

ORDINANCE NO. 2023-10

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING WELLINGTON'S LAND DEVELOPMENT REGULATIONS, MORE SPECIFICALLY, A ZONING TEXT AMENDMENT (PETITION 2023-0001-ZTA) TO MODIFY THE SUPPLEMENTARY STANDARDS FOR RESTAURANTS IN ARTICLE 6, SECTION 6.2.2.B.17, TO PROVIDE STANDARDS FOR OUTDOOR DINING AREAS, AND TO ALLOW DOGS WITHIN DESIGNATED RESTAURANT OUTDOOR AREAS WITH APPROVAL OF A SPECIAL USE PERMIT, AS MORE SPECIFICALLY CONTAINED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wellington Council, as the governing body, pursuant to the authority vested in Chapter 163, Chapter 166 and Chapter 177, Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations (LDR); and

WHEREAS, Section 509.233(3)(c), Florida Statutes, states a local government, at its sole discretion, may adopt a local exemption within the LDR to allow restaurant patrons to have their dogs within designated outdoor area(s) of the restaurant. If adopted within the LDR, before a restaurant owner allow patrons dogs within designated outdoor area(s), they shall apply for a permit that is issued and enforced by the local government; and

WHEREAS, the applicant, Lazy Dog Restaurants LLC., requested to amend Wellington's Land Development Regulations to allow patrons to have their dogs within designated outdoor areas of the restaurant; and

WHEREAS, Wellington's Council hereby adopts with this ordinance additional standards for restaurants intended to protect the health, safety, and general welfare of the public; and

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on March 15, 2023, has reviewed the proposed ordinance and made a recommendation for approval with a vote of 5 to 0; and

WHEREAS, Wellington's Council has taken the recommendations from the Local Planning Agency and Wellington staff, along with the applicant's presentation and comments from the public, into consideration for the proposed amendments to the LDR that are the subject of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON, FLORIDA THAT:

SECTION 1. Section 6.2.2.B.17 of Wellington's LDR are hereby amended as specifically provided for in Exhibit A.

SECTION 2. Should any section, paragraph, sentence, clause, or phrase of this ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington ordinance, resolution, or municipal code provision, then in that event the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 3. Should any section, paragraph, sentence, clause, or phase of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole, or any portion of part thereof, other than the part so declared to be invalid.

SECTION 4. This ordinance shall become effective immediately upon adoption of the Wellington Council following second reading.

PASSED this 11 day of April 2023, upon first reading.

PASSED AND ADOPTED this _____ day of _____ 2023, on second and final reading.

WELLINGTON

| | FOR | AGAINST |
|----------------------------------|------------|----------------|
| BY: _____ Anne Gerwig, Mayor | _____ | _____ |
| _____ | _____ | _____ |
| Michael Drahos, Vice Mayor | _____ | _____ |
| _____ | _____ | _____ |
| John T. McGovern, Councilman | _____ | _____ |
| _____ | _____ | _____ |
| Michael J. Napoleone, Councilman | _____ | _____ |
| _____ | _____ | _____ |
| Tanya Siskind, Councilwoman | _____ | _____ |

ATTEST:

BY: _____
Chevelle D. Addie, MMC, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie S. Cohen, Village Attorney