

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

- 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**

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

<u>Use</u>	<u>Parking Standard</u>
<u>Congregate Living Facility, Types 1, 2A, 2B and 3</u>	<p>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.</p> <p>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.</p> <p>Types 2A, 2B and 3 shall provide drop off space within 50 feet of the primary building entrance.</p>
<u>Single-family and Multi-family Dwelling Units</u>	<p>Two (2) spaces per unit and units with four (4) or more bedrooms require one (1) additional parking space per bedroom.</p> <p>Multi-family shall provide 0.25 guest parking spaces per unit for all dwelling units.</p> <p>Independent living shall provide 0.25 guest parking spaces per unit for all dwelling units.</p>
<u>Commercial, Institutional, Recreational (Outdoor) and Events</u>	
<u>Arena, Auditorium, Entertainment, Theater, Public Assembly or Stadium</u>	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).
<u>Assembly, Church or Place of Worship</u>	One (1) space per three (3) seats (schools and gyms calculated separately)
<u>Athletic Field</u>	One (1) space per four (4) seats or 30 spaces per field, whichever is greater.
<u>Bowling Alley</u>	Two (2) spaces per lane, plus one (1) space per 200 GSF of non-bowling area.
<u>Clubhouse</u>	One (1) space per 500 GSF of air conditioned use.
<u>College or University, Vocational School</u>	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.
<u>Community Swimming Pool</u>	One (1) space per 100 GSF of pool area.
<u>Craftsman</u>	Parking spaces shall be determined by using the Flex Space standard for the production area, and the Retail standard for the remaining area.
<u>Day Care Center</u>	
* capacity 5 to 99	*One (1) space per five (5) persons; plus one (1) drop off space per 20 persons.
**capacity 100 or more	**One (1) space per 10 persons; plus one (1) drop off space per 10 persons.
<u>Events or Special Use Events</u>	<p>One (1) space per four (4) seats or one (1) space per three (3) attendees and/or spectators, whichever is greater.</p> <p>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.</p>
<u>Golf Course</u>	Four (4) spaces per hole; plus one (1) space per 200 GSF of clubhouse.
<u>Government Services</u>	One (1) space per three (3) seats of public assembly room or one (1) space per 500 GSF, whichever is greater.
<u>Hospital</u>	1.5 spaces per two (2) beds, plus one (1) space per 1,000 GSF.

<u>Use</u>	<u>Parking Standard</u>
<u>Hotel</u>	<u>1.25 spaces per guest room; (convention areas, restaurants, etc. totaling over 1,500 NSF shall be calculated separately); plus 1 space per employee.</u>
<u>Instructional Services</u>	<u>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.</u>
<u>Medical Office</u>	<u>One (1) space per 200 NSF.</u>
<u>Microbrewery</u>	<u>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.</u>
<u>Nursing or Convalescent Facility</u>	<u>One (1) space per four (4) beds, plus one (1) space per 200 NSF of office.</u>
<u>Office (general) or Retail</u>	<u>One (1) space per 250 NSF.</u>
<u>Repair and Maintenance</u>	<u>One (1) space per 200 NSF, plus two (2) spaces per repair bay.</u>
<u>Restaurant or Lounge</u>	<u>One (1) space per three (3) seats including outdoor seating.</u>
<u>Retail Nursery</u>	<u>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.</u>
<u>School, Elementary</u>	<u>One (1) space per classroom, plus one (1) space per 200 NSF of building not accounted for in class or hall areas.</u>
<u>School, Secondary</u>	<u>0.25 per student, plus one (1) per 200 NSF of building not accounted for in class or hall areas.</u>
<u>Tennis Courts</u>	<u>1.5 spaces per court.</u>
<u>Agricultural</u>	
<u>Stable</u>	<u>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</u>
<u>Wholesale Nursery</u>	<u>One (1) space per 500 NSF of indoor or office area plus one (1) space per four (4) acres.</u>
<u>Industrial</u>	
<u>Contractor's Storage Yard</u>	<u>One (1) space per 500 GSF, plus one (1) space per 5,000 GSF of outdoor storage.</u>
<u>Flex Space / Warehouse</u>	<u>One (1) space per 1,000 NSF, plus one (1) space per 200 NSF of office or sales area.</u>
<u>Manufacturing and Processing</u>	<u>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.</u>
<u>Self-service Storage</u>	<u>One (1) space per 200 NSF of indoor storage and office space with a minimum of five (5) customer spaces.</u>

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.

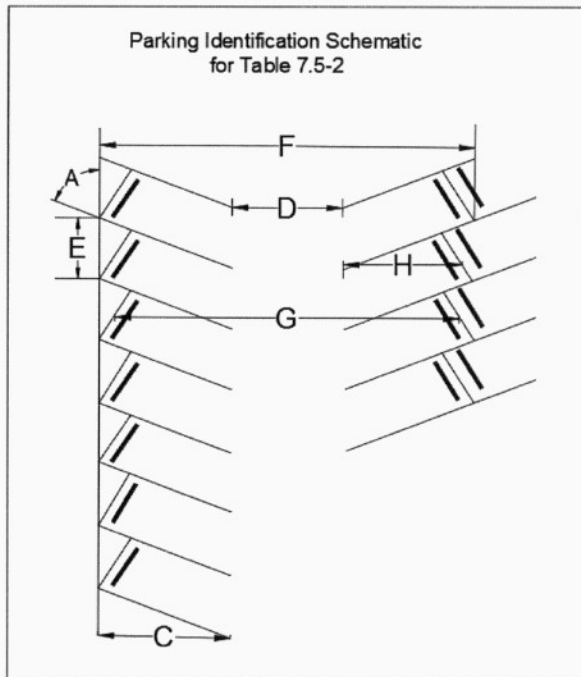
Sec. 7.5.4 – Off-Street Parking and Loading Design and Construction Criteria

- 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.

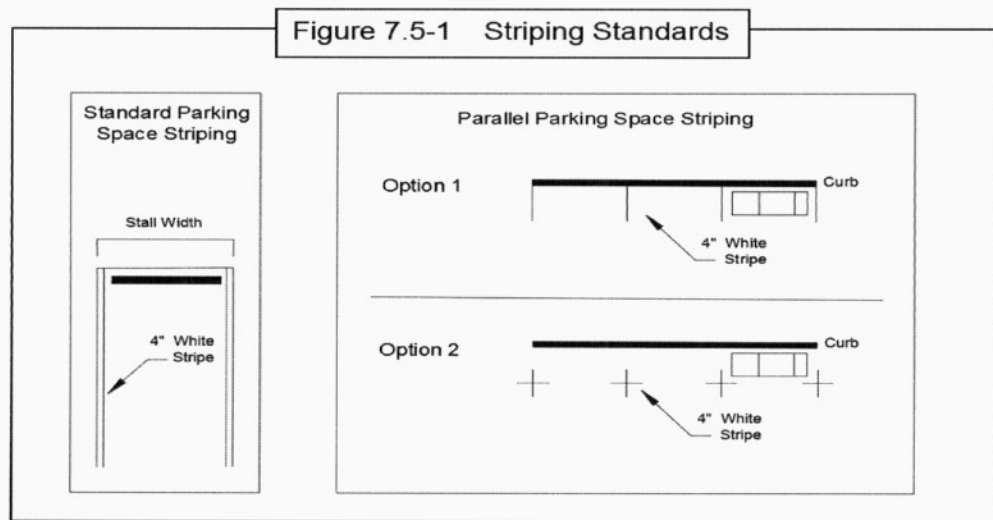
- C. The location and configuration of off-street parking and loading spaces shall not interfere with normal traffic flow or with the operation of queuing and back-up areas. Structures, drive aisles, parking spaces, driveways and open spaces shall be designed to provide logical and efficient pedestrian 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)**

<u>A</u> <u>Angle</u>	<u>B</u> <u>Space</u> <u>Width</u>	<u>C</u> <u>Space</u> <u>Depth</u>	<u>D</u> <u>Aisle</u> <u>Width</u>	<u>E</u> <u>Curb</u> <u>Length</u>	<u>F</u> <u>Wall-to-</u> <u>Wall</u> <u>Width</u>	<u>G</u> <u>Interlock-to</u> <u>Interlock</u> <u>Width</u>	<u>H</u> <u>Space Depth</u> <u>to</u> <u>Interlock</u>
45	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
60	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
70	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
75	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
80	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
90	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

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

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-THRU**

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

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

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

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

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 long service 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, amphitheatres, 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 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

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

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:

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

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 facility 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

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

**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

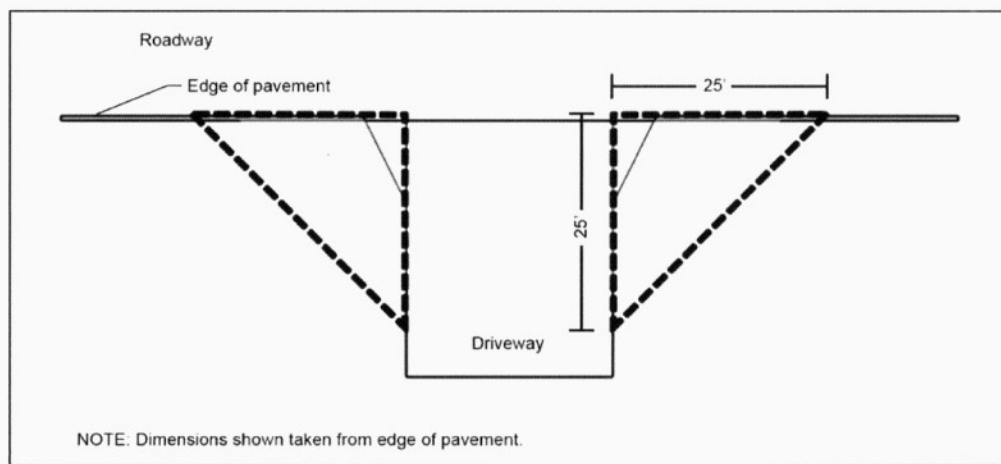
- A. Single Family and Two-Unit Attached Residential Lots:
1. One (1) tree, 20 shrubs and ten (10) ground covers shall be planted, or preserved, for every 1,500 square feet of lot area, excluding wetland areas and/or areas with listed species.
 2. A minimum of 25% percent of the required number of trees 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-swales and bio-retention facilities shall not be located in perimeter landscape buffers.

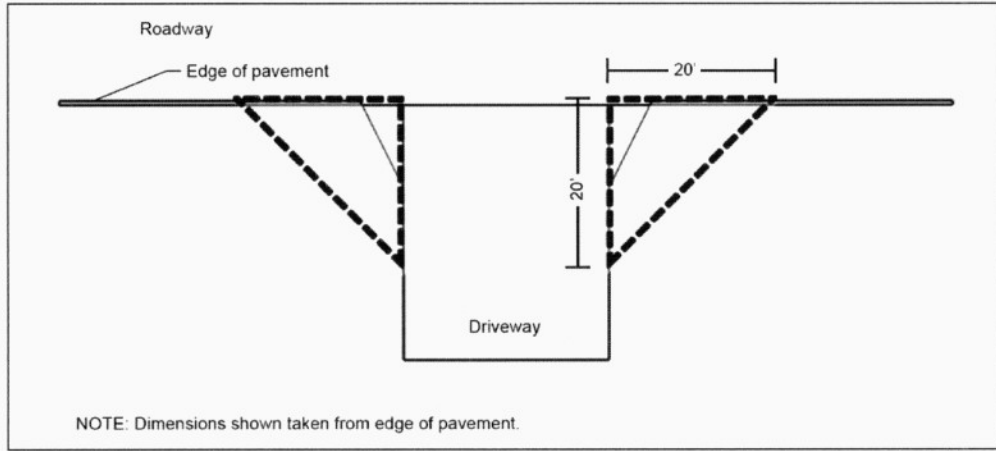
5. Off-street parking lot islands and medians that may overlap easements must be designed to accommodate the off-street parking landscape requirements of this section. Parking islands may require additional width in order to accommodate easements and the required number or location of trees.
- G. Berms: 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 area 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

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

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

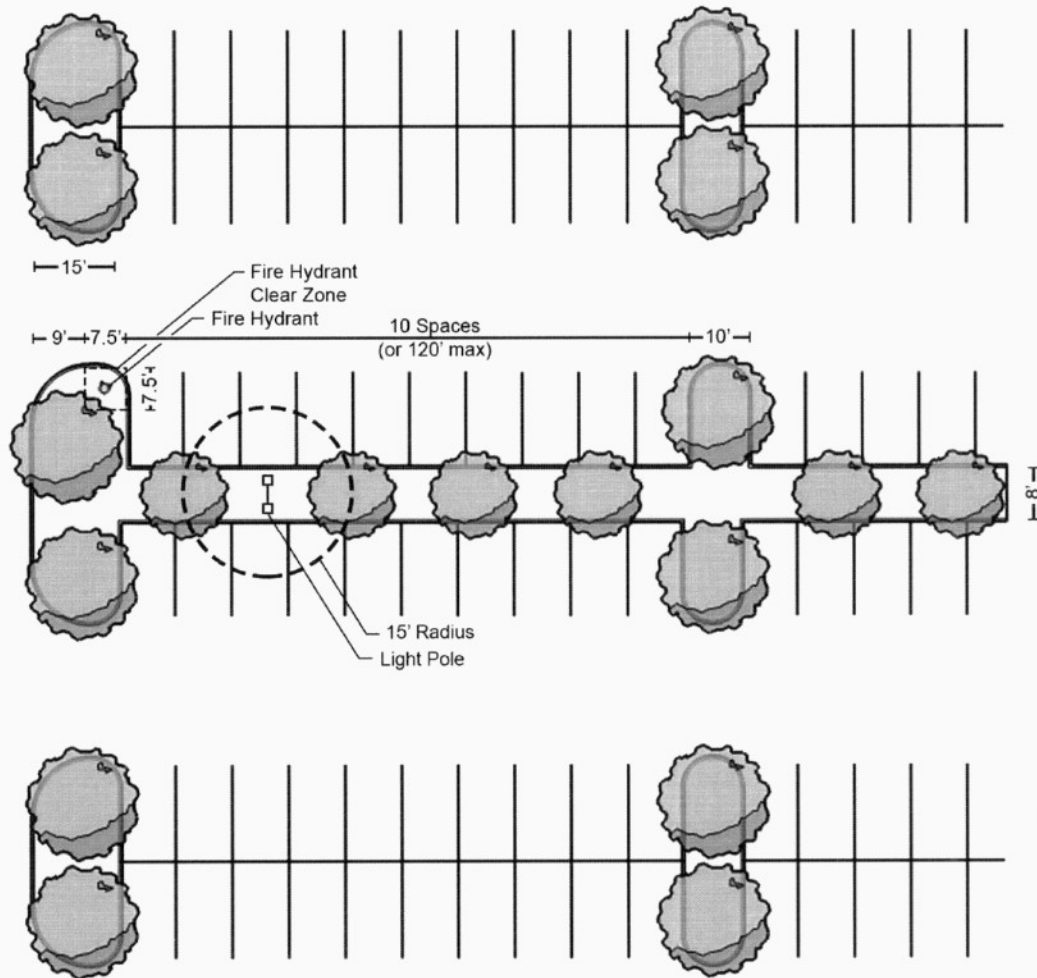
A. General tree, shrub and hedge standards:

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

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

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

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

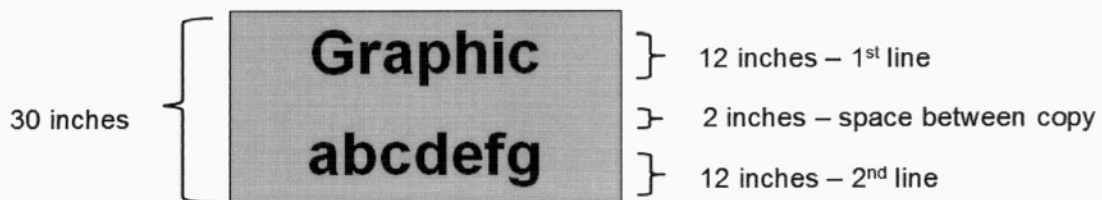
backwards and from the last day on which the sign exists counting forward. This Section does not authorize snipe signs.

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. Auxiliary 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 EQZD 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.