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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 AND LANES WHEN FACING A
RIGHT-OF-WAY AND ELIMINATION OF THE
RESTRICTION OF A SINGLE DRIVE-THRU FACILITY;
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-thru windows and lanes when 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 approval of the Zoning Text amendment with a 5-0 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 window standards. If Drive-through thru window(s) and/or lane(s) shall be designed to adhere to the following standards:~~ are placed facing a public right-of-way, alternative design modifications shall be

provided to the property to mitigate the visual impact of the drive-thru.
Modifications may include one or more of the following: additional
landscaping, landscape berms three (3) feet or higher, fencing and/or any
other alternative design approved by the Planning and Zoning Director or
his/her designee.

i. ~~Drive-through windows shall not be placed between the building and
a public road right of way.~~

ii. ~~Only a single drive through facility is permitted, however financial
institutions may have more than one (1) service in a single drive thru
in accordance with Section 6.4D.38 of this Code.~~

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 phrase 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 or part thereof,
other than the part so declared to be invalid.

(The remainder of this page left intentionally blank)

82 **PASSED** this ____ day of _____, 2017, upon first reading.

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

86
87 **WELLINGTON**

88 **FOR** **AGAINST**

89
90 BY: _____

91 Anne Gerwig, Mayor

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93 _____
94 John T. McGovern, Vice Mayor

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96 _____
97 Michael Drahos, Councilman

98
99 _____
100 Michael J. Napoleone, Councilman

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102 _____
103 Tanya Siskind, Councilwoman

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106 **ATTEST:**

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109 BY: _____

110 Chevelle D. Nubin, Village Clerk

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113 **APPROVED AS TO FORM AND**
114 **LEGAL SUFFICIENCY**

115
116
117 BY: _____

118 Laurie Cohen, Village Attorney

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