

PROPOSED
ORDINANCE NO. 27-20

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PENSACOLA, FLORIDA, SECTION 12-12-4 VACATION OF STREETS, ALLEYS AND SECTION 12-12-7 LICENSE TO USE RIGHT-OF-WAY BY EXTENDING DEADLINE TO APPLY; AMENDING SECTION 12-13-2 PLANNING BOARD TO REFLECT THIRTY DAY DEADLINE; AMENDING SECTION 12-13-5 APPLICATION DEADLINES TO REFLECT THIRTY DAY DEADLINE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-12-4(A)(1) of the Code of the City of Pensacola, Florida is hereby amended to read:

Sec. 12-12-4. – Vacation of Streets, Alleys.

This section is established to provide for the vacation of streets, alleys or other public rights-of-way by official action of the city council.

(A) *Application.* An application for vacation of streets, alleys or other public right-of-way shall be filed with the planning department and shall include the reason for vacation and a legal description of the property to be vacated. Application for an alley vacation shall be in petition form signed by all property owners abutting the portion of the alley to be vacated. If all property owners do not sign the petition requesting such alley vacation, city staff shall determine the portion of the alley to be vacated.

- (1) An application for vacation of streets, alleys or other public right-of-way must be submitted to the planning department at least ~~twenty-one (21)~~ thirty (30) days prior to the regularly scheduled meeting of the planning board.
- (2) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.
- (3) No application shall be considered complete until all of the following have been submitted:
 - (a) The application shall be submitted on a form provided by the board secretary.

- (b) Each application shall be accompanied by the following information and such other information as may be reasonably requested to support the application:
 1. Accurate site plan drawn to scale;
 2. A legal description of the property proposed to be vacated;
 3. Proof of ownership of the adjacent property, including a copy of the deed and a title opinion, title insurance policy, or other form of proof acceptable to the city attorney;
 4. Reason for vacation request;
 5. Petition form signed by all property owners abutting the portion of the right-of-way or alley to be vacated.
- (c) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.
- (d) Any party may appear in person, by agent, or by attorney.
- (e) Any application may be withdrawn prior to action of the planning board or city council at the discretion of the applicant initiating the request upon written notice to the board secretary.

SECTION 2. Section 12-12-7(A)(1) of the Code of Ordinances of the City of Pensacola is hereby amended to read:

Sec. 12-12-7. – License to Use Right-of-Way.

A) *Application.*

- (1) An application for license to use right-of-way must be submitted to the planning department at least ~~twenty-one (21)~~ thirty (30) days prior to the regularly scheduled meeting of the planning board.
- (2) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.
- (3) No application shall be considered complete until all of the following have been submitted:
 - (a) The application shall be submitted on a form provided by the board secretary.
 - (b) Each application shall be accompanied by the following information and such other information as may be reasonably requested to support the application:
 1. Accurate site plan drawn to scale;
 2. Reason for license to use request;

- (4) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.
- (5) Any party may appear in person, by agent, or by attorney.
- (6) Any application may be withdrawn prior to action of the planning board or city council at the discretion of the applicant initiating the request upon written notice to the board secretary.

SECTION 3. Section 12-13-2 (F)(f)(2)(1)(a) of the Code of Ordinances of the City of Pensacola is hereby amended to read:

Sec. 12-13-2. – Planning Board.

The planning board is hereby established.

- (A) *Membership.* The planning board shall consist of seven (7) members appointed by the city council. One (1) appointee shall be a licensed Florida Architect. No member shall be a paid employee or elected official of the city.
- (B) *Term of office; removal from office; vacancies.* Members of the planning board shall serve for terms of two (2) years or thereafter until their successors are appointed. Any member of the board may be removed from office during the two-year term for just cause by the city council upon written charges and after public hearing. Any vacancy occurring during the unexpired term of office of any member shall be filled by the city council for the remainder of the term. Such vacancy shall be filled within thirty (30) days after the vacancy occurs.
- (C) *Officers; employees; technical assistance.* The board shall elect a chairman and a vice-chairman from among its members and shall appoint as secretary a person of skill and experience in city planning who may be an officer or employee of the city. The board may create and fill such other offices as it may determine to be necessary for the conduct of its duties. Terms of all such offices shall be for one (1) year, with eligibility for reelection. The city engineer shall serve as chief engineer for the planning board. The board shall be authorized to call upon any branch of the city government at any time for information and advice which in the opinion of the board will ensure efficiency of its work.
- (D) *Rules of procedure, meetings and records.* The board shall adopt rules of procedure for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations. The board shall hold regular meetings once a month, and special meetings at such times as the board may determine or at the call of the chairman thereof, or the city planner for the consideration of business before the board.

All regular and special meetings of the board shall be open to the public. A written record of the proceedings of the board shall be kept showing its actions on each question considered, and filed in the office of the secretary of the board. Any matter referred to the board shall be acted upon by the board within forty-five (45) days of the date of reference, unless a longer or shorter period is specified.

- (E) *Vote required.* Four (4) members of the board shall constitute a quorum, and the affirmative vote of majority of the quorum shall be necessary for any action thereof.
- (F) *Authority and duties of the planning board.* The planning board shall have the following authority and duties:
 - (a) To advise the city council concerning the preparation, adoption and amendment of the Comprehensive Plan;
 - (b) To review and recommend to the city council ordinances designed to promote orderly development as set forth in the Comprehensive Plan;
 - (c) To hear applications and submit recommendations to the city council on the following land use matters:
 - 1. Proposed zoning change of any specifically designated property;
 - 2. Proposed amendments to the overall zoning ordinance;
 - 3. Proposed subdivision plats;
 - 4. Proposed street/alley vacation.
 - (d) To initiate studies on the location, condition and adequacy of specific facilities of the area. These may include, but are not limited to, studies on housing, commercial and industrial facilities, parks, schools, public buildings, public and private utilities, traffic, transportation and parking;
 - (e) To schedule and conduct public meetings and hearings pertaining to land development as required in other sections of the code.
 - (f) To grant zoning variances from the land development regulations of the Waterfront Redevelopment District, under the conditions and safeguards provided in subsection 12-12-2(A)(2).
 - (1) *Conditions for granting a zoning variance.* In order to authorize any zoning variance from the terms of this title, the board must find in addition to the conditions specified in subsection 12-12-2(A)(2):
 - (a) That the variance granted will not detract from the architectural integrity of the development and of its surroundings;

- (b) That the grant of the variance will be in harmony with general intent and purpose of this title and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (c) That the decision of the planning board is quasi-judicial in nature and is final subject to judicial review in accordance with subsection 12-13-2(F)(f)(4). Hearings on variance applications under section 12-13-2(F)(f) shall be conducted as a quasi-judicial hearing in accordance with the requirements of law.

(2) *Hearing of variance applications.*

(1) *Application procedure.*

- (a) An application for a variance must be submitted to planning services at least ~~twenty-one (21)~~ thirty (30) days prior to the regularly scheduled meeting of the planning board.
- (b) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.
- (c) Any party may appear in person, by agent, or by attorney.
- (d) Any application may be withdrawn prior to action of the planning board at the discretion of the applicant initiating the request upon written notice to the board secretary.

(2) *Application submission requirements.* No application shall be considered complete until all of the following have been submitted:

- (a) The application shall be submitted on a form provided by the board secretary.
- (b) The application shall be accompanied by an accurate site plan drawn to scale and such other information as may be reasonably requested to support the application.
- (c) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable.

(3) *Public notice for variance.*

- (a) A sign shall be prominently posted on the property to which the application pertains at least ten (10) days prior to the scheduled board meeting.

- (b) Notice of the request(s) for variances shall be published by public notice advertised in a newspaper of general daily circulation published in the county at least ten (10) days prior to the scheduled board meeting.
- (c) Planning services shall notify addresses within a three hundred-foot radius, as identified by the current Escambia County tax roll maps, of the property proposed for a variance with a public notice by post card, and appropriate homeowners association, at least ten (10) days prior to the board meeting. The public notice shall state the date, time and place of the board meeting.

The agenda will be mailed to the board members and applicants and other interested parties. The applicant or their authorized agent shall appear at the meeting in order for the request to be considered by the board.

- (4) *Judicial review of decision of planning board.* Any person or persons, jointly or severally, aggrieved by any quasi-judicial decision of the planning board on an application for a variance under section 12-13-2(F)(f), or the city, upon approval by the city council, may apply to the circuit court of the First Judicial Circuit of Florida within thirty (30) days after rendition of the decision by the planning board. Review in the circuit court shall be by petition for writ of certiorari or such other procedure as may be authorized by law.

SECTION 4. Section 12-13-5 of the Code of Ordinances of the City of Pensacola is hereby amended to read:

Sec. 12-13-5. – Application Deadlines.

Application Deadlines

Hearing Board	Application Type	Deadline (calendar days prior to meeting date)
Architectural Review Board	All applications to ARB	21 (or 3 weeks)
Gateway Review Board	All applications to GRB	21 (or 3 weeks)

Zoning Board of Adjustment	All applications to ZBA	21 (or 3 weeks)
Planning Board	Conditional Use, License to Use Right-of-Way, & Vacation of Right-of-Way	21 (or 3 weeks) <u>30</u>
	Rezoning (conventional, comp plan/FLUM amendment)	30
	Site Plan Approval (preliminary, final, preliminary/final, & nonresidential parking in a residential zone)	30
	Special Planned Development (preliminary, final & preliminary/final)	30
	Subdivisions (preliminary, final, & minor subdivisions)	30
<u>Monthly Board Meeting Schedule:</u>		
Architectural Review Board - 3rd Thursday		
Gateway Review Board - 2nd Tuesday		
Planning Board - 2nd Tuesday		
Zoning Board of Adjustment - 3rd Wednesday		
*Subject to change. Contact community development <u>planning services</u> department to verify meeting and deadline dates.		

SECTION 5. 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 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. 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