, or non-compliance with the LDR or Standards Manuals, shall be provided to the agent, within 15 business days. The agent shall resubmit any required information within 90 calendar days. Failure to do so will deem the application abandoned. Resubmittal of abandoned applications will require a new resubmittal of all required information.
- D. A LDP and/or PUP shall expire 24 months from the date of issuance, unless a written extension is issued by the Wellington Engineer or Utilities Director. A Minor PUP may have a shorter expiration date based on scope of work and as determined by the Utilities Director. **Expired permits, that are not properly closed, shall be considered a violation of the LDR.**

- E. The Utilities Director shall not sign off on the *Health Department Release to Place Facilities into Service Form* until the following requirements have been approved and accepted by the Utility Department:
  1. Signed and sealed record drawings per the Utility Manual;
  2. One (1) copy of recorded plat (*if applicable*);
  3. Two (2) Operation and Maintenance Manuals (*if applicable*);
  4. Copies of all testing reports/results (bacteriological, densities, pressures, etc.);
  
- F. The Utilities Director shall not release construction guarantees until the following requirements have been approved and accepted by the Utility Department:
  1. Warranty for defective materials or workmanship;
  2. Affidavit of Payment in Full, with no liens outstanding;
  3. Bill of Sale, absolute;
  4. Final certified cost estimate for water & sewer improvements;
  5. Grant of easement(s) (*if applicable*);
  6. Legal description(s);
  7. Maintenance bond – to be 25% of water & sewer certified cost estimate;
  8. Hold Harmless (*if applicable*);
  9. Certification by the Engineer of Record;
  10. Opinion of Title; and
  11. Consent and Joinder (*if applicable*).

**Sec. 8.9.4 – Survey Requirements**

- A. Where Permanent Reference Monuments (P.R.M.s) occur within road pavement areas, they shall be installed in a typical water valve cover as prescribed in the Engineering Manual.
  
- B. Permanent Control Points (P.C.P.s) shall be installed as follows:
  1. Permanent control points shall be set prior to submission of the final plat and certified by the surveyor in accordance with the Engineering Manual if improvements are constructed prior to platting.
  2. The Professional Land Surveyor shall provide the Wellington Engineer with a copy of the recorded certification required by Chapter 177.091, Fla. Stat. as to his placement of the P.C.P's.

**Sec. 8.9.5 – Voluntary Substitution of Developers**

- A. When there is a voluntary substitution of developers for an active LDP and/or PUP, it shall be the responsibility of both developers to assign the rights and responsibilities from the original developer to the succeeding developer.

- B. The original and succeeding developers shall make a joint application to the Wellington Engineer for assignment of the permit(s).
- C. If the original developer posted a guarantee, the succeeding developer must post a substitute guarantee in the original amount on a form that meets the requirements of this Article.

#### **Sec. 8.9.6 – Involuntary Substitution of Developers**

When a developer becomes the succeeding developer through foreclosure, or some similar action, and it is not possible to obtain the original developer's signature on a joint application for assignment, the succeeding developer must comply with provisions of this Article. A current certification of title, foreclosure judgment or other proof of ownership of the lands encompassed by the plat shall be required.

### **CHAPTER 10 – CONSTRUCTION PLANS AND SUPPLEMENTAL ENGINEERING INFORMATION**

#### **Sec. 8.10.1 – Duties of the Engineer of Record**

The developer shall appoint the Engineer of Record as the single point of contact. The Engineer of Record must be a Professional Engineer licensed in the State of Florida.

#### **Sec. 8.10.2 – Submittal Requirements**

- A. Signed and sealed construction plans, and supplemental engineering information, by the Engineer of Record are required to be submitted separately for each of the categories of improvements listed below:
  - 1. Paving, grading and drainage;
  - 2. Bridges; and
  - 3. Water and sanitary sewer systems.
- B. Construction plans shall also be required for the following improvements:
  - 1. Landscaping, irrigation, guardhouse, gates or other structures within roads; and
  - 2. Landscaping, irrigation or structures in Lake Maintenance Easements.
  - 3. Landscaping, irrigation or structures in public utility, water, or sewer easements.
- C. All construction plans shall be submitted in the format and contain all required information in accordance with the Standards Manuals.
- D. The Wellington Engineer and Utilities Director may require additional design data, calculations and analyses to facilitate review of the plans, at the sole discretion of Wellington.

#### **Sec. 8.10.3 – Requirements during Construction**

During construction of the permitted project, the Engineer of Record shall coordinate all required inspections and the submittal of the permit close-out documents in accordance with the requirements of the Standards Manual.

# ARTICLE 9 – VEHICULAR TRAFFIC PERFORMANCE STANDARDS

## CHAPTER 1 – GENERAL

### Sec. 9.1.1 – Purpose and Intent

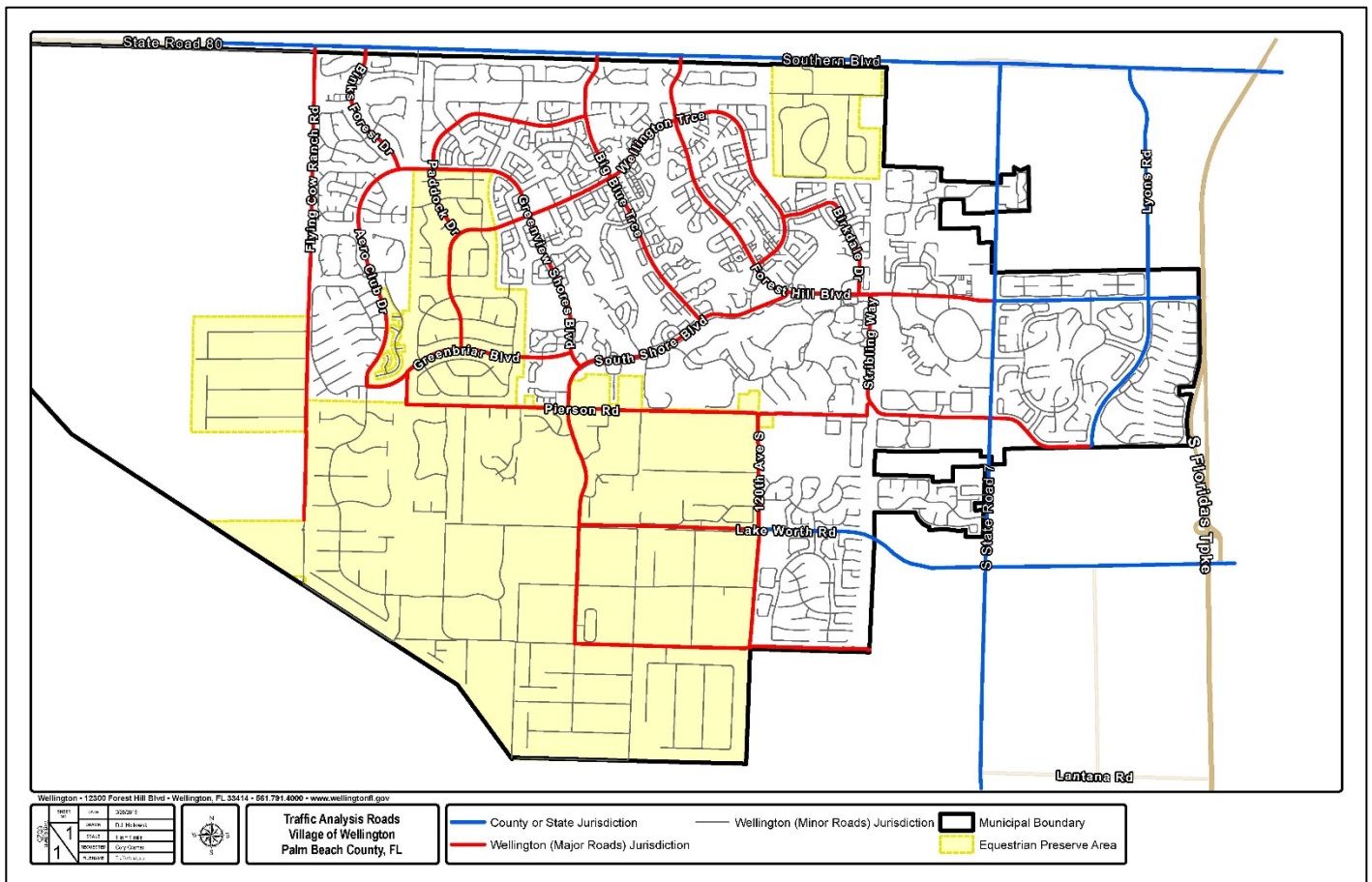
- A. The purpose and intent of this article is to ensure development proposals sufficiently analyze potential impacts on Wellington’s roadways and intersections to maintain the adopted vehicular Level of Service (LOS) to ensure public health, safety and welfare.
- B. The purpose and intent of this article is to implement the goals, objectives, policies and standards of the Comprehensive Plan Traffic Performance Standards. This article will supplement the County-wide Traffic Performance Standards, administered by Palm Beach County, for roadways and intersections within their jurisdiction.
- C. Nothing in this article shall preclude the Council, or other decision-making bodies, from considering vehicular traffic, roadway or project conditions not specifically required by this article or that are peculiar to the location, size, configuration, use or relationship of the project or the area of the project from imposing conditions necessary to serve the public interest.

## CHAPTER 2 – APPLICABILITY

### Sec. 9.2.1 – General

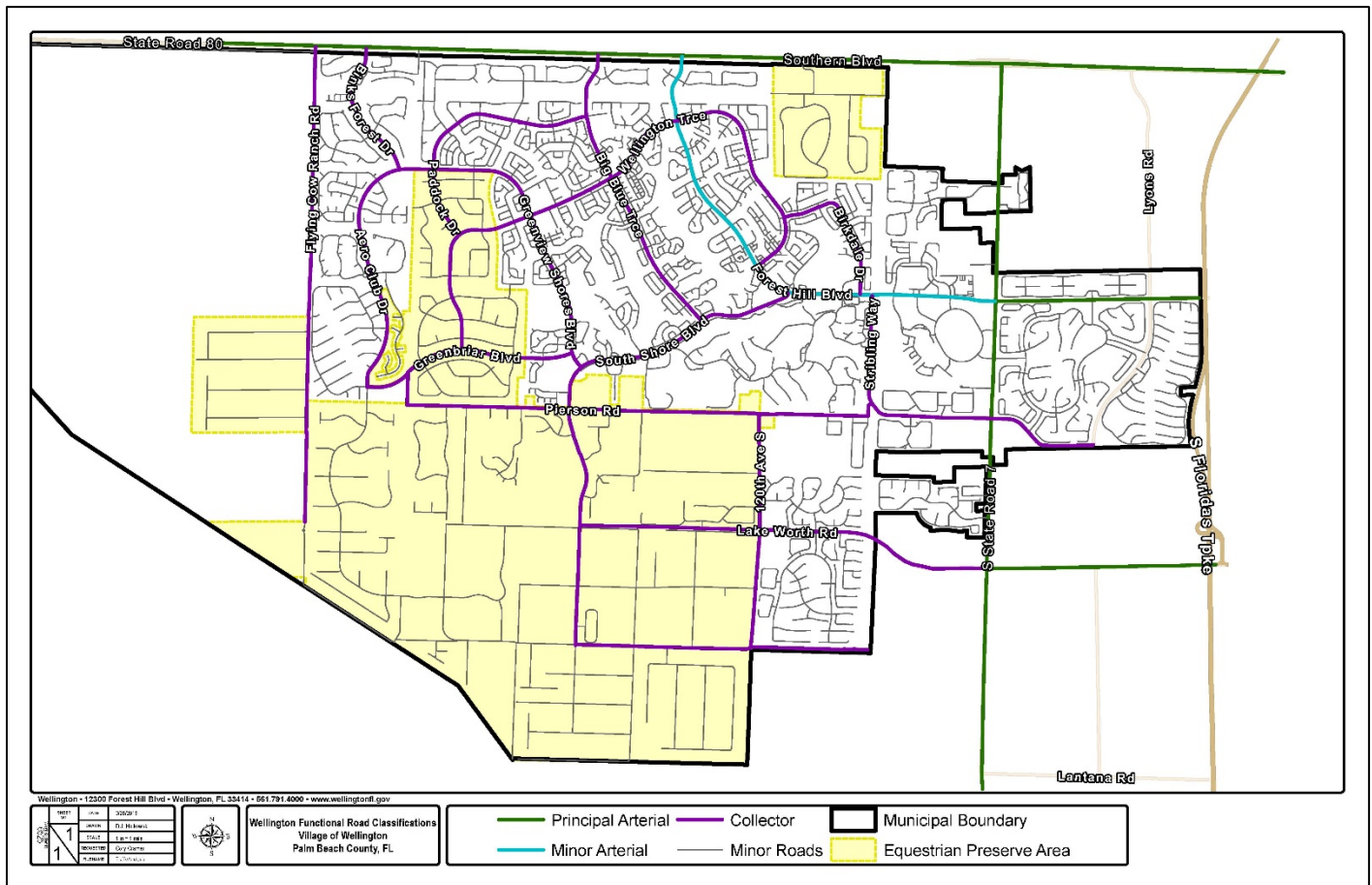
This article shall apply to all development orders or any other official action of Wellington having the effect of permitting the development of land, unless otherwise exempt in accordance with this article. Vehicular Traffic Performance Standards are hereby established for all of Wellington’s roadways and intersections identified on Figure 1 - Traffic Analysis Roadways Map and Figure 2 – Wellington’s Functional Road Classifications Map.

Figure 1 - Traffic Analysis Roadways Map





**Figure 2 – Wellington's Functional Road Classifications**



### Sec. 9.2.2 – Exemptions

- A. This article shall not apply to Wellington-initiated changes to the Future Land Use Map, or Official Zoning Map to conform to the Comprehensive Plan, that does not authorize development.
- B. This article shall not apply to Wellington sponsored or co-sponsored special/community events. For the purposes of the article, a special event is an activity or use that is public or quasi-public in nature and occurs once in a fiscal year, not to exceed three (3) weeks. This includes Fourth of July activities, parades, races and festivals. Events that require a Special Use, Equestrian Use or Seasonal Permit may be subject to the Traffic Impact Study requirements of this article as determined by the Wellington Engineer and/or Planning, Zoning and Building Director.
- C. The standards of this article shall not apply to previously approved development orders that were approved prior to the adoption of Wellington and Palm Beach County Traffic Performance Standards.
- D. Amendments to previously approved development orders that result in a reduced or equivalent Net Peak Hour Directional Trips on any link or major intersections shall not be subject to the standards of this article. It is the burden of the applicant to provide justification of the reduction or equivalency to the Wellington Engineer, or designee, for review and determination. Additionally, the generation rates and pass-by rates of the development order shall be updated to current generation and pass-by rates, if applicable, and shall be used to calculate Net Peak Hour Directional Trips.

- E. This article shall not apply or impair rights established pursuant to Florida law to the extent any project or portion thereof is exempt against the requirements of this article.
- F. Exceptions to the LOS standards of this article do not exempt the requirement to provide a Traffic Impact Study with a development order/amendment application.

### **Sec. 9.2.3 – Vested Project Traffic Determination**

This section establishes the method for determining Vested Project Traffic that may apply when seeking to amend a previously approved development order or when applying for a development order on property that has an existing development and/or use. The burden shall be on the applicant to demonstrate the eligibility and the amount of the vesting for the proposed project. The Wellington Engineer, or designee, shall issue a determination letter subject to the provisions of this section.

- A. Project traffic credits shall be calculated by applying current trip generation rates and pass-by rates to the land use or uses previously approved by a development order. The vesting shall be adjusted as necessary to account for changes in traffic distribution resulting from modifications to the previously approved development order. The vesting shall be reduced as applicable based on any subsequent reduction of square footage or number of units built pursuant to a master plan or site plan amendment and in accordance with any subsequent amendment to applicable Wellington rules, policies or Land Development Regulations.
- B. Any application for a development order on property on which there is an existing use shall receive a vested project traffic determination subject to the provisions of this section. The vesting shall be calculated by applying current trip generation rates and pass-by rates generated by the most recent use at the time of application. The vesting shall be adjusted as necessary to account for changes in traffic distribution as a result of the proposed project. A proposed project shall not be eligible for an existing use vesting determination if the structure or land on the property has been discontinued or abandoned for more than three (3) years prior to the time of application.
- C. A project shall be eligible for a 100% vested project traffic determination if:
  - 1. The previously captured non-residential project has received a certificate of occupancy (CO) for interior tenant improvements for at least 80% of the gross leasable area for more than five (5) years; or
  - 2. The previously captured residential project has received building permits for 80% of the units as set forth in the master plan or site plan as applicable.
- D. A redevelopment project located within the Urban Service Boundary shall not be subject to the standards of Chapter 3 of this article for up to 110% of the traffic generation of the previously existing development. The vesting shall be calculated by applying current trip generation rates and pass-by rates generated by the most recent use at the time of application. The vesting shall be adjusted as necessary to account for changes in traffic distribution as a result of the proposed project. A proposed project shall not be eligible for an existing use vesting determination if the use has been discontinued or abandoned for more than three (3) years prior to the time of application.

## **CHAPTER 3 – TRAFFIC IMPACT STUDIES**

### **Sec.9.3.1 – General**

- A. A Traffic Impact Study, or sufficient documentation to establish a project is not subject to this article, shall be required as part of any development order application, except as set forth in Sec. 9.3.1.D. It shall address the requirements and standards of this article using maps whenever practicable and shall state all assumptions and sources of information. A development order shall not be certified or recommended for approval if the issuance of the development order does not comply with this article.

- B. A request for a time extension of a previously-approved development order shall be required to submit a new Traffic Impact Study that illustrates that the project meets the standards in effect at the time the extension is requested or provide documentation sufficient to establish that the project meets the standards or is not subject to the standards of this article at the time the extension is requested.
- C. The Wellington Engineer, or designee, shall review the information submitted and determine whether the proposed project complies with this article. The Wellington Engineer shall coordinate with the Planning, Zoning and Building Director whether the Development Order meets the other concurrency requirements of the Plan. Comments and/or conditions of approval shall be provided to the Development Review Manager.
- D. A Traffic Impact Study is not required for residential or non-residential projects generating fewer than 20 Gross Peak Hour Trips, based on adopted trip generation rates. The Net Peak Hour Directional Trips shall be distributed over the Wellington roadway system by the Wellington Engineer, in accordance with generally accepted traffic engineering principles.

### **Sec. 9.3.2 – Submittal Requirement**

The Traffic Impact Study shall be prepared, signed and sealed by a qualified professional Florida Registered Engineer, practicing traffic engineering, and the analysis must demonstrate compliance with this article. At a minimum, the following criteria shall be addressed:

- A. The applicant shall use the Adopted LOS for all Wellington roadways and intersections identified on the Traffic Analysis Roadways Map (Figure 1).
- B. Identification of all significantly impacted Wellington roadways and intersections by the proposed project.
- C. Projected Buildout Period shall be set forth in the Traffic Impact Study and shall be subject to review and approval by the Wellington Engineer, or designee, based on the following criteria:
  - 1. The size, type and location of the proposed project;
  - 2. Customary Buildout Periods for projects of similar size, type and location; and
  - 3. Any other factors or conditions relevant to the specific project, including special market conditions and schedules of Assured Construction.
  - 4. For enforcement purposes, the Buildout Period of the project shall be deemed complete if any of the following is true:
    - i. In the case of a non-residential project, final certificates of occupancy have been issued for interior tenant improvements for 80% of the gross leasable area; or
    - ii. In the case of residential projects, the issuance of building permits for 80% of the total project units as set forth in the master plan or site plan as applicable.
- D. The study shall analyze Peak Hour traffic, both weekday AM and PM Peak Hours, unless traffic characteristics dictate only one of the peak hours be analyzed. The Wellington Engineer may require analysis of other peak hours. The total peak hours analyzed shall not exceed three (3) hours in number and are as follows:
  - 1. Afternoon peak hours between 4:00 and 7:00 PM during the peak season shall be studied in all cases. Generally, the morning peak hours between 6:00 and 9:00 AM during the peak season shall be studied unless higher volumes are observed outside of this time period, then other peak hours shall be used.
  - 2. Alternative peak hours shall be used for projects with significant impacts on hours and days other than the weekday peak hours described above, as determined by the Wellington Engineer.
  - 3. Each AM and PM peak hour shall be the highest sum of the volume on the approaches to an intersection and shall be the highest sum of four (4) continuous 15-minute periods.

- E. Off-peak to peak season factors shall be established by the Wellington Engineer, based upon the best available data and generally accepted traffic engineering principles. Other factors, based on accepted traffic engineering principles, shall be used to update data where newer data is not available.
- F. In addition to link and intersection standards, studies for all peak hour(s) turning movements, including pass-by trips, shall be shown and analyzed for all points where the project's traffic meets the Project Accessed Links and other roads where traffic control or geometric changes may be needed, as determined by the Wellington Engineer. Recommendations shall be made for signalization, turn lanes, and/or other site related improvements.
- G. The Total Traffic Volumes at the Project Buildout Year as follows:
  - 1. Existing Peak Season Peak Hour Traffic, two-way and directional, may be counted by Palm Beach County and/or Wellington during the peak season. If the traffic counts collected by the County and/or Wellington are more than 30 months old, prior to the submittal of the Traffic Impact Study, the applicant shall conduct counts in accordance with accepted traffic engineering principles and as follows:
    - a. Peak hour counts shall be made during any continuous weekdays between 6:00 AM and 9:00 AM and 4:00 PM and 7:00 PM and on other hours and days for the peak hour of the generator. There shall be no counts on Fridays and legal holidays for the weekday analysis, unless otherwise authorized or required by the Wellington Engineer.
    - b. Where Peak Season traffic counts are not readily available, the counts that are unavailable may be generated using factors established by the Wellington Engineer for various areas of the County based on the best available data.
    - c. All data is subject to review and acceptance by the Wellington Engineer.
  - 2. Traffic generated by the project shall be computed in the following manner:
    - a. For project trip generation, the rates or equations published in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation shall be used. Alternative rates shall be approved by the Wellington Engineer based on acceptable standards to provide a more accurate means to evaluate the rates of generation or if documentation is supplied by the applicant which affirmatively demonstrates more accurate generation rates.
    - b. The County and/or Wellington Engineer may publish and update, from time to time, trip generation rates for local conditions. If applicable, these rates shall be used instead of the ITE rates.
    - c. Actual traffic counts that establish a generation rate at three (3) similar developments, and located in similar areas, as the one proposed may be approved for use by the Wellington Engineer in accordance with accepted traffic engineering principles. These counts shall be made for the peak hour weekdays and/or weekends as necessary (excluding legal holidays) for each site and averaged, in accordance with Sec.9.3.2.e of this article.
    - d. It is acknowledged some trips generated by mixed use projects do not exit the project or enter the Wellington Roadway system. Unless approved by the Wellington Engineer, any credit against the trip generation of a proposed project shall not exceed ten (10%) percent of the gross trip generation of the project, not including internalization between Service Station and Convenience Store uses. Additionally, credit for any internal individual land use within the proposed project shall not exceed ten (10%) percent of the gross trip generation for the land use, except as provided herein. Internalization between Service Station and Convenience Store uses is established at 32% of the gross trip generation of the Convenience Store use.
    - e. It is acknowledged some trips generated by a proposed non-residential project are from existing traffic passing the proposed project and are not newly generated trips. Credit against the trip generation of the proposed project may be taken for these trips up to the percentage shown in the County's Impact Fee Ordinance or the ITE manual, when approved by the Wellington Engineer. The Traffic Impact Study must detail:

- i. All traffic generated from the project;
  - ii. The number of pass-by trips subtracted from the traffic generated by the project during the Buildout Period of the project.
  - iii. Uses other than those listed in County's Impact Fee Ordinance, and any percentage credit proposed, must be justified based upon the peculiar characteristics and location of the proposed project and accepted by the Wellington Engineer.
  - iv. Factors which should be considered in determining a different pass-by rate include type and size of land use, location with respect to service population, location with respect to competing uses, location with respect to the surrounding Wellington roadway system and the existing and projected traffic volumes. In no case shall the number of pass-by trips exceed 24% of existing traffic plus Background Traffic on the link, unless demonstrated and approved by the Wellington Engineer.
3. Traffic volumes will likely change during the Buildout Period of the proposed project. The traffic study must account for this change based on Background Traffic. The projection of Background Traffic shall generally be based upon the information set forth in the County's TPS Database, Historic Traffic Growth Rate Tables and requirements of this article. The change in traffic shall illustrate how it relates to applicable phasing.
4. The projection of Background Traffic during the Buildout Period of the proposed project shall be subject to review and approval by the Wellington Engineer using the following criteria:
  - a. General information required:
    - i. Historical growth shown in tables prepared by the County Traffic Division and/or Wellington Engineer;
    - ii. Characteristics of growth in the area;
    - iii. Extent of existing, approved, and anticipated development in the area;
    - iv. Types and size of development in the area;
    - v. Traffic circulation in the area;
    - vi. Committed Project Impacts; and
    - vii. New and assured road construction.
  - b. The Historical Growth Rate tables, prepared by the County Traffic Division and/or Wellington Engineer, are based on historical daily traffic volumes but shall be applied on a Peak Season, Peak Hour Directional basis. The effect of committed projects shall be considered in projecting the increase or decrease in traffic volumes to ensure no double counting or omission of Background Traffic. Special circumstances, such as opening of a parallel road or a high traffic generation that may distort the growth trend, shall be taken into account. For projects with a buildout time of five (5) years or more, an area wide growth rate, using a number of locations in the tables, may be appropriate. No growth rate less than zero (0%) percent may be used without approval of the Wellington Engineer.
  - c. Using the County's TPS Database:
    - i. All traffic from the unbuilt portion of projects, that has received a concurrency reservation prior to the County Engineer's approval of the proposed project's traffic study, and that adds significant trips to any link within the area surrounding the proposed project's during the Buildout Period, shall be specifically accounted for in projecting traffic.
    - ii. For Wellington intersections, the TPS Database shall specifically account for all project traffic volumes if at least one approach to the intersection has a project traffic

- volume greater than, or equal to, one (1) percent of the adopted LOS D. No double counting of trips shall occur.
- iii. A comparison of the traffic projection using historic growth to the traffic projections using the County's TPS database, plus a nominal growth rate per year, shall be completed.
  - iv. If errors and/or omissions are found in the TPS Database, the Traffic Impact Study shall account for the errors and/or omissions in the analysis and include the corrections necessary. Notification, by the engineer preparing the Traffic Impact Study, the County Engineer or Wellington Engineer to any other party, shall be required 30 days prior of the initial submission of the study so that that corrections can be included in the database prior to submission of the Traffic Impact Study.
5. The Traffic Impact Study may reflect a phasing schedule for the proposed development project. The schedule shall reflect the time at which each phase will place traffic impacts on roadways and/or intersections. Conditions will be imposed on the development order, or an agreement shall be entered into, that ensures permits are restricted in accordance with the phasing schedule. The phasing shall include:
- a. Project traffic generation figures and assignments for each proposed phase.
  - b. If the proposed phasing includes Assured Construction, sufficient information regarding the proposed construction shall be required to ensure realistic construction commencement and completion timing that reflects the impacts placed on roadways and/or intersections.
  - c. For any Assured Construction that is to be completed by the applicant, the applicant must provide a written agreement with the Traffic Impact Study. The agreement must be executed by all parties prior to or concurrent with the issuance of the development order and the development order must have a condition of approval that provides the completion date of the Assured Construction and posting of the Performance Security.

## **CHAPTER 4 – PROJECT BUILDOUT STANDARD**

### **Sec.9.4.1 – General**

- A. The Project Buildout Test relates to the buildout period of the project and requires the project demonstrate no significant traffic is added which would cause the total traffic to exceed the Adopted LOS at the end of the buildout period.
- B. The applicant may make link or intersections improvements, in accordance with published Wellington, Palm Beach County or Florida Department of Transportation Design and Traffic Engineering Standards in order to satisfy Part One and Two of the Project Buildout Test.

### **Sec. 9.4.2 – Project Buildout Test**

No development order shall be approved unless it can be shown to satisfy the requirement of Parts One and Two of the Project Buildout Test as outlined below:

- A. Part One: Intersections - This part requires analysis of Wellington intersections where a project's traffic is significant on a link for purposes of this Part One Analysis. Wellington intersections also include intersections of a Wellington roadway and a non-Wellington roadway or other point of access where (1) the intersection is signalized or where projected traffic volumes warrant a signal; and (2) the minor approach is projected to carry at least 200 two-way peak hour trips; and (3) the minor approach represents 20% or more of the intersection critical sum volume.
  1. The following Wellington intersections shall be analyzed:
    - a. Wellington intersections, in each direction, nearest to the point at which the project's traffic enters each Project Accessed Link and where the project traffic entering/exiting the

- intersection from/to the Project Accessed Link is significant. The intersections analyzed shall not exceed two (2) intersections per Project Accessed Link.
- b. For a project on Southern Boulevard, the single point urban interchange(s) on Southern Blvd. where it is the nearest Intersection to the point at which the project's traffic enters the Project Accessed Link and where the project traffic entering and exiting the intersection is significant. For purposes of determining significance of the traffic entering and exiting the intersection, the traffic entering and exiting the ramps shall be considered against the combined LOS D capacity of the ramps, which shall be 4,200 vehicles per hour.
  - c. All Wellington Intersections where the project traffic comprises ten (10%) percent or more of the total traffic on at least one approach.
  - d. All Wellington intersections where links are operating at 80% or greater of LOS D and where the project has a significant impact on any approach.
2. For signalized intersections, the intersection analysis shall be conducted using the most recent version of the HCM Operational Analysis.
    - a. The HCM Operational Analysis shall comply with the default input values published by the County Engineer, no more frequently than twice per year. Revisions to the input values may be made, subject to approval by the County Engineer, to reflect actual or projected field conditions where substantial differences from the published values can be demonstrated.
    - b. For intersections outside the Equestrian Overlay Zoning District (EOZD): if the intersection average total delay is at or below the thresholds identified in Table 9.4.2-A (LOS D Intersection Thresholds) the project passes Part One of the Project Buildout Test and continues with the Part Two—Link Analysis. If the intersection average total delay exceeds the thresholds identified in Table 9.4.2-A the project fails Part One.
    - c. For intersections within the EOZD: if the intersection average total delay is at or below the thresholds identified in Table 9.4.2-B (LOS E Intersection Thresholds) the project passes Part One of the Project Buildout Test and continues with the Part Two—Link Analysis. If the intersection average total delay exceeds the thresholds identified in Table 9.4.2-B the project fails Part One.
  3. For unsignalized Wellington Intersections, the intersections shall be analyzed using the most recent version of the HCM Unsignalized Intersection Analysis and all minor movements of Rank 2 or higher shall operate at LOS E or better. In addition, a signal warrant analysis with Total Traffic for the intersection may be required by the Wellington Engineer.
    - a. If a minor movement is not projected to operate at LOS E or better, the applicant may make intersection improvements in accordance with applicable Wellington, Palm Beach County or FDOT Design Standards to satisfy the LOS standard. If these improvements require signalization of the intersection, and/or if signalization is expected to be warranted at any time up to 24 months after the project's final certificate of occupancy, the project may also be required to fund signalization. Signalization improvements shall not be included in the calculations to determine the proportionate share obligation and must be completed by the applicant in accordance with the development order. If with these improvements all minor movements of Rank 2 or higher will operate at LOS E or better the project passes Part One.
    - b. If no geometric intersection improvements are determined to be feasible by the Wellington Engineer, the applicant shall agree to fund signalization of the intersection if warranted at any time up to 24 months after the project's final certificate of occupancy and the proposed signal meets access management standards. If the applicant is not willing to agree to fund signalization of the intersection the project fails Part One.
  4. Where a CRALLS (Constrained Roadway at a Lower Level of Service) volume has been adopted by Palm Beach County for one (1) or more of the links, which constitute the legs of the intersection, the allowable service volume for the intersection shall be calculated as follows:

Allowable CRALLS intersection volume = [sum of CRALLS link volume(s) or link LOS D volumes (for those links without CRALLS), whichever is applicable, for all legs of intersection/(sum of link LOS D volume(s) for all legs of intersection)] x 1400.

B. Part Two: Links - This Part requires analysis of Wellington roadways where a project's traffic is significant. The Total Traffic in the peak hour on the link shall be compared to applicable thresholds in Table 9.4.2-C (LOS D Link Service Volumes) or 9.4.2-D (LOS E Link Service Volumes) for Link Service Volumes and Peak Hour Directional Volume thresholds. The applicable facility class for each link shall be determined on the basis of the posted speed limit and/or number of traffic signals per mile, anticipated by the Wellington Engineer, to be in place by the buildout time frame of the proposed project. For all links where the Total Traffic Peak Hour Directional Volumes exceed the applicable thresholds, the Wellington intersections on each end of the link shall be analyzed. If the link is on Southern Boulevard, the at-grade intersection created by an Urban Interchange, it shall not be considered the intersection at the end of the link since the intersection is actually not on Southern Boulevard. The project shall include the next intersection with Southern Boulevard for analysis and compliance.

1. The project shall pass Part Two for links outside the EOZD if the Total Traffic Peak Hour Directional volume on the link is less than the applicable thresholds in Table 9.4.2-C (LOS D Link Service Volumes)
2. The project shall pass Part Two for links within the EOZD if the Total Traffic Peak Hour Directional volume on the link is less than the applicable thresholds in Table 9.4.2-D (LOS E Link Service Volumes)
3. For links where the Total Traffic Peak Hour Directional Volumes exceed the applicable threshold, the buildout period is five (5) years or less and the intersections at the end of the failing link are less than or equal to the Delay Thresholds as applicable in Table 9.4.2-A (LOS D Intersection Thresholds) or Table 9.4.2-B (LOS E Intersection Thresholds), then an Optional Analysis, providing more detailed analysis be shall be completed to demonstrate compliance with Part Two.
4. For links where the Total Traffic Peak Hour Directional Volumes exceed the applicable threshold and where the buildout period is greater than five years or the intersections at the end of the failing link are greater than the Delay Thresholds as applicable in Table 9.4.2-A (LOS D Intersection Thresholds) or Table 9.4.2-B (LOS E Intersection Thresholds) then the project fails Part Two.
5. Optional Analysis - The HCM Arterial Analysis Operational methodology shall be conducted for links outside the EOZD if the project can demonstrate the Total Traffic Peak Hour Directional Volumes do not result in an average speed on the Segment that is lower than the speed thresholds for LOS D, as defined in Table 9.4.2-E (LOS D Speed Thresholds).
  - a. If the speed is equal to or higher than the LOS D speed threshold, then the project shall pass Part Two.
  - b. If the speed is lower than the LOS D speed threshold, then the project fails Part Two.
  - c. For the links within the EOZD, the Project shall demonstrate the Total Traffic peak hour directional volumes do not result in an average speed on the segment that is lower than the speed thresholds in Table 9.4.2-F(LOS E Speed Thresholds).
    - i. If the speed is equal to or higher than the LOS E speed threshold, then the project shall pass Part Two.
    - ii. If the speed is lower than the LOS E speed threshold, then the project fails Part Two.

C. Level of Service Standards



1. The LOS D Standard Service Volumes for Average Daily Traffic (ADT) and Peak Season, Peak Hour Directional for Links are set forth in Table 9.4.2-C (LOS D Link Service Volumes). The LOS D thresholds relative to intersections are set forth in Table 9.4.2-A (LOS D Intersection Thresholds). The LOS D thresholds associated with the HCM Arterial Analysis in terms of speed is provided in Table 9.4.2-E (LOS D Speed Thresholds).
2. The LOS E Standard Service Volumes for Average Daily Traffic (ADT) and Peak Season, Peak Hour Directional for the Equestrian Overlay Zone for Links are set forth in Table 9.4.2-D (LOS E Link Service Volumes), The LOS E thresholds relative to intersections are set forth in Table 9.4.2-B (LOS E Intersection Thresholds). The LOS E thresholds associated with the HCM Arterial Analysis in terms of speed are provided in Table 9.4.2-F (LOS E Speed Thresholds). The LOS E Standard is to be utilized within the EOZD.

**Table 9.4.2-A: LOS D Intersection Thresholds**

LOS	HCM Operational Analysis
D	Greater than 35.0 to 55.0 Seconds of Delay
Note: The delay identifies seconds of delay greater than 35.0 and less than or equal to 55.0.	

**Table 9.4.2-B: LOS E Intersection Thresholds**

LOS	HCM Operational Analysis
E	Greater than 55.0 to 80.0 Seconds of delay
Note: The delay identifies seconds of delay greater than 55.0 and less than or equal to 80.0.	

**Table 9.4.2-C: LOS D Link Service Volumes**

Facility Type		ADT		Peak Hour Directional	
		Class I	Class II	Class I	Class II
2 lanes undivided <sup>(1)</sup>	2L	17,700	14,800	880	750
2 lanes divided	2LD	18,600	15,500	920	790
4 lanes undivided <sup>(1)</sup>	4L	37,800	30,800	1,900	1,550
4 lanes divided	4LD	39,800	32,400	2,000	1,630
5 lanes two-way	5L	39,800	32,400	2,000	1,630
6 lanes divided	6LD	59,900	50,000	3,020	2,520
8 lanes divided	8LD	80,100	67,300	4,040	3,390

Notes:

Based on the 2012 FDOT Quality/LOS Handbook.

Class I - Roadways with 40 mph or higher posted speed limits.

Class II - Roadways with 35 mph or lower posted speed limits.

If heavy vehicle percentages for a facility are greater than 10 percent as determined by the Wellington Engineer then service volumes may be subject to a corresponding reduction.

<sup>(1)</sup> Service volumes for undivided roadways assume exclusive left turn lanes are provided at signalized intersections. If there are no left turn lanes reduce these values by 20 percent.

**Table 9.4.2-D: LOS E Link Service Volumes**

Facility Type		ADT		Peak Hour Directional	
		Class I	Class II	Class I	Class II
2 lanes undivided <sup>(1)</sup>	2L	17,700	15,600	880	800
2 lanes divided	2LD	18,600	16,400	920	840
4 lanes undivided <sup>(1)</sup>	4L	37,800	32,100	1,900	1,610
4 lanes divided	4LD	39,800	33,800	2,000	1,700
5 lanes two-way	5L	39,800	33,800	2,000	1,700
6 lanes divided	6LD	59,900	50,900	3,020	2560
8 lanes divided	8LD	80,100	68,100	4,040	3,420

**Notes:**

Based on the 2012 FDOT Quality/LOS Handbook.

Class I - Roadways with 40 mph or higher posted speed limits.

Class II - Roadways with 35 mph or lower posted speed limits.

If heavy vehicle percentages for facility are greater than 10 percent as determined by the Wellington Engineer then service volumes may be subject to a corresponding reduction.

<sup>(1)</sup> Service volumes for undivided roadways assume exclusive left turn lanes are provided at signalized intersections. If there are no left turn lanes reduce these values by 20 percent.

**Table 9.4.2 - E: LOS D Speed Thresholds**

Urban Street Class	I	II	III
Range of Free Flow Speeds (FFS)	55 to 45 miles per hour	45 to 35 miles per hour	35 to 30 miles per hour
Typical FFS	50 miles per hour	40 miles per hour	35 miles per hour
LOS	Average Travel Speed (Miles per Hour)		
D	Greater than 21 to 27	Greater than 17 to 22	Greater than 14 to 18

Note: Speed values refer to a range of values that will achieve LOS D. For example speeds greater than 21 but less than or equal to 27 miles per hour will all be LOS D for a Class I roadway.

**Table 9.4.2-F: LOS E Speed Thresholds**

Urban Street Class	I	II	III
Range of Free Flow Speeds (FFS)	55 to 45 miles per hour	45 to 35 miles per hour	35 to 30 miles per hour
Typical FFS	50 miles per hour	40 miles per hour	35 miles per hour
LOS	Average Travel Speed (Miles per Hour)		
E	Greater than 16 to 21	Greater than 13 to 17	Greater than 10 to 14

Note: Speed values refer to a range of values that will achieve LOS E. For example speeds greater than 16 but less than or equal to 21 miles per hour will all be LOS E for a Class I roadway.

- D. **Project Significance:** A project must address all Wellington roadways links, as identified on the Traffic Analysis Roadways Map – Figure 1, on which the Net Peak Directional Trips are greater than one (1) percent of the LOS D of the link affected on a peak hour directional basis. If no links are significantly impacted, an analysis shall be completed for the first Directly Accessed Link.
- E. If a project is approved or phased based on Assured Construction, building permits shall be granted for the portion of the project or phase approved based on the Assured Construction no sooner than the award of the contract by a governmental agency for construction of the improvement or commencement of construction subject to the following:
  - 1. If intersection improvements are required to meet the Project Buildout Test, and there is a scheduled road construction project which would incorporate all, or a portion, of such intersection improvements, then the Wellington Engineer, in his/her sole and exclusive discretion, may require payment for the cost of such intersection improvement, provided all other requirements of the TPS have been satisfied. Upon receipt of the payment, building permits shall be granted for the portion project phased to such intersection improvements. The payment shall be based on a certified engineering estimate accepted by the Wellington Engineer.
  - 2. If the Assured Construction is in the County's Five-Year Road Program or the adopted FDOT Work Program, and was relied upon for the issuance of the development order, then deleted from these programs, building permits for development that was phased based on the Assured Construction shall be issued at the end of the fiscal year in which the construction was to commence. For the purposes of this paragraph, deleted shall mean the elimination of the construction project, the material reduction to the scope of construction work or funding, and/or the postponement of the construction project for more than two (2) years beyond the construction was originally programmed.
  - 3. **Three-year Grace Period:** A project may receive a building permit if the required roadway improvements are in the first three (3) years of the County's Five-Year Road Program and the project is a facility that is wholly owned and operated by the State, local government, or public school.

## **CHAPTER 5 – PROPORTIONATE SHARE PROGRAM**

### **Sec. 9.5.1 – General**

- A. Wellington's Proportionate Share Program is hereby established, in accordance with Chapter 163, Florida Status, to provide a method to mitigate impacts of development on transportation facilities by cooperative efforts of the public and private sector.
- B. The Proportionate Share Program shall apply to all projects which fail to meet the TPS standards of this article for roadways and intersections. The Proportionate Share Program does not apply to projects exempt from this article, as identified in Sec.9.2.2.
- C. If the lack of capacity to satisfy transportation concurrency exists, the applicant shall have the opportunity to satisfy transportation concurrency through the Proportionate Share Program as follows:
  - 1. An applicant may choose to satisfy the transportation concurrency requirements of Wellington by making a proportionate share contribution pursuant to the following:
    - a. The proposed development is consistent with the Comprehensive Plan and Land Development Regulations.
    - b. The roadway improvement necessary to maintain the adopted LOS is feasible within the ultimate right-of-way planned for the subject facility.

2. Any improvement project proposed to meet the developer's proportionate share obligation must meet Wellington's design standards for locally maintained roadways and intersections.

### Sec. 9.5.2 – Submittal Process

- A. Eligible applicants shall submit a request to utilize the Proportionate Share Program with the Traffic Impact Study submitted as part of a development application.
- B. When a submittal is deemed sufficient, complete and approved, a proposed proportionate share obligation, along with a binding agreement will be prepared by Wellington.
- C. All Proportionate Share Agreement shall be approved by Council in order to be effective.

### Sec. 9.5.3 – Determining Proportionate Share Obligation

- A. Proportionate share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, construction and/or contribution of facilities.
- B. A project eligible for participation under Proportionate share Program shall not be required to pay more than the determined proportionate share. The fair market value of the proportionate share mitigation for the impacted facilities shall not differ, regardless of the method of mitigation.
- C. Signalization of an intersection shall not be eligible for the Proportionate Share Program and shall be completed in accordance with the development order.
- D. The methodology used to calculate the proportionate share obligation for a project shall be as follows:
  - The number of trips from the proposed development expected to reach roadways during peak hours from the complete buildout of a stage or phase being approved, divided by the change in the peak hour directional maximum service volume of roadways and/or intersections resulting from construction of an improvement necessary to maintain or achieve the adopted LOS, multiplied by the construction cost at the time of developer payment of the improvement necessary to maintain or achieve the adopted LOS, or as follows:

$$\text{Proportionate Share} = \sum \left[ \frac{(\text{Development Trips}_i)}{(\text{SV Increase}_i)} \times \text{Cost}_i \right]$$

**Where:**

**Development Trips** = Those trips from the stage or phase of development under review that are assigned to roadway segment or intersection "i" and have triggered a deficiency per TPS.

**SV Increase** = Service volume increase provided by the eligible improvement to roadway segment or intersection "i" per Section 3.

**Cost** = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering review, inspection, administration and physical development costs directly associated with construction at the anticipated cost including contingencies in the year it will be incurred.

- E. If Wellington has accepted an improvement proposed by the applicant, the values of the improvement shall be based on a certified cost estimate prepared by a Register Engineer and provided by the applicant. The Wellington Engineer shall review and approve the certified cost estimate.
- F. If Wellington has accepted right-of-way dedication for the proportionate share payment, the credit for dedication of the right-of-way shall be valued on the date of the dedication at 120% of the most recent assessed value by the Property Appraiser or, at the option of the applicant and with no cost to Wellington, by fair market value established by an independent appraisal approved by Wellington. This appraisal shall assume roadway segments that triggered the deficiency per TPS and must not be site-related. The applicant shall supply a drawing, legal description of the land and a certificate of title or title search of the land. If the estimated value of the right-of-way dedication, proposed by the applicant, based on an appraisal approved by Wellington is more than the Wellington estimated total proportionate share obligation for the development, Wellington will give the applicant additional road impact fee credit for the difference. Prior to purchase, acquisition or acceptance of donations of real estate intended to be used for the proportionate fair share, public or private partners shall contact the FDOT for information about compliance with federal laws and regulations.

#### **Sec. 9.5.4 – Impact Fee Credits for Proportionate Share Mitigation**

- A. Proportionate Share contributions shall be applied as credit against road impact fees.
- B. Impact fee credits for the proportionate share contribution will be determined when the road impact fee obligation is calculated for the proposed development. Impact fees owned by the applicant will be reduced per the Proportionate Share Agreement as they become due. Once the credit has been exhausted, payment of road impact fees shall be required for each permit issued. The impact fee credit shall be established when the proportionate share contribution is received by Wellington.
- C. Road impact fee credits are not transferrable to another project. The impact fee credits are based on the determined proportionate share obligation required to mitigate the transportation impacts of a proposed project and shall be used for only that project.

#### **Sec. 9.5.5 – Proportionate Share Agreements**

- A. Upon execution of a Proportionate Share Agreement, the applicant shall receive a certification of concurrency approval. Should the applicant fail to apply for a land development permit within twelve (12) months, the agreement shall be considered null and void and the applicant shall be required to reapply.
- B. In the event an agreement requires the applicant to build one (1) or more road improvements, all required improvements must be commenced prior to issuance of the phased building permit and assured by a binding agreement, accompanied by a Performance Security sufficient to ensure the completion of all required improvements. It is the intent of this section that all required improvements be completed before the issuance of any phased certificates of occupancy.
- C. Dedication of necessary right-of-way for facility improvements, pursuant to a Proportionate Share Agreement, must be completed prior to issuance of the phased building permit.
- D. Any requested change to a development project subsequent to a development order may be subject to additional proportionate share contributions to the extent the change would generate additional traffic that requires mitigation.
- E. Wellington may enter into Proportionate Share Agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.