



PLANNING & ZONING STAFF REPORT

I. DESCRIPTION

Petition: Ordinance No. 2018-08
Article 7 – Site Development Standards

Applicant: Village of Wellington (Planning and Zoning Department)

Project Manager: Cory Lyn Cramer, AICP

Request: Approval of Ordinance No 2018-08 to repeal and replace Article 7, known as Site Development Standards of the LDR.

II. BACKGROUND

Wellington incorporated in 1995 and became operational in 1996. The Village Charter provided that Wellington would adopt the Palm Beach County Unified Land Development Code (ULDC) as the first set of Land Development Regulations (LDR). The first Comprehensive Plan was adopted in 1999. The Comprehensive Plan requires that LDR be established to implement the Goals, Objectives and Policies of the Comprehensive Plan. The Village began to process modifications to the LDR, as needed, to address local community needs and those needs specific to Wellington that differed from Palm Beach County. This reactive approach was the catalyst to the Village's determination that the entire LDR needed to be re-written to continue to be effective and to address the current and future growth and redevelopment of Wellington as we approach build-out. To date, Council has adopted a new Article 5 (Development Review Process) and a Development Review Manual. Council has also approved the first reading of Articles 1 (General Provisions), Article 2 (Concurrency Management), Article 8 (Subdivision, Platting and Physical improvements) and Article 9 (Traffic Performance Standards).

Article 7 provides requirements for Site Development Standards related to archaeological resources, excavation, driveways and access, off-street parking and loading, lighting, critical resources and tree protection, landscaping, signage and performance standards for properties in Wellington. It has been updated as follows under the Summary and Analysis section of this report.

It is accompanied by landscape design principles and "good practice" information that will be added to the Development Review Manual (DRM). Once all related additions or changes are made related to all Articles of the LDR, the DRM will be brought back for re-adoption. The landscape chapter will be one of those additions and is provided as Exhibit A to this report.

SUMMARY AND ANALYSIS

Article 7, as proposed, has been written to simplify the text, remove duplications, and provide the regulations in an order and flow that follows the actual development process, all while maintaining requirements for site development. Currently, Article 7 is approximately 100 pages. The proposed Article is now 59 pages. Various citations throughout Article 7 to statutes, LDR sections, titles of agencies or officials, etc. were update or corrected as needed.

As mentioned in the background, Article 7 provides regulations for Site Development Standards related to archaeological resources, excavation, driveways and access, off-street parking and loading, lighting, critical resources and tree protection, landscaping, signage and performance standards for properties in Wellington. Archaeological resources, excavation, driveways and access, critical resources and performance standards were simply cleaned up and reorganized. No significant contextual changes were made to the regulations. The off-street parking and loading chapter was revised in October of 2015. This chapter was reviewed for additional clean up and had minor organizational changes also.

The lighting standards were removed from the performance standards chapter and a new chapter was created. The current lighting standards were minimal in nature and lacked regulations for circumstances specific to Wellington. Standards were created for stadium lighting and large residential estate perimeter lighting. Additionally, there were a number of conflicts in other Articles of the LDR, so all lighting regulations were relocated and clarified in this chapter. Exhibit B of the staff report contains general information on good lighting design practices and this exhibit will also be added to the DRM.

The tree protection chapter was updated and continues to protect wetlands areas and listed species. In efforts to further protect the Wellington tree canopy, framework for the Wellington Tree Fund (TF) was established. If a property owner must remove trees and is not able to meet the replace requirements of the landscape chapter, they may have the option to pay a fee in lieu of replacement. This will be a flat fee per tree. The funds will be used to purchase and install trees on Wellington owned properties. This includes but is not limited to roadway medians, street tree areas, parks and public facilities.

The landscape chapter was also revised to address the mature tree growth and to encourage reinvestment Village-wide. The TF opportunity is available to all property owners if they are able to justify the inability to replace a tree that is proposed to be removed. The objective, again, is to protect the tree canopy in Wellington. The program has been tiered so that the payment in lieu of is not a heavy burden on residents that may have physical site constraints that would limit the replacement opportunity. With that being said, should a property owner not have physical site constraints and desire to not replace a removed tree, the payment in lieu was increased per tree. This may encourage the on-site replacement based on the cost comparison of planting a tree verses paying a higher rate per tree. The other changes are minor and are clarification changes, not contextual changes to this chapter. Graphics were added to supplement to text. Recommend practices and non-regulation based information was removed and a placed in the DRM. Staff obtained input from the Wellington Tree Board throughout the re-write process and reviewed the final draft of the landscape related sections with the Tree Board prior to scheduling Article 7 for Public Hearings. It shall be noted that the Tree Board

expressed unanimous support for the final product although a formal vote from the board was not required.

The signage chapter was completely overhauled for a number of reasons. Most importantly, it was modified to comply with a U.S. Supreme Court decision and statutory regulations adopted related to context neutrality and branding. Certain signage components are no longer permitted to be regulated by a municipality, which triggered the majority of the changes. Additionally, as technology has changed, the types of signs which incorporate lighting have changed. The sign regulations were modified to allow different lighting options and electronic messaging, while still protecting the adjacent properties and vehicular traffic. If a property owner or tenant desires a sign that exceeds the current standards, they are required to submit a Technical Deviation (TD) request and present this request to the Architectural Review Board (ARB). Staff analyzed these requests and was able to determine, based on the number of approvals, where the LDR signage standards may not meet the current needs of the community. Revisions to the sign regulations were incorporated that will permit those frequent TD requests, eliminating the need to request TD. For any sign that would exceed the proposed standards a TD would still be required. Finally, the sign standards currently have a number of duplications or similar definitions that needed to be reduced or removed. Exhibit C of this staff report will be added to DRM to provide pictorial examples of the types of signs as defined in the LDR. This exhibit will be expanded before added to the DRM; however, a sample is attached to this report for illustrative purposes. This will be helpful for the end user to visualize the different types of signs. As with all other chapters of this article, the sign regulations were simplified and clarified, while still protecting Wellington from sign pollution.

The objective is to move this article through the public hearing process up to the first reading by Council. Then the article will be placed on hold until the final articles (3 and 6) are written and heard by PZAB and Council. Once all articles are ready for second reading and adoption, a Council date will be set. At this time, the revised DRM will be provided and placed on the same agenda for adoption of the new materials added.

III. PUBLIC HEARINGS

Planning Zoning and Adjustment Board (PZAB):

Newspaper: August 28, 2018

Meeting Date: September 12, 2018

On September 12, 2018, the Planning, Zoning and Adjustment Board recommended unanimous approval of Ordinance No. 2018-08 with a 7 to 0 vote.

Village Council – First Reading:

Newspaper: September 24, 2018

Meeting Date: October 9, 2018

IV. STAFF RECOMMENDATION

Staff recommends approval of Ordinance No. 2018-08 to repeal and replace Article 7, known as Site Development Standards, in its entirety.