

REPORT OF CITY COUNCIL ACTION  
OFFICE OF THE CITY CLERK

Date 1/8/2009

Agenda Item: 12C

SUBJECT:

**P.O. #41-08**

**AMENDMENT TO THE LAND DEVELOPMENT CODE - OEHC-1 ZONING DISTRICT PERMITTED USES**

ORDINANCE #: 03-09

ACTION TAKEN:  APPROVED BY COUNCIL     MOTION FAILED     FIRST READING     SECOND READING  
 REFERRED TO:     STAFF     OTHER     COMMITTEE

COUNCIL MEMBER	ACTION					COMMITTEE			
	MOT	SEC	YES	NO			Enterprise	Neighborhood	Economic & Community
						Finance	Oper	Services	Development
JEWEL CANNADA-WYNN		✓	✓			*			*
MIKE DESORBO	✓		✓				VC	VC	
MARTY DONOVAN			✓				*		VC
JOHN FOGG			✓			VC			
SAM HALL			✓					*	*
JOHN JERRALDS			✓			C		*	
JOHN NOBLES			✓			*	C		*
RONALD P. TOWNSEND			✓			*		C	
MICHAEL WIGGINS			✓			*	*		C
P. C. WU			✓				*	*	

C = CHAIRMAN  
COPIES:

VC =  VICE CHAIRMAN  
 COUNCIL FILE

\* = MEMBER  
MUNICIPAL CODE

**CITY COUNCIL MEMORANDUM** Item # 12C

**TO:** Mayor and City Council

**FROM:** Alvin G. Coby, City Manager

**DATE:** January 8, 2009

**SUBJECT:** Proposed Ordinance No. 41-08 - Amendment to the Land Development Code- OEHC-1 Zoning District Permitted Uses

**RECOMMENDATION:** That City Council approve Proposed Ordinance No. 41-08 on second reading.

**SUMMARY:** Dr. Laura Hall has asked for consideration of a Land Development Code amendment which would add "Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs or exercise areas" to the permitted uses allowed in the Old East Hill Neighborhood Commercial District (OEHC-1). The applicant is proposing to locate an animal hospital on property she owns at 805 East Gadsden Street in the Old East Hill Preservation District. The property in question is zoned OEHC-1. The regulations which govern development in the Old East Hill District allow hospitals and clinics in the OEHC-2 District, with the specific exclusion of animal hospitals and clinics. The Planning Board recommended approval of a modified version of the request at the September 9, 2008 meeting.

**PRIOR ACTION:** December 11, 2008, City Council approved Proposed Ordinance No. 41-08 on first reading.

**CURRENT ACTION:**

**FUNDING:** None required.

**ATTACHMENTS:** (1) Proposed Ordinance No. 41-08

**STAFF CONTACT:** Thaddeus L. Cohen, Community Development Director;  
Sherry H. Morris, Planning Services Administrator.

**PRESENTATION:** No.

City of  
Pensacola



PROPOSED  
ORDINANCE NO. 41-08

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 12-2-10 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING PERMITTED USES IN THE OLD EAST HILL PRESEVATION DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-2-10 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Historic and Preservation Land Use District.  
Sec. 12-2-10 (C) (4) (b).

- (b) OEHC-1, neighborhood commercial district.
1. Any use permitted in the OEHR-2 district.
  2. Child care facilities subject to regulations in section 12-2-58.
  3. Nursing homes, rest homes, convalescent homes.
  4. Parking lots.
  5. The following uses, retail only, with no outside storage or work permitted, except as provided herein:
    - a. Food and drugstore.
    - b. Personal service shops.
    - c. Clothing and fabric stores.
    - d. Home furnishing, hardware and appliance stores.
    - e. Craft and specialty shops.
    - f. Banks.
    - g. Bakeries.
    - h. Secondhand stores.
    - i. Floral shops.
    - j. Martial arts studios.
    - k. Outdoor sales of trees, shrubs, plants and related landscaping materials as an accessory to indoor retail sales uses permitted by this paragraph, provided that the area is enclosed within a fence attached to the rear or side of the main building, and provided that the outdoor area does not exceed twenty percent of the

total area of the main building.

- l. Restaurants.
  - m. Mortuary and funeral parlors.
  - n. Pet shops with all uses inside the principal building.
  - o. Printing firms.
  - p. Business schools.
  - q. Upholstery shops.
6. Conditional uses permitted. Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas.

(c) OEHC-2, retail commercial district.

1. Any use permitted in the OEHC-1 district.
2. Open air sales of trees, plants and shrubs. The business shall include a permanent sales or office building (including restrooms) on the site.
3. Hospitals, clinics.
4. Private clubs and lodges, except those operated as commercial enterprises.
5. Electric motor repair and rebuilding.
6. Appliance repair shop.
7. Garages for the repair and overhauling of automobiles.
8. Sign shop.
9. Photo shop.
10. Plumbing and electrical shop.
11. Pest Extermination services.

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

SECTION 3. This ordinance shall take effect immediately upon its passage by the City Council.

Passed: \_\_\_\_\_

Approved: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Legal in form and valid if enacted:

\_\_\_\_\_  
City Attorney