



# City of Pensacola

## Agenda Conference

### Agenda - Final

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Tuesday, May 28, 2019, 3:30 PM

Hagler-Mason Conference Room,  
2nd Floor

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#### ROLL CALL

#### PRESENTATION ITEMS

#### REVIEW OF CONSENT AGENDA ITEMS

1. [19-00187](#) AIRPORT - U.S. GENERAL SERVICES ADMINISTRATION (GSA) LEASE AGREEMENT

**Recommendation:** That City Council authorize the Mayor to execute the Lease Agreement with GSA to provide for office and training space for the Transportation Security Administration at the Pensacola International Airport. Further, that City Council authorize the Mayor to execute any amendments to the Lease Agreement governing the annual terminal building rental rate adjustment. Finally, that City Council authorize the Mayor to take all actions necessary to execute the Lease Agreement.

**Sponsors:** Grover C. Robinson, IV

**Attachments:** [GSA Lease Agreement at Pensacola International Airport](#)

2. [19-00255](#) REFERRAL TO THE PLANNING BOARD PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA LAND DEVELOPMENT CODE (LDC) - GATEWAY REVIEW BOARD

**Recommendation:** That City Council refer to the Planning Board for its consideration and recommendation a proposed amendment to the Code of the City of Pensacola Land Development Code, dissolving the Gateway Review Board and reassigning aesthetic review to the Planning Board.

**Sponsors:** Andy Terhaar

**Attachments:** [Sec. 12-13-4 Gateway Review Board](#)  
[Sec. 12-2-12 Redevelopment Land Use District – Gateway Review District](#)

3. [19-00256](#) REFERRAL TO THE PLANNING BOARD - PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - TO REPEAL LAND DEVELOPMENT CODE (LDC) SECTION 12-2-22 - GOVERNMENTAL CENTER DISTRICT
- Recommendation:** That City Council refer to the Planning Board for review and recommendation an amendment to the Code of the City of Pensacola to repeal Land Development Code (LDC) Section 12-2-22 - Governmental Center District.
- Sponsors:** Andy Terhaar
- Attachments:** [Proposed Ordinance - Repeal Governmental Center District](#)
4. [19-00259](#) INTERLOCAL AGREEMENT BETWEEN THE CITY OF PENSACOLA AND ESCAMBIA COUNTY REGARDING THE HUMAN RELATIONS COMMISSION.
- Recommendation:** That the City Council approve an Interlocal Agreement with Escambia County, Florida regarding the Human Relations Commission, further that City Council ratify the Mayor's action in executing the Interlocal Agreement.
- Sponsors:** Andy Terhaar
- Attachments:** [Interlocal Agreement Escambia-Pensacola Human Relations Commission](#)
5. [19-00257](#) APPOINTMENTS - ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION
- Recommendation:** That City Council appoint three (3) individuals and one member of Council to the Escambia-Pensacola Human Relations Commission for a term of two (2) years, expiring June 1, 2021.
- Sponsors:** Andy Terhaar
- Attachments:** [Nomination Form - Patrick Boudreaux](#)  
[Bio - Patrick Boudreaux](#)  
[Nomination Forms - Ron Helms](#)  
[Application of Interest - Ron Helms](#)  
[Biography -Ron Helms](#)  
[Nomination Form - Joyce Hopson](#)  
[Application of Interest - Joyce Hopson](#)  
[Nomination Form - Jewel Cannada-Wynn](#)  
[Ballots](#)

## REVIEW OF REGULAR AGENDA ITEMS (Sponsor)

6. [19-00249](#) PUBLIC HEARING - PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE SECTION 12-2-11 AIRPORT LAND USE DISTRICT - RECREATIONAL FACILITIES - NOT FOR PROFIT

**Recommendation:** That City Council conduct the first of two Public Hearings on May 30, 2019 to consider an amendment to the Code of the City of Pensacola, Land Development Code Section 12-2-11- Airport Land Use District - Recreational Facilities - Not-For-Profit.

**Sponsors:** Grover C. Robinson, IV

**Attachments:** [Proposed Ordinance](#)  
[May 14, 2019 Planning Board Minutes](#)

7. [10-19](#) PROPOSED ORDINANCE NO. 10-19 - AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE - CREATING SECTION 12-2-25, PROVIDING FOR THE COMMUNITY REDEVELOPMENT AREA (CRA) URBAN DESIGN OVERLAY DISTRICT

**Recommendation:** That City Council adopt Proposed Ordinance No. 10-19 on second reading.

AN ORDINANCE CREATING SECTION 12-2-25 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR THE COMMUNITY REDEVELOPMENT AREA (CRA) URBAN DESIGN OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

**Sponsors:** Jewel Cannada-Wynn

**Attachments:** [Proposed Ordinance No. 10-19 with revisions passed on first reading \(clean\)](#)  
[Proposed Ordinance No. 10-19 with revisions \(simple mark-up version\)](#)

## FOR DISCUSSION

8. [19-00254](#) RESCHEDULING THE AUGUST 2019 MEETING TO AN ALTERNATIVE DATE

**Sponsors:** Andy Terhaar

9. [19-00258](#) HERITAGE TREE ORDINANCE TASK FORCE

**Sponsors:** Ann Hill

10. [19-00170](#) SIDEWALK REPAIR PROGRAM UPDATE

**Sponsors:** Grover C. Robinson, IV

## INFORMATIONAL ITEMS

**CONSIDERATION OF ANY ADD-ON ITEMS****READING OF ITEMS FOR COUNCIL AGENDA****COMMUNICATIONS****City Administrator's Communication****City Attorney's Communication****Monthly Financial Report - Chief Financial Officer Richard Barker, Jr.**

11. [19-00084](#) MONTHLY FINANCIAL REPORT - CHIEF FINANCIAL OFFICER RICHARD BARKER, JR.

*Sponsors:* Grover C. Robinson, IV

*Attachments:* [Monthly Financial Report Presentation - May 2019](#)

**City Council Communication****ADJOURNMENT**

*If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and 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 435-1606 (or TDD 435-1666) for further information. Request 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

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 19-00187

City Council

5/30/2019

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** Grover C. Robinson, IV, Mayor

**SUBJECT:**

AIRPORT - U.S. GENERAL SERVICES ADMINISTRATION (GSA) LEASE AGREEMENT

**RECOMMENDATION:**

That City Council authorize the Mayor to execute the Lease Agreement with GSA to provide for office and training space for the Transportation Security Administration at the Pensacola International Airport. Further, that City Council authorize the Mayor to execute any amendments to the Lease Agreement governing the annual terminal building rental rate adjustment. Finally, that City Council authorize the Mayor to take all actions necessary to execute the Lease Agreement.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

On July 15, 2016, the City of Pensacola and GSA entered into a Lease Agreement to provide the Transportation Security Administration (TSA) with the administrative and training space needed to support their passenger screening operations at Pensacola International Airport. The lease currently encompasses 3,965 square feet of space on the second level of the passenger terminal and 1,312 square feet of space on the first floor of the terminal.

The current lease expires July 15, 2019, and GSA wishes to continue leasing the area for the TSA. The new agreement is substantially similar to the current one, has a five (5) year term, and requires the Federal Government to pay the same rental rate as charged to the airlines and rental car companies. The terminal building rental rates are adjusted on an annual basis, and therefore, a lease amendment will be required annually when the new rates take effect.

**PRIOR ACTION:**

June 9, 2005 - City Council approved the Lease Agreement with GSA

June 24, 2010 - City Council approved the Lease Agreement with GSA

March 28, 2013 - City Council approved the Lease Agreement with GSA

May 12, 2016 - City Council approved the Lease Agreement with GSA

**FUNDING:**

Budget: \$ 210,000.00

Actual: \$ 165,361.60

**FINANCIAL IMPACT:**

The lease will generate an estimated \$165,361.60 for the first year of the agreement. The terminal building rental rates are adjusted on an annual basis, and therefore, the revenue generated will fluctuate.

**CITY ATTORNEY REVIEW:** Yes

5/2/2019

**STAFF CONTACT:**

Christopher L. Holley, City Administrator  
Daniel E. Flynn, Airport Director

**ATTACHMENTS:**

- 1) GSA Lease Agreement at Pensacola International Airport

**PRESENTATION:** No

**LEASE AGREEMENT BETWEEN THE CITY OF PENSACOLA AND  
THE U.S. GENERAL SERVICES ADMINISTRATION IN SUPPORT OF  
TRANSPORTATION SECURITY ADMINISTRATION SCREENING OPERATIONS AT  
THE PENSACOLA INTERNATIONAL AIRPORT  
LEASE GS-04P-LFL60501**

**THIS LEASE AGREEMENT** (hereinafter referred to as “Agreement” or “Lease”) **IN SUPPORT OF TRANSPORTATION SECURITY ADMINISTRATION SCREENING OPERATIONS** at the Pensacola International Airport, 2430 Airport Boulevard, Pensacola, FL 32504, is made and entered into this 1st day of July, 2019, by and between the **City of Pensacola**, a municipal corporation of the State of Florida with the business address of 222 W. Main Street, Pensacola, Florida 32502 (hereinafter referred to as "City") and the **United States of America**, acting through the **General Services Administration** with the business address of 77 Forsyth Street, Atlanta, GA 30303, (hereinafter referred to as "Lessee" or “Government”). (Each at times hereinafter referred to as a “party” or collectively as “parties”).

**WITNESSETH:**

**WHEREAS**, the City owns, operates, and maintains Pensacola International Airport (hereinafter referred to as "Airport") located in Escambia County, Florida to serve the traveling public with airline services; and

**WHEREAS**, Lessee desires to continue to lease space in the Airport in support of the Transportation Security Administration’s federally mandated passenger security screening mission at the Airport to protect customers using the nation’s airlines; and

**WHEREAS**, as a result, the parties agree that this lease is necessary and proper to ensure the safety and well-being of the traveling public and should be entered into as provided herein.

**NOW, THEREFORE**, for and in consideration of the premises, and of the mutual covenants and agreements and the payment of money herein contained, the City and Lessee do hereby mutually undertake, promise and agree, each for itself and its successors and assigns, as follows:

**ARTICLE I  
LEASED PREMISES**

The City hereby leases to Lessee, and Lessee hereby hires and takes from the City, certain space inside the Airport Terminal building at Pensacola International Airport (herein referred to as the "Leased Premises"), more particularly shown on Exhibit “A”. In the event the United States Congress authorizes the Lessee to pay rent for security checkpoint screening areas in use on the effective date of the statute, then the City and Lessee agree to increase the Leased Premises by 10,421 square feet of area as depicted in Exhibit “B”, at a rental rate as required by and payable under federal law.

The Leased Premises shall be taken by Lessee in the AS IS condition, subject to all defects, latent and patent, and shall be improved, maintained and operated at Lessee's sole cost and expense except as may otherwise be specifically provided in this Agreement. It is the express intention of the parties hereto that the Lessee's improvements, use and occupancy of the Leased Premises, and all costs associated therewith, shall be and remain the financial obligation of the Lessee.

## ARTICLE II GRANT OF USE

The City hereby grants Lessee the right to use the Leased Premises for general administrative offices, training rooms, and employee break rooms for its security screening operation at Pensacola International Airport.

Lessee shall not use, nor permit others to use, the Leased Premises, and any improvements thereon, for any purpose other than the authorized purposes set forth above, nor shall Lessee use the Leased Premises to store any material not required for the prosecution of the authorized purposes. Should the Lessee wish to perform any additional services from its leased premises, Lessee shall make written application to the City requesting permission to provide such additional services. If the City determines that the Lessee may perform the requested additional services and if the Lessee and City execute an amendment to the Lease setting forth the terms and conditions by which Lessee shall perform the additional services or activities, then Lessee shall be deemed authorized to perform said additional services or activities.

## ARTICLE III COMPLIANCE WITH RULES AND REGULATIONS

The Lessee agrees to conform to all Federal, State, or local laws and regulations, as well as all City of Pensacola Codes and Ordinances, all of which may apply to the services to be performed.

The Lessee shall obtain and maintain in force all licenses, permits, and other certificates required by Federal, State, County, or municipal authorities for its operation under the terms of this Agreement.

The Lessee agrees to observe all security requirements of Transportation Security Administration 49 CFR 1542 (formerly Federal Aviation Regulations Part 107), and the Airport Security Program, as may be applicable, and as the same may, from time to time, be amended, and to take such steps as may be necessary or directed by the City to ensure that employees, invitees, agents, and guests observe these requirements.

If the City incurs any fines and/or penalties imposed by Federal, State, County, or Municipal authorities as a result of the acts or omissions of Lessee, its partners, officers, agents, employees, contractors, subcontractors, assigns, subtenants, or anyone acting under its direction and control, then Lessee shall be responsible to pay or reimburse the City for all such reasonable costs and expenses, if allowable under federal law.

ARTICLE IV  
TERM

The term of this Agreement shall commence at midnight on July 15, 2019 (hereinafter referred to as the "commencement date") and shall continue for a period of five (5) years.

ARTICLE V  
RENT & FEES

For space inside the Terminal building, in consideration of the rights and privileges herein granted, the Lessee hereby covenants and agrees to pay the City upon commencement of this Agreement a monthly rental rate identical to that same square foot rental rate charged to the signatory air carriers, as adjusted annually by the City. The rental rate for the Terminal building shall be adjusted annually on October 1st by dividing the debt service requirements plus the maintenance and operating requirements by the amount of usable space in the Terminal building. "Usable Space" is defined as the total square feet in the Terminal building less mechanical and utility space. The City shall provide the Lessee notification of the adjusted lease rate thirty (30) days prior to the effective date of the change. In no event shall rental due during the term of this lease for space inside the Terminal building exceed \$66.00 per square foot. The lease rates effective July 15, 2019 shall be as follows:

**5,277.5 Rentable Square Feet/ABOA SF**

<b>Terminal Building AREA</b>	<b>RATE PER RSF / ABOA</b>	<b>RSF / ABOA</b>	<b>ANNUAL RENT</b>	<b>MONTHLY RENT</b>
<b>1<sup>st</sup> Floor Offices</b>	\$31.99	1,125.0	\$ 35,988.75	\$ 2,999.06
<b>2<sup>nd</sup> Floor Offices</b>	\$31.99	3,964.9	\$126,837.15	\$10,569.76
<b>1<sup>st</sup> Floor Operations Office</b>	\$31.99	187.6	\$ 6,001.32	\$ 500.10
<b>TOTAL</b>	\$31.99	5,277.5	\$168,827.22	\$14,068.92

Lessee agrees to pay rent due to the City, without invoice in arrears for the month for which rent is due. Rent for period less than one month shall be prorated on a daily basis (365 day year). It is understood by the Lessor and Lessee that the United States of America (Federal Government) is tax exempt as the sovereign.

Rent payments shall be made payable to the City of Pensacola via electronic funds transfer.

ARTICLE VI  
TAXES AND ASSESSMENTS

The Lessee, as the United States of America is tax exempt as the sovereign. The Lessee shall pay only such taxes and assessments required to be paid under federal law including, but not limited to, ad valorem taxes payable to the Escambia County Tax Collector.

ARTICLE VII  
INDEMNIFICATION

The Lessee agrees to be liable to the Lessor under the Federal Tort Claims Act (28 USC § 2671-2677).

ARTICLE VIII  
IMPROVEMENTS

During the term of this Agreement, Lessee shall have the right to construct, at its own expense, improvements, alterations, or additions to the Leased Premises to facilitate and further the authorized usage of the Leased Premises, provided that Lessee conforms with all conditions of this Article including:

- (a) the proposed improvements and alterations are submitted to the City for its prior review;
- (b) the City determines, in its sole discretion (which discretion shall be reasonably applied), that the proposed improvements and alterations will be consistent with the Airport's Master Plan, land use plan and architectural design and quality of construction in effect at the time of construction; and
- (c) the improvements, alterations, and additions are to be constructed by qualified and licensed contractors and subcontractors. The Lessee shall ensure that its contract with the contractor includes the City as an additional insured on the insurance required of the contractor.

General Construction Requirements:

Prior to the commencement of any construction activity, Lessee shall submit detailed plans, specifications, and a construction time schedule for the improvements, to the City for approval. The Airport Director shall either approve or disapprove the plans and/or specifications submitted by the Lessee. Approval by the Airport Director of any plans and specifications refers only to the conformity of such plans and specifications to the general architectural and aesthetic plan for the area assigned to the Lessee. Such plans are not approved for architectural or engineering design or compliance with applicable laws or codes and the City, acting through the Airport Director, by approving such plans and specifications, assumes no liability or responsibility hereof or for defect in any structure or improvement constructed according to such plans and specifications. The Airport Director reserves the right to reject any design submitted and shall state the reasons for such action. No changes or alterations shall be made to said plans and specifications after approval by the Airport Director.

Immediately upon receipt of the City's written approval of said plans, specifications, and construction time schedule, Lessee shall proceed with construction of said improvements. Work shall not be performed at times other than shown on the construction time schedule without the prior approval of the Airport Director.

Lessee shall construct all improvements and additions to the Leased Premises at its own expense. Although the City has the right to review proposed improvement plans, and veto the plans if the plans are inconsistent with the airport development plans or construction quality and design control, pursuant to the standards set forth above, if the City does not veto said improvement plans, and Lessee thereafter constructs the improvements, the improvements shall be commissioned and constructed at Lessee's sole initiative and behest, and nothing herein shall be construed as an authorization by City to Lessee to construct the improvements, or as an agreement by City to be responsible for paying for the improvements, and neither the Leased Premises, nor the City's interest in said Leased Premises or any improvements constructed thereon, shall be subjected to a mechanic's lien for any improvements constructed by Lessee hereunder.

The Lessee agrees to provide performance and payment bonds as required by the Miller Act.

Lessee shall be responsible for assuring that all of the improvements, alterations and additions to the Leased Premises are constructed in accordance with applicable local, state and federal law. Lessee shall contractually require its contractor, if any, to reimburse the City for all costs and an expense, including attorney's fees, the City incurs:

- (a) as a result of the fact that the improvements, additions, or alterations do not comply with local, state, and federal law;
- (b) in defending against, settling, or satisfying any claims that the City is responsible for paying for improvements commissioned by Lessee hereunder; or
- (c) in defending against, settling or satisfying any mechanic's lien claims, asserted as a result of unpaid-for improvements commissioned by Lessee hereunder.

Should Lessee construct improvements, alterations, or additions without fulfilling its obligations hereunder, Lessee shall remove said improvements, alterations, or additions if so directed by the City, and shall do so at its own expense and within the time limits specified.

The City shall, at any period during construction of Lessee's improvements, alterations, or additions, have the right to inspect any or all construction work, workmanship, material and installation involved in, or incidental to, the construction or installation of the improvements, alterations, or additions, for conformance with the applicable standards set forth in this Agreement, provided that such inspection shall not include internal work that is exclusively of an operations (non-structural) nature, and provided further that no such inspections shall be deemed to constitute consent to or approval of any such work.

Lessee shall provide City with one complete set of "as-built" drawings for each improvement, alteration, or addition made to the Leased Premises during the term of this Agreement.

Title to all permanent leasehold improvements, alterations, or additions, as defined by Florida Law, will vest in the City upon termination or sooner expiration of this agreement, free and clear on any liens or encumbrances whatsoever.

Notwithstanding the above paragraph, title to all of the Lessee's personal property shall at all times during the term of this Agreement remain with the Lessee.

Lessee shall not remove or demolish, in whole or in part, any improvements upon the Leased Premises without the prior written consent of the Airport Director.

Lessee shall be responsible for making repairs at its sole expense for any damage, other than from normal wear and tear, resulting from the removal by Lessee of its said furniture, trade fixtures, etc. Space must be returned with all custodial and maintenance requirements under Article XI met and in leasable condition.

The City shall have the right to construct or install over, in, under, or through the Leased Premises new lines, pipes, mains, wires, conduits and equipment, provided, however, that such repair, alteration, replacement, or construction shall not unreasonably interfere with Lessee's use of the Leased Premises. The City will repair any damage resulting from such activities.

#### ARTICLE IX SIGNS

Lessee agrees that no signs, logos, or advertising displays shall be painted on or erected in any manner upon the Leased Premises, or in or on any improvements or additions on the Leased Premises, without the prior written approval of the City. Signs identifying Lessee shall conform to reasonable standards established by the City, with respect to type, size, design, condition and location.

#### ARTICLE X VENDING MACHINES

No amusement or vending machines or other machines operated by coins or tokens shall be installed or maintained in or upon the Leased Premises, or any improvements or additions thereon, except with the permission of the City, and the number, type, kind and locations thereof shall be solely in the discretion of the City. Lessee shall not permit the installation of any such machines, except by a concessionaire authorized by the City or unless the City agrees to Lessee or its subtenants installing their own machines for use by the employees and guests of Lessee and its subtenants.

#### ARTICLE XI UTILITIES, MAINTENANCE, AND CUSTODIAL SERVICES

Utilities:

During the term of this Agreement, the City shall provide, at its expense, existing power, air conditioning, and heating for the leased area. The City shall not be obligated to provide for the extension of these utilities or to provide for the installation of any other utilities. The Lessee, at the Lessee's sole cost and expense, shall arrange for the extension of these utilities as needed. Throughout the term of this Agreement, the Lessee shall not render any utility lines inaccessible.

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The City reserves the right to assess a reasonable charge associated with providing for power, air conditioning and heating. Such charge for lessee utilities shall not exceed that which is charged to other commercial tenants in the Terminal building. The Lessee shall be solely liable for the cost of telephone services from the Leased Premises and the Lessee shall obtain a separate account accordingly.

The City reserves the right to install, maintain, repair, replace, or remove and replace any utility lines located on the Leased Premises as necessary or appropriate, along with the right to enter the Leased Premises at all reasonable time in order to accomplish the foregoing, provided, however, that the City shall take reasonable precautions to avoid the disruption of the Lessee's authorized activity.

Maintenance:

During the term of this agreement, the City shall provide, at its expense:

1. Structural repairs to the roof, floor, exterior walls and windows of the Terminal building.
2. General maintenance and upkeep of the Terminal building's interior common use area and external area. The City agrees to keep and maintain in reasonable condition all trunk water and sewer mains, supply mains and electrical power to the Leased Premises.

Should the City be required to make any repairs or improvements under the provisions herein contained, the City shall not be liable to Lessee for any damage caused by disrepair of any kind until the City has had reasonable opportunity to perform repairs after being notified in writing of the need for same by Lessee.

Lessee, at its own expense, shall perform all preventive maintenance and ordinary upkeep and nonstructural repair of its leased areas and equipment, including but not limited to fixtures, doors, floor coverings, and walls (painting and wall covering). Lessee shall be required to keep all such areas in good operating condition and repair at all times.

Custodial:

During the term of this Agreement, the City shall provide, at its expense:

1. Custodial services for the non-leased public areas of the Terminal building.
2. Pest control services for the Leased Premises and the adjacent areas.

Lessee agrees to keep all of the Leased Premises in the Terminal building, and any areas outside the Terminal building used in the course of its normal daily operations, in a neat, clean, safe, sanitary and orderly condition at all times; that it will keep such areas free at all times of all paper, rubbish and

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debris; and that Lessee will deposit all trash and debris resulting from its operations in its Leased Premises in containers approved by the City.

Lessee agrees to provide, at its own expense, such janitorial and cleaning services and supplies for the maintenance of its Leased Premises. Lessee also agrees to keep and maintain the Leased Premises in a clean, neat, and sanitary condition and attractive appearance.

General:

Should Lessee fail to maintain the Leased Premises in conformance with the terms and conditions of this article within a period of seven (7) days following written notice of such failure (or for those items that cannot be reasonably cured within seven (7) days, Lessee fails to undertake action to cure and diligently pursue such cure), the City reserves the right to take any action to cure said failure. Should the City take action to cure failures, the Lessee shall pay to the City an amount equal to the City's reasonable cost for such actions plus a reasonable administrative charge.

## ARTICLE XII DAMAGE OR DESTRUCTION

Lessee shall be liable for any damage to its leased area and fixtures therein and to the Airport and to any improvements thereon caused by Lessee, its partners, officers, agents, employees, invitees, contractors, subcontractors, assigns, subtenants, or anyone acting under its direction and control, ordinary wear and tear excepted, as permitted under the Federal Tort Claims Act (28 USC § 2671-2677) and the Disputes clause required by the Contract Disputes Act of 1978 (41 USC § 601 (2002)), which is incorporated herein by reference.

The City shall not be liable to Lessee, the Lessee's employees, patrons, or vendors for any damage to their merchandise, trade fixtures, or personal property caused by water leakage from the roof, water lines, sprinkler, or heating and air conditioning equipment unless caused by the sole negligence of the City, its employees or agents.

## ARTICLE XIII LESSEE PARKING PRIVILEGES

Lessee shall have the right to the use of reasonably adequate vehicular parking facilities for its employees at the Airport. Such facilities shall be located in an area designated by the Airport Director. The City reserves the right to assess a reasonable charge for such employee parking facilities. Such charge for lessee employee parking shall be billed directly to the employee and shall not exceed that which is charged to other commercial tenants in the Terminal Building. Notwithstanding the foregoing, the Lessor is not providing reserved parking for government owned vehicles; therefore, Lessor shall not assess parking fees to the government under this lease

## ARTICLE XIV EMPLOYEES

Lessee shall ensure that its employees conduct themselves in a professional and courteous manner at all times. The Lessee's employees will be appropriately dressed at all times, and maintain a clean, neat, well-groomed appearance. The Lessee will be obligated to control the actions of its employees and cooperate with the City in controlling any employee whose conduct the City feels is detrimental to the best interest of the Airport and public.

ARTICLE XV  
LAWFUL AND REASONABLE USE

Lessee may not do anything in or upon the Leased Premises, nor bring or keep anything therein, which shall unreasonably increase or tend to increase the risk of fire, or cause a safety hazard to persons, or obstruct or interfere with the rights of any other tenant(s) or in any way injure or annoy them, or which violates or causes violation of any applicable health, fire, environmental, or other regulation of any level of government. The Airport Director may inform Lessee of such violation and set a date for abatement. It is hereby acknowledged that Lessee's employees may be armed with firearms and ammunition, and this shall not be deemed a violation of this Article.

ARTICLE XVI  
RIGHT TO ENTER

The City and its authorized officers, employees, agents, contractors, subcontractors, and other representatives shall have the right to enter upon the Lease Premises at any time in cases of emergency. An emergency is herein defined as an event or the appearance of an event which, if left uninvestigated, may result in injury or damage to persons or property. At all other times, the City and its authorized officers, employees, agents, contractors, subcontractors, and other representatives shall have the right, with reasonable advanced notice to local tenant, to enter upon the Leased Premises and inspect any improvements and alterations thereon at reasonable times for the following purposes:

1. To inspect such premises to determine whether Lessee has complied and is complying with the terms and conditions of this Agreement.
2. To perform maintenance and make repairs in any case where Lessee is obligated but has failed to do so.
3. To perform any and all things that the Lessee is obligated to perform and has failed to perform after reasonable notice to do so.
4. In the exercise of City's police powers.

ARTICLE XVII  
QUIET ENJOYMENT

The City warrants and represents that it has good and marketable title to the Leased Premises free of encumbrances. The City represents that upon payment of fees when due and upon performance

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of all other conditions required herein, and under other agreements between the parties, Lessee shall peaceably and quietly have, hold, possess and enjoy the Leased Premises, and all improvements thereon, for all terms under this Agreement, subject to the City's rights of inspection and maintenance contained herein.

ARTICLE XVIII  
NON-DISCRIMINATION

Lessee, for itself, its personal representatives, successors in interest, assigns and subtenants, as part of the consideration hereof, does hereby covenant and agree that (1) no person on the grounds of race, color, religion, sex, national origin, or disability shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of the Leased Premises and any improvements thereon; (2) no person on the grounds of race, color, religion, sex, national origin, or disability shall be subjected to discrimination in the construction of any improvements on, over, or under the Leased Premises and the furnishing of services therein; and (3) Lessee shall use the Leased Premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the secretary, Part 21, Non-Discrimination in Federally Assisted Programs of the Department of Transportation, effectuation of Title VI of the Civil Rights Act of 1964, and as said regulations may be amended.

Lessee shall furnish its accommodations and/or services on a fair, equal, and non-discriminatory basis to all users thereof.

ARTICLE XIX  
WAIVER

Should Lessee breach any of its obligations hereunder, the City, nevertheless, thereafter may accept from Lessee any payment or payments due under this Agreement, and continue this Agreement in effect without in any way waiving its ability to exercise and enforce all available remedies upon default provided hereunder or provided by law for said breach. In addition, any waiver by either party of any default, breach, or omission of the other under this Agreement shall not be construed as a waiver of any subsequent or different default, breach, or omission.

ARTICLE XX  
DEFAULT AND REMEDIES

The following shall constitute defaults by Lessee:

1. The failure to pay fees owed under this Agreement, or under any other agreement between City and Lessee, when due, and the failure to cure said default within a period of thirty (30) days following receipt of written notice of said default;
2. Any other failure by Lessee to perform any covenant or obligation required by this Agreement after giving reasonable notice and opportunity to cure;

3. Lessee undertakes any other commercial or non-commercial service or activity not specifically permitted under this Agreement;

If Lessee defaults, the City may utilize any one or more of the following remedies against Lessee. These remedies shall be considered cumulative and not in the alternative:

1. The City may sue for damages incurred by the City, as permitted under the Federal Tort Claims Act (28 USC § 2671-2677) and the Disputes clause required by the Contract Disputes Act of 1978 (41 USC § 601 (2002)), which is incorporated herein by reference.
2. The City may terminate this Agreement. The termination of this Agreement, however, shall only be effective upon written notice of same provided by the City to Lessee. In no event shall this Agreement be construed to be terminated unless and until such notice is provided. The termination may be effective immediately upon receipt of said notice, or at any other time specified in the notice. If this Agreement is terminated, Lessee shall continue to be liable for the performance of all terms and conditions and the payment of all fees due hereunder accruing prior to the effective date of said termination, in addition to all damages, including reasonable attorney's fees and other reasonable expenses of collection, incurred by City as a result of any default, to the extent permitted by applicable Federal statutes cited herein.

#### ARTICLE XXI ATTORNEYS FEES, COSTS AND EXPENSES OF LITIGATION

In the event of a breach of this Agreement, the breaching party shall pay to the non-breaching party attorney's fees, costs and other expenses incurred by the non-breaching party in enforcing its rights as a result of said breach to the extent permitted under the Equal Access to Justice Act (5 USC § 504) and as permitted for the City under Section 768.28, Florida Statutes, the Sovereign Immunity Law.

#### ARTICLE XXII FORCE MAJEURE

Subject to the provisions herein concerning the payment of fees and other monies by Lessee to the City, and except and otherwise expressly provided herein, neither the City nor Lessee shall be liable for any failure, delay, or interruption in performing its obligations hereunder (other than the Lessee's obligations to pay fees and other monies) due to causes or conditions beyond their control; by which is meant acts of God, the elements, weather conditions, hurricanes, earthquakes, fire, acts of governmental authority (other than the City or agency thereof), war, shortage of labor or fuel, or materials, acts of terrorism or third parties for which neither the City nor Lessee is responsible, injunctions, labor troubles or disputes of every kind (including those affecting the City, Lessee, their contractors, suppliers, or subcontractors), or any other condition or circumstance, whether similar to or different from the foregoing (it being agreed that the foregoing enumeration shall not limit or be characteristic of such conditions or circumstances), which is

\_\_\_\_\_ city

beyond the control of the City or Lessee or which could not be prevented or remedied by reasonable effort and at reasonable expense.

ARTICLE XXIII  
SURRENDER UPON TERMINATION

Upon the expiration or sooner termination of this Agreement, for any reason whatsoever, Lessee shall peaceably surrender to the City possession of the Leased Premises, together with any improvements, alterations, or fixtures previously constructed by Lessee or the City within said Leased Premises, and any of the City's personal property located thereon, in as good a condition as the Leased Premises and improvements, alterations and fixtures constructed thereon were initially provided to, or constructed by, the City or Lessee, ordinary wear and tear excepted, without any compensation whatsoever, and free and clear of any claims or interests of Lessee or of any mortgages or any other third party whose position was derived from or through Lessee. If any of said improvements, alterations or fixtures are encumbered by a mortgage or lien at the time of expiration or sooner termination of this Agreement, Lessee shall be responsible for eliminating said mortgage or lien.

Title to all personal property not removed by Lessee from the Leased Premises shall be subject to the City taking ownership of such personal property, without payment by the City to Lessee of any compensation whatsoever, and said personal property shall thereafter be owned by the City free and clear of any claim or interest by Lessee or of any mortgagee or any third party whose position was derived from or through Lessee. Nothing in the Lease shall be deemed as a waiver of the rights of the Lessee as sovereign.

ARTICLE XXIV  
HOLDING OVER

If Lessee remains in possession of the Leased Premises after the expiration of this Agreement without any written renewal thereof, such holding over shall not be deemed as a renewal or extension of this Agreement but shall create only a tenancy from month to month which may be terminated at any time by the City upon thirty (30) days written notice. Such holding over shall otherwise be upon the same terms and conditions as set forth in this Agreement.

ARTICLE XXV  
RENEWAL

Lessee has no guaranteed or preferential right, as against other third parties, of reletting the Leased Premises, or any improvements thereon, following the termination of this Agreement. Should Lessee desire to relet the Leased Premises following the termination of the term of this Agreement, Lessee shall submit an application for Lease in accordance with Airport leasing rules and regulations in effect at that time. Lessee's application will be reviewed by the City along with other applications, if any, in accordance with then applicable Airport leasing rules and regulations.

ARTICLE XXVI  
AIRPORT DEVELOPMENT RIGHTS

The City reserves the right to further develop or improve all areas within the Airport, including landing areas and the passenger Terminal building, as the City may determine in its sole discretion, which discretion shall not unreasonably be exercised, to be in the best interests of the Airport, regardless of the desires or views of Lessee, and without further interference or hindrance from Lessee.

Except as may be required by this Agreement or any other agreement between the parties, the City reserves the right, but shall not be obligated to Lessee, to keep and repair all areas, including landing areas, of the Airport.

#### ARTICLE XXVII SUBORDINATION

This Agreement shall be subordinate to existing and future Airport Bond Resolutions. This agreement shall also be subject to and subordinate to agreements between the City and State and Federal agencies for grants-in-aid and to the provisions of any agreements heretofore made between the City and the United States, relative to the operation or maintenance of the Airport, the execution of which has been required as a condition precedent to the transfer of federal rights of property to the City for Airport purposes, or to the expenditure of federal funds for the extension, expansion, or development of the Airport, including the expenditure of federal funds for the development of the Airport in accordance with the provisions of the Federal Airport Act of 1958, as it has been amended from time to time. Any agreement hereafter made between the City and the United States will not be inconsistent with rights granted to Lessee herein.

#### ARTICLE XXVII ASSIGNMENT

Lessee shall not assign its rights, title and interest herein without the written consent of the City, said consent not to be unreasonably denied or delayed. If an assignment is made, Lessee shall continue to be liable, jointly and severally, with its assignee, for the fulfillment of all terms and conditions arising under this Agreement subsequent to the assignment, unless the City releases Lessee in writing for such liability for future obligations. The release shall be effective only if made in writing. All subsequent assignors and assignees shall be subject to this Section as if they were the original lessee/assignor.

#### ARTICLE XXIX SUBLEASE

Lessee may not sublease all or any portion of the Leased Premises or all or any portion of the improvements thereon, without first obtaining written consent of the City, said consent not to be unreasonably denied or delayed. Any such sublease must be in writing and be made subject to the terms and conditions of this Agreement. In addition, before any sublease may take effect, any sub lessee must execute an agreement with the City, in a form and for a fee acceptable to the City, by which such sub lessee is authorized to do business on the Airport.

\_\_\_\_\_ city

ARTICLE XXX  
SUCCESSORS

The provisions, covenants and conditions of this Agreement shall bind and inure to the benefit of the legal representatives, successors and assigns of the parties hereto.

ARTICLE XXXI  
PARTIAL INVALIDITY

If any term or condition of this Agreement or application thereof to any person or event shall to any extent be invalid and unenforceable, the remainder of this Agreement and the application of such term, covenant, or condition to persons or events other than those to which it is held invalid or unenforceable shall not be affected and each term, covenant and condition of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

ARTICLE XXXII  
NOTICES

All notices by either party to the other shall be made by depositing such notice in the registered or certified mail of the United States of America, postage prepaid, or with another delivery service requiring signature and receipt, and such notice shall be deemed to have been served on the date of such depositing correctly addressed notice in the registered or certified mail unless otherwise provided. All notices to the City shall be mailed to:

Airport Director  
Pensacola International Airport  
2430 Airport Boulevard, Suite 225  
Pensacola, Florida 32504

All notices to Lessee shall be mailed to:

U.S. General Services Administration, Region 4  
ATTN: Leasing Division  
77 Forsyth Street  
Atlanta, GA 30303

The parties may from time to time designate, in writing, changes to the addresses stated.

ARTICLE XXXIII  
REPRESENTATIONS REGARDING AUTHORITY

The City represents that it has the authority to enter into this Agreement and grant the rights contained herein to Lessee.



ARTICLE XXXIV  
RELATIONSHIP OF PARTIES

It is understood that the City is not in any way or for any purpose a partner or joint venturer with, or agent of, Lessee in the use of the Leased Premises or any improvements thereon, for any purpose.

ARTICLE XXXV  
HEADINGS

The headings contained in this Agreement are inserted only as a matter of convenience and for reference and do not define or limit the scope or intent of any provision of this Agreement and shall not be construed to affect in any manner the terms and provisions hereof or the interpretation or construction thereof.

ARTICLE XXXVI  
GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the United States. In the event no applicable law of the United States exists, then the laws of the State of Florida.

ARTICLE XXXVII  
PUBLIC RECORDS ACT

The Parties shall each comply with Florida Public Records laws. The Parties hereby contractually agree that each Party shall allow public access to all documents, papers, letters, or other public records as defined in Chapter 119, Florida Statutes, made or received by either Party in conjunction with this agreement, or related thereto, unless a statutory exemption from disclosure exists. Notwithstanding any provision to the contrary, it is expressly agreed that Lessee's failure to comply with this provision, within seven (7) days of notice from the City, shall constitute an immediate and material breach of this Contract for which the City may, in the City's sole discretion, unilaterally terminate this Contract without prejudice to any right or remedy.

ARTICLE XXXVIII  
ENTIRE AGREEMENT

This Agreement, together with all exhibits hereto, constitutes the entire Agreement and understanding between the parties with respect to the Leased Premises, and supersedes all negotiations, prior discussions, letters of intent and preliminary agreements. Exhibit "C", entitled General Clauses, GSA Form 3517, is incorporated herein and specifically made a part hereof. Exhibit "D", entitled Representations and Certifications, GSA Form 3518, is incorporated herein and specifically made a part hereof. This Agreement may not be amended except by a writing executed by all of the parties.

**ARTICLE XXXIX  
TERMINATION RIGHTS**

The Government may terminate this Lease, in whole or in part, under the same terms and conditions as the airline agreements, at any time during the term of this lease with ninety (90) days prior written notice to the Lessor if (i) regularly scheduled commercial air services cease, (ii) the airport opts to replace TSA screeners with private contractors, (iii) the checkpoint supported by the leased Space is closed, or (iv) the Government reduces its presence at the airport due to a reduction in enplanements. Any partial termination of this Lease must be approved by the Airport Director and shall not result in unmarketable space in the Terminal building. The effective date of the termination shall be the day following the expiration of the required notice period or the termination date set forth in the notice, whichever is later. No rental shall accrue after the effective date of termination.

**ARTICLE XL  
RESERVED**

Upon expiration or sooner termination of the Agreement, Lessee shall have thirty (30) days from such date of expiration or termination to remove from the Leased Premises all personal property, improvements and fixtures belonging to Lessee.

**ARTICLE XLI  
DOCUMENTS INCORPORATED IN THE LEASE**

The following documents are attached to and made part of the Lease:

<b>DOCUMENT NAME</b>	<b>NO. OF PAGES</b>	<b>EXHIBIT</b>
Floor Plan(s)	2	A
Security Checkpoint Screening Areas	1	B
GSA Form 3517B, General Clauses	46	C
GSA Form 3518-SAM, Addendum to System for Award Management (SAM) Representations and Certifications (Acquisitions of Leasehold Interests in Real Property)	2	D

(END OF TEXT; SIGNATURE PAGES TO FOLLOW)

**IN WITNESS WHEREOF**, the parties hereto have signed this instrument the day and year first above written.

ATTEST:

**City of Pensacola, Florida, a  
Municipal Corporation**

\_\_\_\_\_  
Ericka Burnett  
City Clerk

By: \_\_\_\_\_  
Grover C. Robinson, IV  
Mayor

**General Services Administration** as (Lessee)

By \_\_\_\_\_  
Contracting Officer, GSA

Approved As To Content:

Legal in Form and Valid as Drawn:

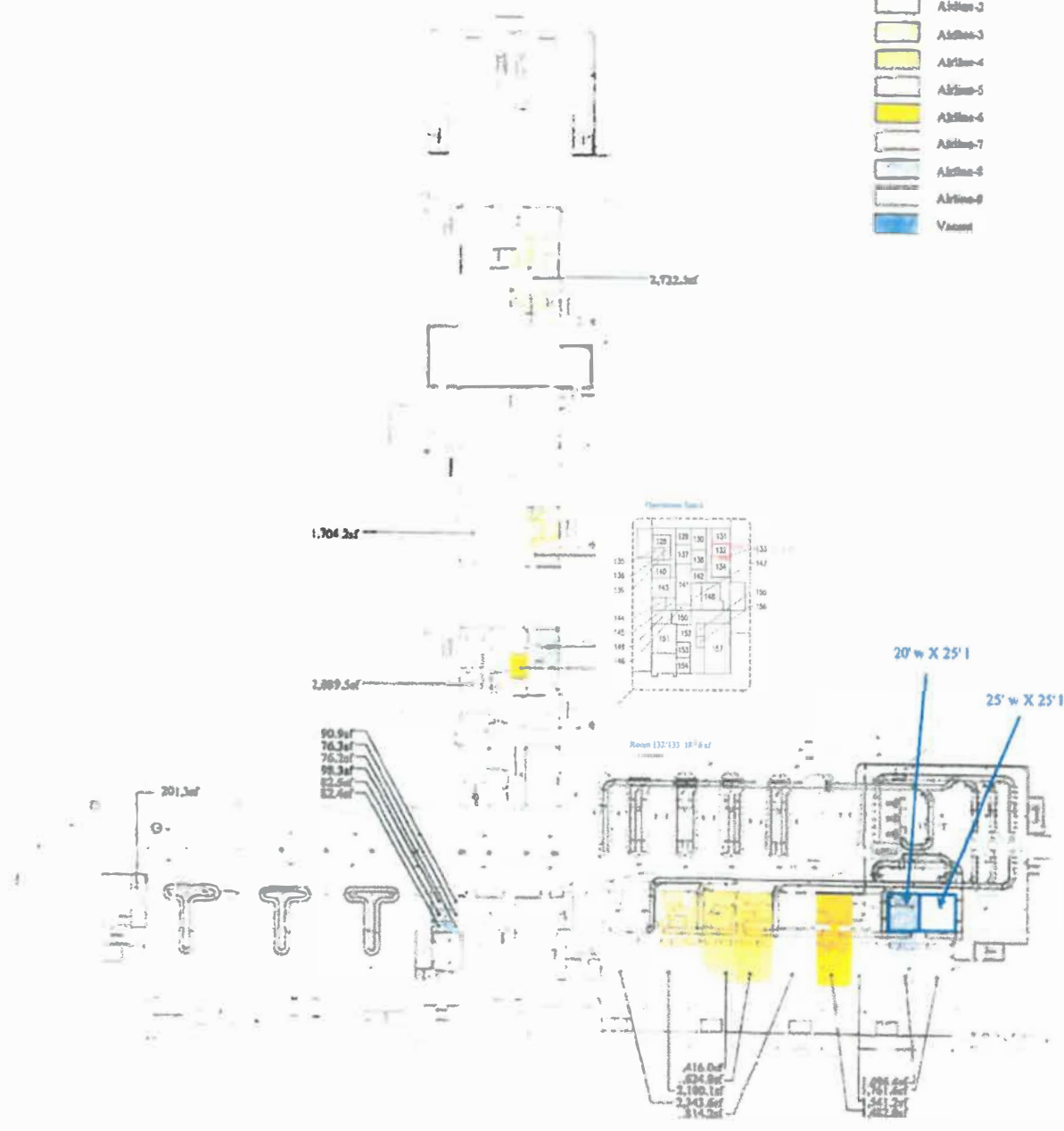
\_\_\_\_\_  
Airport Director

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

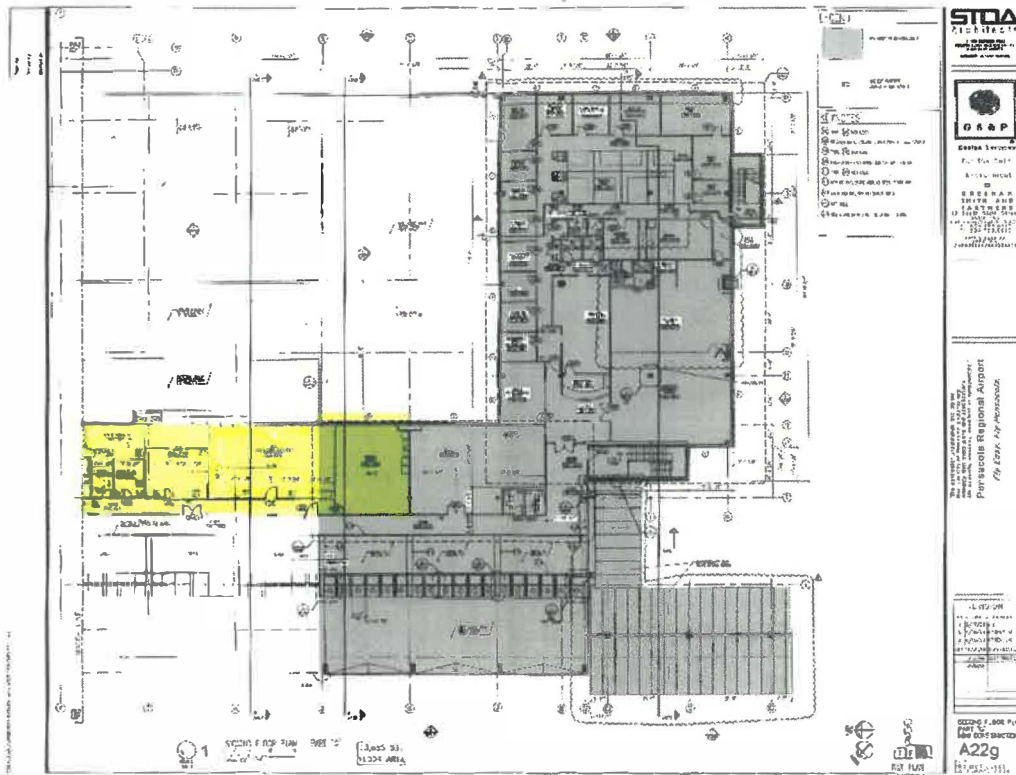
**EXHIBIT A**  
 Leased Premises  
 First Floor Offices

**LEGEND**

- AIRLOVES**
-  Airline-1
  -  Airline-2
  -  Airline-3
  -  Airline-4
  -  Airline-5
  -  Airline-6
  -  Airline-7
  -  Airline-8
  -  Airline-9
  -  Vacant



## EXHIBIT A Second Floor Offices



### Pensacola Gulf Coast Regional Airport

Lease Exhibits

### L 2.1 2nd FLOOR EXCLUSIVE USE



Area Name	Room No.	Room name	AREA	Subtotal
TSA	T2G-030	Toilet	70.7	
	T2G-031	Hold Room	251.4	
	T2G-032	Hazard Storage	135.3	
	T2G-033	Storage	100.6	
	T2G-034	Workroom	149.7	
	T2G-029&35	Corridor	771.4	
	T2G-036	Office	569.6	
	T2G-037	Training	895.11	
		Storage	218.9	
	T2G-038	Breakroom	802.21	
		TSA subtotal		3,964.9
<b>2nd floor Exclusive Area Grand Total</b>				<b>3,964.9</b>

**EXHIBIT B**  
Security Checkpoint Screening Areas



**EXHIBIT C**  
**GENERAL CLAUSES – FORM 3517B**

**GENERAL CLAUSES**  
**(Acquisition of Leasehold Interests in Real Property)**

<b>CATEGORY</b>	<b>CLAUSE NO.</b>	<b>48 CFR REF.</b>	<b>CLAUSE TITLE</b>
GENERAL	1		SUBLETTING AND ASSIGNMENT
	2	552.270-11	SUCCESSORS BOUND
	3	552.270-23	SUBORDINATION, NON-DISTURBANCE AND ATTORNMENT
	4	552.270-24	STATEMENT OF LEASE
	5	552.270-25	SUBSTITUTION OF TENANT AGENCY
	6	552.270-26	NO WAIVER
	7		INTEGRATED AGREEMENT
	8	552.270-28	MUTUALITY OF OBLIGATION
PERFORMANCE	9		DELIVERY AND CONDITION
	10		DEFAULT BY LESSOR
	11	552.270-19	PROGRESSIVE OCCUPANCY
	12		MAINTENANCE OF THE PROPERTY, RIGHT TO INSPECT
	13		FIRE AND CASUALTY DAMAGE
	14		COMPLIANCE WITH APPLICABLE LAW
	15	552.270-12	ALTERATIONS
	16		ACCEPTANCE OF SPACE AND CERTIFICATE OF OCCUPANCY
PAYMENT	17	52.204-7	SYSTEM FOR AWARD MANAGEMENT
	18	52.204-13	SYSTEM FOR AWARD MANAGEMENT MAINTENANCE
	19	552.270-31	PROMPT PAYMENT
	20	552.232-23	ASSIGNMENT OF CLAIMS
	21	552.270-20	PAYMENT
	22	52.232-33	PAYMENT BY ELECTRONIC FUNDS TRANSFER—SYSTEM FOR AWARD MANAGEMENT
STANDARDS OF CONDUCT	23	52.203-13	CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT
	24	552.270-32	COVENANT AGAINST CONTINGENT FEES
	25	52-203-7	ANTI-KICKBACK PROCEDURES
	26	52-223-6	DRUG-FREE WORKPLACE
	27	52.203-14	DISPLAY OF HOTLINE POSTER(S)
ADJUSTMENTS	28	552.270-30	PRICE ADJUSTMENT FOR ILLEGAL OR IMPROPER ACTIVITY

	29	52-215-10	PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA
	30	552.270-13	PROPOSALS FOR ADJUSTMENT
	31		CHANGES
AUDITS	32	552.215-70	EXAMINATION OF RECORDS BY GSA
	33	52.215-2	AUDIT AND RECORDS—NEGOTIATION
DISPUTES	34	52.233-1	DISPUTES
LABOR STANDARDS	35	52.222-26	EQUAL OPPORTUNITY
	36	52.222-21	PROHIBITION OF SEGREGATED FACILITIES
	37	52.219-28	POST-AWARD SMALL BUSINESS PROGRAM REREPRESENTATION
	38	52.222-35	EQUAL OPPORTUNITY FOR VETERANS
	39	52.222-36	AFFIRMATIVE ACTION FOR WORKERS WITH DISABILITIES
	40	52.222-37	EMPLOYMENT REPORTS VETERANS
SUBCONTRACTING	41	52.209-6	PROTECTING THE GOVERNMENT’S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT
	42	52.215-12	SUBCONTRACTOR CERTIFIED COST OR PRICING DATA
	43	52.219-8	UTILIZATION OF SMALL BUSINESS CONCERNS
	44	52.219-9	SMALL BUSINESS SUBCONTRACTING PLAN
	45	52.219-16	LIQUIDATED DAMAGES—SUBCONTRACTING PLAN
	46	52.204-10	REPORTING EXECUTIVE COMPENSATION AND FIRST-TIER SUBCONTRACT AWARDS



The information collection requirements contained in this solicitation/contract that are not required by regulation have been approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act and assigned the OMB Control No. 3090-0163.



Memorandum

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**File #:** 19-00255

City Council

5/30/2019

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**LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council President Andy Terhaar

**SUBJECT:**

REFERRAL TO THE PLANNING BOARD PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA LAND DEVELOPMENT CODE (LDC) - GATEWAY REVIEW BOARD

**RECOMMENDATION:**

That City Council refer to the Planning Board for its consideration and recommendation a proposed amendment to the Code of the City of Pensacola Land Development Code, dissolving the Gateway Review Board and reassigning aesthetic review to the Planning Board.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

In September of 1998, Ordinance No. 33-98 as codified within City Code 12-2-12 and 12-14, respectively created the Gateway Redevelopment District and Gateway Review Board.

The LDC is the principal means of planning and regulating the development and redevelopment of land within the City. The LDC was adopted by City Council in its present form in 1991 pursuant to the *Local Government Comprehensive Planning and Land Development Regulation Act*. From time to time, it is necessary to amend the LDC to provide consistency with the Comprehensive Plan and to respond to community concerns, legal considerations, and changes in the development patterns and planning techniques. One of the overlay districts currently contained in the LDC is the Gateway Redevelopment District.

The Gateway Redevelopment District was created in September of 1998 upon the passage of Ordinance No. 33-98 by the City Council. It was established to promote the orderly redevelopment of the southern gateway to the city in order to enhance its visual appearance, preserve a unique shoreline vista, improve traffic safety, and encourage a high quality of site planning and architectural design. Site specific analysis of each development proposal within the Gateway Redevelopment District is intended to ensure that the scenic orientation and open space image of Bayfront Parkway is maintained, the development character of the Chase-Gregory corridor is upgraded, and the boundary of the adjacent historic district is positively reinforced.

Currently, the Planning Board has aesthetic review over other development district, such as the Waterfront Redevelopment District, therefore providing this oversight to the Planning Board is in line with their current

responsibilities.

**PRIOR ACTION:**

September 1998 - Ordinance No. 33-98 passed by City Council

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) Sec. 12-13-4 Gateway Review Board
- 2) Sec. 12-2-12 Redevelopment Land Use District - Gateway Review District

**PRESENTATION:** No

~~Sec. 12 13 4. Gateway Review Board.~~

~~(A) *Membership.* The Gateway Review Board shall be composed of the following members appointed by the city council: Three (3) members who own property within the district; Three (3) members representing the architectural, landscape architectural, engineering or building contracting profession who shall not own property within the district; and one member at large who does not own property in the district.~~

~~The three (3) members appointed to represent the architectural, landscape architectural, engineering and building contracting professions shall exercise all powers of the board pertaining to review and approval of plans within the GRD-1 district. If any such member is unable to participate in the review of any matter, the chairman of the board shall appoint another member of the board as a replacement for the review of such matter. Notwithstanding any provision in this section to the contrary, the attendance of and approving vote by two (2) such members shall be sufficient for the approval of any plan within the GRD-1 district.~~

~~(B) *Terms of office, vacancies, removal from office.* Members shall be appointed for a term of two (2) years, except in the case of an appointment to fill a vacancy for the two-year period in which event the appointment shall be for the unexpired term only. Any member of the board may be removed from office for just cause by the city council upon written charges and after public hearing.~~

~~(C) *Procedure for submission of plans.*~~

~~(1) An application to erect, construct, renovate, demolish and/or alter an exterior of a building located or to be located in a district within the review authority of the Gateway Review Board Planning Board must be submitted to the community development Planning department at least fourteen (14) days prior to the regularly scheduled meeting of the 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 accurate site plans, floor plans, exterior building elevations and similar information drawn to scale in sufficient detail to meet the plan submission requirements specified within the gateway districts.~~

~~(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 Gateway Review Board at the discretion of the applicant initiating the request upon written notice to the board secretary.~~

~~(D) *Review and decision.* The board shall promptly review such plans and shall render its decision on or before thirty-one (31) days from the date that plans are submitted to the board for review.~~

~~(E) *Notification, building permit.* Upon receiving the order of the board, the secretary of the board shall thereupon notify the applicant of the decision of the board. If the board approves the plans, and if all other requirements of the city have been met, the building official may issue a permit for the proposed building. If the board disapproves the plans, the building official may not issue such a permit. In a case where the board has disapproved the plans, the secretary of the board shall furnish the applicant with a copy of the board's written order, together with a copy of any recommendations for changes necessary to be made before the board will reconsider the plans.~~

~~(F) *Failure to review plans.* If no action upon plans submitted to the board has been taken at the expiration of thirty-one (31) days from the date of submission of the plans to the board for review,~~

such plans shall be deemed to have been approved, and if all other requirements of the city have been met, the building inspection superintendent may issue a permit for the proposed building.

- (G) *Reconsideration.* The ~~Gateway Review~~ Planning Board chairman or vice-chairman, together with the city planner acting as a committee, shall review any minor revisions to determine whether the revisions made are in accordance with the articles and minutes of the applicable meeting. If the minor revisions required do not conform with the above requirements, no action may be taken. If, for some unforeseen reason, compliance is impractical, the item will be resubmitted at the next regularly scheduled meeting.
- (H) *Abbreviated review.* Sign requests, paint colors, fencing, and emergency repairs which are consistent with the guidelines set forth in subsection 12-2-12(A), may be approved by letter to the building official from the board secretary and the chairman of the board. This provision is made in an effort to save the applicant and the board time for routine approval matters. If agreement cannot be reached as it pertains to such requests by the board secretary and chairman, then the matter will be referred to the board for a decision.
- (I) *Voting.* No meeting shall be held without at least four (4) board members present. All decisions may be rendered by a simple majority of the board members present and voting.
- (J) *Procedure for review.* Any person or entity whose property interests are substantially affected by a decision of the board may, within fifteen (15) days thereafter, apply to the city council for review of the board's decision. A written notice shall be filed with the city clerk requesting the council to review said decision. If the applicant obtains a building permit within the fifteen-day time period specified for review of a board decision, said permit may be subject to revocation and any work undertaken in accordance with said permit may be required to be removed. The appellant 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.
- (K) *Authority and duties of the ~~Gateway Review~~ Planning Board.* The ~~Gateway Review~~ Planning Board shall have the authority and duty to approve or disapprove plans for buildings to be erected, renovated or razed which are located, or are to be located, within the gateway redevelopment district under the conditions and safeguards provided in subsection 12-12-2(A)(2) and to grant zoning variances from the land development regulations of the gateway redevelopment district, under the conditions and safeguards provided in subsection 12-12-2(A)(2). Review by the ~~Gateway Review~~ Planning Board of applications for zoning variances shall be as provided for under section 12-13-4(K) herein.
  - (1) *Conditions for granting a zoning variance.* In order to authorize any zoning variance from the terms of this title, the ~~Gateway Review~~ Planning 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; and
    - (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 ~~Gateway Review~~ Planning Board is quasi-judicial in nature and is final subject to judicial review in accordance with subsection 12-13-4(K)(4). Hearings on variance applications under section 12-13-4(K) 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 variance must be submitted to planning services at least twenty-one (21) days prior to the regularly scheduled meeting of the ~~Gateway Review~~ 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 Gateway Review 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 ~~Gateway Review Planning Board~~.* Any person or persons, jointly or severally, aggrieved by any quasi-judicial decision of the ~~Gateway Review Planning Board~~ under section 12-13-4(K), 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 ~~Gateway Review 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.

(Ord. No. 33-98, § 3, 9-10-98; Ord. No. 12-09, § 4, 4-9-09; Ord. No. 16-10, § 229, 9-9-10; Ord. No. 06-16, § 4, 2-11-16)

Sec. 12-2-12. - Redevelopment land use district.

The regulations in this section shall be applicable to the gateway and waterfront redevelopment zoning districts: GRD and WRD.

(A) *GRD, Gateway Redevelopment District.*

- (1) *Purpose of district.* The Gateway Redevelopment District is established to promote the orderly redevelopment of the southern gateway to the city in order to enhance its visual appearance, preserve a unique shoreline vista, improve traffic safety, and encourage a high quality of site planning and architectural design. Site specific analysis of each development proposal within the Gateway District is intended to ensure that the scenic orientation and open space image of the Bayfront Parkway is maintained, the development character of the Chase-Gregory corridor is upgraded, and the boundary of the adjacent historic district is positively reinforced.
- (2) *Uses permitted.*
  - (a) Single-family residential (attached or detached) at a maximum density of seventeen and four-tenths (17.4) units per acre. Multi-family residential at a maximum density of one hundred (100) dwelling units per acre.
  - (b) Home occupations, subject to regulations in section 12-2-13.
  - (c) Offices.
  - (d) Adult entertainment establishments subject to the requirements of Chapter 7-3 of this Code when located within the dense business area as defined in Chapter 12-14, Definitions.
  - (e) All commercial uses permitted in the C-2A zone, with no outside storage or repair work allowed, with the exception:
    1. Mortuaries and funeral parlors.
    2. Appliance and repair shops.
    3. Public parking lots and parking garages.
    4. New car lots or used car lots.
    5. Public utility plants, transmission and generating stations, including radio and television broadcasting stations.
    6. Car or truck rental agencies or storage facilities.
  - (f) Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.
- (3) *Procedure for review of plans.*
  - (a) Plan submission: All development plans must comply with development plan requirements set forth in subsections 12-2-81(C) and (D), and design standards and guidelines established in section 12-2-82. Every application for a new certificate of occupancy or a building permit to erect, construct, demolish, renovate or alter a building or sign, or exterior site work (i.e., paving and landscaping of off-street parking areas), located or to be located in the Gateway Redevelopment District shall be accompanied with drawings or sketches with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the building, sign, or exterior work (both before and after the proposed work is done in cases of altering, renovating, demolishing or razing a building or structure) including proposed materials, textures and colors, and the plot plan or site layout including all site improvements or features such as walls, fences, walks, terraces, plantings, accessory buildings, paved areas, signs, lights, awnings, canopies and other appurtenances.

- (b) Review and approval. All plans shall be subject to the review and approval of the Gateway Review Board established in Chapter 12-13. At the time of review the board may require that any aspect of the overall site plan which does not meet the standards established in this section be incorporated and brought into compliance within a time limit approved by the board.
  - (c) Abbreviated review. Sign requests, paint colors, fencing, and emergency repairs which are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the Gateway Review Board secretary and the chairman of the board. This provision is made in an effort to save the applicant and the board time for routine approval matters. If agreement cannot be reached as it pertains to such requests by the board secretary and chairman, then the matter will be referred to the board for a decision.
  - (d) Final development plan. If the Gateway Review Board approves a preliminary development plan, the owner shall submit a final development plan in accordance with the procedure set forth below within six (6) months of the date of approval of the preliminary plan of development. For good cause shown, the Gateway Review Board may, in its discretion, extend the time within which to file the final development plan for successive periods, the total of which shall not be more than an additional six (6) months. The final development plan shall be in basic conformity with the preliminary plan of development and comply with the other provisions of section 12-2-81 pertaining to the final development plan. If the applicant submits a final development plan which conforms to all the conditions and provisions of this chapter, then the Gateway Review Board shall conclude its consideration at its next regularly scheduled meeting.
- (4) *Regulations.* Except where specific approval is granted by the Gateway Review Board for a variance due to unique and peculiar circumstances or needs resulting from the use, size, configuration or location of a site, requiring the modification of the regulations set forth below the regulations shall be as follows:
- (a) Signs. Refer to sections 12-4-2 and 12-4-3 for general sign regulations and for a description of sign area calculations. In addition, the following regulations shall be applicable to signs only in the Gateway Redevelopment District.
    - 1. Number of signs. Each parcel under single ownership shall be limited to one sign per street adjacent to the parcel; provided, however, if there exists more than one establishment on the parcel, there may be one attached sign per establishment.
    - 2. Signs extending over public property. Signs extending over public property shall maintain a clear height of nine (9) feet above the sidewalk and no part of such signs shall be closer than eighteen (18) inches to the vertical plane of the curb line or edge of pavement.
    - 3. Permitted signs.
      - a. Gregory, Chase and Alcaniz Streets, 9th Avenue.
        - Attached signs:

Height. No sign may extend above the roof line of the building to which it is attached. For purposes of this section roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space.

Size. Ten (10) percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed fifty (50) square feet.

- Freestanding signs:

Maximum sign height—20 feet.

Maximum area for sign face—50 square feet.



b. Bayfront Parkway.

- Attached signs:

Height. No sign shall extend above the roof line of a building to which it is attached.

Size. Ten (10) percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed fifty (50) square feet.

- Freestanding signs:

Distance from Curb (Feet)	Maximum Area Sign Face (Square Feet)	Maximum Sign Height (Feet)
10	20	5
20	35	7
30	50	9

c. All other streets and areas within the Gateway Redevelopment District:

- Attached signs:

Height. No sign shall extend above the main roof line of a building to which it is attached.

Size. Ten (10) percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed twenty-five (25) square feet.

- Freestanding signs:

Distance from Curb (Feet)	Maximum Area Sign Face (Square Feet)	Maximum Sign Height (Feet)
10	20	5
20	35	7
30	50	9

4. Other permitted signs:
  - a. Signs directing and guiding traffic and parking on private property, bearing no advertising matter. Such signs shall not exceed three (3) square feet in size.
  - b. Signs advertising the acceptance of credit cards not exceeding two (2) square feet in size and which are attached to buildings or permitted freestanding signs.
  - c. Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.
5. Submission and review of sign plans. It shall be the responsibility of the contractor or owner requesting a sign permit to furnish two (2) plans of sign drawn to scale, including sign face area calculations, wind load calculations and construction materials to be used.
6. Review of sign plans. All permanent signs within the Gateway Redevelopment District shall be reviewed as follows:
  - a. The contractor or owner shall submit sign plans for the proposed sign as required herein. The Department of Planning and Neighborhood Development shall review the sign based on the requirements set forth in this section and the guidelines set forth in subsection (5)(b)7. herein and forward a recommendation to the Gateway Review Board.
  - b. The Gateway Review Board shall review the planning staff recommendation concerning the sign and approve, or disapprove, the sign, it shall give the owner written reasons for such action.
  - c. The owner shall have the right to appeal an adverse decision of the Gateway Review Board to the city council within thirty (30) days of the decision of the Gateway Review Board.
7. Prohibited signs. Refer to section 12-4-7 for prohibited signs. In addition the following signs are prohibited within the Gateway Redevelopment District:
  - a. Portable signs are prohibited except as permitted in section 12-4-6(E).
  - b. Signs which are abandoned or create a safety hazard are not permitted. Abandoned signs are those advertising a business which becomes vacant and is unoccupied for a period of ninety (90) days or more.
  - c. Signs which are not securely fixed on a permanent foundation are prohibited.
  - d. Signs which are not consistent with the standards of this section are not permitted.
8. Temporary signs: Only the following temporary signs shall be permitted in the Gateway Redevelopment District:
  - a. Temporary banners indicating that a noncommercial special event, such as a fair, carnival, festival or similar happening, is to take place, are permitted with the following conditions:
    - Such signs may be erected no sooner than two (2) weeks before the event;
    - Such signs must be removed no later than three (3) days after the event.
    - Banners extending over street rights-of-way require approval from the mayor.
  - b. One non-illuminated sign per street frontage advertising the sale, lease or rental of the lot or building upon which the sign is located. Such sign shall not exceed twelve (12) square feet in size, and shall be removed immediately after occupancy.

- c. One non-illuminated sign not more than fifty (50) square feet in area in connection with the new construction work and displayed only during such time as the actual construction work is in progress.
  - d. Temporary signs permitted in section 12-4-6(H).
9. Nonconforming signs:
- a. Compliance period. All existing signs which do not conform to the requirements of this section shall be made to comply by April 24, 1991. Provided, however, existing portable signs must be removed immediately.
  - b. Removal of nonconforming signs. The building inspection superintendent shall notify the owner of a nonconforming sign in writing of compliance period specified above. Nonconforming signs shall either be removed or brought up to the requirements stated herein within the period of time prescribed in the compliance schedule. Thereafter, the owner of such sign shall have thirty (30) days to comply with the order to remove the nonconforming sign, or bring it into compliance. Upon expiration of the thirty-day period, if no action has been taken by the owner, he shall be deemed to be in violation of this section and the building inspection superintendent may take lawful enforcement action.
- (b) Off-street parking. The following off-street parking requirements shall apply to all lots, parcels or tracts in the Gateway Redevelopment District:
- 1. Off-street parking requirements in the district shall be based on the requirements set forth in Chapter 12-3 of the code. The required parking may be provided off-site by the owner/developer as specified in section 12-3-1(D).
  - 2. Off-street parking and service areas are prohibited within the Bayfront Parkway setback described in subsection (c) herein, unless these requirements cannot be met anywhere else on the site due to its size or configuration.
  - 3. Screening. Screening shall be provided along the edges of all parking areas visible from street rights-of-way. The screening may take the form of:
 

A solid wall or fence (chain-link fences are prohibited) with a minimum height of four (4) feet which is compatible in design and materials with on-site architecture and nearby development; or an earth berm approximately three (3) feet in height which is landscaped to provide screening effective within three (3) years; or a combination of walls or fences and landscape screening; or landscape screening designed to provide positive screening within three (3) years.
- (c) Street setback. The following building setbacks shall apply to the district:
- 1. Bayfront Parkway setback/height requirements. All buildings located adjacent to the Bayfront Parkway shall be set back a minimum of fifty (50) feet from the northern parkway right-of-way line. At this minimum setback, building height may not exceed fifty (50) feet. Above fifty (50) feet in height, an additional one-foot setback shall be required for each additional two (2) feet in building height. This setback is intended as a landscaped buffer zone which preserves the open space character of the parkway.
  - 2. Gregory, Alcaniz and Chase Streets, 9th Avenue. Ten (10) feet from the right-of-way line.
  - 3. All other streets. Five (5) feet from the right-of-way line.
- (d) Street frontage. Every lot, tract, or parcel of land utilized for any purpose permitted in this district shall have a street frontage of not less than fifty (50) feet. Any lot of record on the effective date of this title which is less than fifty (50) feet may be used as a site for only one establishment listed as a permitted use in paragraph (2) herein.
- (e) Building height. No building shall exceed a maximum height of one hundred (100) feet.

- (f) Vehicular access. Access to the following streets shall be limited as follows:
1. Bayfront Parkway. No access shall be permitted from the parkway unless no other means exist for ingress and egress from the site.
  2. Gregory Street, Chase Street, Alcaniz Street, 9th Avenue and 14th Avenue. For each lot, tract, or parcel under single ownership, the maximum number of access points shall not exceed two (2) per street footage if driveway spacing standards can be met pursuant to section 12-4-82(C)(2).
- (g) Landscaping. Landscaping requirements in the Gateway Redevelopment District shall be based on applicable requirements of Chapter 12-6. All service areas (i.e., trash collection containers, compactors, loading docks) shall be screened from street and adjacent buildings by one of the following techniques:
- Fence or wall, six (6) feet high;
  - Vegetation, six (6) feet high (within three (3) years);
  - A combination or the above.
- (h) Underground utility services. All new building construction or additions of floor area to existing structures along Bayfront Parkway, Chase Street, Gregory Street, 9th Avenue and all property fronting Salamanca Street, shall be required to install underground utilities.
- (i) Lot coverage. The total coverage of all development sites within the Gateway Redevelopment District, including all structures, parking areas, driveways and all other impervious surfaces, shall not exceed seventy-five (75) percent.
- (j) Sidewalks. Developers of new construction or redevelopment projects shall repair, reconstruct, or construct new sidewalks on all sides of property fronting on a street.
- (k) Consideration of floodprone areas. Portions of the district are within the one hundred-year floodplain. Site planning shall consider the special needs of floodprone areas.
- (l) Storm drainage. Adequate storm drainage must be provided to prevent flooding or erosion. The surface drainage after development should not exceed the surface drainage before development. Flexibility in this guideline shall be considered by the city engineer based on capacity of nearby off-site stormwater drainage systems, the surrounding topography and the natural drainage pattern of the area.
- (m) All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls, or vegetation.
- (n) Exemptions. All detached single-family and duplex residential development proposals are exempt from the provisions of this section and shall be developed in accordance with R-1A regulations set forth in section 12-2-4(E), with the exception of the height requirements.
- (5) *Development guidelines.* The Gateway Redevelopment District is characterized by a variety of architectural styles with no common theme. The intent of these guidelines is to reduce the level of contrast between buildings and to create a more compatible appearance in architectural design, scale, materials and colors. All development within the Gateway Redevelopment District is encouraged to follow design guidelines as established in subsection 12-2-82(D). In addition, the following site planning guidelines shall be used by the Gateway Review Board in the review and approval of all development plans:
- (a) Site planning. The integration of site features such as building arrangement, landscaping and parking lot layout is critical in producing a pleasant and functional living or working environment. In reviewing development proposals, the following guidelines shall be taken into consideration.
1. Maximum preservation of bay views: Considering the bayfront location within the district, the placement of buildings, signs, service areas, parking and landscaping shall be planned to maximize the preservation of views of the bay and to protect the

bayfront's scenic open space character. To prevent the effect of a "wall" of development along the inland edge of the parkway, the long axis of all buildings located on the corridor should be oriented parallel to the inland street grid, rather than parallel to the parkway itself. The preservation of ample open space between buildings, and the creation of a campus-like development pattern, are encouraged especially in the bayfront area. In addition, site planning throughout the district should recognize existing topographical variations and maximize this variation to maintain bay views.

2. Development coordination: The preservation of bay views and the creation of a campus character development pattern cannot be achieved through the site planning of any single development; all development efforts within the district must be coordinated to achieve these objectives.
3. Off-street parking and service: Off-street parking shall be discouraged within all street setbacks. Where possible, any service areas (i.e. trash collection, loading docks) shall be located to be screened by the building itself; otherwise, walls, fences, landscaping and earth berms shall be used to achieve effective screening.

(b) Architectural design and building elements.

1. Buildings or structures which are part of a present or future group or complex shall have a unity of character and design. The relationship of forms and the use, texture, and color of materials shall be such as to create a harmonious whole.
2. Buildings or structures located along strips of land or on single sites and not a part of a unified multibuilding complex shall strive to achieve visual harmony with the surroundings. It is not to be inferred that buildings must look alike or be of the same style to be compatible with the intent of the district. Compatibility can be achieved through the proper consideration of scale, proportions, site planning, landscaping, materials and use of color.
3. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.
4. Severe or angular roof lines which exceed a pitch of 12-12 (forty-five degree angle) are discouraged. Exceptions to this guideline (i.e., churches) shall be considered on a case-by-case basis.
5. Bright colors and intensely contrasting color schemes are discouraged within the district.
6. Proposed development adjacent to the historic district should give special consideration to visual compatibility in scale and architectural design in order to positively reinforce the character of the historic area and provide a buffer and transition.
7. The following guidelines concerning design, materials, lighting, landscaping, and positioning of permitted signs shall be considered:
  - a. Design/materials. The architectural character of the building to which the sign relates should be reflected in the lettering of the sign, the materials used for the supporting structure and the sign face.
  - b. Lighting. Indirect and internal lighting is encouraged. Neon and exposed fluorescent lighting is not encouraged.
  - c. Copy. The sign copy should be limited to the name, address, and logo of the building complex, the major tenant or the business. The sign should be primarily used for communicating identity and locating the business, not for advertising.
  - d. Landscaping. The landscaping and positioning of the sign should compliment the overall site plan and landscaping of the development.

- (6) *Maintenance standards.* The following maintenance standards shall be applied to all structures and land parcels respectively, whether occupied or vacant within the Gateway Redevelopment District, subject to review and approval by the Gateway Review Board. Properties which do not conform to the maintenance standards described in subparagraphs (a) to (g) shall be made to comply as required by the city inspections office based on regular inspections or complaints.
- (a) Building fronts, rears, and sides abutting streets and public areas. Rotten or weakened portions shall be removed, repaired or replaced.
  - (b) Windows. All windows must be tight-fitting. All broken and missing windows shall be replaced with new glass.
  - (c) Show windows and storefronts. All damaged, sagging or otherwise deteriorated storefronts, show windows or entrances shall be repaired or replaced.
  - (d) Exterior walls.
    - 1. Existing miscellaneous elements on the building walls, such as empty electrical conduit, unused signs and/or sign brackets, etc., shall be removed.
    - 2. Sheet metal gutters, downspouts and copings shall be repaired or replaced as necessary and shall be neatly located and securely installed.
    - 3. All exterior finishes and appurtenances such as paint, awnings, etc. shall be kept in a state of repair.
  - (e) Roofs.
    - 1. All auxiliary structures on the roofs shall be kept clean, repaired or replaced.
    - 2. Roofs shall be cleaned and kept free of trash, debris or any other elements which are not a permanent part of the building.
  - (f) Front, rear, and side yards, parking areas and vacant parcels.
    - 1. When a front, rear or side yard, parking area or vacant parcel exists or is created through demolition, the owner may utilize the space in accordance with the provisions of the zoning district, provided, however, that the site shall be properly maintained free of weeds, litter, and garbage.
    - 2. Any landscaping which was installed to comply with regulations of this subsection must be maintained.
  - (g) Walls, fences, signs. Walls, fences, signs and other accessory structures shall be repaired and maintained.
- (B) *GRD-1, Gateway redevelopment district, Aragon redevelopment area.*
- (1) *Purpose of district.* The Gateway Redevelopment District, Aragon Redevelopment Area is established to promote the orderly development of the southern gateway to the city in order to enhance its visual appearance, preserve a unique shoreline vista, improve traffic safety, and encourage a high quality of site planning and architectural design. Site specific analysis of development proposed within the district is intended to ensure that the scenic orientation and open space image of the Bayfront Parkway is maintained and the boundary of the adjacent historic district is positively reinforced. Zoning regulations are intended to ensure that future development is compatible with and enhances the pedestrian scale of the existing structures and period architectural character of the adjacent historic district.
  - (2) *Urban character of the district.* The Aragon redevelopment area is characterized by integration of houses, shops, and work places. Mixed land use is encouraged by allowing home occupations and first floor work spaces with apartments and townhouses above. The Historic District is the basis for district architectural guidelines, which reflect the scale and lot sizes, and the list of permitted uses is similar to those uses permitted in the Historic District to the south.

(3) *Uses permitted.*

(a) GRD-1, residential uses.

1. Single-family and multi-family residential (attached or detached) at a maximum overall density of seventeen and four tenths (17.4) units per acre.
2. Bed and breakfast (subject to section 12-2-55).
3. Home occupations allowing: Not more than sixty (60) percent of the floor area of the total buildings on the lot to be used for a home occupation; Retail sales shall be allowed limited to uses listed as conditional uses in subsection 3.(c)(1), below: Two (2) non-family members as employees in the home occupation; and a sign for the business not to exceed three (3) square feet shall be allowed.
4. Community residential homes licensed by the Florida Department of Children and Family Services with six (6) or fewer residents providing that it is not to be located within one thousand (1,000) feet of another such home. If it is proposed to be within one thousand (1,000) feet of another such home, measured from property line to property line, it shall be permitted with city council approval after public notification of property owners in a five hundred-foot radius.
5. Limited office space allowed only with residential use occupying a minimum of fifty (50) percent of total building square footage of principal and outbuildings.
6. Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(b) GRD-1, public uses.

1. Meeting hall, U.S. Post Office pavilion, buildings used for community purposes, not to exceed five thousand (5,000) square feet.
2. Publicly owned or operated parks and playgrounds.
3. Churches, Sunday school buildings and parish houses.

(c) GRD-1, commercial uses.

1. The following uses limited to a maximum area of five thousand (5,000) square feet:
  - a. Antique shops.
  - b. Art galleries.
  - c. Bakeries whose products are sold at retail and only on the premises.
  - d. Banks (except drive-through).
  - e. Barbershops and beauty shops.
  - f. Childcare facilities (subject to Sec. 12-2-58).
  - g. Health clubs, spas, and exercise centers.
  - h. Jewelers.
  - i. Laundry and dry cleaning pick-up stations.
  - j. Office buildings.
  - k. Restaurants (except drive-ins).
  - l. Retail sales and services.
  - m. Retail food and drugstore.
  - n. Specialty shops.

- o. Studios.
- (d) GRD-1, miscellaneous uses.
1. Outbuildings and uses can include:

- Garage apartments
- Carriage house
- Studios
- Granny flats
- Storage buildings
- Garages
- Swimming pools
- Hot tubs
- Offices

Refer to Aragon Urban Regulations in Aragon Design Code for maximum impervious surface per lot type.

2. Minor structures for utilities (gas, water, sewer, electric, telephone).

(4) *Procedure for review.*

- (a) Review and approval by the Gateway Review Board: All activities regulated by this subsection, including preliminary and final site plan review, shall be subject to review and approval by the Gateway Review Board as established in subsection 12-13-4(A). Abbreviated review for paint colors, minor repairs and minor deviations in projects already approved by the board shall be in accordance with subsection 12-13-4(H). If agreement cannot be reached as it pertains to such request for abbreviated review by the board secretary and chairman then the matter will be referred to the Gateway Review Board for a decision.

(b) Decisions.

1. General consideration. The board shall consider plans for buildings based on regulations described herein. In their review of plans for new construction, the board shall consider exterior design and appearance of the building, including the front, sides, rear and roof; materials, textures and colors; plot plans or site layout, including features such as walls, walks, terraces, off-street paved areas, plantings, accessory buildings, signs and other appurtenances; and relation of the building to the immediate surroundings and to the district in which it is located. The term "exterior" shall be deemed to include all of the outer surfaces of the building and exterior site work, including painting, and is not restricted to those exteriors visible from a public street or place.
2. Rules governing decisions. Before approving the plans for any proposed building located or to be located in a district, the board shall find:
  - a. In the case of a proposed new building, that such building will not, in itself or by reason of its location on the site, impair the architectural or historic value of buildings in the immediate vicinity. No plans for new building will be approved if that building will be injurious to the general visual character of the district in which



it is to be located considering visual compatibility standards such as height, proportion, shape, scale, style, materials and colors.

- b. In the case of a proposed alteration or addition to an existing building, that such alteration or addition will not impair the architectural value of the building.
- (c) Plan submission: Every activity which requires plans in order to erect, construct, demolish, renovate or alter an exterior of a building, sign or exterior site work, located or to be located in the GRD-1 district shall be accompanied with drawings or sketches. All drawings must be drawn to scale and be legible. The minimum size scale for site plans is 1" = 20'0"; the minimum scale for floor plans is 1/8" = 1'0"; and the minimum scale for exterior elevations is 1/8" = 1'0". The scale for other items, such as signs and details, shall be as large as necessary to fully define the detail of those items. Major projects with very large buildings may vary from the scale referenced above for ease of presentation.
1. Site plan:
    - a. Indicate overall property dimensions and building size, and building setback line and building frontage zone.
    - b. Indicate relationship of adjacent buildings, if any.
    - c. Indicate layout of all driveways and parking on the site including materials.
    - d. Indicate all fences, including materials, dimensions, architectural elements and color, and signs, with dimensions as required to show exact locations.
    - e. Indicate existing trees and existing and new landscaping.
  2. Floor plan:
    - a. Indicate locations and sizes of all exterior doors and windows.
    - b. Indicate all porches, steps, ramps and handrails.
    - c. For renovations or additions to existing buildings, indicate all existing conditions and features as well as the revised conditions and features and the relationship of both.
  3. Exterior elevations:
    - a. Indicate all four (4) elevations of the exterior of the building.
    - b. Indicate the relationship of this project to adjacent structures, if any.
    - c. Indicate exposed foundation walls, including the type of material, screening, dimensions, and architectural elements.
    - d. Indicate exterior wall materials, including type of materials, dimensions, architectural elements and color.
    - e. Indicate exterior windows and doors, including type, style, dimensions, materials, architectural elements, trim, and colors.
    - f. Indicate all porches, including ceilings, steps, and ramps, including type of materials, dimensions, architectural elements and color.
    - g. Indicate all porch, stair, and ramp railings, including type of material, dimensions, architectural elements, trim, and color.
    - h. Indicate roofs, including type of material, dimensions, architectural elements, associated trims and flashing, and color.
    - i. Indicate all signs, whether they are building mounted or freestanding, including material, style, architectural elements, size and type of letters, and color. The signs must be drawn to scale in accurate relationship to the building and the site.

4. Miscellaneous:
  - a. Show enlarged details of any special features of either the building or the site that cannot be clearly depicted in any of the above-referenced drawings.
- (d) Submission of photographs.
  1. Provide photographs of the site for the proposed new construction in sufficient quantity to indicate all existing site features, such as trees, fences, sidewalks, driveways, and topography.
  2. Provide photographs of the adjoining "street scape," including adjacent buildings to indicate the relationship of the new construction to these adjacent properties.
- (e) Submission of descriptive product literature/brochures:
  1. Provide samples, photographs, or detailed, legible product literature on all windows, doors and shutters proposed for use in the project. The information must be sufficiently detailed to show style, dimensions, detailing, material type, and color.
  2. Provide descriptive literature, samples, or photographs showing specific detailed information about signs and letters, if necessary to augment or clarify information shown on the drawings. The information must be sufficiently detailed to show style, dimensions, detailing, material type, and color.
  3. Provide samples or descriptive literature on roofing material and type to augment the information on the drawings. The information must indicate dimensions, details, material, color and style.
  4. Provide samples or literature on any exterior light fixtures or other exterior ornamental features, such as wrought iron, railings, columns, posts, balusters, and newels. Indicate size, style, material, detailing and color.
- (5) *Regulations for any development within the GRD-1 zoning district.* These regulations are intended to address the design and construction of elements common to any development within the GRD-1 zoning district which requires review and approval by the Gateway Review Board. Regulations and standards which relate specifically to new construction and/or structural rehabilitation and repairs to existing buildings, applicable to building heights, setbacks, architectural elements and construction types, are established below (more specifically addressed in Figure 12.2.2.B, Urban Regulations). The Aragon Design Code describes the building types and architectural styles that are considered to be compatible with the intent of the GRD-1 regulations. This definition of styles should be consulted to insure that the proper elements are used in combination in lieu of combining elements that are not appropriate for use together on the same building. Amendments to the Aragon Design Code may be made by the city council following a recommendation of the planning board and a public hearing before the city council, without necessity for amending this chapter.
  - (a) *Building height limit.* No building shall exceed the following height limits: Type I Townhouses and Type III Park Houses shall not exceed fifty-five (55) feet or three and one-half (3½) stories. Type II Cottages, Type IV Sideyard House, Type V Small Cottage, and Type VI Row House shall not exceed forty-five (45) feet or two and one-half (2½) stories. No outbuilding shall exceed thirty-five (35) feet or two and one-half (2½) stories. Refer to Aragon Design Code.
  - (b) *Landscaping:*
    1. Landscaping requirements in the GRD-1 district shall be based on Aragon Design Code.
    2. All service areas (i.e., dumpsters or trash handling areas, service entrances or utility facilities, loading docks or space) must be screened from adjoining property and from public view by one (1) of the following:

- Fence or wall, six (6) feet high;
- Vegetation, six (6) feet high (within three (3) years);
- A combination of the above.

(c) Protection of trees. It is the intent of this section to recognize the contribution of shade trees and certain flowering trees to the overall character of the Aragon redevelopment area and to ensure the preservation of such trees as described below:

1. Any of the following species having a minimum trunk diameter of eight (8) inches (twenty-five and one-tenth (25.1) inches in circumference) at a height of one (1) foot above grade: Live Oak and Water Oak; Magnolia having a minimum trunk diameter of six (6) inches (eighteen and eight-tenths (18.8) inches in circumference) at a height of one (1) foot above grade, and;
2. Any of the following flowering trees with a minimum trunk diameter of four (4) inches (twelve and fifty-five one hundredths (12.55) inches in circumference) at a height of one (1) foot above grade: Redbud, Dogwood, and Crape myrtle.

No person, organization, society, association or corporation, or any agent or representative thereof, directly or indirectly, shall cut down, destroy, undertake tree removal, or effectively destroy through damaging, any specimen or flowering tree, whether it be on private property or right-of-way within the GRD-1 district, without first having obtained a permit from the department of leisure services to do so. Refer to section 12-6-7 for tree removal permit application procedures and guidelines.

(d) *Fences*. Original fences in the older sections of the city were constructed of wood with a paint finish in many varying ornamental designs, or may have been constructed of brick or wrought iron. The style of the fence and the materials used typically related directly to the style and type of materials used for the building on the property. Refer to Aragon Design Code for required types of fences at different locations.

On every corner lot on both public and private streets intersecting 9th Avenue a sight triangle described by the intersection of the projection of the outer curb (next to the driving lane) lines extended, and a line joining the points on those lines thirty (30) feet from said intersection shall be clear of any structure, solid waste container, parked vehicles, including recreational vehicles, or planting of such nature and dimension as to obstruct lateral vision, provided that this requirement shall generally not apply to tree trunks trimmed of foliage to eight (8) feet, and newly planted material with immature crown development allowing visibility, or a post, column, or similar structure which is no greater than one foot in cross-section diameter. Lateral vision shall be maintained between a height of three (3) feet and eight (8) feet above grade. All other streets and intersections within the GRD-1 district shall be exempt from the requirements of section 12-2-35, Required Visibility Triangle. In addition the following provisions apply:

1. Chain-link, exposed masonry block and barbed-wire are prohibited fence materials in the GRD-1 district. Approved materials will include but not necessarily be limited to wood, brick, stone (base only) and wrought iron, or stucco. Materials can be used in combination.
2. All wood or wrought iron fences shall be painted if the principal building is painted. Wood fences shall be constructed utilizing one of a variety of designs, especially a design which will reflect details similar to those on the building. It is recommended that the use of wrought iron or brick fences be constructed in conjunction with buildings which use masonry materials in their construction or at locations requiring them. "Dog ear pickets" are not acceptable. Refer to Architectural Standards in Aragon Design Code.

3. Fences in the required front yard will be no higher than four (4) feet and six (6) feet, six (6) inches in the side and rear yards. On corner lots, fences constructed within the required street side yard shall not exceed four (4) feet in height if the fence would obstruct the visibility from an adjacent residential driveway. Otherwise fences within the required street side yard may be built to a maximum of six (6) feet, six (6) inches.

(e) *Signage:*

- Informational signs—All informational signs, even if erected on private property, are subject to regulations contained in this section.
- Commercial signs—It is the intent of the Aragon redevelopment area to recapture the turn-of-the century feeling of commerce in Aragon's core neighborhood. To this end, special consideration will be given to a variety of painted signs on brick and stucco walls, building cornices, canopies and awnings, even on sidewalks and curbs.
- Sign style shall be complementary to the style of the building on the property. In the older sections of the city the support structure and trim work on a sign was typically ornamental, as well as functional.

Refer to sections 12-4-2 and 12-4-3 for general sign standards and criteria and for a description of sign area calculations. In addition to the prohibited signs listed below, all signs listed in section 12-4-7 are prohibited within the GRD-1 district. The design, color scheme and materials of all signs shall be subject to approval by the Gateway Review Board. Only the following signs shall be permitted in the GRD-1 district.

1. Permitted signs.

a. Temporary accessory signs.

- One (1) non-illuminated sign advertising the sale, lease, or rental of the lot or building, said sign not exceeding two (2) square feet in area.
- One (1) non-illuminated sign per street frontage, not more than thirty-two (32) square feet in area in connection with new construction work related to Aragon's development, community sites, parks, or Privateer's Alley.

b. Permanent accessory signs.

- Each mixed use or commercial property shall be limited to one (1) sign per lot for Type II through VI. The sign may be placed on the street side or alley frontage. Type I shall be limited to one (1) sign per street and one (1) for alley frontage. The sign may be projected from the building, a wall-mounted sign, or a painted sign. Signs projecting from a building or extending over public property shall maintain a clear height of nine (9) feet six (6) inches above the public property and shall not extend above the roof line on which it is attached. The sign may be mounted to or painted on the face of a wall of the building, hung from a bracket that is mounted to a wall of a building, or hung from other ornamental elements on the building. Attached or wall signs may be placed on the front or one (1) side of the building. The sign may be illuminated provided the source of light is not visible beyond the property line of the lot on which the sign is located.
- Advertising display area:  
GRD-1, Type II through Type VI residential home occupation and mixed use lots are not to exceed ten (10) square feet.

GRD-1, Type I commercial lots are not to exceed thirty-five (35) square feet per street front.

A combination of two (2) attached wall signs may be used, but shall not exceed a total of thirty-five (35) square feet.

If fronting an alley the size shall not exceed twelve (12) square feet.

- One (1) non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than three (3) square feet and shall be attached flat against the wall of the building.
- Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the mayor and board.

2. Prohibited signs.

- a. Any sign using plastic materials for lettering or background.
- b. Internally illuminated signs.
- c. Portable signs.
- d. Nonaccessory signs.
- e. Back lit canvas awnings.
- f. Flashing, strobe, or neon signs.
- g. Neon signs placed inside a window.

(f) *Driveways and sidewalks.* The following regulations and standards apply to driveways and sidewalks in the GRD-1 District:

1. Driveways shall be allowed at locations indicated in the Aragon Design Code.
  - a. Where asphalt or concrete is used as a driveway material, the use of an appropriate coloring agent is allowed.
  - b. From the street pavement edge to the building setback the only materials allowed shall be brick, concrete pavers, colored or approved stamped concrete or poured concrete.
2. Sidewalks, construction, repair and maintenance of sidewalks are all required on public rights-of-way within the district. Sidewalks shall be constructed of concrete, a combination of concrete and either brick, concrete pavers or concrete poured and stamped with an ornamental pattern or smooth finish.

(g) *Off-street parking.* Off-street parking is required in the GRD-1 district. The requirements for off-street parking in this district recognize that the Aragon redevelopment area forms a transition neighborhood between the adjacent Historic District to the south, where off-street parking is not required in the Historic Commercial zoning districts and the remainder of the Gateway Redevelopment District where conventional off-street parking requirements apply. The off-street parking requirements in the GRD-1 district reflect a land use pattern that encourages small scale commercial land uses adjacent to residential uses that are accessible through a network of pedestrian improvements, such as sidewalks, plazas and open spaces. Because parking areas were not a common land use in the older sections of the city, their location is set forth in the standards.

1. Residential uses.

Single family and accessory unit—One (1) space/unit.

Townhouse and multi-family—One (1) space/unit.

Bed and breakfast—One (1) space per owner plus one (1) space/sleeping room.

Home occupation—One (1) space/non-family employee.

Community residential home—One (1) space/two (2) beds.

2. Public uses.

Meeting hall, U.S. Post Office pavilion, buildings used exclusively for federal, state, county or city governments for public purposes—One (1) space/five hundred (500) square feet.

Publicly owned or operated parks and playgrounds—None required.

Churches, Sunday school buildings and parish houses—One (1) space/four (4) fixed seats.

3. Commercial uses.

Antique shops—One (1) space/five hundred (500) square feet.

Art galleries—One (1) space/five hundred (500) square feet.

Bakeries (retail only)—One (1) space/five hundred (500) square feet.

Barbershops and beauty shops—One (1) space/station and one (1) space/employee.

Day care centers—One (1) space/employee plus one (1) space/classroom.

Health clubs, spas and exercise centers—One (1) space/three hundred (300) square feet.

Jewelers—One (1) space/five hundred (500) square feet.

Laundry and dry cleaning pick-up stations—One (1) space/employee.

Office buildings—One (1) space/five hundred (500) square feet.

Restaurants (except drive-ins)—One (1) space/five hundred (500) square feet.

Retail sales and services—One (1) space/five hundred (500) square feet.

Retail food and drugstore—One (1) space/five hundred (500) square feet.

Specialty shops—One (1) space/five hundred (500) square feet.

Studios—One (1) space/fifty (50) square feet unless owner occupied.

4. For Type I Townhouse the uses identified in subsections (g)1., 2., and 3. above, on-street parking on Romana Street and 9th Avenue within five hundred (500) feet of the building may be used towards this requirement for nonemployee parking only. One (1) off-street parking space shall be required for each employee in the building.
5. Parking shall be screened from view of adjacent property and the street by fencing, landscaping or a combination of the two approved by the board, except in alley locations.
6. Materials for parking areas shall be concrete, concrete or brick pavers, asphalt, oyster shells, clam shells or #57 granite, pea gravel or marble chips. Where asphalt or concrete are used, the use of a coloring agent is allowed. The use of acceptable stamped patterns on poured concrete is encouraged.
7. For Type I Townhouse as an option to providing the required off-street parking as specified in subsections (g)1., 2., and 3. above, the required parking may be provided off-site by the owner/developer as specified in subsection 12-3-1(D).

- (h) *Paint colors.* The Gateway Review Board has adopted palettes of colors considered compatible with historic colors from several paint manufacturers that represent acceptable colors for use in the GRD-1 district. Samples of these palettes can be reviewed at the office of the building inspector or the Secretary of the GRD Board.
- (i) *Outbuildings.* Outbuildings shall not exceed a maximum height of thirty-five (35) feet. The accessory structure shall match the style, roof pitch, and other design features of the main residential structure.
- (j) *Architectural review standards (See Figure 12.2.2.B).*
  - 1. Exterior lighting. Exterior lighting in the district will be post mounted street lights and building mounted lights adjacent to entryways or landscaping lights which are shielded. Lamps shall be typically ornamental in design and appropriate for the building style. Refer to Aragon Design Code, Architectural Standards.
    - a. Exterior lighting fixtures must be appropriate for building style. Refer to Aragon Design Code, Architectural Standards.
    - b. Exterior. Where exterior lighting is allowed to be detached from the building, the fixtures visible from off-premises (other than landscape lighting which is permitted) shall be post mounted and used adjacent to sidewalk or driveway entrances or around parking. If post mounted lights are used, they shall not exceed twelve (12) feet in height. Exterior lights shall be placed so that they do not shine directly at neighbors.
    - c. The light element itself shall be a true gas lamp or shall be electrically operated using incandescent, halogen, metal halide or high pressure sodium lamps. Fluorescent and mercury vapor lamps are prohibited.
    - d. The use of pole mounted high pressure sodium utility/security lights is prohibited.
  - 2. Exterior building walls. Exterior treatments will be of wood, cedar shingles, wood clapboard, board and batten or board on board, fiber-cement smooth lap siding (Hardiplank), brick, stone for Craftsman style buildings, or stucco. Building wall finish must be appropriate for building style (Refer to Aragon Design Code, Architectural Standards). Individual windows and porch openings, when rectangular, shall be square or vertical proportion and have multiple lights, unless architectural style dictates other combinations. Chimneys shall be architecturally compatible with the style. All primary structures are required to elevate their first finished floor eighteen (18) to thirty-six (36) inches above grade, except Type I Townhouse. Base treatment shall be articulated.
    - a. Vinyl or metal siding is prohibited.
    - b. Wood siding and trim shall be finished with paint or stain, utilizing colors approved by the board.
    - c. Foundation piers shall be exposed brick masonry or sand textured plaster over masonry. If in-fill between piers is proposed, piers shall be skirted and screened in an opaque manner. It is encouraged that in-fill panels of wood lattice be utilized or brick screens where appropriate.
  - 3. Roofs. Roofs may be of metal, wood shake, dimensional asphalt shingle, slate, diamond shape asphalt shingles or single ply membrane or built up (for flat roofs), and must be of the appropriate architectural style. Roof pitch for sloped roofs above the main body shall be at least 8 on 12 on one- and two-story buildings and 6 on 12 on buildings with three (3) stories, unless architectural style dictates other slope, for example Craftsman. Eaves shall be appropriate for the architectural style. Shed roofs shall be allowed only against a principal building or perimeter wall. Flat roofs shall not be permitted without parapets, cornices, eaves overhangs boxed with modillions, dentils, or other moldings. The maximum size of the roof deck, window's walks,

towers, turrets, etc. is two hundred (200) square feet, with the maximum height of ten (10) feet above the maximum allowable building height.

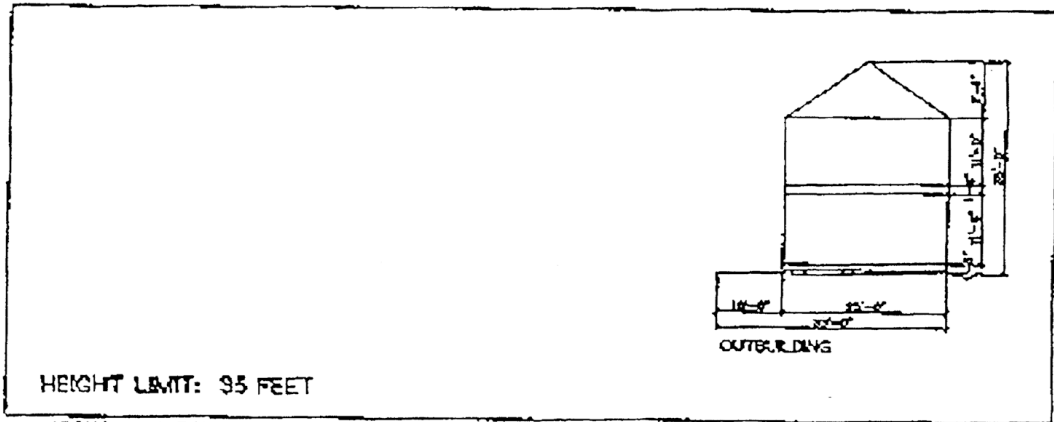
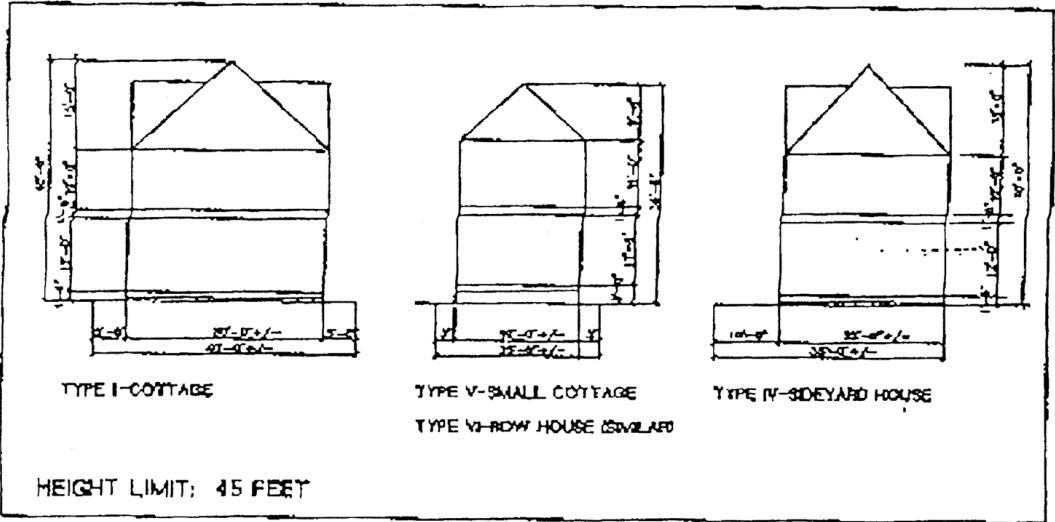
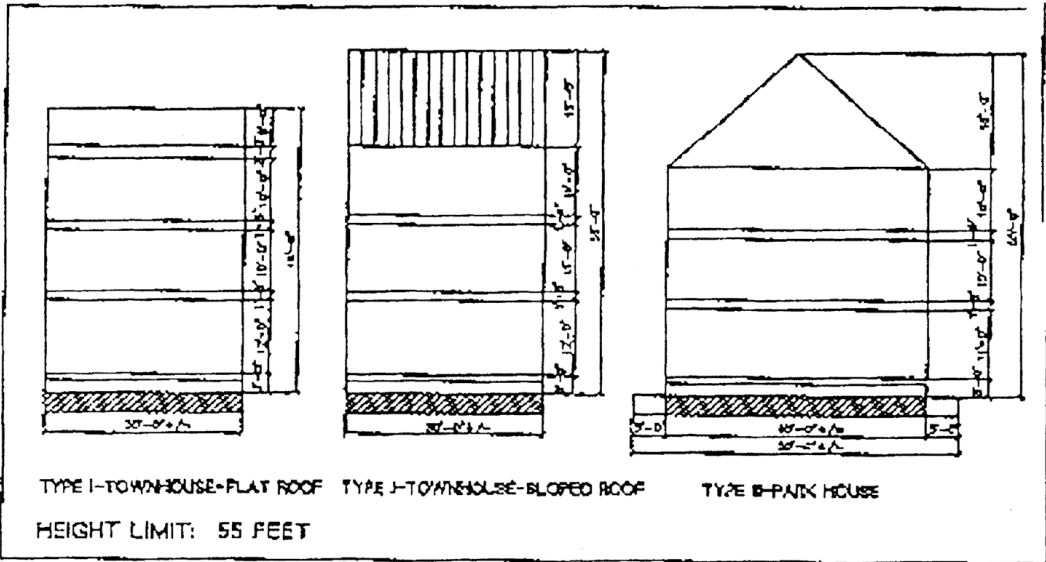
- a. Eaves and soffits may be: wood, painted or stained; smooth finish or sand textured stucco soffits, if detailed appropriately; or fiber-cement, if detailed appropriately ("Hardisoffit" or Hardipanel" vertical siding panels). Eaves shall be appropriate for architectural style and type.
  - b. Flashing may be anodized or pre-finished aluminum, galvanized steel or naturally weathered copper.
  - c. Gutters and downspouts may be anodized or pre-finished aluminum, galvanized steel or naturally weathered copper.
4. Balconies and porches. Front porches are required for all Type II through Type V principal structures, and porches or balconies are required for Type I and Type VI principal structures. Type I principal structure balconies supported by columns, the outside edge of the columns shall be located at the outside edge of the public sidewalk, and the balcony shall not extend past the columns. Balconies shall not be cantilevered more than eight (8) feet. See Figure 12.2.2.B for balcony and porch dimensions.
5. Doors. Entrance doors with an in-fill of raised panels below and glazed panels above were typically used in older sections of the city. Single doorways with a glazed transom above allows for both light and ventilation to enter the entrance way or entrance foyer of the building. Double doors are usually associated with a larger home or building layout.
- a. Doors are to be appropriate for building style and type. Entrance doors shall be fabricated of solid wood, metal, or fiberglass. Refer to Aragon Design Code, Architectural Standards and Architectural Styles.
6. Windows. Individual windows shall have vertical proportion.
- a. Windows are to be fabricated of wood or vinyl clad wood windows. Solid vinyl windows may be used if the components (jamb, sash, frame, sill, etc.) are sized and proportioned to duplicate wood. Steel or aluminum windows are prohibited.
  - b. All individual windows shall conform to vertical proportions of not less than 1:1.5, unless architectural styles dictate otherwise. Assemblage of complying window units to create large window openings is acceptable. Kitchen and bathroom windows are considered exceptions and are not regulated by vertical proportions, but are subject to approval if they detract from the overall vertical orientation.
  - c. Window sections shall be appropriate for style. Refer to Aragon Design Code.
  - d. The window frame will be given a paint finish appropriate to the color scheme of the exterior of the building.
  - e. Window trim or casing is to be a nominal five (5) inch member at all sides, head and sill.
  - f. Glass for use in windows shall typically be clear, but a light tinted glass will be given consideration by the Gateway Review Board.
  - g. Highly reflected glazing is prohibited. Insulated glass units are encouraged.
7. Shutters. Shutters are an exterior ornamental and functional architectural feature that have traditionally been used on windows, and occasionally, on doors.
- a. Shutters may be operable or fixed.



- b. If shutters are to be used on a project, they must be dimensioned to the proper size so that they would completely cover the window both in width and height if they were closed.
  - c. The style of the shutters must be louvered, flat vertical boards or paneled boards, with final determination being based on compatibility with the overall building design.
  - d. Shutter to be fabricated of wood or vinyl.
  - e. Shutter are to be appropriate for building style and type. Refer to Aragon Design Code, Architectural Styles.
8. Chimneys. Chimneys constructed of brick masonry, exposed or cement plastered, are architecturally compatible.
- a. The chimney or chimneys are to be constructed of masonry with the exposed surface to be brick or sand textured plaster. Rough texture stucco is prohibited.
  - b. The finished exposed surface of chimneys are to be left natural without any paint finish, unless the chimney is plastered or stuccoed.
  - c. Flashing shall consist of galvanized steel, copper sheet metal or painted aluminum.
  - d. The extent of simplicity or ornamentation shall be commensurate with the overall style and size of the building on which the chimney is constructed.
9. Trim and miscellaneous ornament.
- a. Trim and ornament, where used, is to be fabricated of wood, stucco or stone.
  - b. Trim and ornament will be painted to match, or be coordinated with, door and window casings, porch railings, porch columns, and basic projecting elements of the building.
10. Miscellaneous mechanical equipment.
- a. Air conditioning condensing units shall not be mounted on any roof where they are visible from any street.
  - b. Air conditioning condensing units that are mounted on the ground shall be in either side yards or rear yards.
  - c. Visual screening consisting of ornamental fencing or landscaping shall be installed around all air conditioning condensing units to conceal them from view from any adjacent street or property owner.
  - d. Exhaust fans or other building penetrations as may be required by other authorities shall be allowed to penetrate the wall or the roof but only in locations where they can be concealed from view from any street. No penetrations shall be allowed on the front of the building. They may be allowed on side walls if they are properly screened. It is desirable that any penetrations occur on rear walls or the rear side of roofs.
11. Accessibility ramps and outdoor stairs.
- a. Whenever possible, accessibility ramps and outdoor stairways shall be located to the side or the rear of the property.
  - b. The design of accessibility ramps and outdoor stairs shall be consistent with the architectural style of the building.
  - c. Building elements, materials and construction methods shall be consistent with the existing structure.

12. Outbuildings.

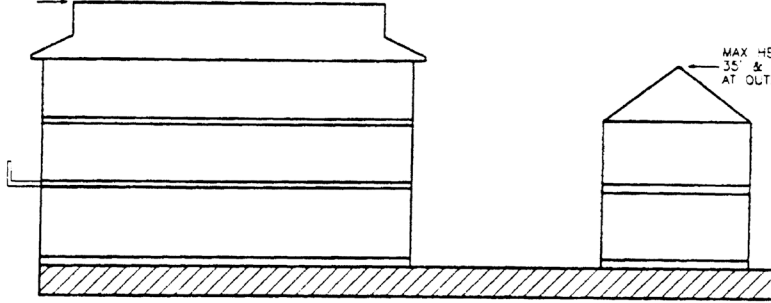
- a. Outbuildings shall be detailed in a manner similar to the house. Detached garages are strongly encouraged.
  - b. Accessory dwelling units are permitted and encouraged, and shall be detailed in a manner similar to the house.
- (k) Additional regulations. In addition to the regulations established above in section 12-2-10(B)(5)(a) through (j), any permitted use within the GRD-1 zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of Chapter 7-4, Alcoholic Beverages, of this Code.
- (6) *Procedures for review of renovation, alterations, and additions to structures within the GRD-1 district.* The regulations and standards established in subsections 12-2-12(b)(1) through (5) above, shall apply to all plans for the renovation, alteration and addition to structures within the GRD-1 district.
- a. Abbreviated review. Sign requests, paint colors, fencing, and emergency repairs which are consistent with the regulations and standards set forth in subsection 12-2-12(B) may be approved by letter to the building official from the board secretary and the chairman of the Gateway Review Board. If agreement cannot be reached as it pertains to such request for abbreviated review by the board secretary and chairman, then the matter will be referred to the entire board for a decision.



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ARAGON MAXIMUM HEIGHTS

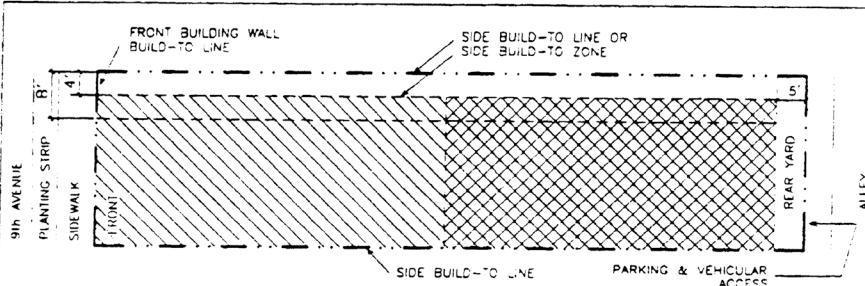
MAX HEIGHT IS  
55' & 3-1/2 STORIES



MAX HEIGHT IS  
35' & 2 1/2 STORIES  
AT OUTBUILDINGS

THE PRINCIPAL BUILDING SHALL BE NO HIGHER THAN 55 FEET AND HAVE A MINIMUM OF TWO STORIES. MINIMUM HEIGHT FOR PRINCIPAL BUILDING IS 26 FEET. OUTBUILDINGS SHALL BE NO HIGHER THAN 35 FEET.

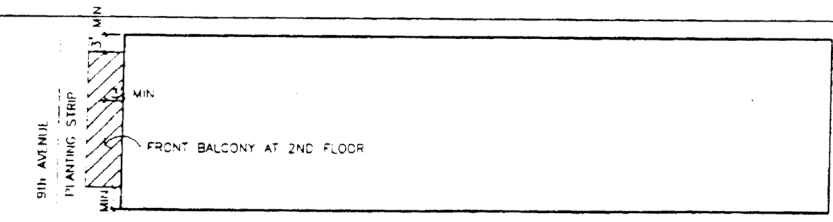
HEIGHT



THE FRONT BUILDING WALL SHALL BE LOCATED AT THE FRONT PROPERTY LINE. SIDE BUILD-TO LINE ON ONE SIDE IS THE PROPERTY LINE. OTHER SIDE MUST BUILD TO EITHER THE PROPERTY LINE OR BUILD TO BETWEEN 4 AND 8 FEET FROM THE PROPERTY LINE. OWNER MAY SELECT WHICH SIDE TO USE FOR BUILD-TO LINE. THE REAR SETBACK IS 5 FEET. CANTILEVERED BALCONIES CAN ENCRoACH INTO REAR SETBACK. OUTBUILDINGS, PARKING, AND VEHICULAR ACCESS ARE LOCATED AT THE REAR 50% OF THE SITE (ALLEY). TOTAL LOT COVERAGE OF IMPERVIOUS AREA SHALL NOT EXCEED 80% OF THE LOT.

SITING

PRINCIPAL BUILDING ZONE OUTBUILDING ZONE

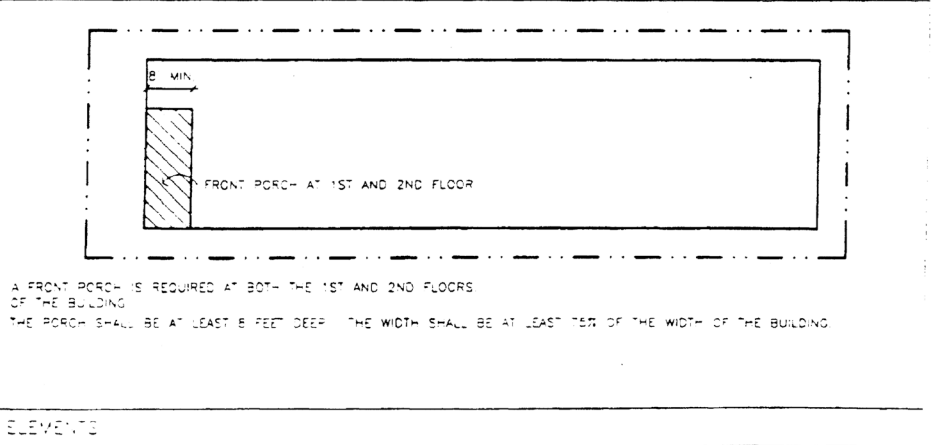
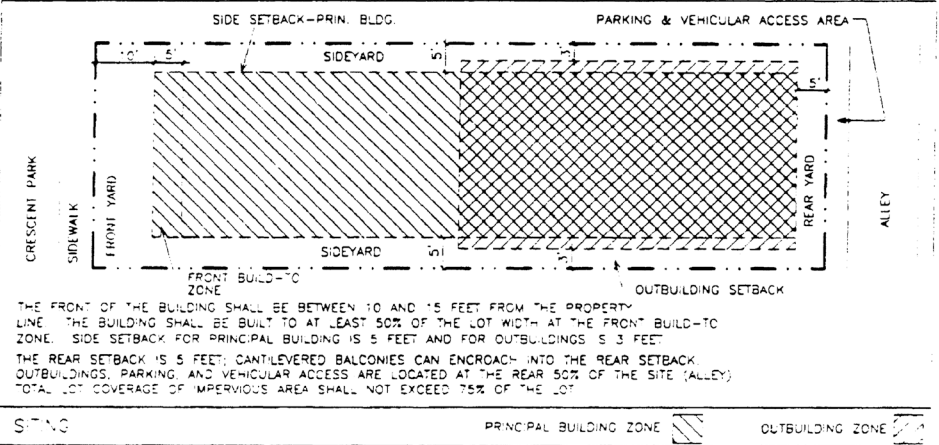
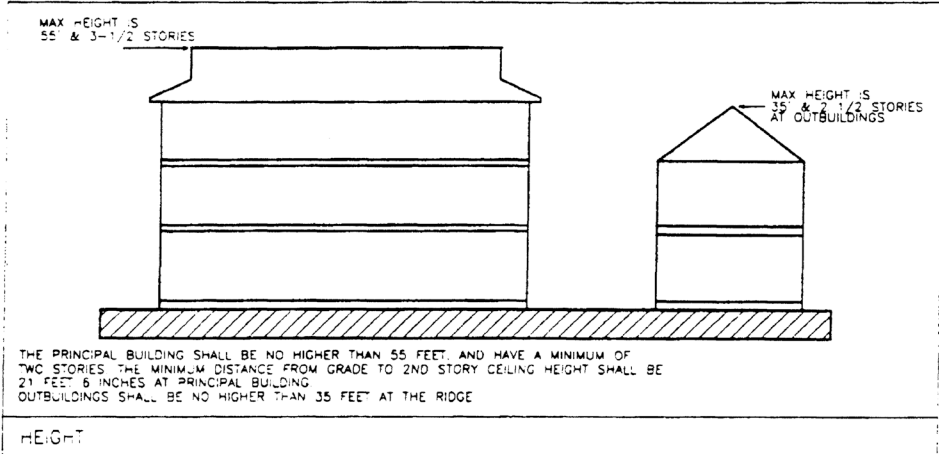


BALCONIES ARE REQUIRED ALONG THE FRONT OF THE BUILDING AND SHALL BE CONSTRUCTED WITH THE FOLLOWING DIMENSIONS:  
BALCONIES CONSTRUCTED WITH A CANTILEVERED DESIGN (NO VERTICAL SUPPORTS TO THE GROUND) SHALL BE A MINIMUM OF 3 FEET DEEP AND SHALL NOT EXTEND BEYOND THE OUTSIDE EDGE OF THE PUBLIC SIDEWALK.  
BALCONIES CONSTRUCTED WITH VERTICAL SUPPORTS TO THE GROUND SHALL NOT EXTEND BEYOND THE OUTSIDE EDGE OF THE PUBLIC SIDEWALK AND THE VERTICAL SUPPORTS SHALL BE PLACED ON THE OUTSIDE EDGE OF THE PUBLIC SIDEWALK.  
FRONT BALCONIES SHALL NOT BE LOCATED CLOSER THAN 3 FEET FROM THE SIDE PROPERTY LINE EXCEPT AT SIDE STREET PROPERTY LINES AT CORNER LOTS.  
NOTE: TWO LOTS CAN BE CONSOLIDATED FOR THE PURPOSE OF CONSTRUCTING A SINGLE BUILDING. THE MINIMUM NUMBER OF UNITS MUST EQUAL THE NUMBER OF LOTS.

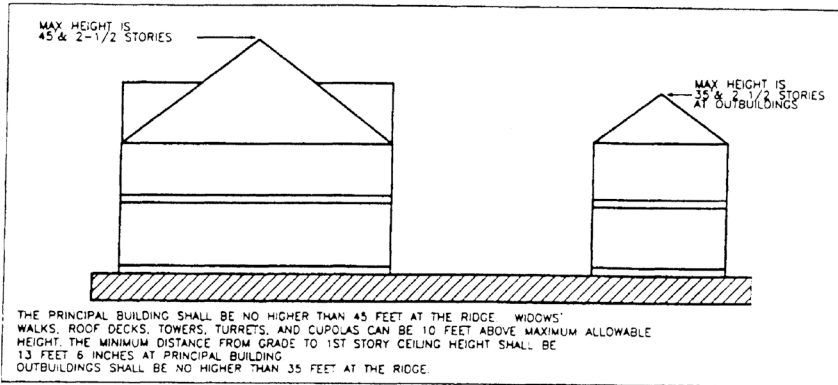
ELEMENTS

ARAGON TOWNHOUSE—TYPE I

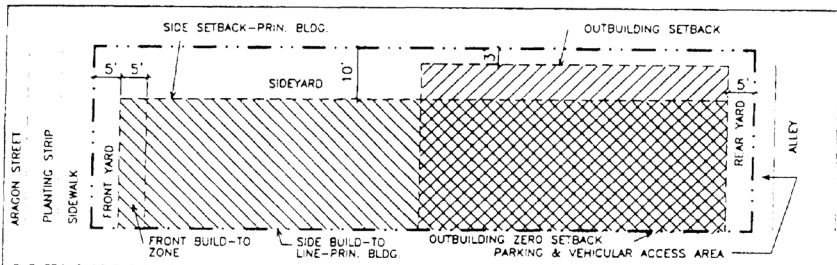




ARAGON PARK HOUSE—TYPE III



HEIGHT

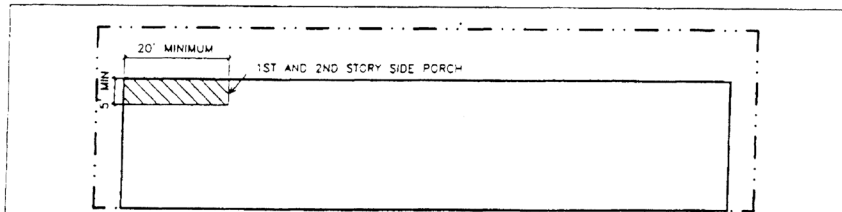


THE FRONT OF THE BUILDING SHALL BE BETWEEN 5 AND 10 FEET FROM THE PROPERTY LINE. THE BUILDING SHALL BE BUILT TO AT LEAST 60% OF THE LOT WIDTH AT THE FRONT BUILD-TO ZONE. FOR PRINCIPAL BUILDING, THE SIDE BUILD-TO LINE IS THE PROPERTY LINE ON ONE SIDE. THE SIDE SETBACK ON THE OTHER SIDE IS 10 FEET. FOR OUTBUILDINGS, THERE IS NO SIDE SETBACK ON ONE SIDE, THE SIDE SETBACK ON THE OTHER SIDE IS 3 FEET. THE REAR SETBACK IS 5 FEET. CANTILEVERED BALCONIES CAN ENCROACH INTO THE REAR SETBACK. OUTBUILDINGS, PARKING, AND VEHICULAR ACCESS ARE LOCATED AT THE REAR 50% OF THE SITE (ALLEY). TOTAL LOT COVERAGE OF IMPERVIOUS AREA SHALL NOT EXCEED 75% OF THE LOT.

A NON-EXCLUSIVE EASEMENT NOT TO EXCEED 3'-0" IS GRANTED ON THE LOT ADJACENT TO BUILD-TO LINE PROPERTY LINE FOR ENCROACHMENTS INCLUDING ROOF OVERHANGS, DOWNSPOUTS, AND FOUNDATION FOOTINGS, AND FOR MAINTENANCE OF EXTERIOR AND GARDEN WALLS ON PROPERTY LINE.

SITING

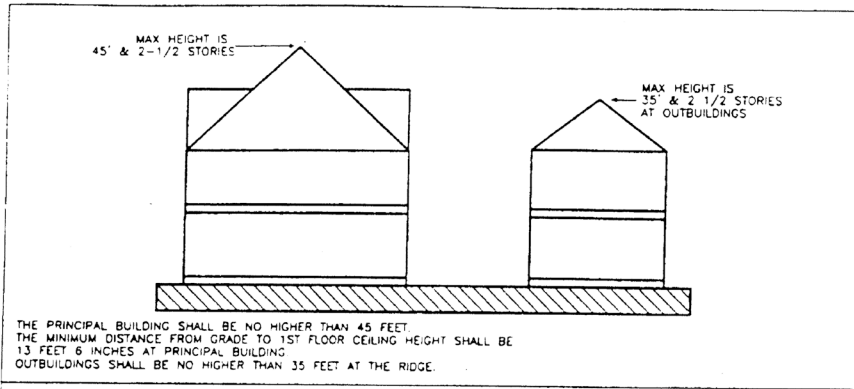
PRINCIPAL BUILDING ZONE OUTBUILDING ZONE



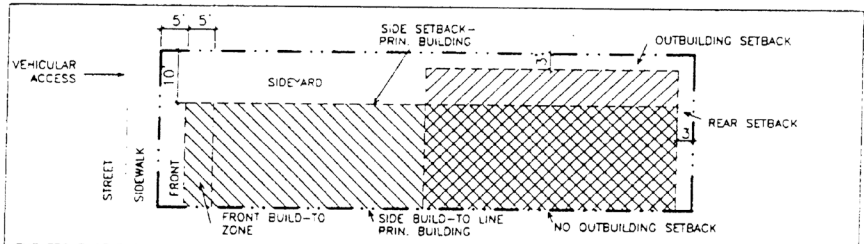
A SIDEYARD PORCH IS REQUIRED ALONG THE SIDE OF THE BUILDING AT BOTH THE 1ST FLOOR AND 2ND FLOOR FOR 2 STORY BUILDINGS AND ON THE FIRST FLOOR AT 1 STORY BUILDINGS. THE PORCH SHALL BE AT LEAST 5 FEET WIDE AND SHALL EXTEND FROM THE FRONT FACADE AT LEAST 20 FEET DEEP, ALONG THE SIDE OF THE BUILDING.

ELEMENTS

ARAGON SIDEYARD HOUSE WITH ALLEY ACCESS—TYPE IVA



HEIGHT



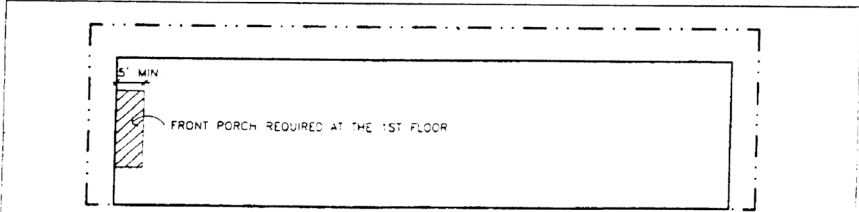
THE FRONT OF THE BUILDING SHALL BE BETWEEN 5 AND 10 FEET FROM THE PROPERTY LINE. THE BUILDING SHALL BE BUILT TO AT LEAST 50% OF THE LOT WIDTH AT THE FRONT BUILD-TO ZONE. FOR PRINCIPAL BUILDING, THE SIDE BUILD-TO LINE IS THE PROPERTY LINE ON ONE SIDE. THE SIDE SETBACK ON THE OTHER SIDE IS 10 FEET. FOR OUTBUILDINGS, THERE IS NO SIDE SETBACK ON ONE SIDE. THE SIDE SETBACK ON THE OTHER IS 3 FEET. THE REAR SETBACK IS 3 FEET. WITHIN THE REQUIRED SIDE YARD, A DRIVEWAY ACCESS SHALL BE REQUIRED, UNLESS DRIVEWAY ACCESS IS SHARED BETWEEN LOTS WITH A DEDICATED SHARED ACCESS EASEMENT. VEHICULAR ACCESS FROM THE STREET PARKING IS LOCATED IN THE SIDE YARD OR REAR YARD. OUTBUILDINGS ARE LOCATED AT THE REAR 50% OF THE LOT. TOTAL LOT COVERAGE OF IMPERVIOUS AREA SHALL NOT EXCEED 75% OF THE LOT.

A NON-EXCLUSIVE EASEMENT NOT TO EXCEED 3'-0" IS GRANTED ON THE LOT ADJACENT TO BUILD-TO LINE PROPERTY LINE FOR ENCROACHMENTS INCLUDING ROOF OVERHANGS, DOWNSPOUTS, AND FOUNDATION FOOTINGS, AND FOR MAINTENANCE OF EXTERIOR AND GARDEN WALLS ON PROPERTY LINE.

SITING-INTERIOR LOTS

PRINCIPAL BUILDING ZONE

OUTBUILDING ZONE



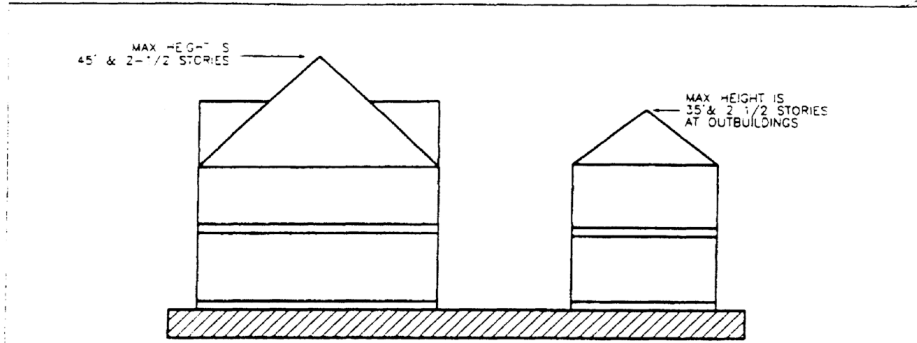
A FRONT PORCH IS REQUIRED ALONG THE FRONT OF THE BUILDING ON THE 1ST FLOOR. THE PORCH SHALL BE AT LEAST 5 FEET DEEP. THE WIDTH SHALL BE A MINIMUM OF 50% OF THE WIDTH OF THE BUILDING.

NOTE  
FOR LOTS DESIGNATED AS "FAMILY GROUP," UP TO FOUR LOTS COULD BE CONSOLIDATED FOR THE PURPOSE OF CONSTRUCTING MULTIPLE UNITS WHICH SHARE A COURTYARD, PARKING, OR OTHER CENTRAL SPACE. THE MINIMUM NUMBER OF UNITS MUST EQUAL THE NUMBER OF LOTS CONSOLIDATED.

ELEMENTS

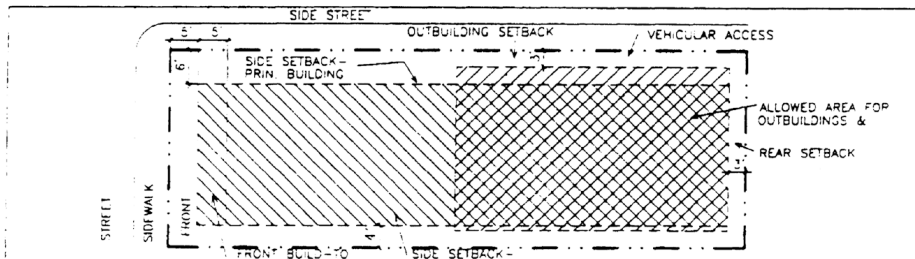
ARAGON SIDERYARD HOUSE WITH STREET ACCESS—TYPE IVB-INTERIOR LOTS





THE PRINCIPAL BUILDING SHALL BE NO HIGHER THAN 45 FEET  
 OUTBUILDINGS SHALL BE NO HIGHER THAN 35 FEET AT THE RIDGE  
 THE MINIMUM DISTANCE FROM GRADE TO 1ST FLOOR CEILING HEIGHT SHALL BE 13'-6" AT PRINCIPAL BUILDING

HEIGHT



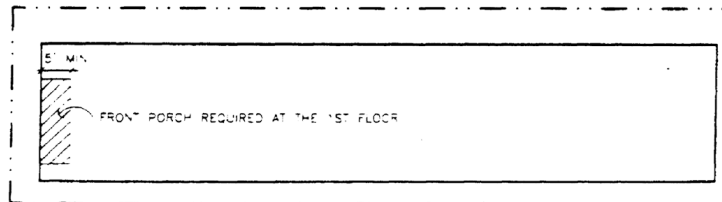
THE FRONT OF THE BUILDING SHALL BE BETWEEN 5 AND 10 FEET FROM THE PROPERTY LINE  
 THE BUILDING SHALL BE BUILT TO AT LEAST 50% OF THE LOT WIDTH AT THE FRONT BUILD-TO ZONE  
 FOR PRINCIPAL BUILDING, THE SIDE SETBACK IS 6 FEET AT THE SIDE STREET AND 4 FEET FOR THE OTHER SIDE  
 FOR OUTBUILDINGS, THE SIDE SETBACK IS 3 FEET  
 THE REAR SETBACK IS 3 FEET  
 A DRIVEWAY ACCESS SHALL BE REQUIRED FROM THE SIDE STREET, UNLESS DRIVEWAY ACCESS IS SHARED BETWEEN LOTS WITH A DEDICATED SHARED ACCESS EASEMENT  
 OUTBUILDINGS, PARKING, AND VEHICULAR ACCESS ARE LOCATED AT THE REAR 50% OF THE SITE  
 TOTAL LOT COVERAGE OF IMPERVIOUS AREA SHALL NOT EXCEED 75% OF THE LOT

SITING-CORNER LOTS

PRINCIPAL BUILDING ZONE



OUTBUILDING ZONE



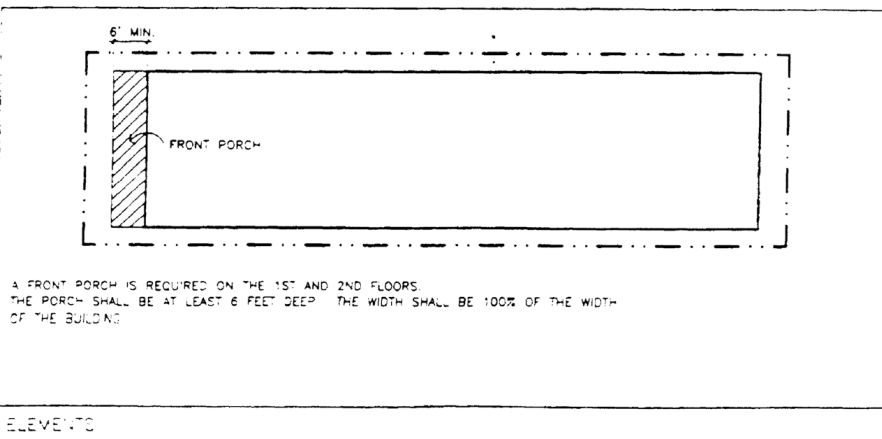
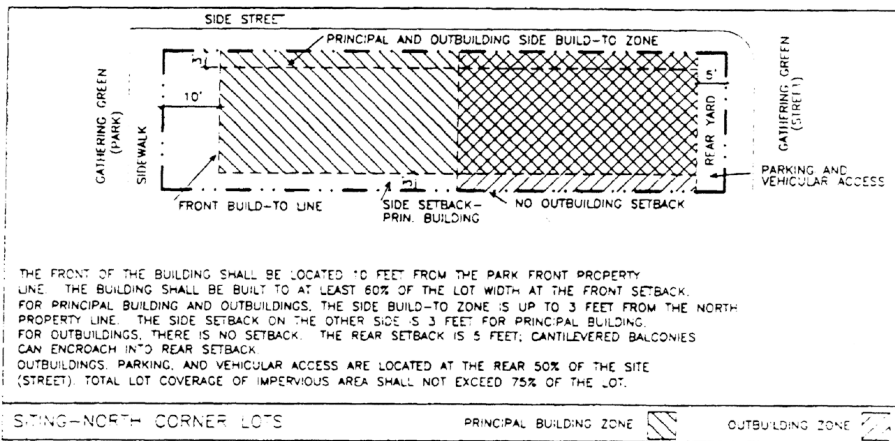
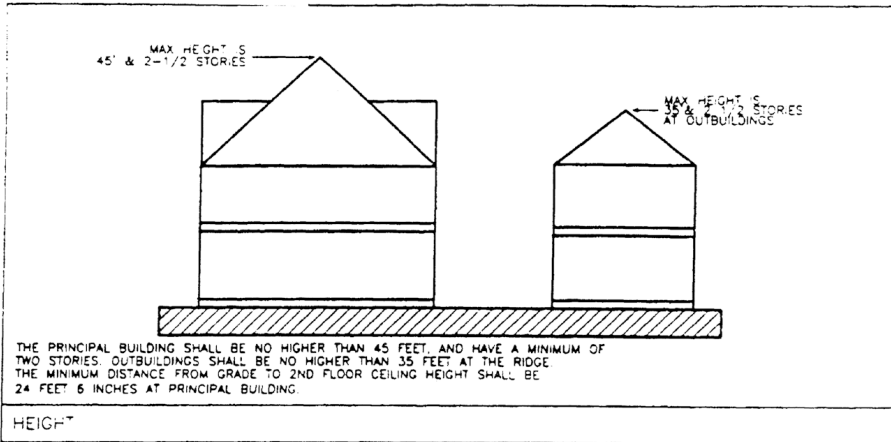
A FRONT PORCH IS REQUIRED ALONG THE FRONT OF THE BUILDING ON THE 1ST FLOOR. THE PORCH SHALL BE AT LEAST 5 FEET DEEP. THE WIDTH SHALL BE A MINIMUM OF 50% OF THE WIDTH OF THE BUILDING.

NOTE:

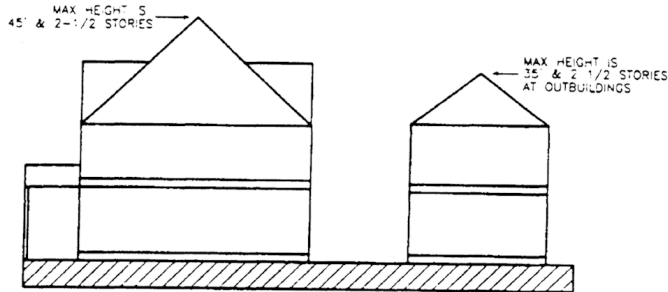
FOR LOTS DESIGNATED AS FAMILY GROUP, UP TO FOUR LOTS COULD BE CONSOLIDATED FOR THE PURPOSE OF CONSTRUCTING MULTIPLE UNITS WHICH SHARE A COURTYARD, PARKING, OR OTHER CENTRAL SPACE. THE MINIMUM NUMBER OF UNITS MUST EQUAL THE NUMBER OF LOTS CONSOLIDATED.

ELEMENTS

**ARAGON SIDEYARD HOUSE WITH STREET ACCESS—TYPE IVB-CORNER LOTS**

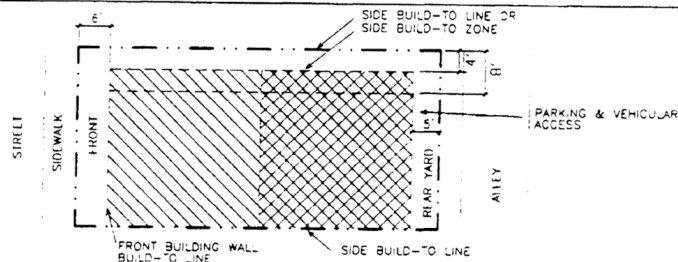


ARAGON SMALL COTTAGE—TYPE V-NORTH CORNER LOTS



THE PRINCIPAL BUILDING SHALL BE NO HIGHER THAN 45 FEET. WIDOWS' WALKS, ROOF DECKS, TOWERS, TURRETS, AND CUPOLAS CAN BE 10' ABOVE MAXIMUM ALLOWABLE HEIGHT. THE MINIMUM DISTANCE FROM GRADE TO 1ST FLOOR CEILING HEIGHT SHALL BE 13 FEET 6 INCHES AT PRINCIPAL BUILDING. OUTBUILDINGS SHALL BE NO HIGHER THAN 35 FEET AT THE RIDGE.

HEIGHT

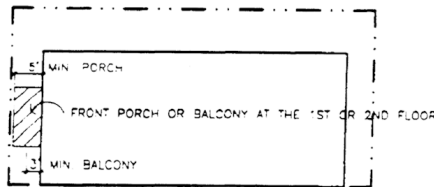


THE FRONT BUILDING WALL SHALL BE LOCATED 6 FEET FROM THE FRONT PROPERTY LINE. THERE IS NO FRONT SETBACK FOR OPEN PORCHES AND BALCONIES. SIDE BUILD-TO LINE ON ONE SIDE IS THE PROPERTY LINE. OTHER SIDE MUST EITHER BUILD TO PROPERTY LINE OR BUILD TO BETWEEN 4 AND 8 FEET FROM THE PROPERTY LINE. OWNER MAY SELECT WHICH SIDE TO USE FOR BUILD-TO LINE. THE REAR SETBACK IS 5 FEET. CANTILEVERED BALCONIES CAN ENCRoACH INTO REAR SETBACK. OUTBUILDINGS, PARKING, AND VEHICULAR ACCESS ARE LOCATED AT THE REAR 50% OF THE SITE (ALLEY). TOTAL LOT COVERAGE OF IMPERVIOUS AREA SHALL NOT EXCEED 80% OF THE LOT.

SITING—LOTS D-1 THRU D-5

PRINCIPAL BUILDING ZONE

OUTBUILDING ZONE

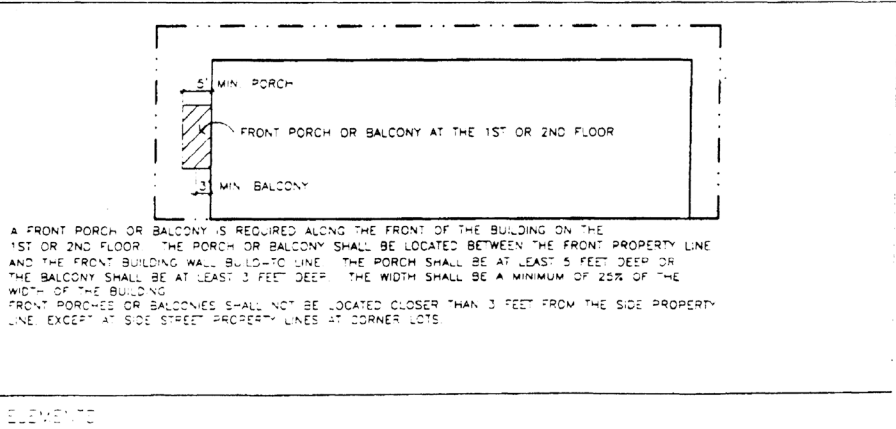
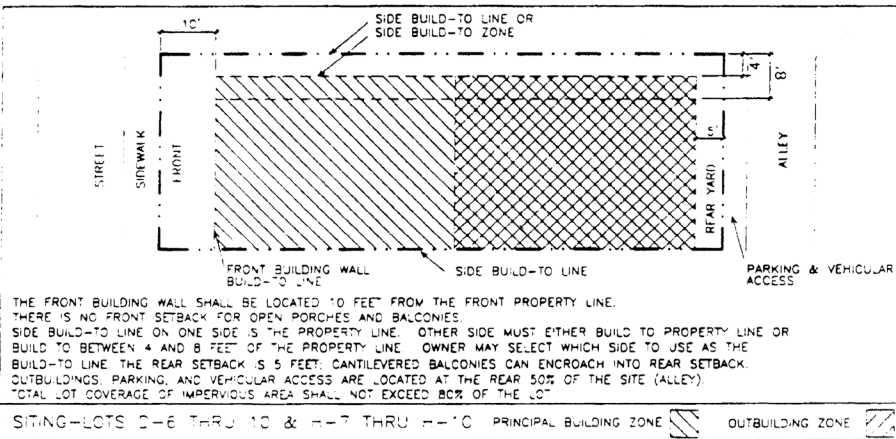
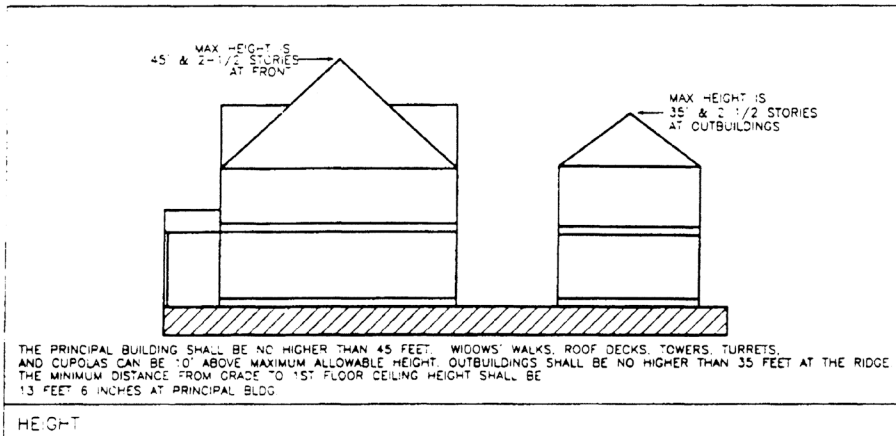


A FRONT PORCH OR BALCONY IS REQUIRED ALONG THE FRONT OF THE BUILDING ON THE 1ST OR 2ND FLOOR. THE PORCH OR BALCONY SHALL BE LOCATED BETWEEN THE FRONT PROPERTY LINE AND THE FRONT BUILDING WALL BUILD-TO LINE. THE PORCH SHALL BE AT LEAST 5 FEET DEEP OR THE BALCONY SHALL BE AT LEAST 3 FEET DEEP. THE WIDTH SHALL BE A MINIMUM OF 25% OF THE WIDTH OF THE BUILDING. FRONT PORCHES OR BALCONIES SHALL NOT BE LOCATED CLOSER THAN 3 FEET FROM THE SIDE PROPERTY LINE, EXCEPT AT SIDE STREET PROPERTY LINES AT CORNER LOTS.

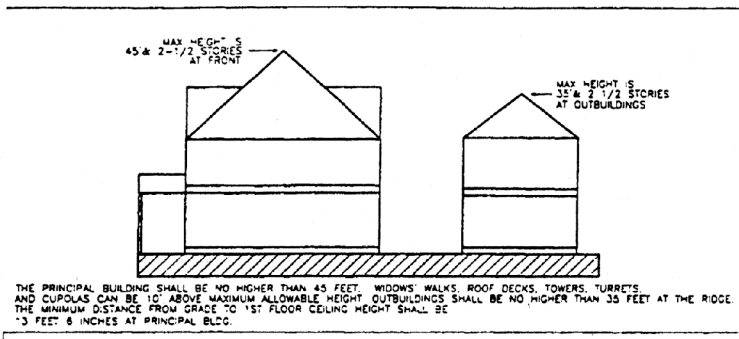
NOTE  
FOR LOTS DESIGNATED AS "FAMILY GROUP" UP TO FOUR LOTS COULD BE CONSOLIDATED FOR THE PURPOSE OF CONSTRUCTING MULTIPLE UNITS WHICH SHARE A COURTYARD, PARKING, OR OTHER CENTRAL SPACE. THE MINIMUM NUMBER OF UNITS MUST EQUAL THE NUMBER OF LOTS CONSOLIDATED.

ELEMENTS

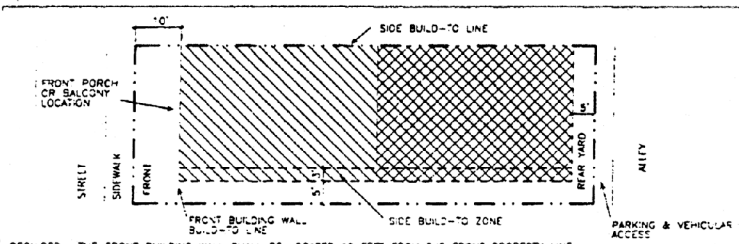
## ARAGON ROW HOUSE—TYPE VI—LOTS D-1 THRU D-5



ARAGON ROW HOUSE—TYPE VI—LOTS D-6 THRU 10 & H-7 THRU H-10

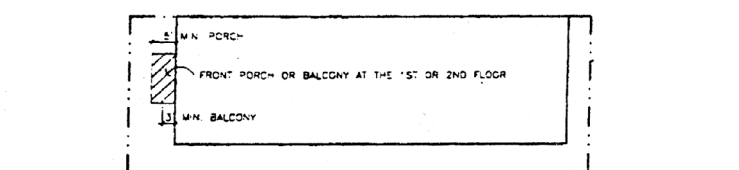


HEIGHT



REQUIRED: THE FRONT BUILDING WALL SHALL BE LOCATED 10 FEET FROM THE FRONT PROPERTY LINE. THERE IS NO FRONT SETBACK FOR OPEN PORCHES AND BALCONIES. SIDE BUILD-TO LINE ON EAST SIDE IS THE PROPERTY LINE. SIDE BUILD-TO ZONE ON THE WEST SIDE IS 5 TO 8 FEET FROM THE PROPERTY LINE. THE REAR SETBACK IS 5 FEET. CANTILEVERED BALCONIES CAN ENCRoACH INTO REAR SETBACK. OUTBUILDINGS, PARKING, AND VEHICULAR ACCESS ARE LOCATED AT THE REAR 50% OF THE SITE (ALLEY). TOTAL LOT COVERAGE OF IMPERVIOUS AREA SHALL NOT EXCEED 80% OF THE LOT.

SITING-LOT --E



REQUIRED: A FRONT PORCH OR BALCONY IS REQUIRED ALONG THE FRONT OF THE BUILDING ON THE 1ST OR 2ND FLOOR. THE PORCH OR BALCONY SHALL BE LOCATED BETWEEN THE FRONT PROPERTY LINE AND THE FRONT BUILDING WALL BUILD-TO LINE. THE PORCH SHALL BE AT LEAST 5 FEET DEEP OR THE BALCONY SHALL BE AT LEAST 3 FEET DEEP. THE WIDTH SHALL BE A MINIMUM OF 25% OF THE WIDTH OF THE BUILDING. FRONT PORCHES OR BALCONIES SHALL NOT BE LOCATED CLOSER THAN 3 FEET FROM THE SIDE PROPERTY LINE, EXCEPT AT SIDE STREET PROPERTY LINES AT CORNER LOTS.

ELEMENTS

## ARAGON ROW HOUSE—TYPE VI-LOT H-6

### (C) WRD, waterfront redevelopment district.

- (1) *Purpose of district.* The waterfront redevelopment district is established to promote redevelopment of the city's downtown waterfront with a compatible mixture of water-dependent and water-related uses which preserve the unique shoreline vista and scenic opportunities, provide public access, create a cultural meeting place for the public, preserve the working waterfront activities historically located in the waterfront area, and encourage a high quality of site planning and architectural design. Site specific analysis of each development proposal within the district is intended to ensure that the scenic vistas and marine-oriented image of the district are maintained, that the development character of the waterfront is upgraded and that the boundaries of the adjacent special districts are positively reinforced.

(2) *Uses permitted.*

- (a) Single-family residential (attached or detached) at a maximum density of seventeen and four-tenths (17.4) units per acre. Multi-family residential at a maximum density of sixty (60) dwelling units per acre.
- (b) Home occupations, subject to regulations in section 12-2-33.
- (c) Offices.
- (d) Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes.
- (e) Hotels/motels.
- (f) Marinas.
- (g) Parking garages.
- (h) The following retail sales and services:
  - 1. Retail food and drug stores (including package liquor store).
  - 2. Personal service shops.
  - 3. Clothing stores.
  - 4. Specialty shops.
  - 5. Banks.
  - 6. Bakeries whose products are sold at retail on the premises.
  - 7. Antique shops.
  - 8. Floral shops.
  - 9. Health clubs, spa and exercise centers.
  - 10. Laundromats.
  - 11. Laundry and dry cleaning pick-up stations.
  - 12. Restaurants.
  - 13. Studios.
  - 14. Art galleries.
  - 15. Sale or rental of sporting goods or equipment including instructions in skiing, sailing, or scuba diving.
  - 16. Boat rentals waterside only with limited upland storage.
  - 17. Bars.
  - 18. Commercial fishing.
  - 19. Ferry and passenger terminals.
  - 20. Cruise ship operations.
- (i) Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(3) *Procedure for review of plans.*

- (a) Plan submission. Every application to construct a new structure in the waterfront redevelopment district shall be subject to the development plan review and approval procedure established in section 12-2-81. Every application for a new certificate of occupancy or a building permit to erect, construct, demolish, renovate or alter a building or

sign, or exterior site work (i.e., paving and landscaping of off-street parking areas), located or to be located in the waterfront redevelopment district shall be accompanied with drawings or sketches with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the building, sign, or exterior work (both before and after the proposed work is done in cases of altering, renovating, demolishing or razing a building or structure) including proposed materials, textures and colors, and the plot plan or site layout including all site improvements or features such as walls, fences, walks, terraces, plantings, accessory buildings, paved areas, signs, lights, awnings, canopies and other appurtenances. All developments within the waterfront redevelopment district must comply with design standards as established in section 12-2-82.

- (b) Review and approval. All plans shall be subject to the review and approval of the planning board established in Chapter 12-13. At the time of review the board may require that any aspect of the overall site plan which does not meet the standards established in this section be incorporated and brought into compliance within a time limit approved by the board. Review by the planning board of applications for zoning variances shall be as provided for under section 12-13-2(F)(f).
- (c) Abbreviated review. Sign requests, paint colors, fencing, and emergency repairs which are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the planning board secretary and the chairman of the board. This provision is made in an effort to save the applicant and the board time for routine approval matters. If agreement cannot be reached as it pertains to such requests by the board secretary and chairman, then the matter will be referred to the board for a decision.

(4) *Regulations.*

- (a) Signs. The following provisions shall be applicable to signs in the district.

- 1. Number of signs. Each parcel shall be limited to one sign per street frontage; provided, however, if there exists more than one establishment on the parcel, there may be one attached sign per establishment.
- 2. Signs extending over public property. Signs extending over public property shall maintain a clear height of nine (9) feet above the sidewalk and no part of such signs shall be closer than eighteen (18) inches to the vertical plane of the curb line or edge of the pavement.
- 3. Sign size and height limitations.

- a. Attached signs:

Size: Ten (10) percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed fifty (50) square feet. Buildings exceeding five (5) stories in height; one attached wall sign or combination of wall signs not to exceed two hundred (200) square feet and mounted on the fifth floor or above.

Height: No sign may extend above the roof line of the building to which it is attached. For the purposes of this section roof surfaces constructed at an angle of sixty-five (65) degrees or more from horizontal shall be regarded as walls.

- b. Freestanding signs.

Size: Fifty (50) square feet.

Height: Ten (10) feet (top of sign).

- 4. Other permitted signs.

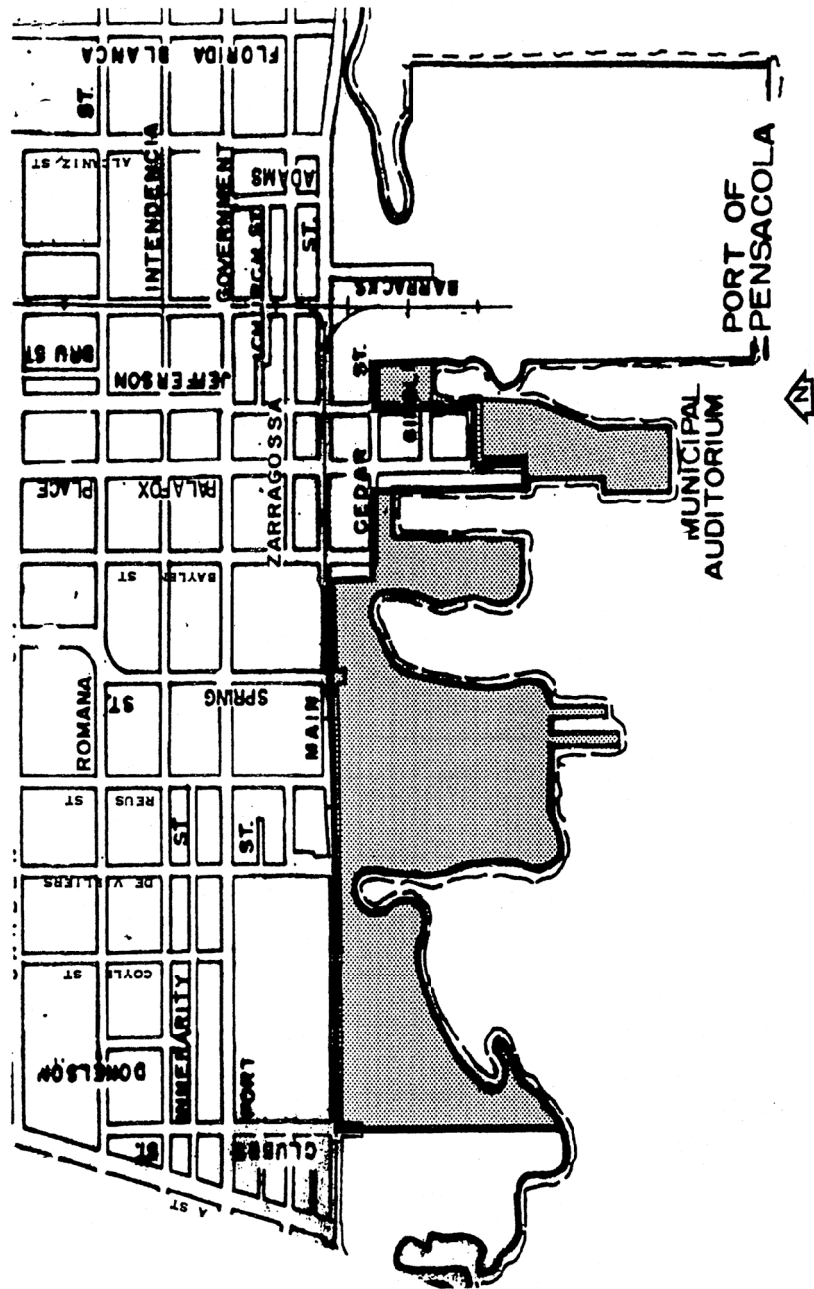
- a. Signs directing and guiding traffic and parking on private property, bearing no advertising matter. Such signs shall not exceed two (2) square feet in size.
  - b. Signs advertising the acceptance of credit cards not exceeding two (2) square feet in size and which are attached to buildings or permitted freestanding signs.
  - c. Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.
5. Prohibited signs. Refer to section 12-4-7 for a description of prohibited signs. In addition the following signs are prohibited within the district:
- a. Portable signs.
  - b. Signs which are abandoned or create a safety hazard. Abandoned signs are those advertising a business which becomes vacant and is unoccupied for a period of ninety (90) days or more.
  - c. Signs which are not securely fixed on a permanent foundation.
  - d. Strings of light bulbs, other than holiday decorations, streamers and pennants.
  - e. Signs that present an optical illusion, incorporated projected images, or emit sound.
  - f. Secondary advertising signs (i.e., signs which advertise a brand name product in addition to the name of the business).
6. Temporary signs. The following temporary signs shall be permitted in the district:
- a. Temporary banners indicating that a noncommercial special event such as a fair, carnival, festival or similar happening is to take place, are permitted with the following conditions: Such banners may be erected no sooner than two (2) weeks before the event and banners extending over street rights-of-way require approval from the mayor.
  - b. One non-illuminated sign per street frontage advertising the sale, lease or rental of the lot or building upon which the sign is located. Such sign shall not exceed twelve (12) square feet in size, and shall be removed immediately after occupancy.
  - c. One non-illuminated sign not more than fifty (50) square feet in area in connection with new construction work and displayed only during such time as the actual construction work is in progress.
- (b) Off-street parking. The following off-street parking requirement shall apply to all lots, parcels, or tracts in the district: Off-street parking requirements in the waterfront redevelopment district shall be based on the requirements set forth in Chapter 12-3. The required parking may be provided off-site by the owner/developer as specified in subsection 12-3-1(D). Screening shall be provided along the edges of all parking areas visible from the street rights-of-way. This screening may take the form of:
- A solid wall or fence (chain-link fences are prohibited) with a minimum height of four (4) feet which is compatible in design and materials with on-site architecture and nearby development; or
  - An earth berm approximately three (3) feet in height which is landscaped to provide positive screening effective within three (3) years; or
  - A combination of walls or fences and landscape screening, or landscape screening designed to provide positive screening within three (3) years.
- (c) Vehicular access. For each lot, tract or parcel under single ownership, the maximum number of access points shall not exceed two (2) per street frontage.



- (d) Landscaping. Landscaping requirements in the district shall conform to the requirements of Chapter 12-6. All service areas (i.e., trash collection containers, compactors, loading docks) shall be screened with at least seventy-five (75) percent opacity from the street and adjacent buildings by one of the following techniques:
- Fence or wall and gate, six (6) feet high;
  - Vegetation, six (6) feet high (within three (3) years); or
  - A combination of the above.
- (e) Underground utility services. All new building construction or additions of floor area to existing structures shall be required to install underground utilities on the site.
- (f) Lot coverage. The total coverage of the site including all structures, parking areas, driveways and all other impervious surfaces shall not exceed seventy-five (75) percent.
- (g) Setback/height requirements. No building shall exceed a maximum height of sixty (60) feet in the waterfront redevelopment district.
1. *Shoreline setback/height requirements.* All buildings shall be set back a minimum of thirty (30) feet from the shoreline or the bulkhead line. At this minimum setback line, the building height may not exceed thirty-five (35) feet. Above thirty-five (35) feet in height, an additional one foot in building height may be permitted for each additional one (1) foot in setback with a maximum building height of sixty (60) feet. The minimum setback from the shoreline may be decreased by the planning board and the council during the review process to permit reuse of existing buildings, structures or foundations with a lesser setback.
  2. *Main Street setback/height requirements.* All buildings shall be setback a minimum of sixty (60) feet from the centerline of Main Street. At this minimum setback line, the building height may not exceed sixty (60) feet.
- (h) Additional regulations. In addition to the regulations established above in subsections 12-2-12(C)(4)(a) through (g), any permitted use within the WRD zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of Chapter 7-4 of this Code.
- (5) *Regulations.* All developments within the waterfront redevelopment district are encouraged to follow the design guidelines established in subsection 12-2-82(D). In addition, the following site planning guidelines should be taken into consideration in the required development plans.
- (a) Site planning. The integration of site features such as building arrangement, landscaping, parking lot layout, public access points, building orientation, and scenic vantage points is critical in producing a pleasant and functional living or working environment. In reviewing development proposals, the following guidelines shall be taken into consideration:
1. *Maximum preservation of waterfront views.* Considering the waterfront location of the district, the placement of buildings, signs, service areas, parking and landscaping shall be planned to maximize the preservation of views of the bay and to protect the waterfront scenic open space character. To prevent the effect of a "wall" of development along the edge of the waterfront and adjacent streets, open space should be encouraged between buildings and under elevated buildings. Pedestrian circulation systems should be designed to form a convenient, interconnected network through buildings, landscaped open spaces and public walkways. The longer side of each building should be sited perpendicular to the water's edge in order to preserve water views from the street.
  2. *Building orientation.* Buildings should be oriented to maximize the waterfront view potential within the district while maintaining quality facade treatment and design on the streetside. Structures should be positioned to provide viewing opportunities of the water and the shoreline edge between buildings. The location of solid waste receptacles, service entrances, loading docks, storage buildings and mechanical and

air conditioning equipment and other items typically situated at the backside of buildings should be discouraged within the area between the building and the water's edge.

3. *Off-street parking and service.* Off-street parking shall be discouraged within the shoreline setback area. Where possible, service areas (i.e., trash collection, loading docks) shall be located to be screened by the building itself; otherwise, walls, fences, landscaping and earth berms shall be used to achieve effective screening.
- (b) Aesthetic considerations. Development projects within the district are not subject to special architectural review and approval. In lieu of a special separate review procedure, the following general architectural and aesthetic design criteria will be considered to enhance the character of the district:
1. Buildings or structures which are part of a present or future group or complex shall have a unity of character and design. The relationship of forms and the use, texture, and color of materials shall be such as to create a harmonious whole.
  2. Natural materials such as brick, wood and stucco should be encouraged. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.
  3. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls or vegetation.
  4. Proposed developments within the Waterfront Redevelopment District which are located adjacent to a historic district should give special consideration to visual compatibility in scale and architectural design in order to positively reinforce the character of the historic area and provide a buffer and transition.
  5. Projects should be encouraged which enhance the setting or provide for adaptive reuse of historic buildings and sites.
- (c) Landscaping guidelines. Landscaping should be used to enhance waterfront views and vistas and to screen undesirable features. Low lying plant material should be used in open areas to retain views of the water. Trees should be selectively utilized and carefully located along the waterfront in both public and private developments in order to maintain existing views as much as possible. Plantings should be coordinated near buildings to provide view corridors.
- (d) Sign guidelines.
1. Design/materials. The architectural character of the building to which the sign relates should be reflected in the lettering of the sign, and the materials used for the supporting structure and the sign face.
  2. Lighting. Indirect and internal lighting is encouraged. Neon and exposed fluorescent lighting is not encouraged.
  3. Copy. The sign copy should be limited to the name, address, and logo of the building complex, the major tenant or the business. The sign should be primarily used for communicating, identifying, and locating the business, not for advertising.
  4. Landscaping. The landscaping and positioning of the sign should complement the overall site plan and landscaping of the development.



Waterfront Development District

(Ord. No. 25-92, § 2, 7-23-92; Ord. No. 6-93, § 9, 3-25-93; Ord. No. 21-93, § 1, 8-16-93; Ord. No. 29-93, §§ 13, 14, 11-18-93; Ord. No. 33-95, §§ 4, 5, 8-10-95; Ord. No. 9-96, § 9, 1-25-96; Ord. No. 45-96, § 3, 9-12-96; Ord. No. 33-98, § 2, 9-10-98; Ord. No. 40-99, §§ 10—13, 10-14-99; Ord. No. 43-99, § 1, 11-18-99; Ord. No. 12-00, § 1, 3-9-00; Ord. No. 50-00, § 3, 10-26-00; Ord. No. 3-01, § 2, 1-11-01; Ord. No. 6-01, §§ 1—3, 1-25-01; Ord. No. 6-02, § 2, 1-24-02; Ord. No. 13-06, § 10, 4-27-06; Ord. No. 17-06, §§ 2, 3, 7-27-06; Ord. No. 16-10, §§ 200—202, 9-9-10; Ord. No. 06-16, §§ 1, 2, 2-11-16)



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 19-00256

City Council

5/30/2019

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council President Andy Terhaar

**SUBJECT:**

REFERRAL TO THE PLANNING BOARD - PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - TO REPEAL LAND DEVELOPMENT CODE (LDC) SECTION 12-2-22 - GOVERNMENTAL CENTER DISTRICT

**RECOMMENDATION:**

That City Council refer to the Planning Board for review and recommendation an amendment to the Code of the City of Pensacola to repeal Land Development Code (LDC) Section 12-2-22 - Governmental Center District.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The Land Development Code (LDC) is the principal means of planning and regulating the development and redevelopment of land in the City. The LDC was adopted by City Council in its present form in 1991 pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act. From time to time, it is necessary to amend the LDC to provide consistency with the Comprehensive Plan and to respond to community concerns, legal considerations, and changes in development patterns and planning techniques. One of the overlay districts currently contained in the Land Development Code is the Governmental Center District.

The Governmental Center District was created on February 22, 1979 upon the passage of Ordinance number 04-79 by City Council. It was created as a special district intended to provide for the redevelopment of a centralized area for government related land use and to encourage a coordinated architectural character within the district. The district functions as an overlay district on top of underlying zoning requirements. The Pensacola-Escambia Governmental Center Authority was created as an agency of the City of Pensacola and Escambia County pursuant to Chapter 2001-328, Laws of Florida; with the purpose to acquire, construct, improve, operate, maintain and manage a governmental center complex for the use and occupancy by the City of Pensacola, Escambia County, their agencies and departments, and other governmental agencies and departments. Florida House Bill 0827, which went into effect on January 2, 2004, repealed Chapter 2001-328, Laws of Florida, and thereby abolished the Pensacola-Escambia Governmental Center Authority. Title to all assets and liabilities were transferred to the City of Pensacola and Escambia County. The Governmental Center complex has been constructed as planned and the Governmental Center Authority has been abolished by the

State Legislature. This renders the Governmental Center District obsolete as its purpose of redeveloping a centralized area for government related land use has been fulfilled.

In recent months, concerns have been raised over the lack of clear, enforceable regulations in the Governmental Center District. At a Special Meeting of City Council held on May 11, 2017, a decision of the Architectural Review Board was overturned by Council due to this fact.

Based on the obsolescence of the District and its vague regulations, it is necessary to eliminate the Governmental Center District to avoid fostering a lack of predictability for property owners wishing to develop their land, and future decisions that place restrictions on development, which are not supported by the contents of the codified regulations.

**PRIOR ACTION:**

June 8, 2017 - Council Failed to pass an Ordinance repealing the Governmental Center District

November 8, 2016 - Planning Board considered this issue

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) Proposed Ordinance - Repeal Governmental Center District

**PRESENTATION:** No

PROPOSED  
ORDINANCE NO. \_ \_

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE REPEALING SECTION 12-2-22 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ELIMINATING THE GOVERNMENTAL CENTER DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-2-22 of the Code of the City of Pensacola, Florida, is hereby repealed as follows:

~~Sec. 12-2-22. - Governmental center district.~~

~~(A) Purpose of district. The purpose for the establishment of this district is to provide the redevelopment of a centralized area for government related land use; and to encourage a coordinated architectural character within the district.~~

~~(B) Procedure for review of plans.~~

~~(1) Submission of plans. Every application for a building permit to erect, construct, renovate and/or alter an exterior of a building, or sign, located or to be located in the district shall be accompanied by plans for the proposed work. As used herein, "plans" shall mean drawings or sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of the building or sign, (both before and after the proposed work is done in the cases of altering, renovating, demolishing or razing a building or structure) including proposed materials, textures and colors, and the plat plan or site layout, including all site improvements or features such as walls, fences, walks, terraces, plantings, accessory buildings, paved areas, signs, lights, awnings, canopies, screening and other appurtenances. Such plans shall be promptly forwarded by the building official to the~~

~~architectural review board. The building official or his designee shall serve as secretary to the board.~~

~~(2) Review and approval by the architectural review board. All such plans shall be subject to review and approval by the architectural review board as established in section 12-13-3 and in accordance with the provisions of section 12-2-10(A)(4)(a) through (c), applicable to the historic zoning districts. The board shall adopt written rules and procedures for abbreviated review for paint colors, minor repairs, emergency repairs and minor deviations in projects already approved by the board. This process may authorize the board to designate one of its members to undertake such abbreviated review without the necessity for review by the entire board, provided, however such abbreviated review process shall require review by the director of the downtown improvement board and the staff of the Historic Pensacola Preservation Board. If agreement cannot be reached as it pertains to an abbreviated review by the board designee, director of the downtown improvement board, Historic Pensacola Preservation Board staff and secretary to the architectural review board then the matter will be referred to the full board for a decision.~~

~~(3) Notification and building permit. Upon receiving the order of the board, the board's secretary shall thereupon notify the applicant of the board's decision. If the board approves the plans, and if all other requirements of the city have been met, the building official shall issue a permit for the proposed building or sign. If the board disapproves the plans, the building official shall not issue such permit. In a case where the board disapproves the plans, the secretary of the board shall furnish the applicant with a copy of the board's written order, and may at the discretion of the board include recommendations for changes necessary to be made before the board will reconsider the plans.~~

~~(4) Failure to review plans. If no action upon plans submitted to the board has been taken at the expiration of thirty one (31) days from the date of submission of the application for a building permit and required plans to the board, such plans shall be deemed to have been approved, and if all other requirements of the city have been met,~~

~~the building official shall issue a permit for the proposed building or sign.~~

~~(C) Decisions. Every decision of the board, in their review of plans for building or signs located or to be located in the district, shall be in the form of a written order stating the finding of the board, its decision and the reasons therefor. The board may at its discretion make recommendations for changes necessary to be made before the plans will be reconsidered. If recommendations for changes are made by the board, they may be general in scope and compliance with them shall only qualify the plans for reconsideration by the board but compliance with recommendations shall not bind or stop the board from disapproving the plans under reconsideration.~~

~~(a) Proposed plans shall be approved unless the board finds that the proposed erection, construction, renovation and/or alteration is not compatible with the built environment of the governmental center district.~~

~~(b) The board shall not consider interior design or plan. The board shall not exercise any control over land use, such as is governed by the city's zoning ordinance, Chapters 12-2 and 12-3 hereof, or over construction, such as is governed by the city's building codes.~~

~~(c) Plans for proposed new or altered signs shall be approved unless the board finds that the sign is inconsistent with the theme and character of the district, or that such sign does not comply with the requirements of the code or with any of the following provisions:~~

~~1. The board may adopt and promulgate rules and regulations controlling the number and size of signs, their heights and materials, relating such rules to the number of square feet served, frontage, and type of business. Such rules and regulations shall be subject to review and approval by the city council.~~

~~2. Within the governmental center district, roof signs, flashing and/or rotating signs, and signs protruding into or overhanging the public right of way are hereby prohibited except as set forth herein.~~

~~3. Signs existing prior to February 22, 1979, may remain until the business for which the sign was erected ceases to do business at that location or~~



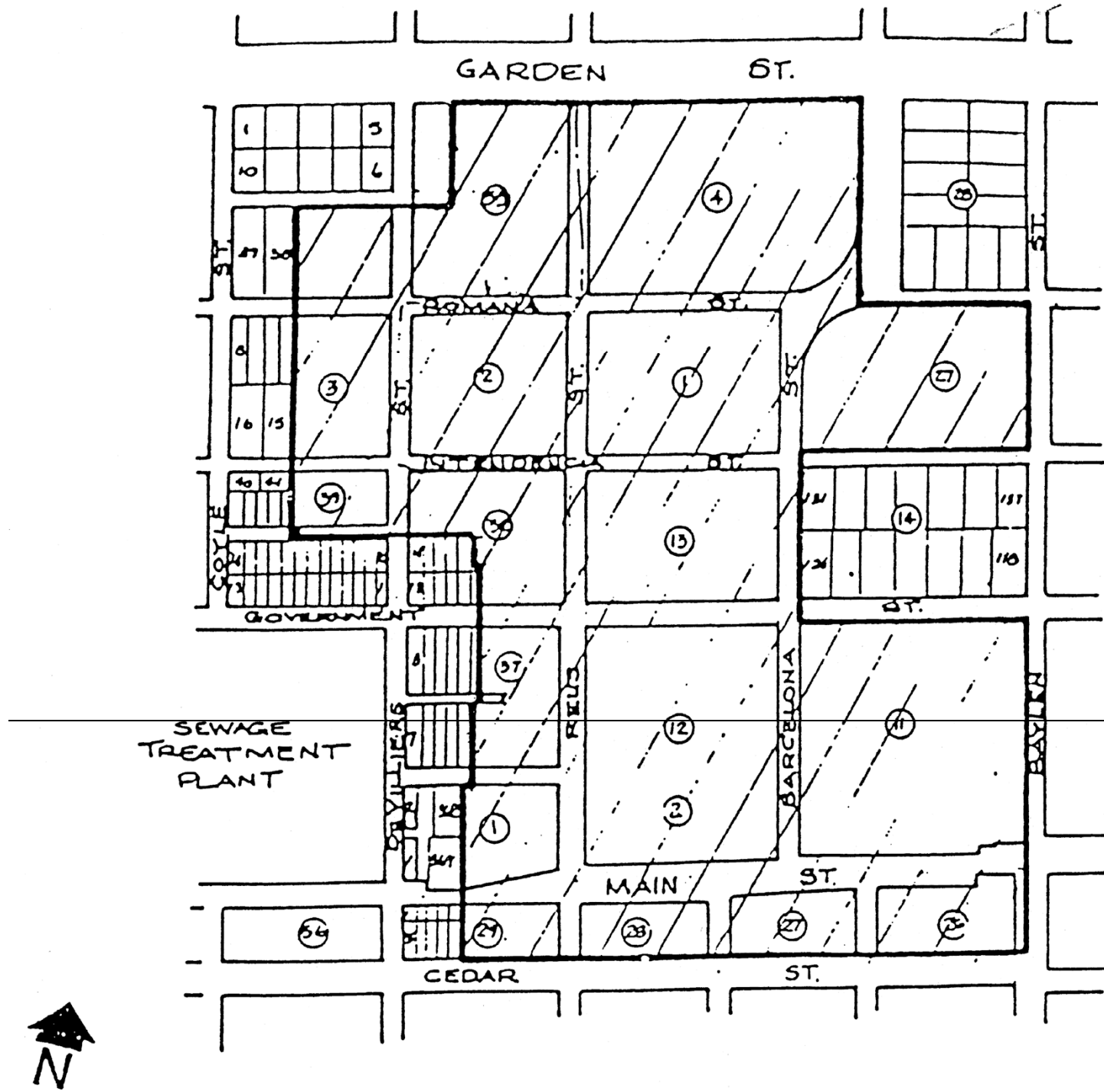
~~until the property on which such sign is located is acquired for a public purpose, which ever shall first occur.~~

~~4. On application to the approval of the board, rules relating to the number and size of signs may be waived for grand openings, special sales, going out of business sales, and similar occasions when consistent with the city code.~~

~~(D) Disqualification of member from voting. Any member of the board who shall be employed to design or construct a building or who shall have any proprietary tenancy or personal interest in such building requiring approval of plans by the board shall be disqualified from voting thereon.~~

~~(E) Boundaries of the district. The boundaries of the governmental center district shall be as outlined on Map 12-2.2.~~

~~(Ord. No. 45-96, § 5, 9-12-96)~~



DEC 1978

SCALE: 1" = 400'

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 become effective 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.

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

Approved: \_\_\_\_\_  
President of City Council

Attest:

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



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 19-00259

City Council

5/30/2019

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council President Andy Terhaar

**SUBJECT:**

INTERLOCAL AGREEMENT BETWEEN THE CITY OF PENSACOLA AND ESCAMBIA COUNTY REGARDING THE HUMAN RELATIONS COMMISSION.

**RECOMMENDATION:**

That the City Council approve an Interlocal Agreement with Escambia County, Florida regarding the Human Relations Commission, further that City Council ratify the Mayor's action in executing the Interlocal Agreement.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

Pursuant to the authority granted in § 163.01, Florida Statutes, Escambia County, Florida, and the City of Pensacola previously entered into an Interlocal Agreement creating the Escambia-Pensacola Human Relations Commission to serve both the incorporated and unincorporated area of Escambia County, including the City of Pensacola. The last Interlocal Agreement approved was in 2005.

It was determined that it was in the best interest of the citizens of Pensacola and Escambia County to terminate the Interlocal Agreement that has been in effect and reestablish the Human Relations Commission for the purpose of continuing to provide the community with local assistance to review and resolve employment and fair housing discrimination complaints and improve community relations within Pensacola and Escambia County.

On March 7, 2019, the Escambia Board of County Commissioners passed an Ordinance reestablishing the Human Relations Commission.

This action seeks Council approval for an Interlocal Agreement pertaining to the Escambia - Pensacola Human Relations Commission.

**PRIOR ACTION:**

1974 - Escambia - Pensacola Human Relations Commission Established

September 15, 2005 --- The current Interlocal Agreement between the City of Pensacola and Escambia County regarding the Human Relations Commission was signed.

March 7, 2019 - The Escambia County Board of County Commissioners passed an Ordinance at a public hearing reestablishing the HRC.

March 28, 2019 - The City Council approved the termination of the current Interlocal Agreement.

**FUNDING:**

Budget:       \$ 79,000

Actual:       \$ 79,000

**FINANCIAL IMPACT:**

Funding exists within the current budget

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) Interlocal Agreement between the City and County regarding the Human Relations Commission

**PRESENTATION:** No

4/16/2019 CATI-2

**INTERLOCAL AGREEMENT BETWEEN ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS AND THE CITY OF PENSACOLA RELATING TO THE FUNDING OF THE ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION**

**THIS AGREEMENT** is made and entered into by and between Escambia County, a political subdivision of the State of Florida (hereinafter referred to as the "County") with administrative offices located at 221 Palafox Place, Pensacola, Florida 32502 and the City of Pensacola, a municipal corporation created and existing under the laws of the State of Florida, (hereinafter referred to as "City") with administrative offices at 222 West Main Street, Pensacola, Florida 32502 (each being at times referred to as "Party" or "Parties").

**WITNESSETH:**

**WHEREAS**, the County and City have legal authority to perform general governmental services within their respective jurisdictions; and

**WHEREAS**, the County and City are authorized by §163.01, Florida Statutes, to enter into Interlocal Agreements and thereby cooperatively utilize their governmental powers and available resources in the most efficient manner possible; and

**WHEREAS**, on March 7, 2019, the Escambia County Board of County Commissioners enacted Ordinance 2019-13 reestablishing the Escambia-Pensacola Human Relations Commission; and

**WHEREAS**, the Parties recognize and reaffirm the need for the Escambia-Pensacola Human Relations Commission to provide the community with local assistance to review and resolve employment and fair housing discrimination complaints and improve community relations for all persons in the incorporated and unincorporated areas of Escambia County regardless of race, color, national origin, age, disability, family or religious status; and

**WHEREAS**, the County and City have determined it is in the best interest of the citizens to enter into this Interlocal Agreement to establish the Parties' funding responsibilities for the operation of the Escambia-Pensacola Human Relations Commission as provided herein.

**NOW, THEREFORE**, in consideration of the mutual terms and conditions, promises, covenants and payment hereinafter set forth, the receipt and sufficiency of which is hereby acknowledged, the County and the City agree as follows:

**Section 1. Purpose of Agreement.**

1.1 Recitals. The recitals contained in the preamble of this Agreement are declared to be true and correct and are hereby incorporated into this Agreement.

1.2 Purpose. Pursuant to §163.01, Florida Statutes, this Agreement establishes the Parties' funding responsibilities for the operation of the Escambia-Pensacola Human Relations Commission.

1.3 This Agreement is intended to supersede in its entirety the prior Interlocal Agreement between the County and the City, dated September 15, 2005, relating to the Escambia-Pensacola Human Relations Commission.

Date: 4/17/19 Verified By: [Signature]

**Section 2. Responsibilities of the Parties.**

2.1 Subject to the terms and conditions set forth herein, each fiscal year (October 1-September 30<sup>th</sup>), the County and City agree to contribute to the funding of the approved annual budget for the operation of the EPHRC as follows:

The County shall be responsible for 60% of the approved annual budget for the operation of the EPHRC. The City shall be responsible for 40% of the approved annual budget for the operation of the EPHRC in an amount not to exceed Seventy-nine Thousand Dollars (\$79,000.00).

The EPHRC's annual budget, and any amendments thereto, shall be subject to the approval of the Escambia County Board of County Commissioners and the City of Pensacola City Council. Each Party shall reflect said contributions in their respective annual budgets.

2.2 This Agreement shall become effective when filed in the Office of the Clerk of the Circuit Court of Escambia County, Florida. The County shall be responsible for such filing.

**Section 3. Miscellaneous Provisions.**

3.1 Term and Termination: This Agreement will remain in effect from year to year unless terminated by either party for cause or convenience upon providing at least 180 days' prior written notice to the non-terminating party.

3.2 Liability: The parties hereto, their respective elected officials, officers and employees shall not be deemed to assume any liability for the acts, omissions or negligence of the other party. The County and City, as local government bodies of the State of Florida, agree to be fully responsible their individual negligent acts or omissions or tortious acts which result in claims or suits against their respective jurisdictions and agree to be fully liable for any damages proximately caused by said acts or omissions. Nothing herein is intended to serve as a waiver of sovereign immunity by the City or County and nothing herein shall be construed as consent by the City or County to be sued by third parties in any matter arising out of this Agreement.

3.3 Records: The parties acknowledge that this Agreement and any related financial records, audits, reports, plans, correspondence, and other documents may be subject to disclosure to members of the public pursuant to Chapter 119, Florida Statutes, as amended. In the event a party fails to abide by the provisions of Chapter 119, Florida Statutes, the other party may, without prejudice to any right or remedy and after giving that party, seven (7) days written notice, during which period the party fails to allow access to such documents, terminate this Agreement.

3.4 Assignment: This Agreement or any interest herein shall not be assigned, transferred, or otherwise encumbered, under any circumstances, by the parties, without the prior written consent of the other party.

3.5 All Prior Agreements Superseded:

(a) This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon

any prior representations or Agreements whether oral or written.

(b) It is further agreed that no modification, amendment, or alteration in the terms and conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

3.6 Headings: Headings and subtitles used throughout this Agreement are for the purpose of convenience only, and no heading or subtitle shall modify or be used to interpret the text of any section.

3.7 Survival: All other provisions, which by their inherent character, sense, and context are intended to survive termination of this Agreement, shall survive the termination of this Agreement.

3.8 Interpretation: For the purpose of this Agreement, the singular includes the plural and the plural shall include the singular. References to statutes or regulations shall include all statutory or regulatory provisions consolidating, amending, or replacing the statute or regulation referred to. Words not otherwise defined that have well-known technical or industry meanings, are used in accordance with such recognized meanings. References to persons include their respective permitted successors and assigns and, in the case of governmental persons, persons succeeding to their respective functions and capacities.

(a) If the either Party discovers any material discrepancy, deficiency, ambiguity, error, or omission in this Agreement, or is otherwise in doubt as to the meaning of any provision of the Agreement, it shall immediately notify the other Party and request clarification of the its interpretation of this Agreement.

(b) This Agreement shall not be more strictly construed against either Party hereto by reason of the fact that one Party may have drafted or prepared any or all of the terms and provisions hereof.

3.9 Severability: The invalidity or non-enforceability of any portion or provision of this Agreement shall not affect the validity or enforceability of any other portion or provision. Any invalid or unenforceable portion or provision shall be deemed severed from this Agreement and the balance hereof shall be construed to be enforced as if this Agreement did not contain such invalid or unenforceable portion of provision.

3.10 Further Documents: The parties shall execute and deliver all documents and perform further actions that may be reasonably necessary to effectuate the provisions of this Agreement.

3.11 Governing Law: This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, and the parties stipulate that venue for any matter which is the subject of this Agreement shall be in the County of Escambia.

3.12 Notices: All notices required or made pursuant to this Agreement by either party to the other shall be in writing and delivered by hand or by United States Postal Service, first class mail, postage prepaid, return receipt requested, addressed to the following:

COUNTY  
County Administrator  
221 Palafox Place, Suite 420  
Post Office Box 1591

CITY  
City Administrator  
City of Pensacola  
Post Office Box 12910



Pensacola, FL 32597

Pensacola, FL 32521

Either party may change its above noted address by giving written notice to the other party in accordance with the requirements of this section.

3.13 No Waiver: The failure of a party to insist upon the strict performance of the terms and conditions hereof shall not constitute or be construed as a waiver or relinquishment of any other provision or of either party's right to thereafter enforce the same in accordance with this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have made and executed this Agreement on the respective dates, under each signature:

**ESCAMBIA COUNTY, FLORIDA**, a political subdivision of the State of Florida acting by and through its duly authorized Board of County Commissioners.

By: *Lumon J. May*  
Lumon J. May, Chairman

Date: 4/16/2019

BCC APPROVED: 4/16/2019

Approved as to form and legal sufficiency.

By: *Kristin D. Hual, JACA*

Date: 04-15-2019

**CITY OF PENSACOLA**, a Florida Municipal Corporation acting by and through its duly authorized City Council.

By: *Grover C. Robinson, IV*  
Grover C. Robinson, IV, Mayor

Date: 4-22-2019

ATTEST: Pam Childers  
Clerk of the Circuit Court

By: *M. D. LaMotte*  
Deputy Clerk  


ATTEST:  
By: *Franka L. Burnett*  
City Clerk  




Memorandum

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File #: 19-00257

City Council

5/30/2019

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**LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council President Andy Terhaar

**SUBJECT:**

APPOINTMENTS - ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION

**RECOMMENDATION:**

That City Council appoint three (3) individuals and one member of Council to the Escambia-Pensacola Human Relations Commission for a term of two (2) years, expiring June 1, 2021.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The Escambia-Pensacola Human Relations Commission has been re-established by the Escambia County Board of County Commissioners - County Ordinance 2019-13. The Commission is established 1) to provide local assistance to review and resolve employment and fair housing discrimination complaints and improve community relations for all persons in Escambia County regardless of race, color, national origin, age, disability, family or religious status; and 2) to improve community relations, which shall be defined as programs that promote or improve relations between races and ethnic groups in the community.

**Upon the effective date of County Ordinance 2019-13 and for two years thereafter, the Escambia-Pensacola Human Relations Commission shall be composed of nine (9) voting members:**

One (1) member of the Escambia County Board of County Commissioners who is appointed by a majority vote of the Escambia County Board of County Commissioners to perform *ex officio* the functions of an additional office;

One (1) member of the City of Pensacola City Council who is appointed by a majority vote of the City of Pensacola City Council to perform *ex officio* the functions of an additional office;

Four (4) members appointed by the Escambia County Board of County Commissioners; and

Three (3) members appointed by the City of Pensacola.

**Upon expiration of the initial two-year term, the Escambia-Pensacola Human Relations Commission**

**shall be composed of seven (7) voting members:**

Four (4) members appointed by the Escambia county Board of County Commissioners; and

Three (3) members appointed by the City of Pensacola.

The following have been nominated:

**Nominee:**

**Nominated by:**

**Member**

Patrick Boudreaux

Moore

Ron Helms

Hill, Myers

Joyce Hopson

Cannada-Wynn

**Council Member**

Jewel Cannada-Wynn

Cannada-Wynn

**PRIOR ACTION:**

None.

**FUNDING:**

Budget: N/A

Actual: N/A

**FINANCIAL IMPACT:**

None.

**STAFF CONTACT:**

Ericka L. Burnett, City Clerk

**ATTACHMENTS:**

- 1) Nomination Form - Patrick Boudreaux
- 2) Bio - Patrick Boudreaux
- 3) Nomination Forms - Ron Helms
- 4) Application of Interest - Ron Helms
- 5) Biography - Ron Helms
- 6) Nomination Form - Joyce Hopson
- 7) Application of Interest - Joyce Hopson
- 8) Nomination Form - Jewel Cannada-Wynn

9) Ballots

**PRESENTATION:** No

**CITY OF PENSACOLA, FLORIDA**

**NOMINATION FORM**

I, Jared Moore, do nominate Patrick Boudreaux

(Nominee)

4115 Baisden Rd

850-291-1001

(Home Address)

(Phone)

(Business Address)

(Phone)

patboo@outlook.com

(Email Address)

City Resident:  YES  NO  
Property Owner within the City:  YES  NO

for appointment by the City Council for the position of:

***MEMBER***

***ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION***

Provide a brief description of nominee's qualifications:

Mr Boudreaux has a broad range of experience related to the relevent subject matter of this  
commission and has experience serving on boards representing the City.

*Jared Moore*

City Council Member

I hereby certify that the above nomination was submitted to my office within the time limitations prescribed by the Rules and Procedures of Council.

Ericka L. Burnett, City Clerk

## Pat Boudreaux BIO

I've been a resident of Pensacola most of my life. It has been a place I've been proud to call home. I'm very pleased with the direction of the city and look forward to its bright future.

I was taught to always give back when I have the opportunity. I've been fortunate to be able to provide mentorship to children in the community through scouting, coaching, volunteering in the local schools and foster care. I also found it important to give back through participation in local government. For over 10 years, it was my honor to serve on the City of Pensacola Zoning Board of Adjustment. My last term expired in July of 2018. I felt it was time to explore other opportunities to serve.

I am a product of the fine schools in the area. I called Tate High School home during my high school years. The University of West Florida was home during my college years. Add to that many educational opportunities throughout the years.

My career started in the Information Technology industry. I worked for many large local companies in various roles with increasing responsibilities. Industries included healthcare, banking and insurance. I transitioned from technical to managerial roles during the latter part of my corporate career. I concluded my corporate career as a Senior Vice President running one of the larger employers in the city. My interests have also included construction and real estate. Throughout the years, I dabbled in both. I am currently a real estate broker with Connell and Company Realty, Inc.

My wife and I have been married for almost 30 years and we have two wonderful children and a couple of unique dogs. We are fortunate to have most of our immediate family in the area as well.

**CITY OF PENSACOLA, FLORIDA**

**NOMINATION FORM**

I, Ann Hill, do nominate Rev. Ron Helms  
(Nominee)

1704 E Moreno St 32503 850-266-4610  
(Home Address) (Phone)

\_\_\_\_\_  
(Business Address) (Phone)

RevRonHelms@aol.com City Resident:  YES NO  
(Email Address) Property Owner within the City:  YES NO

for appointment by the City Council for the position of:

**MEMBER**

**ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION**

Ron Helms is a community leader, business owner, military veteran, and ordained clergy. He also has extensive involvement in community engagement. His passion for public service remains his driving success. As a resident of Pensacola, Helms has given much of his time and energy to the business, political and nonprofit landscapes. He has decades of leadership in religious, community and nonprofit organizations. He further holds membership in several engaging organizations including, the American Legion, Veterans of Foreign Wars, and the non-partisan Institute for Women in Politics of Northwest Florida. He is also a board member for Sunday's Child, a non-profit organization that awards grants to local organizations whose mission includes meeting community needs through diversity and inclusion. Helms is additionally a member of the Escambia County Democratic Black Caucus.

City Council Member  
Ann Hill

I hereby certify that the above nomination was submitted to my office within the time limitations prescribed by the Rules and Procedures of Council.

Erika L. Burnett  
Erika L. Burnett, City Clerk

CITY OF PENSACOLA, FLORIDA

NOMINATION FORM

Sherril Myers, do nominate Ron Helms  
(Nominee)

1704 East Marino St Pensacola, FL 850 266 4610  
(Home Address) (Phone)

Same (Business Address) (Phone)

Rev Ron Helms@aol.com City Resident:  YES  NO  
(Email Address) Property Owner within the City:  YES  NO

for appointment by the City Council for the position of:

**MEMBER**

**ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION**

Provide a brief description of nominee's qualifications:

Ron has demonstrated a passion for civil rights and will be a positive asset on this Board

Sherril Myers  
City Council Member

I hereby certify that the above nomination was submitted to my office within the time limitations prescribed by the Rules and Procedures of Council.

Ericka L. Burnett  
Ericka L. Burnett, City Clerk



**Ericka Burnett**

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**From:** noreply@civicplus.com  
**Sent:** Sunday, April 21, 2019 10:01 PM  
**To:** Ericka Burnett; Robyn Tice  
**Subject:** Online Form Submittal: Application for Boards, Authorities, and Commissions - City Council Appointment

**Application for Boards, Authorities, and Commissions - City Council Appointment**

*This application will be utilized in considering you for appointment to a City Council board, authority, or commission. Pursuant to Florida Statutes, Chapter 119, all information provided on or with this form becomes a public record and is subject to disclosure, unless otherwise exempted by law.*

*Completed applications will be kept on file for a period of one (1) year from the date received in the Office of the City Clerk.*

*It is necessary to contact a member of Council to obtain a nomination in order to be placed on the ballot for consideration. Please go to [cityofpensacola.com/council](http://cityofpensacola.com/council) for Council Member contact information. If you have any questions, contact the City Clerk's Office.*

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(Section Break)

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Personal Information

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Name Rev. Ron Helms

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Home Address 1704 East Moreno Street Pensacola, FL 32503

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Business Address 1704 East Moreno Street Pensacola, FL 32503

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To which address do you prefer we send correspondence regarding this application? Home

---

Preferred Contact Phone Number(s) 850.266.4610

---

Email Address [RevRonHelms@aol.com](mailto:RevRonHelms@aol.com)

---

Upload Resume (optional) *Field not completed.*

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(Section Break)

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Details

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Are you a City resident?	Yes
If yes, which district?	5
If yes, how long have you been a City resident?	Two Years
Do you own property within the City limits?	Yes
Are you a registered voter in the city?	Yes
Board(s) of interest:	Escambia-Pensacola Human Relations Commission
Please list the reasons for your interest in this position:	I believe that it's vital to have representation on the Escambia-Pensacola Human Relations Commission that reflects equality, diversity and inclusion of all minority communities. I believe that my decades of professional experience in this capacity will strongly benefit the commission.
Do you currently serve on a board?	No
If yes, which board(s)?	<i>Field not completed.</i>
Do you currently hold a public office?	No
If so, what office?	<i>Field not completed.</i>
Would you be willing to resign your current office for the appointment you now seek?	N/A

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(Section Break)

Diversity

*In order to encourage diversity in selections of members of government committees, the following information is required by Florida Statute 760.80 for some committees.*

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Gender	Male
Race	Caucasian
Physically Disabled	No

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(Section Break)

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Acknowledgement of  
Terms

I accept these terms.

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Email not displaying correctly? [View it in your browser.](#)

## Ron Helms Biography

Ron Helms is a community leader, business owner, military veteran, and ordained clergy. He also has extensive involvement in community engagement. His passion for public service remains his driving success. As a resident of Pensacola, Helms has given much of his time and energy to the business, political and nonprofit landscapes. He has decades of leadership in religious, community and nonprofit organizations. He further holds membership in several engaging organizations including, the American Legion, Veterans of Foreign Wars, and the non-partisan Institute for Women in Politics of Northwest Florida. He is also a board member for Sunday's Child, a non-profit organization that awards grants to local organizations whose mission includes meeting community needs through diversity and inclusion. Helms is additionally a member of the Escambia County Democratic Black Caucus.

He was born in Charlotte, North Carolina, then went on to serve in the Navy which took him to many countries around the world. While serving on active duty and beyond, Ron attended multiple colleges, even aboard ships, to pursue studies in business, religious studies, and psychology. He received special recognition for his military service in the Grenada Invasion in 1993. Helms is a two-time honorably discharged military veteran from the United States Navy.

He was later ordained in 1996 in Richmond, Virginia. Prior to relocating to Pensacola, Florida, in July 2005, from his last long term pastorate in Rochester, New York, after several years as senior pastor, Rev. Helms further served as the Presiding Moderator of Metropolitan Community Churches in the Eastern Canadian and Northeast Districts, (USA: Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, CANADA: New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Quebec). As a collateral duty, Helms was a regional Judiciary Representative for most of this tenure. He is the past Vice President for the Greater Rochester Community of Churches.

His last pastorate prior to ministry retirement was with Christ Fellowship Church of Pensacola who celebrated his life of ordained ministry with a Reaffirmation of Ordination. Ron is proud to call Pensacola home.

**CITY OF PENSACOLA, FLORIDA**

**NOMINATION FORM**

I, Jewel Cannada-Wynn, do nominate Jocice Hopson  
(Nominee)

3910 Potasi Road Pensacola FL 32504 313 - 3031  
(Home Address) (Phone)

\_\_\_\_\_  
(Business Address) (Phone)

\_\_\_\_\_  
(Email Address) City Resident: YES NO  
Property Owner within the City: YES NO

for appointment by the City Council for the position of:

**MEMBER**

**ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION**

Provide a brief description of nominee's qualifications:

Dr. Hopson community work and dedication to helping others will  
add to the Board

Jewel Cannada-Wynn  
City Council Member

I hereby certify that the above nomination was submitted to my office within the time limitations prescribed by the Rules and Procedures of Council.

Ericka L. Burnett  
Ericka L. Burnett, City Clerk

**Ericka Burnett**

---

**From:** noreply@civicplus.com  
**Sent:** Monday, May 13, 2019 9:42 PM  
**To:** Ericka Burnett; Robyn Tice  
**Subject:** Online Form Submittal: Application for Boards, Authorities, and Commissions - City Council Appointment

**Application for Boards, Authorities, and Commissions - City Council Appointment**

*This application will be utilized in considering you for appointment to a City Council board, authority, or commission. Pursuant to Florida Statutes, Chapter 119, all information provided on or with this form becomes a public record and is subject to disclosure, unless otherwise exempted by law.*

*Completed applications will be kept on file for a period of one (1) year from the date received in the Office of the City Clerk.*

*It is necessary to contact a member of Council to obtain a nomination in order to be placed on the ballot for consideration. Please go to [cityofpensacola.com/council](http://cityofpensacola.com/council) for Council Member contact information. If you have any questions, contact the City Clerk's Office.*

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(Section Break)

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Personal Information

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Name Joyce Hopson

---

Home Address 3910 Potosi Road Pensacola, FL 32504

---

Business Address 3910 Potosi Road

---

To which address do you prefer we send correspondence regarding this application? Home

---

Preferred Contact Phone Number(s) 850 313-3031

---

Email Address [11jhopsongmail.com](mailto:11jhopsongmail.com)

---

Upload Resume (optional) *Field not completed.*

---

(Section Break)

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Details

---

Are you a City resident? Yes

---

If yes, which district? 1

---

If yes, how long have you been a City resident? 30 plus

---

Do you own property within the City limits? No

---

Are you a registered voter in the city? Yes

---

Board(s) of interest: Human Relations Commission

---

Please list the reasons for your interest in this position: I think I can contribute to the Human Relations Commissioner to the Community with my vast experience to the community with my education and my willingness to serve.

---

Do you currently serve on a board? No

---

If yes, which board(s)? *Field not completed.*

---

Do you currently hold a public office? No

---

If so, what office? *Field not completed.*

---

Would you be willing to resign your current office for the appointment you now seek? N/A

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(Section Break)

Diversity

*In order to encourage diversity in selections of members of government committees, the following information is required by Florida Statute 760.80 for some committees.*

---

Gender Female

---

Race African-American

---

Physically Disabled No

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(Section Break)

Acknowledgement of Terms I accept these terms.

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**CITY OF PENSACOLA, FLORIDA**

**NOMINATION FORM**

I, Jewel Cannada-Wynn, do nominate Jewel Cannada-Wynn  
(Nominee)

605 West Blount ST (Home Address) (Phone)

(Business Address) (Phone)

Jcannada-Wynn@CityofPensacola.com (Email Address)  
City Resident: YES NO  
Property Owner within the City: YES NO

for appointment by the City Council for the position of:

**COUNCIL MEMBER**

**ESCAMBIA-PENSACOLA HUMAN RELATIONS COMMISSION**

Provide a brief description of nominee's qualifications:

The success of the Human Relations Commission is important for the city  
& country, I have served on the Board and I hope that I can  
be a positive addition on the board

Cannada-Wynn  
City Council Member

I hereby certify that the above nomination was submitted to my office within the time limitations prescribed by the Rules and Procedures of Council.

Ericka L. Burnett  
Ericka L. Burnett, City Clerk

**Ballot – Escambia-Pensacola Human Relations Commission**

May 30, 2019

*Two (2) year term expiring June 1, 2021*

***Member***

\_\_\_\_\_ Patrick Boudreaux

\_\_\_\_\_ Ron Helms

\_\_\_\_\_ Joyce Hopson

**Vote for Three**

Signed: \_\_\_\_\_  
Council Member

**Ballot – Escambia-Pensacola Human Relations Commission**

May 30, 2019

*Two (2) year term expiring June 1, 2021*

***Council Member***

\_\_\_\_\_ Jewel Cannada-Wynn

\_\_\_\_\_

**Vote for One**

Signed: \_\_\_\_\_  
Council Member



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 19-00249

City Council

5/30/2019

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** Grover C. Robinson, IV, Mayor

**SUBJECT:**

PUBLIC HEARING - PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE SECTION 12-2-11 AIRPORT LAND USE DISTRICT - RECREATIONAL FACILITIES - NOT FOR PROFIT

**RECOMMENDATION:**

That City Council conduct the first of two Public Hearings on May 30, 2019 to consider an amendment to the Code of the City of Pensacola, Land Development Code Section 12-2-11- Airport Land Use District - Recreational Facilities - Not-For-Profit.

**HEARING REQUIRED:** Public

**SUMMARY:**

Land Development Code Section 12-2-11 Airport Land Use District contains the Airport Transition Zone (ATZ-1), which is a small zoning district that surrounds the Airport Restricted Zoning District, which is all City owned property. The ATZ-1 zoning district has a limited list of permitted uses and this amendment would modify the list of permitted uses to include Recreational Facilities - Not-for-Profit. This amendment would expand the list of permitted uses in order to accommodate the construction of a new YMCA at 2130 Summit Boulevard. The ATZ-1 zoning district is a separate district (non-cumulative) and this amendment would not directly impact other districts.

On May 14, 2019, Planning Board unanimously recommended approval of this request.

The second public hearing to be scheduled for June 13, 2019.

**PRIOR ACTION:**

None

**FUNDING:**

N/A

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**FINANCIAL IMPACT:**

None

**CITY ATTORNEY REVIEW:** Yes

5/21/2019

**STAFF CONTACT:**

Christopher L. Holley, City Administrator  
Sherry H. Morris, AICP, Planning Services Administrator  
Brian Cooper, Director of Parks and Recreation

**ATTACHMENTS:**

- 1) Proposed Ordinance
- 2) May 14, 2019 Planning Board Minutes

**PRESENTATION:** Yes

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

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 12-2-11 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, AIRPORT LAND USE DISTRICT; RECREATIONAL FACILITIES – NOT FOR PROFIT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-2-11 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-2-11. - Airport land use district.

The regulations in this section shall be applicable to the airport restricted and airport transition zoning districts: ARZ, ATZ-1 and ATZ-2.

(A) *Purpose of district.* The airport land use district is established for the purpose of regulating land, owned by the Pensacola Regional Airport or immediately adjacent to the airport, which is considered sensitive due to its relationship to the runways and its location within noise zones "A" and "B" as defined in Chapter 12-11 of this title. Land zoned ARZ is owned by the city and allows only open space, recreational or commercial and industrial uses customarily related to airport operations. The areas designated as airport transitional zones are permitted a range of uses.

(B) *Uses permitted.*

(1) *ARZ, airport restricted zone (city-owned property).*

(a) The following three (3) sections of the airport restricted zone are limited to specific uses as defined below:

1. *ARZ-1.* The parcel of land located north of Summit Boulevard between two (2) airport transition zones (includes the Scott Tennis Center and airport drainage system). Uses within this zone will be limited to those uses described below in subsections (b) and (c).

2. *ARZ east of runway 8/26.* The parcel of land on the eastern end of runway 8/26, located between Avenida Marina and Gaberonne Subdivision and between Spanish Trail and Scenic Highway. All land within this zone outside of the fifteen (15) acres required for clear zone at the eastern end of runway 8/26 will be retained as open space.

3. *ARZ south of runway 17/35.* The parcel of land at the southern end of runway 17/35, located north of Heyward Drive and east of Firestone Boulevard. All land within this zone outside of the twenty-eight and five-tenths (28.5) acres required for clear zone at the southern end of runway 17/35 will be retained as open space.
  - (b) Airport, airport terminal, air cargo facilities, and uses customarily related to airport operations and expansions.
  - (c) Golf course, tennis court, driving range, par three course, outdoor recreational facilities, provided that no such uses shall include seating or structures to accommodate more than one hundred (100) spectators or occupants.
  - (d) Service establishments such as auto rental and travel agencies, commercial parking lots and garages, automobile service station and similar service facilities.
  - (e) Warehousing and storage facilities.
  - (f) Industrial uses compatible with airport operations.
  - (g) Commercial uses to include hotels, motels, extended stay facilities, pharmacy, restaurant and drive through facilities, banks, office, post secondary education facilities, meeting facilities, dry cleaner, health club, exercise center, martial arts facility, bakery, floral shop, day care/child care facility, medical clinic, doctor and dentist offices, and retail services to include specialty shops and studios; or other similar or compatible uses.
  - (h) Other uses which the city council may deem compatible with airport operations and surrounding land uses pursuant to the city's Comprehensive Plan and the Airport Master Plan and as such uses that meet the FAA's requirements for airport activities.
- (2) *ATZ-1, airport transitional zone.*
  - (a) Single-family residential, attached or detached, 0-5 units per acre;
  - (b) Home occupations, subject to regulations in section 12-2-33;
  - (c) Offices;
  - (d) Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.
  - (e) Recreational Facilities – Not for Profit
  - (f) Conditional uses permitted:
    - a. Communications towers in accordance with section 12-2-44.
    - b. Rooftop mounted antennas in accordance with section 12-2-45.
- (3) *ATZ-2, airport transitional zone.*
  - (a) Any use allowed in the ATZ-1;
  - (b) Retail and service commercial; and,
  - (c) Aviation related facilities;
  - (d) Conditional uses permitted:

- a. Communications towers in accordance with section 12-2-44.
  - b. Rooftop mounted antennas in accordance with section 12-2-45.
- (C) *Review and approval process.* All private, nonaviation related development in the ARZ zone and all developments other than single-family residential within approved subdivisions within the ATZ-1 and ATZ-2 zones must comply with the development plan review and approval process as established in section 12-2-81.
- (D) *Regulations.* All development shall comply with applicable height and noise regulations as set forth in Chapter 12-11. All development must comply with design standards and is encouraged to follow design guidelines as established in section 12-2-82. All private, nonaviation related development within the ARZ zone and all development within ATZ-1 and ATZ-2 zones must comply with the following regulations:
- (1) *Airport land use restrictions.* Notwithstanding any provision to the contrary in this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:
    - (a) All lights or illumination used in conjunction with street, parking, signs or use of land structures shall be arranged and operated in such a manner that is not misleading or dangerous to aircraft operating from a public airport or in the vicinity thereof.
    - (b) No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.
    - (c) No continuous commercial or industrial operations of any type shall produce smoke, glare or other visual hazards, within three (3) statute miles of any usable runway of a public airport, which would limit the use of the airport.
    - (d) Sanitary landfills will be considered as an incompatible use if located within areas established for the airport through the application of the following criteria:
      - 1. Landfills located within ten thousand (10,000) feet of any runway used or planned to be used by turbine aircraft.
      - 2. Landfills located within five thousand (5,000) feet of any runway used only by nonturbine aircraft.
      - 3. Landfills outside the above perimeters but within conical surfaces described by FAR Part 77 and applied to an airport will be reviewed on a case-by-case basis.
      - 4. Any landfill located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The landfill operator must incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.
    - (e) Obstruction lighting. Notwithstanding any provisions of section 12-11-2, the owner of any structure over one hundred fifty (150) feet above ground level shall install lighting on such structure in accordance with Federal Aviation Administration Advisory Circular 70/7460-1 and amendments thereto. Additionally, the high-intensity white obstruction lights shall be installed on a high structure which exceeds



seven hundred forty-nine (749) feet above mean sea level. The high-intensity white obstruction lights must be in accordance with Federal Aviation Administration Advisory Circular 70/7460-1 and amendments thereto.

- (f) Noise Zones. The noise zones based on the Pensacola Regional Airport FAR part 150 Study adopted in 1990 and contained in Section 12-11-3 shall establish standards for construction materials for sound level reduction with respect to exterior noise resulting from the legal and normal operations at the Pensacola International Airport. It also establishes permitted land uses and construction materials in these noise zones.
- (g) Variances. Any person desiring to erect or increase the height of any structure(s), or use his property not in accordance with the regulations prescribed in this chapter, may apply to the zoning board of adjustment for a variance from such regulations. No application for variance to the requirements of this part may be considered by the zoning board of adjustment unless a copy of the application has been furnished to the building official and the airport manager.
- (h) Hazard marking and lighting. Any permit or variance granted shall require the owner to mark and light the structure in accordance with FAA Advisory Circular 70/7460-1 or subsequent revisions. The permit may be conditioned to permit Escambia County or the city at its own expense, to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.
- (i) Nonconforming uses. The regulations prescribed by this subsection shall not be construed to require the removal, lowering or other changes or alteration of any existing structure not conforming to the regulations as of the effective date of this chapter. Nothing herein contained shall require any change in the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted and completed within two (2) years thereof.

Before any nonconforming structure may be replaced, substantially altered, repaired or rebuilt, a permit must be secured from the building official or his duly appointed designee. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure to become a greater hazard to air navigation than it was as of the effective date of this chapter. Whenever the building official determines that a nonconforming use or nonconforming structure has been abandoned or that the cost of repair, reconstruction, or restoration exceeds the value of the structure, no permit shall be granted that would allow said structure to be repaired, reconstructed, or restored except by a conforming structure.

- (j) Administration and enforcement. It shall be the duty of the building official, or his duly appointed designee, to administer and enforce the regulations prescribed herein within the territorial limits over which the city has jurisdiction. Prior to the issuance or denial of a tall structure permit by the building official, the Federal Aviation Administration must review the proposed structure plans and issue a determination of hazard/no hazard. In the event that the building official finds any violation of the regulations contained herein, he shall give written notice to the person responsible

for such violation. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation.

- (2) *Minimum lot size and yard requirements/lot coverage.* There are no minimum requirements for lot size or yards, except that the development plan shall take into consideration the general development character of adjacent land uses. The maximum combined area occupied by all principal and accessory buildings shall be fifty (50) percent.
- (3) *Maximum height of structures.* For the ATZ-1 and ATZ-2 zoning districts the maximum height for residential structures is thirty-five (35) feet and for office, commercial or aviation-related facilities, is forty-five (45) feet. Communications towers and rooftop mounted antennas may be permitted within the ATZ-1 and ATZ-2 districts upon conditional use permit approval in accordance with Section 12-2-79. Provided, however that no structure shall exceed height limitations established in section 12-11-2(A).
- (4) *Additional regulations.* In addition to the regulations established above all development must comply with the following regulations:
  - (a) Supplementary district regulations. (Refer to sections 12-2-31 to 12-2-50).
  - (b) Signs. (Refer to Chapter 12-4).
  - (c) Tree/landscape. (Refer to Chapter 12-6).
  - (d) Subdivision. (Refer to Chapter 12-8).
  - (e) Stormwater management, and control of erosion, sedimentation and runoff. (Refer to Chapter 12-9).

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

PLANNING SERVICES

**MINUTES OF THE PLANNING BOARD**

**May 14, 2019**

**MEMBERS PRESENT:** Vice Chair Kurt Larson, Nathan Monk, Danny Grundhoefer, Laurie Murphy, Ryan Wiggins

**MEMBERS ABSENT:** Chairman Paul Ritz, Nina Campbell,

**STAFF PRESENT:** Brandi Deese, Assistant Planning Services Administrator, Leslie Statler, Planner, Keith Wilkins, Assistant City Administrator, Brian Cooper, Parks and Recreation, Chris Johnston, Network Engineer, Councilman Terhaar, Councilwoman Myers

**OTHERS PRESENT:** Michael Bodenhausen, George Williams, Tony Terhaar, Michael Carro, Donald Redhead, Kelley Martinez

**AGENDA:**

- Quorum/Call to Order
- Approval of Meeting Minutes from April 9, 2019.
- **New Business:**
  1. **Vacation of Right-of-Way – 400 Block of 11<sup>th</sup> Avenue (Between LaRua and Belmont Streets)**
  2. **Amendment to Land Development Code Section 12-2-11 Airport Land Use District**
  3. **Amendment to Conditional Use Permit – 501 S. Palafox Street (Al Fresco)**
  4. **Aesthetic Review – 501 S. Palafox Street (Al Fresco)**
- Open Forum
- Adjournment

**Call to Order / Quorum Present**

Vice Chairman Larson called the meeting to order at 2:01 pm with a quorum present and explained the Board procedures to the audience.

**Approval of Meeting Minutes**

Ms. Wiggins stated during open forum the first sentence was incorrect stating she was addressing saving some of the buildings downtown from demolition. Ms. Wiggins states her concerns actually were how many people have come before us concerned about demolition in East Hill and other areas. Ms. Wiggins would like corrections made to better represent what the discussion was about. Ms. Deese asked what would some suggestions be specifically and explained that the minutes are created directly from the recording. Ms. Wiggins also stated on the second page second sentence that East Hill is not considered a historic community. Ms. Deese ensured Ms. Wiggins that staff would review the recording and modify as much as possible.

Ms. Deese suggested that since modifications will be made, the approval for the April 9, 2019 minutes would be brought back next month for approval.

### **New Business**

#### **Vacation of Right-of-Way – 400 Block of 11th Avenue (Between LaRua and Belmont Streets)**

Anthony L. Terhaar Enterprises, LLC is requesting the approval of a 10-foot portion of the 400 Block of 11<sup>th</sup> Avenue between LaRua and Belmont Streets. The applicant has indicated the reason for the request is to attain the highest and best use of the property and to preserve and increase the property values in this area of East Hill. If granted, the additional 10 feet will allow the applicant to construct two single family attached structures instead of one single family detached structure. This request is consistent with a previous vacation of 11<sup>th</sup> Avenue to the North and will make the easterly property lines consistent within the southern-most two blocks of 11<sup>th</sup> Avenue.

This request has been routed through the various City departments and utility providers and those comments are attached for your review. Staff has been made aware that utilities are present within this right-of-way area and a full width easement will be included in the ordinance proposed to City Council.

Mr. Monk asked for clarity on the portion of right-of-way to be vacated. Ms. Deese stated only the yellow portion is the ten-foot portion to be vacated and if approved the ten-foot portion would become private property. Mr. Terhaar appeared before the Board and explained that since the same type of vacation took place on a piece of property above from LaRua to Belmont in order to increase the value of the property he wanted to also increase the value of his land. Mr. Terhaar also states his neighbor Mr. Phelps who owns the property to the North is in support. Ms. Murphy asked about the future use for the other property owned by Mr. Phelps. Mr. Terhaar stated he did not know; only that Mr. Phelps has owned the property for a while. Ms. Murphy also asked about AT&T's easement and if the ability to keep the driveway would still allow for AT&T to access their lines. Mr. Terhaar responded it was his understanding that AT&T would be satisfied as long as they had full access. Mr. Monk stated he did not see any problems with approving the request. **Mr. Monk motions to approve. Ms. Murphy seconds the motion. The motion carried unanimously.**

#### **Amendment to Land Development Code Section 12-2-11 Airport Land Use District**

Staff is requesting to amend Land Development Code Section 12-2-11 Airport Land Use District in order to modify the list of permitted uses specifically for the Airport Transition Zone (ATZ-1). The proposed amendment would be to modify the list of permitted uses to include Recreational Facilities – Not-For-Profit. The ATZ-1 zoning district is a small district that surrounds the Airport Restricted Zoning District (ARZ), which is all City owned property. The ATZ-1 has a limited list of permitted uses and this would expand the list in order for the new YMCA to be constructed at 2130 Summit Boulevard. The ATZ-1 zoning district is a separate district (non-cumulative) and this amendment would not directly impact other districts.

Ms. Laurie Murphy states the ATZ-1 already contains other facilities such as daycares, office use and residential use. Ms. Murphy states in her opinion it would depend on the size of the facility exactly what type of traffic, storm water infrastructure and the actual plan. Ms. Murphy states she does not have enough information to feel confident to agree to a recreational facility. Mr. Larson clarifies that at this point all the Board is deciding on is if they are going to allow recreation facilities, yes or no. Ms. Deese concurs and further states the Board needs to focus on the question presented, which is recreational facilities not-for-profit, is that a reasonable use within the AZT-1? Ms. Deese also states the Board is only looking at a text amendment, not a conditional use permit. Mr. Monk states his concern is he would have rather seen this as a conditional use so the Board would have more oversight. Mr. Monk also states that until he received calls with concerns, he did not feel this was a big deal.

Ms. Deese explained that the Board has the ability to approve, deny or approve with modifications. Mr. Larson asked for a representative from the City to discuss further. Mr. Keith Wilkins, Assistant City

Administrator appears before the Board and states the Mayor is in support of the project and agrees with Planning Staff that the issues with site plans or traffic is not in the purview of the Planning Board and he is here to convey the Mayor's support of the project. Mr. Wilkins also agrees with staff that the question is whether to approve, deny or approve with conditions. Mr. Wilkins again states how the operations between the City and YMCA and how they administer programs is an issue between them and not within the purview of Planning Board. Mr. Wilkins states Brian Cooper, Director of Parks and Recreation may be able to address questions more specifically. Mr. Cooper appears before the Board and explains that the Parks and Recreation Department are in a process of a Land Swap deal and this is a complicated process and City Council will have to approve the land swap. Currently Parks and Recreation are collaborating with the YMCA to reduce duplication of services. Mr. Cooper stated they want to do what is best for the community. Mr. Monk's concern again was possible privatization of government programs in which anyone who has access could in theory be denied. Mr. Cooper states the intent is not to stop offering services but to stop duplicating services in that area. Ms. Murphy asked how does an approval for something conditional work? Ms. Deese explained the Conditional Use Permit process and added that it would cause delays in this project which has specific deadlines. Upon question, Ms. Deese stated a conditional use is very specific to that project and not at all cookie cutter. After further discussion, **Ms. Wiggins motions to approve. Mr. Grundhoefer seconded the motion.** Mr. Monk states he will approve but still has concerns with known controversy and feels it would have been nice to better plan this out. **The motion carried unanimously.**

#### **Amendment to Conditional Use Permit – 501 S. Palafox Street (Al Fresco)**

##### **Aesthetic Review – 501 S. Palafox Street (Al Fresco)**

Scott Sallis, on behalf of Michael Carro, is requesting an amendment to the existing Conditional Use Permit for Mobile Restaurant Unit Development at 501 S. Palafox, also known as "Al Fresco". The proposed modification includes constructing a single story, slab on grade, metal building framed roof structure over a series of kitchens and retail kiosks. The retail kiosks will also be portable and secured in a manner similar to the existing air stream kitchens. The original Conditional Use Permit gained approval through a Land Development Code amendment that created Mobile Restaurant Unit Developments as an accessory use to the primary use of a restaurant. The details of the original approval are attached for your review. If the amendment to the Conditional Use Permit is granted, the applicant also seeks aesthetic approval of the improvements to the property.

Ms. Deese explained this is a discussion item only since based on when the application was received; notifications could not be mailed out. The request will come back to the Board in June. Ms. Deese also advised the Board could give aesthetic approval since notices were not required for that agenda item. Mr. Scott Sallis addressed the Board and stated the individual owners of the airstreams over the years have realized the weather and the winter make it difficult to turn a profit in keeping the project going strong. Mr. Sallis stated that Michael Carro and his team came to him and asked for help in covering the airstreams. Mr. Sallis explained he is asking for two things, aesthetic approval and amending the conditional use permit to allow retail, which is not part of the original conditional use permit. Mr. Sallis explained his clients are proposing to remove the airstreams and replace them with shipping containers and putting kitchens within the containers. Mr. Grundhoefer questioned if the shipping containers would be flood proof and not the kiosks? Mr. Sallis responds stating the original design was to use the flood proof construction model for a more permanent kitchen but they removed that design. Mr. Larson asked how many kitchens would there be? Mr. Sallis explained that he does not know but they will use the two units, could be four or could be more than four. Mr. Grundhoefer states he understands the kitchens will be flexible depending on whether tenants succeed or do not succeed. Ms. Murphy asked about grease traps. Mr. Sallis stated grease trap requirements would go through the building department and comply. Mr. Grundhoefer asked about the plaza which is required within the original conditional use and whether it would be kept in the new concept versus covering the whole space. Mr. Sallis states within the ordinance

it is required to have an open plaza. Mr. Grundhoefer stated that in many old cities they use an old warehouse look and feel. He feels Mr. Sallis may be missing an opportunity to create that feel on the corner. Mr. Monk stated he genuinely loves Al Fresco and was concerned about how the new proposal would look. He also stated the only thing that maybe an aesthetic issue for him is that the slant of the metal roof could be a distraction other than that he likes the concept. Mr. Carro addressed the opening on the corner and did not know if that is in the code. Mr. Sallis referenced the paver area is the 40 or 45 percent was required to be pavers. He also stated the reason for the openness was to maintain some of the palm trees. Mr. Grundhoefer supports the concept but feels it falls short of the details in the overhang. He further stated there is no brickwork or columns or ironwork and needs to feel like it is a part of the historic fabric of downtown. Mr. Monk stated he likes the idea that Al Fresco sticks out. Ms. Wiggins also agreed and stated it gives the downtown a bit of a funky feel.

Mr. Larson stated we like the concept but since this is a discussion item, you will need to come back with everything spelled out and convince us that you have met or exceeded all the requirements of the current ordinance. Mr. Larson further stated they wanted to know how the units would be removed? Mr. Monk wanted to know how soon would we see this happen once approved? Mr. Sallis defers to Mr. Carro. Mr. Carro states currently he is renewing short-term leases through end of October but his goal is to break ground in November and be open by March.

Ms. Wiggins wanted to know what does it do to block the wind in the winter? Mr. Carro responded he wanted have some type of screening and potentially the retail mobile units would act as a block. He further stated in addition to screening they could suspend heaters.

Mr. Sallis stated he hoped to secure a vote to send this to City Council in supporting retail as a part of the conditional use and a vote to support preliminary aesthetic review. Ms. Deese clarified the Board could approve a full final aesthetic review if Board feels comfortable with that – However the item will come back to this Board for approval on the conditional use permit next month. Mr. Monk recommended holding off and vote on both items next month. Mr. Grundhoefer agreed. Mr. Sallis wanted to clarify what the Board would be looking for more ornamental detail that looks like this was a building that adapted Al Fresco. Mr. Grundhoefer suggested exploring the idea of the building as a whole instead of chopping off the corner. **Mr. Monk motioned to postpone the item until next month, Ms. Murphy seconded.** Mr.

Larson asked for any discussion. Ms. Deese clarifies the code language for Planning Board of 45 days and explains they have 45 days unless there is another time period specified. She further stated the Board could specify a longer period. After further discussion Ms. Deese advises there are three options; set a longer period of time in the event quorum is not met, deny the item or the applicant could withdraw. Mr. Monk stated he does not want to deny the item. **After further discussion, the motion to postpone and extend the time line to within two Planning Board meetings (63 days) passed unanimously.**

**Open Forum** – Mr. Grundhoefer thanks Brandi and states she has been an asset to this Board and the City.

**Adjournment** – With no further business, Vice Chairman Larson adjourned the meeting at 3:03 pm.

Respectfully Submitted,



Brandi C. Deese  
Secretary to the Board



## Memorandum

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**File #:** 10-19

City Council

5/30/2019

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council Member Jewel Cannada-Wynn

**SUBJECT:**

PROPOSED ORDINANCE NO. 10-19 - AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE - CREATING SECTION 12-2-25, PROVIDING FOR THE COMMUNITY REDEVELOPMENT AREA (CRA) URBAN DESIGN OVERLAY DISTRICT

**RECOMMENDATION:**

That City Council adopt Proposed Ordinance No. 10-19 on second reading.

AN ORDINANCE CREATING SECTION 12-2-25 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR THE COMMUNITY REDEVELOPMENT AREA (CRA) URBAN DESIGN OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The development of urban design standards has been identified as a key redevelopment project within each of the City of Pensacola's adopted community redevelopment plans. The City of Pensacola Community Redevelopment Agency (CRA) approved the FY17/18 CRA Work Plan on April 10, 2017, which authorized the development, adoption and codification of design standards for each of the City's three redevelopment areas. On October 9, 2017, the CRA authorized the CRA Chairperson to negotiate and execute a contract with DPZ CoDESIGN, the top-ranked firm selected in response to RFQ No. 17-043 to prepare the standards.

DPZ CoDESIGN launched the project in early January 2018. From February 2018 through April 2018, an extensive public input process included a series of charrettes, public workshops, input sessions, presentations and a written comment period. For reference purposes, a full list of public outreach and input opportunities, as well as, comments received and corresponding responses are attached.

The drafted overlay document was released on May 31, 2018. On June 12, 2018 and September 18, 2018 the Planning Board held public hearings and recommended adoption with modifications.

Following the Planning Board hearing, the proposed overlay was presented to the Eastside Redevelopment

Board (ERB) and the Westside Redevelopment Board (WRB) on July 11, 2018 and July 24, 2018, respectively. Both Boards recommended adoption of the proposed overlay as presented.

The CRA recommended adoption of the overlay during its meeting on January 14, 2019.

Since the CRA's recommendation in January, staff engaged the consultant to conduct a final thorough review of the document in preparation for public hearing and adoption. Upon review, several areas requiring clarification and alignment with the underlying zoning were identified. The recommended clarifying language is contained within the attached ordinance in strike-through and underline format. It is recommended that City Council consider this language for incorporation into the adopted document.

**PRIOR ACTION:**

October 26, 2000 - City Council adopted the Urban Infill and Redevelopment Plan.

February 9, 2004 - City Council approved the Eastside Neighborhood Plan.

October 27, 2005 - City Council amended and readopted the Urban Infill and Redevelopment Plan, incorporating therein the Eastside Neighborhood Plan.

May 24, 2007 - City Council adopted the Westside Community Redevelopment Plan.

January 14, 2010 - City Council adopted the Urban Core Community Redevelopment Plan (2010).

April 10, 2017 - The CRA approved the FY17/18 CRA Work Plan, which included the development of design standards for the Urban Core, Westside and Eastside community redevelopment areas.

July 26, 2017 - The CRA issued Request for Qualifications (RFQ) No. 17-043 for Urban Design and Code Amendment Services for a Community Redevelopment Area Overlay.

October 10, 2017 - The CRA approved the ranking of the selection committee for RFQ No. 17-043 and authorized the CRA Chair to negotiate and execute a contract with DPZ CoDESIGN.

May 7, 2018 - The CRA approved the FY18/19 CRA Work Plan, which included the development of design standards for the Urban Core, Westside and Eastside community redevelopment areas.

June 12, 2018 - The Planning Board held a public hearing and recommended adoption of the CRA Urban Design Overlay District with modifications.

July 11, 2018 - The Eastside Redevelopment Board recommended adoption of the CRA Urban Design Overlay District.

July 24, 2018 - The Westside Redevelopment Board recommended adoption of the CRA Urban Design Overlay District.

September 18, 2018 - The Planning Board held a second public hearing regarding incorporation of the Board's



recommended modifications and additional clarifications, and recommended adoption of the CRA Urban Design Overlay District as presented.

October 8, 2018 - The CRA voted not to recommend the proposed overlay to City Council.

October 23, 2018 - The Westside Redevelopment Board authorized the Chair to execute a letter requesting that the CRA Urban Design Overlay District be re-considered.

October 24, 2018 - The Eastside Redevelopment Board authorized the Chair to execute a letter requesting that the CRA Urban Design Overlay District be re-considered.

January 15, 2019 - The CRA recommended that the City Council adopt the proposed CRA Urban Design Overlay District Ordinance.

May 16, 2019 - City Council held a public hearing and voted to approve Ordinance No. 10-19 on first reading with revisions as proposed by the City Attorney.

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive  
M. Helen Gibson, AICP, CRA Administrator  
Victoria D'Angelo, Assistant CRA Administrator

**ATTACHMENTS:**

- 1) Proposed Ordinance No. 10-19 with revisions passed on first reading (clean version)
- 2) Proposed Ordinance No. 10-19 with revisions (simple mark-up version)

**PRESENTATION:** No

PROPOSED  
ORDINANCE NO. 10-19

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE CREATING SECTION 12-2-25 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR THE COMMUNITY REDEVELOPMENT AREA (CRA) URBAN DESIGN OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-2-25 of the Code of the City of Pensacola, Florida, is hereby created to read as follows:

Section 12-2-25. - Community Redevelopment Area (CRA) Urban Design Overlay District

The regulations in this Section shall be applicable to the Community Redevelopment Area (CRA) Urban Design Overlay District (CRAUDOD).

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Intent	Sec. 12-2-25(A)
Boundaries of the District.	Sec. 12-2-25(B)
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Existing Conditions	Sec. 12-2-25(D)
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Building Orientation	Sec. 12-2-25(G)(2)
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Context Classification	Sec. 12-2-25(I)(1)
Street Design	Sec. 12-2-25(I)(2)
Definitions	Sec. 12-2-25(J)

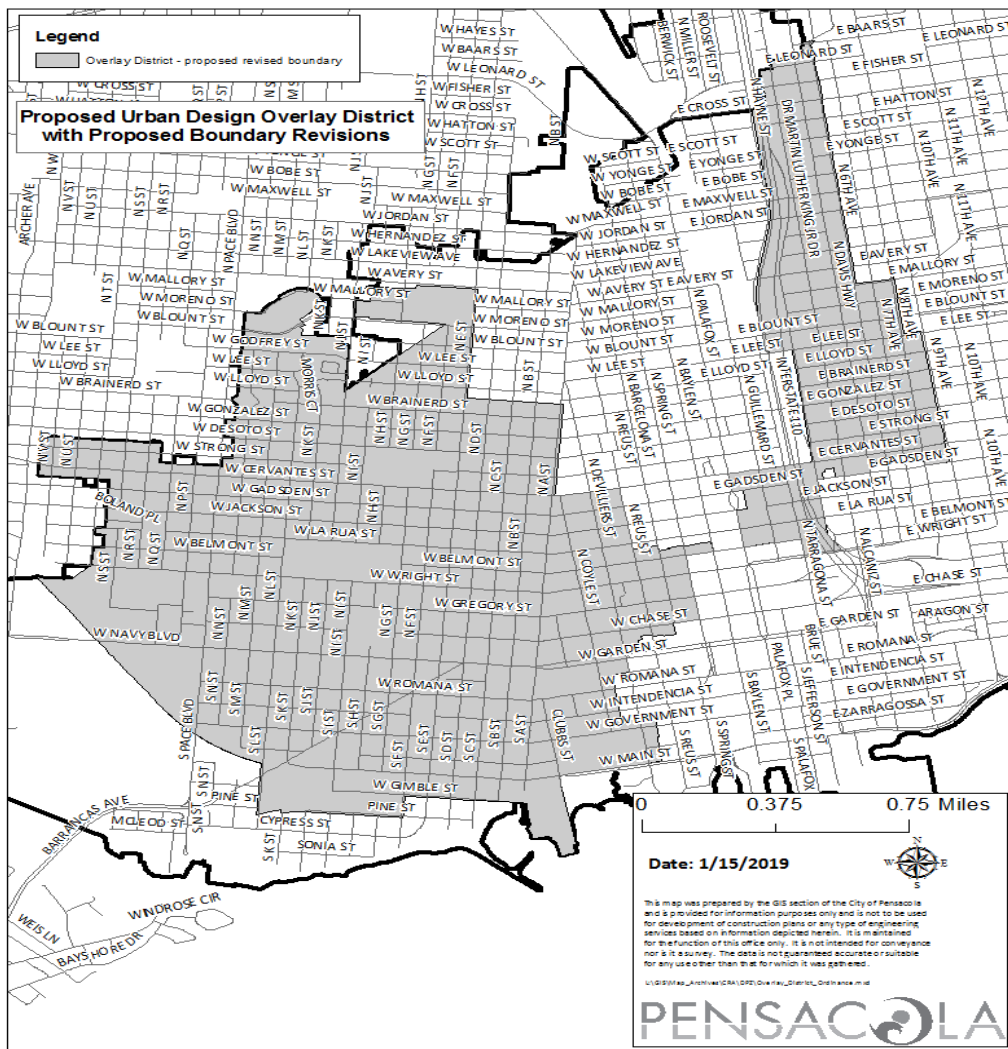
(A) *Intent.* The requirements set forth in this Section are intended to:

- (1) Preserve and maintain the urban pattern and architectural character of Pensacola's community redevelopment areas, while encouraging new construction that is compatible with that heritage, but also reflective of its time.
- (2) Improve the physical appearance of the community redevelopment areas with urban design standards that provide more predictable results in terms of the form and character of buildings.
- (3) Support the removal of blight within the community redevelopment areas by encouraging quality redevelopment.
- (4) Support the future growth of Pensacola, to ensure compatible and cohesive development, to remain resilient long-term, and to support the goals, objectives and policies of the City's Comprehensive Plan and community redevelopment area master plans.
- (5) Coordinate the placement, orientation, and design of buildings to ensure a coherent and walkable streetscape and traditional urban character by creating well-defined street edges with continuous building walls, articulated facades, and architectural features that create visual interest and an attractive pedestrian environment.

- (6) Capitalize on opportunities to attract and grow a variety of residential building types, retail, service, and cultural establishments to serve local needs, create regional attractions and a robust economic base.
- (7) Enable and encourage mixed-use development within the community redevelopment areas in support of viable and diverse locally-oriented business and cultural institutions.
- (8) Achieve context-based development and complete streets.

(B) *Boundaries of the District.* The boundaries of the CRA Urban Design Overlay District shall be as outlined on Figure 12-2-25.1. A more detailed map of the boundaries of the Overlay is on file in the City of Pensacola Office of the City Clerk.

Figure 12-2-25.1 - CRA Urban Design Overlay District Boundaries



(C) *Applicability.*

- (1) These standards shall apply to all new construction within the CRA Urban Design Overlay District. For purposes of Sec. 12-2-25, "new construction" includes construction on a parcel that is vacant or becomes vacant following demolition of an existing structure(s) on the parcel; it also includes construction of a free-standing accessory building and ancillary improvements on a parcel, but does not include an addition to a current structure.
- (2) This Section [Sec. 12-2-25., CRA Urban Design Overlay District] shall apply as an overlay to the underlying land development regulations. The land development regulations contained within Title XII (Land Development Code) shall apply unless pre-empted by this Section. Where a conflict exists between this Section and the underlying land development regulations, contained within Title XII (Land Development Code), this Section shall prevail.
- (3) Standards, activated by "shall", are regulatory in nature, as defined within Sec. 12-1-8 (general interpretative terms). Deviations from these standards shall only be permitted by variance in accordance with Sec. 12-12-2 (appeals and variances).
- (4) Guidelines, activated by "should", are encouraged and recommended but not mandatory, as defined within Sec. 12-1-8 (general interpretative terms). Developments subject to this overlay district are encouraged to incorporate them as appropriate in order to enhance and complement the built and natural environment. The intent is to create the highest level of design quality while providing the needed flexibility for creative site design.
- (5) Figures, tables and illustrations shall be interpreted as defined in Sec. 12-1-8 (general interpretative terms) unless the context clearly indicates otherwise.
- (6) The provisions of this section are not intended to supersede, conflict with or replace any requirement in federal or state law pertaining to design, construction or accommodation requirements pertaining to persons with disabilities, and it is hereby declared to be the intent of the City of Pensacola that such requirements in federal or state law shall prevail over any provisions of this section to the extent of any conflict.

- (D) *Existing Conditions.* Existing buildings and structures that do not conform to the requirements of this overlay district may be occupied, operated, repaired, renovated or otherwise continue in use in their existing non-conforming state unless demolished and rebuilt.
- (E) *Procedure for Review.* All development regulated by this subsection shall be subject to the submission requirements contained within Sec. 12-12-5 (building permits), Sec. 12-2-81 (development plan requirements), and Sec. 12-2-82 (Design Standards and Guidelines), as applicable. In addition to the plan submission requirements listed in Sec. 12-12-5 and 12-2-81, drawings illustrating compliance with Sec. 12-2-25 (CRA Urban Design Overlay District) shall be provided. Plans shall include drawings or sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of the building, including proposed materials, textures, and colors, and the plat plan or site layout, including all site improvements or features such as walls, fences, walkways, terraces, landscaping, accessory buildings, paved areas, signs, lights, awnings, canopies, screening, and other appurtenances. Façade and frontage yard types shall be specified along frontages in accordance with Table 12-2-25.10 (Façade Types) and Table 12-2-25.9 (Frontage Yard Types).
- (F) *Appeals and Variances.* Appeals and variances shall be subject to Sec. 12-12-2 (appeals and variances).
- (G) *Urban Design Standards and Guidelines.*
- (1) *Building Height.*
- (a) *Intent.* Within the overlay district, height for single-family residential types will be measured in feet and multi-family, mixed-use and non-residential buildings will be measured in stories. Measuring height in stories rather than feet has numerous benefits which include: a) to provide greater creativity for a natural variety of roof forms; b) to recognize the need of different users, as commercial floor plates are different than residential floor plates; c) to remove the

incentive to create short floorplates, and instead encourage more gracious floor-to-ceiling heights for environmental health, without penalizing property owners; and d) to protect the historical proportions of Pensacola's community redevelopment areas.

- (b) Maximum building heights for principal and accessory buildings shall be as defined by the Form Standards in Tables 12-2-25.3 to 12-2-25.8.
- (c) Building height is measured as follows:
  - (i) Where maximum height is specified, the measurement shall be taken from the finished grade at the front of the building.
  - (ii) Building height shall be measured in feet for single family residential types as defined in the Form Standards in Tables 12-2-25.3 to 12-2-25.8 and as follows:
    - a. For pitched roof buildings, to the bottom of the lowest eave of the principal structure.
    - b. For flat roof buildings, to the bottom of the parapet.
    - c. Minimum floor to ceiling height in single-family residential types shall be nine (9) feet per floor.
  - (iii) Building height shall be measured in stories for multi-family, mixed use and nonresidential buildings as follows:
    - a. Multi-family buildings shall be limited by ground floor story and above ground story height in accordance with Table 12-2-25.1:

Table 12-2-25.1 - Multi-family Story Height Requirements

Zoning Category	Ground Floor Story Height		Above Ground Story Height
	Max.	Min.	Max.
R-2A through C-3	16 ft.	12 ft.	14 ft.

- b. Mixed use and non-residential buildings shall be limited by ground floor story and above ground story height in accordance with Table 12-2-25.2.

Table 12-2-25.2 - Mixed Use/Non-Residential Story Height Requirements

Zoning Category	Ground Floor Story Height		Above Ground Story Height
	Max.	Min.	Max.
R-1AAA through R-2A	16 ft.	12 ft.	14 ft.
R-NC, R-NCB and R-2	20 ft.	14 ft.	14 ft.
C-1, C-2, C-2A and C-3	24 ft.	14 ft.	14 ft.

c. Stories are measured from finished floor to finished floor with the exception of one (1)-story buildings that shall be measured floor to ceiling.

d. Story heights that exceed the maximum permitted height specified in Tables 12-2-25.1 and 12-2-25.2 shall count as two (2) stories. Height defined within this subsection shall not supersede height as defined by the Florida Building Code.

(iv) See Illustration 12-2-25.1 for a depiction of height measurements in feet and stories.

Illustration 12-2-25.1 – Measuring Building Height



(d) Parking garages shall not exceed the height of the principal building on the site. Parking garages shall not be subject to floor to floor height



requirements according to Sec. 12-2-25(G)(1)(c)(iii). Stand-alone parking garages shall only conform to the number of stories permitted within the Form Standards in Tables 12-2-25.3 to 12-2-25.8.

(e) *Roof Pitch.*

(i) Gable or hipped roofs shall have a minimum pitch of 6:12 and a maximum pitch of 12:12.

(ii) Shed roofs shall have a minimum pitch of 4:12.

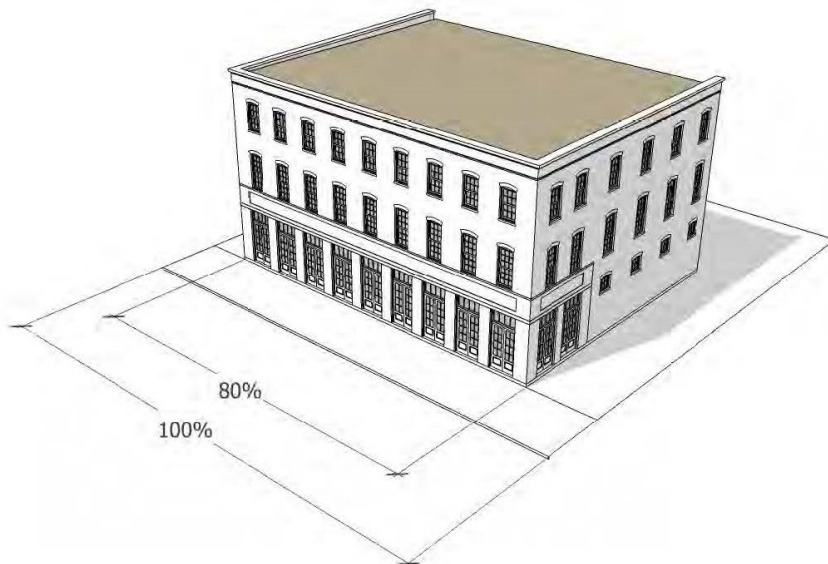
(2) *Building Orientation.*

(a) *Intent.* Buildings should have their principal pedestrian entrance along a street, pedestrian way or open space, with the exception of entrances off a courtyard, visible from public right-of-ways.

(b) Building frontage occupation shall conform to the Form Standards in Tables 12-2-25.3 to 12-2-25.8.

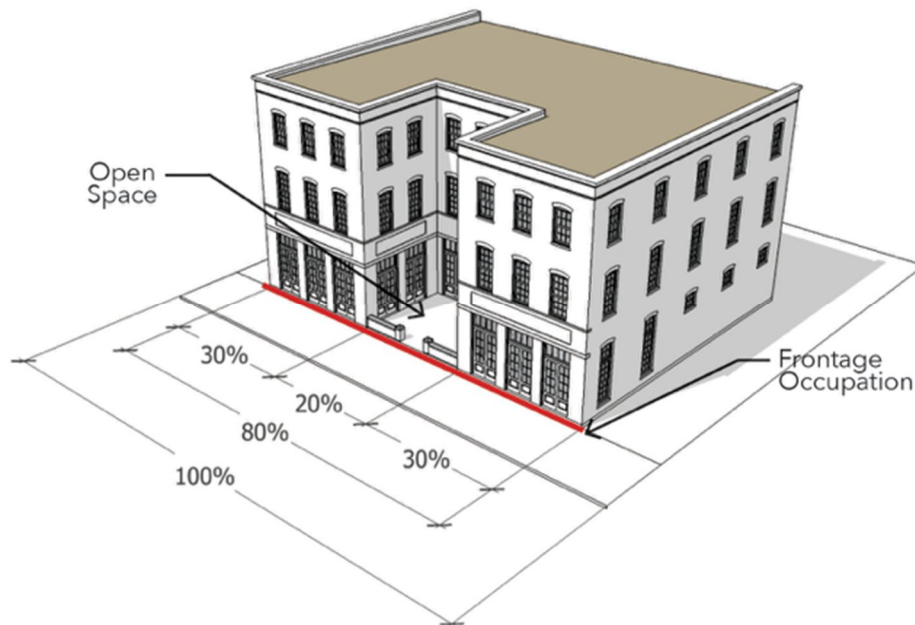
(c) Buildings shall be oriented so that the principal façade is parallel to the street it faces for the minimum building frontage occupation required in the Form Standards in Tables 12-2-25.3 to 12-2-25.8. See Illustration 12-2-25.2 for a depiction of minimum frontage occupation requirements.

Illustration 12-2-25.2 - Minimum Building Frontage Occupation



- (d) Lot width shall be measured along the right-of-way at the front property line. Lot width measurements at the building setback line and minimum lot area shall not apply.
- (e) Forecourts, courtyards and other such defined open spaces shall count towards minimum frontage requirements. See Illustration 12-2-25.3 for an illustration depicting minimum frontage occupation requirements with open space.

Illustration 12-2-25.3 - Minimum Building Frontage Occupation with Open Space



- (f) Ground floor units in multi-family residential buildings shall provide landscaping, walls, and/or fences that provide some privacy for the building.
- (3) *Building Massing.*
- (a) *Intent.* Buildings should be designed in proportions that reflect human-scaled pedestrian movement, and to encourage interest at the street level.
  - (b) Where provided, multi-family building courtyards shall maintain a minimum width to height ratio of 1 to 3 in at least one dimension in order to avoid light well conditions. Courtyards should be wider than the minimum where possible. See Illustration

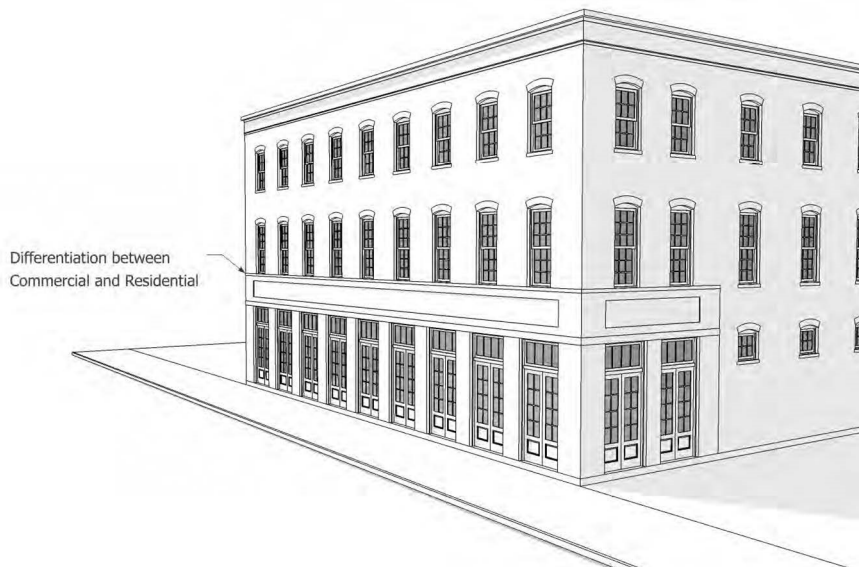
12-2-25.4 for depiction of courtyard ratio measurements.

Illustration 12-2-25.4 – Courtyard Height to Width Ratio Measurements



- (c) The design and façade treatment of mixed-use buildings shall differentiate commercial from residential uses with distinguishing expression lines (such as cornices, projections, banding, awnings, terraces, etc.), changes in fenestration, façade articulation and/or material changes. See Illustration 12-2-25.5 for depiction of mixed-use building differentiation of uses.

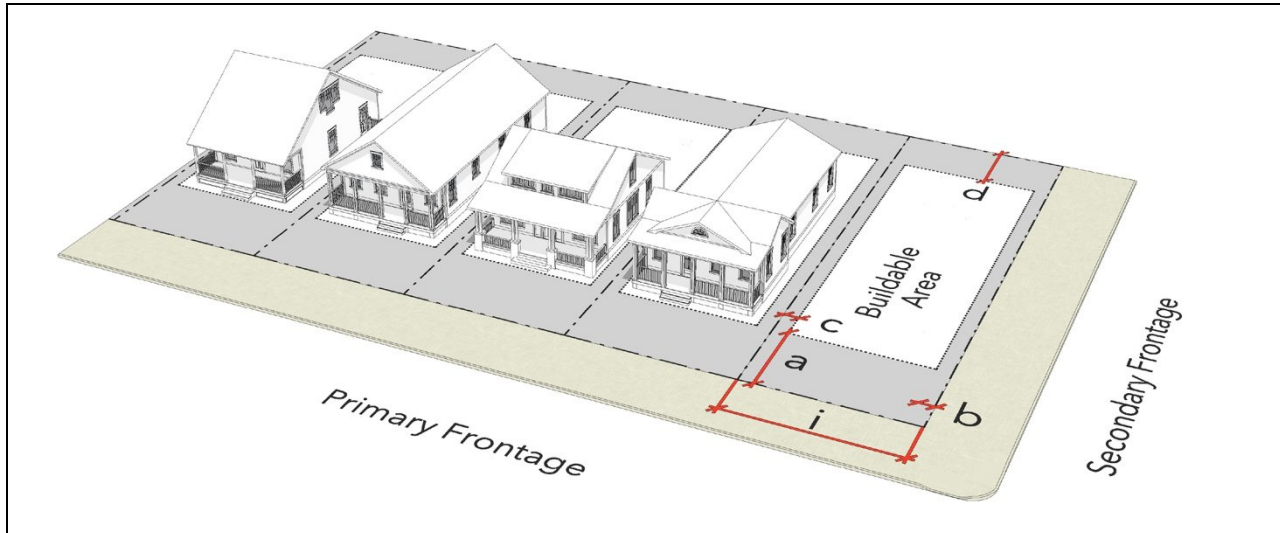
Illustration 12-2-25.5 – Mixed Use Building Differentiation of Uses



- (d) Single-family units shall be distinguished from abutting units with changes in unit entry, plane, color, materials, front porches, front stoops, fenestration, and/or building elements such as railings.
  - (e) All service and loading areas shall be entirely screened from public right-of-way as follows:
    - (i) Equipment shall be screened.
    - (ii) If outdoor storage areas are separate from the building they serve, the fence materials shall be limited to masonry, concrete, stucco, wood, PVC and metal, excluding chain-link.
  - (f) HVAC and mechanical equipment are restricted as follows:
    - (i) They shall be prohibited in frontage yards.
    - (ii) They shall be integrated into the overall building design and not be visible from adjoining streets and or open spaces.
    - (iii) Through-wall units shall be prohibited along street frontages and open spaces, unless recessed within a balcony.
  - (g) Mechanical equipment on roofs shall be visually screened from the street with parapets or other types of visual screens of the minimum height necessary to conceal the same.
  - (h) Roof top parking shall be visually screened with articulated parapet walls or other architectural treatment.
  - (i) Exterior wall materials prohibited for all single family residential types shall include:
    - (i) Corrugated metal panels; and
    - (ii) Exposed concrete block.
  - (j) Material requirements contained within Sec. 12-2-82(C)(8)(Design standards and guidelines) shall apply within the CRA Urban Design Overlay District.
- (4) *Form Standards.*
- (i) Form standards within the CRA Urban Design Overlay District shall be as defined in Tables 12-2-25.3 to 12-2-25.8.
  - (ii) Exceptions to Form Standards.

- a. Front setbacks in R-1AAA, R-1AA, and R-1A shall not be less than the average setback of all frontage yards (front and exterior side yards) located on either side of the block face, up to the minimum front setback defined in Form Standards in Tables 12-2-25.3 and 12-2-25.5. In cases where no other dwellings exist within the block, the front setback shall be no less than the front setback defined in Form Standards in Tables 12-2-25.3 and 12-2-25.5.
- b. Each single-family attached dwelling unit shall be located on its own lot. If a development requires subdivision procedures, it shall be subject to and must comply with subdivision regulations as set forth in Chapter 12-8.
- c. Where lot occupation and setback standards differ from the Dense Business Area (DBA), as defined in Chapter 12-14 (definitions), the standards in the DBA shall prevail.

Table 12-2-25.3 –Single Family Detached and Two-Family Attached (Duplex) Residential Building Types– R-1AAA through R-1A



**Setbacks - Principal Building (feet)**

a	Front	20 min.
b	Front, Secondary <sup>(4)</sup>	5 min.
c	Side (Interior) <sup>(4)</sup>	5 min.
d	Rear	30 min./ 20 min. (30' lots)

**Frontage (min.)**

Primary	45% / 40% (lots < 42')
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**Lot Occupation <sup>(5)</sup>**

i	Lot Width <sup>(3)</sup>	30 ft. min.
	Lot Coverage	50% max.

**Building Height (max.)**

Principal Building <sup>(1)</sup>	35 ft.
Accessory Building <sup>(1)</sup>	24 ft.

**Parking (min.)**

Off-street <sup>(2)</sup>	1/unit
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**Setbacks - Accessory Building (feet)**

a	Front	50 min.
b	Front, Secondary <sup>(4)</sup>	5 min.
c	Side (Interior)	1 min.
d	Rear	3 min.

**Frontage Yard Types**

Standard	Permitted
Shallow	Not Permitted
Urban	Not Permitted
Pedestrian Forecourt	Not Permitted
Vehicular Forecourt	Not Permitted

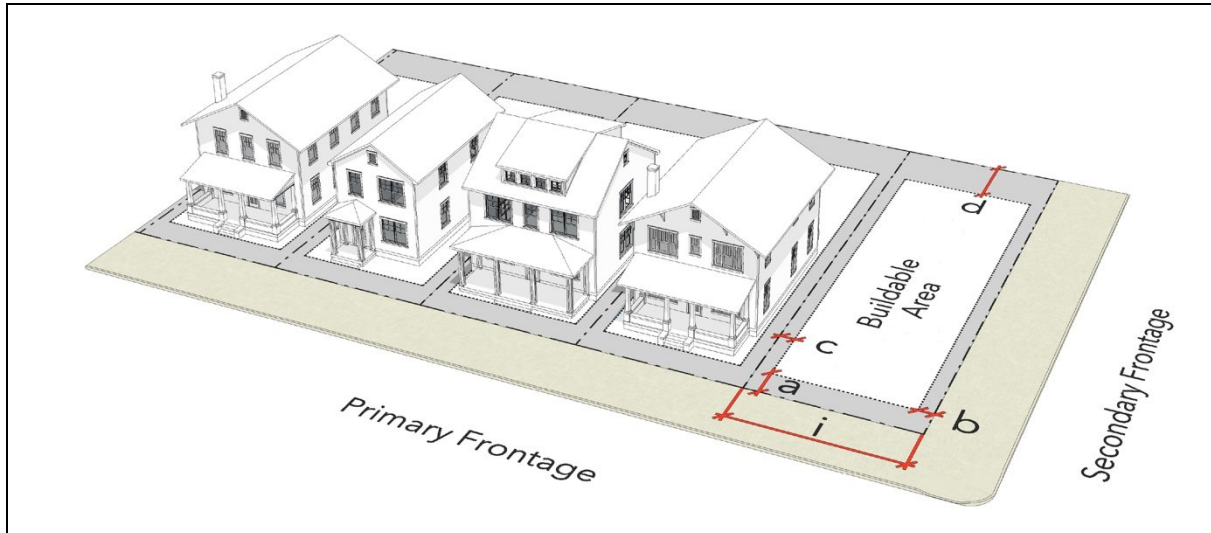
**Facade Types**

Porch	Permitted
Stoop	Not Permitted
Common Entry	Not Permitted
Gallery	Not Permitted
Storefront	Not Permitted

**Notes:**

- (1) Measured according to Section 12-2-25(G)(1)(c).
- (2) See Section 12-2-25(G)(8)(b) for exceptions.
- (3) Lot width shall only be measured from the right-of-way line. Lot width at the building setback line shall not apply.
- (4) Minimum setback for thirty-foot (30') lots shall be three (3) feet measured from the finished wall or the minimum setback required per applicable Florida Building Code.
- (5) Minimum lot area shall not apply.

Table 12-2-25.4 –Single-Family Detached and Two-Family Attached (Duplex) Residential Building Types– R-1B through C-3



**Setbacks - Principal Building (feet)**

a	Front	8 min. / 20 max.
b	Front, Secondary <sup>(4)</sup>	5 min.
c	Side (Interior) <sup>(4)</sup>	5 min.
d	Rear	25 min./20 min. (30' lots)

**Frontage (min.)**

Primary	45% / 40% (lots<42')
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**Lot Occupation<sup>(5)</sup>**

i	Lot Width <sup>(3)</sup>	30 ft. min.
	Lot Coverage	50% max.

**Building Height (max.)**

Principal Building <sup>(1)</sup>	35 ft.
Accessory Building <sup>(1)</sup>	24 ft.

**Parking (min.)**

Off-street <sup>(2)</sup>	1/unit
---------------------------	--------

**Setbacks - Accessory Building (feet)**

a	Front	50 min.
b	Front, Secondary <sup>(4)</sup>	5 min.
c	Side (Interior)	1 min.
d	Rear	3 min.

**Frontage Yard Types**

Standard	Permitted
Shallow	Permitted
Urban	Not Permitted
Pedestrian Forecourt	Not Permitted
Vehicular Forecourt	Not Permitted

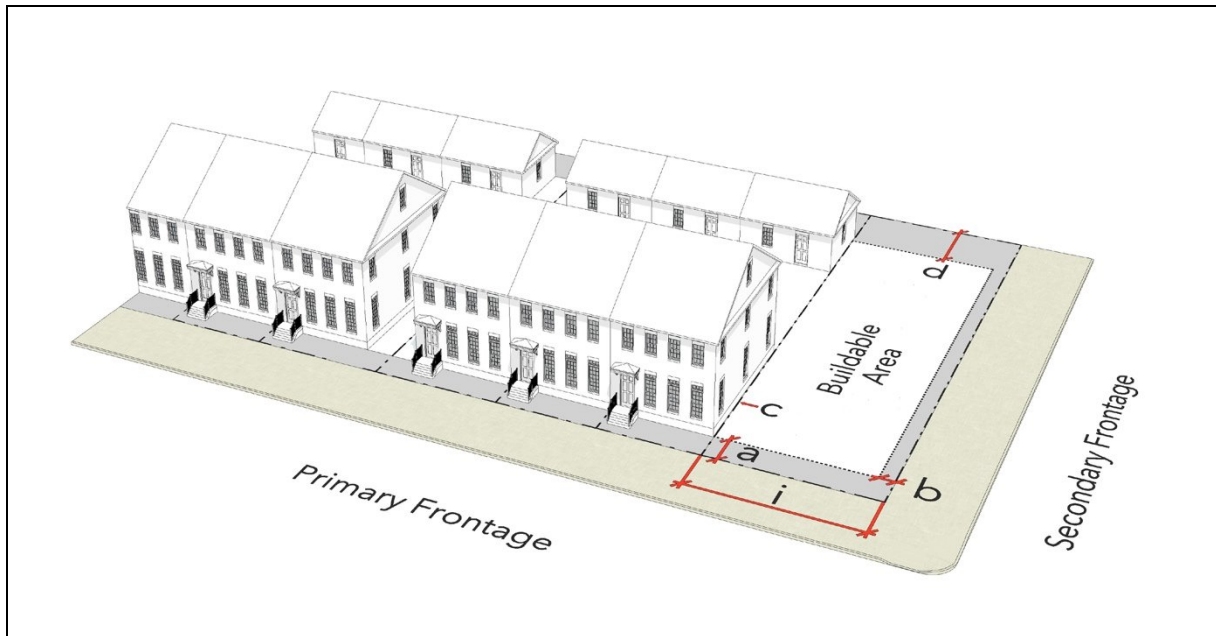
**Facade Types**

Porch	Permitted
Stoop	Not Permitted
Common Entry	Not Permitted
Gallery	Not Permitted
Storefront	Not Permitted

**Notes:**

- (1) Measured according to Section 12-2-25(G)(1)(c).
- (2) See Section 12-2-25(G)(8)(b) for exceptions.
- (3) Lot width shall only be measured from the right-of-way line. Lot width at the building setback line shall not apply.
- (4) Minimum setback for thirty-foot (30') lots shall be three (3) feet measured from the finished wall or the minimum setback required per applicable Florida Building Code.
- (5) Minimum lot area shall not apply.

Table 12-2-25.5 –Single-Family Attached (Townhouse) Residential Building Types – R-1AA through C-3



**Setbacks - Principal Building (feet)**

a	Front	8 min.
b	Front, Secondary	5 min.
c	Side (Interior) (1)	0 or 5 min.
d	Rear	25 min.

**Frontage (min.)**

Primary	80%
---------	-----

**Lot Occupation (3)**

i	Lot Width	16 ft. min.
	Lot Coverage	75% max.

**Building Height (max.)**

Principal Building(2)	45 feet
Accessory Building(2)	24 feet

**Parking (min.)**

Off-street	1/unit
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**Setbacks - Accessory Building (feet)**

a	Front	50 min.
b	Front, Secondary	5 min.
c	Side (Interior)	1 min.
d	Rear	3 min.

**Frontage Yard Types**

Standard	Not Permitted
Shallow	Permitted
Urban	Not Permitted
Pedestrian Forecourt	Not Permitted
Vehicular Forecourt	Not Permitted

**Facade Types**

Porch	Permitted
Stoop	Permitted
Common Entry	Not Permitted
Gallery	Not Permitted
Storefront	Not Permitted

**Notes:**

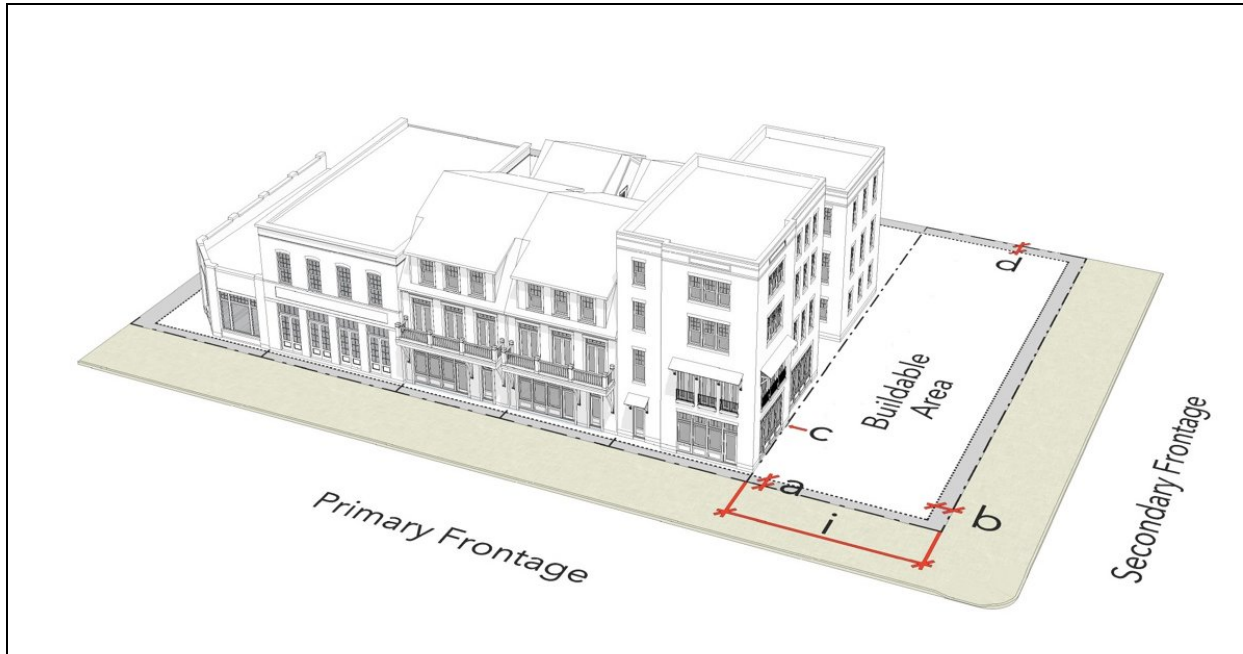
(1) Zero foot min (attached/zero lot line buildings)/ 5-foot min (detached buildings).

(2) Measured according to Section 12-2-25(G)(1)(c).

(3) Minimum lot area shall not apply.



Table 12-2-25.6 – Multi-Family, Mixed Use, Neighborhood Commercial and Commercial Building Types – R-2A through C-1



**Setbacks - Principal Building (feet)**

a	Front (Com./Res.) (1)	5 max. / 15 max.
b	Front, Secondary (Com./Res.)	5 max. / 15 max.
c	Side (Interior) (3)	0 or 5 min.
d	Rear	none

**Frontage (min.)**

Primary	80%
---------	-----

**Lot Occupation (4)**

i	Lot Width	16 ft. min.
	Lot Coverage	75% max.

**Building Height (max.)**

Principal Building (2)	4 stories
Accessory Building	N/A

**Off-street Parking (min.)**

Residential	1/unit
Commercial	Per Sec. 12-2-25(G)(h)

**Notes:**

- (1) Lots within the Dense Business Area shall be permitted the lesser front setback.
- (2) Measured according to Section 12-2-25(G)(1)(c).
- (3) Zero foot min (attached/zero lot line buildings)/ 5-foot min (detached buildings).
- (4) Minimum lot area shall not apply.

**Setbacks - Accessory Building (feet)**

Front	N/A
Front, Secondary	N/A
Side (Interior)	N/A
Rear	N/A

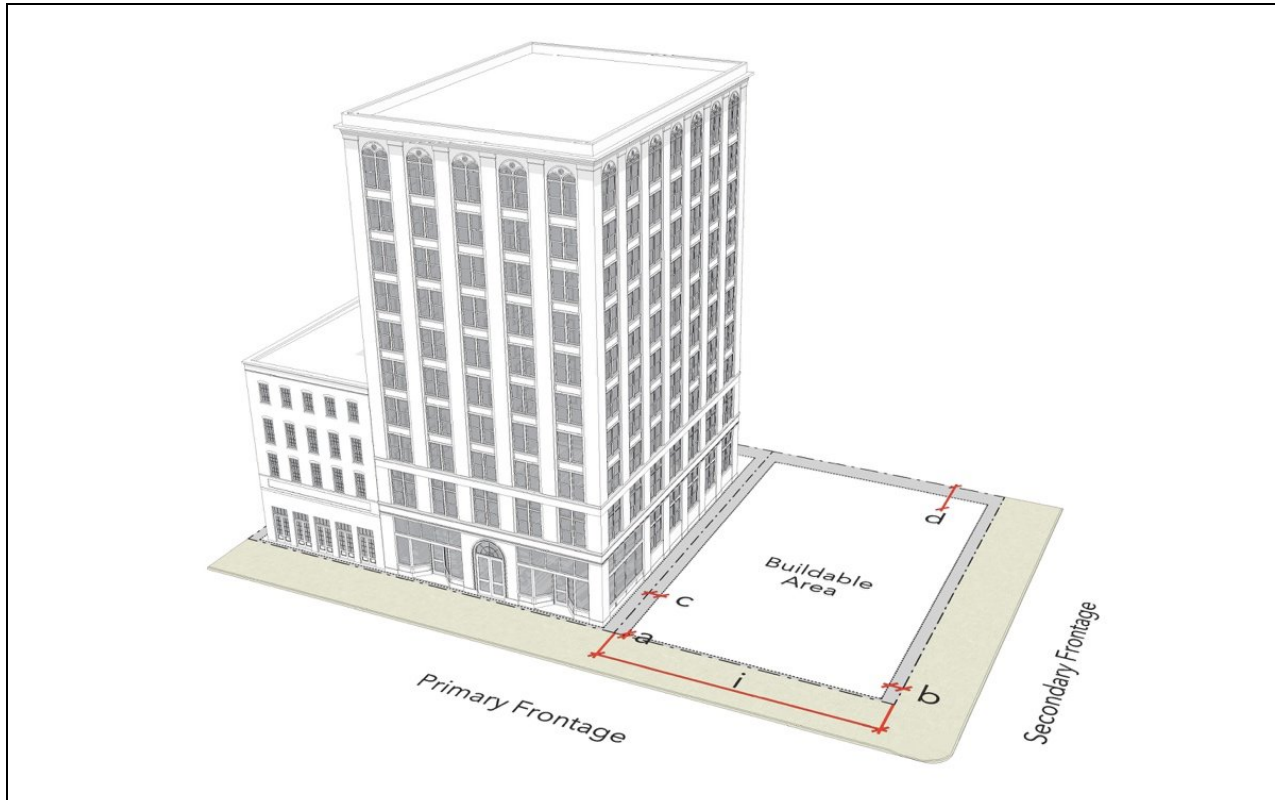
**Frontage Yard Types**

Standard	Not Permitted
Shallow	Permitted
Urban	Permitted
Pedestrian Forecourt	Permitted
Vehicular Forecourt	Permitted

**Facade Types**

Porch	Not Permitted
Stoop	Permitted
Common Entry	Permitted
Gallery	Permitted
Storefront	Permitted

Table 12-2-25.7 –Multi-Family, Mixed Use and Commercial Building Types –C-2A, C-2, C-3\*



**Setbacks - Principal Building (feet)**

a	Front (Com./Res) (1)	5 max. / 15 max.
b	Front, Secondary (Com./Res)	5 max. / 15 max.
c	Side (Interior) (3)	0 or 5 min.
d	Rear	none

**Frontage (min.)**

Primary	80%
---------	-----

**Lot Occupation (4)**

i	Lot Width	16 ft. min.
	Lot Coverage	100% max.

**Building Height (max.)**

Principal Building(2)	10 stories
Accessory Building	N/A

**Off-street Parking (min.)**

Residential	1/unit
Commercial	Per Sec. 12-2-25(G)(h)

**Notes:**

- (1) Lots within the Dense Business Area shall be permitted the lesser front setback.
- (2) Measured according to Section 12-2-25(G)(1)(c).
- (3) Zero foot min (attached/zero lot line buildings)/ 5-foot min (detached buildings).
- (4) Minimum lot area shall not apply.

**Setbacks - Accessory Building (feet)**

Front	N/A
Front, Secondary	N/A
Side (Interior)	N/A
Rear	N/A

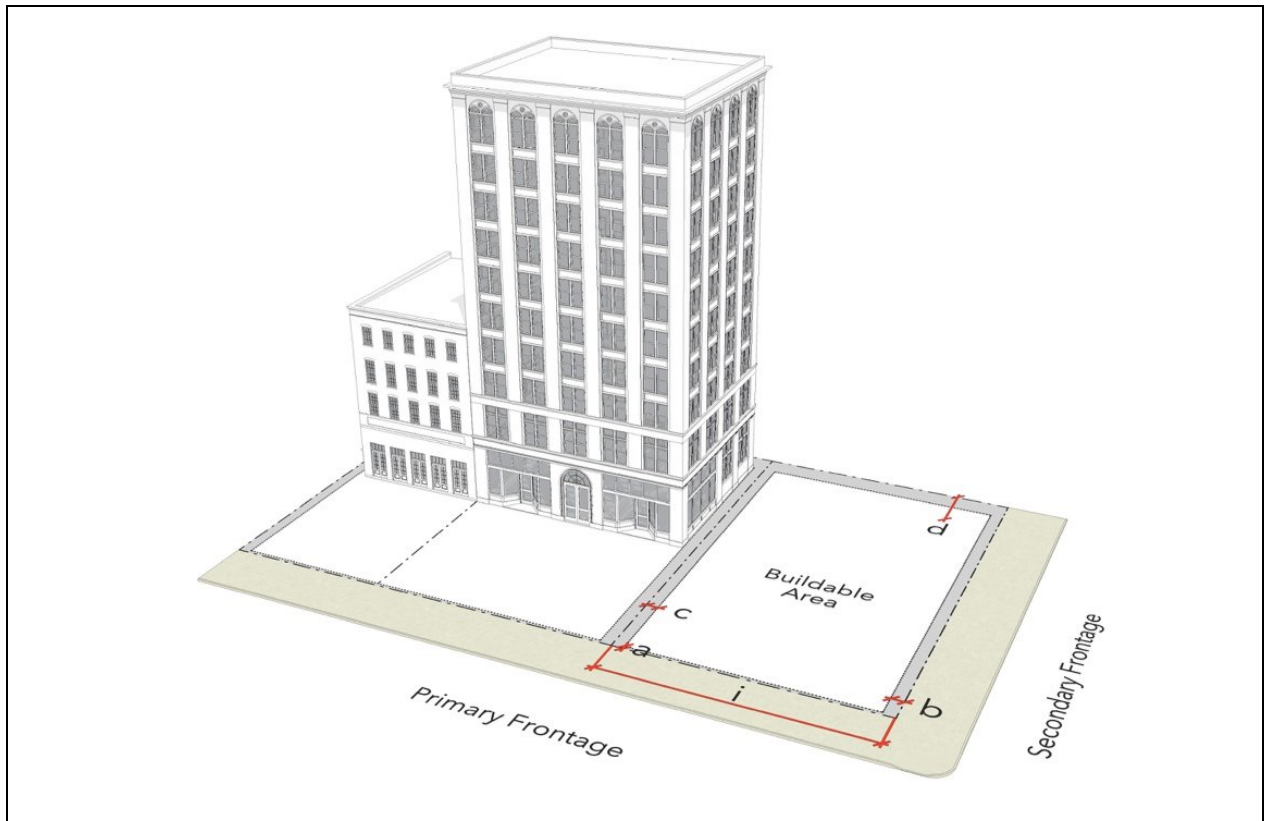
**Frontage Yard Types**

Standard	Not Permitted
Shallow	Permitted
Urban	Permitted
Pedestrian Forecourt	Permitted
Vehicular Forecourt	Permitted

**Facade Types**

Porch	Not Permitted
Stoop	Not Permitted
Common Entry	Permitted
Gallery	Permitted
Storefront	Permitted

Table 12-2-25.8 – Hybrid Commercial: Multi-family, Mixed Use and Commercial Building Types - C-3 along C3C FDOT Context Zone)



Setbacks - Principal Building (feet)			Setbacks - Accessory Building (feet)		
a	Front	60 max.	Front	N/A	
b	Front, Secondary	40 max.	Front, Secondary	N/A	
c	Side (Interior) (2)	0 or 5 min.	Side (Interior)	N/A	
d	Rear	none	Rear	N/A	
Frontage (min.)			Frontage Yard Types		
	Primary	60%	Standard	Not Permitted	
			Shallow	Permitted	
			Urban	Permitted	
			Pedestrian Forecourt	Permitted	
			Vehicular Forecourt	Permitted	
Lot Occupation (3)			Facade Types		
i	Lot Width	16 ft. min.	Porch	Not Permitted	
	Lot Coverage	100% max.	Stoop	Not Permitted	
Building Height (max.)			Common Entry	Permitted	
	Principal Building (1)	10 stories	Gallery	Permitted	
	Accessory Building	N/A	Storefront	Permitted	
Off-street Parking (min.)					
	Residential	1/unit			
	Commercial	Per Sec. 12-2-25(G)(h)			

Notes:

- (1) Measured according to Section 12-2-25(G)(1)(c).
- (2) Zero foot min (attached/zero lot line buildings)/ 5-foot min (detached buildings).
- (3) Minimum lot area shall not apply.

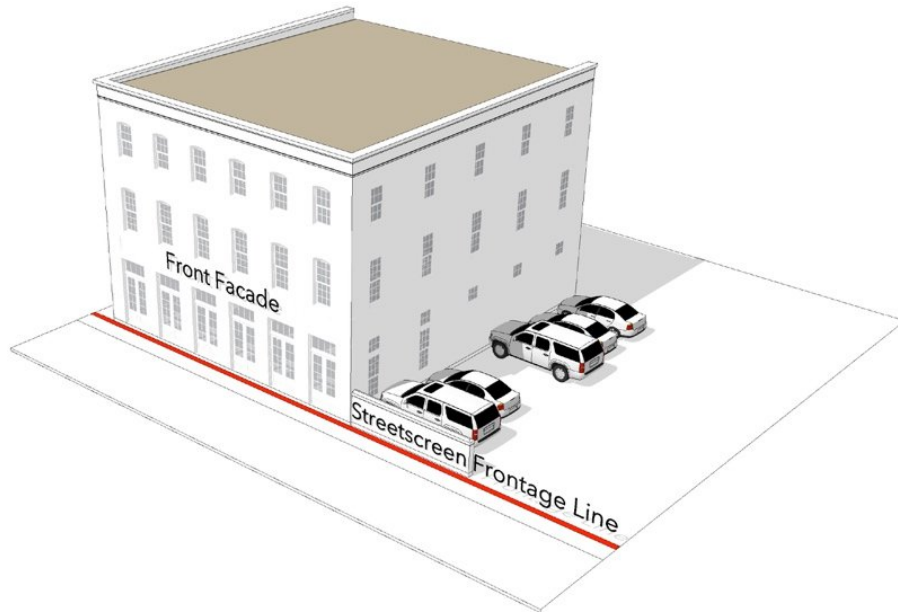
(5) *Frontage Types.*

- (a) *Intent.* New buildings proposed for existing neighborhoods should be compatible with or complement the architectural character and siting pattern of neighboring buildings. Maintaining a consistent street-wall is a fundamental component for a vibrant pedestrian life and a well-defined public realm. Buildings closely aligned to the street edge with consistent setbacks, provide a clear sense of enclosure of streets, enabling them to function as pedestrian-scaled outdoor rooms. The placement of buildings along the edge of the sidewalk should be given particular attention, as it is that portion of the buildings that is the primary contributor to pedestrian activity.
- (b) Frontage yard type shall be selected and specified along frontages in accordance with the Frontage Yard Types in Table 12-2-25.9 and subject to the standards and guidelines in this Section, including the Form Standards in Tables 12-2-25.3 to 12-2-25.8.
- (c) In addition to the frontage yard type standards contained within Table 12-2-25.9, the following shall be required:
  - (i) Frontage yards shall be wholly open to the sky and unobstructed, except for trees, roof projections, and permitted encroachments attached to principal buildings.
  - (ii) Impervious surfaces and walkways in frontage yards shall be subject to the following requirements:
    - a. Where single-family attached units occupy a common site, each attached single-family unit with an entrance towards a frontage shall have a walkway connecting the sidewalk to the attached single-family entrance. See Table 12-2-25.9.A (Frontage Yard Types - Shallow Yard) for an illustration depicting single family attached walkway connections.
    - b. At cluster courts, the shared court shall have a walkway connecting the sidewalk at

the primary frontage with building entries. See Table 12-2-25.9.B (Frontage Yard Types - Cluster Court) for an illustration depicting cluster court walkway connections.

- (iii) For multi-family, mixed use and non-residential types, any portion of a frontage not occupied by buildings, driveways, or walkways shall be lined with a streetscreen as follows:
  - a. Streetscreens shall meet the fencing and wall standards according to the Frontage Yard Types specified in Table 12-2-25.9.
  - b. Streetscreens, up to 24 feet long, shall count towards minimum frontage requirements.
  - c. Streetscreens shall be coplanar with the primary building façade, as depicted in Illustration 12-2-25.6 below.

Illustration 12-2-25.6 – Streetscreen Illustrated



- (iv) Street trees and landscaping in frontage yards shall comply with the requirements of Sec. 12-2-25(H).
- (v) Stormwater ponds shall be prohibited along frontages.

- (vi) Frontage yard setbacks shall be as follows:
- a. Buildings shall be set back in accordance with the Form Standards specified in Tables 12-2-25.3 to 12-2-25.8.
  - b. Where maximum setbacks are specified, they pertain only to the amount of building façade required to meet the minimum building frontage occupation requirements defined in the Form Standards specified in Tables 12-2-25.3 to 12-2-25.8.

Table 12-2-25.9 – Frontage Yard Types





A. Standard Yard (Fenced or not)	
Illustration	
Surface	50% minimum shall be pervious material. A minimum of one (1) tree is required per Section 12-2-25(F)(1). Paving is limited to walkways, and driveways.
Walkways	One (1) per frontage connecting the sidewalk at the primary frontage with building entries.
Fencing	Permitted along frontage lines, and according to Section 12-2-25(E)(8).
B. Cluster Court	

Illustration	
Surface	A minimum 50% of the court shall be landscaped with ground cover, trees, or understory trees. Paving is limited to walkways, and driveways.
Walkways	Court shall be a minimum 20 feet wide and a min. 1,000 sq.ft. in size, and shall have a walkway connecting the sidewalk at the primary frontage with building entries.
Fencing	Permitted except along street frontages, fronted by a shared court, according to Section 12-2-25(E)(8).


C. Shallow Yard	
Illustration	
Surface	Maximum setback of eight (8) feet. 50% minimum shall be landscaped in R-1A, and R-1B and up to 100% may be paved in R-NC and R-NCB.
Walkways	1 per frontage connecting the sidewalk at the primary frontage with building entries.
Fencing	Permitted interior to the building setback line at primary street frontages. Permitted at or interior to secondary street frontage lines according to Section 12-2-25(E)(8).

D. Urban Yard




Illustration	
Surface	Shall be paved at sidewalk grade.
Walkways	Shall be paved at sidewalk grade. Vegetation is permitted in raised containers.
Fencing	Not permitted

**E. Pedestrian Forecourt**

Illustration	
Surface	Minimum 80% paving-
Fencing	Permitted at or interior to building setback lines and according to Section 12-2-25(E)(8).
Area	Forecourt: A minimum 20 ft. wide up to 30% of the allowable frontage, and a maximum 50 ft. deep.
Activation	Shall be lined with habitable space on 3-sides, or on 2-sides at corner sites.

**F. Vehicular Forecourt**




Illustration	
Surface	Driveway shall be paved at sidewalk grade. The remainder of front setback may be paved or landscaped.
Fencing	Low wall, maximum 24 inches high, of either brick, or stone is permitted.
Area	Forecourt: 4,200 sq.ft. maximum
Activation	Shall be lined with habitable space on 3-sides, or on 2-sides at corner sites.

(6) *Building Elements.*


- (a) *Intent.* Buildings should be architecturally articulated with such elements as distinguishing expression lines, changes in fenestration, material and/or color and designed in proportions that reflect human-scaled pedestrian movement to encourage interest at the street level.
- (b) *Façade Types.* Façade Types shall be as follows:
  - (i) Porches, stoops, common entries, galleries and storefronts shall constitute allowable Façade Types as defined in Table 12-2-25.10 in accordance with the Form Standards in Tables 12-2-25.3 to 12-2-25.8.
  - (ii) Façade Types shall be selected and specified along frontages in accordance with Table 12-2-25.10.
    - a. Porches shall not be required for single family detached and two family (duplex).
  - (iii) Projections into setbacks shall be permitted as follows:

- a. Roof overhangs, cornices, window and door surrounds and other facade decoration may project up to two (2) feet.
- b. Where permitted, shading devices may project into the front setback up to the property line with a minimum eight (8) foot clearance.
- c. Balconies may project up to three (3) feet.
- d. Bay windows may project up to three (3) feet.
- e. Porches and stoops may project in accordance with the Façade Types defined in Table 12-2-25.10.
- f. Projections shall not, in any instance, exceed beyond the property line.


Table 12-2-25.10 – Façade Types

A: Porch	
Entry Grade	Minimum 18 inches above finished grade
Requirements	<ul style="list-style-type: none"> <li>• Required at the primary building entrance.</li> <li>• Porches shall be a minimum six (6) feet in depth.</li> <li>• Porches and related structures may project into front setbacks a maximum 10 feet.</li> <li>• Porch openings shall be vertical in proportion.</li> <li>• Porches shall be a maximum 10 feet in height. Columns shall have a minimum diameter of six (6) inches, and should have a capital and a base.</li> </ul>
	


**B: Stoop**


Entry Grade	Minimum 34 inches above finished grade	
Requirements	<ul style="list-style-type: none"> <li>• A stoop is required at building entrances, projecting from the facade.</li> <li>• Wood is prohibited for stoop railings.</li> <li>• Stoops and related structures may project into front setbacks up to 100%.</li> </ul>	

**C: Common Entry**

Entry Grade	Minimum 18 inches and a maximum 24 inches above finished grade	
Requirements	<ul style="list-style-type: none"> <li>• A single collective entry to a multi-family lobby is required at the primary building entrance.</li> <li>• Canopies and awnings are permitted to project into front setbacks up to 100% of their depth.</li> </ul>	

**D: Gallery**

Entry Grade	At sidewalk grade	
Requirements	<ul style="list-style-type: none"> <li>• Where a gallery occurs, it is required along a minimum of 80% of the frontage.</li> <li>• Encroachments are permitted according to Section 12-2-25(E)(7).</li> <li>• Awnings are not permitted in galleries.</li> </ul>	

E: Storefront	
Entry Grade	At sidewalk grade
Requirements	<ul style="list-style-type: none"> <li>A storefront is required at the primary entrance of the tenant space. Storefronts are permitted according to Section 12-2-25(G)(6)(d).</li> </ul> 

- (c) *Building Entries*. Building entries shall be as follows:
- (i) Building entrances shall be clearly visible from the street.
  - (ii) One (1) building entry shall be provided every eighty (80) feet of facade leading to a habitable space.
  - (iii) Building entries for mixed-use buildings shall differentiate entrances for residential and commercial uses.
  - (iv) Entries for multi-family buildings shall provide protection from the elements with canopies, marquees, recesses or roof overhangs.
  - (v) Residential building entries shall be restricted as follows:
    - a. Single-family and multi-family residential buildings shall be raised above finished grade, at the front of the building, according to Façade Types defined in Table 12-2-25.10.
    - b. In no instance shall single-family and multi-family residential building entries be raised less than eighteen (18) inches above finished grade.

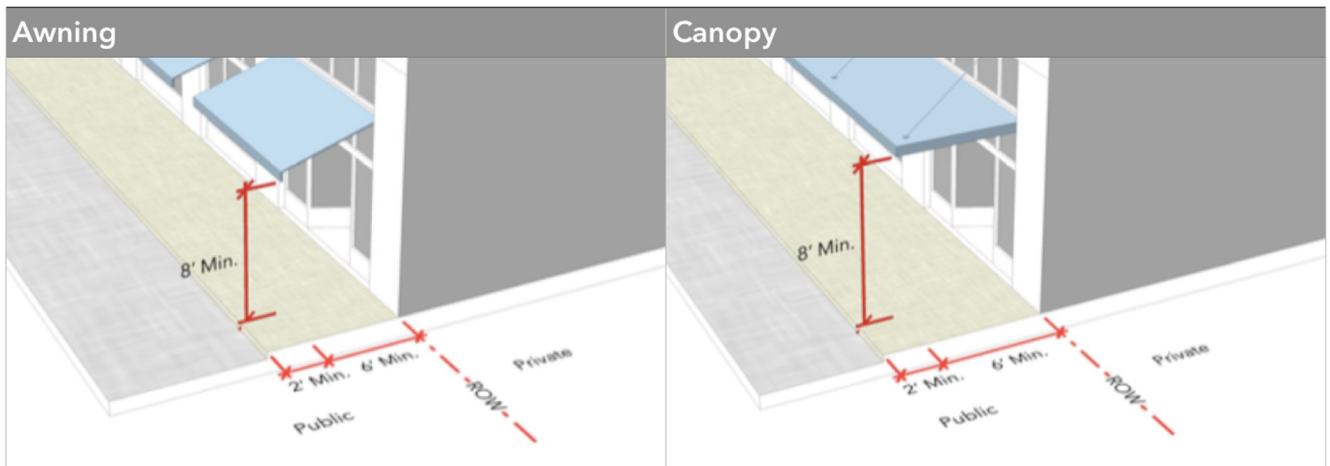
- c. Entry grade shall be measured from the finished grade to the first finished floor.
  - (vi) Mixed-use and commercial building entries shall be at sidewalk grade.
- (d) *Storefronts.*
- (i) Intent. Storefronts should be architecturally articulated through the varied use of high-quality durable materials, display windows, entrances, awnings and buildings signs. Their signage, glazing and doors should be conceived as a unified design. High quality, durable materials are especially important at street level within reach of pedestrians.
  - (ii) Storefronts shall provide a minimum of 70% glazing (void to solid ratio of surface area along principal facades at the ground level).
  - (iii) Extruded aluminum storefront frames are discouraged, and where used, shall present a simple, relatively flat profile to avoid heavily extruded profiles.
  - (iv) Opaque, smoked, and reflective glass on storefront windows shall be prohibited. Low-E shall be permitted as per Florida Building Code.
  - (v) Materials for storefronts shall consist of stone, brick, concrete, stucco, metal, glass, cementitious siding and/or wood. Construction detail and finish shall adhere to craftsman standards.
  - (vi) Outdoor dining areas on sidewalks and/or within the public right-of-way shall be permitted subject to the following standards:
    - a. Outdoor dining areas shall be separated from public walkways and streets using railings, fences, bollards, planters, and/or landscaping.
    - b. A minimum unobstructed pedestrian path of at least six (6) feet wide shall be provided along public right-of-ways.

c. Outdoor dining areas within the public right-of-way shall comply with Sec. 12-12-7 (license to use).

(7) *Building Encroachments.*

- (a) Encroachments located within the public right-of-way shall comply with Sec. 12-12-7 (license to use), Sec. 12-2-35 (visibility triangle) and any clearance standards established by the Engineering Division of the City of Pensacola Public Works and Facilities Department and the Florida Greenbook.
- (b) Awnings for storefronts and canopies are not subject to Sec. 12-12-7 (license to use) but shall be restricted as follows:
  - (i) Awning and canopies may project into the public right-of-way, up to a maximum of two (2) feet from the curb.
  - (ii) Awnings and canopies shall be a minimum of six (6) feet in depth and have a minimum of eight (8) feet of vertical clearance. See Illustration 12-2-25.7 for a depiction of awning and canopy encroachment measurements.

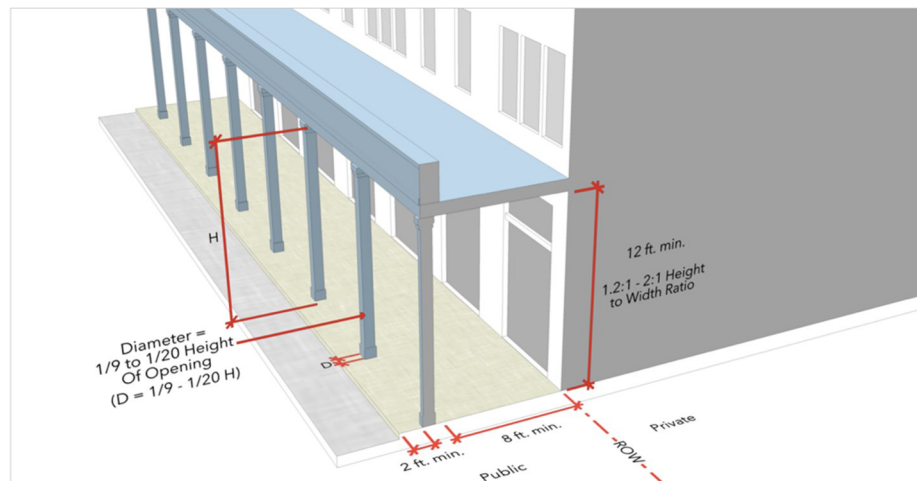
Illustration 12-2-25.7 – Awning and Canopy Encroachment Measurements



- (c) Galleries shall be restricted as follows:
  - (i) Galleries shall be subject to and shall comply with Sec. 12-12-7 (license to use).

- (ii) Galleries shall not alter height or width along a building façade.
- (iii) Galleries shall be a minimum of 8 feet in depth and a minimum of 12 feet in height, maintaining a 1.2:1 to a 2:1 height to width ratio, as depicted in Illustration 12-2-25.8.
- (iv) Gallery columns should have a diameter between 1/9th and 1/20th their height, measured from the base to the bottom of the entablature, as depicted in Illustration 12-2-25.8, and should have a capital and a base.
- (v) Galleries should encroach into building setbacks.
- (vi) Galleries should encroach over sidewalks.
- (vii) Where galleries encroach over sidewalks, they shall not extend beyond a maximum of two (2) feet from the curb, as depicted in Illustration 12-2-25.8.

Illustration 12-2-25.8 - Gallery Encroachments



(8) *Parking Access, Design and Reductions.*

- (a) Intent. The intent of these standards is to guide the placement and design of parking, when it is provided. Vehicular parking spaces should be carefully integrated to avoid the negative impacts of large surface parking areas on the pedestrian

environment. In general, parking supply should be shared by multiple users and property owners to facilitate the ability to "park once and walk." On-street parallel parking is encouraged on both sides of the street to provide a supply of convenient shared parking, and as a means to provide a protective buffer for pedestrians on the sidewalk. Where surface parking is permitted, it should be hidden or screened from the pedestrian realm by use of garden walls and narrow landscape edges. Parking garages, where provided, should be masked from frontages by liner buildings no less than 24 feet in depth. They are encouraged to be designed for possible future conversion to other non-parking functions, including office, residential and/or commercial use.

- (b) All parking access and design shall comply with the Form Standards in Tables 12-2-25.3 to 12-2-25.8 and the following:
  - (i) Parking standards in the Dense Business Area (DBA) defined in Chapter 12-14 (definitions) shall take precedence over the Form Standards in Tables 12-2-25.3 to 12-2-25.8 and those included in this subsection.
  - (ii) Minimum parking requirements are as follows:
    - a. Parking requirements shall be in accordance with Sec. 12-3-1(B) (parking requirements for specific land uses) with the following exception:
      - 1. Off-street parking requirements for residential use types shall be one (1) space per unit unless otherwise exempted.
    - b. Shared parking shall be according to Sec. 12-3-1(D) (off-site parking).
    - c. Parking reductions shall be calculated according to Table 12.3-1 (Downtown Pensacola CRA Parking Reductions).
    - d. Lots thirty (30) feet or less in width shall not be subject to minimum parking requirements, except for:
      - 1. Lots fronting streets where on-street parking is not permitted.



e. Lots less than forty-two (42) feet wide shall be accessed from a rear lane, where possible. Where not possible, the following exceptions shall be permitted, in coordination with the Engineering Division of the City of Pensacola Public Works and Facilities Department:

1. Parking in the rear of the lot, subject to accessory structure setbacks as defined within the Form Standards in Tables 12-2-25.3 to 12-2-25.8. Shared driveways are encouraged.
2. A single-car garage, subject to the minimum frontage occupation requirements defined within the Form Standards in Tables 12-2-25.3 to 12-2-25.8.
3. Driveways shall be exempt from minimum width and spacing requirements defined in Sec. 12-2-25(I)(2)(d).

f. Lots shall be accessed through a rear lane when the development is over 75% of the block.

(iii) Vehicular parking location is restricted as follows:

a. *Single-family residential types.*

1. Residential off-street parking, where required, shall be provided within garages, carports or on driveways for all single-family residential types.
2. Uncovered parking shall be permitted the entire length of the driveway, including within the front setback, but not beyond the property line.
3. *Single-family detached and two-family (duplex) Off-street Parking.*

A. Covered or garage parking for single-family detached and two-family (duplex) buildings shall be setback a minimum twenty (20) feet behind the principal building façade. See Illustration 12-2-25.9 for a depiction of covered parking placement for

single-family detached and two-family attached (duplex) buildings.

Illustration 12-2-25.9 – Garage Locations Illustrated



B. The outer edge of driveways shall be placed a maximum of two feet from either side property line. See Illustration 12-2-25.10 for a depiction of driveway placement for single-family detached and two-family attached (duplex) buildings on 30' wide lots.

Illustration 12-2-25.10 – Driveway Locations Illustrated



4. *Single-family attached.* Off-street parking for single-family attached residential types shall only be permitted in the rear 50% of the lot.

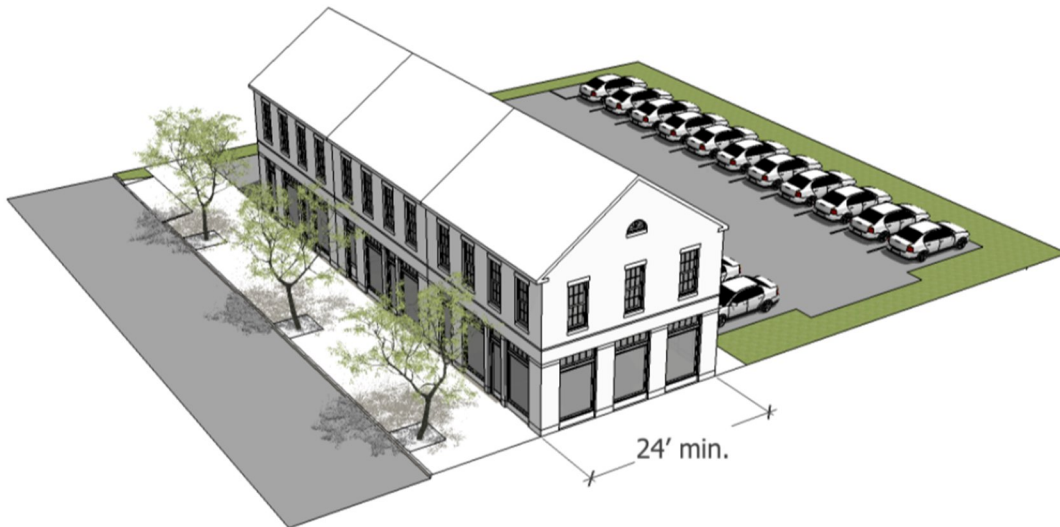
5. Tandem parking is encouraged.

6. Shared driveways are encouraged.

*b. Multi-family, mixed use and non-residential types.*

1. *Off-street* parking shall not be permitted within the front setback area. Exceptions include:
  - A. Properties adjacent to a thoroughfare identified as an FDOT C3C Suburban Commercial Context Classification Zone as defined within Sec. 12-2-25(I)(1)(b)(context classification). Such properties shall conform to the Form Standards according to Table 12-2-25.8 (Hybrid Commercial).
2. Off-street parking shall be masked from frontages by liner buildings no less than 24 feet in depth to achieve the minimum frontage occupation. See Illustration 12-2-25.11 depicting off-street parking lot masking with liner buildings and Section 12-2-25(G)(5)(c)(iii) for permitted streetscreen requirements.

Illustration 12-2-25.11 – Parking Lot Masking with Liner Buildings



3. The ground floor of commercial buildings with a gross floor area less than 1,500 square feet shall be exempt from parking requirements.
- (iv) Bicycle parking.
- a. Minimum bicycle parking requirements shall be as follows:

1. Bicycle parking shall not be required for single-family residential or multi-family residential with less than eight (8) units.
2. Bicycle parking requirements shall be according to Table 12-2-25.11.

Table 12-2-25.11 - Minimum Required Bicycle Parking

Building Type	Location	R-2A through C-2A	C-2, C-3*
Multi-Family	Primary & Secondary Frontages	Minimum 0.25 spaces per unit	Minimum 0.50 spaces per unit
Non-Residential	Primary & Secondary Frontages	Minimum 0.50 spaces per 1,000 square feet	Minimum 0.75 spaces per 1,000 square feet

\*Excluding C3C Context Zones.

3. Bicycle parking locations within the public right-of-way shall be coordinated with the Engineering Division of the City of Pensacola Public Works and Facilities Department and subject to Sec. 12-12-7 (license to use), and minimum clearance distances.

b. Bicycle parking configuration shall be as follows:

1. Bicycle racks shall not be located within:

A. Five (5) feet of fire hydrants.

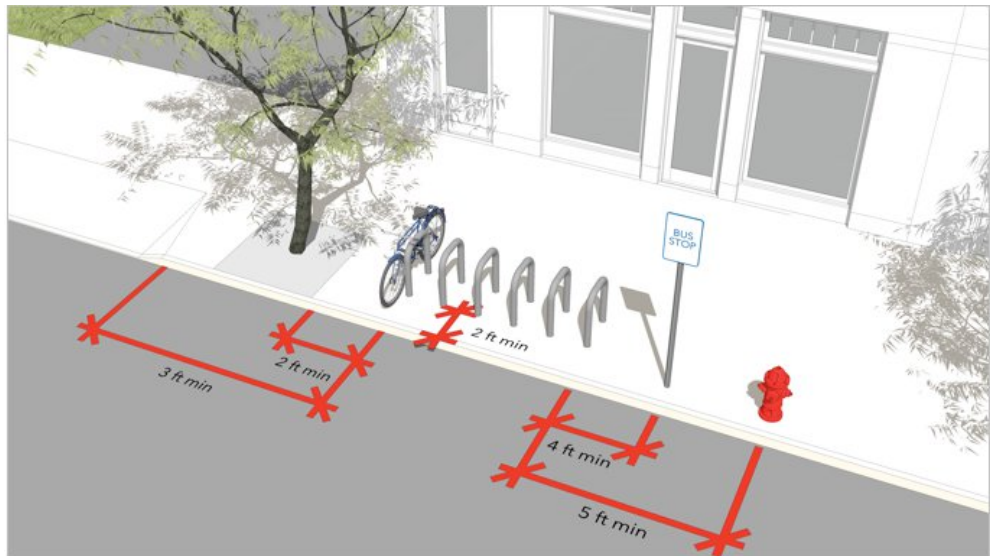
B. Four (4) feet of loading zones and bus stop markers

C. Three (3) feet of driveways and manholes

D. Two (2) feet of utility meters and tree planters

See Illustration 12-2-25.12 for a depiction of bicycle parking clearances.

Illustration 12-2-25.12 – Bicycle Rack Clearances



c. Bicycle parking located along private or public streets shall be subject to the following:

1. Bicycle racks installed parallel to curbs shall be set back from the curb a minimum of two (2) feet, as illustrated in Illustration 12-2-25.11.
2. Bicycle racks installed perpendicular to curbs shall allow for a minimum clearance of two (2) feet at the curb and six (6) feet of pedestrian way with a 56 cm or 22 in bicycle properly locked to the rack.
3. Bicycle racks should be spaced a minimum of 36 inches apart.
4. Bicycle racks shall allow bicycle frames to be locked at two points of contact with the rack.

(9) *Fences and walls.*

- (a) Where provided, fences and walls shall provide full enclosure.

- (b) Fences and walls shall be restricted according to Frontage Yard Types in Table 12-2-25.9 and Sec. 12-2-35 (visibility triangles).
- (c) Height of fences and walls shall comply with the following:
  - (i) Height shall be limited to a minimum 30 inches and a maximum 42 inches within the front setback.
  - (ii) Height shall be limited to eight (8) feet behind the building face at non-frontages.
- (d) Materials for fences and walls shall be limited as follows:
  - (i) Approved materials shall include, but are not limited to wood, brick, stone, and wrought iron.
  - (ii) Vinyl is discouraged on all frontages.
  - (iii) Chain-link, exposed concrete block, barbed wire and razor wire shall be prohibited.
  - (iv) Wood fences shall have the finished side to the public frontage.
  - (v) Where hedges are utilized along frontages, they shall be maintained in accordance with Sec. 12-2-25(H)(2)(e).


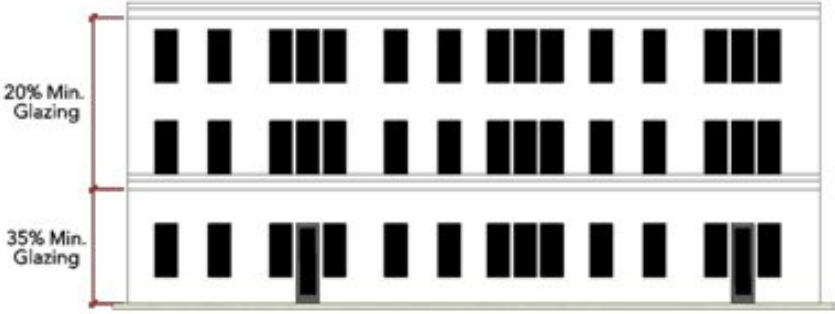

(10) *Windows and Glazing.*

- (a) Windows shall meet the following requirements:
  - (i) Windows on frontages shall be square or vertical in proportion, with the exception of transoms and special windows.
  - (ii) Windows should have muntins for residential building types, which should be vertical in proportion.
  - (iii) Single panes of glass shall not exceed 20 square feet for residential building types.
- (b) Glazing shall meet the following requirements:
  - (i) Storefront glazing requirements shall be according to Table 12-2-25.12.

- (ii) For residential and mixed-use buildings, excluding commercial uses at grade, the percentage of glazed wall area shall be a minimum 20%.
- (iii) Reflective and tinted windows shall be prohibited for residential buildings.
- (iv) Stained, reflective and tinted windows shall be prohibited at ground floor commercial uses. Low-E is permitted as per Florida Building Code



Table 12-2-25.12 – Glazing Requirements

Residential	
<b>At &amp; Above Grade</b>	Minimum 20% along frontages
	
Multi-Family & Office	
<b>Above Grade</b>	Minimum 20% along frontages
<b>At Grade</b>	Minimum 35% along frontages
	
Mixed-use	
<b>Above Grade</b>	Minimum 20% along frontages
<b>At Grade</b>	Minimum 70% along frontages
	

(11) *Lighting on Private Property*

- (a) Lighting shall be arranged to be contained on-site and to reflect away from adjacent property.

(H) *Landscape Standards and Guidelines.*

(1) *Intent.* Supplement the urban canopy, accommodate stormwater, increase access to open space and facilitate pedestrian movement throughout the existing block patterns to meet the urban design goals of the Community Redevelopment Agency. A healthy tree canopy contributes to the health of citizens and the environment, and is fundamental to a vibrant pedestrian life and a well-defined public realm. Trees closely aligned to the street edge with consistent setbacks, provide a clear sense of enclosure of streets, enabling them to function as pedestrian-scaled outdoor rooms. The placement of trees along the edge of the sidewalk should be given particular attention as a major contributor to pedestrian activity. Trees and other native plants placed in drainage right-of-ways and parking islands contribute to the control of stormwater quantity and quality.

(2) *Landscape on Private Property.*

(a) Landscaping in frontage yards are subject to the requirements of the Frontage Yard Types in Table 12-2-25.9, and Sec. 12-2-25 (visibility triangles), and the following:

(i) For single-family detached and two-family lots, one tree for every lot or for every 50 feet of linear frontage along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall be as follows:

a. Measured at diameter breast height (DBH), as described in Sec. 12-6-2(E)(DBH).

b. For lots with a front setback of less than eight (8) feet where planting in front yards is not possible, required trees shall be planted elsewhere on the block itself.

(ii) Ground vegetation or shrub plantings with spines, thorns, or needles that may present hazards to pedestrians, bicyclists, or vehicles shall be maintained a minimum

distance of two (2) feet from the edge of walkways and sidewalks.

- (iii) In single-family detached and two-family lots, trees shall be protected in accordance with Section 12-2-10(A)(5)(b) (protection of trees).
  - (iv) When off-street parking is located in front or side setbacks, a year-round streetscreen along the street edge(s) of the parking lot shall be installed as a means of buffering, according to Sec. 12-6-3(B) (off-street parking and vehicle use areas).
  - (v) Hedges planted along street right-of-ways shall be between three (3) and five (5) feet in height at maturity.
- (b) Minimum landscape area requirements of the development site for all building types except single-family detached and two-family attached (duplex) shall be according to Table 12-2-25.13. Landscape requirements for single family detached and two-family attached shall be in accordance with Sec. 12-2-25(H)(2)(a) and Table 12-2-25.9, Frontage Types.

Table 12-2-25.13 - Minimum Landscape Area Requirements

Zoning District	Percent
R-1AAA through R-2	25
R-NC, R-NCB, C-1, C-2, C-2A, C-3, M-1, M-2	15

(3) *Buffer Yards.*

- (a) In addition to the buffer yard requirements of Sec. 12-2-32 the following shall apply:
  - (i) Berms shall not be installed as part of a required buffer without review and approval by the Engineering Division of the City of Pensacola Public Works and Facilities Department to ensure a proposed berm will not have a detrimental effect on adjacent properties by impeding or diverting stormwater flow.
  - (ii) Berms shall be planted and stabilized to prevent erosion.

- (iii) Buffer yards may be used to create rain gardens or other stormwater facilities with the selection of appropriate plant material, according to the City's approved plant list and approval by the a Engineering Division of the City's Public Works and Facilities Department.
- (iv) Plants in these stormwater facilities shall be selected to meet any applicable buffer yard screening requirements, and they should be tolerant of periodic inundation and drought. It is recommended that native plants be selected from the *Florida Friendly Landscaping Guide to Plant Selection & Landscape Design*, Northern Region, and *Waterwise Landscapes* by the South Florida Water Management District, according to Table 12-2-25.14.

Table 12-2-25.14 - Bioretention & Rainwater Garden Plant List.

Flowers	
Common Name	Scientific Name
Blue Flag Iris	Iris Hexagona
Cardinal Flower	Lobelia Cardinalis
Chipola Coreopsis	Coreopsis Integrifolia
Goldenrod	Solidago spp.
Swamp Sunflower	Helianthus Angustifolius
Spider Lily	Hymenocallis Latifolia
Swamp Lily	Crinum Americanum
Swamp Milkweed	Asclepias Perennis
Grasses	
Common Name	Scientific Name
Blue-Eyed Grass	Sisyrinchium Atlanticum Bicknell
Florida Gamma Grass	Tripsacum Floridanum
Muhly Grass	Muhlenbergia Capillaris
Path or Soft Rush	Juncus spp.
Rainlily	Zephyranthes spp.
River Oats	Chasmanthium Latifolium
Wiregrass	Aristida Stricta
Shrubs	
Common Name	Scientific Name

Beautyberry	Callicarpa Americana
Buttonbush	Cephalanthus Occidentalis
Virginia Willow	Itea Virginica
Wax Myrtle	Myrica Cerifera

(4) *Street Trees in the Public Right-of-Way.*

- (a) Street trees shall be provided in the public right-of-way for all developments except single family detached and two-family (duplex), in accordance with Sec. 11-4-88 (placement of trees and poles), Sec. 12-6-3 (landscaping requirements) and this subsection.
- (b) Where street trees cannot reasonably be planted, payment in lieu of planting shall be made to a new and dedicated CRA tree planting fund, at the value established in Section 12-6-6(B)(5).
- (c) Street tree planting, and maintenance requirements shall be as follows:
  - (i) For each lot, one tree shall be provided on an average of thirty-five (35) linear feet of public right-of-way frontage, where no underground utility conflicts exist.
  - (ii) Where greenways exist, trees shall be required to be planted within the greenway. The following exceptions shall apply:
    - a. Where no greenway exists or where the greenway is less than three (3) feet wide, between sidewalk and curb, required street trees shall be planted on the block.
    - b. Where planting within the greenway is infeasible due to utility conflicts, required street trees shall be planted on the block
  - (iii) Trees planted three (3) feet or less from a public sidewalk shall have a minimum clearance of six feet and six inches (6'-6") between the public walking surface and the lowest branches at planting.
  - (iv) Mature trees shall be maintained at a minimum clearance of eight (8) feet above the public walking surface.

- (v) Trees planted within the public right-of-way shall include a root barrier to prevent the shifting of sidewalks at maturity.
  - (vi) Installation of tree pits and grates within the public right-of-way shall be coordinated with the City of Pensacola Public Works and Facilities Department for style consistency. Installed tree pits and grates shall be maintained by the property owner in perpetuity.
  - (vii) Where possible, trees may be clustered together to share soil space.
- (d) Tree selection shall be limited to those allowable plantings contained within the Tree Replant List specified in Appendix B (Tree Replant List). The following conditions shall apply:
- (i) Where overhead utilities occur, a tree with smaller size at maturity shall be selected.
- (e) Tree selection and placement shall be coordinated with the Engineering Division of the City of Pensacola Public Works and Facilities Department and subject to Sec. 12-2-35 (visibility triangle) and Sec. 12-2-7 (license to use).
- (f) Mixed-use and non-residential building types shall comply with the following:
- (i) Where galleries are not provided, street trees shall be planted, unless in conflict with underground utilities. Where there are overhead utilities, appropriate species from the Tree Replant List specified in Appendix B shall be selected.
  - (ii) Where a gallery is provided, and the greenway that occurs between the sidewalk and the back of curb is less than three (3) feet wide, no street trees shall be required.
  - (iii) Where a greenway at least three (3) feet wide occurs between the gallery and the back of curb, and no overhead or underground utilities prevent street tree installation, planting of a street tree shall be required.
  - (iv) Where paved surface occurs between the gallery and curb, installation of street trees in individual tree pits with tree grates, or

linear planters with pervious pavers between several trees, shall be required.

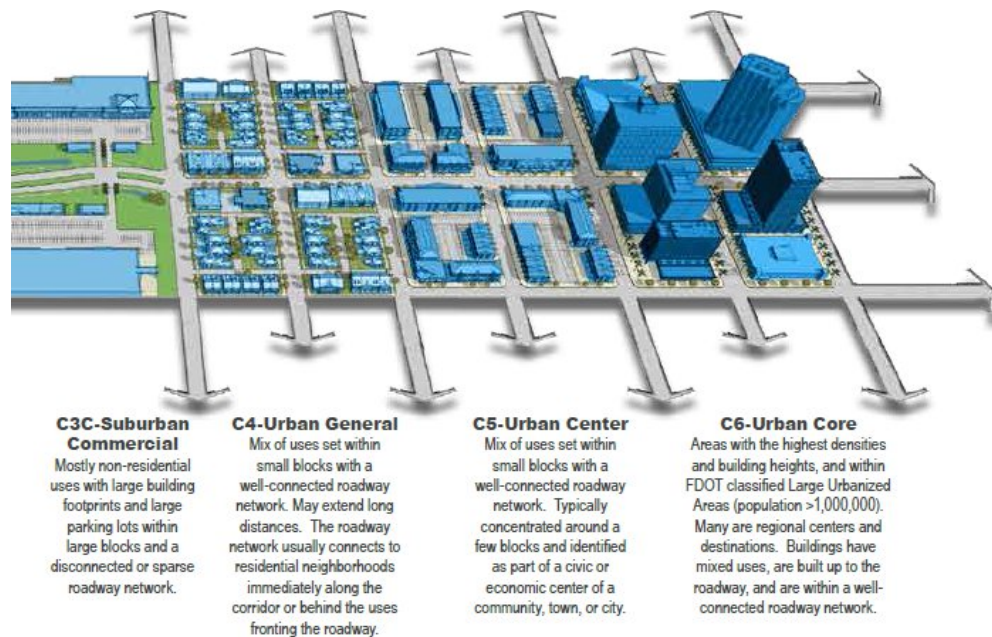
- (v) Where trees are planted in sidewalk planters, the minimum sidewalk planting pit dimensions shall be four feet by four feet (4' x 4').

(I) Thoroughfare Standards and Guidelines.

(1) Context Classification.

- (a) The Context Classification system, as developed by FDOT and described within the FDOT Complete Streets Manual, shall be adopted to identify place and guide streets and other transportation features, and to allow transportation to support adjacent land uses. See Illustration 12-2-25.13 depicting context classification zones.

Illustration 12-2-25.13 – Context Classification Zones Illustrated.



- (b) Streets shall be classified in accordance with the Zoning to Context Classification Translations specified in Table 12-2-25.15.

Table 12-2-25.15 – Zoning to Context Classification Translation

Context Classification (FDOT) Zone	Zoning District
C4 – Urban General	R-1AAA through R-2
C5 – Urban Center	R-NC through C-3
C3C – Suburban Commercial	C-3 adjacent to M-1 or M-2. Limited to segments that abut such zoning districts. M-1 M-2

(2) Street Design.

- (a) Design of local streets shall be guided by the Florida Greenbook, Chapter 19 Traditional Neighborhood Design.
- (b) Where a greenway of at least five (5) feet exists, driveway approaches and curb cuts shall not be permitted to interrupt the sidewalks.
- (c) *Sidewalks.* Sidewalks shall be required on all street frontages in residential, nonresidential, commercial and industrial developments in accordance with standards established by the Engineering Division of the City’s Public Works and Facilities and the Florida Greenbook.
- (d) *Driveways and curb cuts.* Driveway, driveway approaches and curb cut requirements shall be as follows:
  - (i) *Single-family residential types.* Driveway and curb cut widths for single-family residential types shall be according to Table 12-2-25.16.

Table 12-2-25.16 - Single-family Residential Driveway & Curb Cut Widths

Driveway Type	Minimum Width	Maximum Width
Single-Use	10 feet	20 feet
Joint-Use	10 feet	22 feet

- (ii) *Multifamily, mixed use and non-residential types.* Driveway and curb cut widths for multi-



family and non-residential types shall be according to Table 12-2-25.17.

Table 12-2-25.17 - Multi-family/Non-Residential Driveway & Curb Cut Widths

Driveway Type	Minimum Width	Maximum Width
All	12 feet	24 feet

(iii) Driveway and curb cut spacing on a single property shall be a minimum of 42 feet with the following exception:

- a. Lots equal to or less than forty-two (42) feet wide shall be limited to one (1) driveway and curb cut.

(J) Definitions. [Definitions enumerated.]

As limited to Sec. 12-2-25 (CRA Urban Design Overlay District) unless context clearly indicates otherwise.

**Building height, *single-family residential***, means the vertical distance of a building measured from the finished grade to the bottom of the eave for pitched roof buildings or the bottom of the parapet for flat roof buildings.

**Building height, *multi-family and non-residential***, means the vertical distance of a building measured by stories. The restrictions to story height are according to Section 12-2-25(G)(1)(c).

**Cluster Court** means a collection of buildings on a semi-public, privately owned open space.

**Colonnade** means a row of columns joined by an entablature. Colonnades may cover sidewalks and may front storefronts.

**Complete street** means a thoroughfare that is designed giving each user an equal level of priority including pedestrians, cyclists, transit users, and drivers.

**Craftsman Standards** means a baseline of construction quality denoting a finished project.

**[FDOT] Distinct Context Classifications Zone** means classifications, along with functional classification and design speed, determine the corresponding thoroughfare design

standards within the Florida Design Manual.  
(<http://www.fdot.gov/roadway/CSI/files/FDOT-context-classification.pdf>)

**Eave** means the edge of the roof that meets or overhangs the walls of a building.

**Encroachment** means certain permitted building elements that may cross established setbacks or rights-of-way.

**Entablature** means a horizontal, continuous building element supported by columns or a wall.

**Facade, building,** means the exterior wall of a building that faces a frontage line.

**Facade Type** means the different configurations of building elements that make up a building facade, such as a storefront, porch, etc. See Table 12-2-25.10.

**Figures and Tables** mean any chart or graphic presentation in this title which is specifically designated as a "Figure" or "Table" shall be deemed to be a part of the text of the title and controlling on all development.

**Frontage line** means a property line bordering a public frontage. Facades facing frontage lines define the public realm and are therefore more regulated than the elevations facing other property lines.

**Frontage, primary,** means the frontage facing a public space such as a street of higher pedestrian importance (i.e. traffic volume, number of lanes, etc.). Typically, the shorter side of a lot.

**Frontage, secondary,** means the frontage facing the public space such as a street that is of lesser pedestrian importance (i.e. traffic volume, number of lanes, etc.). Typically, the longer side of the lot.

**(Building) Frontage Occupation** means the length of the frontage that is occupied by a building or a building and open space.

**Frontage Yard Type** means the configuration of the area between the facade of the building and the frontage line such as a standard, shallow, cluster court, etc. See Table 12-2-25.9.

**Frontage Yard Type (Cluster Court)** means a frontage yard type where a group of houses has their primary facades facing a common green or open space that is horizontal to the primary frontage.

**Frontage Yard Type (Pedestrian forecourt)** means a frontage yard type where the primary facade is located near the lot line with an area setback to accommodate open space and the primary entrance of the building.

**Frontage Yard Type (Shallow)** means a frontage yard type where the facade is slightly setback from the lot line.

**Frontage Yard Type (Standard)** means a frontage yard type where the facade is set back from the lot line. Fences are permitted and the setbacks are visually continuous with adjacent yards.

**Frontage Yard Type (Urban yard)** means a frontage yard type where the facade is at or near the lot line and the surface is paved.

**Frontage Yard Type (Vehicular Forecourt)** means a frontage yard type where the primary facade is located near the lot line with an area setback to accommodate a driveway meant for passenger loading and unloading.

**Gallery** means a covered sidewalk in front of a storefront that supports either a roof or outdoor balcony above.

**Habitable Space** means building space which use involves human presence with direct view of the enfronting streets or public or private open space, excluding parking garages, self-service storage facilities, warehouses, and display windows separated from retail activity.

**Human-scaled** means buildings and their elements designed to be comfortably viewed and experienced by people on foot.

**Hybrid Commercial** means a commercial type in the C3C FDOT Context Zone that transitions between urban and suburban types, typically permitting one row of parking at the frontage.

**Liner Building** means a building specifically designed to mask a parking lot or a parking structure from a frontage.

**Parallel** means two lines or planes that are equidistant apart and do not touch on an infinite plane.

**Parapet** means the extension of a false front or wall above a roof line.

**Parkway, Greenway, Verge** means the planting strip between the edge of the road and sidewalk or right-of-way, which may be used for tree planting. See Sec. 11-4-86 through 11-4-88.

**Paving** means to cover or lay with concrete, stones, bricks, tiles, wood or the like to make a firm, level surface. The term paving in this part includes all pavement materials, both pervious and impervious.

**Pervious** means materials or natural earth that allows for the natural percolation of water.

**Porch** means a private façade type that is an open-air room appended to the mass of a building with a floor and roof but no walls on at least two sides.

**Principal Building** means the main building on a lot, usually located toward the frontage.

**Principal Building Facade** means the front of the building that faces the front of the lot.

**Single-family residential** means a single-family ownership on a single lot. Multiple ownership on a single lot is not construed as a single-family type. Single-family is restricted to the following types on their own lots: detached single-family, attached single-family and two-family attached (duplex).

**Stoop** means a private façade type wherein the façade is aligned close to the front property line with the first story elevated for privacy with an exterior stair and landing at the entrance. This type is suitable for ground-floor residential uses at short setbacks with townhouses and apartment buildings. Stoops may encroach into the setback.

**Streetscreen** means a freestanding wall built along the frontage line, or aligned with the facade. It may mask a parking lot from the thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

**Travel mode** means the different means of transport around an area including by foot, bicycle, public transit, and car.

**Walkability** means a measurement of comfort, convenience, safety, and ease of pedestrian movement throughout an area.

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 become effective 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.

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

Approved: \_\_\_\_\_  
President of City Council

Attest:

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

PROPOSED  
ORDINANCE NO. 10-19

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE CREATING SECTION 12-2-25 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR THE COMMUNITY REDEVELOPMENT AREA (CRA) URBAN DESIGN OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-2-25 of the Code of the City of Pensacola, Florida, is hereby created to read as follows:

Section 12-2-25. - CRA Urban Design Overlay District

The regulations in this Section shall be applicable to the CRA Urban Design Overlay District (CRAUDOD).

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Intent	Sec. 12-2-25(A)
Boundaries of the District.	Sec. 12-2-25(B)
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Context Classification	Sec. 12-2-25(I)(1)
Street Design	Sec. 12-2-25(I)(2)
Definitions	Sec. 12-2-25(J)

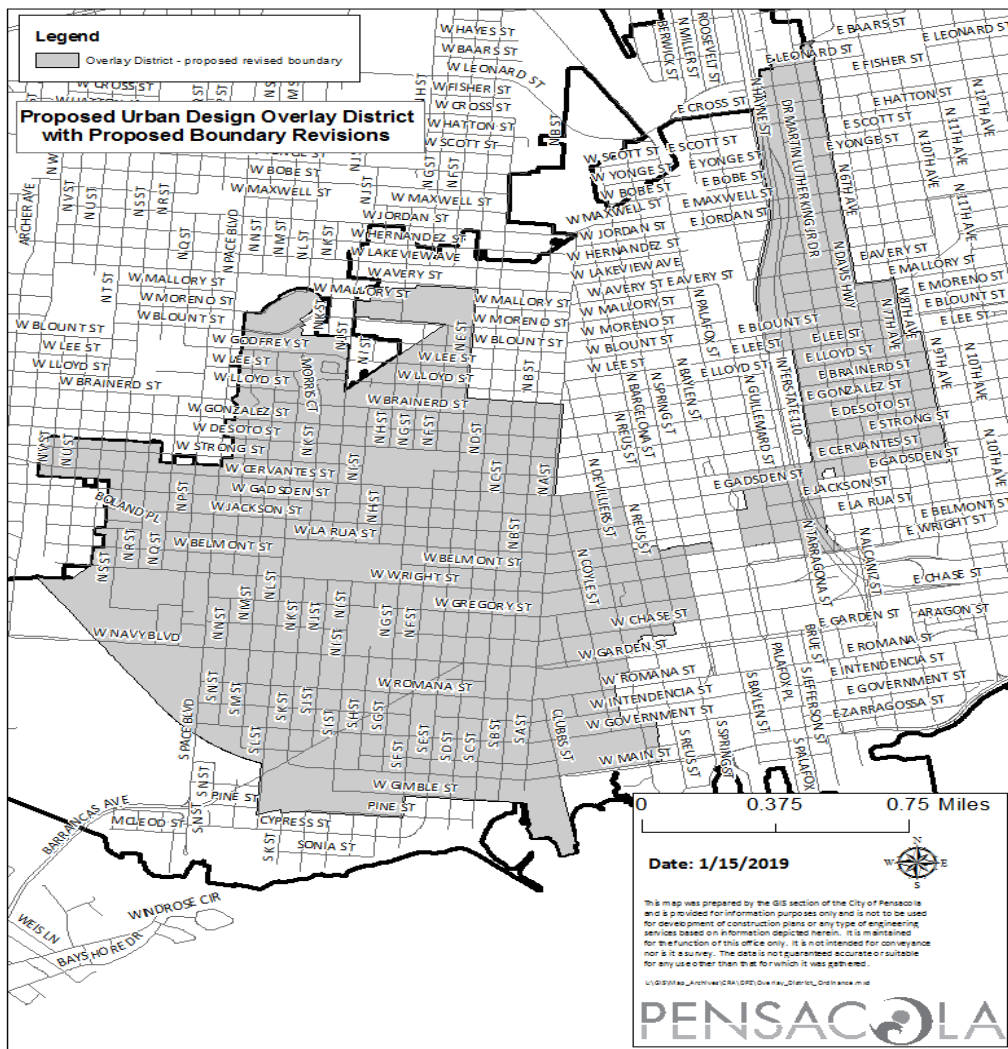
(A) *Intent*. The requirements set forth in this Section are intended to:

- (1) Preserve and maintain the urban pattern and architectural character of Pensacola's community redevelopment areas, while encouraging new construction that is compatible with that heritage, but also reflective of its time.
- (2) Improve the physical appearance of the community redevelopment areas with urban design standards that provide more predictable results in terms of the form and character of buildings.
- (3) Support the removal of blight within the community redevelopment areas by encouraging quality redevelopment.
- (4) Support the future growth of Pensacola, to ensure compatible and cohesive development, to remain resilient long-term, and to support the goals, objectives and policies of the City's Comprehensive Plan and community redevelopment area master plans.
- (5) Coordinate the placement, orientation, and design of buildings to ensure a coherent and walkable streetscape and traditional urban character by creating well-defined street edges with continuous building walls, articulated facades, and architectural features that create visual interest and an attractive pedestrian environment.

- (6) Capitalize on opportunities to attract and grow a variety of residential building types, retail, service, and cultural establishments to serve local needs, create regional attractions and a robust economic base.
- (7) Enable and encourage mixed-use development within the community redevelopment areas in support of viable and diverse locally-oriented business and cultural institutions.
- (8) Achieve context-based development and complete streets.

(B) *Boundaries of the District.* The boundaries of the CRA Urban Design Overlay District shall be as outlined on Figure 12-2-25.1. A more detailed map of the boundaries of the Overlay is on file in the City of Pensacola Office of the City Clerk.

Figure 12-2-25.1 - CRA Urban Design Overlay District Boundaries





(C) *Applicability.*

- (1) These standards shall apply to all new construction within the CRA Urban Design Overlay District. For purposes of Sec. 12-2-25, "new construction" includes construction on a parcel that is vacant or becomes vacant following demolition of an existing structure(s) on the parcel; it also includes construction of a free-standing accessory building and ancillary improvements on a parcel, but does not include an addition to a current structure.
- (2) This Section [Sec. 12-2-25., CRA Urban Design Overlay District] shall apply as an overlay to the underlying land development regulations. The land development regulations contained within Title XII (Land Development Code) shall apply unless pre-empted by this Section. Where a conflict exists between this Section and the underlying land development regulations, contained within Title XII (Land Development Code), this Section shall prevail.
- (3) Standards, activated by "shall", are regulatory in nature, as defined within Sec. 12-1-8 (general interpretative terms). Deviations from these standards shall only be permitted by variance in accordance with Sec. 12-12-2 (appeals and variances).
- (4) Guidelines, activated by "should", are encouraged and recommended but not mandatory, as defined within Sec. 12-1-8 (general interpretative terms). Developments subject to this overlay district are encouraged to incorporate them as appropriate in order to enhance and complement the built and natural environment. The intent is to create the highest level of design quality while providing the needed flexibility for creative site design.
- (5) Figures, tables and illustrations shall be interpreted as defined in Sec. 12-1-8 (general interpretative terms) unless the context clearly indicates otherwise.
- (6) The provisions of this section are not intended to supersede, conflict with or replace any requirement in federal or state law pertaining to design, construction or accommodation requirements pertaining to persons with disabilities, and it is hereby declared to be the intent of the City of Pensacola that such requirements in federal or state law shall prevail over any provisions of this section to the extent of any conflict.

- (D) *Existing Conditions.* Existing buildings and structures that do not conform to the requirements of this overlay district may be occupied, operated, repaired, renovated or otherwise continue in use in their existing non-conforming state unless demolished and rebuilt.
- (E) *Procedure for Review.* All development regulated by this subsection shall be subject to the submission requirements contained within Sec. 12-12-5 (building permits), Sec. 12-2-81 (development plan requirements), and Sec. 12-2-82 (Design Standards and Guidelines), as applicable. In addition to the plan submission requirements listed in Sec. 12-12-5 and 12-2-81, drawings illustrating compliance with Sec. 12-2-25 (CRA Urban Design Overlay District) shall be provided. Plans shall include drawings or sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of the building, including proposed materials, textures, and colors, and the plat plan or site layout, including all site improvements or features such as walls, fences, walkways, terraces, landscaping, accessory buildings, paved areas, signs, lights, awnings, canopies, screening, and other appurtenances. Façade and frontage yard types shall be specified along frontages in accordance with Table 12-2-25.10 (Façade Types) and Table 12-2-25.9 (Frontage Yard Types).
- (F) *Appeals and Variances.* Appeals and variances shall be subject to Sec. 12-12-2 (appeals and variances).
- (G) *Urban Design Standards and Guidelines.*
- (1) *Building Height.*
- (a) *Intent.* Within the overlay district, height for single-family residential types will be measured in feet and multi-family, mixed-use and non-residential buildings will be measured in stories. Measuring height in stories rather than feet has numerous benefits which include: a) to provide greater creativity for a natural variety of roof forms; b) to recognize the need of different users, as commercial floor plates are different than residential floor plates; c) to remove the

incentive to create short floorplates, and instead encourage more gracious floor-to-ceiling heights for environmental health, without penalizing property owners; and d) to protect the historical proportions of Pensacola's community redevelopment areas.

- (b) Maximum building heights for principal and accessory buildings shall be as defined by the Form Standards in Tables 12-2-25.3 to 12-2-25.8.
- (c) Building height is measured as follows:
  - (i) Where maximum height is specified, the measurement shall be taken from the finished grade at the front of the building.
  - (ii) Building height shall be measured in feet for single family residential types as defined in the Form Standards in Tables 12-2-25.3 to 12-2-25.8 and as follows:
    - a. For pitched roof buildings, to the bottom of the lowest eave of the principal structure.
    - b. For flat roof buildings, to the bottom of the parapet.
    - c. Minimum floor to ceiling height in single-family residential types shall be nine (9) feet per floor.
  - (iii) Building height shall be measured in stories for multi-family, mixed use and nonresidential buildings as follows:
    - a. Multi-family buildings shall be limited by ground floor story and above ground story height in accordance with Table 12-2-25.1:

Table 12-2-25.1 - Multi-family Story Height Requirements

Zoning Category	Ground Floor Story Height		Above Ground Story Height
	Max.	Min.	Max.
R-2A through C-3	16 ft.	12 ft.	14 ft.

- b. Mixed use and non-residential buildings shall be limited by ground floor story and above ground story height in accordance with Table 12-2-25.2.

Table 12-2-25.2 - Mixed Use/Non-Residential Story Height Requirements

Zoning Category	Ground Floor Story Height		Above Ground Story Height
	Max.	Min.	Max.
R-1AAA through R-2A	16 ft.	12 ft.	14 ft.
R-NC, R-NCB and R-2	20 ft.	14 ft.	14 ft.
C-1, C-2, C-2A and C-3	24 ft.	14 ft.	14 ft.

c. Stories are measured from finished floor to finished floor with the exception of one (1)-story buildings that shall be measured floor to ceiling.

d. Story heights that exceed the maximum permitted height specified in Tables 12-2-25.1 and 12-2-25.2 shall count as two (2) stories. Height defined within this subsection shall not supersede height as defined by the Florida Building Code.

(iv) See Illustration 12-2-25.1 for a depiction of height measurements in feet and stories.

Illustration 12-2-25.1 – Measuring Building Height



(d) Parking garages shall not exceed the height of the principal building on the site. Parking garages shall not be subject to floor to floor height

requirements according to Sec. 12-2-25(G)(1)(c)(iii). Stand-alone parking garages shall only conform to the number of stories permitted within the Form Standards in Tables 12-2-25.3 to 12-2-25.8.

(e) *Roof Pitch.*

(i) Gable or hipped roofs shall have a minimum pitch of 6:12 and a maximum pitch of 12:12.

(ii) Shed roofs shall have a minimum pitch of 4:12.

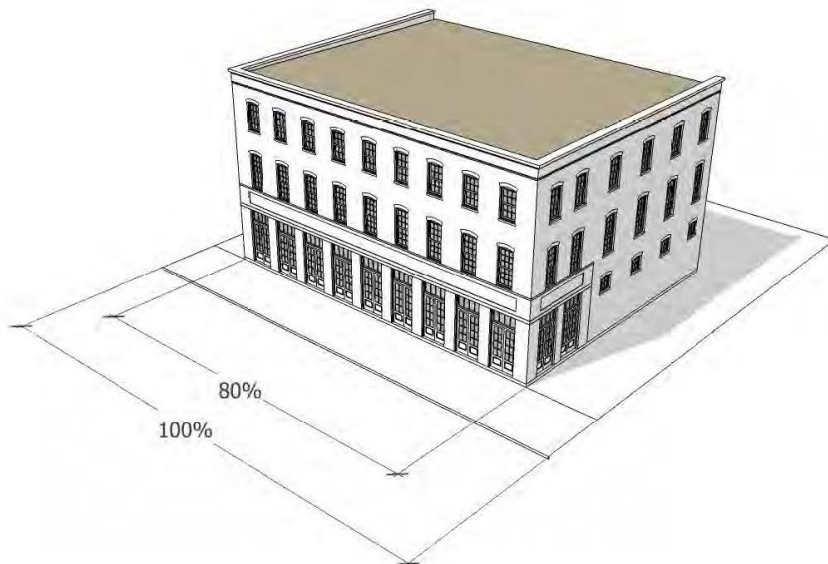
(2) *Building Orientation.*

(a) *Intent.* Buildings should have their principal pedestrian entrance along a street, pedestrian way or open space, with the exception of entrances off a courtyard, visible from public right-of-ways.

(b) Building frontage occupation shall conform to the Form Standards in Tables 12-2-25.3 to 12-2-25.8.

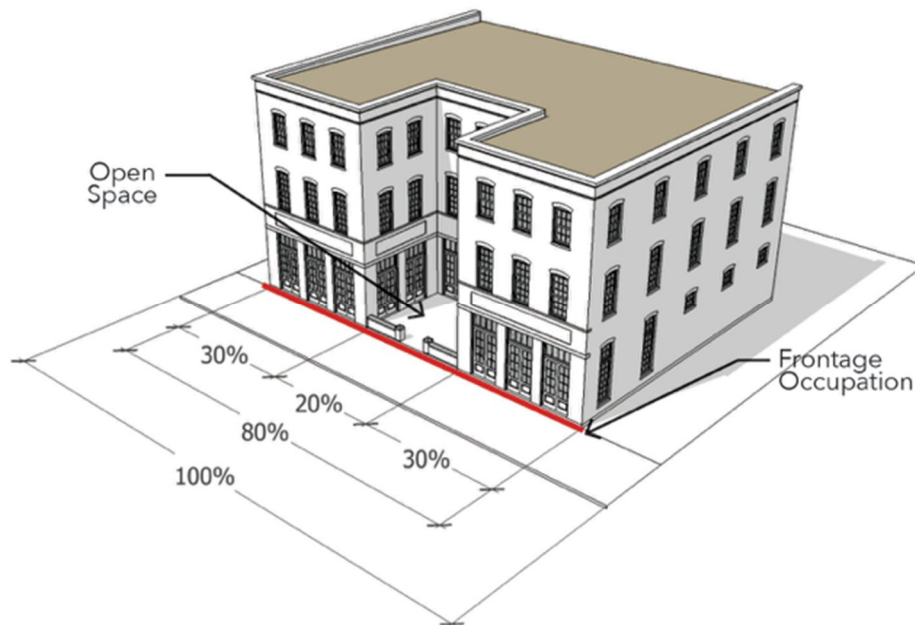
(c) Buildings shall be oriented so that the principal façade is parallel to the street it faces for the minimum building frontage occupation required in the Form Standards in Tables 12-2-25.3 to 12-2-25.8. See Illustration 12-2-25.2 for a depiction of minimum frontage occupation requirements.

Illustration 12-2-25.2 - Minimum Building Frontage Occupation



- (d) Lot width shall be measured along the right-of-way at the front property line. Lot width measurements at the building setback line and minimum lot area shall not apply.
- (e) Forecourts, courtyards and other such defined open spaces shall count towards minimum frontage requirements. See Illustration 12-2-25.3 for an illustration depicting minimum frontage occupation requirements with open space.

Illustration 12-2-25.3 - Minimum Building Frontage Occupation with Open Space



- (f) Ground floor units in multi-family residential buildings shall provide landscaping, walls, and/or fences that provide some privacy for the building.
- (3) *Building Massing.*
- (a) *Intent.* Buildings should be designed in proportions that reflect human-scaled pedestrian movement, and to encourage interest at the street level.
  - (b) Where provided, multi-family building courtyards shall maintain a minimum width to height ratio of 1 to 3 in at least one dimension in order to avoid light well conditions. Courtyards should be wider than the minimum where possible. See Illustration

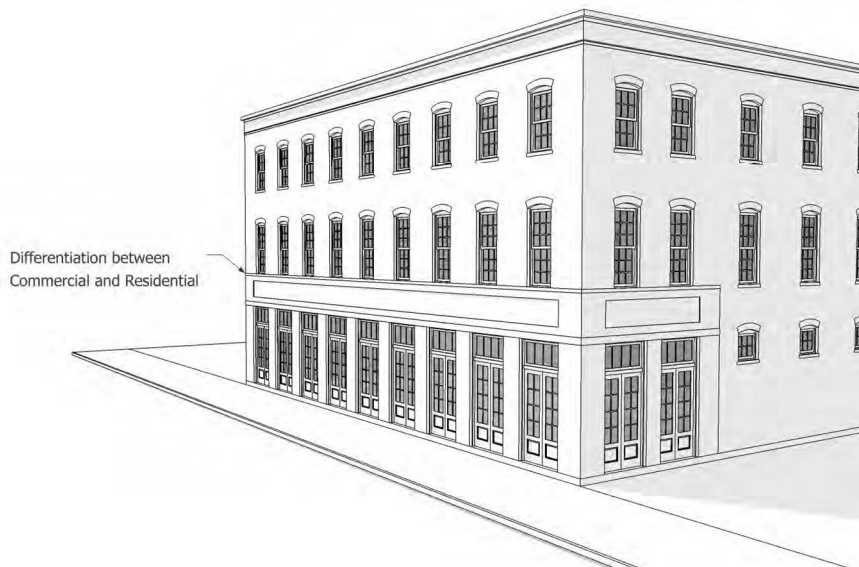
12-2-25.4 for depiction of courtyard ratio measurements.

Illustration 12-2-25.4 – Courtyard Height to Width Ratio Measurements



- (c) The design and façade treatment of mixed-use buildings shall differentiate commercial from residential uses with distinguishing expression lines (such as cornices, projections, banding, awnings, terraces, etc.), changes in fenestration, façade articulation and/or material changes. See Illustration 12-2-25.5 for depiction of mixed-use building differentiation of uses.

Illustration 12-2-25.5 – Mixed Use Building Differentiation of Uses

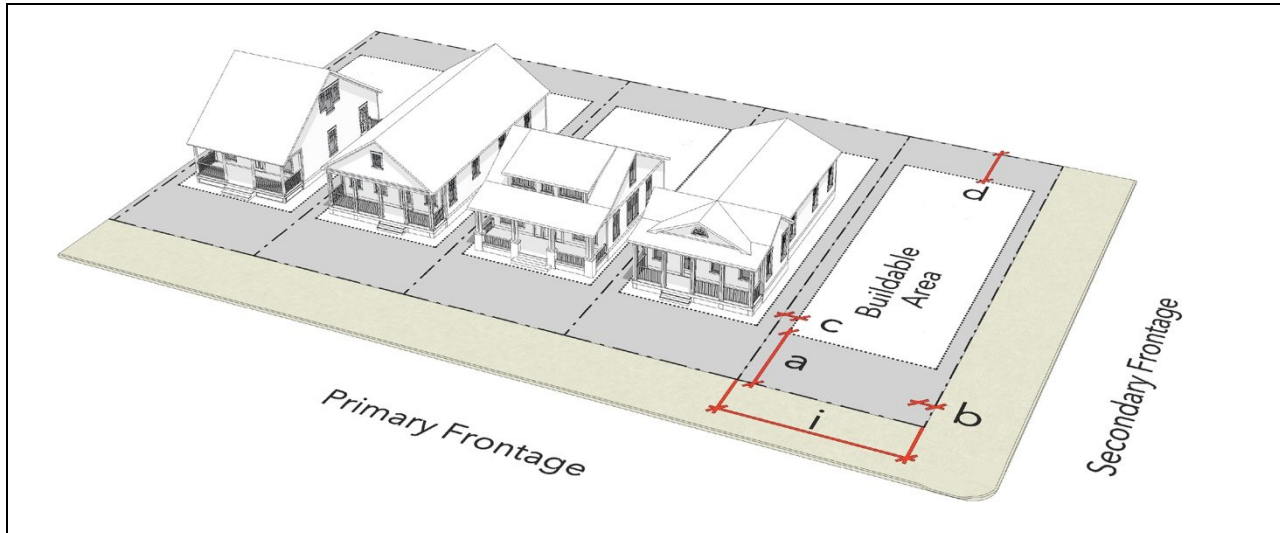


- (d) Single-family units shall be distinguished from abutting units with changes in unit entry, plane, color, materials, front porches, front stoops, fenestration, and/or building elements such as railings.
  - (e) All service and loading areas shall be entirely screened from public right-of-way as follows:
    - (i) Equipment shall be screened.
    - (ii) If outdoor storage areas are separate from the building they serve, the fence materials shall be limited to masonry, concrete, stucco, wood, PVC and metal, excluding chain-link.
  - (f) HVAC and mechanical equipment are restricted as follows:
    - (i) They shall be prohibited in frontage yards.
    - (ii) They shall be integrated into the overall building design and not be visible from adjoining streets and or open spaces.
    - (iii) Through-wall units shall be prohibited along street frontages and open spaces, unless recessed within a balcony.
  - (g) Mechanical equipment on roofs shall be visually screened from the street with parapets or other types of visual screens of the minimum height necessary to conceal the same.
  - (h) Roof top parking shall be visually screened with articulated parapet walls or other architectural treatment.
  - (i) Exterior wall materials prohibited for all single family residential types shall include:
    - (i) Corrugated metal panels; and
    - (ii) Exposed concrete block.
  - (j) Material requirements contained within Sec. 12-2-82(C)(8)(Design standards and guidelines) shall apply within the CRA Urban Design Overlay District.
- (4) *Form Standards.*
- (i) Form standards within the CRA Urban Design Overlay District shall be as defined in Tables 12-2-25.3 to 12-2-25.8.
  - (ii) Exceptions to Form Standards.



- a. Front setbacks in R-1AAA, R-1AA, and R-1A shall not be less than the average setback of all frontage yards (front and exterior side yards) located on either side of the block face, up to the minimum front setback defined in Form Standards in Tables 12-2-25.3 and 12-2-25.5. In cases where no other dwellings exist within the block, the front setback shall be no less than the front setback defined in Form Standards in Tables 12-2-25.3 and 12-2-25.5.
- b. Each single-family attached dwelling unit shall be located on its own lot. If a development requires subdivision procedures, it shall be subject to and must comply with subdivision regulations as set forth in Chapter 12-8.
- c. Where lot occupation and setback standards differ from the Dense Business Area (DBA), as defined in Chapter 12-14 (definitions), the standards in the DBA shall prevail.

Table 12-2-25.3 –Single Family Detached and Two-Family Attached (Duplex) Residential Building Types– R-1AAA through R-1A



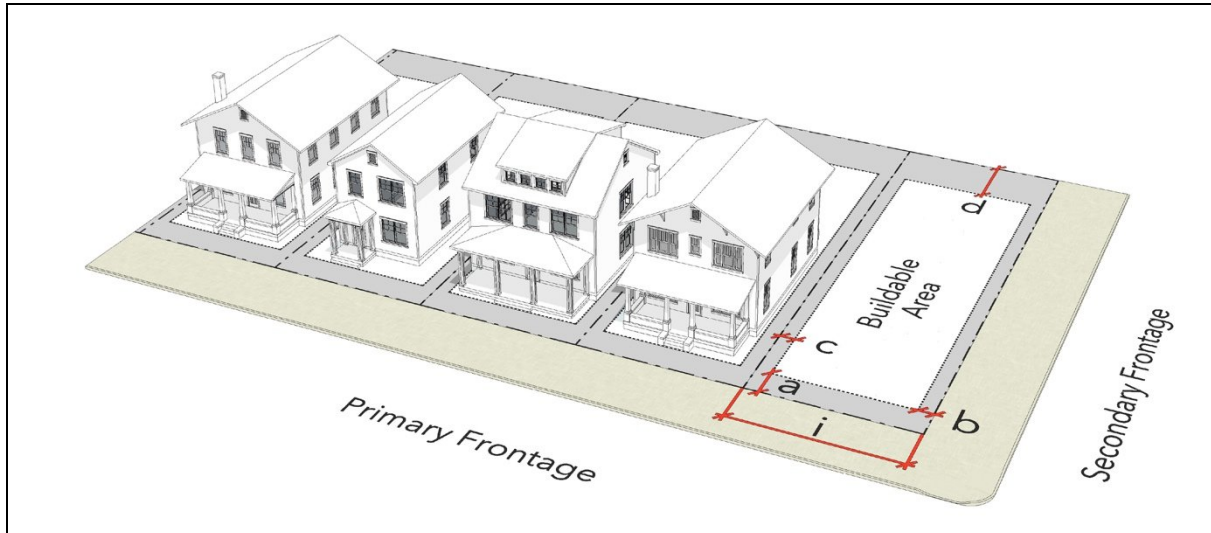
Setbacks - Principal Building (feet)		
a	Front	20 min.
b	Front, Secondary <sup>(4)</sup>	5 min.
c	Side (Interior) <sup>(4)</sup>	5 min.
d	Rear	30 min./ 20 min. (30' lots)
Frontage (min.)		
	Primary	45% / 40% (lots<42')
Lot Occupation <sup>(5)</sup>		
i	Lot Width <sup>(3)</sup>	30 ft. min.
	Lot Coverage	50% max.
Building Height (max.)		
	Principal Building <sup>(1)</sup>	35 ft.
	Accessory Building <sup>(1)</sup>	24 ft.
Parking (min.)		
	Off-street <sup>(2)</sup>	1/unit

Setbacks - Accessory Building (feet)		
a	Front	50 min.
b	Front, Secondary <sup>(4)</sup>	5 min.
c	Side (Interior)	1 min.
d	Rear	3 min.
Frontage Yard Types		
Standard	Permitted	
Shallow	Not Permitted	
Urban	Not Permitted	
Pedestrian Forecourt	Not Permitted	
Vehicular Forecourt	Not Permitted	
Facade Types		
Porch	Permitted	
Stoop	Not Permitted	
Common Entry	Not Permitted	
Gallery	Not Permitted	
Storefront	Not Permitted	

Notes:

- (1) Measured according to Section 12-2-25(G)(1)(c).
- (2) See Section 12-2-25(G)(8)(b) for exceptions.
- (3) Lot width shall only be measured from the right-of-way line. Lot width at the building setback line shall not apply.
- (4) Minimum setback for thirty-foot (30') lots shall be three (3) feet measured from the finished wall or the minimum setback required per applicable Florida Building Code.
- (5) Minimum lot area shall not apply.

Table 12-2-25.4 –Single-Family Detached and Two-Family Attached (Duplex) Residential Building Types– R-1B through C-3



**Setbacks - Principal Building (feet)**

a	Front	8 min. / 20 max.
b	Front, Secondary <sup>(4)</sup>	5 min.
c	Side (Interior) <sup>(4)</sup>	5 min.
d	Rear	25 min./20 min. (30' lots)

**Frontage (min.)**

Primary	45% / 40% (lots<42')
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**Lot Occupation<sup>(5)</sup>**

i	Lot Width <sup>(3)</sup>	30 ft. min.
	Lot Coverage	50% max.

**Building Height (max.)**

Principal Building <sup>(1)</sup>	35 ft.
Accessory Building <sup>(1)</sup>	24 ft.

**Parking (min.)**

Off-street <sup>(2)</sup>	1/unit
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**Setbacks - Accessory Building (feet)**

a	Front	50 min.
b	Front, Secondary <sup>(4)</sup>	5 min.
c	Side (Interior)	1 min.
d	Rear	3 min.

**Frontage Yard Types**

Standard	Permitted
Shallow	Permitted
Urban	Not Permitted
Pedestrian Forecourt	Not Permitted
Vehicular Forecourt	Not Permitted

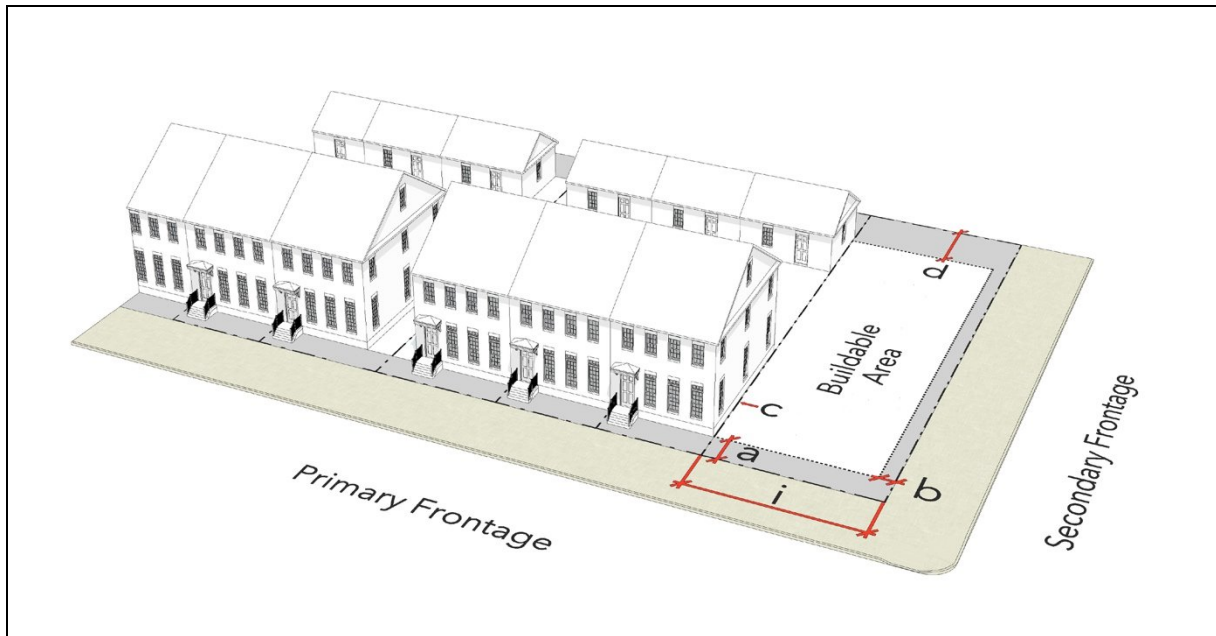
**Facade Types**

Porch	Permitted
Stoop	Not Permitted
Common Entry	Not Permitted
Gallery	Not Permitted
Storefront	Not Permitted

**Notes:**

- (1) Measured according to Section 12-2-25(G)(1)(c).
- (2) See Section 12-2-25(G)(8)(b) for exceptions.
- (3) Lot width shall only be measured from the right-of-way line. Lot width at the building setback line shall not apply.
- (4) Minimum setback for thirty-foot (30') lots shall be three (3) feet measured from the finished wall or the minimum setback required per applicable Florida Building Code.
- (5) Minimum lot area shall not apply.

Table 12-2-25.5 –Single-Family Attached (Townhouse) Residential Building Types – R-1AA through C-3



**Setbacks - Principal Building (feet)**

a	Front	8 min.
b	Front, Secondary	5 min.
c	Side (Interior) (1)	0 or 5 min.
d	Rear	25 min.

**Frontage (min.)**

Primary	80%
---------	-----

**Lot Occupation (3)**

i	Lot Width	16 ft. min.
	Lot Coverage	75% max.

**Building Height (max.)**

Principal Building(2)	45 feet
Accessory Building(2)	24 feet

**Parking (min.)**

Off-street	1/unit
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**Setbacks - Accessory Building (feet)**

a	Front	50 min.
b	Front, Secondary	5 min.
c	Side (Interior)	1 min.
d	Rear	3 min.

**Frontage Yard Types**

Standard	Not Permitted
Shallow	Permitted
Urban	Not Permitted
Pedestrian Forecourt	Not Permitted
Vehicular Forecourt	Not Permitted

**Facade Types**

Porch	Permitted
Stoop	Permitted
Common Entry	Not Permitted
Gallery	Not Permitted
Storefront	Not Permitted

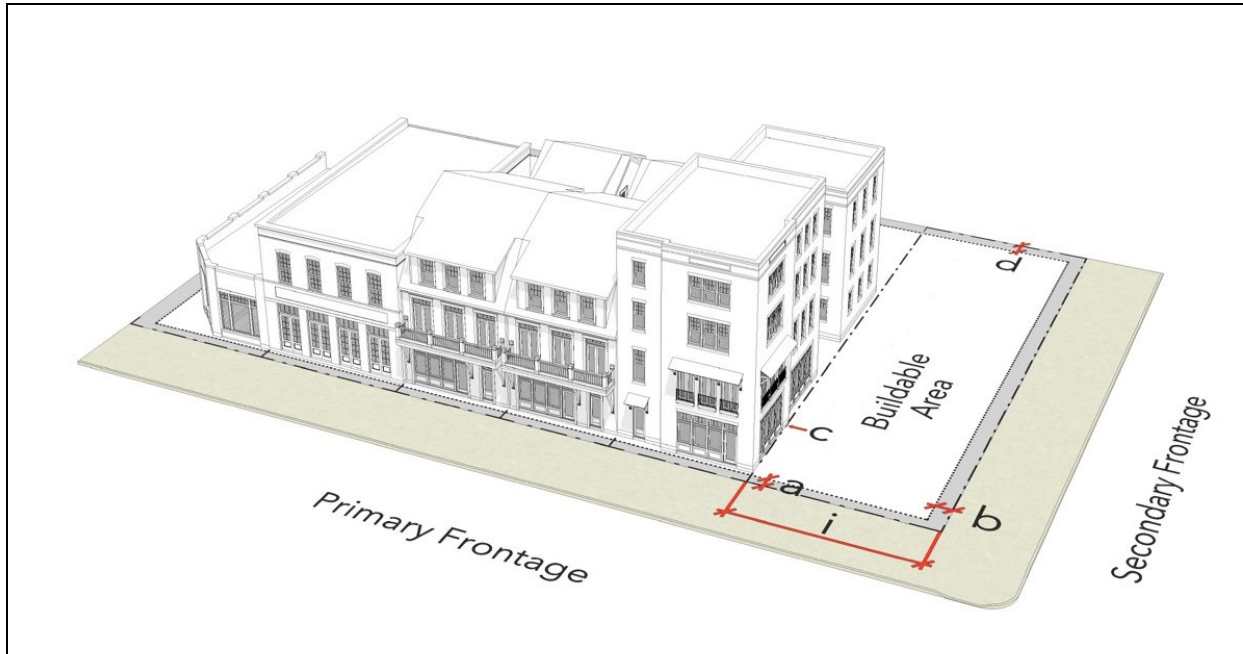
Notes:

(1) Zero foot min (attached/zero lot line buildings)/ 5-foot min (detached buildings).

(2) Measured according to Section 12-2-25(G)(1)(c).

(3) Minimum lot area shall not apply.

Table 12-2-25.6 – Multi-Family, Mixed Use, Neighborhood Commercial and Commercial Building Types – R-2A through C-1



**Setbacks - Principal Building (feet)**

a	Front (Com./Res.) (1)	5 max. / 15 max.
b	Front, Secondary (Com./Res.)	5 max. / 15 max.
c	Side (Interior) (3)	0 or 5 min.
d	Rear	none

**Frontage (min.)**

Primary	80%
---------	-----

**Lot Occupation (4)**

i	Lot Width	16 ft. min.
	Lot Coverage	75% max.

**Building Height (max.)**

Principal Building (2)	4 stories
Accessory Building	N/A

**Off-street Parking (min.)**

Residential	1/unit
Commercial	Per Sec. 12-2-25(G)(h)

**Notes:**

- (1) Lots within the Dense Business Area shall be permitted the lesser front setback.
- (2) Measured according to Section 12-2-25(G)(1)(c).
- (3) Zero foot min (attached/zero lot line buildings)/ 5-foot min (detached buildings).
- (4) Minimum lot area shall not apply.

**Setbacks - Accessory Building (feet)**

Front	N/A
Front, Secondary	N/A
Side (Interior)	N/A
Rear	N/A

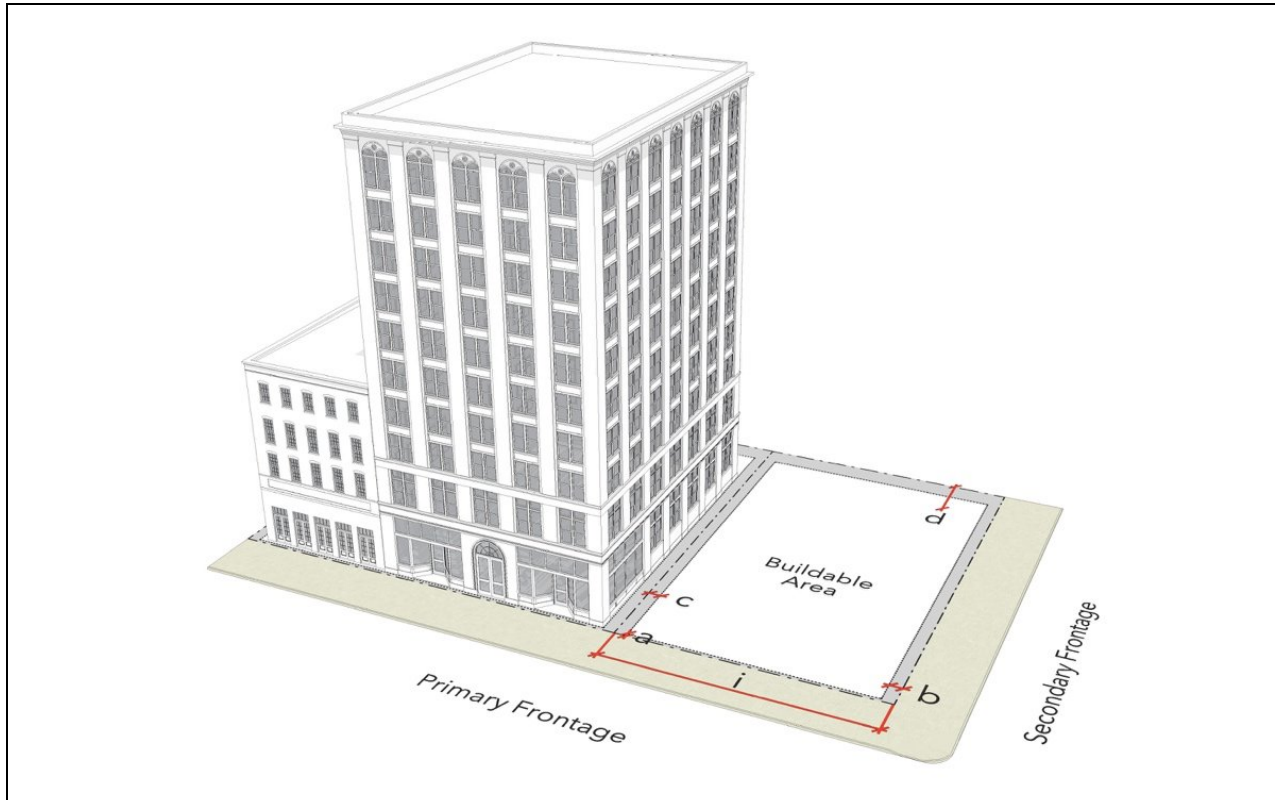
**Frontage Yard Types**

Standard	Not Permitted
Shallow	Permitted
Urban	Permitted
Pedestrian Forecourt	Permitted
Vehicular Forecourt	Permitted

**Facade Types**

Porch	Not Permitted
Stoop	Permitted
Common Entry	Permitted
Gallery	Permitted
Storefront	Permitted

Table 12-2-25.7 –Multi-Family, Mixed Use and Commercial Building Types –C-2A, C-2, C-3\*



**Setbacks - Principal Building (feet)**

a	Front (Com./Res) (1)	5 max. / 15 max.
b	Front, Secondary (Com./Res)	5 max. / 15 max.
c	Side (Interior) (3)	0 or 5 min.
d	Rear	none

**Frontage (min.)**

Primary	80%
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**Lot Occupation (4)**

i	Lot Width	16 ft. min.
	Lot Coverage	100% max.

**Building Height (max.)**

Principal Building(2)	10 stories
Accessory Building	N/A

**Off-street Parking (min.)**

Residential	1/unit
Commercial	Per Sec. 12-2-25(G)(h)

**Notes:**

- (1) Lots within the Dense Business Area shall be permitted the lesser front setback.
- (2) Measured according to Section 12-2-25(G)(1)(c).
- (3) Zero foot min (attached/zero lot line buildings)/ 5-foot min (detached buildings).
- (4) Minimum lot area shall not apply.

**Setbacks - Accessory Building (feet)**

Front	N/A
Front, Secondary	N/A
Side (Interior)	N/A
Rear	N/A

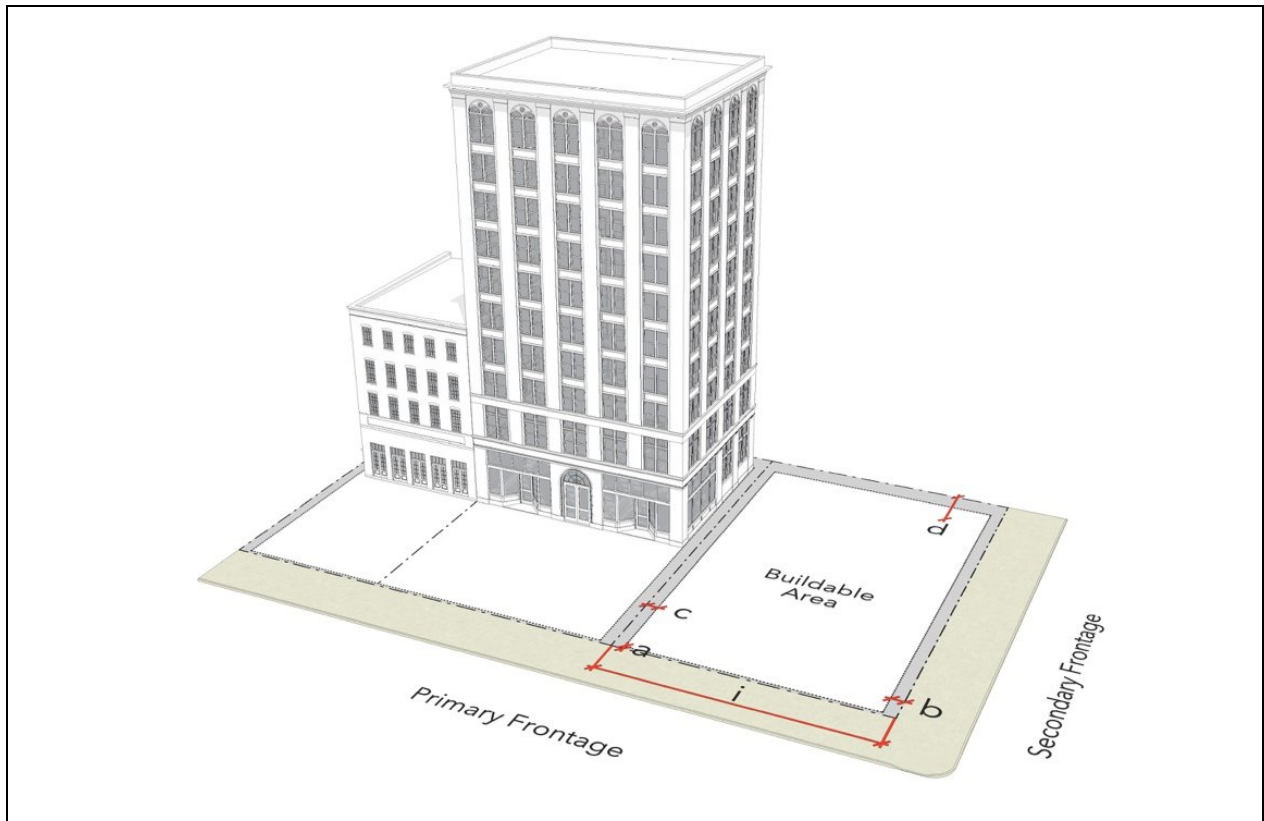
**Frontage Yard Types**

Standard	Not Permitted
Shallow	Permitted
Urban	Permitted
Pedestrian Forecourt	Permitted
Vehicular Forecourt	Permitted

**Facade Types**

Porch	Not Permitted
Stoop	Not Permitted
Common Entry	Permitted
Gallery	Permitted
Storefront	Permitted

Table 12-2-25.8 – Hybrid Commercial: Multi-family, Mixed Use and Commercial Building Types - C-3 along C3C FDOT Context Zone)



Setbacks - Principal Building (feet)			Setbacks - Accessory Building (feet)		
a	Front	60 max.	Front	N/A	
b	Front, Secondary	40 max.	Front, Secondary	N/A	
c	Side (Interior) (2)	0 or 5 min.	Side (Interior)	N/A	
d	Rear	none	Rear	N/A	
Frontage (min.)			Frontage Yard Types		
	Primary	60%	Standard	Not Permitted	
			Shallow	Permitted	
			Urban	Permitted	
			Pedestrian Forecourt	Permitted	
			Vehicular Forecourt	Permitted	
Lot Occupation (3)			Facade Types		
i	Lot Width	16 ft. min.	Porch	Not Permitted	
	Lot Coverage	100% max.	Stoop	Not Permitted	
Building Height (max.)			Common Entry	Permitted	
	Principal Building (1)	10 stories	Gallery	Permitted	
	Accessory Building	N/A	Storefront	Permitted	
Off-street Parking (min.)					
	Residential	1/unit			
	Commercial	Per Sec. 12-2-25(G)(h)			

Notes:

- (1) Measured according to Section 12-2-25(G)(1)(c).
- (2) Zero foot min (attached/zero lot line buildings)/ 5-foot min (detached buildings).
- (3) Minimum lot area shall not apply.



(5) *Frontage Types.*

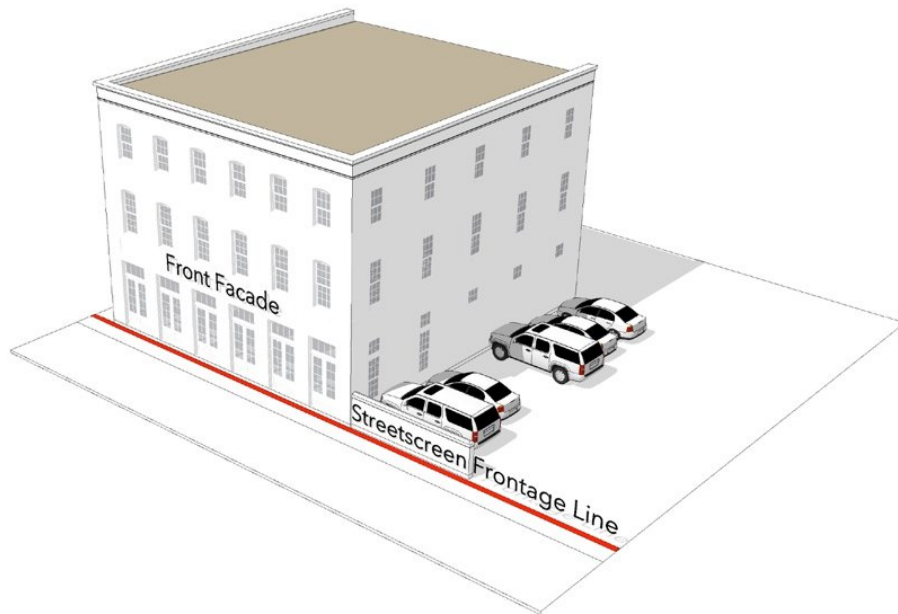
- (a) *Intent.* New buildings proposed for existing neighborhoods should be compatible with or complement the architectural character and siting pattern of neighboring buildings. Maintaining a consistent street-wall is a fundamental component for a vibrant pedestrian life and a well-defined public realm. Buildings closely aligned to the street edge with consistent setbacks, provide a clear sense of enclosure of streets, enabling them to function as pedestrian-scaled outdoor rooms. The placement of buildings along the edge of the sidewalk should be given particular attention, as it is that portion of the buildings that is the primary contributor to pedestrian activity.
- (b) Frontage yard type shall be selected and specified along frontages in accordance with the Frontage Yard Types in Table 12-2-25.9 and subject to the standards and guidelines in this Section, including the Form Standards in Tables 12-2-25.3 to 12-2-25.8.
- (c) In addition to the frontage yard type standards contained within Table 12-2-25.9, the following shall be required:
  - (i) Frontage yards shall be wholly open to the sky and unobstructed, except for trees, roof projections, and permitted encroachments attached to principal buildings.
  - (ii) Impervious surfaces and walkways in frontage yards shall be subject to the following requirements:
    - a. Where single-family attached units occupy a common site, each attached single-family unit with an entrance towards a frontage shall have a walkway connecting the sidewalk to the attached single-family entrance. See Table 12-2-25.9.A (Frontage Yard Types - Shallow Yard) for an illustration depicting single family attached walkway connections.
    - b. At cluster courts, the shared court shall have a walkway connecting the sidewalk at



the primary frontage with building entries. See Table 12-2-25.9.B (Frontage Yard Types - Cluster Court) for an illustration depicting cluster court walkway connections.

- (iii) For multi-family, mixed use and non-residential types, any portion of a frontage not occupied by buildings, driveways, or walkways shall be lined with a streetscreen as follows:
  - a. Streetscreens shall meet the fencing and wall standards according to the Frontage Yard Types specified in Table 12-2-25.9.
  - b. Streetscreens, up to 24 feet long, shall count towards minimum frontage requirements.
  - c. Streetscreens shall be coplanar with the primary building façade, as depicted in Illustration 12-2-25.6 below.

Illustration 12-2-25.6 – Streetscreen Illustrated



- (iv) Street trees and landscaping in frontage yards shall comply with the requirements of Sec. 12-2-25(H).
- (v) Stormwater ponds shall be prohibited along frontages.

- (vi) Frontage yard setbacks shall be as follows:
- a. Buildings shall be set back in accordance with the Form Standards specified in Tables 12-2-25.3 to 12-2-25.8.
  - b. Where maximum setbacks are specified, they pertain only to the amount of building façade required to meet the minimum building frontage occupation requirements defined in the Form Standards specified in Tables 12-2-25.3 to 12-2-25.8.

Table 12-2-25.9 – Frontage Yard Types





A. Standard Yard (Fenced or not)	
Illustration	
Surface	50% minimum shall be pervious material. A minimum of one (1) tree is required per Section 12-2-25(F)(1). Paving is limited to walkways, and driveways.
Walkways	One (1) per frontage connecting the sidewalk at the primary frontage with building entries.
Fencing	Permitted along frontage lines, and according to Section 12-2-25(E)(8).
B. Cluster Court	


Illustration	
Surface	A minimum 50% of the court shall be landscaped with ground cover, trees, or understory trees. Paving is limited to walkways, and driveways.
Walkways	Court shall be a minimum 20 feet wide and a min. 1,000 sq.ft. in size, and shall have a walkway connecting the sidewalk at the primary frontage with building entries.
Fencing	Permitted except along street frontages, fronted by a shared court, according to Section 12-2-25(E)(8).

C. Shallow Yard	
Illustration	
Surface	Maximum setback of eight (8) feet. 50% minimum shall be landscaped in R-1A, and R-1B and up to 100% may be paved in R-NC and R-NCB.
Walkways	1 per frontage connecting the sidewalk at the primary frontage with building entries.
Fencing	Permitted interior to the building setback line at primary street frontages. Permitted at or interior to secondary street frontage lines according to Section 12-2-25(E)(8).


D. Urban Yard

Illustration	
Surface	Shall be paved at sidewalk grade.
Walkways	Shall be paved at sidewalk grade. Vegetation is permitted in raised containers.
Fencing	Not permitted

**E. Pedestrian Forecourt**

Illustration	
Surface	Minimum 80% paving-
Fencing	Permitted at or interior to building setback lines and according to Section 12-2-25(E)(8).
Area	Forecourt: A minimum 20 ft. wide up to 30% of the allowable frontage, and a maximum 50 ft. deep.
Activation	Shall be lined with habitable space on 3-sides, or on 2-sides at corner sites.

**F. Vehicular Forecourt**


Illustration	
Surface	Driveway shall be paved at sidewalk grade. The remainder of front setback may be paved or landscaped.
Fencing	Low wall, maximum 24 inches high, of either brick, or stone is permitted.
Area	Forecourt: 4,200 sq.ft. maximum
Activation	Shall be lined with habitable space on 3-sides, or on 2-sides at corner sites.

(6) *Building Elements.*

- (a) *Intent.* Buildings should be architecturally articulated with such elements as distinguishing expression lines, changes in fenestration, material and/or color and designed in proportions that reflect human-scaled pedestrian movement to encourage interest at the street level.
- (b) *Façade Types.* Façade Types shall be as follows:
  - (i) Porches, stoops, common entries, galleries and storefronts shall constitute allowable Façade Types as defined in Table 12-2-25.10 in accordance with the Form Standards in Tables 12-2-25.3 to 12-2-25.8.
  - (ii) Façade Types shall be selected and specified along frontages in accordance with Table 12-2-25.10.
    - a. Porches shall not be required for single family detached and two family (duplex).
  - (iii) Projections into setbacks shall be permitted as follows:


- a. Roof overhangs, cornices, window and door surrounds and other facade decoration may project up to two (2) feet.
- b. Where permitted, shading devices may project into the front setback up to the property line with a minimum eight (8) foot clearance.
- c. Balconies may project up to three (3) feet.
- d. Bay windows may project up to three (3) feet.
- e. Porches and stoops may project in accordance with the Façade Types defined in Table 12-2-25.10.
- f. Projections shall not, in any instance, exceed beyond the property line.

Table 12-2-25.10 – Façade Types


A: Porch	
Entry Grade	Minimum 18 inches above finished grade
Requirements	<ul style="list-style-type: none"> <li>• Required at the primary building entrance.</li> <li>• Porches shall be a minimum six (6) feet in depth.</li> <li>• Porches and related structures may project into front setbacks a maximum 10 feet.</li> <li>• Porch openings shall be vertical in proportion.</li> <li>• Porches shall be a maximum 10 feet in height. Columns shall have a minimum diameter of six (6) inches, and should have a capital and a base.</li> </ul>
	




**B: Stoop**


Entry Grade	Minimum 34 inches above finished grade	
Requirements	<ul style="list-style-type: none"> <li>• A stoop is required at building entrances, projecting from the facade.</li> <li>• Wood is prohibited for stoop railings.</li> <li>• Stoops and related structures may project into front setbacks up to 100%.</li> </ul>	

**C: Common Entry**

Entry Grade	Minimum 18 inches and a maximum 24 inches above finished grade	
Requirements	<ul style="list-style-type: none"> <li>• A single collective entry to a multi-family lobby is required at the primary building entrance.</li> <li>• Canopies and awnings are permitted to project into front setbacks up to 100% of their depth.</li> </ul>	

**D: Gallery**

Entry Grade	At sidewalk grade	
Requirements	<ul style="list-style-type: none"> <li>• Where a gallery occurs, it is required along a minimum of 80% of the frontage.</li> <li>• Encroachments are permitted according to Section 12-2-25(E)(7).</li> <li>• Awnings are not permitted in galleries.</li> </ul>	

E: Storefront	
Entry Grade	At sidewalk grade
Requirements	<ul style="list-style-type: none"> <li>A storefront is required at the primary entrance of the tenant space. Storefronts are permitted according to Section 12-2-25(G)(6)(d).</li> </ul> 

- (c) *Building Entries*. Building entries shall be as follows:
- (i) Building entrances shall be clearly visible from the street.
  - (ii) One (1) building entry shall be provided every eighty (80) feet of facade leading to a habitable space.
  - (iii) Building entries for mixed-use buildings shall differentiate entrances for residential and commercial uses.
  - (iv) Entries for multi-family buildings shall provide protection from the elements with canopies, marquees, recesses or roof overhangs.
  - (v) Residential building entries shall be restricted as follows:
    - a. Single-family and multi-family residential buildings shall be raised above finished grade, at the front of the building, according to Façade Types defined in Table 12-2-25.10.
    - b. In no instance shall single-family and multi-family residential building entries be raised less than eighteen (18) inches above finished grade.



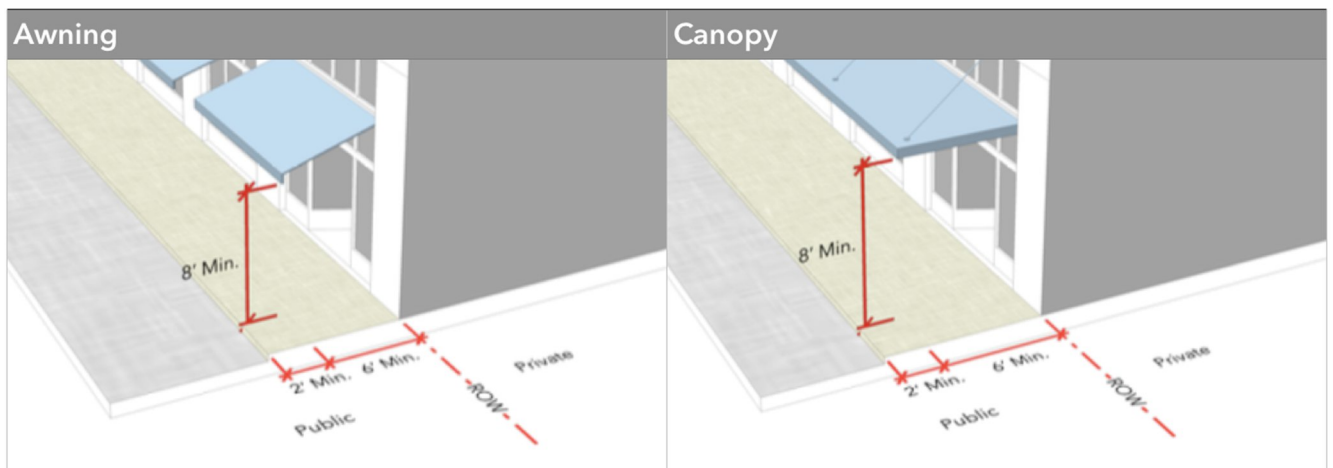
- c. Entry grade shall be measured from the finished grade to the first finished floor.
  - (vi) Mixed-use and commercial building entries shall be at sidewalk grade.
- (d) *Storefronts.*
- (i) Intent. Storefronts should be architecturally articulated through the varied use of high-quality durable materials, display windows, entrances, awnings and buildings signs. Their signage, glazing and doors should be conceived as a unified design. High quality, durable materials are especially important at street level within reach of pedestrians.
  - (ii) Storefronts shall provide a minimum of 70% glazing (void to solid ratio of surface area along principal facades at the ground level).
  - (iii) Extruded aluminum storefront frames are discouraged, and where used, shall present a simple, relatively flat profile to avoid heavily extruded profiles.
  - (iv) Opaque, smoked, and reflective glass on storefront windows shall be prohibited. Low-E shall be permitted as per Florida Building Code.
  - (v) Materials for storefronts shall consist of stone, brick, concrete, stucco, metal, glass, cementitious siding and/or wood. Construction detail and finish shall adhere to craftsman standards.
  - (vi) Outdoor dining areas on sidewalks and/or within the public right-of-way shall be permitted subject to the following standards:
    - a. Outdoor dining areas shall be separated from public walkways and streets using railings, fences, bollards, planters, and/or landscaping.
    - b. A minimum unobstructed pedestrian path of at least six (6) feet wide shall be provided along public right-of-ways.

c. Outdoor dining areas within the public right-of-way shall comply with Sec. 12-12-7 (license to use).

(7) *Building Encroachments.*

- (a) Encroachments located within the public right-of-way shall comply with Sec. 12-12-7 (license to use), Sec. 12-2-35 (visibility triangle) and any clearance standards established by the Engineering Division of the City of Pensacola Public Works and Facilities Department and the Florida Greenbook.
- (b) Awnings for storefronts and canopies are not subject to Sec. 12-12-7 (license to use) but shall be restricted as follows:
  - (i) Awning and canopies may project into the public right-of-way, up to a maximum of two (2) feet from the curb.
  - (ii) Awnings and canopies shall be a minimum of six (6) feet in depth and have a minimum of eight (8) feet of vertical clearance. See Illustration 12-2-25.7 for a depiction of awning and canopy encroachment measurements.

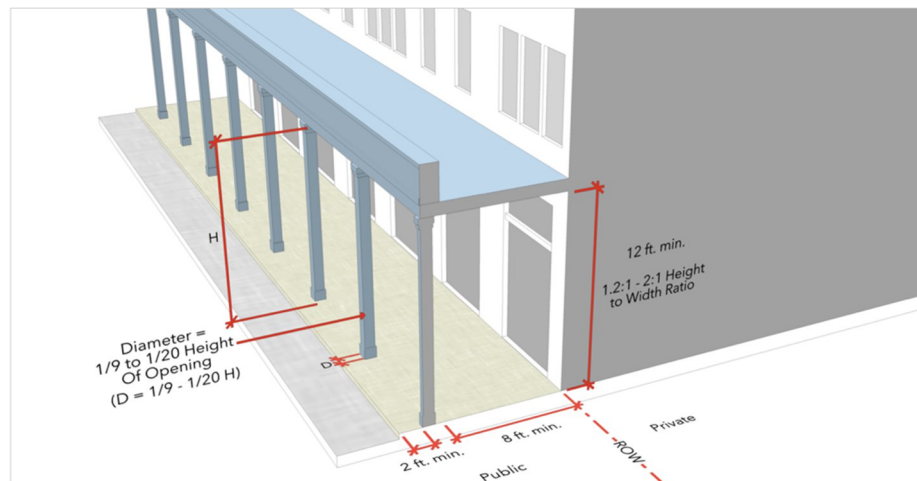
Illustration 12-2-25.7 – Awning and Canopy Encroachment Measurements



- (c) Galleries shall be restricted as follows:
  - (i) Galleries shall be subject to and shall comply with Sec. 12-12-7 (license to use).

- (ii) Galleries shall not alter height or width along a building façade.
- (iii) Galleries shall be a minimum of 8 feet in depth and a minimum of 12 feet in height, maintaining a 1.2:1 to a 2:1 height to width ratio, as depicted in Illustration 12-2-25.8.
- (iv) Gallery columns should have a diameter between 1/9th and 1/20th their height, measured from the base to the bottom of the entablature, as depicted in Illustration 12-2-25.8, and should have a capital and a base.
- (v) Galleries should encroach into building setbacks.
- (vi) Galleries should encroach over sidewalks.
- (vii) Where galleries encroach over sidewalks, they shall not extend beyond a maximum of two (2) feet from the curb, as depicted in Illustration 12-2-25.8.

Illustration 12-2-25.8 - Gallery Encroachments



(8) *Parking Access, Design and Reductions.*

- (a) Intent. The intent of these standards is to guide the placement and design of parking, when it is provided. Vehicular parking spaces should be carefully integrated to avoid the negative impacts of large surface parking areas on the pedestrian

environment. In general, parking supply should be shared by multiple users and property owners to facilitate the ability to "park once and walk." On-street parallel parking is encouraged on both sides of the street to provide a supply of convenient shared parking, and as a means to provide a protective buffer for pedestrians on the sidewalk. Where surface parking is permitted, it should be hidden or screened from the pedestrian realm by use of garden walls and narrow landscape edges. Parking garages, where provided, should be masked from frontages by liner buildings no less than 24 feet in depth. They are encouraged to be designed for possible future conversion to other non-parking functions, including office, residential and/or commercial use.

- (b) All parking access and design shall comply with the Form Standards in Tables 12-2-25.3 to 12-2-25.8 and the following:
  - (i) Parking standards in the Dense Business Area (DBA) defined in Chapter 12-14 (definitions) shall take precedence over the Form Standards in Tables 12-2-25.3 to 12-2-25.8 and those included in this subsection.
  - (ii) Minimum parking requirements are as follows:
    - a. Parking requirements shall be in accordance with Sec. 12-3-1(B) (parking requirements for specific land uses) with the following exception:
      - 1. Off-street parking requirements for residential use types shall be one (1) space per unit unless otherwise exempted.
    - b. Shared parking shall be according to Sec. 12-3-1(D) (off-site parking).
    - c. Parking reductions shall be calculated according to Table 12.3-1 (Downtown Pensacola CRA Parking Reductions).
    - d. Lots thirty (30) feet or less in width shall not be subject to minimum parking requirements, except for:
      - 1. Lots fronting streets where on-street parking is not permitted.

e. Lots less than forty-two (42) feet wide shall be accessed from a rear lane, where possible. Where not possible, the following exceptions shall be permitted, in coordination with the Engineering Division of the City of Pensacola Public Works and Facilities Department:

1. Parking in the rear of the lot, subject to accessory structure setbacks as defined within the Form Standards in Tables 12-2-25.3 to 12-2-25.8. Shared driveways are encouraged.
2. A single-car garage, subject to the minimum frontage occupation requirements defined within the Form Standards in Tables 12-2-25.3 to 12-2-25.8.
3. Driveways shall be exempt from minimum width and spacing requirements defined in Sec. 12-2-25(I)(2)(d).

f. Lots shall be accessed through a rear lane when the development is over 75% of the block.

(iii) Vehicular parking location is restricted as follows:

a. *Single-family residential types.*

1. Residential off-street parking, where required, shall be provided within garages, carports or on driveways for all single-family residential types.
2. Uncovered parking shall be permitted the entire length of the driveway, including within the front setback, but not beyond the property line.
3. *Single-family detached and two-family (duplex) Off-street Parking.*

A. Covered or garage parking for single-family detached and two-family (duplex) buildings shall be setback a minimum twenty (20) feet behind the principal building façade. See Illustration 12-2-25.9 for a depiction of covered parking placement for

single-family detached and two-family attached (duplex) buildings.

Illustration 12-2-25.9 – Garage Locations Illustrated



B. The outer edge of driveways shall be placed a maximum of two feet from either side property line. See Illustration 12-2-25.10 for a depiction of driveway placement for single-family detached and two-family attached (duplex) buildings on 30' wide lots.

Illustration 12-2-25.10 – Driveway Locations Illustrated



4. *Single-family attached.* Off-street parking for single-family attached residential types shall only be permitted in the rear 50% of the lot.

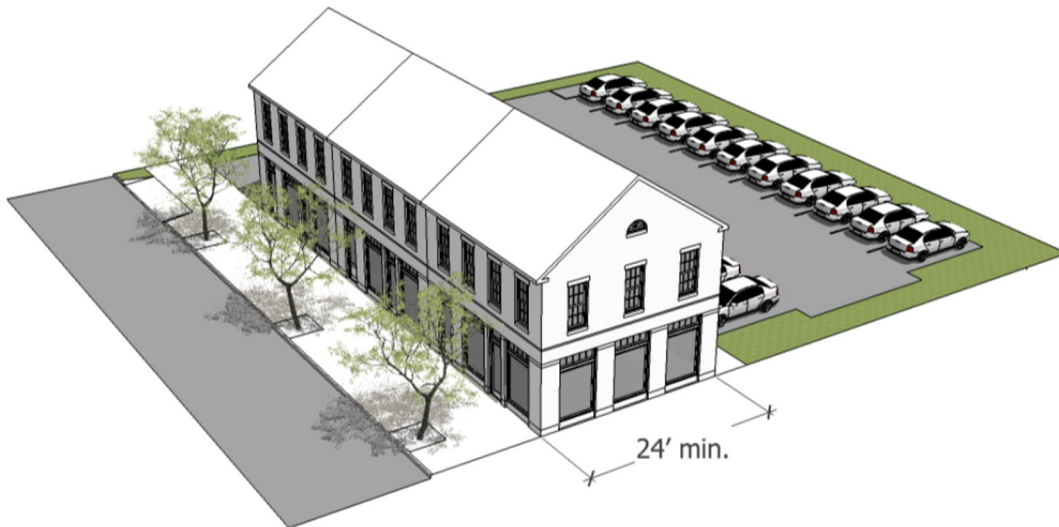
5. Tandem parking is encouraged.

6. Shared driveways are encouraged.

*b. Multi-family, mixed use and non-residential types.*

1. *Off-street* parking shall not be permitted within the front setback area. Exceptions include:
  - A. Properties adjacent to a thoroughfare identified as an FDOT C3C Suburban Commercial Context Classification Zone as defined within Sec. 12-2-25(I)(1)(b)(context classification). Such properties shall conform to the Form Standards according to Table 12-2-25.8 (Hybrid Commercial).
2. Off-street parking shall be masked from frontages by liner buildings no less than 24 feet in depth to achieve the minimum frontage occupation. See Illustration 12-2-25.11 depicting off-street parking lot masking with liner buildings and Section 12-2-25(G)(5)(c)(iii) for permitted streetscreen requirements.

Illustration 12-2-25.11 – Parking Lot Masking with Liner Buildings



3. The ground floor of commercial buildings with a gross floor area less than 1,500 square feet shall be exempt from parking requirements.
- (iv) Bicycle parking.
- a. Minimum bicycle parking requirements shall be as follows:



1. Bicycle parking shall not be required for single-family residential or multi-family residential with less than eight (8) units.
2. Bicycle parking requirements shall be according to Table 12-2-25.11.

Table 12-2-25.11 - Minimum Required Bicycle Parking

Building Type	Location	R-2A through C-2A	C-2, C-3*
Multi-Family	Primary & Secondary Frontages	Minimum 0.25 spaces per unit	Minimum 0.50 spaces per unit
Non-Residential	Primary & Secondary Frontages	Minimum 0.50 spaces per 1,000 square feet	Minimum 0.75 spaces per 1,000 square feet

\*Excluding C3C Context Zones.

3. Bicycle parking locations within the public right-of-way shall be coordinated with the Engineering Division of the City of Pensacola Public Works and Facilities Department and subject to Sec. 12-12-7 (license to use), and minimum clearance distances.

b. Bicycle parking configuration shall be as follows:

1. Bicycle racks shall not be located within:

A. Five (5) feet of fire hydrants.

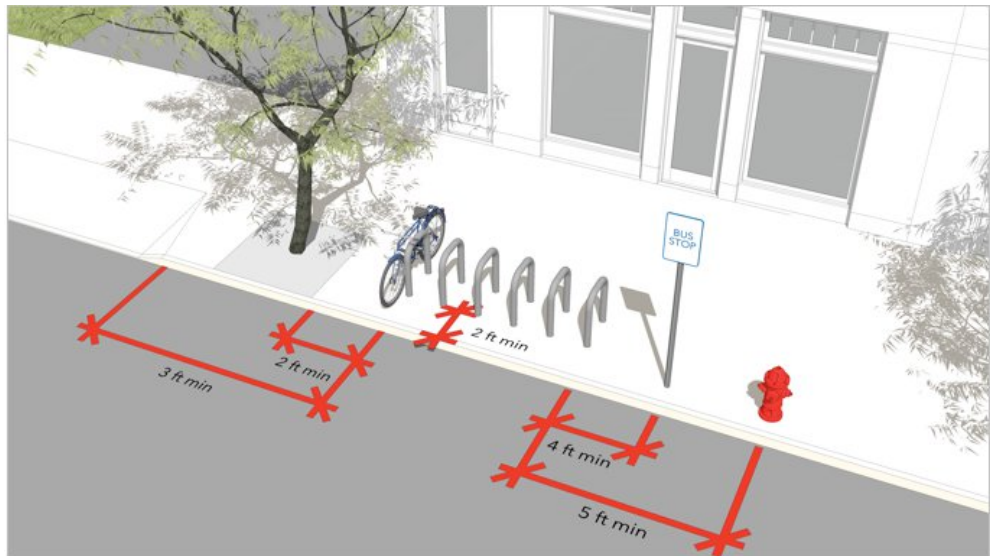
B. Four (4) feet of loading zones and bus stop markers

C. Three (3) feet of driveways and manholes

D. Two (2) feet of utility meters and tree planters

See Illustration 12-2-25.12 for a depiction of bicycle parking clearances.

Illustration 12-2-25.12 – Bicycle Rack Clearances



c. Bicycle parking located along private or public streets shall be subject to the following:

1. Bicycle racks installed parallel to curbs shall be set back from the curb a minimum of two (2) feet, as illustrated in Illustration 12-2-25.11.
2. Bicycle racks installed perpendicular to curbs shall allow for a minimum clearance of two (2) feet at the curb and six (6) feet of pedestrian way with a 56 cm or 22 in bicycle properly locked to the rack.
3. Bicycle racks should be spaced a minimum of 36 inches apart.
4. Bicycle racks shall allow bicycle frames to be locked at two points of contact with the rack.

(9) *Fences and walls.*

- (a) Where provided, fences and walls shall provide full enclosure.


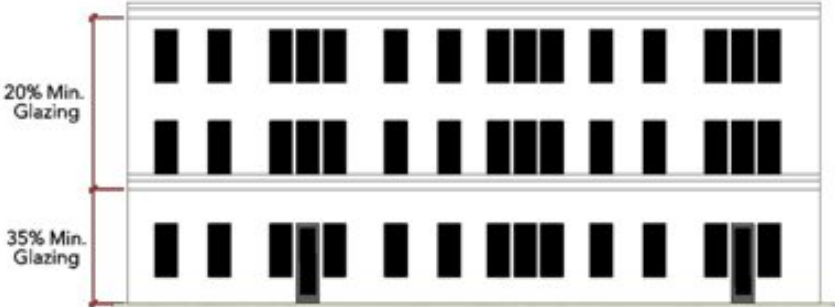

- (b) Fences and walls shall be restricted according to Frontage Yard Types in Table 12-2-25.9 and Sec. 12-2-35 (visibility triangles).
- (c) Height of fences and walls shall comply with the following:
  - (i) Height shall be limited to a minimum 30 inches and a maximum 42 inches within the front setback.
  - (ii) Height shall be limited to eight (8) feet behind the building face at non-frontages.
- (d) Materials for fences and walls shall be limited as follows:
  - (i) Approved materials shall include, but are not limited to wood, brick, stone, and wrought iron.
  - (ii) Vinyl is discouraged on all frontages.
  - (iii) Chain-link, exposed concrete block, barbed wire and razor wire shall be prohibited.
  - (iv) Wood fences shall have the finished side to the public frontage.
  - (v) Where hedges are utilized along frontages, they shall be maintained in accordance with Sec. 12-2-25(H)(2)(e).

(10) *Windows and Glazing.*

- (a) Windows shall meet the following requirements:
  - (i) Windows on frontages shall be square or vertical in proportion, with the exception of transoms and special windows.
  - (ii) Windows should have muntins for residential building types, which should be vertical in proportion.
  - (iii) Single panes of glass shall not exceed 20 square feet for residential building types.
- (b) Glazing shall meet the following requirements:
  - (i) Storefront glazing requirements shall be according to Table 12-2-25.12.

- (ii) For residential and mixed-use buildings, excluding commercial uses at grade, the percentage of glazed wall area shall be a minimum 20%.
- (iii) Reflective and tinted windows shall be prohibited for residential buildings.
- (iv) Stained, reflective and tinted windows shall be prohibited at ground floor commercial uses. Low-E is permitted as per Florida Building Code

Table 12-2-25.12 – Glazing Requirements

Residential	
<b>At &amp; Above Grade</b>	Minimum 20% along frontages
	
Multi-Family & Office	
<b>Above Grade</b>	Minimum 20% along frontages
<b>At Grade</b>	Minimum 35% along frontages
	
Mixed-use	
<b>Above Grade</b>	Minimum 20% along frontages
<b>At Grade</b>	Minimum 70% along frontages
	

(11) *Lighting on Private Property*

- (a) Lighting shall be arranged to be contained on-site and to reflect away from adjacent property.

(H) *Landscape Standards and Guidelines.*

(1) *Intent.* Supplement the urban canopy, accommodate stormwater, increase access to open space and facilitate pedestrian movement throughout the existing block patterns to meet the urban design goals of the Community Redevelopment Agency. A healthy tree canopy contributes to the health of citizens and the environment, and is fundamental to a vibrant pedestrian life and a well-defined public realm. Trees closely aligned to the street edge with consistent setbacks, provide a clear sense of enclosure of streets, enabling them to function as pedestrian-scaled outdoor rooms. The placement of trees along the edge of the sidewalk should be given particular attention as a major contributor to pedestrian activity. Trees and other native plants placed in drainage right-of-ways and parking islands contribute to the control of stormwater quantity and quality.

(2) *Landscape on Private Property.*

(a) Landscaping in frontage yards are subject to the requirements of the Frontage Yard Types in Table 12-2-25.9, and Sec. 12-2-25 (visibility triangles), and the following:

(i) For single-family detached and two-family lots, one tree for every lot or for every 50 feet of linear frontage along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall be as follows:

a. Measured at diameter breast height (DBH), as described in Sec. 12-6-2(E)(DBH).

b. For lots with a front setback of less than eight (8) feet where planting in front yards is not possible, required trees shall be planted elsewhere on the block itself.

(ii) Ground vegetation or shrub plantings with spines, thorns, or needles that may present hazards to pedestrians, bicyclists, or vehicles shall be maintained a minimum

distance of two (2) feet from the edge of walkways and sidewalks.

- (iii) In single-family detached and two-family lots, trees shall be protected in accordance with Section 12-2-10(A)(5)(b) (protection of trees).
  - (iv) When off-street parking is located in front or side setbacks, a year-round streetscreen along the street edge(s) of the parking lot shall be installed as a means of buffering, according to Sec. 12-6-3(B) (off-street parking and vehicle use areas).
  - (v) Hedges planted along street right-of-ways shall be between three (3) and five (5) feet in height at maturity.
- (b) Minimum landscape area requirements of the development site for all building types except single-family detached and two-family attached (duplex) shall be according to Table 12-2-25.13. Landscape requirements for single family detached and two-family attached shall be in accordance with Sec. 12-2-25(H)(2)(a) and Table 12-2-25.9, Frontage Types.

Table 12-2-25.13 - Minimum Landscape Area Requirements

Zoning District	Percent
R-1AAA through R-2	25
R-NC, R-NCB, C-1, C-2, C-2A, C-3, M-1, M-2	15

(3) *Buffer Yards.*

- (a) In addition to the buffer yard requirements of Sec. 12-2-32 the following shall apply:
  - (i) Berms shall not be installed as part of a required buffer without review and approval by the Engineering Division of the City of Pensacola Public Works and Facilities Department to ensure a proposed berm will not have a detrimental effect on adjacent properties by impeding or diverting stormwater flow.
  - (ii) Berms shall be planted and stabilized to prevent erosion.

- (iii) Buffer yards may be used to create rain gardens or other stormwater facilities with the selection of appropriate plant material, according to the City's approved plant list and approval by the a Engineering Division of the City's Public Works and Facilities Department.
- (iv) Plants in these stormwater facilities shall be selected to meet any applicable buffer yard screening requirements, and they should be tolerant of periodic inundation and drought. It is recommended that native plants be selected from the *Florida Friendly Landscaping Guide to Plant Selection & Landscape Design*, Northern Region, and *Waterwise Landscapes* by the South Florida Water Management District, according to Table 12-2-25.14.

Table 12-2-25.14 - Bioretention & Rainwater Garden Plant List.

Flowers	
Common Name	Scientific Name
Blue Flag Iris	Iris Hexagona
Cardinal Flower	Lobelia Cardinalis
Chipola Coreopsis	Coreopsis Integrifolia
Goldenrod	Solidago spp.
Swamp Sunflower	Helianthus Angustifolius
Spider Lily	Hymenocallis Latifolia
Swamp Lily	Crinum Americanum
Swamp Milkweed	Asclepias Perennis
Grasses	
Common Name	Scientific Name
Blue-Eyed Grass	Sisyrinchium Atlanticum Bicknell
Florida Gamma Grass	Tripsacum Floridanum
Muhly Grass	Muhlenbergia Capillaris
Path or Soft Rush	Juncus spp.
Rainlily	Zephyranthes spp.
River Oats	Chasmanthium Latifolium
Wiregrass	Aristida Stricta
Shrubs	
Common Name	Scientific Name



Beautyberry	Callicarpa Americana
Buttonbush	Cephalanthus Occidentalis
Virginia Willow	Itea Virginica
Wax Myrtle	Myrica Cerifera

(4) *Street Trees in the Public Right-of-Way.*

- (a) Street trees shall be provided in the public right-of-way for all developments except single family detached and two-family (duplex), in accordance with Sec. 11-4-88 (placement of trees and poles), Sec. 12-6-3 (landscaping requirements) and this subsection.
- (b) Where street trees cannot reasonably be planted, payment in lieu of planting shall be made to a new and dedicated CRA tree planting fund, at the value established in Section 12-6-6(B)(5).
- (c) Street tree planting, and maintenance requirements shall be as follows:
  - (i) For each lot, one tree shall be provided on an average of thirty-five (35) linear feet of public right-of-way frontage, where no underground utility conflicts exist.
  - (ii) Where greenways exist, trees shall be required to be planted within the greenway. The following exceptions shall apply:
    - a. Where no greenway exists or where the greenway is less than three (3) feet wide, between sidewalk and curb, required street trees shall be planted on the block.
    - b. Where planting within the greenway is infeasible due to utility conflicts, required street trees shall be planted on the block
  - (iii) Trees planted three (3) feet or less from a public sidewalk shall have a minimum clearance of six feet and six inches (6'-6") between the public walking surface and the lowest branches at planting.
  - (iv) Mature trees shall be maintained at a minimum clearance of eight (8) feet above the public walking surface.

- (v) Trees planted within the public right-of-way shall include a root barrier to prevent the shifting of sidewalks at maturity.
  - (vi) Installation of tree pits and grates within the public right-of-way shall be coordinated with the City of Pensacola Public Works and Facilities Department for style consistency. Installed tree pits and grates shall be maintained by the property owner in perpetuity.
  - (vii) Where possible, trees may be clustered together to share soil space.
- (d) Tree selection shall be limited to those allowable plantings contained within the Tree Replant List specified in Appendix B (Tree Replant List). The following conditions shall apply:
- (i) Where overhead utilities occur, a tree with smaller size at maturity shall be selected.
- (e) Tree selection and placement shall be coordinated with the Engineering Division of the City of Pensacola Public Works and Facilities Department and subject to Sec. 12-2-35 (visibility triangle) and Sec. 12-2-7 (license to use).
- (f) Mixed-use and non-residential building types shall comply with the following:
- (i) Where galleries are not provided, street trees shall be planted, unless in conflict with underground utilities. Where there are overhead utilities, appropriate species from the Tree Replant List specified in Appendix B shall be selected.
  - (ii) Where a gallery is provided, and the greenway that occurs between the sidewalk and the back of curb is less than three (3) feet wide, no street trees shall be required.
  - (iii) Where a greenway at least three (3) feet wide occurs between the gallery and the back of curb, and no overhead or underground utilities prevent street tree installation, planting of a street tree shall be required.
  - (iv) Where paved surface occurs between the gallery and curb, installation of street trees in individual tree pits with tree grates, or

linear planters with pervious pavers between several trees, shall be required.

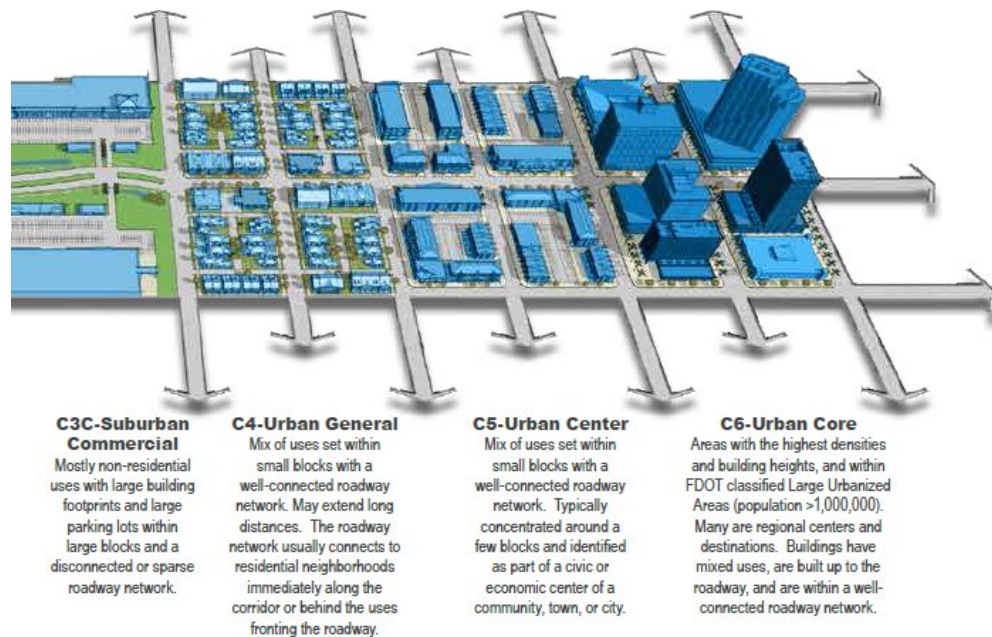
- (v) Where trees are planted in sidewalk planters, the minimum sidewalk planting pit dimensions shall be four feet by four feet (4' x 4').

(I) Thoroughfare Standards and Guidelines.

(1) Context Classification.

- (a) The Context Classification system, as developed by FDOT and described within the FDOT Complete Streets Manual, shall be adopted to identify place and guide streets and other transportation features, and to allow transportation to support adjacent land uses. See Illustration 12-2-25.13 depicting context classification zones.

Illustration 12-2-25.13 – Context Classification Zones Illustrated.



- (b) Streets shall be classified in accordance with the Zoning to Context Classification Translations specified in Table 12-2-25.15.

Table 12-2-25.15 – Zoning to Context Classification Translation

Context Classification (FDOT) Zone	Zoning District
C4 – Urban General	R-1AAA through R-2
C5 – Urban Center	R-NC through C-3
C3C – Suburban Commercial	C-3 adjacent to M-1 or M-2. Limited to segments that abut such zoning districts. M-1 M-2

(2) Street Design.

- (a) Design of local streets shall be guided by the Florida Greenbook, Chapter 19 Traditional Neighborhood Design.
- (b) Where a greenway of at least five (5) feet exists, driveway approaches and curb cuts shall not be permitted to interrupt the sidewalks.
- (c) *Sidewalks.* Sidewalks shall be required on all street frontages in residential, nonresidential, commercial and industrial developments in accordance with standards established by the Engineering Division of the City’s Public Works and Facilities and the Florida Greenbook.
- (d) *Driveways and curb cuts.* Driveway, driveway approaches and curb cut requirements shall be as follows:
  - (i) *Single-family residential types.* Driveway and curb cut widths for single-family residential types shall be according to Table 12-2-25.16.

Table 12-2-25.16 - Single-family Residential Driveway & Curb Cut Widths

Driveway Type	Minimum Width	Maximum Width
Single-Use	10 feet	20 feet
Joint-Use	10 feet	22 feet

- (ii) *Multifamily, mixed use and non-residential types.* Driveway and curb cut widths for multi-

family and non-residential types shall be according to Table 12-2-25.17.

Table 12-2-25.17 - Multi-family/Non-Residential Driveway & Curb Cut Widths

Driveway Type	Minimum Width	Maximum Width
All	12 feet	24 feet

(iii) Driveway and curb cut spacing on a single property shall be a minimum of 42 feet with the following exception:

- a. Lots equal to or less than forty-two (42) feet wide shall be limited to one (1) driveway and curb cut.

(J) Definitions. [Definitions enumerated.]

As limited to Sec. 12-2-25 (CRA Urban Design Overlay District) unless context clearly indicates otherwise.

**Building height, *single-family residential***, means the vertical distance of a building measured from the finished grade to the bottom of the eave for pitched roof buildings or the bottom of the parapet for flat roof buildings.

**Building height, *multi-family and non-residential***, means the vertical distance of a building measured by stories. The restrictions to story height are according to Section 12-2-25(G)(1)(c).

**Cluster Court** means a collection of buildings on a semi-public, privately owned open space.

**Colonnade** means a row of columns joined by an entablature. Colonnades may cover sidewalks and may front storefronts.

**Complete street** means a thoroughfare that is designed giving each user an equal level of priority including pedestrians, cyclists, transit users, and drivers.

**Craftsman Standards** means a baseline of construction quality denoting a finished project.

**[FDOT] Distinct Context Classifications Zone** means classifications, along with functional classification and design speed, determine the corresponding thoroughfare design

standards within the Florida Design Manual.  
(<http://www.fdot.gov/roadway/CSI/files/FDOT-context-classification.pdf>)

**Eave** means the edge of the roof that meets or overhangs the walls of a building.

**Encroachment** means certain permitted building elements that may cross established setbacks or rights-of-way.

**Entablature** means a horizontal, continuous building element supported by columns or a wall.

**Facade, building,** means the exterior wall of a building that faces a frontage line.

**Facade Type** means the different configurations of building elements that make up a building facade, such as a storefront, porch, etc. See Table 12-2-25.10.

**Figures and Tables** mean any chart or graphic presentation in this title which is specifically designated as a "Figure" or "Table" shall be deemed to be a part of the text of the title and controlling on all development.

**Frontage line** means a property line bordering a public frontage. Facades facing frontage lines define the public realm and are therefore more regulated than the elevations facing other property lines.

**Frontage, primary,** means the frontage facing a public space such as a street of higher pedestrian importance (i.e. traffic volume, number of lanes, etc.). Typically, the shorter side of a lot.

**Frontage, secondary,** means the frontage facing the public space such as a street that is of lesser pedestrian importance (i.e. traffic volume, number of lanes, etc.). Typically, the longer side of the lot.

**(Building) Frontage Occupation** means the length of the frontage that is occupied by a building or a building and open space.

**Frontage Yard Type** means the configuration of the area between the facade of the building and the frontage line such as a standard, shallow, cluster court, etc. See Table 12-2-25.9.

**Frontage Yard Type (Cluster Court)** means a frontage yard type where a group of houses has their primary facades facing a common green or open space that is horizontal to the primary frontage.

**Frontage Yard Type (Pedestrian forecourt)** means a frontage yard type where the primary facade is located near the lot line with an area setback to accommodate open space and the primary entrance of the building.

**Frontage Yard Type (Shallow)** means a frontage yard type where the facade is slightly setback from the lot line.

**Frontage Yard Type (Standard)** means a frontage yard type where the facade is set back from the lot line. Fences are permitted and the setbacks are visually continuous with adjacent yards.

**Frontage Yard Type (Urban yard)** means a frontage yard type where the facade is at or near the lot line and the surface is paved.

**Frontage Yard Type (Vehicular Forecourt)** means a frontage yard type where the primary facade is located near the lot line with an area setback to accommodate a driveway meant for passenger loading and unloading.

**Gallery** means a covered sidewalk in front of a storefront that supports either a roof or outdoor balcony above.

**Habitable Space** means building space which use involves human presence with direct view of the enfronting streets or public or private open space, excluding parking garages, self-service storage facilities, warehouses, and display windows separated from retail activity.

**Human-scaled** means buildings and their elements designed to be comfortably viewed and experienced by people on foot.

**Hybrid Commercial** means a commercial type in the C3C FDOT Context Zone that transitions between urban and suburban types, typically permitting one row of parking at the frontage.

**Liner Building** means a building specifically designed to mask a parking lot or a parking structure from a frontage.

**Parallel** means two lines or planes that are equidistant apart and do not touch on an infinite plane.

**Parapet** means the extension of a false front or wall above a roof line.

**Parkway, Greenway, Verge** means the planting strip between the edge of the road and sidewalk or right-of-way, which may be used for tree planting. See Sec. 11-4-86 through 11-4-88.

**Paving** means to cover or lay with concrete, stones, bricks, tiles, wood or the like to make a firm, level surface. The term paving in this part includes all pavement materials, both pervious and impervious.

**Pervious** means materials or natural earth that allows for the natural percolation of water.

**Porch** means a private façade type that is an open-air room appended to the mass of a building with a floor and roof but no walls on at least two sides.

**Principal Building** means the main building on a lot, usually located toward the frontage.

**Principal Building Facade** means the front of the building that faces the front of the lot.

**Single-family residential** means a single-family ownership on a single lot. Multiple ownership on a single lot is not construed as a single-family type. Single-family is restricted to the following types on their own lots: detached single-family, attached single-family and two-family attached (duplex).

**Stoop** means a private façade type wherein the façade is aligned close to the front property line with the first story elevated for privacy with an exterior stair and landing at the entrance. This type is suitable for ground-floor residential uses at short setbacks with townhouses and apartment buildings. Stoops may encroach into the setback.

**Streetscreen** means a freestanding wall built along the frontage line, or aligned with the facade. It may mask a parking lot from the thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

**Travel mode** means the different means of transport around an area including by foot, bicycle, public transit, and car.



**Walkability** means a measurement of comfort, convenience, safety, and ease of pedestrian movement throughout an area.

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 become effective 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.

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

Approved: \_\_\_\_\_  
President of City Council

Attest:

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



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 19-00254

City Council

5/30/2019

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### **DISCUSSION ITEM**

**FROM:** City Council President Andy Terhaar

**SUBJECT:**

RESCHEDULING THE AUGUST 2019 MEETING TO AN ALTERNATIVE DATE

**SUMMARY:**

The August 2019 meeting of the City Council is scheduled for August 15, 2019. Currently this date is in conflict with the Florida League of Cities Conference, which Council Members as well as the Mayor may wish to or have planned to attend.

In accordance with Council Rules and Procedure Section 1.01 - Regular Meetings - which states in part, "...No scheduled meeting shall be rescheduled without a majority vote of council, except in cases of emergency or extreme hardship.

This action seeks to change the date of the meeting from August 15, 2019 to August 8, 2019. Therefore, the Agenda Conference will take place on August 5, 2019 with the Council meeting being held on August 8, 2019.

**PRIOR ACTION:**

January 17, 2019 - City Council approved the meeting schedule for 2019.

**STAFF CONTACT:**

Don Kraher, Council Executive.

**ATTACHMENTS:**

1) None

**PRESENTATION:** No



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 19-00258

City Council

5/30/2019

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### **DISCUSSION ITEM**

**FROM:** City Council Member Ann Hill

**SUBJECT:**

HERITAGE TREE ORDINANCE TASK FORCE

**SUMMARY:**

This discussion item is in regards to the possibility of creating a Task Force with the purpose of developing a Heritage Tree Ordinance.

**PRIOR ACTION:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

1) None

**PRESENTATION:** No



Memorandum

File #: 19-00170

City Council

5/30/2019

**DISCUSSION ITEM**

**FROM:** Grover C. Robinson, IV, Mayor

**SUBJECT:**

SIDEWALK REPAIR PROGRAM UPDATE

**SUMMARY:**

The Engineering Division of Pensacola Public Works and Facilities Department has been working to repair City-owned sidewalks and ADA ramps based on data received from the Mott MacDonald ADA Sidewalk Survey published August 24, 2017. The meta scores provided in the survey indicate the general condition of the sidewalks and ramps and a lower meta score represents a greater degree of disrepair and non-compliance. The sidewalks and ramps were prioritized according to these scores and project lists were subsequently developed to address the identified 28,100 feet of sidewalk and 2021 ramps.

The City is prioritizing these projects by both the meta score (below 75) in the sidewalk survey and geographic location to take advantage of economies of scale with contractor pricing. The current sidewalk projects are primarily located on the west side of the city and the current plan is to work geographically from west to east addressing the sidewalks ramps with the lowest meta scores first. The Engineering Division also works closely with the City's GIS division to manage the survey data, layout project areas, and keep an active inventory of sidewalks and ramps that have been repaired. Occasionally, some sections of sidewalk or ramps are found to be too costly to repair under the current project scope due to elevation changes, trees, utility conflicts, etc. and will be addressed individually in the future as standalone projects.

To date, three projects been substantially completed for 2018 and the first phase of 2019 is scheduled to start in April 2019. These four projects include the repair/replacement of approx. 6217 linear feet of sidewalk and 147 ADA ramps. The total number of linear feet of sidewalk and numbers of curb ramps repaired per project are listed below and numbers for FY2020-26 are estimated only.

2018 Phases 1-3	4,393 feet of sidewalk	108 curb ramps
2019 Phases 1-3	3,406 feet of sidewalk	118 curb ramps
2020 Phases 1-3	5100* feet of sidewalk	105* curb ramps
2021 Phases 1-3	5100* feet of sidewalk	105* curb ramps
2022 Phases 1-3	5100* feet of sidewalk	105* curb ramps
2023 Phases 1-2	3300* feet of sidewalk	70* curb ramps
2024 Phases 1-2	1700* feet of sidewalk	300* curb ramps
2025 Phases 1-2	0* feet of sidewalk	600* curb ramps
<u>2026 Phases 1-2</u>	<u>0* feet of sidewalk</u>	<u>510* curb ramps</u>

Total                      28.100\* feet of sidewalk      2021\* curb ramps

\*estimated projections only based upon current construction costs

**PRIOR ACTION:**

None

**STAFF CONTACT:**

Christopher L. Holley, City Administrator  
L. Derrick Owens, Director of Public Works and Facilities/City Engineer

**ATTACHMENTS:**

None

**PRESENTATION:** No



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 19-00084

City Council

5/30/2019

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**DISCUSSION ITEM**

**SUBJECT:**

MONTHLY FINANCIAL REPORT - CHIEF FINANCIAL OFFICER RICHARD BARKER, JR.

# Monthly Financial Review



**Through May 24, 2019**



# Revenues

## Through May 24, 2019

- **General Fund**

- Six Months Collected

- **Franchise Fee & Public Service Tax** - **1.52% (Est)**
    - **Half-Cent Sales Tax** + **2.36%**
    - **Communication Services Tax** + **1.69%**

- Seven Months Collected

- **Municipal Revenue Sharing** + **1.88%**





# Other Funds

## Through May 24, 2019

- **Local Option Sales Tax** + **10.46%**
- **Local Option Gas Tax** + **0.40%**
- **Tree Planting Trust Fund** \$490,079
- **Housing Initiatives Fund**
  - City \$65,988
  - CRA \$444,783

# Community Redevelopment Agency Legislation

- Update from 3/11/19 CRA meeting – discussion on Redevelopment Revenue Bonds, Series 2009 (Maritime Park Bonds)
- CS/HB 9 was passed by the Legislature. The bill provides that:
  - A CRA in existence on October 1, 2019, shall terminate on the expiration date provided in its charter or on September 30, 2039, whichever is earlier.
  - On October 1, 2019 or thereafter, City Council may extend the life of the Urban Core CRA to its original sunset date of December 31, 2043 by a simple majority vote.
  - If as of October 1, 2019, the CRA has debt that matures after September 30, 2019, the CRA may remain in existence until the maturity of the debt.



# Upcoming Financings

## May 2019

	<u>Est Amount</u>	<u>Actual</u>
July 2019		
- Urban Core TIF District		
refunding plus new money	\$57,830,000	N/A

# Urban Core Redevelopment Refunding Revenue Bond, Series 2019 \$57,830,000

- Compass Mortgage Corporation Financing Proposal
- Refunding of the Redevelopment Revenue Bonds, Series **2009B** plus an estimated \$17,620,000 in new money
- Fixed note at 3.43% APY (estimated)
- Annual principal payment on 4/1 (beginning 4/1/21)
- Semiannual interest payments 10/1 and 4/1 (beginning 10/1/19)
- Final payment Fiscal Year 2044.

# Urban Core Redevelopment Refunding Revenue Bond, Series 2019 \$57,830,000 (continued)

- Upon approval of the financing by City Council, the Series 2019 Bond proceeds will be available to fund SCAPE, complete streets, sidewalk repairs and certain other community redevelopment capital improvements to the Urban Core Community Redevelopment Area included in current Urban Core Community Redevelopment Plan and any future amendments to the plan.

# Urban Core Redevelopment Refunding Revenue Bond, Series 2019 \$57,830,000 (continued)

- Estimated Sources/Uses
  - Bond Proceeds \$57,830,000
  - Est. Issuance Cost 114,100
  - Payoff of Series 2009B Bond 40,210,000
  - Project Funds \$17,505,900
- Pledge is Urban Core TIF revenues and in the event that these revenues are insufficient, certain Non-Ad Valorem Revenues budgeted and appropriated for such purposes.

# Urban Core Redevelopment Refunding Revenue Bond, Series 2019 \$57,830,000 (continued)

- Based on preliminary numbers, debt service payable from Tax Increment Revenues of the Urban Core Community Redevelopment Area will increase on average:
  - \$335,000 average for fiscal years 2021-2027,
  - \$468,000 average for fiscal years 2028-2040 and
  - \$4,204,700 average in new debt for fiscal years 2041-2044.

# Urban Core Debt Service Comparison

<b>Period Ending</b>	<b>Existing Aggregate Net Debt Service (1)</b>	<b>Proposed Aggregate Net Debt Service (2)</b>	<b>Difference</b>
9/30/2020	5,183,550	4,295,396	(888,153)
9/30/2021	4,801,881	5,138,069	336,188
9/30/2022	4,796,190	5,128,663	332,473
9/30/2023	4,787,975	5,122,713	334,738
9/30/2024	4,782,238	5,115,048	332,810
9/30/2025	4,773,749	5,110,668	336,919
9/30/2026	4,768,266	5,104,401	336,135
9/30/2027	4,764,368	5,096,248	331,880

(CONTINUED)

(1) Debt Service includes Series 2009A and 2009B Redevelopment Bonds (net of estimated federal government subsidy), Series 2017 Redevelopment Bond and ECUA Obligation.

(2) Debt Service includes Series 2009A Redevelopment Bonds, Series 2017 Redevelopment Bond, Series 2019 Redevelopment Bond and ECUA Obligation.



# Urban Core Debt Service Comparison

<b>Period Ending</b>	<b>Existing Aggregate Net Debt Service (1)</b>	<b>Proposed Aggregate Net Debt Service (2)</b>	<b>Difference</b>
9/30/2028	3,724,811	4,194,209	469,398
9/30/2029	3,726,947	4,195,833	468,886
9/30/2030	3,725,532	4,195,579	470,047
9/30/2031	3,724,531	4,187,412	462,881
9/30/2032	3,729,699	4,197,503	467,804
9/30/2033	3,730,512	4,200,130	469,618
9/30/2034	3,726,934	4,195,429	468,495
9/30/2035	3,729,716	4,198,534	468,818
9/30/2036	3,733,583	4,200,068	466,485
9/30/2037	3,736,224	4,202,957	466,733
9/30/2038	3,733,394	4,198,031	464,637
9/30/2039	3,735,060	4,205,425	470,365
9/30/2040	3,736,700	4,205,589	468,889

(CONTINUED)

(1) Debt Service includes Series 2009A and 2009B Redevelopment Bonds (net of estimated federal government subsidy), Series 2017 Redevelopment Bond and ECUA Obligation.

(2) Debt Service includes Series 2009A Redevelopment Bonds, Series 2017 Redevelopment Bond, Series 2019 Redevelopment Bond and ECUA Obligation.

# Urban Core Debt Service Comparison

<b>Period Ending</b>	<b>Existing Aggregate Net Debt Service (1)</b>	<b>Proposed Aggregate Net Debt Service (2)</b>	<b>Difference</b>
9/30/2041	-	4,205,621	4,205,621
9/30/2042	-	4,204,568	4,204,568
9/30/2043	-	4,204,229	4,204,229
9/30/2044	-	4,204,430	4,204,430
<b>TOTAL</b>	<b>87,151,860</b>	<b>111,506,748</b>	<b>24,354,888</b>

(1) Debt Service includes Series 2009A and 2009B Redevelopment Bonds (net of estimated federal government subsidy), Series 2017 Redevelopment Bond and ECUA Obligation.

(2) Debt Service includes Series 2009A Redevelopment Bonds, Series 2017 Redevelopment Bond, Series 2019 Redevelopment Bond and ECUA Obligation.



# Contracts/Expenditures Over \$25,000 Approved By Mayor 5/01/19 – 5/24/19

## •Formal Bid/RFQs

### •**Oshkosh Corp. dba Oshkosh Airport Products, LLC**

- Airport Rescue & Fire Fighting Vehicle – Airport
- SBE – No
- Purchase Method – ITB 19-013
- \$675,637
- Budgeted – Yes



# Contracts/Expenditures Over \$25,000 Approved By Mayor 5/01/19 – 5/24/19

## •Contract Renewals/Extensions

### •**All South Underground, LLC**

- Sediment Tank Cleaning – Public Works
- SBE – No
- Purchase Method – Year 3 of 3 year contract (ITB 16-012)
- \$218,100
- Budgeted – Yes

### •**Gulf Coast Environmental Contractors, Inc.**

- CRA Landscaping Maintenance – Parks & Rec.
- SBE – Yes
- Purchase Method – Year 3 of 3 year contract (Quotations)
- \$49,484
- Budgeted – Yes



# Contracts/Expenditures Over \$25,000 Approved By Mayor 5/01/19 – 5/24/19

## **•Quotations & Direct Negotiations**

### **•APTIM Corp dba APTM Port**

- Work Order 7 – Taxiway A Apron Taxi line Separation Design and Construction Administration Services – Airport
- SBE – No
- Purchase Method – Continuing contract services RFQ 15-031
- \$39,830
- Budgeted – Yes

### **•Bill Smith Electric, Inc.**

- Install 50KW Enclosed Nat. Gas Generator – Pensacola Energy
- SBE – Yes
- Purchase Method – Quotations
- \$59,989
- Budgeted – Yes



# Contracts/Expenditures Over \$25,000 Approved By Mayor 5/01/19 – 5/24/19

## **•Quotations & Direct Negotiations**

### **•Devtech Sales, Inc.**

- Mid-Commercial Natural Gas Meters/AC800 – Pensacola Energy
- SBE – No
- Purchase Method – Sole Source
- \$25,789
- Budgeted – Yes

### **•Devtech Sales, Inc.**

- Mid-Commercial Natural Gas Meters/AC630 – Pensacola Energy
- SBE – No
- Purchase Method – Sole Source
- \$32,259
- Budgeted – Yes



# Contracts/Expenditures Over \$25,000 Approved By Mayor 5/01/19 – 5/24/19

## **•Quotations & Direct Negotiations**

### **•Enmon Enterprises, LLC dba Jani-King**

- Terrazzo Floor Maintenance Services – Airport
- SBE – Yes
- Purchase Method – Quotations
- \$37,890
- Budgeted – Yes

### **•Executive Landscaping, Inc.**

- South Palafox Place Sidewalk Improvement, Phase 1 – CRA
- SBE – No
- Purchase Method – Quotations
- \$98,937
- Budgeted – Yes



# Contracts/Expenditures Over \$25,000 Approved By Mayor 5/01/19 – 5/24/19

## **•Quotations & Direct Negotiations**

### **•Executive Landscaping, Inc.**

- South Palafox Place Sidewalk Improvement, Phase 2 – CRA
- SBE – No
- Purchase Method – Quotations
- \$85,412
- Budgeted – Yes

### **•Executive Landscaping, Inc.**

- South Palafox Place Sidewalk Improvement, Phase 3 – CRA
- SBE – No
- Purchase Method – Quotations
- \$93,112
- Budgeted – Yes





# Contracts/Expenditures Over \$25,000 Approved By Mayor 5/01/19 – 5/24/19

## **•Quotations & Direct Negotiations**

### **•Gulf Beach Construction**

- 2019 Sidewalk Project, Phase1 – Engineering
- SBE – Yes
- Purchase Method – Quotations
- \$82,449
- Budgeted – Yes

### **•Gulf Beach Construction**

- 2019 Multi-Intersection Drainage Imprv., Phase1 – Engineering
- SBE – Yes
- Purchase Method – Quotations
- \$97,475
- Budgeted – Yes



# Contracts/Expenditures Over \$25,000 Approved By Mayor 5/01/19 – 5/24/19

## **•Quotations & Direct Negotiations**

### **•Reynolds Smith & Hills, Inc.**

- Work Order 4 -Project Definition Document For 5 Yr Development Plan – Airport
- SBE – No
- Purchase Method – Continuing contract services RFQ 17-022
- \$46,304
- Budgeted – Yes

### **•Reynolds Smith & Hills, Inc.**

- Work Order 7 – Taxiway A Apron Taxi line Separation Design and Construction Administration Services – Airport
- SBE – No
- Purchase Method – Continuing contract services RFQ 17-022
- \$47,017
- Budgeted – Yes



# Contracts/Expenditures Over \$25,000 Approved By Mayor 5/01/19 – 5/24/19

## **•Quotations & Direct Negotiations**

### **•Southern Erosion Control, LLC**

- Right-of-Way Canopy(Tree) Trimming – Pensacola Energy
- SBE – No
- Purchase Method – Quotations
- \$45,000
- Budgeted – Yes

### **•Stuart C Irby dba Irby Electrical Distributor**

- Halophane Lighting & LED Fixtures – Public Works
- SBE – No
- Purchase Method – Quotations
- \$427,500
- Budgeted – Yes



# Contracts/Expenditures Over \$25,000 Approved By Mayor 5/01/19 – 5/24/19

## **•Quotations & Direct Negotiations**

### **•University of West Florida**

- Business Travel Survey – Airport
- SBE – No
- Purchase Method – Direct Negotiations
- \$35,000
- Budgeted – Yes

### **•Watch Guard, Inc.**

- Video Recording Systems – Police
- SBE – No
- Purchase Method – Sole Source
- \$92,140
- Budgeted – Yes



# Contracts/Expenditures Over \$25,000 Approved By Mayor 5/01/19 – 5/24/19

## **•Quotations & Direct Negotiations**

### **•Young Engineering & Manufacturing, Inc.**

- New Surge Tank, 250 gallons – Airport
- SBE – No
- Purchase Method – Sole Source
- \$32,395
- Budgeted – Yes



# Contracts/Expenditures Over \$25,000 Approved By Mayor 5/01/19 – 5/24/19

## **•State, Federal or Other Buying Contracts**

### **•PC Specialists, Inc. dba Technology Integration Group**

- SMARTnet Hardware Replacement/Renewal – Tech. Resources
- SBE – No
- Purchase Method – Florida State contract # :43220000WSCA-14-ACS
- \$25,368
- Budgeted – Yes

# Monthly Financial Review



**Through May 24, 2019**