

PROPOSED  
ORDINANCE NO. 3-24

ORDINANCE NO. 6-24

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING TITLE XI OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, AMENDING TRAFFIC AND VEHICLES, CHAPTER 11-2. TRAFFIC, ARTICLE II STOPPING, STANDING, AND PARKING, SECTION 11-2-26, OBSTRUCTION OF TRAFFIC; SECTION 11-2-27, ALLEYS; SECTION 11-2-28, PASSENGER CURB LOADING ZONES; SECTION 11-2-29, FREIGHT CURB LOADING ZONES; SECTION 11-2-32, PARKING PROHIBITED AT ALL TIMES AT CERTAIN PLACES; SECTION 11-2-34, PARKING TIMES LIMITED ON CERTAIN STREETS; SECTION 11-2-35, PARKING OF MAJOR RECREATIONAL EQUIPMENT AND COMMERCIAL VEHICLES IN RESIDENTIAL AREAS RESTRICTED; SECTION 11-2-36, FINE FOR UNAUTHORIZED USE OF PARKING SPACES RESERVED FOR PHYSICALLY DISABLED PERSONS; SECTION 11-2-37, PARKING FINES; SECTION 11-2-50, TIME LIMITS AND RATES FOR PARKING IN REGULATED SPACES; FINES; PROVIDING FOR SEVERABILITY, REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 11-2-26 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-26. Obstruction of traffic.

- (a) No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicle traffic.

- (b) Where streets are not completely paved or curbs provided, the parking of a car shall not use up more than twelve (12) inches of the paved portion of the street.

SECTION 2. Section 11-2-27 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-27. Alleys.

- (a) No person shall stop, stand or park a vehicle within an alley in a business district except for the expeditious loading or unloading of materials, and in no event for a period of more than twenty (20) minutes, and no person shall stop, stand or park a vehicle in any other alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic.
- (b) No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.

SECTION 3. Section 11-2-28 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-28. Passenger curb loading zones.

No person shall stop, stand or park a vehicle for any purpose or period of time except for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such passenger curb loading zone are effective, and then only for a period not to exceed five (5) minutes.

SECTION 4. Section 11-2-29 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-29. – Freight curb loading zones.

- (1) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to those zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.
- (2) The driver of a vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when the stopping does not interfere with any motor

vehicle used for the transportation of materials which is waiting to enter or about to enter the zone.

Sec. 11-2-30. - Restricted parking zones.

No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in that zone is restricted, except that a driver of a passenger vehicle may stop temporarily in the zone for the purpose of and while actually engaged in loading or unloading of passengers when the stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purpose to which parking is restricted.

Sec. 11-2-31. - Parking prohibited at all times on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any street whereon parking is thus prohibited.

SECTION 5. Section 11-2-32 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-32. – Parking prohibited at all times at certain places.

No person shall park a vehicle at any time on any of the following parts of streets, sidewalks or sidewalk areas where signs are erected giving notice thereof:

- (1) In front of a theater entrance;
- (2) In front of the entrance or exit of a hotel;
- (3) In front of the entrance to any building ~~where in the opinion of the mayor it has been determined by the mayor that~~ parking should be prohibited for public safety.

Sec. 11-2-33. - Prohibited during certain hours on certain streets.

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle within the block during the hours prohibited by the signs.

SECTION 6. Section 11-2-34 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-34. Parking time limited on certain streets.

When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle in the block where the signs are located at any time during the hours prohibited by the signs.

- (1) Parking on blocks posted with a time limit is permitted free of charge for a period not to exceed the time limit posted.
- (2) No person shall move or reposition a vehicle parked on-street to another on-street location on the same block having a posted time limit for purposes of avoiding the posted time limits. Moving or repositioning a vehicle parked on-street to another on-street location on the same block having a posted time within eight (8) hours of initially parking within the same block having a posted time limit shall create a rebuttable presumption that the moving or repositioning of the vehicle parked was for the purpose of avoiding the posted time limits.

SECTION 7. Section 11-2-35 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-35. Parking of major recreational equipment and commercial vehicles in residential areas restricted.

It shall be unlawful for any person to park or store major recreational equipment or commercial vehicles (large commercial vehicle or small commercial vehicles) except in accordance with the provisions of subsections (1) and (2) of this section and sections 12-3-59 (parking and storage of major recreational equipment) and 12-3-66 (parking of commercial vehicles in residential neighborhoods).

(1) *Recreational equipment.*

a. *General requirements.*

1. Parking or storage of major recreational equipment, except for loading and unloading not to exceed twenty-four (24) hours, shall not be permitted in any portion of any public right-of-way.
2. Repairing or maintaining major recreational equipment, except repairs necessitated by an emergency, shall not be permitted in any portion of any public right-of-way.
3. Major recreational equipment shall not be parked or stored on any vacant lot except where such vacant lot adjoins a lot on which a principal structure under the same ownership is located.
4. Major recreational equipment may not be parked or stored on a parking lot for the principal purpose of displaying such equipment for sale except on parking lots where the sale of vehicles and major

recreational equipment is a duly authorized permitted use (i.e., new and used car lot, major recreational equipment sales lot).

5. Major recreational equipment may not be used for storage of goods, materials or equipment other than those items considered to be part of the vehicle or major recreational equipment essential for its immediate use.
  6. Parking or storage of major recreational equipment is allowed in duly authorized facilities designed for storage and parking of major recreational equipment and on residential premises as provided in subsection (1)b of this section.
- b. *Residential requirements.* Parking or storage of major recreational equipment on residential premises shall be allowed subject to the following conditions:
1. May be parked or stored in:
    - i. Permanent equipment enclosures such as carports or garages;
    - ii. The driveway of the owner's residence but not in any portion of any public right-of-way;
    - iii. Rear yards not closer than three feet to the rear and side property lines;
    - iv. The front yard except in the required visibility triangle (refer to section 12-3-58) but only perpendicular to the front lot line and within fifteen (15) feet of either side lot line; or
    - v. One of the required side yards but not both.
  2. May be parked on corner lots in the required street side yard except in the required visibility triangle.
  3. May be parked anywhere on residential premises not to exceed 24 hours during loading or unloading.
  4. Shall not be used for living, sleeping or housekeeping purposes while stored on a residential premises.
  5. Shall not be connected to any utilities except electricity.
  6. May not be parked or stored in required parking spaces of multiple-family developments.
  7. Must be maintained in an operable condition and must be properly licensed in accordance with all laws of the state.

(2) *Commercial vehicles.*

a. *Large commercial vehicles.*

1. Parking or storage of any large commercial vehicle, except for loading and unloading not to exceed twelve (12) hours, shall not be permitted

in any portion of the right-of-way located within a residential district or development. Loading and unloading means that the commercial vehicle is attended and materials are being actively loaded/unloaded into and out of the commercial vehicle.

2. Parking or storage of any large commercial vehicle on any residential premises shall not be permitted except as follows:
  - i. Temporary parking during loading and unloading not to exceed twelve (12) hours. Loading and unloading means that the commercial vehicle is attended and materials are being actively loaded/unloaded into and out of the commercial vehicle.
  - ii. Temporary parking of construction equipment and delivery vehicles on or adjacent to a properly permitted construction site.
3. Large commercial vehicles shall not be used for living, sleeping or housekeeping purposes while temporarily parked as provided above.
4. The mayor may, for good cause shown, grant a temporary permit with reasonable conditions exempting any large commercial vehicle from the provisions of this section for a period not to exceed seventy-two (72) hours.
5. Permanent parking or storage of large commercial vehicles on a residential premises may be permitted according to the following specific requirements:
  - i. Must be contained within a garage or similar enclosed accessory structure meeting the requirements of section 12-3-55(4): residential accessory structures standards.
  - ii. Shall not be connected to any utilities.
  - iii. Shall not be used for living, sleeping or housekeeping purposes.
  - iv. Must be maintained in an operable condition and must be properly licensed in accordance with all laws of the state.
- b. *Small commercial vehicles.* Small commercial vehicles when not in active service shall not be parked or stored in any portion of the right-of-way located within a residential district or development between the hours of 6:00 p.m. and 6:00 a.m.

Permanent parking or storage of small commercial vehicles on residential premises is permitted subject to the following conditions:

1. May be parked or stored in:

- i. Garage, carport or similar enclosed accessory structure meeting the requirements of section 12-3-55(4): residential accessory structures standards.
  - ii. The driveway of the residential premises of the vehicle's owner and/or operator.
- 2. Must be maintained in an operable condition and properly licensed in accordance with all laws of the state.
- 3. Must be owned and/or operated by a resident of the residential premises.
- 4. Shall not be connected to any utilities.
- 5. Shall not be used for living, sleeping or housekeeping purposes.
- 6. Shall not be more than two small commercial vehicles on a residential premises.
- c. *Public school buses.* Public school buses operated by drivers employed by the Escambia County School District during the school year shall be permitted to park on the residential premises of the operator. Public school buses shall not be parked or stored in any portion of the right-of-way in a residential district or development between the hours of 6:00 p.m. and 6:00 a.m. Public school buses shall adhere to all provisions of subsection (2)a of this section and section 12-3-66(a).

(3) *Penalties.*

- a. The owner of any recreational equipment or commercial vehicle found to be in violation of any of the provisions of this section shall be fined in the amount of fifty dollars (\$50.00) for the first offense, one hundred and fifty dollars (\$150.00) for the second offense and two hundred and fifty dollars (\$250.00) for the third and subsequent offenses that occur within a twelve (12) month period. Each day the violation continues shall constitutes an additional and separate offence. The amount of the fine shall be doubled if payment is not received, or if payment is not postmarked, within 72 hours-fifteen (15) days of the time of the notice of the violation.
- b. Violations shall be enforced in the manner prescribed in sections 11-2-66 through 11-2-72.

SECTION 8. Section 11-2-36 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-36. Fine for unauthorized use of parking spaces reserved for physically disabled persons.

The fine to be imposed for the unauthorized use of specially designated and marked motor vehicle public parking spaces reserved for the exclusive use of disabled individuals,

as provided by F.S. §§ 316.008, 316.1955, 316.1956, and 318.18, shall be two hundred and fifty dollars (\$250.00) per violation.

SECTION 9. Section 11-2-37 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-37. Parking fines.

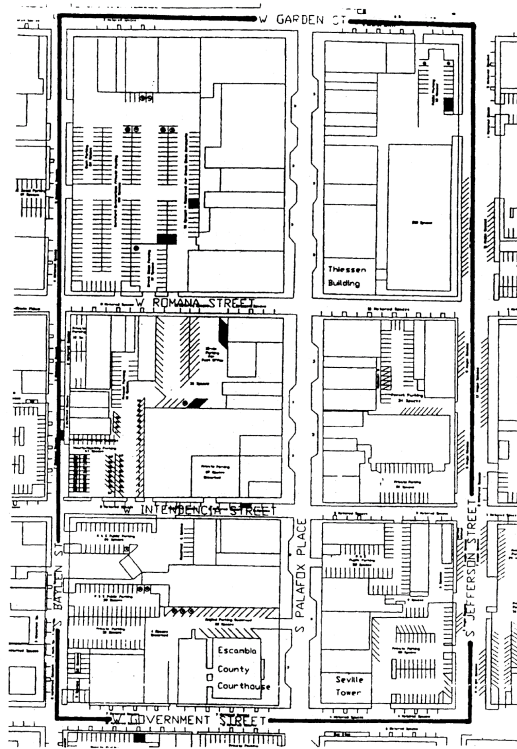
- (a) Unless otherwise specified in this chapter, the owner of any vehicle found to be in violation of any of the provisions of this chapter within the city shall be fined in the amount of twenty-five dollars (\$25.00) for per the first offense; \$20.00 for the second offense, \$40.00 for the however, beginning with the third offense that occurs within a twelve (12) month period the fine shall be in the amount of fifty dollars (\$50.00) offense and \$100 for the fourth and each or subsequent offense thereafter within a twelve (12) month period shall increase by twenty-five dollars (\$25) from the last fine for each additional when the offenses, subsequent to the first offense occur within (12) months of the first offense. Subsequent fine amounts for offenses that occur within the same twelve (12) month period shall not be greater than two hundred dollars (\$200.00). The amount of the fine shall be doubled if payment is not received by the city, or if payment by mail is not postmarked, within 15 days fifteen (15) days of the date of notice of the violation.
- (b) Notwithstanding the provisions of subsection (a), above, vehicles found to be in violation of posted parking regulations when the city has issued permits for special events as defined in section 11-4-171 of the Code of the City of Pensacola, Florida, within the area bounded on the north by Wright Street, on the south by Bayfront Parkway, on the east by 9th Avenue, and on the west by Baylen Street, shall be fined in the amount of \$25.00 fifty dollars (\$50.00) for each offense. The amount of this fine shall be doubled if payment is not received by the city, or if payment by mail is not postmarked, within 72 hours fifteen (15) days of the time of notice of the violation.
- (c) Any person receiving a fine pursuant to subparagraph (a) or (b), above, may seek to have the fine rescinded by filing an objection-appeal with the City of Pensacola Code Parking Authority Department within ten-fifteen (15) days of the date of issuance of the fine. The City of Pensacola Code Parking Authority Department shall schedule a hearing on the objection before the special magistrate at a regularly scheduled meeting and the special magistrate shall have the authority to confirm or rescind the fine. In order to support an order rescinding the fine, the special magistrate must find and articulate on the record sufficient facts and circumstances that the fine was improvidently imposed, or that the fine should otherwise be rescinded. The recipient of the fine must appear in person or

through authorized electronic means, and must provide testimony or other evidence under oath. The decision of the special magistrate shall be final.

Sec. 11-2-38. - Obstruction of vehicular traffic lanes for pickup and delivery in designated areas prohibited.

- (a) No vehicle shall stop, stand or park, even temporarily, for the purpose of pickup and delivery of any goods, packages or other tangible items, on any portion of the street designated and intended for the flow of vehicular traffic, in any portion of the following streets: On Garden Street from Baylen Street to Jefferson Street; on Baylen Street between Garden Street and Government Street; on Palafox Street or Palafox Place between Garden Street and Government Street; on Jefferson Street between Garden Street and Government Street; on Romana Street between Baylen Street and Jefferson Street; on Intendencia Street between Baylen Street and Jefferson Street; and on Government Street between Baylen Street and Jefferson Street.
- (b) The terms "stop," "stopping," "stand," "standing," "park" and "parking" shall have the definitions set forth in F.S. § 316.003.
- (c) Stopping, standing or parking by commercial vehicles for the purpose of pickup or delivery of goods, packages or any other tangible items, within the area specified in subsection (a) of this section, shall take place only in areas adjacent to the curb of those streets which areas shall be specifically designated for the use of commercial vehicles with appropriate signage.
- (d) Stopping, standing or parking in any area designated for commercial delivery use, by a vehicle not engaged in commercial delivery or pickup, is prohibited.
- (e) The mayor is authorized to designate appropriate areas adjacent to the curb of any street defined in subsection (a) of this section, for the purpose and use of commercial delivery vehicles engaged in pickup and delivery of goods, packages or any other tangible items, and the mayor is hereby authorized to provide for any appropriate signage suitable to that purpose.
- (f) The owner or operator of any vehicle found to be in violation of any of the provisions of this section shall be fined in the amounts set forth in section 11-2-37, and violations shall be enforced in the manner provided in sections 11-2-66 through 11-2-72.

## Truck Delivery Restricted Area



Secs. 11-2-39—11-2-48. - Reserved.

Sec. 11-2-49. - Authority of mayor to designate regulated parking zones.

The mayor is hereby authorized to determine and designate regulated parking zones and to install and maintain upon any of the streets or parts of streets of the city as many parking control devices as necessary in the parking zones, where it is determined that the installation of parking control devices shall be necessary to aid in the regulation, control and inspection of the parking vehicles. The parking control devices may be of whatever type as determined by the mayor.

SECTION 10. Section 11-2-50 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-50. Time limits ~~and rates~~ for parking in regulated spaces;  ~~fines~~.

~~The rate for parking in on-street, regulated parking spaces within the city shall be \$ .50 per hour.~~ No vehicle may be parked in any such space without the owner or an occupant thereof making payment to the parking control device for the full period during which the vehicle is parked in such space; provided, however, no vehicle may park in any such space for longer than the maximum time permitted by the parking control device.

SECTION 11. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 12. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 13. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: February 22, 2024

Approved: /s/ Casey Jones  
President of City Council

Attest:

/s/ Ericka L. Burnett  
City Clerk