

PROPOSED
ORDINANCE NO. 29-22

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE APPROVING FOR ADOPTION, FOLLOWING THE REQUIRED STATUTORY REVIEW PROCESS BY THE STATE OF FLORIDA, AMENDMENTS TO THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA, FLORIDA, COASTAL MANAGEMENT ELEMENT; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pensacola adopted a Comprehensive Plan on October 4, 1990, pursuant to applicable law; and

WHEREAS, the City of Pensacola conducted a public hearing on June 16, 2022 to consider amendments to the Comprehensive Plan; and

WHEREAS, said amendments will affirmatively contribute to the health, safety and general welfare of the citizens of the City of Pensacola; and

WHEREAS, the City Council has followed all of the procedures set forth in Section 163.3184, Fla. Stat., and all other applicable provisions of law and local procedures with relation to amendments to the Comprehensive Plan; and

WHEREAS, proper public notice was provided and appropriate public hearing was held pursuant to the provisions referred to hereinabove as to the following amendments to the Comprehensive Plan of the City of Pensacola;

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

SECTION 1. The City of Pensacola City Council does hereby approve for adoption, after transmittal to the state land planning agency and the completion of the statutory process set forth in Section 163.3184, these amendments to the City's Comprehensive Plan.

COASTAL MANAGEMENT ELEMENT

GOAL CM-1: The City shall manage the coastal system natural resources within the City limits in a manner that will maintain or enhance environmental, recreational, historic and economic qualities, protect human life, provide resiliency benefits and limit public expenditures in coastal areas.

Objective CM-1.1: The City shall encourage resilient shoreline development of those land uses which are dependent on or related to access to the water.

Policy CM-1.1.1: Shoreline development in Coastal High Hazard Area (CHHA) shall be prioritized as follows to the maximum extent feasible

- A. Water dependent uses
 - 1. Commercial
 - 2. Light industrial
- B. Water related recreation
- C. Residential
- D. Commercial

Policy CM-1.1.2: All City owned or City financed waterfront development, except for industrial uses, shall provide for public waterfront access and shall be constructed considering future flood risk and sea level rise. All City owned and financed waterfront development using funds appropriated from the state shall comply with the requirements of Section 161.551, F.S.

Policy CM-1.1.3: The City shall encourage and coordinate in the development of additional marina facilities and fishing piers provided they meet the following criteria:

- * The use is compatible with surrounding land uses.
- * Upland support services are available.
- * A hurricane contingency plan is in place.
- * The water quality concerns have been addressed.
- * A plan is in place for mitigation actions in the event that the environment is adversely affected.
- * Buildings and supporting infrastructure is planned to incorporate considerations of impacts from future flood risk and sea level rise.
- * The economic need and feasibility for the facility have been established.

Policy CM-1.1.4: The City shall continue to provide for the siting of water-dependent and water-related uses through the zoning guidelines of the appropriate land use districts.

Policy CM-1.1.5: The City shall continue to utilize and develop its deepwater port, coordinating the port's activities with other City, County, regional, state and federal agencies in the following areas: transportation, land use, resiliency, natural and man-made hazards, protection of natural resources.

Policy CM-1.1.6: The City shall ~~enhance~~ maintain the urban waterfront through proper land use planning, the public acquisition of land for parks and open space, resiliency planning and adaptation, and the establishment of downtown waterfront pedestrian connections.

Objective CM-1.2: The City shall limit public expenditures that subsidize development in the Coastal High Hazard Area (CHHA) except for restoration, resiliency and adaptation projects, or enhancement of natural resources.

Policy CM-1.2.1: The Coastal High Hazard Area (CHHA) will be the area seaward of the elevation of the Category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Policy CM-1.2.2: Public funds shall be expended in the CHHA only in developments: that comply with residential densities adopted in this plan that will produce no adverse affects to the surrounding land uses or the environment without approved mitigation or adaptation plans; and/or, that would further open up the waterfront to public access.

Policy CM-1.2.3: The City shall take ~~whatever actions that are necessary~~ so that all new public facilities located near the City's shoreline or in the CHHA are resistant to storm events and meet all the building standards for the hurricane-force winds and floods including future flood risk from sea level rise. This may include the relocation of such facilities if they could be better protected to avoid impacts from future flood risk.

Objective CM-1.3: In accordance with the City's land development code, the City shall continue to direct high density population developments away from the City's CHHA.

Policy CM-1.3.1: Future residential land use in the CHHA shall be limited to the following densities by location:

- * Low density - along Escambia Bay north of Hyde Park Road and south of Gadsden Street, and along both shores

of Bayou Texar.

- * Medium density - along Pensacola Bay (except for the Historic District), and along Bayou Chico.
- * High density - Historic District.

Policy CM-1.3.2: Future residential land use developments in the dense business area constructed in the CHHA shall be limited to medium density (18 or fewer residential dwelling units per acre). Allowable density above the medium density limit established by future land use category may be transferred to portions of the development site outside the CHHA.

Objective CM-1.4: The City shall ~~provide~~ maintain, and if ~~necessary~~ feasible increase public access to available shoreline consistent with estimated need.

Policy CM-1.4.1: The City will limit vacations of public rights-of-way to maintain the public access to shorelines.

Policy CM-1.4.2: The City will continue to work with Escambia County to maintain and, if feasible, increase shoreline access to the public.

Policy CM-1.4.3: The City shall review and enforce the public access requirements of the Coastal Zone Protection Act of 1996.

Policy CM-1.4.4: The City shall coordinate land use plans for shoreline access to include proper circulation routes and parking facilities necessary for the particular locations and uses.

Policy CM-1.4.5: The City shall coordinate with the Escambia County Transit System for provision of public transportation to shoreline facilities.

Policy CM-1.4.6: The City shall promote public access and increase overall connectivity between existing neighborhoods and Pensacola Bay.

Objective CM-1.5: The City shall allow development in the CHHA only if it will not create a deficiency in the adopted minimum levels of service.

Policy CM-1.5.1: Level of service standards in the CHHA shall be consistent with those of the rest of the City to the extent practicable.

~~Policy CM-1.5.2: The City shall take all appropriate steps to provide that funding for infrastructure will be phased to coincide with the demands generated by development or redevelopment in the CHHA provided the development meets all the requirements of density and use set forth in the Future Land Use Plan is consistent with coastal resource protection and safe evacuation.~~

Objective CM-1.6: The City shall coordinate with State, regional and county agencies in evaluating major evacuation routes and determining where operational improvements can be made to maintain or reduce hurricane evacuation times or flood risk and shall work with the Civil Defense and Red Cross in identification and provision of adequate emergency shelter.

Policy CM-1.6.1: In the event of a natural disaster, the City shall respond to the instruction and guidance of the Escambia County Civil Defense office and follow the recommendations from the *Tri-State Hurricane Evacuation Study* for evacuation procedures.

Policy CM-1.6.2: The City shall periodically review the natural disaster plan, taking into consideration the capacity of evacuation routes as compared to the predicted population density listed in the Future Land Use Plan Element and other publications relating to natural disaster planning and vulnerability to sea level rise and other future flood risk.

Objective CM-1.7: The City will update post-disaster redevelopment plans based on building and construction regulations, city codes, and intergovernmental reports in coordination with Escambia County in order to minimize or eliminate the exposure of human life and property to natural disaster hazards, as necessary.

~~Policy CM-1.7.1: The City will enforce and/or establish any necessary building and development codes to minimize damage to human life and property from a natural disaster.~~

Policy CM-1.7.3: Following a natural disaster, the City will seek Federal Acquisition and donation of properties along CHHA that have been damaged beyond repair, provided for by section 1362 of the NFIP.

Policy CM-1.7.4: The City shall identify all areas needing redevelopment to reduce or eliminate unsafe conditions and inappropriate uses in the CHHA.

Policy CM-1.7.5: The Post-Disaster Redevelopment Plan shall establish policies for the following: differentiating between repair and clean-up actions which are needed to protect public health and safety and those actions which constitute long-term repair and redevelopment activities; practices for removal, relocation or structural modification of damaged infrastructure and unsafe structures; limiting redevelopment in areas of repeated damage; and incorporating recommendations of interagency hazard mitigation reports into the local Comprehensive Plan.

Policy CM-1.7.6: The City shall develop regulatory or management techniques for general hazard mitigation including regulation of: beach alteration; stormwater management; and sanitary sewer facilities.

Policy CM-1.7.7: The City shall incorporate the recommendations of the hazard mitigation annex of the local peacetime emergency plan and applicable existing interagency hazard mitigation reports.

GOAL CM-2: The City shall plan for, and adapt to, the perils of flood associated with the potential impacts of sea level rise to become a more resilient community and eliminate inappropriate and unsafe development in the coastal areas when opportunities arise.

Objective CM-2.1: The City shall include in its planning efforts development and redevelopment principles, strategies, and engineering solutions that reduce flood risk in coastal areas across the community, which results from the potential impacts of sea-level rise.

Policy 2.1.1: By 2021, the City shall conduct a vulnerability assessment that incorporates sea level rise projections for 2040, 2070 and 2100 to inform adaptation priorities. The vulnerability assessment shall help prioritize capital improvements planning to address near term vulnerabilities. Subject to funding availability, it is recommended that the vulnerability assessment be updated no less than every 10 years and incorporate a review of data to determine the most recent and appropriate sea level rise projections. Subsequent updates of the vulnerability assessment shall be consistent with state law including but not limited to Section 380.093, F.S. related to requirements for conducting vulnerability assessments.

Policy 2.1.2: By 2024, the City will include potential sea level rise projections in planning for development and redevelopment projects.

Policy 2.1.3: City shall promote strategies that include best practices that prioritize elevation and flood proofing, protection of building mechanical systems, onsite retention and pervious surfaces, shoreline protection and accommodation, site-specific flood management techniques, green infrastructure, maintaining access to services and managed retreat.

Policy 2.1.4: The City shall collaborate with its infrastructure, other service providers, the Florida Department of Transportation, the Florida Department of Environmental Protection, Escambia County, the Pensacola & Perdido Bays Estuary Program, Northwest Florida Water Management District and other regional partners to exchange climate and sea level rise data, plans, projects, programs and solutions to

address future vulnerability and flood risks. The City shall actively coordinate with the Florida Department of Environmental Protection on the Resilient Florida Grant Program, Comprehensive Statewide Flood Vulnerability and Sea level Rise Dataset, Assessment and Plan developed pursuant to Section 380.093, F.S.

Policy 2.1.5: All City owned and financed projects initiated and undertaken by a state- financed constructor in the coastal building zone related to major and non-habitable major structures, as defined in Section 161.54, F.S., using funds appropriated from the state shall comply with the requirements of Section 161.551, F.S. and Rule 62S-7, F.A.C.

Objective CM-2.2: The City shall encourage the use of best practices development and redevelopment principles, strategies, development techniques and engineering solutions at the site level that will result in the reduction of losses due to flooding and claims made under flood insurance policies. This shall include the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.

Policy 2.2.1: All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in the City's Floodplain Management provisions or the Florida Building Code, shall be located and constructed to minimize flood damage, meet floodway requirements, be appropriately anchored, including flood damage-resistant materials and have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE24.

Policy 2.2.2: In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

Policy 2.2.3: The floodplain administrator / building official shall review all permit applications and plans to determine that the proposed development or redevelopment can be constructed such that it is reasonably safe from flooding. If a proposed development or redevelopment site is located in a flood hazard area, all site development activities including new construction and substantial improvements shall

be designed and constructed with methods, practices and materials that will minimize the potential for flood damage.

Policy 2.2.4: The City shall continue to enforce setback and elevation requirements to promote the protection and safety of life and property. Expansions to the existing setback requirements contained in the land development regulations shall be considered as a means of reducing property damage caused by storms.

Policy 2.2.5: The City shall require that, to the greatest extent practicable, development activity, such as land clearing, grading and filling will not disturb natural drainage patterns.

Policy: 2.2.6: The City shall enforce all elevation requirements for structural, ancillary, electrical, water, wastewater and mechanical systems to mitigate risk from flooding impact.

Policy 2.2.7: Manufactured home construction must meet requisite elevation requirements, minimize flood damage and be reasonably safe from flooding, must be installed by licensed installers, must adhere to all Florida Building Code foundation, anchoring, elevation, enclosure and utility equipment requirements. New installations of manufactured homes shall not be permitted in floodways.

Policy 2.2.8: All public utilities and facilities such as sewer, gas, electric, communications, and water systems must be located and constructed to minimize or eliminate flood damage. Specifically, adequate drainage must be provided to reduce exposure to flood hazards; in at risk flood zones (AH and AO), adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Policy 2.2.9: No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless a floodway encroachment analysis demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation. Fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

Policy 2.2.10: The City shall continue to provide public information related to the revisions, development and adoption of FEMA's FIRM Flood Maps as well as strategies to increase resiliency to storm events and flooding in vulnerable areas.

Policy 2.2.11: Within one (1) year of final adoption of any updates to FEMA's Flood Insurance Rate Maps (FIRMs), the City shall review land development and floodplain management regulations to reflect updated flood risk data.

Policy 2.2.12: The City shall consider floodplain management and CHHA issues in making public acquisition decisions.

Policy 2.2.13: The City shall align housing policies focusing on affordability and workforce housing, code compliant reconstruction, elevation, floodproofing, relocation and other mitigation strategies to reduce losses from flooding and claims made under flood insurance policies.

Objective CM-2.3: The City shall maintain regulations consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable floodplain management regulations set forth in 44 C.F.R. part 60.

~~Policy CM-4.7.4~~ Policy 2.3.1: The City will enforce and/or establish any necessary building and development codes to minimize damage to human life and property from a natural disaster.

Policy 2.3.2 The City shall maintain, review and update, at least every five (5) years, its Floodplain Management Regulations (Chapter 12-9):

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development that may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;

- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas; and
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in 44 CFR 59.22.

Policy 2.3.3: The City shall continue its policy of reviewing the current Building Code and, as appropriate, adopting structural standards and site alteration restrictions that meet or exceed the minimum FEMA requirements. The recommendations of the applicable interagency hazard mitigation report shall be considered in revisions to the Code.

Policy 2.3.4: The City shall maintain and review regulations in special flood hazard areas to require construction by methods and practices that minimize flood damage, including but not limited to, anchoring by pilings or columns to prevent flotation, collapse and lateral movement of the structure; preventing the expansion, improvement or repair of construction below elevated post-FIRM buildings; prohibiting manmade alteration of dunes, mangrove stands or wetlands which would increase the potential of flood damage and elevation or freeboard standards for structures, electrical and mechanical equipment.

Objective CM-2.4: The City shall participate, and seek to enhance participation, in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

Policy 2.4.1: The City shall continue to participate in the National Flood Insurance Program (NFIP) Community Rating System (CRS) to the maximum extent possible and shall continue to seek to improve its current CRS Class rating.

Policy 2.4.2: The City shall continue to coordinate intergovernmental efforts related to participation in CRS, public outreach, sea level rise planning and disaster preparedness and recovery, to maximize County and flood insurance policy holder benefits.

Policy 2.4.3: The City shall consider the development of a CRS-compliant Watershed Management Plan as part of its next cycle visit for CRS participation.

GOAL CM-23: The City shall ensure the highest environmental quality feasible, the City will seek to conserve, protect, and properly manage its natural resources.

Objective CM-23.1: The City shall protect, conserve or enhance coastal wetlands, living marine resources and wildlife habitat.

Policy CM-23.1.1: The City shall limit the specific and cumulative impacts of development and redevelopment which will have adverse effects on wetlands, water quality, wildlife habitat, living marine resources and beach systems by prohibiting these developments unless mitigation actions are specified or by withholding public funds from these projects.

Policy CM-23.1.2: By the year 2021, the City shall restore or enhance disturbed or degraded natural areas for City-owned property including beaches, estuaries, wetlands, shoreline ecosystems, and drainage systems and shall establish programs to mitigate future disruptions or degradations.

Policy CM-23.1.3: The City shall establish standards for new development adjacent to wetlands to reasonably assure that the quality and quantity of their stormwater discharge does not adversely impact the physical and/or ecological features of those habitats.

Policy CM-23.1.4: With respect to acquisition, the City, where feasible, shall protect, conserve, or enhance coastal wetlands, living marine resources and wildlife habitat unduly threatened by development through establishment of public or private conservation easements or other available means as deemed appropriate.

Objective CM-23.2: The City shall maintain and improve estuarine environmental quality.

Policy CM-23.2.1: The City shall coordinate with Escambia County and the City of Century through the existing interlocal agreement to conduct stormwater management plans which will provide recommendations for preventing estuarine pollution, controlling surface water runoff and protecting living marine resources.

Policy CM-23.2.2: The City shall review and contribute to any updates of the Comprehensive Plans in surrounding jurisdictions and other policy plans that would affect implementation of local estuarine protection goals.

Policy CM-23.2.3: With respect to acquisition, the City, where feasible, shall protect, conserve, or enhance estuarine environmental quality

unduly threatened by development through establishment of public or private conservation easements or other available means as deemed appropriate.

Policy CM-23.2.4: The City shall work with local organizations, regional, state agencies to establish procedures to protect and increase the water quality near existing shorelines.

Objective CM-23.3: The City shall reasonably assure that impacts of man-made structures on beach systems are minimal.

Policy CM-23.3.1: Construction in the CHHA shall conform to regulations set forth in the Land Development Code for floodplain management.

Objective CM-23.4: The City shall coordinate with the West Florida Historic Preservation, Inc. and other appropriate agencies in the protection, preservation or sensitive reuse of historic resources.

Policy CM-23.4.1: The City shall continue to support the Historic Pensacola Preservation Board in its efforts to identify historic sites and register them with the proper agencies.

Policy CM-23.4.2: Through historic zoning district guidelines and building codes, the City shall continue to establish controls for safe construction practices and for retaining the character of development within the districts.

Objective CM-23.5: The City shall continue to discourage off shore oil and gas drilling in the coastal areas of North Florida, and the City shall continue to demand accountability for clean-up of any leaks or spills of oil or oil products as well as other contaminants and pollutants.

Policy CM-23.5.1: The City shall continue to cooperate with other local and state agencies in opposition to the leasing of coastal area waters for offshore oil and gas drilling through appropriate actions. Further, the City shall cooperate with local, state and federal agencies in the clean-up efforts following the Deepwater Horizon oil spill and any other oil leak or spill as well as other contaminants and pollutants that affect waterways within the city limits.

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. The effective date of these plan amendments, if the amendments are not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that these amendments are in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that these amendments are not in compliance, these amendments shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining these adopted amendments to be in compliance. If a final order of noncompliance is issued by the Administration Commission, these amendments may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk