

PROPOSED
ORDINANCE NO. 34-20

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE CREATING SECTION 2-3-5 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RELATED TO THE PRESERVATION OF SENSITIVE PROPERTIES; PROVIDING FOR ASSESSMENT OF HISTORICAL, ARCHAEOLOGICAL, ARCHITECTURAL, AND ENVIRONMENTAL CHARACTERISTICS OF REAL PROPERTY PRIOR TO DISPOSITION; PROVIDING FOR PUBLIC HEARING PRIOR TO DISPOSITION OF SENSITIVE PROPERTIES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pensacola seeks to preserve public access to water view and waterfront property, and to preserve historical, archaeological, architectural and environmental resources, and therefore to restrict disposition of real property interests unless the City Council has determined a public purpose is served;

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

SECTION 1. Section 2-3-5 of the Code of the City of Pensacola, Florida, is hereby created to read as follows:

Sec. 2-3-5 – Disposition of Sensitive Properties.

(a) Except as provided in this section, real property within the city limits, in which the city has ownership rights, including but not limited to improved lots, vacant lots, easements, alleys, or rights-of-way, shall not be sold, terminated, vacated, abandoned or otherwise disposed of in such a manner that the city no longer has a property right to enforce, if any of the following characteristics applies:

(1) The property in question is adjacent to water or provides a water view; or

(2) The property in question has been designated by the city council as having historical, archaeological, or architectural significance either because of historic events in the vicinity or because of a structure on the property; or

(3) The property in question has been designated by the city council as having significance as an environmental resource for preservation.

Properties possessing any of these characteristics are classified as sensitive properties.

(b) Whenever the city receives a request to consider disposing of any interest in real property, the mayor shall assess whether the real property in question is a sensitive property by determining if the property

(1) abuts a navigable waterway, has water access or has water views;

(2) has any historical, archaeological, architectural, or environmental value; or

(3) should remain undeveloped except for the public's passive enjoyment, education, and research as long as the property remains within the city's ownership and control.

(c) In assessing whether property has significant historical, archaeological, architectural or environmental value, the mayor shall consult and rely upon professional historic, archaeological, architectural, and environmental standards and resources and provide the city council with documentation of the resources used in the formulation of the mayor's report and recommendation, including but not limited to the following:

(1) Whether the property includes historic structures or buildings eligible or potentially eligible for listing in the National Register of Historic Places;

(2) Whether the property contains material remains of Native American archaeological sites that are eligible or potentially eligible for listing in the National Register of Historic Places;

(3) Whether the property contains material remains of or contemporaneous to the 1559 Spanish landing and settlement site of Tristán de Luna;

(4) Whether the property contains material remains of past settlements, fortifications, or occupations eligible or potentially eligible for listing in the National Register of Historic Places; and

(5) Whether the property should be preserved to promote sustainable development, water quality, air quality, erosion prevention, stormwater management, or for other environmental or public safety reasons.

(d) Upon completion of the assessment, the mayor shall submit to the city council a report and recommendation concerning the real property or property interest that is the subject of the request to sell, terminate, vacate or abandon, or otherwise

dispose of in such a manner that the city no longer has a property interest to enforce.

- (e) The city council shall conduct a public hearing at which the public is invited to provide input on the mayor's report and recommendation prior to the city council voting to sell, terminate, vacate, abandon, or otherwise dispose of rights in the real property assessed in the mayor's report.
- (f) Following the public hearing, the city council may determine to take any action deemed appropriate as to the request to sell, terminate, vacate, abandon, or otherwise dispose of rights in the real property assessed in the mayor's report, including but not limited to accepting or rejecting in whole or in part the mayor's recommendation; provided, the city council shall make findings in support of the city council's determination as to the public purpose supporting its action in response to the request.

SECTION 2. 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 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. 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: _____

Approved: _____
President of City Council

Attest:

City Clerk