

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 pattern;
 - 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 LDR;
 - 5. Ensure provision of safe, convenient, legal and physical access to, and circulation between, lots for vehicular, bicycle, equestrian and pedestrian 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 provision 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 land 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.
- 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 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 street shall be considered sufficient if the streets 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 street;
 - 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 streets, 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 street lines shall be the long chord of a 25-foot radius except at the intersection of two (2) streets 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 streets 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 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 120% of the certified cost estimate, guaranteeing the installation/construction of improvements in accordance with this Article.

- A. All required streets, 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 street 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 streets 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. 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).
- E. 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, to allow the conversion of existing attached dwelling units to individual fee simple ownership, or the construction of new fee simple units. 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 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 percent 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 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 Minor Streets:

Table 8.7-1 ACCESS HIERARCHY

MAJOR STREETS: Streets which constitute the traffic circulation network as contemplated under the Comprehensive Plan. Listed from highest to lowest category:
• EXPRESSWAY
• ARTERIAL
• COLLECTOR
MINOR STREETS: Streets which constitute the internal circulation network of a development and which are not classified as a MAJOR STREET. Listed from highest to lowest category:
• LOCAL
• RESIDENTIAL ACCESS (private streets only)
• 40 FOOT (marginal access streets)
• 32 FOOT
• ALLEY (secondary access only)

Table 8.7 – 2: MINOR STREETS

Classification^(c)	Minimum Width (FT.) Street^(a)	Maximum Allowable Pavement^(b)	Average Daily Trips	Allowed as Legal Access for	
				Commercial	Residential
Collector	80	24	13,100	✓	
Local Residential ^(d) Curb & Gutters	50	20	1,500		✓
Local Residential ^(d) Swales	60	20	1,500		✓
Local Commercial	80	24	1,500	✓	✓
Residential Access ^(e) One Sidewalk	40	20	800		✓
Residential Access ^(e) No Sidewalk	32	20	150		✓

NOTES:

- ^(a) Street width refers to standard right-of-way or private street 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 streets of all classifications shall not exceed one thousand three hundred twenty (1,320) feet in length unless otherwise approved by the Wellington Engineer.
- ^(d) Streets 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 streets 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 streets. 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 street and of sidewalks within private streets 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 nine hundred (900) feet, crosswalks between streets 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 and Drainage Easements

- A. The construction or placement of structures adjacent to or over water management tracts, maintenance 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 and/or drainage easements for non-permanent, non-affixed structure 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 will 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 or drainage easement is required from the Engineering 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 Article 5 of the LDR 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, street 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, streets, 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 twenty (20) feet in width and graded at a slope no steeper than 8:1 (H:V) 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 street 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 street 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 forty (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 forty (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. 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'

4. 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 twenty (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.
5. 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. A 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. A 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 thirty (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-foot wide (3ft) 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 permissible where provided for in the LDR and shall comply with all applicable regulatory standards. Package systems serving multiple properties are not permissible. All public sanitary sewer systems 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 street lights 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-a-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

Location	Required Minimum Width of Easement
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. A minimum of four (4) copies of all information is required. 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 120 percent 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 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.

Sec. 8.9.2 – 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.
- 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.);
 - 5. Warranty for defective materials or workmanship;
 - 6. Affidavit of Payment in Full, with no liens outstanding;
 - 7. Bill of Sale, absolute;
 - 8. Final certified cost estimate for water & sewer improvements;
 - 9. Grant of easement(s) (*if applicable*);
 - 10. Legal description(s);
 - 11. Maintenance bond – to be 25% of water & sewer certified cost estimate;
 - 12. Hold Harmless (*if applicable*);
 - 13. Certification by the Engineer of Record;
 - 14. Opinion of Title; and
 - 15. Consent and Joinder (*if applicable*).

Sec. 8.9.3 – Survey Requirements

- A. Where Permanent Reference Monuments (P.R.M.s) occur within street 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. 8.9.4 – 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. 8.9.5 – 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 streets; and
 2. Landscaping, irrigation or structures in Lake Maintenance 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.