

I. PETITION DESCRIPTION:

Petition Number: ZTA 2014-036, Ordinance 2014-29

Project Name: Code of Ordinances Text Amendments – Commercial Vehicle Parking on Residential Property.

Applicant/Petitioner: Village of Wellington

Request: Text Amendments to Chapter 62, Article I, Sec. 62.9.c.(1)(ii)Sec. 62-9.c.(2)(i) of the Wellington Code of Ordinances

II. BACKGROUND:

The Wellington Code related to the regulation of commercial vehicle parking on residentially zoned properties, particularly multi-family neighborhoods, was evaluated as directed by Council. The commercial vehicles are often an integral part of certain jobs, such as electricians, plumbers, cable & telephone technicians, security personnel, maintenance workers and those who report directly to customer worksites from home, involve driving commercial vehicles that must be taken home because they are on-call for customer service.

Currently, these individuals cannot rent properties in some Wellington multi-family neighborhoods because these residential units do not have garages or screened side and rear yards where the vehicles can be parked to comply with our Code. Complaints have been received from landlords in these areas concerning the inability to rent to potential tenants because of the commercial vehicle parking restrictions.

It is important that the intent of the current Code provisions which include protection of neighborhood aesthetics, crime prevention, maintenance of property values and general quality of life still need to be maintained. The proposed Code amendments (Ord. No. 2014-29) establish reasonable

allowances for commercial vehicle parking in multi-family neighborhoods without compromising the code intent as outlined above.

III. CURRENT CODE:

Wellington's regulations for commercial vehicles parking on residentially zoned property were adopted in 2003, Ordinance 2003-18. Section 62-9.c.(2)(i) contain the commercial vehicle standards. The Code prohibits commercial vehicles from being parked in the road right-of-way or on private residential property (except while the driver is actively providing a service to the residence, and then for only one (1) hour between 6:00 a.m. and 8:00 p.m.). A commercial vehicle (one (1) per lot) is allowed to be parked in a side or rear yard, if currently licensed and if not visible from either the street or an adjoining property. They can be also kept in a garage. A commercial vehicle may be parked in a driveway, or a parking lot in an apartment project, if the only reason it is deemed commercial is exterior signage, and the signs are completely covered. Prior to the adoption of Ordinance 2003-18, Wellington used the County standards, which were significantly more lenient (allowed one (1) commercial vehicle per property, vehicle weight up to 12,500 lbs., with height up to 8 feet & length up to 26 feet).

IV. ENFORCEMENT HISTORY:

The past six (6) years were researched to quantify the magnitude of the issue and to determine whether there are concentrated areas of violations (map attached). This research indicates the commercial vehicle parking on residential properties is a significant issue. There has been an average of 300 cases per year for commercial parking violations and approximately 35 active cases at this time. Once cited, nearly all violations are corrected without fines collected. Approximately 15% of the cases have resulted from neighbor complaints and nearly all of the cases have been within the urbanized area of the Village. Approximately 37% of the violations have been in the multi-family neighborhoods, where there are no garages or side/rear yards for vehicle storage as previously mentioned.

V. ALTERNATIVES FOR REGULATION:

A review of the commercial vehicle parking provisions of eight (8) of the larger municipalities in Palm Beach County was done to determine the range of approaches taken. Most municipalities regulate this subject very similar to Wellington. Some of the provisions found that are more relaxed than Wellington's regulations include:

- Allowing commercial vehicles up to a maximum load limit (i.e.: ½ or ¾ ton).
- Allowing commercial automobiles, pickup trucks and vans with size limits.
- Limiting commercial vehicle height (i.e.: 7' or 8').
- Limiting vehicle length (usually 20' or 22').
- Allowing vehicle signage up to a limit (usually 10 sq. ft. total).
- Allowing commercial vehicle parking but prohibiting open display of tools, equipment and supplies.
- Requiring commercial vehicles to be stored under a custom fit cover.

VI. CONCLUSION:

Maintaining a high standard for community appearance is a very important component in protecting property values, crime prevention and ultimately maintaining and enhancing the community's quality of life. Relaxing the current standards for the entire Village could potentially have a negative effect on Wellington's high standards and quality of life. However, allowing commercial vehicle parking within some of Wellington's multi-family neighborhoods with certain limitations may have a positive effect by providing housing opportunities for certain professionals and supporting the viability of these neighborhoods.

The objections to the current commercial vehicle parking regulations have been from landlords in multi-family neighborhoods. Relaxation of regulations in these areas (primarily the neighborhoods known as Hawthorne, Periwinkle, Goldenrod/Hyacinth, Mulberry, Yarmouth and Westhampton/Riverside) will expand opportunities for renting units to working professionals. This amendment may help in efforts to prevent these areas to further decline. However, if an adjustment is made to relax the commercial vehicle parking standards, it should be limited to only specifically designated multi-family areas. This can be accomplished by modifying the current Code (new language underlined, language to be removed struck thru) for Section 62-9.c.(2)(i), as follows:

(2) Exceptions:

i. Commercial vehicles.

1. Single-family detached residential: ~~Commercial Vehicle.~~ One (1) commercial vehicle per dwelling unit may be parked on a single family detached residential lot, provided that all of the following conditions are met: The Vehicle is operative, registered and displays a current license tag and provided no portion of the vehicle is

visible from adjoining properties or the street. One (1) vehicle which is deemed a commercial vehicle due to the display of outside lettering only may be parked provided the lettering is completely covered.

2. Multi-family residential: One (1) commercial vehicle per dwelling unit may be parked on multi-family residential property, where no garages exist; provided that such vehicles are rated as a maximum of ¾ ton, are no higher than eight (8) feet, are no longer than 20 feet and do not openly display tools, equipment or supplies. Vehicles which are deemed commercial vehicles due to the display of outside lettering only are allowed.

VII. STAFF RECOMMENDATION:

Approval of Ordinance 2014-29 amending the Code of Ordinances, Chapter 62, Article 1 Sec. 62-9.c.(2)(i) to allow commercial vehicle parking on multi-family residential properties with limitations. The PZAB reviewed the proposed modifications on September 8, 2014 and has recommended approval with a further amendment to Sec. 62-9.c.(1)(ii), which currently limits the time that any commercial vehicle can be parked on residential property to 1 hour. The PZAB believes that this requirement is unreasonable for commercial vehicles that are on properties to perform services. Therefore they have recommended that this section be revised to provide that commercial vehicles be allowed to park on residential property for an unlimited amount of time while the vehicle operator is on the premises and actively providing services. Staff agrees with the recommended addition to the proposed ordinance and has incorporated it into the draft.

VIII. REVIEW PROCESS:

1. Planning Zoning and Adjustment Board:

This application was reviewed by the Planning Zoning and Adjustment Board: on September 8, 2014, and was recommended for approval by a vote of 4-2. The dissenting members felt that the proposed changes will lead to demand for similar changes in the single family neighborhoods. There was one member of the public who submitted a card supporting the changes, but did not speak.

2. Council:

This application is scheduled to be reviewed by the Council (First Reading) on October 28, 2014 and (Second Reading/Adoption) on November 25, 2014.

IX. PUBLIC NOTIFICATION:

Public notification of this Zoning Text Amendment shall be accomplished by Newspaper Advertisement. Display advertisements shall be placed in The Palm Beach Post on:

- August 24, 2014 – Planning Zoning and Adjustment Board
- September 29, 2014 -- Village Council, First Reading