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 CLAUSE; 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 ~~D~~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.

50 <u>Modifications may include one or more of the following: additional</u>
51 <u>landscaping, landscape berms three (3) feet or higher, fencing and/or any</u>
52 <u>other alternative design approved by the Planning and Zoning Director or</u>
53 <u>his/her designee.</u>
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55 i. ~~Drive-through windows shall not be placed between the building and~~
56   ~~a public road right-of-way.~~
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58 ii. ~~Only a single drive through facility is permitted, however financial~~
59   ~~institutions may have more than one (1) service in a single drive thru~~
60   ~~in accordance with Section 6.4D.38 of this Code.~~
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62 **SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this
63 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
64 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of
65 this Ordinance shall prevail to the extent of such conflict.
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67 **SECTION 3.** Should any section, paragraph, sentence, clause, or phrase of this
68 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
69 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,
70 other than the part so declared to be invalid.
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79   (The remainder of this page left intentionally blank)
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PASSED this 8th day of August, 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