

ORDINANCE 2018-14255

AN ORDINANCE RELATING TO THE PARKING OF COMMERCIAL VEHICLES; AMENDING CHAPTER 36 – TRAFFIC AND VEHICLES, ARTICLE III – STOPPING, STANDING AND PARKING, DIVISION 1 – GENERALLY, SECTION 36-61(d); DIVISION 2. – PROHIBITED PARKING, SECTION 36-103, DELETING SECTION 36-104 AND ADDING A NEW SECTION 36-104; AMENDING CHAPTER 56 – SUPPLEMENTAL STANDARDS, ARTICLE III. – STANDARDS APPLICABLE TO RESIDENTIAL DISTRICTS BY DELETING SECTION 56-86; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION AND AN EFFECTIVE DATE.

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

Section 1. That Section 36-61, Division 1, Article III, Chapter 36 of the Code of Ordinances of the City of Naples, is hereby amended to read as follows (with underlining indicating additions and ~~strikethrough~~ indicating deletions):

Sec. 36-61. – Purpose; incorporation; intent; applicability; definitions; penalty.

...

- (d) All definitions pertaining to this article that are defined in state law concerning stopping, standing and parking, including specifically, but without limitation, those set out in F.S. chs. 316 and 318, are incorporated in this article and shall be construed in this article in the same manner as in state law.

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them in chapter 36 except where the context otherwise requires:

...

- (9) Commercial vehicle means any vehicle designed, intended or used for the transportation of people, goods or things, other than private passenger vehicles and private trailers used for the nonprofit transportation of goods and boats.

- (10) Temporary means lasting less than five minutes.

Section 2. That Sections 36-103 and 36-104, Division 2, Article III, Chapter 36, of the Code of Ordinances of the City of Naples, are hereby amended to read as follows (with underlining indicating additions and ~~strikethrough~~ indicating deletions):

Sec. 36-103. - Parking on certain streets and places between 11:00 p.m. and 5:00 a.m. General Parking Regulations.

- (a) Parking on certain streets between 11:00 p.m. and 5:00 a.m.

- (1) No person shall park a vehicle on any east-west avenue west of Gulf Shore Boulevard between 20th Avenue South and 8th Avenue North, on 32nd Avenue South and 33rd Avenue South west of Gordon Drive, on Vedado Way, Via Miramar, or Horizon Way, on 12th Avenue South west of 2nd Street South or in the city pier parking lot on the southeast corner of 12th

Avenue South and Gulf Shore Boulevard between the hours of 11:00 p.m. and 5:00 a.m. Exempted from this section is 8th Avenue North.

- (b2) Any vehicle parked in violation of this section and left unattended is declared to be a public nuisance and the police department is directed to have such vehicle towed away in accordance with section 36-66. Parking in Lowdermilk Park shall be prohibited as posted.

(b) Parking regulations on Gulf Shore Boulevard and Crayton Road.

- (1) No person shall park a vehicle at any time on Gulf Shore Boulevard between 20th Avenue South and 8th Avenue North (Golf Drive).
- (2) No person shall park a vehicle at any time on Crayton Road between Banyan Boulevard and Seagate Drive.
- (3) Any vehicle parked in violation of this section and left unattended is declared to be a public nuisance, and in addition to any penalty, the police department is authorized to have such vehicle removed in accordance with section 36-66.

~~Sec. 36-104. - Certain parts of Gulf Shore Boulevard and Crayton Road.~~

- ~~(a) No person shall park a vehicle at any time on Gulf Shore Boulevard between 20th Avenue South and 8th Avenue North (Golf Drive).~~
- ~~(b) No person shall park a vehicle at any time on Crayton Road between Banyan Boulevard and Seagate Drive.~~
- ~~(c) Any vehicle parked in violation of this section and left unattended is declared to be a public nuisance, and the police department is directed to have such vehicle towed away in accordance with section 36-66.~~

Sec. 36-104. - Commercial vehicles parking regulations.

- a. General commercial vehicle parking on residential streets. Commercial vehicles shall not park overnight between the hours of 7:00 p.m. and 6:30 a.m. in any residential zoning district, except as set forth in the following:
- (1) Except 1 commercial vehicle per dwelling, with a rated capacity not to exceed ¾ ton, parked in a parking space on private property, when this vehicle is used by an occupant of the dwelling for personal transportation;
- (2) Except when a commercial vehicle is engaged in a lawful emergency construction or service operation on the site where it is parked; or
- (3) Except as provided in the property maintenance code.
- b. Commercial vehicle parking prohibition on select streets. It is unlawful to stand or park a commercial vehicle on the following public streets, alleys, thoroughfares, medians, rights-of-way or other public property:
- (1) Admiralty Parade East

Admiralty Parade West
Anchor Way
Bay Road
Captain's Place
Champney Bay
Cove Lane
Cutlass Lane
Dead End Lane
Fort Charles Drive
Galleon Drive
Gin Lane
Gordon Drive - Kings Town to the southerly terminus
Green Dolphin Lane
Half Moon Walk
Kings Town Drive
Lantern Lane
Nelson's Walk
Rum Row
Sabre Lane
Short Lane
Spyglass Lane
Treasure Lane

- (2) Except any commercial vehicle operating as part of an on-call tow truck service to the city.
- (3) Except commercial vehicle operating under an approved right-of-way permit.
- (4) Except as provided in section 16-291 for licensed construction contractors with valid permits. In such cases the exceptions that allow parking in sections 16-291 and 36-93 apply.
- (5) Except for utility service vehicles.

c. The city manager is authorized to post signs for these prohibitions.

d. Any commercial vehicle parked in violation of this section is declared to be a public nuisance and in addition to any penalty, the police department is authorized to have such vehicle removed in accordance with section 36-61.

Section 3. That Section 56-86, Article III, Chapter 56 of the Code of Ordinances of the City of Naples, is hereby amended with ~~strikethrough~~ indicating deletions):

Sec.56-86. - Commercial vehicles. Reserved.

~~Commercial vehicles shall not park overnight between the hours of 7:00 p.m. and 6:30 a.m. in any residential zoning district, except as set forth in the following:~~

- (1) ~~Except 1 commercial vehicle per dwelling, with a rated capacity not to exceed ¾ ton, parked in a parking space on private property, when this vehicle is used by an occupant of the dwelling for personal transportation;~~
- (2) ~~Except when a commercial vehicle is engaged in a lawful emergency construction or service operation on the site where it is parked; or~~

~~(3) Except as provided in the property maintenance code.~~

Section 4. That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional, invalid, or ineffective, the same shall not affect the validity of any remaining portions of this ordinance. In such event, the pre-existing word, phrase, clause, subsection or section, shall be revived.

Section 5. That all sections or parts of sections of the Code of Ordinances, City of Naples, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6. This ordinance shall take effect 60 days after adoption at second reading.

APPROVED AT FIRST READING AND PUBLIC HEARING THE 7TH DAY OF NOVEMBER 2018.

APPROVED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 19TH DAY OF NOVEMBER 2018.

Attest:



Patricia L. Rambosk, City Clerk


Bill Barnett, Mayor

Approved as to form and legality


Robert D. Pritt, City Attorney

Date filed with City Clerk: 11/26/18