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ORDINANCE NO. 2015-05

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO COMMERCIAL VEHICLES PARKED IN RESIDENTIAL ZONING DISTRICTS; ADDING A NEW ARTICLE V TO CHAPTER 20 OF THE TOWN OF WINDERMERE'S CODE OF ORDINANCES TO BE ENTITLED "COMMERCIAL VEHICLES"; PROHIBITING THE PARKING OF "COMMERCIAL VEHICLES" IN EXCESS OF 15,000 POUNDS IN RESIDENTIAL ZONING DISTRICTS; PROVIDING EXCEPTIONS; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE

Section 1. Amendments to the Town of Windermere's Code of Ordinances. A new Article V is hereby added to Chapter 20 of the Town of Windermere's Code of Ordinances as indicated by the following underlined language:

ARTICLE V. COMMERCIAL VEHICLES

Sec. 20-115. Applicability. The regulations in this article shall apply to all residential zoning districts.

Sec. 20-116. Definitions. As used in this article, the following terms shall have the meanings indicated:

(a) Commercial vehicle. Oversized vehicles, commercially registered vehicles, and construction equipment of any type used in or designed to be used in business; all vehicles temporarily or permanently designed to accommodate, support, house, store, deliver or transport material, supplies, equipment machinery or power plants of all types; all construction related equipment; and all vehicles of any type, trailers and construction equipment upon which a business name or sign is permanently or temporarily affixed.

(b) Plot. Includes both the lot on which a residence is located and any abutting lot which is in the control of the occupant or such residence by virtue of ownership or lease of such abutting lot.

(c) Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Sec. 20-117. Prohibited parking.

In order to protect and promote the public health, safety and welfare, and among other purposes, to provide light, safety from fire, safety from other damages and to protect property owners from certain general nuisances associated with the

47 unregulated parking, storage or maintenance of certain vehicles, the parking,
48 storage or maintenance of certain vehicles as herein specified are prohibited:
49

50 (a) No person owning, renting, leasing or otherwise being in control of the use of
51 any plot, parcel or piece of real property located in a residentially zoned
52 district or living thereupon shall cause or allow any commercial vehicle in
53 excess of 15,000 pounds gross vehicle weight and eight feet in overall height
54 to be parked, stored or maintained upon such property except for loading or
55 unloading purposes or purposes otherwise approved by the Town Council.
56

57 (b) It shall be unlawful for any person to operate or park a vehicle, the weight of
58 which is in excess of 15,000 pounds, upon town-maintained streets.
59

60 (c) No vehicles may be parked on vacant lots.
61

62 Sec. 20-118. Exceptions.

63 (a) First responder vehicles including police vehicles, public utility vehicles and power
64 company vehicles are excluded from this Article.
65

66 (b) Vehicles making home deliveries, service calls, garbage and trash pickup, on-site
67 construction traffic and school buses picking up or dropping off children are excluded
68 from the weight restrictions in this Article. In such cases, the vehicle shall use the
69 most direct and practical route to and from the site of the home.

70 **Section 2. Severability.** If any provision or portion of this ordinance is declared by a court of
71 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining
72 provisions and portions of this ordinance shall remain in full effect.
73

74 **Section 3. Codification.** The provisions of this Ordinance shall become and be made a part of
75 the town's Code of Ordinances.
76

77 **Section 4. Effective Date.** This Ordinance takes effect immediately upon its enactment.
78

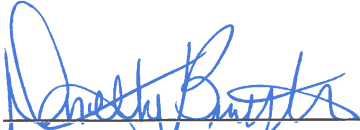
79 ENACTED this 14th day of April, 2015, at a regular meeting of the Town Council of
80 the Town of Windermere, Florida.
81

82
83 Town of Windermere, Florida
84 by: Town Council

85
86
87 by: 
88 Gary Bruhn, Mayor

89 Attest:
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91





92
93 Dorothy Burkhalter, CMC
94 Town Clerk

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96 First reading: March 24, 2015
97 Second reading: April 14, 2015