

Submitted by Council Member Myers ^{+ Item #6}

PROPOSED
ORDINANCE NO. 35-21

ORDINANCE NO. 20-21

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 12-3-109 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, ESTABLISHING A PROCESS FOR THE APPROVAL OF RESIDENTIAL DENSITY TRANSFERS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, a public hearing was held on September 9, 2021, as to amending Section 12-3-109 of the Code of the City of Pensacola, Escambia County, Florida;

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

SECTION 1. Section 12-3-109 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-3-109.

Residential density bonuses. Residential density bonuses above the limit otherwise established by future land use category may be approved in exchange for the construction of affordable housing and as an incentive to achieve superior building and site design, preserve environmentally sensitive lands and open space, and provide public benefit uses including access to the waterfront. Standards for approval shall be as follows:

- (1) Density bonuses and transfers for superior building and site design, preservation of environmentally sensitive lands and open space, and provision of public benefit uses shall not exceed 10% of the limit otherwise established by land use category and shall be available to residential developments in the medium density residential land use district, high density residential land use district, office land use district, residential/neighborhood commercial land use district, commercial land use district, redevelopment land use district and business land use district.

- (2) Density transfers of up to 50% of the limit otherwise established by the land use category of the donor site may be approved for superior building and site design, preservation of archeologically and environmentally sensitive lands and open space, and provision of public benefit uses, and shall be available to residential developments in the medium density residential land use district, high density residential land use district, office land use district, residential/neighborhood commercial land use district, commercial land use district, redevelopment land use district and business land use district.
- (3) Density bonuses and transfers for superior building and site design, preservation of environmentally sensitive lands and open space, and provision of public benefit uses shall be based upon clear and convincing evidence that the proposed design will result in a superior product that is compatible with the surrounding land uses and produces a more desirable product than the same development without the bonus.
- (4) Density bonuses for the provision of affordable housing shall not exceed 25% of the limit otherwise established by land use category and shall be available to residential developments in the medium density residential land use district, high density residential land use district, office land use district, residential/neighborhood commercial land use district, commercial land use district, redevelopment land use district and business land use district.
- (5) Density transfers of up to 50% of the limit otherwise established by land use category of the donor site may be permitted for the provision of affordable housing, and shall be available to residential developments in the medium density residential land use district, high density residential land use district, office land use district, residential/neighborhood commercial land use district, commercial land use district, redevelopment land use district and business land use district.
- (6) Density bonuses and transfers for the provision of affordable housing shall be based upon ratios of the amount of affordable housing to market rate housing within a proposed residential development and shall include mechanisms to assure that the units remain affordable for a reasonable timeframe such as resale and rental restrictions and rights of first refusal.

- (7) Density transfers of up to 50% of the limit otherwise established by the land use category of the donor site may be permitted for proposed developments that are compatible with adopted neighborhood and Community Redevelopment Area plans, and shall be available to residential developments in the medium density residential land use district, high density residential land use district, office land use district, residential/neighborhood commercial land use district, commercial land use district, redevelopment land use district and business land use district.
- (8) The maximum combined density bonus for superior building and site design, preservation of environmentally sensitive lands and open space, provision of public benefit uses and affordable housing provided to any single development shall not exceed 35% of the limit otherwise established by land use category.
- (9) Density transfers shall be a direct transfer of up to 100% of unutilized residential density from a donor site to a receiving site, subject to applicable land use regulations and site requirements.
- (10) All density bonuses and density transfers shall be approved by the City Planning Board.

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: September 23, 2021

Approved: *Paul Moore*
President of City Council

Attest:
Circha L. Bennett
City Clerk

CITY CLERKS OFFICE - LEGAL ADS
 222 W MAIN ST

PENSACOLA, FL 32502

Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida
 County of Escambia:

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

NOTICE OF PROPOSED ORDINA

as published in said newspaper in the issue(s) of:

09/13/21

Affiant further says that the said Pensacola News Journal is a newspaper in said Escambia County, Florida and that the said newspaper has heretofore been continuously published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 13th of September 2021, by legal clerk who is personally known to me

Daniel Roberts
 Affiant

Nancy Heyrman
 Notary Public State of Wisconsin, County of Brown
 05-15-23

My commission expires

of Affidavits 1

Publication Cost: \$353.86

Ad No: 0004902154

Customer No: PNJ-25615500

This is not an invoice

NANCY HEYRMAN
 Notary Public
 State of Wisconsin

NOTICE OF PROPOSED ORDINANCES

Please be advised that Proposed Ordinance Nos. 35-21, 35-21, 37-21, and 38-21 were presented to the City Council of the City of Pensacola for first reading on Thursday, September 9, 2021, and will be presented for final reading and adoption on Thursday, September 23, 2021 at 5:30 p.m., in Council Chambers on the First Floor of City Hall, 222 West Main Street, Pensacola, Florida. Members of the public may attend the meeting in person. City Council encourages those not fully vaccinated to wear face coverings that cover their nose and mouth.

Members of the public may also attend and participate via live stream and/or phone as follows: To watch the meeting live visit: cityofpensacola.com/4212/Live-Meeting-Video to provide input.

* For Leroy Boyd Forum, for items not on the agenda, citizens may submit an online form here: <https://www.cityofpensacola.com/corpsul> beginning at 3:00 P.M. until 5:30 P.M. only to indicate they wish to speak during Leroy Boyd Forum and include a phone number. Staff will call the person at the appropriate time so the citizen can directly address the City Council using a telephone held up to a microphone.

* For agenda items, proposed ordinance items, citizens may submit an online form here: <https://www.cityofpensacola.com/corpsul> beginning at 3:00 P.M. until 5:30 P.M. only to indicate they wish to speak to a specific item on the agenda and include a phone number. Staff will call the person at the appropriate time so the citizen can directly address the City Council using a telephone held up to a microphone. Any form received after an agenda item has been voted upon will not be considered.

The title(s) of the proposed ordinance(s) are as follows:
 P.O. 335-21:
 AN ORDINANCE AMENDING SECTION 12-3-129 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, ESTABLISHING A PROCESS FOR THE APPROVAL OF RESIDENTIAL DENSITY TRANSFERS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.
 P.O. 337-21:
 AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (located on the southeast corner of the intersection of West Blount Street and North Pace Boulevard (from Escambia County future local use designation to O (Off-Site) City future local use designation))
 P.O. 336-21:
 AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY PULSANT AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE ZONING MAP OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (located on the southeast corner of the intersection of West Blount Street and North Pace Boulevard (from Escambia County zoning designation to R-2 (Residential Office) City zoning district))
 P.O. 338-21:
 AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PROVIDING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A copy of proposed ordinances may be inspected by the public by calling the City Clerk's office to request a copy, or on-line with the agenda package on the City's website: <https://pensacola.legistar.com/Calendar.aspx>. Interested parties may be physically present at the meeting to participate (as indicated above) or may attend and participate via live stream and/or phone as (as indicated above) and be heard with respect to the proposed ordinances.

If any person decides to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to city services, programs, and activities. Please call 435-1025 or TDD 435-1552 for further information. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

CITY OF PENSACOLA, FLORIDA
 By: Erica L. Burnett, City Clerk
 Visit www.cityofpensacola.com to learn more about City activities. Council agendas posted on-line before meetings.
 Legal No: 0302154 11 9/13/21