

**STAFF REPORT      Zoning Text Amendment – Fences, Walls, & Hedges**

**Ordinance No:** 2024-02

**Applicant:** Village of Wellington

**Request:** To amend Section 6.4.1.A.5 of Wellington’s Land Development Regulations (LDR) modifying regulations related to fences, walls, and hedges along thoroughfares and throughout Wellington.

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**Boards, Committees, and Council:**

	Date	Vote
PZAB	3/28/2024	5-0
Council (1 <sup>st</sup> )	6/11/2024	Pending
Council (2 <sup>nd</sup> )	7/09/2024	Pending

**Wellington Vision**  
A Great Hometown: Great Neighborhoods, Great Schools, and Great Parks.

**Wellington Mission**  
To provide high-quality services that create economic, environmental, and social sustainability for residents.

**Wellington Goals**

- Economic Development
- Neighborhood Renaissance
- Protecting Our Investment
- Respecting the Environment
- Responsive Government

**Background**

Maintaining a consistent appearance of 1,247 privately-owned hedges and fences along major thoroughfares has been a continuous challenge for the community for decades. The level of maintenance, the type of landscaping, and the fence materials all have a history that dates back, in many cases, to First Wellington, which was the original Homeowners Association for the areas approved and developed under Palm Beach County and prior to the incorporation of Wellington as a municipality. Over time, there have been changes to plant materials, fence materials, height requirements, and the level of enforcement Village-wide.

The following are some of the issues with fences and hedges along Wellington’s major thoroughfares:

- Difficulty physically accessing hedges from rear of property impacting maintenance
- Varied fence setbacks, one (1) to five (5) feet
- Inability to achieve and maintain uniformity with hedge material
- Fence discoloration and improper repair work
- Hedges growing into pathways, sidewalks, and rights-of way.

In 2021, Wellington’s Council adopted Ordinance No. 2021-18 which established regulations for hedge heights, identified five (5) specific hedge materials, increased setbacks for fences to five (5) feet, and addressed maintenance requirements in efforts to create a uniform appearance along major thoroughfare and address those issues identified above. Since adoption, many efforts have been made to notify the public and residents that are affected by this ordinance. Educational campaigns were undertaken in the form of videos on Wellington’s Channel 18 and Youtube, brochures, and courtesy code compliance notices with the intent to notify residents of the changes in regulations and the grace period (December 31, 2026) to bring the properties into compliance. However, residents continue to face hardships and challenges to meet the adopted requirements.

Some of the challenges expressed by several residents are the eight (8) feet hedge height maintenance regulation, replacement of hedge material to one (1) of the five (5) approved hedge materials, and five (5) feet setback requirement for newly installed fences. Residents have expressed concerns stating the eight (8) feet hedge height is unattainable to be achieved at all times, the (1) of the five (5) approved hedge materials requirement is constrictive, and the five (5) feet fence setback requirement takes too much space from their backyards.

### **Summary**

The proposed changes to Section 6.4.1.A.5, fences, walls, and fences regulations, attempts to address these issues. The proposed amendment includes the following:

- Require all hedges to be maintained between a minimum of six (6) to a maximum of eight (8) feet high along major thoroughfares;
- Require a vegetation permit for the replacement of hedges along a major thoroughfare;
- Clarification to ensure hedges are installed according to commonly accepted professional landscaping practices for the specific hedge material;
- Modifications to the regulations requiring applicants to request a waiver as an alternative hedge material with criteria requirements (Exhibit B) to be granted by Wellington staff rather than going through the ARB approval requirement.

Exhibit A illustrates the proposed changes to the LDR, with formatting of text to be deleted in ~~strikethrough~~ format, and new text in underline format.

Additionally, the proposed amendment complies with the objectives and purpose of the Housing and Neighborhood Element of Wellington's Comprehensive Plan. The proposed change will further enhance Goal H&N 1 to protect, preserve, and enhance the character, quality, and value of existing neighborhoods. The proposed amendments, in ~~strikethrough/underline~~ format in Exhibit A, of Ordinance No. 2024-02 will continue to help facilitate a uniform look, reduce code complaints, and further the standards that are enforceable by Wellington.

The Planning, Zoning and Adjustment Board has reviewed the proposed ordinance and made a recommendation for approval with a 5-0 vote at the March 28, 2024 meeting.

### **Planning and Zoning Division Recommendation**

The Planning and Zoning Division recommends approval of Ordinance No. 2024-02 to amend Section 6.4.1.A.5 of Wellington's LDR modifying regulations related to fences, walls, and hedges along thoroughfares and throughout Wellington in order to maintain a consistent appearance.

### **List of Exhibits**

- Exhibit A: Hedge Waiver Application Form
- Exhibit B: Major Thoroughfares
- Exhibit C: Required Hedge Materials