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ORDINANCE NO. 2017-09

AN ORDINANCE OF WELLINGTON, FLORIDA'S
COUNCIL AMENDING SECTION 6.5.19.I.4.c OF THE
WELLINGTON LAND DEVELOPMENT REGULATIONS BY
PROVIDING ALTERNATIVE DESIGN STANDARDS FOR
DRIVE THRU WINDOWS WHEN FACING A RIGHT-OF-
WAY; PROVIDING A CONFLICTS CAUSE; PROVIDING A
SEVERABILITY CLAUSE AND PROVIDING AN
EFFECTIVE DATE.

WHEREAS, Wellington's Council, pursuant to the authority granted to it in Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, Section 6.5.19.I, also known as the "Big Box Ordinance", was adopted by Council on April 13, 2004 by Ordinance 2004-10 to provide additional design standards and guidelines for commercial and industrial properties 15,000 square feet in size or larger; and

WHEREAS, the design of commercial and industrial buildings and projects determines much of the image and attractiveness of the streetscape and character of a community; and

WHEREAS, providing for alternative design standards for drive-through windows facing a right-of-way will provide attractiveness to the community and commercial centers; and

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on June 14, 2017, recommended _____ of the Zoning Text amendment with a __-__ vote; and

WHEREAS, the Council has taken the recommendations from the Planning, Zoning and Adjustment Board, Wellington staff and the comments from the public into consideration when considering the amendments to the Land Development Regulations that are the subject of this ordinance; and

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

SECTION 1: Section 6.5.19.I.4.c of Wellington's Land Development Regulations is hereby amended as follows [~~strike-through~~ formatted text is to be deleted; underline formatted text is to be added]:

- c. Drive-through thru window standards. Drive-through ~~thru~~ windows and lanes shall be designed to adhere to the following standards:

- 48 i. ~~Drive-through windows shall not be placed between the building and~~
49 ~~a public road right-of-way.~~
- 50 i. If a drive-thru window is placed facing a public right-of-way,
51 alternative design modifications shall be provided to the property to
52 mitigate the visual impact of the drive-thru. Modifications may
53 include one or more of the following: additional landscaping,
54 landscape berms three (3) feet or higher, fencing and/or any other
55 alternative design approved by the Planning and Zoning Director or
56 his/her designee.
- 57
- 58 ii. ~~Only a single drive-through facility is permitted~~ Multiple drive thru
59 lanes are permitted as long as the lanes merge into one point of
60 service window. however Financial institutions may have more than
61 one (1) service in a single drive thru in accordance with Section
62 6.4D.38 of this Code.
- 63

64 **SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this
65 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
66 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of
67 this Ordinance shall prevail to the extent of such conflict.
68

69 **SECTION 3.** Should any section, paragraph, sentence, clause, or phrase of this
70 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
71 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,
72 other than the part so declared to be invalid.
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81 (The remainder of this page left intentionally blank)
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PASSED this ____ day of _____, 2017, upon first reading.

PASSED AND ADOPTED this ____ day of _____ 2017, on second and final reading.

WELLINGTON

FOR AGAINST

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

ATTEST:

BY: _____
Chevelle D. Nubin, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney