

ORDINANCE NO. 2014-29

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING CHAPTER 62, ARTICLE I, SECTIONS 62-9.c.(1)(ii) and 62-9.c.(2)(i) OF THE WELLINGTON CODE OF ORDINANCES PERMITTING EXCEPTIONS FOR COMMERCIAL VEHICLE PARKING ON MULTI-FAMILY RESIDENTIAL PROPERTY WITH CERTAIN LIMITATIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR CODIFICATION; 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**, the Wellington Council desires to amend portions of Chapter 62, Article I, Section 62-9 of the Code of Ordinances to permit commercial vehicle parking with certain restrictions on multi-family residential properties to increase housing options for a portion of the local service-oriented work force who are required to have take-home commercial vehicles as a part of their employment; and

**WHEREAS**, the multi-family residential properties that meet the proposed criteria for the commercial parking exception generally consist of the following neighborhoods: Hawthorne, Periwinkle, Goldenrod/Hyacinth, Mulberry, Yarmouth, Staghorn, Rye Terrace, Guilford, White Pine, Westhampton/Riverside, Sturbridge, Shakerwood, French Quarter, Montauk, and multi-family areas of Greenview Shores and Pine Valley

**WHEREAS**, the Planning, Zoning and Adjustment Board, acting as the Local Planning Agency, after notice and public hearing on September 8, 2014, has reviewed the proposed Ordinance and determined that the proposed amendment is consistent with Wellington's Comprehensive Plan; and

**WHEREAS**, the Council has taken the recommendations from the Local Planning Agency, Wellington staff and the comments from the public into consideration when considering the amendments to the commercial parking regulations that are the subject of this Ordinance.

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

**SECTION 1.** Chapter 62, Article I, Sec. 62-9.c.(1)(ii) of Wellington's Code of Ordinances (Commercial Vehicle Parking on Residential Property, General Prohibition) is hereby amended, as follows:

1 (1) General Prohibition:

- 2
- 3 li Off-street: No owner or resident of property in any residential
- 4 district shall park, cause to be parked, or allow to be parked on
- 5 such property a commercial vehicle as follows:
- 6
- 7 a. For more than one hour between 6:00 a.m. and 8:00 p.m.
- 8 Monday through Saturday, ~~such period commencing at the~~
- 9 ~~time of first stopping or parking~~ except when the vehicle
- 10 operator is on the premises and is actively providing
- 11 commercial services;
- 12
- 13 b. For any period of time between 8:00 p.m. and 6:00 a.m.
- 14 Monday through Saturday except when the vehicle operator
- 15 is on the premises and is actively providing commercial
- 16 services;
- 17
- 18 c. For any period of time on Sunday except when the vehicle
- 19 operator is on the premises and is actively providing
- 20 commercial services;
- 21
- 22

23 **SECTION 2.** Chapter 62, Article I, Sec. 62-9.c.(2)(i) of Wellington's Code of Ordinances

24 (Exceptions for Commercial Vehicle Parking on Residential Property) is hereby amended, as

25 follows:

26

27 (2) Exceptions:

28 i. Commercial vehicles.

- 29 1. ~~Single family detached residential: Commercial Vehicle.~~ One
- 30 commercial vehicle per dwelling unit may be parked on a single family
- 31 detached residential lot, providing all of the following conditions are
- 32 met: The vehicle is operative, registered and displays a current license
- 33 tag and provided no portion of the vehicle is visible from adjoining
- 34 properties or the street. One vehicle which is deemed a commercial
- 35 vehicle due to the display of outside lettering only may be parked
- 36 provided the lettering is completely covered.
- 37 2. Multi-family residential: One commercial vehicle per dwelling unit may
- 38 be parked on multi-family housing property where no garages exist;
- 39 provided that such vehicles are rated as a maximum of ¾ ton (weight),
- 40 are no higher than eight feet, are no longer than 20 feet and do not
- 41 openly display tools, equipment or supplies. Vehicles which are
- 42 deemed commercial vehicles due to the display of outside lettering
- 43 only are allowed.
- 44

45 **SECTION 3.** Should any section, paragraph, sentence, clause, or phrase of this

46 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 4.** 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.

**SECTION 5.** This Ordinance shall become effective immediately upon adoption of the Village Council following second reading.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2014 on first reading.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2014, on second and final reading.

**WELLINGTON**

	<b>FOR</b>	<b>AGAINST</b>
BY: _____ Bob Margolis, Mayor	_____	_____
_____ John Greene, Vice Mayor	_____	_____
_____ Matt Willhite, Councilman	_____	_____
_____ Howard K. Coates, Jr., Councilman	_____	_____
_____ Anne Gerwig, Councilwoman	_____	_____

**ATTEST:**

BY: \_\_\_\_\_  
Awilda Rodriguez, Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_  
Laurie Cohen, Village Attorney